

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, [SEAL.] the 21st day of February, A. D. 1873, and of the Independence of the United States of America the ninety-seventh.

U. S. GRANT.

By the President:

HAMILTON FISH,  
*Secretary of State.*

## EXECUTIVE ORDERS.

BY THE PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER.

WASHINGTON, *January 17, 1873.*

Whereas it has been brought to the notice of the President of the United States that many persons holding civil office by appointment from him or otherwise under the Constitution and laws of the United States, while holding such Federal positions, accept offices under the authority of the States and Territories in which they reside, or of municipal corporations under the charters and ordinances of such corporations, thereby assuming the duties of the State, Territorial, or municipal office at the same time that they are charged with the duties of the civil office held under Federal authority; and

Whereas it is believed that, with few exceptions, the holding of two such offices by the same person is incompatible with a due and faithful discharge of the duties of either office; that it frequently gives rise to great inconvenience, and often results in detriment to the public service, and, moreover, is not in harmony with the genius of the Government:

In view of the premises, therefore, the President has deemed it proper thus and hereby to give public notice that from and after the 4th day of March, A. D. 1873 (except as herein specified), persons holding any Federal civil office by appointment under the Constitution and laws of the United States will be expected, while holding such office, not to accept or hold any office under any State or Territorial government or under the charter or ordinances of any municipal corporation; and further, that

the acceptance or continued holding of any such State, Territorial, or municipal office, whether elective or by appointment, by any person holding civil office as aforesaid under the Government of the United States, other than judicial offices under the Constitution of the United States, will be deemed a vacation of the Federal office held by such person, and will be taken to be and will be treated as a resignation by such Federal officer of his commission or appointment in the service of the United States.

The offices of justices of the peace, of notaries public, and of commissioners to take the acknowledgment of deeds, of bail, or to administer oaths shall not be deemed within the purview of this order, and are excepted from its operation and may be held by Federal officers.

The appointment of deputy marshal of the United States may be conferred upon sheriffs or deputy sheriffs; and deputy postmasters the emoluments of whose office do not exceed \$600 per annum are also excepted from the operations of this order, and may accept and hold appointments under State, Territorial, or municipal authority, provided the same be found not to interfere with the discharge of their duties as postmaster.

Heads of Departments and other officers of the Government who have the appointment of subordinate officers are required to take notice of this order, and to see to the enforcement of its provisions and terms within the sphere of their respective Departments or offices and as relates to the several persons holding appointments under them, respectively.

By order of the President:

HAMILTON FISH,  
*Secretary of State.*

DEPARTMENT OF STATE,  
*Washington, January 28, 1873.*

Inquiries having been made from various quarters as to the application of the Executive order issued on the 17th January, relating to the holding of State or municipal offices by persons holding civil offices under the Federal Government, the President directs the following reply to be made:

It has been asked whether the order prohibits a Federal officer from holding also the office of an alderman or of a common councilman in a city, or of a town councilman of a town or village, or of appointments under city, town, or village governments. By some it has been suggested that there may be distinction made in case the office be with or without salary or compensation. The city or town offices of the description referred to, by whatever names they may be locally known, whether held by election or by appointment, and whether with or without salary

or compensation, are of the class which the Executive order intends not to be held by persons holding Federal offices.

It has been asked whether the order prohibits Federal officers from holding positions on boards of education, school committees, public libraries, religious or eleemosynary institutions incorporated or established or sustained by State or municipal authority. Positions and service on such boards or committees and professorships in colleges are not regarded as "offices" within the contemplation of the Executive order, but as employments or service in which all good citizens may be engaged without incompatibility, and in many cases without necessary interference with any position which they may hold under the Federal Government. Officers of the Federal Government may therefore engage in such service, provided the attention required by such employment does not interfere with the regular and efficient discharge of the duties of their office under the Federal Government. The head of the Department under whom the Federal office is held will in all cases be the sole judge whether or not the employment does thus interfere.

The question has also been asked with regard to officers of the State militia. Congress having exercised the power conferred by the Constitution to provide for organizing the militia, which is liable to be called forth to be employed in the service of the United States, and is thus in some sense under the control of the General Government, and is, moreover, of the greatest value to the public, the Executive order of the 17th January is not considered as prohibiting Federal officers from being officers of the militia in the States and Territories.

It has been asked whether the order prohibits persons holding office under the Federal Government being members of local or municipal fire departments; also whether it applies to mechanics employed by the day in the armories, arsenals, and navy-yards, etc., of the United States. Unpaid service in local or municipal fire departments is not regarded as an office within the intent of the Executive order, and may be performed by Federal officers, provided it does not interfere with the regular and efficient discharge of the duties of the Federal office, of which the head of the Department under which the office is held will in each case be the judge. Employment by the day as mechanics and laborers in the armories, arsenals, navy-yards, etc., does not constitute an office of any kind, and those thus employed are not within the contemplation of the Executive order. Master workmen and others who hold appointments from the Government or from any Department, whether for a fixed time or at the pleasure of the appointing power, are embraced within the operation of the order.

By order of the President:

HAMILTON FISH,  
*Secretary of State.*

## SECOND INAUGURAL ADDRESS.

FELLOW-CITIZENS: Under Providence I have been called a second time to act as Executive over this great nation. It has been my endeavor in the past to maintain all the laws, and, so far as lay in my power, to act for the best interests of the whole people. My best efforts will be given in the same direction in the future, aided, I trust, by my four years' experience in the office.

When my first term of the office of Chief Executive began, the country had not recovered from the effects of a great internal revolution, and three of the former States of the Union had not been restored to their Federal relations.

It seemed to me wise that no new questions should be raised so long as that condition of affairs existed. Therefore the past four years, so far as I could control events, have been consumed in the effort to restore harmony, public credit, commerce, and all the arts of peace and progress. It is my firm conviction that the civilized world is tending toward republicanism, or government by the people through their chosen representatives, and that our own great Republic is destined to be the guiding star to all others.

Under our Republic we support an army less than that of any European power of any standing and a navy less than that of either of at least five of them. There could be no extension of territory on the continent which would call for an increase of this force, but rather might such extension enable us to diminish it.

The theory of government changes with general progress. Now that the telegraph is made available for communicating thought, together with rapid transit by steam, all parts of a continent are made contiguous for all purposes of government, and communication between the extreme limits of the country made easier than it was throughout the old thirteen States at the beginning of our national existence.

The effects of the late civil strife have been to free the slave and make him a citizen. Yet he is not possessed of the civil rights which citizenship should carry with it. This is wrong, and should be corrected. To this correction I stand committed, so far as Executive influence can avail.

Social equality is not a subject to be legislated upon, nor shall I ask that anything be done to advance the social status of the colored man, except to give him a fair chance to develop what there is good in him, give him access to the schools, and when he travels let him feel assured that his conduct will regulate the treatment and fare he will receive.

The States lately at war with the General Government are now happily rehabilitated, and no Executive control is exercised in any one of them that would not be exercised in any other State under like circumstances.

In the first year of the past Administration the proposition came up for the admission of Santo Domingo as a Territory of the Union. It was not a question of my seeking, but was a proposition from the people of Santo Domingo, and which I entertained. I believe now, as I did then, that it was for the best interest of this country, for the people of Santo Domingo, and all concerned that the proposition should be received favorably. It was, however, rejected constitutionally, and therefore the subject was never brought up again by me.

In future, while I hold my present office, the subject of acquisition of territory must have the support of the people before I will recommend any proposition looking to such acquisition. I say here, however, that I do not share in the apprehension held by many as to the danger of governments becoming weakened and destroyed by reason of their extension of territory. Commerce, education, and rapid transit of thought and matter by telegraph and steam have changed all this. Rather do I believe that our Great Maker is preparing the world, in His own good time, to become one nation, speaking one language, and when armies and navies will be no longer required.

My efforts in the future will be directed to the restoration of good feeling between the different sections of our common country; to the restoration of our currency to a fixed value as compared with the world's standard of values—gold—and, if possible, to a par with it; to the construction of cheap routes of transit throughout the land, to the end that the products of all may find a market and leave a living remuneration to the producer; to the maintenance of friendly relations with all our neighbors and with distant nations; to the reestablishment of our commerce and share in the carrying trade upon the ocean; to the encouragement of such manufacturing industries as can be economically pursued in this country, to the end that the exports of home products and industries may pay for our imports—the only sure method of returning to and permanently maintaining a specie basis; to the elevation of labor; and, by a humane course, to bring the aborigines of the country under the benign influences of education and civilization. It is either this or war of extermination. Wars of extermination, engaged in by people pursuing commerce and all industrial pursuits, are expensive even against the weakest people, and are demoralizing and wicked. Our superiority of strength and advantages of civilization should make us lenient toward the Indian. The wrong inflicted upon him should be taken into account and the balance placed to his credit. The moral view of the question should be considered and the question asked, Can not the Indian be made a useful and productive member of society by proper teaching and treatment? If the effort is made in good faith, we will stand better before the civilized nations of the earth and in our own consciences for having made it.

All these things are not to be accomplished by one individual, but they

will receive my support and such recommendations to Congress as will in my judgment best serve to carry them into effect. I beg your support and encouragement.

It has been, and is, my earnest desire to correct abuses that have grown up in the civil service of the country. To secure this reformation rules regulating methods of appointment and promotions were established and have been tried. My efforts for such reformation shall be continued to the best of my judgment. The spirit of the rules adopted will be maintained.

I acknowledge before this assemblage, representing, as it does, every section of our country, the obligation I am under to my countrymen for the great honor they have conferred on me by returning me to the highest office within their gift, and the further obligation resting on me to render to them the best services within my power. This I promise, looking forward with the greatest anxiety to the day when I shall be released from responsibilities that at times are almost overwhelming, and from which I have scarcely had a respite since the eventful firing upon Fort Sumter, in April, 1861, to the present day. My services were then tendered and accepted under the first call for troops growing out of that event.

I did not ask for place or position, and was entirely without influence or the acquaintance of persons of influence, but was resolved to perform my part in a struggle threatening the very existence of the nation. I performed a conscientious duty, without asking promotion or command, and without a revengeful feeling toward any section or individual.

Notwithstanding this, throughout the war, and from my candidacy for my present office in 1868 to the close of the last Presidential campaign, I have been the subject of abuse and slander scarcely ever equaled in political history, which to-day I feel that I can afford to disregard in view of your verdict, which I gratefully accept as my vindication.

MARCH 4, 1873.

## PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Whereas, under the pretense that William P. Kellogg, the present executive of Louisiana, and the officers associated with him in the State administration were not duly elected, certain turbulent and disorderly persons have combined together with force and arms to resist the laws and constituted authorities of said State; and

Whereas it has been duly certified by the proper local authorities and judicially determined by the inferior and supreme courts of said State

that said officers are entitled to hold their offices, respectively, and execute and discharge the functions thereof; and

Whereas Congress, at its late session, upon a due consideration of the subject, tacitly recognized the said executive and his associates, then as now in office, by refusing to take any action with respect thereto; and

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 it is provided in the laws of the United States that in all cases of insurrection in any State or of obstruction to the laws thereof it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive when the legislature can not be convened, to call forth the militia of any other State or States, or to employ such part of the land and naval forces as shall be judged necessary, for the purpose of suppressing such insurrection or causing the laws to be duly executed; and

Whereas the legislature of said State is not now in session, and can not be convened in time to meet the present emergency, and the executive of said State, under section 4 of Article IV of the Constitution of the United States and the laws passed in pursuance thereof, has therefore made application to me for such part of the military force of the United States as may be necessary and adequate to protect said State and the citizens thereof against domestic violence and to enforce the due execution of the laws; and

Whereas it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command said turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within twenty days from this date, and hereafter to submit themselves to the laws and constituted authorities of said State; and I invoke the aid and cooperation of all good citizens thereof to uphold law and preserve the public peace.

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 22d day of May, A. D. 1873, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

J. C. BANCROFT DAVIS,

*Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the thirty-third article of a treaty concluded at Washington on the 8th day of May, 1871, between the United States and Her Britannic Majesty it was provided that—

Articles XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island on the one hand, and by the Congress of the United States on the other.

And whereas by the first section of an act entitled “An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th day of May, 1871, relating to the fisheries,” it is provided—

That whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, the parliament of Canada, and the legislature of Prince Edwards Island have passed laws on their part to give full effect to the provisions of ~~the~~ treaty between the United States and Great Britain signed at the city of Washington on the 8th day of May, 1871, as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty, he is hereby authorized to issue his proclamation declaring that he has such evidence.

And whereas the Secretary of State of the United States and Her Britannic Majesty’s envoy extraordinary and minister plenipotentiary at Washington have recorded in a protocol a conference held by them at the Department of State, in Washington, on the 7th day of June, 1873, in the following language:

PROTOCOL OF A CONFERENCE HELD AT WASHINGTON ON THE 7TH DAY OF  
JUNE, 1873.

Whereas it is provided by Article XXXIII of the treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America signed at Washington on the 8th of May, 1871, as follows:

“ARTICLE XXXIII.

“The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation, and, further, until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterwards;” and

Whereas, in accordance with the stipulations of the above-recited article, an act



was passed by the Imperial Parliament of Great Britain in the thirty-fifth and thirty-sixth years of the reign of Queen Victoria, intituled "An act to carry into effect a treaty between Her Majesty and the United States of America;" and

Whereas an act was passed by the senate and house of commons of Canada in the fifth session of the first parliament held in the thirty-fifth year of Her Majesty's reign and assented to in Her Majesty's name by the Governor-General on the 14th day of June, 1872, intituled "An act relating to the treaty of Washington, 1871;" and

Whereas an act was passed by the legislature of Prince Edwards Island and assented to by the lieutenant-governor of that colony on the 29th day of June, 1872, intituled "An act relating to the treaty of Washington, 1871;" and

Whereas an act was passed by the Senate and House of Representatives of the United States of America in Congress assembled, and approved on the 1st day of March, 1873, by the President of the United States, intituled "An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th day of May, 1871, relating to fisheries:"

The undersigned, Hamilton Fish, Secretary of State of the United States, and the Right Hon. Sir Edward Thornton, one of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, having met together at Washington, and having found that the laws required to carry the Articles XVIII to XXV, inclusive, and Article XXX of the ~~treaty~~ aforesaid into operation have been passed by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island on the one part, and by the Congress of the United States on the other, hereby declare that Articles XVIII to XXV, inclusive, and Article XXX of the treaty between Her Britannic Majesty and the United States of America of the 8th of May, 1871, will take effect on the 1st day of July next.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate at Washington, this 7th day of June, 1873.

[SEAL.]

(Signed) HAMILTON FISH.

[SEAL.]

(Signed) EDWD. THORNTON.

Now, therefore, I, Ulysses S. Grant, President of the United States of America, in pursuance of the premises, do hereby declare that I have received satisfactory evidence that the Imperial Parliament of Great Britain, the parliament of Canada, and the legislature of Prince Edwards Island have passed laws on their part to give full effect to the provisions of the said treaty as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty.

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 1st day of July, A. D. 1873, and of the Independence of the United States of America the ninety-seventh.

U. S. GRANT.

By the President:

HAMILTON FISH,

*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the act of Congress approved March 3, 1871, providing for a national celebration of the one hundredth anniversary of the independence of the United States by the holding of an International Exhibition of Arts, Manufactures, and Products of the Soil and Mine in the city of Philadelphia in the year 1876, it is provided as follows:

That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries.

And whereas his excellency the governor of the said State of Pennsylvania did, on the 24th day of June, 1873, inform me that provision has been made for the erection of said buildings and for the exclusive control by the commission provided for in the said act of the proposed exhibition; and

Whereas the president of the United States Centennial Commission has officially informed me of the dates fixed for the opening and closing of the said exhibition and the place at which it is to be held:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States, in conformity with the provisions of the act of Congress aforesaid, do hereby declare and proclaim that there will be held at the city of Philadelphia, in the State of Pennsylvania, an International Exhibition of Arts, Manufactures, and Products of the Soil and Mine, to be opened on the 19th day of April, A. D. 1876, and to be closed on the 19th day of October, in the same year.

And in the interest of peace, civilization, and domestic and international friendship and intercourse, I commend the celebration and exhibition to the people of the United States, and in behalf of this Government and people I cordially commend them to all nations who may be pleased to take part therein.

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 3d day of July, 1873,  
and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

HAMILTON FISH,  
*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory evidence was given me on the 13th day of September, current by the Marquis de Noailles, envoy extraordinary and minister plenipotentiary from the French Republic, that on and after the 1st day of October next merchandise imported into France in vessels of the United States, from whatever country, will be subject to no other duties or imposts than those which shall be collected upon merchandise imported into France from countries of its origin or from any other country in French vessels:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by law, do hereby declare and proclaim that on and after the 1st day of October next, so long as merchandise imported into France in vessels of the United States, whether from the countries of its origin or from other countries, shall be admitted into the ports of France on the terms aforesaid, the discriminating duties heretofore levied upon merchandise imported into the United States in French vessels, either from the countries of its origin or from any other country, shall be and are discontinued and abolished.

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 22d day of September, A. D. 1873, and of the Independence of the United States of America the ninety-eighth.

U. S. GRANT.

By the President:

J. C. BANCROFT DAVIS,  
*Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The approaching close of another year brings with it the occasion for renewed thanksgiving and acknowledgment to the Almighty Ruler of the Universe for the unnumbered mercies which He has bestowed upon us.

Abundant harvests have been among the rewards of industry. With local exceptions, health has been among the many blessings enjoyed. Tranquillity at home and peace with other nations have prevailed.

Frugal industry is regaining its merited recognition and its merited rewards.

Gradually but, under the providence of God, surely, as we trust, the nation is recovering from the lingering results of a dreadful civil strife.

For these and all the other mercies vouchsafed it becomes us as a people to return heartfelt and grateful acknowledgments, and with our

thanksgiving for blessings we may unite prayers for the cessation of local and temporary sufferings.

I therefore recommend that on Thursday, the 27th 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 14th day of October, A. D. 1873, and of the Independence of the United States the ninety-eighth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State*.

## EXECUTIVE ORDERS.

WASHINGTON, *March 14, 1873.*

In consequence of the peculiar and confidential relations which from the nature of the service must exist and be maintained between the Department of State and its clerks, rules 2, 3, and 4 of the rules and regulations for the civil service promulgated by the President 19th of December, 1871, as amended by the Executive order 16th of April, 1872, shall in their application to that Department be modified as follows, namely:

Vacancies occurring in any grade of consulates or clerkships in the Department may be filled either by transfer from some other grade or service—clerical, consular, or diplomatic—under the Department of State, or by the appointment of some person who has previously served under the Department of State to its satisfaction, or by the appointment of some person who has made application to the Secretary of State, with proper certificates of character, responsibility, and capacity, in the manner provided for applications for consulates of which the lawful annual compensation is more than \$1,000 and less than \$3,000, and who has on examination been found qualified for the position.

U. S. GRANT.

[From the New-York Daily Tribune, May 10, 1873.]

WASHINGTON, *May 9, 1873.*

The President announces with deep regret the death of the Hon. Salmon P. Chase, Chief Justice of the United States, who closed a life of long public service, in the city of New York, on the 7th instant, having filled

the offices of Senator of the United States, governor of Ohio, Secretary of the Treasury, and crowning a long career in the exalted position of Chief Justice of the United States. The President directs that the public offices in Washington be closed on Saturday, the 10th instant, the day of his funeral, and that they be draped in mourning for the period of thirty days, and that the flags be displayed at half-mast on the public buildings and forts and on the national vessels on the day of the funeral, in honor of the memory of the illustrious dead.

By order of the President:

HAMILTON FISH,  
*Secretary of State.*

EXECUTIVE MANSION,  
*Washington, D. C., May 21, 1873.*

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

I am, sir, your obedient servant,

O. E. BABCOCK,  
*Secretary.*

WASHINGTON, *August 5, 1873.*

The Civil Service Commission, at its session at Washington which terminated June 4, 1873, recommended certain further rules to be prescribed by the President for the government of the civil service of the United States. These rules as herewith published are approved, and their provisions will be enforced as rapidly as the proper arrangements can be made.

U. S. GRANT.

By the President:

HAMILTON FISH,  
*Secretary of State.*

FURTHER RULES FOR PROMOTING THE EFFICIENCY OF THE CIVIL SERVICE OF  
THE UNITED STATES.

*Rule 1.*—It being essential to the public welfare to maintain in the Executive the exercise of the power of nomination and appointment vested by the Constitution, and thereby to secure that measure of independence and separate responsibility which is contemplated by that instrument; and it being needful, in making such nominations and appointments, that the appointing power should obtain and in the proper Department preserve the evidence of fitness in reference to which all such nominations and appointments should be made: Therefore recommendations concerning any nomination or appointment to office or place in the civil service can not

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

be considered unless made in writing, signed by the person making them, setting forth the character of the person recommended and his qualifications for the office in reference to which the recommendation is made; nor, when the recommendation is by a person holding an office or station in or under the Government of the United States, can such written recommendation, except when made in response to a written request by the officer making the appointment, or in the discharge of an official duty imposed by the Constitution or the laws, be considered as entitled to any greater weight than if made by such person as a private individual. But this rule shall not apply to recommendations made by officers as to their own subordinates.

*Rule 2.*—While it is not the purpose of the rules and regulations prescribed for the government of the civil service either to restrict the power of removal or to extend the tenure of service, such power will not be exercised arbitrarily, and therefore applications must not be entertained by any authority having the duty of nomination or appointment for the removal of any person in the civil service, nor will any person be removed for the mere purpose of making a place for any other person.

*Rule 3.*—To prevent any misapprehension in the public mind in regard to the functions of the members of the Civil Service Commission and of the members of any board of examiners, it is declared not to be any part of the duty or authority of any such member to act upon, take part in, or in any way entertain any recommendation, application, or question concerning appointments or removals in respect of the civil service, otherwise than in the strict discharge of their respective duties as prescribed by the rules and regulations; and for the same purpose it is further declared that the functions of the members of said Commission as to the matters aforesaid extend only to the question of the proper rules and regulations to be made and to supervising their application, and that the functions of the examiners as to said matters extend only to preparing for, conducting, rating, and making reports concerning examinations required to be made under such rules and regulations.

*Rule 4.*—The grouping heretofore made for the Executive Departments at Washington is hereby modified by striking out the words "female clerks, copyists, and counters, at \$900 a year," these places being below the grade of clerkships of class 1; and all applicants for such positions shall be examined in (1) penmanship, (2) copying, (3) elements of English grammar, chiefly orthography, and (4) fundamental rules of arithmetic, except that mere counters may be examined only in the fundamental rules of arithmetic and as to their facility in counting money; and those found competent by such examination shall be reported in the order of their excellence as eligible for appointment, and selections may be made by the appointing power, at discretion, from the list of those so reported, being at liberty to give preference to such as may be justly regarded as having the highest claims to public consideration by reason of loss of support or of property occasioned by the death or disability of any person in the defense of the Union in war or in other public service of the Government. And in the notices of the examination of females to fill vacancies among those last mentioned it shall be stated as follows: "That from among all those who shall pass a satisfactory examination the head of the Department will be at liberty to select such persons for the vacancies as may be justly regarded as having the highest claims to public consideration."

*Rule 5.*—The notices to appear at any examinations other than those referred to in the fourth rule of this series, so far as practicable and necessary to prevent misapprehension, shall advise female applicants to whom they may be sent of any limitation which the law or the necessities of the public service impose upon such applicants entering the vacancies for which the examinations are to take place.

*Rule 6.*—That it shall be the duty of the respective boards of examiners, on the written request of heads of Departments, to hold examinations in anticipation of vacancies, as well as to fill vacancies, and to prepare lists showing the results of competition, so that when any such vacancy may happen there shall be those thus

shown to be eligible to nomination or appointment, from whom the proper selection shall be made according to the provisions of the rules and regulations relating to competitive examination; and examinations upon like request shall be held in reference to vacancies to be filled under the fourth rule of this series.

*Rule 7.*—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.

*Rule 8.*—In cases of defalcation or embezzlement of public money, or other emergency calling for immediate action, where the public service would be materially injured unless the vacancy is promptly filled without resorting to the methods of selection and appointment prescribed by the rules and regulations, or when a vacancy happens at a place remote and difficult of access and the methods prescribed for filling it can not be applied without causing delay injurious to the public service, the appointment may be made at discretion; but this rule shall not apply to any place which is provided to be filled under the rules of competitive examination.

*Rule 9.*—For the purpose of bringing the examinations for the civil service as near to the residences of those desiring to be examined as the appropriation at the command of the President will warrant, and for the further purpose of facilitating as far as practicable the making of selections for such service equably from the several portions of the Union, while at the same time preserving the principle of promoting merit as tested by fair competition, it is provided as follows:

(1) That the several States and Territories are grouped into five divisions, to be designated as civil-service districts, the said districts to be numbered consecutively from one to five, as follows:

I. The first district embraces the States of Maine, New Hampshire, Massachusetts, Vermont, Connecticut, Rhode Island, and New York; and the examinations therein shall be held alternately at the city of New York and the city of Boston, but first at the city of New York.

II. The second district embraces the States of New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Virginia, West Virginia, and the District of Columbia; and the examinations therein shall be held at Washington.

III. The third district embraces the States of Ohio, Michigan, Indiana, Wisconsin, and Kentucky; and the examinations therein shall be held alternately at Cincinnati and Detroit, but first at Cincinnati.

IV. The fourth district embraces the States of Illinois, Missouri, Minnesota, Iowa, Kansas, Nebraska, Nevada, California, and Oregon, and also all the Territories except New Mexico and the District of Columbia; and the examinations therein shall be held at St. Louis.

V. The fifth district embraces the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Tennessee, together with the Territory of New Mexico; and the examinations therein shall be held alternately at the city of Savannah and the city of Memphis, but first at the city of Savannah.

(2) That in each of said districts examinations for admission to the civil service at Washington shall be conducted as hereinafter provided; and those whose residence is within any such district at the time of filing the application for examination shall be regarded as belonging to such district in reference both to competition and to appointments; and each district shall be treated as a sphere of competition, and those so residing therein, wherever examined, shall be regarded as competing only with each other; but a person residing in any district may be allowed or notified to be examined in any other district.

(3) All applications for examination for service at Washington must be addressed

to the head of the Department at that city which the applicant desires to enter, and be in conformity to the previous rules and regulations so far as the same are not modified by this series; and every such application must be dated, must give the town or municipality as well as the State or Territory where the applicant has his legal residence, and also his post-office address.

(4) Each of the heads of Departments will cause to be kept in permanent form a register of all such applicants for his Department, to be called a "Register of applicants," and will cause such applications to be preserved on file for convenient reference.

(5) The provisions of the former rules and regulations in reference to the examining boards in the Departments and in the other local offices in the various cities, so far as consistent herewith, are continued until otherwise ordered.

(6) The President will employ or designate a suitable person to be chief examiner, whose duty it will be, subject to the supervision of the Civil Service Commission, to promote uniformity in preparing for, conducting, reporting, and grading the examinations by said boards at Washington, and to prepare for, attend, supervise, and report the examinations herein provided to be held elsewhere than at Washington.

(7) The several heads of Departments must also cause to be made in permanent form and to be preserved a "Record of persons eligible for appointment," arranging under separate headings those resident in each separate district, wherein shall be entered the names of the persons who have been examined within twelve months now last past, and who are still eligible to nomination or appointment; and to such record must from time to time be added the names of those persons who shall hereafter pass an examination which shall show them to be so eligible for nomination or appointment. And such "Record of persons eligible for appointment" shall be so kept and the names therein be so classified that all those whose residences appearing as aforesaid to be ~~in the same~~ districts shall be tabulated together, so as to show their relative excellence ~~in each said district~~, except that the names of all those examined under the fourth rule of this series shall be separately entered upon the "Record of persons eligible for appointment" for each Department, so as to show where they reside.

(8) That the officer having the power of making nomination or appointment may resort for that purpose to those so entered in the "Record of persons eligible for appointment" as residing in either of said civil-service districts; but (except in respect of those examined under said rule 4) the method of competition heretofore provided must be regarded as applying among those so registered as residing in any such district, and as requiring the nomination and appointment to be made from some one of the three persons graded as the highest on some one of said five several arrangements of persons so eligible.

(9) At a reasonable time before any examination is to take place each head of Department will furnish the chief examiner with a list of those to be examined, and ten days before any examination is to take place in any said district, elsewhere than at Washington, notice shall be sent by mail by such chief examiner to all such applicants residing or allowed to be examined in such district, stating the time and place of such examination and the other matters of which the rules and regulations require notice to be given.

(10) For the purpose of the examinations last mentioned the said chief examiner shall receive from the several heads of Departments at Washington and from the head of any local office which may request to have any examinations made of persons for said offices the names of those who are to be examined at any place outside of Washington, and shall make a list of the same, showing the date of the filing of each application, which he shall produce at the place of examination; and the examination shall be held of all those on such list who shall duly appear and submit thereto, provided the number be not so great, in the opinion of the examining board,



as to render the examination of the whole impracticable, in which event only a reasonable number, to be selected in the order of the date of the filing of their applications, need be examined.

(11) For each place outside of Washington where such examination is to be held the President will designate persons, to be, when practicable, suitable officers of the United States, who, together with such chief examiner, or some substituted departmental examiner from Washington to be sent in his place when such chief examiner can not attend, shall constitute the board for such examination; and by said persons, or a majority thereof, of whom such chief examiner or said substitute shall be one, such examinations shall be held and certified in a uniform manner; and the time occupied by each person examined shall be noted on the examination papers. The questions to be put to those examined as applicants through the request of either head of Department or head of local office shall be such as may be provided and as might be put if all such examinations were, or were to be, conducted under the rules and regulations by the examining boards of any such Department in Washington or by any such local board.

(12) The chief examiner or his substitute shall make reports to each Department and local office separately in respect of all such persons as either said head of Department or of a local office requested to be examined, and said reports, respectively, shall be accompanied by the examination papers of those so separately reported; and the board of examiners in each Department or local office shall make up and state the excellence of each person so reported as examined, and such excellence, being not below the minimum grade of 70 per cent, shall be duly entered in the "Record of persons eligible for appointment" in the proper district or local office.

(13) The district examinations herein provided for shall be held not more than twice in any one year in the same district, except in Washington, where an examination may be held in respect of each Department as frequently as the head of such Department, subject to the approval of the President, may direct; and all persons so examined in Washington, wherever they may reside, shall be entered on the "Record of persons eligible for appointment" equally as if examined elsewhere.

(14) Whenever the entry of the name of any person has been on the "Record of persons eligible for appointment" during eighteen consecutive months, such entry shall be marked "Time expired," and such name shall not again be placed thereon except as the result of another examination.

(15) Persons who may be required to be examined for any custom-house, post-office, or other local office or place of service other than Washington may be notified by the head of such office to appear and be examined at any examination provided for under this rule; and the result of such examination shall be reported by the chief examiner or his substitute to the proper examining board for such office or place, or to the head of the local office; and such board shall enter the name, with the proper indication of the grade of excellence, among those who are to compete at any such place or office, and from whom selection, on the basis of competition, shall be made.

(16) But where the result of any examination aforesaid shall show the excellence of any such applicant to be below the minimum grade of 70 per cent (on the basis of 100 as perfect), the only entry thereof to be made in registers of the Department or of local office shall be of the words "Not eligible," which shall be written against the name of such person in the register of applicants; and such applicant shall not be again examined for any Department or office within six months of the date of the former examination.

(17) The provisions of this rule do not apply to examinations for promotion, nor do they apply to the State Department, in which examinations will be conducted under the provisions of the Executive order of March 14, 1873.

(18) Subject to the other provisions of this rule, the times of holding the exami-

nations herein provided for in the first, third, fourth, and fifth districts, respectively, shall be fixed by the chief examiner after consultation with the heads of Departments at Washington. One examination, however, shall be held in each of the last-mentioned districts prior to the 1st day of November next, and the chief examiner shall on or before that date make a report in writing to the Civil Service Commission, setting forth generally the facts in regard to the examinations referred to in this rule and appropriate suggestions for increasing their usefulness.

*Rule 10.*—So many of the persons employed by the President under the ninth section of the act of March 3, 1871, as are referred to in the opinion of the Attorney-General of the date of August 31, 1871, under the name of the Civil Service Commission, and are still in such employment, together with the successors of those who have resigned, and their successors, shall hereafter be regarded as composing and shall be designated as "The Civil Service Commission;" and the use of the designation "Advisory Board," as referring to such persons, will be hereafter discontinued.

GENERAL ORDERS, NO. 102.

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, October 10, 1873.*

The President of the United States commands it to be made known that all soldiers who have deserted their colors, and who shall, on or before the 1st day of January, 1874, surrender themselves at any military station, shall receive a full pardon, only forfeiting the pay and allowances due them at the time of desertion, ~~and shall~~ be restored to duty without trial or punishment on condition that they faithfully serve through the term of their enlistment.

By order of the Secretary of War:

E. D. TOWNSEND,  
*Adjutant-General.*

FIFTH ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 1, 1873.*

*To the Senate and House of Representatives:*

The year that has passed since the submission of my last message to Congress has, especially during the latter part of it, been an eventful one to the country. In the midst of great national prosperity a financial crisis has occurred that has brought low fortunes of gigantic proportions; political partisanship has almost ceased to exist, especially in the agricultural regions; and, finally, the capture upon the high seas of a vessel bearing our flag has for a time threatened the most serious consequences, and has agitated the public mind from one end of the country to the other. But this, happily, now is in the course of satisfactory adjustment, honorable to both nations concerned.

The relations of the United States, however, with most of the other powers continue to be friendly and cordial. With France, Germany, Russia, Italy, and the minor European powers; with Brazil and most of the South American Republics, and with Japan, nothing has occurred during the year to demand special notice. The correspondence between the Department of State and various diplomatic representatives in or from those countries is transmitted herewith.

In executing the will of Congress, as expressed in its joint resolution of the 14th of February last, and in accordance with the provisions of the resolution, a number of "practical artisans," of "scientific men," and of "honorary commissioners" were authorized to attend the exposition at Vienna as commissioners on the part of the United States. It is believed that we have obtained the object which Congress had in view when it passed the joint resolution—"in order to enable the people of the United States to participate in the advantages of the International Exhibition of the Products of Agriculture, Manufactures, and the Fine Arts to be held at Vienna." I take pleasure in adding that the American exhibitors have received a gratifying number of diplomas and of medals.

During the exposition a conference was held at Vienna for the purpose of consultation on the systems prevailing in different countries for the protection of inventions. I authorized a representative from the Patent Office to be present at Vienna at the time when this conference was to take place, in order to aid as far as he might in securing any possible additional protection to American inventors in Europe. The report of this agent will be laid before Congress.

It is my pleasant duty to announce to Congress that the Emperor of China, on attaining his majority, received the diplomatic representatives of the Western powers in person. An account of these ceremonies and of the interesting discussions which preceded them will be found in the documents transmitted herewith. The accompanying papers show that some advance, although slight, has been made during the past year toward the suppression of the infamous Chinese cooly trade. I recommend Congress to inquire whether additional legislation be not needed on this subject.

The money awarded to the United States by the tribunal of arbitration at Geneva was paid by Her Majesty's Government a few days in advance of the time when it would have become payable according to the terms of the treaty. In compliance with the provisions of the act of March 3, 1873, it was at once paid into the Treasury, and used to redeem, so far as it might, the public debt of the United States; and the amount so redeemed was invested in a 5 per cent registered bond of the United States for \$15,500,000, which is now held by the Secretary of State, subject to the future disposition of Congress.

I renew my recommendation, made at the opening of the last session of Congress, that a commission be created for the purpose of auditing and

determining the amounts of the several "direct losses growing out of the destruction of vessels and their cargoes" by the *Alabama*, the *Florida*, or the *Shenandoah* after leaving Melbourne, for which the sufferers have received no equivalent or compensation, and of ascertaining the names of the persons entitled to receive compensation for the same, making the computations upon the basis indicated by the tribunal of arbitration at Geneva; and that payment of such losses be authorized to an extent not to exceed the awards of the tribunal at Geneva.

By an act approved on the 14th day of February last Congress made provision for completing, jointly with an officer or commissioner to be named by Her Britannic Majesty, the determination of so much of the boundary line between the territory of the United States and the possessions of Great Britain as was left uncompleted by the commissioners appointed under the act of Congress of August 11, 1856. Under the provisions of this act the northwest water boundary of the United States has been determined and marked in accordance with the award of the Emperor of Germany. A protocol and a copy of the map upon which the line was thus marked are contained in the papers submitted herewith.

I also transmit a copy of the report of the commissioner for marking the northern boundary between the United States and the British possessions west of the Lake of the Woods, of the operations of the commission during the past season. Surveys have been made to a point 497 miles west of the Lake of the Woods, leaving about ~~350~~ 350 miles to be surveyed, the field work of which can be completed during the next season.

The mixed commission organized under the provisions of the treaty of Washington for settling and determining the claims of citizens of either power against the other arising out of acts committed against their persons or property during the period between April 13, 1861, and April 9, 1865, made its final award on the 25th day of September last. It was awarded that the Government of the United States should pay to the Government of Her Britannic Majesty, within twelve months from the date of the award, the sum of \$1,929,819 in gold. The commission disallowed or dismissed all other claims of British subjects against the United States. The amount of the claims presented by the British Government, but disallowed or dismissed, is understood to be about \$93,000,000. It also disallowed all the claims of citizens of the United States against Great Britain which were referred to it.

I recommend the early passage of an act appropriating the amount necessary to pay this award against the United States.

I have caused to be communicated to the Government of the King of Italy the thanks of this Government for the eminent services rendered by Count Corti as the third commissioner on this commission. With dignity, learning, and impartiality he discharged duties requiring great labor and constant patience, to the satisfaction, I believe, of both Governments. I recommend legislation to create a special court, to consist

of three judges, who shall be empowered to hear and determine all claims of aliens upon the United States arising out of acts committed against their persons or property during the insurrection. The recent reference under the treaty of Washington was confined to claims of British subjects arising during the period named in the treaty; but it is understood that there are other British claims of a similar nature, arising after the 9th of April, 1865, and it is known that other claims of a like nature are advanced by citizens or subjects of other powers. It is desirable to have these claims also examined and disposed of.

Official information being received from the Dutch Government of a state of war between the King of the Netherlands and the Sultan of Acheen, the officers of the United States who were near the seat of the war were instructed to observe an impartial neutrality. It is believed that they have done so.

The joint commission under the convention with Mexico of 1868, having again been legally prolonged, has resumed its business, which, it is hoped, may be brought to an early conclusion. The distinguished representative of Her Britannic Majesty at Washington has kindly consented, with the approval of his Government, to assume the arduous and responsible duties of umpire in this commission, and to lend the weight of his character and name to such decisions as may not receive the acquiescence of both the arbitrators appointed by the respective Governments.

The commissioners appointed pursuant to the authority of Congress to examine into the nature and extent of the forays by trespassers from that country upon the herds of Texas have made a report, which will be submitted for your consideration.

The Venezuelan Government has been apprised of the sense of Congress in regard to the awards of the joint commission under the convention of 25th April, 1866, as expressed in the act of the 25th of February last.

It is apprehended that that Government does not realize the character of its obligations under that convention. As there is reason to believe, however, that its hesitancy in recognizing them springs, in part at least, from real difficulty in discharging them in connection with its obligations to other governments, the expediency of further forbearance on our part is believed to be worthy of your consideration.

The Ottoman Government and that of Egypt have latterly shown a disposition to relieve foreign consuls of the judicial powers which heretofore they have exercised in the Turkish dominions, by organizing other tribunals. As Congress, however, has by law provided for the discharge of judicial functions by consuls of the United States in that quarter under the treaty of 1830, I have not felt at liberty formally to accept the proposed change without the assent of Congress, whose decision upon the subject at as early a period as may be convenient is earnestly requested.

I transmit herewith, for the consideration and determination of Congress, an application of the Republic of Santo Domingo to this Government to exercise a protectorate over that Republic.

Since the adjournment of Congress the following treaties with foreign powers have been proclaimed: A naturalization convention with Denmark; a convention with Mexico for renewing the Claims Commission; a convention of friendship, commerce, and extradition with the Orange Free State, and a naturalization convention with Ecuador.

I renew the recommendation made in my message of December, 1870, that Congress authorize the Postmaster-General to issue all commissions to officials appointed through his Department.

I invite the earnest attention of Congress to the existing laws of the United States respecting expatriation and the election of nationality by individuals. Many citizens of the United States reside permanently abroad with their families. Under the provisions of the act approved February 10, 1855, the children of such persons are to be deemed and taken to be citizens of the United States, but the rights of citizenship are not to descend to persons whose fathers never resided in the United States.

It thus happens that persons who have never resided within the United States have been enabled to put forward a pretension to the protection of the United States against the claim to military service of the government under whose protection they were born and have been reared. In some cases even naturalized citizens of the United States have returned to the land of their birth, with intent to remain there, and their children, the issue of a marriage contracted there after their return, and who have never been in the United States, have laid claim to our protection when the lapse of many years had imposed upon them the duty of military service to the only government which had ever known them personally.

Until the year 1868 it was left, embarrassed by conflicting opinions of courts and of jurists, to determine how far the doctrine of perpetual allegiance derived from our former colonial relations with Great Britain was applicable to American citizens. Congress then wisely swept these doubts away by enacting that—

Any declaration, instruction, opinion, order, or decision of any officer of this Government which denies, restricts, impairs, or questions the right of expatriation is inconsistent with the fundamental principles of this Government.

But Congress did not indicate in that statute, nor has it since done so, what acts are to be deemed to work expatriation. For my own guidance in determining such questions I required (under the provisions of the Constitution) the opinion in writing of the principal officer in each of the Executive Departments upon certain questions relating to this subject. The result satisfies me that further legislation has become necessary. I therefore commend the subject to the careful consideration of

Congress, and I transmit herewith copies of the several opinions of the principal officers of the Executive Departments, together with other correspondence and pertinent information on the same subject.

The United States, who led the way in the overthrow of the feudal doctrine of perpetual allegiance, are among the last to indicate how their own citizens may elect another nationality. The papers submitted herewith indicate what is necessary to place us on a par with other leading nations in liberality of legislation on this international question. We have already in our treaties assented to the principles which would need to be embodied in laws intended to accomplish such results. We have agreed that citizens of the United States may cease to be citizens and may voluntarily render allegiance to other powers. We have agreed that residence in a foreign land, without intent to return, shall of itself work expatriation. We have agreed in some instances upon the length of time necessary for such continued residence to work a presumption of such intent. I invite Congress now to mark out and define when and how expatriation can be accomplished; to regulate by law the condition of American women marrying foreigners; to fix the status of children born in a foreign country of American parents residing more or less permanently abroad, and to make rules for determining such other kindred points as may seem best to Congress.

In compliance with the request of Congress, I transmitted to the American minister at Madrid, with instructions to present it to the Spanish Government, the joint resolution approved on the 3d of March last, tendering to the people of Spain, in the name and on the behalf of the American people, the congratulations of Congress upon the efforts to consolidate in Spain the principles of universal liberty in a republican form of government.

The existence of this new Republic was inaugurated by striking the fetters from the slaves in Porto Rico. This beneficent measure was followed by the release of several thousand persons illegally held as slaves in Cuba. Next, the Captain-General of that colony was deprived of the power to set aside the orders of his superiors at Madrid, which had pertained to the office since 1825. The sequestered estates of American citizens, which had been the cause of long and fruitless correspondence, were ordered to be restored to their owners. All these liberal steps were taken in the face of a violent opposition directed by the reactionary slaveholders of Havana, who are vainly striving to stay the march of ideas which has terminated slavery in Christendom, Cuba only excepted. Unhappily, however, this baneful influence has thus far succeeded in defeating the efforts of all liberal-minded men in Spain to abolish slavery in Cuba, and in preventing the promised reform in that island. The struggle for political supremacy continues there.

The proslavery and aristocratic party in Cuba is gradually arraiguing itself in more and more open hostility and defiance of the home govern-

ment, while it still maintains a political connection with the Republic in the peninsula; and although usurping and defying the authority of the home government whenever such usurpation or defiance tends in the direction of oppression or of the maintenance of abuses, it is still a power in Madrid, and is recognized by the Government. Thus an element more dangerous to continued colonial relations between Cuba and Spain than that which inspired the insurrection at Yara—an element opposed to granting any relief from misrule and abuse, with no aspirations after freedom, commanding no sympathies in generous breasts, aiming to rivet still stronger the shackles of slavery and oppression—has seized many of the emblems of power in Cuba, and, under professions of loyalty to the mother country, is exhausting the resources of the island, and is doing acts which are at variance with those principles of justice, of liberality, and of right which give nobility of character to a republic. In the interests of humanity, of civilization, and of progress, it is to be hoped that this evil influence may be soon averted.

The steamer *Virginus* was on the 26th day of September, 1870, duly registered at the port of New York as a part of the commercial marine of the United States. On the 4th of October, 1870, having received the certificate of her register in the usual legal form, she sailed from the port of New York and has not since been within the territorial jurisdiction of the United States. On the 31st day of October last, while sailing under the flag of the United States on the high seas, she was forcibly seized by the Spanish gunboat *Tornado*, and was carried into the port of Santiago de Cuba, where fifty-three of her passengers and crew were inhumanly, and, so far at least as relates to those who were citizens of the United States, without due process of law, put to death.

It is a well-established principle, asserted by the United States from the beginning of their national independence, recognized by Great Britain and other maritime powers, and stated by the Senate in a resolution passed unanimously on the 16th of June, 1858, that—

American vessels on the high seas in time of peace, bearing the American flag, remain under the jurisdiction of the country to which they belong, and therefore any visitation, molestation, or detention of such vessel by force, or by the exhibition of force, on the part of a foreign power is in derogation of the sovereignty of the United States.

In accordance with this principle, the restoration of the *Virginus* and the surrender of the survivors of her passengers and crew, and a due reparation to the flag, and the punishment of the authorities who had been guilty of the illegal acts of violence, were demanded. The Spanish Government has recognized the justice of the demand, and has arranged for the immediate delivery of the vessel, and for the surrender of the survivors of the passengers and crew, and for a salute to the flag, and for proceedings looking to the punishment of those who may be proved to have been guilty of illegal acts of violence toward citizens of the United States,



and also toward indemnifying those who may be shown to be entitled to indemnity. A copy of a protocol of a conference between the Secretary of State and the Spanish minister, in which the terms of this arrangement were agreed to, is transmitted herewith.

The correspondence on this subject with the legation of the United States in Madrid was conducted in cipher and by cable, and needs the verification of the actual text of the correspondence. It has seemed to me to be due to the importance of the case not to submit this correspondence until the accurate text can be received by mail. It is expected shortly, and will be submitted when received.

In taking leave of this subject for the present I wish to renew the expression of my conviction that the existence of African slavery in Cuba is a principal cause of the lamentable condition of the island. I do not doubt that Congress shares with me the hope that it will soon be made to disappear, and that peace and prosperity may follow its abolition.

The embargoing of American estates in Cuba, cruelty to American citizens detected in no act of hostility to the Spanish Government, the murdering of prisoners taken with arms in their hands, and, finally, the capture upon the high seas of a vessel sailing under the United States flag and bearing a United States registry have culminated in an outburst of indignation that has seemed for a time to threaten war. Pending negotiations between the United States and the Government of Spain on the subject of this capture, I have authorized the Secretary of the Navy to put our Navy on a war footing, to the extent, at least, of the entire annual appropriation for that branch of the service, trusting to Congress and the public opinion of the American people to justify my action.

Assuming from the action of the last Congress in appointing a Committee on Privileges and Elections to prepare and report to this Congress a constitutional amendment to provide a better method of electing the President and Vice-President of the United States, and also from the necessity of such an amendment, that there will be submitted to the State legislatures for ratification such an improvement in our Constitution, I suggest two others for your consideration:

First. To authorize the Executive to approve of so much of any measure passing the two Houses of Congress as his judgment may dictate, without approving the whole, the disapproved portion or portions to be subjected to the same rules as now, to wit, to be referred back to the House in which the measure or measures originated, and, if passed by a two-thirds vote of the two Houses, then to become a law without the approval of the President. I would add to this a provision that there should be no legislation by Congress during the last twenty-four hours of its sitting, except upon vetoes, in order to give the Executive an opportunity to examine and approve or disapprove bills understandingly.

Second. To provide by amendment that when an extra session of

Congress is convened by Executive proclamation legislation during the continuance of such extra session shall be confined to such subjects as the Executive may bring before it from time to time in writing.

The advantages to be gained by these two amendments are too obvious for me to comment upon them. One session in each year is provided for by the Constitution, in which there are no restrictions as to the subjects of legislation by Congress. If more are required, it is always in the power of Congress, during their term of office, to provide for sessions at any time. The first of these amendments would protect the public against the many abuses and waste of public moneys which creep into appropriation bills and other important measures passing during the expiring hours of Congress, to which otherwise due consideration can not be given.

#### TREASURY DEPARTMENT.

The receipts of the Government from all sources for the last fiscal year were \$333,738,204, and expenditures on all accounts \$290,345,245, thus showing an excess of receipts over expenditures of \$43,392,959. But it is not probable that this favorable exhibit will be shown for the present fiscal year. Indeed, it is very doubtful whether, except with great economy on the part of Congress in making appropriations and the same economy in administering the various Departments of Government, the revenues will not fall short of meeting actual expenses, including interest on the ~~public~~ debt.

I commend to Congress such economy, and point out two sources where it seems to me it might commence, to wit, in the appropriations for public buildings in the many cities where work has not yet been commenced; in the appropriations for river and harbor improvement in those localities where the improvements are of but little benefit to general commerce, and for fortifications.

There is a still more fruitful source of expenditure, which I will point out later in this message. I refer to the easy method of manufacturing claims for losses incurred in suppressing the late rebellion.

I would not be understood here as opposing the erection of good, substantial, and even ornamental buildings by the Government wherever such buildings are needed. In fact, I approve of the Government owning its own buildings in all sections of the country, and hope the day is not far distant when it will not only possess them, but will erect in the capital suitable residences for all persons who now receive commutation for quarters or rent at Government expense, and for the Cabinet, thus setting an example to the States which may induce them to erect buildings for their Senators. But I would have this work conducted at a time when the revenues of the country would abundantly justify it.

The revenues have materially fallen off for the first five months of the present fiscal year from what they were expected to produce, owing to

the general panic now prevailing, which commenced about the middle of September last. The full effect of this disaster, if it should not prove a "blessing in disguise," is yet to be demonstrated. In either event it is your duty to heed the lesson and to provide by wise and well-considered legislation, as far as it lies in your power, against its recurrence, and to take advantage of all benefits that may have accrued.

My own judgment is that, however much individuals may have suffered, one long step has been taken toward specie payments; that we can never have permanent prosperity until a specie basis is reached; and that a specie basis can not be reached and maintained until our exports, exclusive of gold, pay for our imports, interest due abroad, and other specie obligations, or so nearly so as to leave an appreciable accumulation of the precious metals in the country from the products of our mines.

The development of the mines of precious metals during the past year and the prospective development of them for years to come are gratifying in their results. Could but one-half of the gold extracted from the mines be retained at home, our advance toward specie payments would be rapid.

—To increase our exports sufficient currency is required to keep all the industries of the country employed. Without this national as well as individual bankruptcy must ensue. Undue inflation, on the other hand, while it might give temporary relief, would only lead to inflation of prices, the impossibility of competing in our own markets for the products of home skill and labor, and repeated renewals of present experiences. Elasticity to our circulating medium, therefore, and just enough of it to transact the legitimate business of the country and to keep all industries employed, is what is most to be desired. The exact medium is specie, the recognized medium of exchange the world over. That obtained, we shall have a currency of an exact degree of elasticity. If there be too much of it for the legitimate purposes of trade and commerce, it will flow out of the country. If too little, the reverse will result. To hold what we have and to appreciate our currency to that standard is the problem deserving of the most serious consideration of Congress.

The experience of the present panic has proven that the currency of the country, based, as it is, upon the credit of the country, is the best that has ever been devised. Usually in times of such trials currency has become worthless, or so much depreciated in value as to inflate the values of all the necessities of life as compared with the currency. Everyone holding it has been anxious to dispose of it on any terms. Now we witness the reverse. Holders of currency hoard it as they did gold in former experiences of a like nature.

It is patent to the most casual observer that much more currency, or money, is required to transact the legitimate trade of the country during the fall and winter months, when the vast crops are being removed, than

during the balance of the year. With our present system the amount in the country remains the same throughout the entire year, resulting in an accumulation of all the surplus capital of the country in a few centers when not employed in the moving of crops, tempted there by the offer of interest on call loans. Interest being paid, this surplus capital must earn this interest paid with a profit. Being subject to "call," it can not be loaned, only in part at best, to the merchant or manufacturer for a fixed term. Hence, no matter how much currency there might be in the country, it would be absorbed, prices keeping pace with the volume, and panics, stringency, and disasters would ever be recurring with the autumn. Elasticity in our monetary system, therefore, is the object to be attained first, and next to that, as far as possible, a prevention of the use of other people's money in stock and other species of speculation. To prevent the latter it seems to me that one great step would be taken by prohibiting the national banks from paying interest on deposits, by requiring them to hold their reserves in their own vaults, and by forcing them into resumption, though it would only be in legal-tender notes. For this purpose I would suggest the establishment of clearing houses for your consideration.

To secure the former many plans have been suggested, most, if not all, of which look to me more like inflation on the one hand, or compelling the Government, on the other, to pay interest, without corresponding benefits, upon the surplus funds of the country during the seasons when otherwise unemployed.

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I submit for your consideration whether this difficulty might not be overcome by authorizing the Secretary of the Treasury to issue at any time to national banks of issue any amount of their own notes below a fixed percentage of their issue (say 40 per cent), upon the banks' depositing with the Treasurer of the United States an amount of Government bonds equal to the amount of notes demanded, the banks to forfeit to the Government, say, 4 per cent of the interest accruing on the bonds so pledged during the time they remain with the Treasurer as security for the increased circulation, the bonds so pledged to be redeemable by the banks at their pleasure, either in whole or in part, by returning their own bills for cancellation to an amount equal to the face of the bonds withdrawn. I would further suggest for your consideration the propriety of authorizing national banks to diminish their standing issue at pleasure, by returning for cancellation their own bills and withdrawing so many United States bonds as are pledged for the bills returned.

In view of the great actual contraction that has taken place in the currency and the comparative contraction continuously going on, due to the increase of population, increase of manufactories and all the industries, I do not believe there is too much of it now for the dullest period of the year. Indeed, if clearing houses should be established, thus forcing redemption, it is a question for your consideration whether banking

should not be made free, retaining all the safeguards now required to secure bill holders. In any modification of the present laws regulating national banks, as a further step toward preparing for resumption of specie payments, I invite your attention to a consideration of the propriety of exacting from them the retention as a part of their reserve either the whole or a part of the gold interest accruing upon the bonds pledged as security for their issue. I have not reflected enough on the bearing this might have in producing a scarcity of coin with which to pay duties on imports to give it my positive recommendation. But your attention is invited to the subject.

During the last four years the currency has been contracted, directly, by the withdrawal of 3 per cent certificates, compound-interest notes, and "seven-thirty" bonds outstanding on the 4th of March, 1869, all of which took the place of legal-tenders in the bank reserves to the extent of \$63,000,000.

During the same period there has been a much larger comparative contraction of the currency. The population of the country has largely increased. More than 25,000 miles of railroad have been built, requiring the active use of capital to operate them. Millions of acres of land have been opened to cultivation, requiring capital to move the products. Manufactories have multiplied beyond all precedent in the same period of time, requiring capital weekly for the payment of wages and for the purchase of material; and probably the largest of all comparative con-traction arises from the organizing of free labor in the South. Now every laborer there receives his wages, and, for want of savings banks, the greater part of such wages is carried in the pocket or hoarded until required for use.

These suggestions are thrown out for your consideration, without any recommendation that they shall be adopted literally, but hoping that the best method may be arrived at to secure such an elasticity of the currency as will keep employed all the industries of the country and prevent such an inflation as will put off indefinitely the resumption of specie payments, an object so devoutly to be wished for by all, and by none more earnestly than the class of people most directly interested—those who "earn their bread by the sweat of their brow." The decisions of Congress on this subject will have the hearty support of the Executive.

In previous messages I have called attention to the decline in American shipbuilding and recommended such legislation as would secure to us our proportion of the carrying trade. Stimulated by high rates and abundance of freight, the progress for the last year in shipbuilding has been very satisfactory. There has been an increase of about 3 per cent in the amount transported in American vessels over the amount of last year. With the reduced cost of material which has taken place, it may reasonably be hoped that this progress will be maintained, and even increased. However, as we pay about \$80,000,000 per annum to foreign

vessels for the transportation to a market of our surplus products, thus increasing the balance of trade against us to this amount, the subject is one worthy of your serious consideration.

"Cheap transportation" is a subject that has attracted the attention of both producers and consumers for the past few years, and has contributed to, if it has not been the direct cause of, the recent panic and stringency.

As Congress, at its last session, appointed a special committee to investigate this whole subject during the vacation and report at this session, I have nothing to recommend until their report is read.

There is one work, however, of a national character, in which the greater portion of the East and the West, the North and the South, are equally interested, to which I will invite your attention.

The State of New York has a canal connecting Lake Erie with tide water on the Hudson River. The State of Illinois has a similar work connecting Lake Michigan with navigable water on the Illinois River, thus making water communication inland between the East and the West and South. These great artificial water courses are the property of the States through which they pass, and pay toll to those States. Would it not be wise statesmanship to pledge these States that if they will open these canals for the passage of large vessels the General Government will look after and keep in navigable condition the great public highways with which they connect, to wit, the Overslaugh on the Hudson, the St. Clair Flats, and the Illinois and Mississippi rivers? This would be a national work; one of great value to the producers of the West and South in giving them cheap transportation for their produce to the seaboard and a market, and to the consumers in the East in giving them cheaper food, particularly of those articles of food which do not find a foreign market, and the prices of which, therefore, are not regulated by foreign demands. The advantages of such a work are too obvious for argument. I submit the subject to you, therefore, without further comment.

In attempting to regain our lost commerce and carrying trade I have heretofore called attention to the States south of us offering a field where much might be accomplished. To further this object I suggest that a small appropriation be made, accompanied with authority for the Secretary of the Navy to fit out a naval vessel to ascend the Amazon River to the mouth of the Madeira; thence to explore that river and its tributaries into Bolivia, and to report to Congress at its next session, or as soon as practicable, the accessibility of the country by water, its resources, and the population so reached. Such an exploration would cost but little; it can do no harm, and may result in establishing a trade of value to both nations.

In further connection with the Treasury Department I would recommend a revision and codification of the tariff laws and the opening of

more mints for coining money, with authority to coin for such nations as may apply.

WAR DEPARTMENT.

The attention of Congress is invited to the recommendations contained in the report of the Secretary of War herewith accompanying.

The apparent great cost of supporting the Army is fully explained by this report, and I hope will receive your attention.

While inviting your general attention to all the recommendations made by the Secretary of War, there are two which I would especially invite you to consider: First, the importance of preparing for war in time of peace by providing proper armament for our seacoast defenses. Proper armament is of vastly more importance than fortifications. The latter can be supplied very speedily for temporary purposes when needed; the former can not. The second is the necessity of reopening promotion in the staff corps of the Army. Particularly is this necessity felt in the Medical, Pay, and Ordnance departments.

At this time it is necessary to employ "contract surgeons" to supply the necessary medical attendance required by the Army.

With the present force of the Pay Department it is now difficult to make the payments to troops provided for by law. Long delays in payments are productive of desertions and other demoralization, and the law prohibits the payment of troops by other than regular army paymasters.

There are now sixteen vacancies in the Ordnance Department, thus leaving that branch of the service without sufficient officers to conduct the business of the different arsenals on a large scale if ever required.

NAVY DEPARTMENT.

During the past year our Navy has been depleted by the sale of some vessels no longer fit for naval service and by the condemnation of others not yet disposed of. This, however, has been more than compensated for by the repair of six of the old wooden ships and by the building of eight new sloops of war, authorized by the last Congress. The building of these latter has occurred at a doubly fortunate time. They are about being completed at a time when they may possibly be much needed, and the work upon them has not only given direct employment to thousands of men, but has no doubt been the means of keeping open establishments for other work at a time of great financial distress.

Since the commencement of the last month, however, the distressing occurrences which have taken place in the waters of the Caribbean Sea, almost on our very seaboard, while they illustrate most forcibly the necessity always existing that a nation situated like ours should maintain in a state of possible efficiency a navy adequate to its responsibilities, has at the same time demanded that all the effective force we really have

shall be put in immediate readiness for warlike service. This has been and is being done promptly and effectively, and I am assured that all the available ships and every authorized man of the American Navy will be ready for whatever action is required for the safety of our citizens or the maintenance of our honor. This, of course, will require the expenditure in a short time of some of the appropriations which were calculated to extend through the fiscal year, but Congress will, I doubt not, understand and appreciate the emergency, and will provide adequately not only for the present preparation, but for the future maintenance of our naval force. The Secretary of the Navy has during the past year been quietly putting some of our most effective monitors in condition for service, and thus the exigency finds us in a much better condition for work than we could possibly have been without his action.

POST-OFFICE DEPARTMENT.

A complete exhibit is presented in the accompanying report of the Postmaster-General of the operations of the Post-Office Department during the year. The ordinary postal revenues for the fiscal year ended ~~June 30~~, 1873, amounted to \$22,996,741.57, and the expenditures of all kinds to \$29,084,945.67. The increase of revenues over 1872 was \$1,081,315.20, and the increase of expenditures \$2,426,753.36.

Independent of the payments made from special appropriations for mail steamship lines, the amount drawn from the General Treasury to meet deficiencies was \$5,265,475. The constant and rapid extension of our postal service, particularly upon railways, and the improved facilities for the collection, transmission, distribution, and delivery of the mails which are constantly being provided account for the increased expenditures of this popular branch of the public service.

The total number of post-offices in operation on June 30, 1873, was 33,244, a net increase of 1,381 over the number reported the preceding year. The number of Presidential offices was 1,363, an increase of 163 during the year. The total length of railroad mail routes at the close of the year was 63,457 miles, an increase of 5,546 miles over the year 1872. Fifty-nine railway post-office lines were in operation June 30, 1873, extending over 14,866 miles of railroad routes and performing an aggregate service of 34,925 miles daily.

The number of letters exchanged with foreign countries was 27,459,185, an increase of 3,096,685 over the previous year, and the postage thereon amounted to \$2,021,310.86. The total weight of correspondence exchanged in the mails with European countries exceeded 912 tons, an increase of 92 tons over the previous year. The total cost of the United States ocean steamship service, including \$725,000 paid from special appropriations to subsidized lines of mail steamers, was \$1,047,271.35.

New or additional postal conventions have been concluded with Sweden, Norway, Belgium, Germany, Canada, Newfoundland, and Japan,



reducing postage rates on correspondence exchanged with those countries; and further efforts have been made to conclude a satisfactory postal convention with France, but without success.

I invite the favorable consideration of Congress to the suggestions and recommendations of the Postmaster-General for an extension of the free-delivery system in all cities having a population of not less than 10,000; for the prepayment of postage on newspapers and other printed matter of the second class; for a uniform postage and limit of weight on miscellaneous matter; for adjusting the compensation of all postmasters not appointed by the President, by the old method of commissions on the actual receipts of the office, instead of the present mode of fixing the salary in advance upon special returns; and especially do I urge favorable action by Congress on the important recommendations of the Postmaster-General for the establishment of United States postal savings depositories.

Your attention is also again called to a consideration of the question of postal telegraphs and the arguments adduced in support thereof, in the hope that you may take such action in connection therewith as in your judgment will most contribute to the ~~best~~ interests of the country.

DEPARTMENT OF JUSTICE.

—Affairs in Utah require your early and special attention. The Supreme Court of the United States, in the case of *Clinton vs. Englebrecht*, decided that the United States marshal of that Territory could not lawfully summon jurors for the district courts; and those courts hold that the Territorial marshal can not lawfully perform that duty, because he is elected by the legislative assembly, and not appointed as provided for in the act organizing the Territory. All proceedings at law are practically abolished by these decisions, and there have been but few or no jury trials in the district courts of that Territory since the last session of Congress. Property is left without protection by the courts, and crimes go unpunished. To prevent anarchy there it is absolutely necessary that Congress provide the courts with some mode of obtaining jurors, and I recommend legislation to that end, and also that the probate courts of the Territory, now assuming to issue writs of injunction and *habeas corpus* and to try criminal cases and questions as to land titles, be denied all jurisdiction not possessed ordinarily by courts of that description.

I have become impressed with the belief that the act approved March 2, 1867, entitled "An act to establish a uniform system of bankruptcy throughout the United States," is productive of more evil than good at this time. Many considerations might be urged for its total repeal, but, if this is not considered advisable, I think it will not be seriously questioned that those portions of said act providing for what is called involuntary bankruptcy operate to increase the financial embarrassments of the country. Careful and prudent men very often become involved in debt

in the transaction of their business, and though they may possess ample property, if it could be made available for that purpose, to meet all their liabilities, yet, on account of the extraordinary scarcity of money, they may be unable to meet all their pecuniary obligations as they become due, in consequence of which they are liable to be prostrated in their business by proceedings in bankruptcy at the instance of unrelenting creditors. People are now so easily alarmed as to monetary matters that the mere filing of a petition in bankruptcy by an unfriendly creditor will necessarily embarrass, and oftentimes accomplish the financial ruin, of a responsible business man. Those who otherwise might make lawful and just arrangements to relieve themselves from difficulties produced by the present stringency in money are prevented by their constant exposure to attack and disappointment by proceedings against them in bankruptcy, and, besides, the law is made use of in many cases by obdurate creditors to frighten or force debtors into a compliance with their wishes and into acts of injustice to other creditors and to themselves. I recommend that so much of said act as provides for involuntary bankruptcy on account of the suspension of payment be repealed.

Your careful attention is invited to the subject of claims against the Government and to the facilities afforded by existing laws for their prosecution. Each of the Departments of State, Treasury, and War has demands for many millions of dollars upon its files, and they are rapidly accumulating. To these may be added those now pending before Congress, the Court of Claims, and the Southern Claims Commission, making in the aggregate an immense sum. Most of these grow out of the rebellion, and are intended to indemnify persons on both sides for their losses during the war; and not a few of them are fabricated and supported by false testimony. Projects are on foot, it is believed, to induce Congress to provide for new classes of claims, and to revive old ones through the repeal or modification of the statute of limitations, by which they are now barred. I presume these schemes, if proposed, will be received with little favor by Congress, and I recommend that persons having claims against the United States cognizable by any tribunal or Department thereof be required to present them at an early day, and that legislation be directed as far as practicable to the defeat of unfounded and unjust demands upon the Government; and I would suggest, as a means of preventing fraud, that witnesses be called upon to appear in person to testify before those tribunals having said claims before them for adjudication. Probably the largest saving to the National Treasury can be secured by timely legislation on these subjects of any of the economic measures that will be proposed.

You will be advised of the operations of the Department of Justice by the report of the Attorney-General, and I invite your attention to the amendments of existing laws suggested by him, with the view of reducing the expenses of that Department.

## DEPARTMENT OF THE INTERIOR.

The policy inaugurated toward the Indians at the beginning of the last Administration has been steadily pursued, and, I believe, with beneficial results. It will be continued with only such modifications as time and experience may demonstrate as necessary.

With the encroachment of civilization upon the Indian reservations and hunting grounds, disturbances have taken place between the Indians and whites during the past year, and probably will continue to do so until each race appreciates that the other has rights which must be respected.

The policy has been to collect the Indians as rapidly as possible on reservations, and as far as practicable within what is known as the Indian Territory, and to teach them the arts of civilization and self-support. Where found off their reservations, and endangering the peace and safety of the whites, they have been punished, and will continue to be for like offenses.

The Indian Territory south of Kansas and west of Arkansas is sufficient in area and agricultural resources to support all the Indians east of the Rocky Mountains. In time, no doubt, all of them, except a few who may elect to make their homes among white people, will be collected there. As a preparatory step for this consummation, I am now satisfied that a Territorial form of government should be given them, which will secure the treaty rights of the original settlers and protect their homesteads from alienation for a period of twenty years.

The operations of the Patent Office are growing to such a magnitude and the accumulation of material is becoming so great that the necessity of more room is becoming more obvious day by day. I respectfully invite your attention to the reports of the Secretary of the Interior and Commissioner of Patents on this subject.

The business of the General Land Office exhibits a material increase in all its branches during the last fiscal year. During that time there were disposed of out of the public lands 13,030,606 acres, being an amount greater by 1,165,631 acres than was disposed of during the preceding year. Of the amount disposed of, 1,626,266 acres were sold for cash, 214,940 acres were located with military land warrants, 3,793,612 acres were taken for homesteads, 653,446 acres were located with agricultural-college scrip, 6,083,536 acres were certified by railroads, 76,576 acres were granted to wagon roads, 238,548 acres were approved to States as swamp lands, 138,681 acres were certified for agricultural colleges, common schools, universities, and seminaries, 190,775 acres were approved to States for internal improvements, and 14,222 acres were located with Indian scrip. The cash receipts during the same time were \$3,408,515.50, being \$190,415.50 in excess of the receipts of the previous year. During the year 30,488,132 acres of public land were surveyed, an increase

over the amount surveyed the previous year of 1,037,193 acres, and, added to the area previously surveyed, aggregates 616,554,895 acres which have been surveyed, leaving 1,218,443,505 acres of the public land still unsurveyed.

The increased and steadily increasing facilities for reaching our unoccupied public domain and for the transportation of surplus products enlarge the available field for desirable homestead locations, thus stimulating settlement and extending year by year in a gradually increasing ratio the area of occupation and cultivation.

The expressed desire of the representatives of a large colony of citizens of Russia to emigrate to this country, as is understood, with the consent of their Government, if certain concessions can be made to enable them to settle in a compact colony, is of great interest, as going to show the light in which our institutions are regarded by an industrious, intelligent, and wealthy people, desirous of enjoying civil and religious liberty; and the acquisition of so large an immigration of citizens of a superior class would without doubt be of substantial benefit to the country. I invite attention to the suggestion of the Secretary of the Interior in this behalf.

There was paid during the last fiscal year for pensions, including the expense of disbursement, \$29,185,289.62, being an amount less by \$984,050.98 than was expended for the same purpose the preceding year. Although this statement of expenditures would indicate a material reduction in amount compared with the preceding year, it is believed that the changes in the pension laws at the last session of Congress will absorb that amount the current year. At the close of the last fiscal year there were on the pension rolls 99,804 invalid military pensioners and 112,088 widows, orphans, and dependent relatives of deceased soldiers, making a total of that class of 211,892; 18,266 survivors of the War of 1812 and 5,053 widows of soldiers of that war pensioned under the act of Congress of February 14, 1871, making a total of that class of 23,319; 1,430 invalid navy pensioners and 1,770 widows, orphans, and dependent relatives of deceased officers, sailors, and marines of the Navy, making a total of navy pensioners of 3,200, and a grand total of pensioners of all classes of 238,411, showing a net increase during the last fiscal year of 6,182. During the last year the names of 16,405 pensioners were added to the rolls, and 10,223 names were dropped therefrom for various causes.

The system adopted for the detection of frauds against the Government in the matter of pensions has been productive of satisfactory results, but legislation is needed to provide, if possible, against the perpetration of such frauds in future.

The evidently increasing interest in the cause of education is a most encouraging feature in the general progress and prosperity of the country, and the Bureau of Education is earnest in its efforts to give proper direction to the new appliances and increased facilities which are being offered to aid the educators of the country in their great work.

The Ninth Census has been completed, the report thereof published and distributed, and the working force of the Bureau disbanded. The Secretary of the Interior renews his recommendation for a census to be taken in 1875, to which subject the attention of Congress is invited. The original suggestion in that behalf has met with the general approval of the country; and even if it be not deemed advisable at present to provide for a regular quinquennial census, a census taken in 1875, the report of which could be completed and published before the one hundredth anniversary of our national independence, would be especially interesting and valuable, as showing the progress of the country during the first century of our national existence. It is believed, however, that a regular census every five years would be of substantial benefit to the country, inasmuch as our growth hitherto has been so rapid that the results of the decennial census are necessarily unreliable as a basis of estimates for the latter years of a decennial period.

#### DISTRICT OF COLUMBIA.

Under the very efficient management of the governor and the board of public works of this District the city of Washington is rapidly assuming the appearance of a capital of which the nation may well be proud. From being a most unsightly place three years ago, disagreeable to pass through in summer in consequence of the dust arising from unpaved streets, and almost impassable in ~~the~~ winter from the mud, it is now one of the most sightly cities in the country, and can boast of being the best paved.

The work has been done systematically, the plans, grades, location of sewers, water and gas mains being determined upon before the work was commenced, thus securing permanency when completed. I question whether so much has ever been accomplished before in any American city for the same expenditures. The Government having large reservations in the city, and the nation at large having an interest in their capital, I recommend a liberal policy toward the District of Columbia, and that the Government should bear its just share of the expense of these improvements. Every citizen visiting the capital feels a pride in its growing beauty, and that he too is part owner in the investments made here.

I would suggest to Congress the propriety of promoting the establishment in this District of an institution of learning, or university of the highest class, by the donation of lands. There is no place better suited for such an institution than the national capital. There is no other place in which every citizen is so directly interested.

#### CIVIL-SERVICE REFORM.

In three successive messages to Congress I have called attention to the subject of "civil-service reform."

Action has been taken so far as to authorize the appointment of a

board to devise rules governing methods of making appointments and promotions, but there never has been any action making these rules, or any rules, binding, or even entitled to observance, where persons desire the appointment of a friend or the removal of an official who may be disagreeable to them.

To have any rules effective they must have the acquiescence of Congress as well as of the Executive. I commend, therefore, the subject to your attention, and suggest that a special committee of Congress might confer with the Civil-Service Board during the present session for the purpose of devising such rules as can be maintained, and which will secure the services of honest and capable officials, and which will also protect them in a degree of independence while in office.

Proper rules will protect Congress, as well as the Executive, from much needless persecution, and will prove of great value to the public at large.

I would recommend for your favorable consideration the passage of an enabling act for the admission of Colorado as a State in the Union. It possesses all the elements of a prosperous State, agricultural and mineral, and, I believe, has a population now to justify such admission. In connection with this I would also recommend the encouragement of a canal for purposes of irrigation from the eastern slope of the Rocky Mountains to the Missouri River. As a rule I am opposed to further donations of public lands for internal improvements owned and controlled by private corporations, but in this instance I would make an exception. Between the Missouri River and the Rocky Mountains there is an arid belt of public land from 300 to 500 miles in width, perfectly valueless for the occupation of man, for the want of sufficient rain to secure the growth of any product. An irrigating canal would make productive a belt as wide as the supply of water could be made to spread over across this entire country, and would secure a cordon of settlements connecting the present population of the mountain and mining regions with that of the older States. All the land reclaimed would be clear gain. If alternate sections are retained by the Government, I would suggest that the retained sections be thrown open to entry under the homestead laws, or sold to actual settlers for a very low price.

I renew my previous recommendation to Congress for general amnesty. The number engaged in the late rebellion yet laboring under disabilities is very small, but enough to keep up a constant irritation. No possible danger can accrue to the Government by restoring them to eligibility to hold office.

I suggest for your consideration the enactment of a law to better secure the civil rights which freedom should secure, but has not effectually secured, to the enfranchised slave.

U. S. GRANT.

## SPECIAL MESSAGES.

WASHINGTON, *December 2, 1873.**To the Senate and House of Representatives:*

I herewith transmit to Congress a report, dated the 2d instant, with accompanying papers,\* received from the Secretary of State, in compliance with the requirements of the sixteenth and eighteenth sections of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

U. S. GRANT.

WASHINGTON, *January 5, 1874.**To the Senate of the United States:*

I transmit, for the consideration of the Senate with a view to ratification, a convention for the surrender of criminals between the United States of America and the Republic of Honduras, which was signed at Comayagua on the 4th day of June, 1873.

U. S. GRANT. —

WASHINGTON, *January 5, 1874.**To the Senate and House of Representatives:*

In my annual message of December last I gave reason to expect that when the full and accurate text of the correspondence relating to the steamer *Virginus*, which had been telegraphed in cipher, should be received the papers concerning the capture of the vessel, the execution of a part of its passengers and crew, and the restoration of the ship and the survivors would be transmitted to Congress.

In compliance with the expectations then held out, I now transmit the papers and correspondence on that subject.

On the 26th day of September, 1870, the *Virginus* was registered in the custom-house at New York as the property of a citizen of the United States, he having first made oath, as required by law, that he was "the true and only owner of the said vessel, and that there was no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested therein."

Having complied with the requisites of the statute in that behalf, she cleared in the usual way for the port of Curaçoa, and on or about the 4th day of October, 1870, sailed for that port. It is not disputed that she made the voyage according to her clearance, nor that from that day to this she has not returned within the territorial jurisdiction of the United States. It is also understood that she preserved her American papers,

\* Report of fees collected, etc., by consular officers of the United States for 1872, list of consular officers and their official residences, and tariff of consular fees.

and that when within foreign ports she made the practice of putting forth a claim to American nationality, which was recognized by the authorities at such ports.

When, therefore, she left the port of Kingston, in October last, under the flag of the United States, she would appear to have had, as against all powers except the United States, the right to fly that flag and to claim its protection, as enjoyed by all regularly documented vessels registered as part of our commercial marine.

No state of war existed conferring upon a maritime power the right to molest and detain upon the high seas a documented vessel, and it can not be pretended that the *Virginus* had placed herself without the pale of all law by acts of piracy against the human race.

If her papers were irregular or fraudulent, the offense was one against the laws of the United States, justiciable only in their tribunals.

When, therefore, it became known that the *Virginus* had been captured on the high seas by a Spanish man-of-war; that the American flag had been hauled down by the captors; that the vessel had been carried to a Spanish port, and that Spanish tribunals were taking jurisdiction over the persons of those found on her, and exercising that jurisdiction upon American citizens, not only in violation of the rules of international law, but in contravention of the provisions of the treaty of 1795, I directed a demand to be made upon Spain for the restoration of the vessel and for the return of the survivors to the protection of the United States, for a salute to the flag, and for the punishment of the offending parties.

The principles upon which these demands rested could not be seriously questioned, but it was suggested by the Spanish Government that there were grave doubts whether the *Virginus* was entitled to the character given her by her papers, and that therefore it might be proper for the United States, after the surrender of the vessel and the survivors, to dispense with the salute to the flag, should such fact be established to their satisfaction.

This seemed to be reasonable and just. I therefore assented to it, on the assurance that Spain would then declare that no insult to the flag of the United States had been intended.

I also authorized an agreement to be made that should it be shown to the satisfaction of this Government that the *Virginus* was improperly bearing the flag proceedings should be instituted in our courts for the punishment of the offense committed against the United States. On her part Spain undertook to proceed against those who had offended the sovereignty of the United States, or who had violated their treaty rights.

The surrender of the vessel and the survivors to the jurisdiction of the tribunals of the United States was an admission of the principles upon which our demands had been founded. I therefore had no hesitation in agreeing to the arrangement finally made between the two Governments—an arrangement which was moderate and just, and calculated to



cement the good relations which have so long existed between Spain and the United States.

Under this agreement the *Virginus*, with the American flag flying, was delivered to the Navy of the United States at Bahia Honda, in the island of Cuba, on the 16th ultimo. She was then in an unseaworthy condition. In the passage to New York she encountered one of the most tempestuous of our winter storms. At the risk of their lives the officers and crew placed in charge of her attempted to keep her afloat. Their efforts were unavailing, and she sank off Cape Fear. The prisoners who survived the massacres were surrendered at Santiago de Cuba on the 18th ultimo, and reached the port of New York in safety.

The evidence submitted on the part of Spain to establish the fact that the *Virginus* at the time of her capture was improperly bearing the flag of the United States is transmitted herewith, together with the opinion of the Attorney-General thereon and a copy of the note of the Spanish minister, expressing on behalf of his Government a disclaimer of an intent of indignity to the flag of the United States.

U. S. GRANT.

WASHINGTON, *January 5, 1874.*

*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 Republic of Salvador, which was signed at San Salvador on the 12th of May last, stipulating for an extension of the period for exchanging the ratifications of the treaty of amity, commerce, and consular privileges concluded between the two countries on the 6th December, 1870.

U. S. GRANT.

WASHINGTON, *January 5, 1874.*

*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 Republic of Salvador, which was signed at San Salvador on the 12th of May last, for an extension of the period for exchanging the ratifications of the treaty for the extradition of criminals concluded between the two countries on the 23d of May, 1870.

U. S. GRANT.

WASHINGTON, *January 6, 1874.*

*To the Senate of the United States:*

I transmit to the Senate an "agreement," signed at Lima on the 5th of June last by Mr. Francis Thomas, envoy extraordinary and minister plenipotentiary of the United States, and Mr. José de la Riva Agüero,

minister for foreign affairs of Peru, providing for an extension of the time for the exchange of the ratifications of the treaty of friendship, commerce, and navigation and the treaty of extradition between the United States and Peru of the 6th and 12th of September, 1870, respectively. The limit of the proposed extension is to be nine months from the time when the Senate of the United States may approve thereof. The expediency of this approval is consequently submitted to the consideration of the Senate. The instruments themselves were approved by that body on the 31st of March, 1871, and they were ratified by me in order that our ratifications might be ready for exchange for those of Peru. The omission of the latter seasonably to perform that act is understood to have been occasioned solely by the delay in the meeting of the Congress of that Republic, whose sanction, pursuant to its constitution, was necessary.

U. S. GRANT.

EXECUTIVE MANSION,  
*Washington, January 7, 1874.*

*To the House of Representatives:*

In reply to the resolution of the House of Representatives of the 15th of last December, requesting a revision of the estimates for the expenses of the Government for the fiscal year ending June 30, 1875, I have the honor to transmit herewith amended estimates and replies from the several Departments.

U. S. GRANT.

EXECUTIVE MANSION, *January 8, 1874.*

*To the Senate and House of Representatives:*

In compliance with the act of Congress approved March 3, 1873, entitled "An act to authorize inquiries into the causes of steam-boiler explosions," I directed the Secretaries of the Treasury and Navy Departments to create a commission to conduct the experiments and collect the information contemplated by the act. Such a commission was created, and I have the honor to submit herewith a report of the result of their labors to the present time.

U. S. GRANT.

EXECUTIVE MANSION, *January 13, 1874.*

*To the Senate of the United States:*

Since nominating the Hon. Caleb Cushing for Chief Justice of the Supreme Court of the United States information has reached me which induces me to withdraw him from nomination as the highest judicial officer of the Government, and I do therefore hereby withdraw said nomination.

U. S. GRANT.

EXECUTIVE MANSION, *January 19, 1874.*

*To the Senate of the United States:*

In reply to the resolution of the Senate of the 8th instant, requesting information "relative to any unauthorized occupation or invasion of or encroachment upon the Indian Territory, so called, by individuals or bodies of men, in violation of treaty stipulations," I have the honor to submit herewith the reply of the Secretary of the Interior, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *January 27, 1874.*

*To the Senate of the United States:*

I transmit, for the consideration of the Senate with a view to its ratification, a protocol relative to a claim on the Government of Chile in the case of the ship *Good Return*.

U. S. GRANT.

WASHINGTON, *February 6, 1874.*

*To the House of Representatives:*

I transmit to the House of Representatives, in answer to their resolution of the 16th ultimo, a report from the Secretary of State, with accompanying papers.\*

U. S. GRANT.

WASHINGTON, *February 6, 1874.*

*To the Senate and House of Representatives:*

I transmit herewith a copy of a communication, dated the 22d ultimo, received from the governor of the State of New York, in which it is announced that, in accordance with the invitation of Congress as expressed in the act approved July 2, 1864, that State now presents for acceptance a bronze statue of George Clinton, deceased, one of its distinguished citizens.

U. S. GRANT.

EXECUTIVE MANSION,  
*Washington, February 9, 1874.*

*To the House of Representatives:*

I have the honor to transmit herewith the report of the Secretary of the Department of the Interior, to whom was referred the resolution of the House of Representatives of January 7, requesting "a statement of the extent and nature of the contracts, purchases, and expenditures for the Indian service made since July 1, 1873, setting forth which, if any, of them were made or entered into without conference with the Board of Indian

\* Correspondence relative to the refusal of the United States consul at Cadiz, Spain, to certify invoices of wine shipped from that port, etc.

Commissioners appointed by the President, and the extent and description of contracts and vouchers objected to by said board, stating to what extent payments have been made thereon against their remonstrance.”

U. S. GRANT.

EXECUTIVE MANSION,  
*Washington, February 10, 1874.*

*To the House of Representatives:*

I have the honor to transmit herewith reports from the Secretaries of the War Department and Department of the Interior, to whom were referred the resolutions of the House of Representatives of the 7th of January last, requesting “copies of all the correspondence between the different Departments of the Government and the peace commissioners during the war with the Modoc Indians in southern Oregon and northern California during the years 1872 and 1873; also copies of all the correspondence with and orders issued to the military authorities engaged in said war up to the period of the removal of said Modoc Indians from the States of Oregon and California.”

U. S. GRANT.

WASHINGTON, *February 17, 1874.*

*To the Senate and House of Representatives:*

I transmit herewith a communication from the Secretary of State and accompanying papers.\*

U. S. GRANT.

EXECUTIVE MANSION, *February 19, 1874.*

*To the Senate and House of Representatives:*

I have the honor to transmit herewith a memorial upon the “cultivation of timber and the preservation of forests,” and a draft of a joint resolution prepared by the American Association for the Advancement of Science, together with a communication from the Commissioner of the General Land Office upon the same subject.

U. S. GRANT.

EXECUTIVE MANSION,  
*Washington, February 25, 1874.*

*To the Senate and House of Representatives:*

I have the honor herewith to submit the report of the Centennial Commissioners, and to add a word in the way of recommendation.

There have now been international expositions held by three of the great powers of Europe. It seems fitting that the one hundredth anniversary of our independence should be marked by an event that will

\*Report of John M. Thacher, United States delegate to the International Patent Congress held at Vienna in August, 1873, and exhibits.

display to the world the growth and progress of a nation devoted to freedom and to the pursuit of fame, fortune, and honors by the lowest citizen as well as the highest. A failure in this enterprise would be deplorable. Success can be assured by arousing public opinion to the importance of the occasion.

To secure this end, in my judgment, Congressional legislation is necessary to make the exposition both national and international.

The benefits to be derived from a successful international exposition are manifold. It will necessarily be accompanied by expenses beyond the receipts from the exposition itself, but they will be compensated for many fold by the commingling of people from all sections of our own country; by bringing together the people of different nationalities; by bringing into juxtaposition, for ready examination, our own and foreign skill and progress in manufactures, agriculture, art, science, and civilization.

The selection of the site for the exposition seems to me appropriate, from the fact that one hundred years before the date fixed for the exposition the Declaration of Independence, which launched us into the galaxy of nations as an independent people, emanated from the same spot.

We have much in our varied climate, soil, mineral products, and skill of which advantage can be taken by other nationalities to their profit. In return they will bring to our shores works of their skill and familiarize our people with them, to the mutual advantage of all parties.

Let us have a complete success in our Centennial Exposition or suppress it in its infancy, acknowledging our inability to give it the international character to which our self-esteem aspires.

U. S. GRANT.

EXECUTIVE MANSION,  
*Washington, D. C., March 4, 1874.*

*To the House of Representatives:*

I have the honor to transmit herewith replies from the several Departments, in answer to a resolution of the House of Representatives of the 16th of January last, requesting a list of all expenses incurred by the various Departments for transportation of any matter which before the abolition of the franking privilege was carried in the mails.

U. S. GRANT.

WASHINGTON, *March 20, 1874.*

*To the Senate of the United States:*

I transmit herewith, for the consideration of the Senate and with a view to its ratification, a convention concluded between the United States and Belgium on the 19th March, 1874, concerning extradition.

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U. S. GRANT

EXECUTIVE MANSION, *March 23, 1874.**To the Senate and House of Representatives:*

I have the honor to transmit herewith the report of the board of commissioners on the irrigation of the San Joaquin, Tulare, and Sacramento valleys, of the State of California, and also the original maps accompanying said report.

U. S. GRANT.

EXECUTIVE MANSION, *Washington, April 18, 1874.**To the Senate and House of Representatives:*

Herewith I transmit the report of the Civil Service Commission authorized by the act of Congress of March 3, 1871, and invite your special attention thereto.

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 heretofore 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; but rules applicable to officers who are to be appointed by and with the advice and consent of the Senate are in great measure ~~impracticable~~, except in so far as they may be sustained by the action of that body. This must necessarily remain so unless the direct sanction of the Senate is given to the rules.

I advise for the present only such appropriation as may be adequate to continue the work in its present form, and would leave to the future to determine whether the direct sanction of Congress should be given to rules that may, perhaps, be devised for regulating the method of selection of appointees, or a portion of them, who need to be confirmed by the Senate.

The same amount appropriated last year would be adequate for the coming year, but I think the public interest would be promoted by authority in the Executive for allowing a small compensation for special service performed beyond usual office hours, under the act of 1871, to persons already in the service of the Government.

U. S. GRANT.

WASHINGTON, *April 21, 1874.**To the Senate and House of Representatives:*

I transmit herewith to the Senate and House of Representatives a communication from the Secretary of State and the report by which it is accompanied, upon Samoan or Navigators Islands.

U. S. GRANT.

EXECUTIVE MANSION,

*Washington, April 23, 1874.**To the House of Representatives:*

I transmit herewith the papers called for by the resolution of the House of Representatives of the 20th instant, requesting all correspondence by telegraph or otherwise between the persons claiming to be governor of Arkansas and myself relating to the troubles in that State, together with copies of any order or directions given by me or under my direction to the military officer in charge of the garrison or in command of the United States troops at Little Rock.

U. S. GRANT.

EXECUTIVE MANSION,

*Washington, April 28, 1874.**To the House of Representatives:*

I have the honor to transmit herewith additional correspondence received since my communication of the 23d instant, in reply to the resolution of the House of Representatives of the 20th instant, requesting copies of correspondence between persons claiming to be governor of Arkansas and myself relating to troubles in that State.

U. S. GRANT.

EXECUTIVE MANSION,

*Washington, April 30, 1874.**To the House of Representatives:*

In pursuance of the resolution of the House of Representatives of the 15th instant, requesting to be informed "what geographical and geological surveys under different Departments and branches of the Government are operating in the same and contiguous areas of territory west of the Mississippi River, and whether it be not practicable to consolidate them under one Department or to define the geographical limits to be embraced by each," I have the honor to transmit herewith the views of the officers of the War and Interior Departments on the subjects named in the said resolution, and invite attention thereto.

Where surveys are made with the view of sectionizing the public lands, preparatory to opening them for settlement or entry, there is no question but such surveys and all work connected therewith should be under the direct control of the Interior Department or the Commissioner of the General Land Office, subject to the supervision of the Secretary of the Interior. But where the object is to complete the map of the country; to determine the geographical, astronomical, geodetic, topographic, hydrographic, meteorological, geological, and mineralogical features of the country—in other words, to collect full information of the unexplored or but partially known portions of the country—it seems to me a matter

of no importance as to which Department of the Government should have control of the work. The conditions which should control this subject are, in my judgment, first, which Department is prepared to do the work best; second, which can do it the most expeditiously and economically.

As the country to be explored is occupied in great part by uncivilized Indians, all parties engaged in the work at hand must be supplied with escorts from the Army, thus placing a large portion of the expense upon the War Department; and as the Engineer Corps of the Army is composed of scientific gentlemen, educated and practiced for just the kind of work to be done, and as they are under pay whether employed in this work or not, it would seem that the second condition named would be more fully complied with by employing them to do the work. There is but little doubt that they will accomplish it as promptly and as well, and much more economically.

U. S. GRANT.

WASHINGTON, May 19, 1874.

*To the House of Representatives:*

I transmit herewith, in answer to the resolution of the House of Representatives of the 9th instant, a report\* from the Secretary of State, with accompanying papers.

U. S. GRANT.

WASHINGTON, May 25, 1874.

*To the Senate and House of Representatives:*

In response to the resolution of the Senate of the 15th instant, I have the honor to transmit herewith "all papers and correspondence relating to the troubles in the State of Arkansas not heretofore communicated to either House of Congress."

U. S. GRANT.

WASHINGTON, May 25, 1874.

*To the Senate and House of Representatives:*

I have the honor to transmit, in response to the resolution of the Senate of the 18th instant, requesting "the answers in full received by the Civil Service Commission in reply to their circular addressed to the various heads of Departments and bureaus requesting a report as to the operation and effect of the civil-service rules in the several Departments and offices," a copy of a letter received from the chairman of the Civil Service Commission, to whom the resolution was referred.

U. S. GRANT.

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\*Relating to the involuntary deportation to the United States of foreign convicts, paupers, idiots, insane persons, etc., and transmitting correspondence relative thereto.



WASHINGTON, May 26, 1874.

*To the Senate of the United States:*

I transmit herewith a report from the Secretary of State, and accompanying it copies of all papers on file or on record in the Department of State respecting the claim on Brazil concerning the *Caroline*.

U. S. GRANT.

WASHINGTON, May 26, 1874.

*To the Senate and House of Representatives:*

I transmit to the Senate and House of Representatives a communication from the Secretary of State and a copy of the report of the commissioners to inquire into depredations on the frontiers of Texas, by which it is accompanied.

U. S. GRANT.

WASHINGTON, June 15, 1874.

*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 the Emperor of Russia, concluded and signed at St. Petersburg on the 16/28 day of March last.

U. S. GRANT.

WASHINGTON, June 18, 1874.

*To the Senate of the United States:*

The plenipotentiaries of Her Britannic Majesty at Washington have submitted to the Secretary of State, for my consideration, a draft of a treaty for the reciprocal regulation of the commerce and trade between the United States and Canada, with provisions for the enlargement of the Canadian canals and for their use by United States vessels on terms of equality with British vessels. I transmit herewith a report from the Secretary of State, with a copy of the draft thus proposed.

I am of the opinion that a proper treaty for such purposes would result beneficially for the United States. It would not only open or enlarge markets for our products, but it would increase the facilities of transportation from the grain-growing States of the West to the seaboard.

The proposed draft has many features to commend it to our favorable consideration; but whether it makes all the concessions which could justly be required of Great Britain, or whether it calls for more concessions from the United States than we should yield, I am not prepared to say.

Among its provisions are articles proposing to dispense with the arbitration respecting the fisheries, which was provided for by the treaty of Washington, in the event of the conclusion and ratification of a treaty and the passage of all the necessary legislation to enforce it.

These provisions, as well as other considerations, make it desirable that

this subject should receive attention before the close of the present session. I therefore express an earnest wish that the Senate may be able to consider and determine before the adjournment of Congress whether it will give its constitutional concurrence to the conclusion of a treaty with Great Britain for the purposes already named, either in such form as is proposed by the British plenipotentiaries or in such other more acceptable form as the Senate may prefer.

U. S. GRANT.

WASHINGTON, *June 18, 1874.*

*To the Senate and House of Representatives:*

I transmit herewith a report from the Secretary of State and its accompanying papers.\*

U. S. GRANT.

EXECUTIVE MANSION, *Washington, June 20, 1874.*

*To the Senate and House of Representatives:*

I respectfully invite the attention of Congress to one feature of the bill entitled "An act for the government of the District of Columbia, and for other purposes." Provision is therein made for the payment of the debts of the District in bonds to be issued by the sinking-fund commissioners, running fifty years and bearing interest at the rate of 3.65 per cent per annum, with the payment of the principal and interest guaranteed by the United States.

The government by which these debts were created is abolished, and no other provision seems to be made for their payment. Judging from the transactions in other bonds, there are good grounds, in my opinion, for the apprehension that bonds bearing this rate of interest when issued will be worth much less than their equivalent in the current money of the United States. This appears to me to be unjust to those to whom these bonds are to be paid, and, to the extent of the difference between their face and real value, looks like repudiating the debts of the District. My opinion is that to require creditors of the District of Columbia to receive these bonds at par when it is apparent that to be converted into money they must be sold at a large discount will not only prove greatly injurious to the credit of the District, but will reflect unfavorably upon the credit and good faith of the United States.

I would recommend, therefore, that provision be made at the present session of Congress to increase the interest upon these bonds, so that when sold they will bring an equivalent in money, and that the Secretary of the Treasury be authorized to negotiate the sale of these bonds at not less than par and pay the proceeds thereof to those who may be ascertained to have valid claims against the District of Columbia.

U. S. GRANT.

\*Report of the United States delegates to the eighth session of the International Statistical Congress, held at St. Petersburg, Russia, in August, 1872, and appendix.

## VETO MESSAGES.

EXECUTIVE MANSION,

*Washington, April 10, 1874.**To the House of Representatives:*

I have the honor to herewith return to you without my approval House bill No. 1224, entitled "An act for the relief of William H. Denniston, late an acting second lieutenant, Seventieth New York Volunteers," for the reasons set forth in the accompanying letter of the Secretary of War.

U. S. GRANT.

WAR DEPARTMENT,

*Washington, D. C., April 8, 1874.*

The PRESIDENT.

SIR: I have the honor to return House bill No. 1224, "for the relief of William H. Denniston, late an acting second lieutenant, Seventieth New York Volunteers," with the remark that the name of William H. Denniston, as an officer or private, is not borne on any rolls of the Seventieth New York Volunteers on file in the Department. Of this fact the Committee on Military Affairs of the House of Representatives was informed by letter from the Adjutant-General's Office dated December 19, 1873.

No vacancy existed in Company D (the company claimed) of this regiment for a second lieutenant during the period claimed, Second Lieutenant J. B. Zeigler having filled that position to May 6, 1862, and Second Lieutenant James Stevenson from that date to June 25, 1862. On regimental return for July, 1862, Edward Shields is reported promoted second lieutenant June 15, 1862.

There is no evidence in the Department that he actually ~~served~~ as a second lieutenant for the time covered by the bill herewith, and it is therefore respectfully recommended that the bill be returned to the House of Representatives without approval.

When the records of the War Department, prepared under laws and regulations having in view the establishment and preservation of data necessary to the protection of the public interests as well as that of the claimants, fail to show service, it is a subject of importance to legalize a claim wherein the military department of the Government has not seen the order under which the alleged service may have been claimed. A precedent of the kind is beyond doubt an injury to the public interest, and will tend to other special acts of relief under which thousands of muster rolls certified at the date, under the Articles of War, as exhibiting the true state of the command will be invalidated, and large appropriations of money will be required to settle claims the justness of which can not always be determined at a date so remote from their origin.

Very respectfully, your obedient servant,

WM. W. BELKNAP,  
*Secretary of War.*EXECUTIVE MANSION, *April 22, 1874.**To the Senate of the United States:*

Herewith I return Senate bill No. 617, entitled "An act to fix the amount of United States notes and the circulation of national banks, and for other purposes," without my approval.

In doing so I must express my regret at not being able to give my —

assent to a measure which has received the sanction of a majority of the legislators chosen by the people to make laws for their guidance, and I have studiously sought to find sufficient arguments to justify such assent, but unsuccessfully.

Practically it is a question whether the measure under discussion would give an additional dollar to the irredeemable paper currency of the country or not, and whether by requiring three-fourths of the reserve to be retained by the banks and prohibiting interest to be received on the balance it might not prove a contraction.

But the fact can not be concealed that theoretically the bill increases the paper circulation \$100,000,000, less only the amount of reserves restrained from circulation by the provision of the second section. The measure has been supported on the theory that it would give increased circulation. It is a fair inference, therefore, that if in practice the measure should fail to create the abundance of circulation expected of it the friends of the measure, particularly those out of Congress, would clamor for such inflation as would give the expected relief.

The theory, in my belief, is a departure from true principles of finance, national interest, national obligations to creditors, Congressional promises, party pledges (on the part of both political parties), and of personal views and promises made by me in every annual message sent to Congress and in each inaugural address.

In my annual message to Congress in December, 1869, the following passages appear:

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Among the evils growing out of the rebellion, and not yet referred to, is that of an irredeemable currency. It is an evil which I hope will receive your most earnest attention. It is a duty, and one of the highest duties, of Government to secure to the citizen a medium of exchange of fixed, unvarying value. This implies a return to a specie basis, and no substitute for it can be devised. It should be commenced now and reached at the earliest practicable moment consistent with a fair regard to the interests of the debtor class. Immediate resumption, if practicable, would not be desirable. It would compel the debtor class to pay, beyond their contracts, the premium on gold at the date of their purchase, and would bring bankruptcy and ruin to thousands. Fluctuation, however, in the paper value of the measure of all values (gold) is detrimental to the interests of trade. It makes the man of business an involuntary gambler, for in all sales where future payment is to be made both parties speculate as to what will be the value of the currency to be paid and received. I earnestly recommend to you, then, such legislation as will insure a gradual return to specie payments and put an immediate stop to fluctuations in the value of currency.

I still adhere to the views then expressed.

As early as December 4, 1865, the House of Representatives passed a resolution, by a vote of 144 yeas to 6 nays, concurring "in the views of the Secretary of the Treasury in relation to the necessity of a contraction of the currency, with a view to as early a resumption of specie payments as the business interests of the country will permit," and pledging "cooperative action to this end as speedily as possible."

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The first act passed by the Forty-first Congress, [approved] on the 18th day of March, 1869, was as follows:

AN ACT to strengthen the public credit.

*Be it enacted, etc.,* That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the law by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or in other currency than gold and silver; but none of the said interest-bearing obligations not already due shall be redeemed or paid before maturity unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

This act still remains as a continuing pledge of the faith of the United States "to ~~make~~ provision at the earliest practicable period for the redemption of the United States notes in coin."

A declaration contained in the act of June 30, 1864, created an obligation that the total amount of United States notes issued or to be issued should never exceed \$400,000,000. The amount in actual circulation was actually reduced to \$356,000,000, at which point Congress passed the act of February 4, 1868, suspending the further reduction of the currency. The forty-four millions have ever been regarded as a reserve, to be used only in case of emergency, such as has occurred on several occasions, and must occur when from any cause revenues suddenly fall below expenditures; and such a reserve is necessary, because the fractional currency, amounting to fifty millions, is redeemable in legal tender on call.

It may be said that such a return of fractional currency for redemption is impossible; but let steps be taken for a return to a specie basis and it will be found that silver will take the place of fractional currency as rapidly as it can be supplied, when the premium on gold reaches a sufficiently low point. With the amount of United States notes to be issued permanently fixed within proper limits and the Treasury so strengthened as to be able to redeem them in coin on demand it will then be safe to inaugurate a system of free banking with such provisions as to make compulsory redemption of the circulating notes of the banks in coin, or in United States notes, themselves redeemable and made equivalent to coin.

As a measure preparatory to free banking, and for placing the Government in a condition to redeem its notes in coin "at the earliest practicable period," the revenues of the country should be increased so as to pay

current expenses, provide for the sinking fund required by law, and also a surplus to be retained in the Treasury in gold.

I am not a believer in any artificial method of making paper money equal to coin when the coin is not owned or held ready to redeem the promises to pay, for paper money is nothing more than promises to pay, and is valuable exactly in proportion to the amount of coin that it can be converted into. While coin is not used as a circulating medium, or the currency of the country is not convertible into it at par, it becomes an article of commerce as much as any other product. The surplus will seek a foreign market as will any other surplus. The balance of trade has nothing to do with the question. Duties on imports being required in coin creates a limited demand for gold. About enough to satisfy that demand remains in the country. To increase this supply I see no way open but by the Government hoarding through the means above given, and possibly by requiring the national banks to aid.

It is claimed by the advocates of the measure herewith returned that there is an unequal distribution of the banking capital of the country. I was disposed to give great weight to this view of the question at first, but on reflection it will be remembered that there still remains \$4,000,000 of authorized bank-note circulation assigned to States having less than their quota not yet taken. In addition to this the States having less than their quota of bank circulation have the option of twenty-five millions more to be taken from those States having more than their proportion. When this is all taken up, or when specie payments are fully restored or are in rapid process of restoration, will be the time to consider the question of "more currency."

U. S. GRANT.

EXECUTIVE MANSION,

*Washington, May 12, 1874.*

*To the House of Representatives:*

I return herewith without my signature House bill No. 1331, entitled "An act for the relief of Joab Spencer and James R. Mead for supplies furnished the Kansas tribe of Indians." I withheld my approval of said bill for reasons which satisfy me the claim should not be allowed for the entire amount stated in the bill, and which are set forth in the letter of the Secretary of the Interior of the 7th instant, a copy of which, with the accompanying papers, is herewith transmitted.

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,

*Washington, D. C., May 7, 1874.*

The PRESIDENT.

SIR: I have the honor to return herewith engrossed bill H. R. 1331, entitled "An act for the relief of Joab Spencer and James R. Mead for supplies furnished the Kansas tribe of Indians," and to state that said bill was the subject of a report made to the Department by the Commissioner of Indian Affairs on the 11th ultimo, with

which he submitted letters from Enoch Hoag, superintendent of Indian affairs, and Mahlon Stubbs, Indian agent, representing that the justness and correctness of the claim of Spencer & Mead had not been established, and suggesting that further proceedings in the premises be deferred until a thorough investigation of the facts and circumstances of the case could be had.

The suggestion of the Indian agent received the concurrence of the Commissioner of Indian Affairs and the approval of this Department, and on the 17th ultimo the attention of Congress was invited to the subject in a letter addressed to the Speaker of the House of Representatives by the Secretary of the Interior. At the latter date the bill appears to have been pending in the Senate, of which fact this Department at that time was not informed.

On the 5th instant the engrossed bill (H. R. No. 1331) was received by reference from the Executive Office, and forwarded to the Commissioner of Indian Affairs for a further report on the subject, and on the 6th instant that officer returned said bill to this Department with a letter presenting his views in relation to the matter and suggesting that the rights of the Indians and of Messrs. Spencer & Mead would be fully protected by a modification of the bill authorizing the Secretary of the Interior to pay such amount of their claim as might be found to be due. The suggestion meets the approval of this Department.

Copies of the papers connected with this claim are herewith submitted.\*

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

B. R. COWEN,  
*Acting Secretary.*

## PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Whereas certain turbulent and disorderly persons, pretending that Elisha Baxter, the present executive of Arkansas, was not elected, have combined together with force and arms to resist his authority as such executive and other authorities of said State; and

Whereas said Elisha Baxter has been declared duly elected by the general assembly of said State, as provided in the constitution thereof, and has for a long period been exercising the functions of said office, into which he was inducted according to the constitution and laws of said State, and ought by its citizens to be considered as the lawful executive thereof; and

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

Whereas said Elisha Baxter, under section 4 of Article IV of the Constitution of the United States and the laws passed in pursuance thereof,

\*Omitted.

has heretofore made application to me to protect said State and the citizens thereof against domestic violence; and

Whereas the general assembly of said State was convened in extra session at the capital thereof on the 11th instant, pursuant to a call made by said Elisha Baxter, and both houses thereof have passed a joint resolution also applying to me to protect the State against domestic violence; and

Whereas it is provided in the laws of the United States that in all cases of insurrection in any State or of obstruction to the laws thereof it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive when the legislature can not be convened, to employ such part of the land and naval forces as shall be judged necessary for the purpose of suppressing such insurrection or causing the laws to be duly executed; and

Whereas it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command all turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within ten days from this date, and hereafter to submit themselves to the lawful authority of said executive and the other constituted authorities of said State; and I invoke the aid and cooperation of all good citizens thereof to uphold law and preserve public peace.

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 15th day of May, A. D. 1874, and of the Independence of the United States the ninety-eighth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State*.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the thirty-third article of a treaty concluded at Washington on the 8th day of May, 1871, between the United States and Her Britannic Majesty, it was provided that—

Articles XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island on the one hand, and by the Congress of the United States on the other.



And whereas it is provided by Article XXXII of the treaty aforesaid that—

The provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland so far as they are applicable. But if the Imperial Parliament, the legislature of Newfoundland, or the Congress of the United States shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

And whereas by the second section of an act entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th day of May, 1871, relating to the fisheries," it is provided—

That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty from and after the date of a proclamation by the President of the United States declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said articles eighteenth to twenty-fifth, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty shall remain in force according to the terms and conditions of article thirty-third of said treaty.

And whereas the Secretary of State of the United States and Her Britannic Majesty's envoy extraordinary and minister plenipotentiary at Washington have recorded in a protocol of a conference held by them at the Department of State in Washington on the 28th day of May, 1874, in the following language:

PROTOCOL OF A CONFERENCE HELD AT WASHINGTON ON THE 28TH DAY OF  
MAY, 1874.

Whereas it is provided by Article XXXII of the treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland signed at Washington on the 8th of May, 1871, as follows:

"ARTICLE XXXII.

"It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland so far as they are applicable. But if the Imperial Parliament, the legislature of Newfoundland, or the Congress of the United States shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty;" and

Whereas an act was passed by the Senate and House of Representatives of the

United States of America in Congress assembled, and approved on the 1st day of March, 1873, by the President of the United States, entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th of May, 1871, relating to fisheries," by which act it is provided:

"SEC. 2. That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty from and after the date of a proclamation by the President of the United States declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said articles eighteenth to twenty-fifth, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty shall remain in force according to the terms and conditions of article thirty-third of said treaty;" and

Whereas an act was passed by the governor, legislative council, and assembly of Newfoundland, in legislative session convened, in the thirty-seventh year of Her Majesty's reign, and assented to by Her Majesty on the 12th day of May, 1874, intituled "~~An act to carry~~ into effect the provisions of the treaty of Washington as far as they relate to this colony:"

The undersigned, Hamilton Fish, Secretary of State of the United States, and the Right Hon. Sir Edward Thornton, one of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, having met together at Washington, and having found that the laws required to carry the Articles XVIII to XXV, inclusive, and Articles XXX and XXXII of the treaty aforesaid into operation have been passed by the Congress of the United States on the one part, and by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island and the legislature of Newfoundland on the other, hereby declare that Articles XVIII to XXV, inclusive, and Article XXX of the treaty between the United States of America and Her Britannic Majesty shall take effect in accordance with Article XXXIII of said treaty between the citizens of the United States of America and Her Majesty's subjects in the colony of Newfoundland on the 1st day of June next.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate at Washington, this 28th day of May, 1874.

[SEAL.]

HAMILTON FISH.

[SEAL.]

EDWD. THORNTON.

Now, therefore, I, Ulysses S. Grant, President of the United States of America, in pursuance of the premises, do hereby declare that I have received satisfactory evidence that the Imperial Parliament of Great Britain and the legislature of Newfoundland have passed laws on their part to give full effect to the provisions of the said treaty as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty.

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 29th day of May, A. D. 1874, and of the Independence of the United States of America the ninety-eighth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State*.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has been satisfactorily represented to me that turbulent and disorderly persons have combined together with force and arms to overthrow the State government of Louisiana and to resist the laws and constituted authorities of said State: and

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 it is provided in the laws of the United States that in all cases of insurrection in any State or of obstruction to the laws thereof ~~it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive when the legislature can not be convened, to call forth the militia of any other State or States, or to employ such part of the land and naval forces as shall be judged necessary, for the purpose of suppressing such insurrection or causing the laws to be duly executed; and~~

Whereas the legislature of said State is not now in session and can not be convened in time to meet the present emergency, and the executive of said State, under section 4 of Article IV of the Constitution of the United States and the laws passed in pursuance thereof, has therefore made application to me for such part of the military force of the United States as may be necessary and adequate to protect said State and the citizens thereof against domestic violence and to enforce the due execution of the laws; and

Whereas it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command said turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within five days from this date, and hereafter to submit themselves to the laws and constituted authorities of said State; and I invoke the aid

and cooperation of all good citizens thereof to uphold law and preserve the public peace.

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 15th day of September, A. D. 1874, and of the Independence of the United States the ninety-ninth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State*.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

We are reminded by the changing seasons that it is time to pause in our daily avocations and offer thanks to Almighty God for the mercies and abundance of the year which is drawing to a close.

The blessings of free government continue to be vouchsafed to us; the earth has responded to the labor of the husbandman; the land has been free from pestilence; internal order is being maintained, and peace with other powers has prevailed.

It is fitting that at stated periods we should cease from our accustomed pursuits and from the turmoil of our daily lives and unite in thankfulness for the blessings of the past and in the cultivation of kindly feelings toward each other.

Now, therefore, recognizing these considerations, I, Ulysses S. Grant, President of the United States, do recommend to all citizens to assemble in their respective places of worship on Thursday, the 26th day of November next, and express their thanks for the mercy and favor of Almighty God, and, laying aside all political contentions and all secular occupations, to observe such day as a day of rest, thanksgiving, and praise.

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 27th day of October, A. D. 1874, and of the Independence of the United States the ninety-ninth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State*.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to the second section of the act of Congress approved the 23d of March last, entitled "An act to authorize the President to accept for citizens of the United States the jurisdiction of certain

tribunals in the Ottoman dominions and Egypt, established or to be established under the authority of the Sublime Porte and of the Government of Egypt," the President is authorized, for the benefit of American citizens residing in the Turkish dominions, to accept the recent law of the Ottoman Porte ceding the right of foreigners possessing immovable property in said dominions; and

Whereas, pursuant to the authority thus in me vested, I have authorized George H. Boker, accredited as minister resident of the United States to the Ottoman Porte, to sign on behalf of this Government the protocol accepting the law aforesaid of the said Ottoman Porte, which protocol and law are, word for word, as follows:

[Translation.]

The United States of America and His Majesty the Sultan being desirous to establish by a special act the agreement entered upon between them regarding the admission of American citizens to the right of holding real estate granted to foreigners by the law promulgated on the 7th of Sepher, 1284 (January 18, 1867), have authorized:

The President of the United States of America, George H. Boker, minister resident of the United States of America near the Sublime Porte, and

His Imperial Majesty the Sultan, His Excellency A. Aarif Pasha, his minister of foreign affairs, to sign the protocol which follows:

#### PROTOCOL.

The law granting foreigners the right of holding real estate does not interfere with the immunities specified by the treaties, and which will continue to protect the person and the movable property of foreigners who may become owners of real estate.

As the exercise of this right of possessing real property may induce foreigners to establish themselves in larger numbers in the Ottoman Empire, the Imperial Government thinks it proper to anticipate and to prevent the difficulties to which the application of this law may give rise in certain localities. Such is the object of the arrangements which follow:

The domicile of any person residing upon the Ottoman soil being inviolable, and as no one can enter it without the consent of the owner, except by virtue of orders emanating from competent authority and with the assistance of the magistrate or functionary invested with the necessary powers, the residence of foreigners is inviolable on the same principle, in conformity with the treaties, and the agents of the public force can not enter it without the assistance of the consul or of the delegate of the consul of the power on which the foreigner depends.

By residence we understand the house of inhabitation and its dependencies; that is to say, the outhouses, courts, gardens, and neighboring inclosures, to the exclusion of all other parts of the property.

In the localities distant by less than nine hours' journey from the consular residence, the agents of the public force can not enter the residence of a foreigner without the assistance of a consul, as was before said.

On his part the consul is bound to give his immediate assistance to the local authority so as not to let six hours elapse between the moment which he may be informed and the moment of his departure or the departure of his delegate, so that the action of the authorities may never be suspended more than twenty-four hours.

In the localities distant by nine hours or more than nine hours of travel from the residence of the consular agent, the agents of the public force may, on the request of the local authority, and with the assistance of three members of the council of

the elders of the commune, enter into the residence of a foreigner without being assisted by the consular agent, but only in case of urgency and for the search and the proof of the crime of murder, of attempt at murder, of incendiarism, of armed robbery either with infraction or by night in an inhabited house, of armed rebellion, and of the fabrication of counterfeit money; and this entry may be made whether the crime was committed by a foreigner or by an Ottoman subject, and whether it took place in the residence of a foreigner or not in his residence, or in any other place.

These regulations are not applicable but to the parts of the real estate which constitute the residence, as it has been heretofore defined.

Beyond the residence the action of the police shall be exercised freely and without reserve; but in case a person charged with crime or offense should be arrested, and the accused shall be a foreigner, the immunities attached to his person shall be observed in respect to him.

The functionary or the officer charged with the accomplishment of a domiciliary visit in the exceptional circumstances determined before, and the members of the council of elders who shall assist him, will be obliged to make out a *procès verbal* of the domiciliary visit and to communicate it immediately to the superior authority under whose jurisdiction they are, and the latter shall transmit it to the nearest consular agent without delay.

A special regulation will be promulgated by the Sublime Porte to determine the mode of action of the local police in the several cases provided heretofore.

In localities more distant than nine hours' travel from the residence of the consular agent, in which the law of the judicial organization of the *velayet* may be in force, foreigners shall be tried without the assistance of the consular delegate by the council of elders fulfilling the function of justices of the peace, and by the tribunal of the canton, as well for actions not exceeding 1,000 piasters as for offenses entailing a fine of 500 piasters only at the maximum.

Foreigners shall have in any case the right of appeal to the tribunal of the arrondissement against the judgments issued as above stated, and the appeal shall be followed and judged with the assistance of the consul in conformity with the treaties.

The appeal shall always suspend the execution of a sentence.

In all cases the forcible execution of the judgments, issued on the conditions determined heretofore, shall not take place without the cooperation of the consul or of his delegate.

The Imperial Government will enact a law which shall determine the rules of procedure to be observed by the parties in the application of the preceding regulations.

Foreigners, in whatever locality they may be, may freely submit themselves to the jurisdiction of the council of elders or of the tribunal of the canton without the assistance of the consul in cases which do not exceed the competency of these councils or tribunals, reserving always the right of appeal before the tribunal of the arrondissement, where the case may be brought and tried with the assistance of the consul or his delegate.

The consent of a foreigner to be tried as above stated, without the assistance of his consul, shall always be given in writing and in advance of all procedure.

It is well understood that all these restrictions do not concern cases which have for their object questions of real estate, which shall be tried and determined under the conditions established by the law.

The right of defense and the publicity of the hearings shall be assured in all cases to foreigners who may appear before the Ottoman tribunals, as well as to Ottoman subjects.

The preceding dispositions shall remain in force until the revision of the ancient treaties, a revision which the Sublime Porte reserves to itself the right to bring about hereafter by an understanding between it and the friendly powers.

In witness whereof the respective plenipotentiaries have signed the protocol and have affixed thereto their seals.

Done at Constantinople the 11th of August, 1874.

[SEAL.]

(Signed)

A. AARIFI.

[SEAL.]

(Signed)

GEO. H. BOKER.

[Translation]

LAW CONCERNING TO FOREIGNERS THE RIGHT OF HOLDING REAL ESTATE IN  
THE OTTOMAN EMPIRE.

Imperial Rescript.—Let it be done in conformity with the contents. 7 Sepher, 1284  
(January 18, 1867).

With the object of developing the prosperity of the country, to put an end to the difficulties, to the abuses, and to the uncertainties which have arisen on the subject of the right of foreigners to hold property in the Ottoman Empire, and to complete, in accordance with a precise regulation, the safeguards which are due to financial interests and to administrative action, the following legislative enactments have been promulgated by the order of His Imperial Majesty the Sultan:

ARTICLE I. Foreigners are admitted by the same privilege as Ottoman subjects, and without any other restriction, to enjoy the right of holding real estate, whether in the city or the country, throughout the Empire, with the exception of the ~~Prov-~~vince of the Hédjaz, by submitting themselves to the laws and the regulations which govern Ottoman subjects as is hereafter stated.

This arrangement does not concern subjects of Ottoman birth who have changed their nationality, who shall be governed in this matter by a special law.

ART. II. Foreigners, proprietors of real estate in town or in country, are in consequence placed upon terms of equality with Ottoman subjects in all things that concern their landed property.

The legal effect of this equality is—

First. To oblige them to conform to all the laws and regulations of the police or of the municipality which govern at present or may govern hereafter the enjoyment, the transmission, the alienation, and the hypothecation of landed property.

Second. To pay all charges and taxes, under whatever form or denomination they may be, that are levied, or may be levied hereafter, upon city or country property.

Third. To render them directly amenable to the Ottoman civil tribunals in all questions relating to landed property and in all real actions, whether as plaintiffs or as defendants, even when either party is a foreigner. In short, they are in all things to hold real estate by the same title, on the same condition, and under the same forms as Ottoman owners, and without being able to avail themselves of their personal nationality, except under the reserve of the immunities attached to their persons and their movable goods, according to the treaties.

ART. III. In case of the bankruptcy of a foreigner possessing real estate, the assignees of the bankrupt may apply to the authorities and to the Ottoman civil tribunals requiring the sale of the real estate possessed by the bankrupt, and which by its nature and according to law is responsible for the debts of the owner.

The same course shall be followed when a foreigner shall have obtained against another foreigner owning real estate a judgment of condemnation before a foreign tribunal.

For the execution of this judgment against the real estate of his debtor he shall apply to the competent Ottoman authorities in order to obtain the sale of that real estate which is responsible for the debts of the owner; and this judgment shall be executed by the Ottoman authorities and tribunals only after they have decided

that the real estate of which the sale is required really belongs to the category of that property which may be sold for the payment of debt.

ART. IV. Foreigners have the privilege to dispose, by donation or by testament, of that real estate of which such disposition is permitted by law.

As to that real estate of which they may not have disposed or of which the law does not permit them to dispose by gift or testament, its succession shall be governed in accordance with Ottoman law.

ART. V. All foreigners shall enjoy the privileges of the present law as soon as the powers on which they depend shall agree to the arrangements proposed by the Sublime Porte for the exercise of the right to hold real estate.

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, have caused the said protocol and law to be made public for the information and guidance of citizens of the United States.

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. 1874, and of the Independence of the United States of America the ninety-ninth.

U. S. GRANT.

By the President:

HAMILTON FISH,  
*Secretary of State.*

## EXECUTIVE ORDERS.

BY THE PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER.

WASHINGTON, *January 23, 1874.*

Whereas it has been brought to the notice of the President of the United States that in the International Exhibition of Arts, Manufactures, and Products of the Soil and Mine to be held in the city of Philadelphia in the year 1876 for the purpose of celebrating the one hundredth anniversary of the independence of the United States it is desirable that from the Executive Departments of the Government of the United States in which there may be articles suitable for the purpose intended there should appear such articles and materials as will, when presented in a collective exhibition, illustrate the functions and administrative faculties of the Government in time of peace and its resources as a war power, and thereby serve to demonstrate the nature of our institutions and their adaptions to the wants of the people:

Now, for the purpose of securing a complete and harmonious arrangement of the articles and materials designed to be exhibited from the



Executive Departments of the Government, it is ordered that a board to be composed of one person to be named by the head of each of the Executive Departments which may have articles and materials to be exhibited, and also of one person to be named in behalf of the Smithsonian Institution and one to be named in behalf of the Department of Agriculture, be charged with the preparation, arrangement, and safe-keeping of such articles and materials as the heads of the several Departments and the Commissioner of Agriculture and the Director of the Smithsonian Institution may respectively decide shall be embraced in the collection; that one of the persons thus named, to be designated by the President, shall be chairman of such board, and that the board appoint from their own number such other officers as they may think necessary; and that the said board when organized be authorized, under the direction of the President, to confer with the executive officers of the Centennial Exhibition in relation to such matters connected with the subject as may pertain to the respective Departments having articles and materials on exhibition; and that the names of the persons thus selected by the heads of the several Departments, the Commissioner of Agriculture, and the Director of the Smithsonian Institution shall be submitted to the President for designation.

By order of the President:

HAMILTON FISH,  
*Secretary of State.*

GENERAL ORDERS, No. 22.

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, March 9, 1874.*

I. The following order has been received from the President of the United States:

EXECUTIVE MANSION,  
*Washington, March 9, 1874.*

It is with deep regret that the President announces to the people of the United States the death of Millard Fillmore, one of his honored predecessors, who died at Buffalo, N. Y., last evening.

The long-continued and useful public service and eminent purity of character of the deceased ex-President will be remembered beyond the days of mourning in which a nation will be thrown by the event which is thus announced.

As a mark of respect to his memory, it is ordered that the Executive Mansion and the several Departments at Washington be draped in mourning until the close of the day on which the funeral shall take place, and that all business be suspended on the day of the funeral.

It is further ordered that the War and Navy Departments cause suitable military and naval honors to be paid on the occasion to the memory of the eminent citizen whose life is now closed.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

II. In compliance with the President's instructions, the troops will be paraded at 10 o'clock a. m. on the day after the receipt of this order at each military post, when the order will be read to them, and the labors of that day will thereafter cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards at intervals of thirty minutes between the rising and setting sun a single gun, and at the close of the day a national salute of thirty-seven guns.

The officers of the Army will wear crape on the left arm and on their swords and the colors of the several regiments will be put in mourning for the period of thirty days.

By order of the Secretary of War:

E. D. TOWNSEND, *Adjutant-General.*

SPECIAL ORDER.

NAVY DEPARTMENT,

*Washington, March 9, 1874.*

The President of the United States announces the death of ex-President Millard Fillmore in the following order:

[For order see preceding page.]

In pursuance of the foregoing order, it is hereby directed that the ensign at each naval station and of each vessel of the United States Navy in commission be hoisted at half-mast from sunrise to sunset, and that a gun be fired at intervals of every half hour from sunrise to sunset at each naval station and on board of flagships and of vessels acting singly, on Thursday, the 12th instant, the day of the funeral, where this order may be received in time, otherwise on the day after its receipt.

The officers of the Navy and Marine Corps will wear the usual badge of mourning attached to the sword hilt and on the left arm for the period of thirty days.

GEO. M. ROBESON,

*Secretary of the Navy.*

EXECUTIVE MANSION,

*Washington, D. C., May 27, 1874.*

SIR: \* The President directs me to say that the several Departments of the Government will be closed on the 30th instant, in order to enable the

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

employees to participate in the decoration of the graves of the soldiers who fell during the rebellion.

I am, sir, your obedient servant,

O. E. BABCOCK,  
*Secretary.*

WASHINGTON, *May 29, 1874.*

The Civil Service Commission, at its sessions at Washington, having recommended certain rules\* to be prescribed by the President for the government of the Light-House Service of the United States, these rules as herewith published are approved, and their provisions will be enforced by the proper officers.

U. S. GRANT.

AUGUST 31, 1874.

It appearing to me from their trial at Washington and at the city of New York that the further extension of the civil-service rules will promote the efficiency of the public service, it is ordered that such rules be, and they are hereby, extended to the several Federal offices at the city and in the customs district of Boston, and that the proper measures be taken for carrying this order into effect.

U. S. GRANT.

## SIXTH ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 7, 1874.*

*To the Senate and House of Representatives:*

Since the convening of Congress one year ago the nation has undergone a prostration in business and industries such as has not been witnessed with us for many years. Speculation as to the causes for this prostration might be indulged in without profit, because as many theories would be advanced as there would be independent writers—those who expressed their own views without borrowing—upon the subject. Without indulging in theories as to the cause of this prostration, therefore, I will call your attention only to the fact, and to some plain questions as to which it would seem there should be no disagreement.

During this prostration two essential elements of prosperity have been most abundant—labor and capital. Both have been largely unemployed. Where security has been undoubted, capital has been attainable at very moderate rates. Where labor has been wanted, it has been found in abundance, at cheap rates compared with what—of necessities and comforts of life—could be purchased with the wages demanded. Two great

—  
\* Omitted.

elements of prosperity, therefore, have not been denied us. A third might be added: Our soil and climate are unequalled, within the limits of any contiguous territory under one nationality, for its variety of products to feed and clothe a people and in the amount of surplus to spare to feed less favored peoples. Therefore, with these facts in view, it seems to me that wise statesmanship, at this session of Congress, would dictate legislation ignoring the past; directing in proper channels these great elements of prosperity to any people. Debt, debt abroad, is the only element that can, with always a sound currency, enter into our affairs to cause any continued depression in the industries and prosperity of our people.

A great conflict for national existence made necessary, for temporary purposes, the raising of large sums of money from whatever source attainable. It made it necessary, in the wisdom of Congress—and I do not doubt their wisdom in the premises, regarding the necessity of the times—to devise a system of national currency which it proved to be impossible to keep on a par with the recognized currency of the civilized world. This begot a spirit of speculation involving an extravagance and luxury not required for the happiness or prosperity of a people, and involving, both directly and indirectly, foreign indebtedness. The currency, being of fluctuating value, and therefore unsafe to hold for legitimate transactions requiring money, became a subject of speculation within itself. These two causes, however, have involved us in a foreign indebtedness, contracted in good faith by borrower and lender, which should be paid in coin, and according to the bond agreed upon when the debt was contracted—gold or its equivalent. The good faith of the Government can not be violated toward creditors without national disgrace. But our commerce should be encouraged; American shipbuilding and carrying capacity increased; foreign markets sought for products of the soil and manufactories, to the end that we may be able to pay these debts. Where a new market can be created for the sale of our products, either of the soil, the mine, or the manufactory, a new means is discovered of utilizing our idle capital and labor to the advantage of the whole people. But, in my judgment, the first step toward accomplishing this object is to secure a currency of fixed, stable value; a currency good wherever civilization reigns; one which, if it becomes superabundant with one people, will find a market with some other; a currency which has as its basis the labor necessary to produce it, which will give to it its value. Gold and silver are now the recognized medium of exchange the civilized world over, and to this we should return with the least practicable delay. In view of the pledges of the American Congress when our present legal-tender system was adopted, and debt contracted, there should be no delay—certainly no unnecessary delay—in fixing by legislation a method by which we will return to specie. To the accomplishment of this end I invite your special attention. I believe firmly that there can be no prosperous and permanent revival of business and industries until

a policy is adopted—with legislation to carry it out—looking to a return to a specie basis. It is easy to conceive that the debtor and speculative classes may think it of value to them to make so-called money abundant until they can throw a portion of their burdens upon others. But even these, I believe, would be disappointed in the result if a course should be pursued which will keep in doubt the value of the legal-tender medium of exchange. A revival of productive industry is needed by all classes; by none more than the holders of property, of whatever sort, with debts to liquidate from realization upon its sale. But admitting that these two classes of citizens are to be benefited by expansion, would it be honest to give it? Would not the general loss be too great to justify such relief? Would it not be just as honest and prudent to authorize each debtor to issue his own legal-tenders to the extent of his liabilities? Than to do this, would it not be safer, for fear of overissues by unscrupulous creditors, to say that all debt obligations are obliterated in the United States, and now we commence anew, each possessing all he has at the time free from incumbrance? These propositions are too absurd to be entertained for a moment by thinking or honest people. Yet every delay in preparation for final resumption partakes of this dishonesty, and is only less in degree as the hope is held out that a convenient season will at last arrive for the good work of redeeming our pledges to commence. It will never come, in my opinion, except by positive action by Congress, or by national disasters which will destroy, for a time at least, the credit of the individual and the State at large. A sound currency might be reached by total bankruptcy and discredit of the integrity of the nation and of individuals. I believe it is in the power of Congress at this session to devise such legislation as will renew confidence, revive all the industries, start us on a career of prosperity to last for many years and to save the credit of the nation and of the people. Steps toward the return to a specie basis are the great requisites to this devoutly to be sought for end. There are others which I may touch upon hereafter.

A nation dealing in a currency below that of specie in value labors under two great disadvantages: First, having no use for the world's acknowledged medium of exchange, gold and silver, these are driven out of the country because there is no need for their use; second, the medium of exchange in use being of a fluctuating value—for, after all, it is only worth just what it will purchase of gold and silver, metals having an intrinsic value just in proportion to the honest labor it takes to produce them—a larger margin must be allowed for profit by the manufacturer and producer. It is months from the date of production to the date of realization. Interest upon capital must be charged, and risk of fluctuation in the value of that which is to be received in payment added. Hence high prices, acting as a protection to the foreign producer, who receives nothing in exchange for the products of his skill and labor except a currency good, at a stable value, the world over. It seems to me

that nothing is clearer than that the greater part of the burden of existing prostration, for the want of a sound financial system, falls upon the working man, who must after all produce the wealth, and the salaried man, who superintends and conducts business. The burden falls upon them in two ways—by the deprivation of employment and by the decreased purchasing power of their salaries. It is the duty of Congress to devise the method of correcting the evils which are acknowledged to exist, and not mine. But I will venture to suggest two or three things which seem to me as absolutely necessary to a return to specie payments, the first great requisite in a return to prosperity. The legal-tender clause to the law authorizing the issue of currency by the National Government should be repealed, to take effect as to all contracts entered into after a day fixed in the repealing act—not to apply, however, to payments of salaries by Government, or for other expenditures now provided by law to be paid in currency, in the interval pending between repeal and final resumption. Provision should be made by which the Secretary of the Treasury can obtain gold as it may become necessary from time to time from the date when specie redemption commences. To this might and should be added a revenue sufficiently in excess of expenses to insure an accumulation of gold in the Treasury to sustain permanent redemption.

I commend this subject to your careful consideration, believing that a favorable solution is attainable, and if reached by this Congress that the present and future generations will ever gratefully remember it as their deliverer from a thralldom of evil and disgrace.

With resumption, free banking may be authorized with safety, giving the same full protection to bill holders which they have under existing laws. Indeed, I would regard free banking as essential. It would give proper elasticity to the currency. As more currency should be required for the transaction of legitimate business, new banks would be started, and in turn banks would wind up their business when it was found that there was a superabundance of currency. The experience and judgment of the people can best decide just how much currency is required for the transaction of the business of the country. It is unsafe to leave the settlement of this question to Congress, the Secretary of the Treasury, or the Executive. Congress should make the regulation under which banks may exist, but should not make banking a monopoly by limiting the amount of redeemable paper currency that shall be authorized. Such importance do I attach to this subject, and so earnestly do I commend it to your attention, that I give it prominence by introducing it at the beginning of this message.

During the past year nothing has occurred to disturb the general friendly and cordial relations of the United States with other powers.

The correspondence submitted herewith between this Government and its diplomatic representatives, as also with the representatives of other countries, shows a satisfactory condition of all questions between the

United States and the most of those countries, and with few exceptions, to which reference is hereafter made, the absence of any points of difference to be adjusted.

The notice directed by the resolution of Congress of June 17, 1874, to be given to terminate the convention of July 17, 1858, between the United States and Belgium has been given, and the treaty will accordingly terminate on the 1st day of July, 1875. This convention secured to certain Belgian vessels entering the ports of the United States exceptional privileges which are not accorded to our own vessels. Other features of the convention have proved satisfactory, and have tended to the cultivation of mutually beneficial commercial intercourse and friendly relations between the two countries. I hope that negotiations which have been invited will result in the celebration of another treaty which may tend to the interests of both countries.

Our relations with China continue to be friendly. During the past year the fear of hostilities between China and Japan, growing out of the landing of an armed force upon the island of Formosa by the latter, has occasioned uneasiness. It is earnestly hoped, however, that the difficulties arising from this cause will be adjusted, and that the advance of civilization in these Empires may not be retarded by a state of war. In consequence of the part taken by certain citizens of the United States in this expedition, our representatives in those countries have been instructed to impress upon the Governments of China and Japan the firm intention of this country to maintain strict neutrality in the event of hostilities, and to carefully prevent any infraction of law on the part of our citizens.

In connection with this subject I call the attention of Congress to a generally conceded fact—that the great proportion of the Chinese immigrants who come to our shores do not come voluntarily, to make their homes with us and their labor productive of general prosperity, but come under contracts with headmen, who own them almost absolutely. In a worse form does this apply to Chinese women. Hardly a perceptible percentage of them perform any honorable labor, but they are brought for shameful purposes, to the disgrace of the communities where settled and to the great demoralization of the youth of those localities. If this evil practice can be legislated against, it will be my pleasure as well as duty to enforce any regulation to secure so desirable an end.

It is hoped that negotiations between the Government of Japan and the treaty powers, looking to the further opening of the Empire and to the removal of various restrictions upon trade and travel, may soon produce the results desired, which can not fail to inure to the benefit of all the parties. Having on previous occasions submitted to the consideration of Congress the propriety of the release of the Japanese Government from the further payment of the indemnity under the convention of October 22, 1864, and as no action had been taken thereon, it became my duty to

regard the obligations of the convention as in force; and as the other powers interested had received their portion of the indemnity in full, the minister of the United States in Japan has, in behalf of this Government, received the remainder of the amount due to the United States under the convention of Simonosaki. I submit the propriety of applying the income of a part, if not of the whole, of this fund to the education in the Japanese language of a number of young men to be under obligations to serve the Government for a specified time as interpreters at the legation and the consulates in Japan. A limited number of Japanese youths might at the same time be educated in our own vernacular, and mutual benefits would result to both Governments. The importance of having our own citizens, competent and familiar with the language of Japan, to act as interpreters and in other capacities connected with the legation and the consulates in that country can not readily be overestimated.

The amount awarded to the Government of Great Britain by the mixed commission organized under the provisions of the treaty of Washington in settlement of the claims of British subjects arising from acts committed between April 13, 1861, and April 9, 1865, became payable, under the terms of the treaty, within the past year, and was paid upon the 21st day of September, 1874. In this connection I renew my recommendation, made at the opening of the last session of Congress, that a special court be created to hear and determine all claims of aliens against the United States arising from acts committed against their persons or property during the insurrection. It appears equitable that opportunity should be offered to citizens of other states to present their claims, as well as to those British subjects whose claims were not admissible under the late commission, to the early decision of some competent tribunal. To this end I recommend the necessary legislation to organize a court to dispose of all claims of aliens of the nature referred to in an equitable and satisfactory manner, and to relieve Congress and the Departments from the consideration of these questions.

The legislation necessary to extend to the colony of Newfoundland certain articles of the treaty of Washington of the 8th day of May, 1871, having been had, a protocol to that effect was signed in behalf of the United States and of Great Britain on the 28th day of May last, and was duly proclaimed on the following day.\* A copy of the proclamation\* is submitted herewith.

A copy of the report of the commissioner appointed under the act of March 19, 1872, for surveying and marking the boundary between the United States and the British possessions from the Lake of the Woods to the summit of the Rocky Mountains is herewith transmitted. I am happy to announce that the field work of the commission has been completed, and the entire line from the northwest corner of the Lake of the Woods to the summit of the Rocky Mountains has been run and marked

\* See pp. 273-276.



upon the surface of the earth. It is believed that the amount remaining unexpended of the appropriation made at the last session of Congress will be sufficient to complete the office work. I recommend that the authority of Congress be given to the use of the unexpended balance of the appropriation in the completion of the work of the commission in making its report and preparing the necessary maps.

The court known as the Court of Commissioners of Alabama Claims, created by an act of Congress of the last session, has organized and commenced its work, and it is to be hoped that the claims admissible under the provisions of the act may be speedily ascertained and paid.

It has been deemed advisable to exercise the discretion conferred upon the Executive at the last session by accepting the conditions required by the Government of Turkey for the privilege of allowing citizens of the United States to hold real-estate in the former country, and by assenting to a certain change in the jurisdiction of courts in the latter. A copy of the proclamation\* upon these subjects is herewith communicated.

There has been no material change in our relations with the independent States of this hemisphere which were formerly under the dominion of Spain. Marauding on the frontiers between Mexico and Texas still frequently takes place, despite the vigilance of the civil and military authorities in that quarter. The difficulty of checking such trespasses along the course of a river of such length as the Rio Grande, and so often fordable, is obvious. It is hoped that the efforts of this Government will be seconded by those of Mexico to the effectual suppression of these acts of wrong.

From a report upon the condition of the business before the American and Mexican Joint Claims Commission, made by the agent on the part of the United States, and dated October 28, 1874, it appears that of the 1,017 claims filed on the part of citizens of the United States, 483 had been finally decided and 75 were in the hands of the umpire, leaving 462 to be disposed of; and of the 998 claims filed against the United States, 726 had been finally decided, 1 was before the umpire, and 271 remained to be disposed of. Since the date of such report other claims have been disposed of, reducing somewhat the number still pending; and others have been passed upon by the arbitrators. It has become apparent, in view of these figures and of the fact that the work devolving on the umpire is particularly laborious, that the commission will be unable to dispose of the entire number of claims pending prior to the 1st day of February, 1875—the date fixed for its expiration. Negotiations are pending looking to the securing of the results of the decisions which have been reached and to a further extension of the commission for a limited time, which it is confidently hoped will suffice to bring all the business now before it to a final close.

The strife in the Argentine Republic is to be deplored, both on account

\* See pp. 277-281.

of the parties thereto and from the probable effects on the interests of those engaged in the trade to that quarter, of whom the United States are among the principal. As yet, so far as I am aware, there has been no violation of our neutrality rights, which, as well as our duties in that respect, it shall be my endeavor to maintain and observe.

It is with regret I announce that no further payment has been received from the Government of Venezuela on account of awards in favor of citizens of the United States. Hopes have been entertained that if that Republic could escape both foreign and civil war for a few years its great natural resources would enable it to honor its obligations. Though it is now understood to be at peace with other countries, a serious insurrection is reported to be in progress in an important region of that Republic. This may be taken advantage of as another reason to delay the payment of the dues of our citizens.

The deplorable strife in Cuba continues without any marked change in the relative advantages of the contending forces. The insurrection continues, but Spain has gained no superiority. Six years of strife give to the insurrection a significance which can not be denied. Its duration and the tenacity of its adherence, together with the absence of manifested power of suppression on the part of Spain, can not be controverted, and may make some positive steps on the part of other powers a matter of self-necessity. I had confidently hoped at this time to be able to an-  
nounce the arrangement of some of the important questions between this ~~Government~~ and that of Spain, but the negotiations have been protracted. The unhappy intestine dissensions of Spain command our profound sympathy, and must be accepted as perhaps a cause of some delay. An early settlement, in part at least, of the questions between the Governments is hoped. In the meantime, awaiting the results of immediately pending negotiations, I defer a further and fuller communication on the subject of the relations of this country and Spain.

I have again to call the attention of Congress to the unsatisfactory condition of the existing laws with reference to expatriation and the election of nationality. Formerly, amid conflicting opinions and decisions, it was difficult to exactly determine how far the doctrine of perpetual allegiance was applicable to citizens of the United States. Congress by the act of the 27th of July, 1868, asserted the abstract right of expatriation as a fundamental principle of this Government. Notwithstanding such assertion and the necessity of frequent application of the principle, no legislation has been had defining what acts or formalities shall work expatriation or when a citizen shall be deemed to have renounced or to have lost his citizenship. The importance of such definition is obvious. The representatives of the United States in foreign countries are ~~con-~~  
tinually called upon to lend their aid and the protection of the United States to persons concerning the good faith or the reality of whose ~~cit-~~  
zenship there is at least great question. In some cases the provisions of

the treaties furnish some guide; in others it seems left to the person claiming the benefits of citizenship, while living in a foreign country, contributing in no manner to the performance of the duties of a citizen of the United States, and without intention at any time to return and undertake those duties, to use the claims to citizenship of the United States simply as a shield from the performance of the obligations of a citizen elsewhere.

The status of children born of American parents residing in a foreign country, of American women who have married aliens, of American citizens residing abroad where such question is not regulated by treaty, are all sources of frequent difficulty and discussion. Legislation on these and similar questions, and particularly defining when and under what circumstances expatriation can be accomplished or is to be presumed, is especially needed. In this connection I earnestly call the attention of Congress to the difficulties arising from fraudulent naturalization. The United States wisely, freely, and liberally offers its citizenship to all who may come in good faith to reside within its limits on their complying with certain prescribed reasonable and simple formalities and conditions. Among the highest duties of the Government is that to afford firm, sufficient, and equal protection to all its citizens, whether native born or naturalized. Care should be taken that a right carrying with it such support from the Government should not be fraudulently obtained, and should be bestowed only upon full proof of a compliance with the law; and yet frequent instances are brought to the attention of the Government of illegal and fraudulent naturalization and of the unauthorized use of certificates thus improperly obtained. In some cases the fraudulent character of the naturalization has appeared upon the face of the certificate itself; in others examination discloses that the holder had not complied with the law, and in others certificates have been obtained where the persons holding them not only were not entitled to be naturalized, but had not even been within the United States at the time of the pretended naturalization. Instances of each of these classes of fraud are discovered at our legations, where the certificates of naturalization are presented either for the purpose of obtaining passports or in demanding the protection of the legation. When the fraud is apparent on the face of such certificates, they are taken up by the representatives of the Government and forwarded to the Department of State. But even then the record of the court in which the fraudulent naturalization occurred remains, and duplicate certificates are readily obtainable. Upon the presentation of these for the issue of passports or in demanding protection of the Government, the fraud sometimes escapes notice, and such certificates are not infrequently used in transactions of business to the deception and injury of innocent parties. Without placing any additional obstacles in the way of the obtainment of citizenship by the worthy and well-intentioned foreigner who comes in good faith to cast his lot with ours, I earnestly

recommend further legislation to punish fraudulent naturalization and to secure the ready cancellation of the record of every naturalization made in fraud.

Since my last annual message the exchange has been made of the ratification of treaties of extradition with Belgium, Ecuador, Peru, and Salvador; also of a treaty of commerce and navigation with Peru, and one of commerce and consular privileges with Salvador; all of which have been duly proclaimed, as has also a declaration with Russia with reference to trade-marks.

The report of the Secretary of the Treasury, which by law is made directly to Congress, and forms no part of this message, will show the receipts and expenditures of the Government for the last fiscal year, the amount received from each source of revenue, and the amount paid out for each of the Departments of Government. It will be observed from this report that the amount of receipts over expenditures has been but \$2,344,882.30 for the fiscal year ending June 30, 1874, and that for the current fiscal year the estimated receipts over expenditures will not much exceed \$9,000,000. In view of the large national debt existing and the obligation to add 1 per cent per annum to the sinking fund, a sum amounting now to over \$34,000,000 per annum, I submit whether revenues should not be increased or expenditures diminished to reach this amount of surplus. Not to provide for the sinking fund is a partial failure to comply with the contracts and obligations of the Government. At the last session of Congress a very considerable reduction was made in rates of taxation and in the number of articles submitted to taxation; the question may well be asked, whether or not, in some instances, unwisely. In connection with this subject, too, I venture the opinion that the means of collecting the revenue, especially from imports, have been so embarrassed by legislation as to make it questionable whether or not large amounts are not lost by failure to collect, to the direct loss of the Treasury and to the prejudice of the interests of honest importers and taxpayers.

The Secretary of the Treasury in his report favors legislation looking to an early return to specie payments, thus supporting views previously expressed in this message. He also recommends economy in appropriations; calls attention to the loss of revenue from repealing the tax on tea and coffee, without benefit to the consumer; recommends an increase of 10 cents a gallon on whisky, and, further, that no modification be made in the banking and currency bill passed at the last session of Congress, unless modification should become necessary by reason of the adoption of measures for returning to specie payments. In these recommendations I cordially join.

I would suggest to Congress the propriety of readjusting the tariff so as to increase the revenue, and at the same time decrease the number of articles upon which duties are levied. Those articles which enter into

our manufactures and are not produced at home, it seems to me, should be entered free. Those articles of manufacture which we produce a constituent part of, but do not produce the whole, that part which we do not produce should enter free also. I will instance fine wool, dyes, etc. These articles must be imported to form a part of the manufacture of the higher grades of woollen goods. Chemicals used as dyes, compounded in medicines, and used in various ways in manufactures come under this class. The introduction free of duty of such wools as we do not produce would stimulate the manufacture of goods requiring the use of those we do produce, and therefore would be a benefit to home production. There are many articles entering into "home manufactures" which we do not produce ourselves the tariff upon which increases the cost of producing the manufactured article. All corrections in this regard are in the direction of bringing labor and capital in harmony with each other and of supplying one of the elements of prosperity so much needed.

The report of the Secretary of War herewith attached, and forming a part of this message, gives all the information concerning the operations, wants, and necessities of the Army, and contains many suggestions and ~~—~~recommendations which I commend to your special attention.

There is no class of Government employees who are harder worked than the Army—officers and men; none who perform their tasks more cheerfully and efficiently and under circumstances of greater privations and hardships.

Legislation is desirable to render more efficient this branch of the public service. All the recommendations of the Secretary of War I regard as judicious, and I especially commend to your attention the following: The consolidation of Government arsenals; the restoration of mileage to officers traveling under orders; the exemption of money received from the sale of subsistence stores from being covered into the Treasury; the use of appropriations for the purchase of subsistence stores without waiting for the beginning of the fiscal year for which the appropriation is made; for additional appropriations for the collection of torpedo material; for increased appropriations for the manufacture of arms; for relieving the various States from indebtedness for arms charged to them during the rebellion; for dropping officers from the rolls of the Army without trial for the offense of drawing pay more than once for the same period; for the discouragement of the plan to pay soldiers by check, and for the establishment of a professorship of rhetoric and English literature at West Point. The reasons for these recommendations are obvious, and are set forth sufficiently in the reports attached. I also recommend that the status of the staff corps of the Army be fixed, where this has not already been done, so that promotions may be made and vacancies filled as they occur in each grade when reduced below the number to be fixed by law. The necessity for such legislation is specially felt now in the Pay Department. The number of officers in that department is below —

the number adequate to the performance of the duties required of them by law.

The efficiency of the Navy has been largely increased during the last year. Under the impulse of the foreign complications which threatened us at the commencement of the last session of Congress, most of our efficient wooden ships were put in condition for immediate service, and the repairs of our ironclad fleet were pushed with the utmost vigor. The result is that most of these are now in an effective state and need only to be manned and put in commission to go at once into service.

Some of the new sloops authorized by Congress are already in commission, and most of the remainder are launched and wait only the completion of their machinery to enable them to take their places as part of our effective force.

Two iron torpedo ships have been completed during the last year, and four of our large double-turreted ironclads are now undergoing repairs. When these are finished, everything that is useful of our Navy, as now authorized, will be in condition for service, and with the advance in the science of torpedo warfare the American Navy, comparatively small as it is, will be found at any time powerful for the purposes of a peaceful nation.

Much has been accomplished during the year in aid of science and to increase the sum of general knowledge and further the interests of commerce and civilization. Extensive and much-needed soundings have been made for hydrographic purposes and to fix the proper routes of ocean telegraphs. Further surveys of the great Isthmus have been undertaken and completed, and two vessels of the Navy are now employed, in conjunction with those of England, France, Germany, and Russia, in observations connected with the transit of Venus, so useful and interesting to the scientific world.

The estimates for this branch of the public service do not differ materially from those of last year, those for the general support of the service being somewhat less and those for permanent improvements at the various stations rather larger than the corresponding estimate made a year ago. The regular maintenance and a steady increase in the efficiency of this most important arm in proportion to the growth of our maritime intercourse and interests is recommended to the attention of Congress.

The use of the Navy in time of peace might be further utilized by a direct authorization of the employment of naval vessels in explorations and surveys of the supposed navigable waters of other nationalities on this continent, especially the tributaries of the two great rivers of South America, the Orinoco and the Amazon. Nothing prevents, under existing laws, such exploration, except that expenditures must be made in such expeditions beyond those usually provided for in the appropriations. The field designated is unquestionably one of interest and one capable of large development of commercial interests—advantageous to the peoples reached and to those who may establish relations with them.

Education of the people entitled to exercise the right of franchise I regard essential to general prosperity everywhere, and especially so in republics, where birth, education, or previous condition does not enter into account in giving suffrage. Next to the public school, the post-office is the great agent of education over our vast territory. The rapidity with which new sections are being settled, thus increasing the carrying of mails in a more rapid ratio than the increase of receipts, is not alarming. The report of the Postmaster-General herewith attached shows that there was an increase of revenue in his Department in 1873 over the previous year of \$1,674,411, and an increase of cost of carrying the mails and paying employees of \$3,041,468.91. The report of the Postmaster-General gives interesting statistics of his Department, and compares them with the corresponding statistics of a year ago, showing a growth in every branch of the Department.

A postal convention has been concluded with New South Wales, an exchange of postal cards established with Switzerland, and the negotiations pending for several years past with France have been terminated in a convention with that country, which went into effect last August.

An international postal congress was convened in Berne, Switzerland, in September last, at which the United States was represented by an officer of the Post-Office Department of much experience and of qualification for the position. A convention for the establishment of an international postal union was agreed upon and signed by the delegates of the countries represented, subject to the approval of the proper authorities of those countries.

I respectfully direct your attention to the report of the Postmaster-General and to his suggestions in regard to an equitable adjustment of the question of compensation to railroads for carrying the mails.

Your attention will be drawn to the unsettled condition of affairs in some of the Southern States.

On the 14th of September last the governor of Louisiana called upon me, as provided by the Constitution and laws of the United States, to aid in suppressing domestic violence in that State. This call was made in view of a proclamation issued on that day by D. B. Penn, claiming that he was elected lieutenant-governor in 1872, and calling upon the militia of the State to arm, assemble, and drive from power the usurpers, as he designated the officers of the State government. On the next day I issued my proclamation\* commanding the insurgents to disperse within five days from the date thereof, and subsequently learned that on that day they had taken forcible possession of the statehouse. Steps were taken by me to support the existing and recognized State government, but before the expiration of the five days the insurrectionary movement was practically abandoned, and the officers of the State government, with some minor exceptions, resumed their powers and duties. Consid-

\* See pp. 276-277.

ering that the present State administration of Louisiana has been the only government in that State for nearly two years; that it has been tacitly acknowledged and acquiesced in as such by Congress, and more than once expressly recognized by me, I regarded it as my clear duty, when legally called upon for that purpose, to prevent its overthrow by an armed mob under pretense of fraud and irregularity in the election of 1872. I have heretofore called the attention of Congress to this subject, stating that on account of the frauds and forgeries committed at said election, and because it appears that the returns thereof were never legally canvassed, it was impossible to tell thereby who were chosen; but from the best sources of information at my command I have always believed that the present State officers received a majority of the legal votes actually cast at that election. I repeat what I said in my special message of February 23, 1873, that in the event of no action by Congress I must continue to recognize the government heretofore recognized by me.

I regret to say that with preparations for the late election decided indications appeared in some localities in the Southern States of a determination, by acts of violence and intimidation, to deprive citizens of the freedom of the ballot because of their political opinions. Bands of men, masked and armed, made their appearance; White Leagues and other societies were formed; large quantities of arms and ammunition were imported and distributed to these organizations; military drills, with menacing demonstrations, were held, and ~~with all~~ these murders enough were committed to spread terror among those whose political action was to be suppressed, if possible, by these intolerant and criminal proceedings. In some places colored laborers were compelled to vote according to the wishes of their employers, under threats of discharge if they acted otherwise; and there are too many instances in which, when these threats were disregarded, they were remorselessly executed by those who made them. I understand that the fifteenth amendment to the Constitution was made to prevent this and a like state of things, and the act of May 31, 1870, with amendments, was passed to enforce its provisions, the object of both being to guarantee to all citizens the right to vote and to protect them in the free enjoyment of that right. Enjoined by the Constitution "to take care that the laws be faithfully executed," and convinced by undoubted evidence that violations of said act had been committed and that a widespread and flagrant disregard of it was contemplated, the proper officers were instructed to prosecute the offenders, and troops were stationed at convenient points to aid these officers, if necessary, in the performance of their official duties. Complaints are made of this interference by Federal authority; but if said amendment and act do not provide for such interference under the circumstances as above stated, then they are without meaning, force, or effect, and the whole scheme of colored enfranchisement is worse than mockery and little better than a crime. Possibly Congress



may find it due to truth and justice to ascertain, by means of a committee, whether the alleged wrongs to colored citizens for political purposes are real or the reports thereof were manufactured for the occasion.

The whole number of troops in the States of Louisiana, Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Arkansas, Mississippi, Maryland, and Virginia at the time of the election was 4,082. This embraces the garrisons of all the forts from the Delaware to the Gulf of Mexico.

Another trouble has arisen in Arkansas. Article 13 of the constitution of that State (which was adopted in 1868, and upon the approval of which by Congress the State was restored to representation as one of the States of the Union) provides in effect that before any amendments proposed to this constitution shall become a part thereof they shall be passed by two successive assemblies and then submitted to and ratified by a majority of the electors of the State voting thereon. On the 11th of May, 1874, the governor convened an extra session of the general assembly of the State, which on the 18th of the same month passed an act providing for a convention to frame a new constitution. Pursuant to this act, and at an election held on the 30th of June, 1874, the convention was approved, and delegates were chosen thereto, who assembled on the 14th of last July and framed a new constitution, the schedule of which provided for the election of an entire new set of State officers in a manner contrary to the then existing election laws of the State. On the 13th of October, 1874, this constitution, as therein provided, was submitted to the people for their approval or rejection, and according to the election returns was approved by a large majority of those qualified to vote thereon; and at the same election persons were chosen to fill all the State, county, and township offices. The governor elected in 1872 for the term of four years turned over his office to the governor chosen under the new constitution, whereupon the lieutenant-governor, also elected in 1872 for a term of four years, claiming to act as governor, and alleging that said proceedings by which the new constitution was made and a new set of officers elected were unconstitutional, illegal, and void, called upon me, as provided in section 4, Article IV, of the Constitution, to protect the State against domestic violence. As Congress is now investigating the political affairs of Arkansas, I have declined to interfere.

The whole subject of Executive interference with the affairs of a State is repugnant to public opinion, to the feelings of those who, from their official capacity, must be used in such interposition, and to him or those who must direct. Unless most clearly on the side of law, such interference becomes a crime; with the law to support it, it is condemned without a hearing. I desire, therefore, that all necessity for Executive direction in local affairs may become unnecessary and obsolete. I invite the attention, not of Congress, but of the people of the United States, to the causes and effects of these unhappy questions. Is there not a disposition on one

side to magnify wrongs and outrages, and on the other side to belittle them or justify them? If public opinion could be directed to a correct survey of what is and to rebuking wrong and aiding the proper authorities in punishing it, a better state of feeling would be inculcated, and the sooner we would have that peace which would leave the States free indeed to regulate their own domestic affairs. I believe on the part of our citizens of the Southern States—the better part of them—there is a disposition to be law abiding, and to do no violence either to individuals or to the laws existing. But do they do right in ignoring the existence of violence and bloodshed in resistance to constituted authority? I sympathize with their prostrate condition, and would do all in my power to relieve them, acknowledging that in some instances they have had most trying governments to live under, and very oppressive ones in the way of taxation for nominal improvements, not giving benefits equal to the hardships imposed. But can they proclaim themselves entirely irresponsible for this condition? They can not. Violence has been rampant in some localities, and has either been justified or denied by those who could have prevented it. The theory is even raised that there is to be no further interference on the part of the General Government to protect citizens within a State where the State authorities fail to give protection. This is a great mistake. While I remain Executive all the laws of Congress and the provisions of the Constitution, including the recent amendments added thereto, will be enforced with rigor, but with regret that they should have added one jot or tittle to Executive duties ~~or powers~~. Let there be fairness in the discussion of Southern questions, the advocates of both or all political parties giving honest, truthful reports of occurrences, condemning the wrong and upholding the right, and soon all will be well. Under existing conditions the negro votes the Republican ticket because he knows his friends are of that party. Many a good citizen votes the opposite, not because he agrees with the great principles of state which separate parties, but because, generally, he is opposed to negro rule. This is a most delusive cry. Treat the negro as a citizen and a voter, as he is and must remain, and soon parties will be divided, not on the color line, but on principle. Then we shall have no complaint of sectional interference.

The report of the Attorney-General contains valuable recommendations relating to the administration of justice in the courts of the United States, to which I invite your attention.

I respectfully suggest to Congress the propriety of increasing the number of judicial districts in the United States to eleven (the present number being nine) and the creation of two additional judgeships. The territory to be traversed by the circuit judges is so great and the business of the courts so steadily increasing that it is growing more and more impossible for them to keep up with the business requiring their attention. Whether this would involve the necessity of adding two

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more justices of the Supreme Court to the present number I submit to the judgment of Congress.

The attention of Congress is invited to the report of the Secretary of the Interior and to the legislation asked for by him. The domestic interests of the people are more intimately connected with this Department than with either of the other Departments of Government. Its duties have been added to from time to time until they have become so onerous that without the most perfect system and order it will be impossible for any Secretary of the Interior to keep trace of all official transactions having his sanction and done in his name, and for which he is held personally responsible.

The policy adopted for the management of Indian affairs, known as the peace policy, has been adhered to with most beneficial results. It is confidently hoped that a few years more will relieve our frontiers from danger of Indian depredations.

I commend the recommendation of the Secretary for the extension of the homestead laws to the Indians and for some sort of Territorial government for the Indian Territory. A great majority of the Indians occupying this Territory are believed yet to be incapable of maintaining their rights against the more civilized and enlightened white man. Any Territorial form of government given them, therefore, should protect them in their homes and property for a period of at least twenty years, and before its final adoption should be ratified by a majority of those affected.

The report of the Secretary of the Interior herewith attached gives much interesting statistical information, which I abstain from giving an abstract of, but refer you to the report itself.

The act of Congress providing the oath which pensioners must subscribe to before drawing their pensions cuts off from this bounty a few survivors of the War of 1812 residing in the Southern States. I recommend the restoration of this bounty to all such. The number of persons whose names would thus be restored to the list of pensioners is not large. They are all old persons, who could have taken no part in the rebellion, and the services for which they were awarded pensions were in defense of the whole country.

The report of the Commissioner of Agriculture herewith contains suggestions of much interest to the general public, and refers to the approaching Centennial and the part his Department is ready to take in it. I feel that the nation at large is interested in having this exposition a success, and commend to Congress such action as will secure a greater general interest in it. Already many foreign nations have signified their intention to be represented at it, and it may be expected that every civilized nation will be represented.

The rules adopted to improve the civil service of the Government have been adhered to as closely as has been practicable with the opposition with

which they meet. The effect, I believe, has been beneficial on the whole, and has tended to the elevation of the service. But it is impracticable to maintain them without direct and positive support of Congress. Generally the support which this reform receives is from those who give it their support only to find fault when the rules are apparently departed from. Removals from office without preferring charges against parties removed are frequently cited as departures from the rules adopted, and the retention of those against whom charges are made by irresponsible persons and without good grounds is also often condemned as a violation of them. Under these circumstances, therefore, I announce that if Congress adjourns without positive legislation on the subject of "civil-service reform" I will regard such action as a disapproval of the system, and will abandon it, except so far as to require examinations for certain appointees, to determine their fitness. Competitive examinations will be abandoned.

The gentlemen who have given their services, without compensation, as members of the board to devise rules and regulations for the government of the civil service of the country have shown much zeal and earnestness in their work, and to them, as well as to myself, it will be a source of mortification if it is to be thrown away. But I repeat that it is impossible to carry this system to a successful issue without general approval and assistance and positive law to support it.

I have stated that three elements of prosperity to the nation—capital, labor, skilled and unskilled, and products of the soil—still remain ~~with~~ us. To direct the employment of these is a problem deserving the most serious attention of Congress. If employment can be given to all the labor offering itself, prosperity necessarily follows. I have expressed the opinion, and repeat it, that the first requisite to the accomplishment of this end is the substitution of a sound currency in place of one of a fluctuating value. This secured, there are many interests that might be fostered to the great profit of both labor and capital. How to induce capital to employ labor is the question. The subject of cheap transportation has occupied the attention of Congress. Much new light on this question will without doubt be given by the committee appointed by the last Congress to investigate and report upon this subject.

A revival of shipbuilding, and particularly of iron steamship building, is of vast importance to our national prosperity. The United States is now paying over \$100,000,000 per annum for freights and passage on foreign ships—to be carried abroad and expended in the employment and support of other peoples—beyond a fair percentage of what should go to foreign vessels, estimating on the tonnage and travel of each respectively. It is to be regretted that this disparity in the carrying trade exists, and to correct it I would be willing to see a great departure from the usual course of Government in supporting what might usually be termed private enterprise. I would not suggest as a remedy direct

subsidy to American steamship lines, but I would suggest the direct offer of ample compensation for carrying the mails between Atlantic Seaboard cities and the Continent on American-owned and American-built steamers, and would extend this liberality to vessels carrying the mails to South American States and to Central America and Mexico, and would pursue the same policy from our Pacific seaports to foreign seaports on the Pacific. It might be demanded that vessels built for this service should come up to a standard fixed by legislation in tonnage, speed, and all other qualities, looking to the possibility of Government requiring them at some time for war purposes. The right also of taking possession of them in such emergency should be guarded.

I offer these suggestions, believing them worthy of consideration, in all seriousness, affecting all sections and all interests alike. If anything better can be done to direct the country into a course of general prosperity, no one will be more ready than I to second the plan.

Forwarded herewith will be found the report of the commissioners appointed under an act of Congress approved June 20, 1874, to wind up the affairs of the District government. It will be seen from the report that the net debt of the District of Columbia, less securities on hand and available, is:

Bonded debt issued prior to July 1, 1874 .....	\$8,883,940.43
3.65 bonds, act of Congress June 20, 1874 .....	2,088,168.73
Certificates of the board of audit .....	4,770,558.45
	<hr/> 15,742,667.61
Less <del>special</del> improvement assessments (chargeable to private property) in excess of any demand against such assessments .....	\$1,614,054.37
Less Chesapeake and Ohio Canal bonds .....	75,000.00
And Washington and Alexandria Railroad bonds .....	59,000.00
	<hr/> 1,748,054.37
In the hands of the commissioners of the sinking fund .....	1,748,054.37
Leaving actual debt, less said assets .....	13,994,613.24

In addition to this there are claims preferred against the government of the District amounting, in the estimated aggregate reported by the board of audit, to \$3,147,787.48, of which the greater part will probably be rejected. This sum can with no more propriety be included in the debt account of the District government than can the thousands of claims against the General Government be included as a portion of the national debt. But the aggregate sum thus stated includes something more than the funded debt chargeable exclusively to the District of Columbia. The act of Congress of June 20, 1874, contemplates an apportionment between the United States Government and the District of Columbia in respect of the payment of the principal and interest of the 3.65 bonds. Therefore in computing with precision the bonded debt of the District the aggregate sums above stated as respects 3.65 bonds now issued, the outstanding certificates of the board of audit, and the unadjusted claims pending before that board should be reduced to the extent of the amount to be apportioned to the United States Government in the manner indicated in the act of Congress of June 20, 1874.

I especially invite your attention to the recommendations of the commissioners of the sinking fund relative to the ambiguity of the act of June 20, 1874, the interest on the District bonds, and the consolidation of the indebtedness of the District.

I feel much indebted to the gentlemen who consented to leave their private affairs and come from a distance to attend to the business of this District, and for the able and satisfactory manner in which it has been conducted. I am sure their services will be equally appreciated by the entire country.

It will be seen from the accompanying full report of the board of health that the sanitary condition of the District is very satisfactory.

In my opinion the District of Columbia should be regarded as the grounds of the national capital, in which the entire people are interested. I do not allude to this to urge generous appropriations to the District, but to draw the attention of Congress, in framing a law for the government of the District, to the magnificent scale on which the city was planned by the founders of the Government; the manner in which, for ornamental purposes, the reservations, streets, and avenues were laid out, and the proportion of the property actually possessed by the General Government. I think the proportion of the expenses of the government and improvements to be borne by the General Government, the cities of Washington and Georgetown, and the county should be carefully and equitably defined.

In accordance with section 3, act approved June 23, 1874, I appointed a board to make a survey of the mouth of the Mississippi River with a view to determine the best method of obtaining and maintaining a depth of water sufficient for the purposes of commerce, etc.; and in accordance with an act entitled "An act to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation," I appointed a commission of engineers. Neither board has yet completed its labors. When their reports are received, they will be forwarded to Congress without delay.

U. S. GRANT.

## SPECIAL MESSAGES.

WASHINGTON, *December 8, 1874.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 3d of February, 1873, I transmit herewith a report from the Secretary of State, together with the papers\* which accompanied it.

U. S. GRANT.

\* Dispatches in regard to the records and public documents of the Mexican Government relative to the lands embraced within the Territories of Arizona and New Mexico.

WASHINGTON, *December 8, 1874.**To the Senate of the United States:*

I transmit to the Senate, for consideration with a view to ratification, a convention between the United States of America and the Ottoman Empire, relative to the extradition of criminals fugitives from justice, signed by their respective plenipotentiaries at Constantinople on the 11th of August last.

U. S. GRANT.

WASHINGTON, *December 8, 1874.**To the Senate of the United States:*

I transmit to the Senate, for consideration with a view to ratification, a convention concluded between the United States of America and the Mexican Republic on the 20th of November last, for further extending the time for the duration of the joint commission respecting claims, originally fixed by the convention between the United States and Mexico signed on the 4th of July, 1868, and extended by those of the 19th of April, 1871, and 27th of November, 1872, between the same parties.

U. S. GRANT.

WASHINGTON, *December 8, 1874.**To the Senate of the United States:*

I transmit to the Senate, for consideration with a view to ratification, a convention between the United States of America and the Ottoman Empire, relative to the naturalization of citizens and subjects of the two countries, signed by their respective plenipotentiaries at Constantinople on the 11th of August last. A copy of the correspondence which accompanied the convention on the subject is herewith transmitted.

U. S. GRANT.

WASHINGTON, *December 8, 1874.**To the Senate and House of Representatives:*

I transmit herewith a report, dated the 8th instant, with accompanying papers,\* from the Secretary of State, in compliance with the requirements of section 208 of the Revised Statutes of the United States.

U. S. GRANT.

EXECUTIVE MANSION, *December 22, 1874.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I have the honor to transmit herewith, for the information of Congress, a memorial† forwarded to me by a convention of colored citizens assembled in the city of Montgomery, Ala., on the 2d of this month.

U. S. GRANT.

\* Report of fees collected, etc., by consular officers of the United States for 1873, list of consular officers, and tariff of consular fees prescribed by the President September 1, 1874.

† Asking all the rights of citizenship.

EXECUTIVE MANSION, *January 5, 1875.**To the Senate of the United States:*

In answer to the resolution of the Senate of the 21st December last, requesting the return of its resolution of the 17th of the same month, advising and consenting to the appointment of J. C. S. Colby to be consul of the United States at Chin-Kiang, I have the honor to state that Mr. Colby's commission was signed on the 17th day of December, and upon inquiry at the Department of State it was found that it had been forwarded to him by mail before the receipt of the resolution of recall.

U. S. GRANT.

EXECUTIVE MANSION, *January 12, 1875.**To the Senate and House of Representatives:*

In accordance with the requirements of the joint resolution approved March 25, 1874, authorizing an inquiry into and report upon the causes of epidemic cholera, I have the honor to transmit herewith reports upon the subject from the Secretaries of the Treasury and War Departments.

U. S. GRANT.

EXECUTIVE MANSION, *January 13, 1875.**To the Senate of the United States:*

I have the honor to make the following answer to a Senate resolution of the 8th instant, asking for information as to any interference by any military officer or any part of the Army of the United States with the organization or proceedings of the general assembly of the State of Louisiana, or either branch thereof; and also inquiring in regard to the existence of armed organizations in that State hostile to the government thereof and intent on overturning such government by force.

To say that lawlessness, turbulence, and bloodshed have characterized the political affairs of that State since its reorganization under the reconstruction acts is only to repeat what has become well known as a part of its unhappy history; but it may be proper here to refer to the election of 1868, by which the Republican vote of the State, through fraud and violence, was reduced to a few thousands, and the bloody riots of 1866 and 1868, to show that the disorders there are not due to any recent causes or to any late action of the Federal authorities.

Preparatory to the election of 1872 a shameful and undisguised conspiracy was formed to carry that election against the Republicans, without regard to law or right, and to that end the most glaring frauds and forgeries were committed in the returns, after many colored citizens had been denied registration and others deterred by fear from casting their ballots.

When the time came for a final canvass of the votes, in view of the foregoing facts William P. Kellogg, the Republican candidate for governor, brought suit upon the equity side of the United States circuit court for



Louisiana, and against Warmoth and others, who had obtained possession of the returns of the election, representing that several thousand voters of the State had been deprived of the elective franchise on account of their color, and praying that steps might be taken to have said votes counted and for general relief. To enable the court to inquire as to the truth of these allegations, a temporary restraining order was issued against the defendants, which was at once wholly disregarded and treated with contempt by those to whom it was directed. These proceedings have been widely denounced as an unwarrantable interference by the Federal judiciary with the election of State officers; but it is to be remembered that by the fifteenth amendment to the Constitution of the United States the political equality of colored citizens is secured, and under the second section of that amendment, providing that Congress shall have power to enforce its provisions by appropriate legislation, an act was passed on the 31st of May, 1870, and amended in 1871, the object of which was to prevent the denial or abridgment of suffrage to citizens on account of race, color, or previous condition of servitude; and it has been held by all the Federal judges before whom the question has arisen, including Justice Strong, of the Supreme Court, that the protection afforded by this amendment and these acts extends to State as well as other elections. That it is the duty of the Federal courts to enforce the provisions of the Constitution of the United States and the laws passed in pursuance thereof is too clear for controversy.

Section 15 of said act, after numerous provisions therein to prevent an evasion of the fifteenth amendment, provides that the jurisdiction of the circuit court of the United States shall extend to all cases in law or equity arising under the provisions of said act and of the act amendatory thereof. Congress seems to have contemplated equitable as well as legal proceedings to prevent the denial of suffrage to colored citizens; and it may be safely asserted that if Kellogg's bill in the above-named case did not present a case for the equitable interposition of the court, that no such case can arise under the act. That the courts of the United States have the right to interfere in various ways with State elections so as to maintain political equality and rights therein, irrespective of race or color, is comparatively a new, and to some seems to be a startling, idea, but it results as clearly from the fifteenth amendment to the Constitution and the acts that have been passed to enforce that amendment as the abrogation of State laws upholding slavery results from the thirteenth amendment to the Constitution. While the jurisdiction of the court in the case of Kellogg *vs.* Warmoth and others is clear to my mind, it seems that some of the orders made by the judge in that and the kindred case of Antoine were illegal. But while they are so held and considered, it is not to be forgotten that the mandate of his court had been contemptuously defied, and they were made while wild scenes of anarchy were sweeping away all restraint of law and order. Doubtless the judge of this court made grave

mistakes; but the law allows the chancellor great latitude, not only in punishing those who contemn his orders and injunctions, but in preventing the consummation of the wrong which he has judicially forbidden. Whatever may be said or thought of those matters, it was only made known to me that process of the United States court was resisted, and as said act especially provides for the use of the Army and Navy when necessary to enforce judicial process arising thereunder, I considered it my duty to see that such process was executed according to the judgment of the court.

Resulting from these proceedings, through various controversies and complications, a State administration was organized with William P. Kellogg as governor, which, in the discharge of my duty under section 4, Article IV, of the Constitution, I have recognized as the government of the State.

It has been bitterly and persistently alleged that Kellogg was not elected. Whether he was or not is not altogether certain, nor is it any more certain that his competitor, McEnery, was chosen. The election was a gigantic fraud, and there are no reliable returns of its result. Kellogg obtained possession of the office, and in my opinion has more right to it than his competitor.

On the 20th of February, 1873, the Committee on Privileges and Elections of the Senate made a report in which they say they were satisfied by testimony ~~that~~ the manipulation of the election machinery by Warmoth and others was equivalent to 20,000 votes; and they add that to recognize the McEnery government "would be recognizing a government based upon fraud, in defiance of the wishes and intention of the voters of the State." Assuming the correctness of the statements in this report (and they seem to have been generally accepted by the country), the great crime in Louisiana, about which so much has been said, is that one is holding the office of governor who was cheated out of 20,000 votes, against another whose title to the office is undoubtedly based on fraud and in defiance of the wishes and intentions of the voters of the State.

Misinformed and misjudging as to the nature and extent of this report, the supporters of McEnery proceeded to displace by force in some counties of the State the appointees of Governor Kellogg, and on the 13th of April, in an effort of that kind, a butchery of citizens was committed at Colfax, which in bloodthirstiness and barbarity is hardly surpassed by any acts of savage warfare.

To put this matter beyond controversy I quote from the charge of Judge Woods, of the United States circuit court, to the jury in the case of *The United States vs. Cruikshank and others*, in New Orleans in March, 1874. He said:

In the case on trial there are many facts not in controversy. I proceed to state some of them in the presence and hearing of counsel on both sides; and if I state as a **conceded fact any matter that is disputed**, they can correct me.

After stating the origin of the difficulty, which grew out of an attempt of white persons to drive the parish judge and sheriff, appointees of Kellogg, from office, and their attempted protection by colored persons, which led to some fighting, in which quite a number of negroes were killed, the judge states:

Most of those who were not killed were taken prisoners. Fifteen or sixteen of the blacks had lifted the boards and taken refuge under the floor of the court-house. They were all captured. About thirty-seven men were taken prisoners. The number is not definitely fixed. They were kept under guard until dark. They were led out, two by two, and shot. Most of the men were shot to death. A few were wounded, not mortally, and by pretending to be dead were afterwards, during the night, able to make their escape. Among them was the Levi Nelson named in the indictment.

The dead bodies of the negroes killed in this affair were left unburied until Tuesday, April 15, when they were buried by a deputy marshal and an officer of the militia from New Orleans. These persons found fifty-nine dead bodies. They showed pistol-shot wounds, the great majority in the head, and most of them in the back of the head. In addition to the fifty-nine dead bodies found, some charred remains of dead bodies were discovered near the court-house. Six dead bodies were found under a warehouse, all shot in the head but one or two, which were shot in the breast.

The only white men injured from the beginning of these troubles to their close were Hadnot and Harris. The court-house and its contents were entirely consumed.

There is no evidence that anyone in the crowd of whites bore any lawful warrant for the arrest of any of the blacks. There is no evidence that either Nash or Cazaubatt, after the affair, ever demanded their offices, to which they had set up claim, but Register continued to act as parish judge and Shaw as ~~sheriff~~.

These are facts in this case as I understand them to be admitted.

To hold the people of Louisiana generally responsible for these atrocities would not be just, but it is a lamentable fact that insuperable obstructions were thrown in the way of punishing these murderers; and the so-called conservative papers of the State not only justified the massacre, but denounced as Federal tyranny and despotism the attempt of the United States officers to bring them to justice. Fierce denunciations ring through the country about office holding and election matters in Louisiana, while every one of the Colfax miscreants goes unwhipped of justice, and no way can be found in this boasted land of civilization and Christianity to punish the perpetrators of this bloody and monstrous crime.

Not unlike this was the massacre in August last. Several Northern young men of capital and enterprise had started the little and flourishing town of Coushatta. Some of them were Republicans and office-holders under Kellogg. They were therefore doomed to death. Six of them were seized and carried away from their homes and murdered in cold blood. No one has been punished, and the conservative press of the State denounced all efforts to that end and boldly justified the crime.

Many murders of a like character have been committed in individual cases, which can not here be detailed. For example, T. S. Crawford, judge, and P. H. Harris, district attorney, of the twelfth judicial district

of the State, on their way to court were shot from their horses by men in ambush on the 8th of October, 1873; and the widow of the former, in a communication to the Department of Justice, tells a piteous tale of the persecutions of her husband because he was a Union man, and of the efforts made to screen those who had committed a crime which, to use her own language, "left two widows and nine orphans desolate."

To say that the murder of a negro or a white Republican is not considered a crime in Louisiana would probably be unjust to a great part of the people, but it is true that a great number of such murders have been committed and no one has been punished therefor; and manifestly, as to them, the spirit of hatred and violence is stronger than law.

Representations were made to me that the presence of troops in Louisiana was unnecessary and irritating to the people, and that there was no danger of public disturbance if they were taken away. Consequently early in last summer the troops were all withdrawn from the State, with the exception of a small garrison at New Orleans Barracks. It was claimed that a comparative state of quiet had supervened. Political excitement as to Louisiana affairs seemed to be dying out. But the November election was approaching, and it was necessary for party purposes that the flame should be rekindled.

Accordingly, on the 14th of September D. P. Penn, claiming that he was elected lieutenant-governor in 1872, issued an inflammatory proclamation calling upon the militia of the State to arm, assemble, and drive from power the usurpers, as he designated the officers of the State. The White Leagues, armed and ready for the conflict, promptly responded.

On the same day the governor made a formal requisition upon me, pursuant to the act of 1795 and section 4, Article IV, of the Constitution, to aid in suppressing domestic violence. On the next day I issued my proclamation\* commanding the insurgents to disperse within five days from the date thereof; but before the proclamation was published in New Orleans the organized and armed forces recognizing a usurping governor had taken forcible possession of the statehouse and temporarily subverted the government. Twenty or more people were killed, including a number of the police of the city. The streets of the city were stained with blood. All that was desired in the way of excitement had been accomplished, and, in view of the steps taken to repress it, the revolution is apparently, though it is believed not really, abandoned, and the cry of Federal usurpation and tyranny in Louisiana was renewed with redoubled energy. Troops had been sent to the State under this requisition of the governor, and as other disturbances seemed imminent they were allowed to remain there to render the executive such aid as might become necessary to enforce the laws of the State and repress the continued violence which seemed inevitable the moment Federal support should be withdrawn.

\*See pp. 276-277.

Prior to, and with a view to, the late election in Louisiana white men associated themselves together in armed bodies called "White Leagues," and at the same time threats were made in the Democratic journals of the State that the election should be carried against the Republicans at all hazards, which very naturally greatly alarmed the colored voters. By section 8 of the act of February 28, 1871, it is made the duty of United States marshals and their deputies at polls where votes are cast for Representatives in Congress to keep the peace and prevent any violations of the so-called enforcement acts and other offenses against the laws of the United States; and upon a requisition of the marshal of Louisiana, and in view of said armed organizations and other portentous circumstances, I caused detachments of troops to be stationed in various localities in the State, to aid him in the performance of his official duties. That there was intimidation of Republican voters at the election, notwithstanding these precautions, admits of no doubt. The following are specimens of the means used:

On the 14th of October eighty persons signed and published the following at Shreveport:

We, the undersigned, merchants of the city of Shreveport, in obedience to a request of the Shreveport Campaign Club, agree to use every endeavor to get our employees to vote the People's ticket at the ensuing election, and in the event of their refusal so to do, or in case they vote the Radical ticket, to refuse to employ them at the expiration of their present contracts.

—On the same day another large body of persons published in the same place a paper in which they used the following language:

We, the undersigned, merchants of the city of Shreveport, alive to the great importance of securing good and honest government to the State, do agree and pledge ourselves not to advance any supplies or money to any planter the coming year who will give employment or rent lands to laborers who vote the Radical ticket in the coming election.

I have no information of the proceedings of the returning board for said election which may not be found in its report, which has been published; but it is a matter of public information that a great part of the time taken to canvass the votes was consumed by the arguments of lawyers, several of whom represented each party before the board. I have no evidence that the proceedings of this board were not in accordance with the law under which they acted. Whether in excluding from their count certain returns they were right or wrong is a question that depends upon the evidence they had before them; but it is very clear that the law gives them the power, if they choose to exercise it, of deciding that way, and, *prima facie*, the persons whom they return as elected are entitled to the offices for which they were candidates.

Respecting the alleged interference by the military with the organization of the legislature of Louisiana on the 4th instant, I have no knowledge or information which has not been received by me since that time and published. My first information was from the papers of the morning

of the 5th of January. I did not know that any such thing was anticipated, and no orders nor suggestions were ever given to any military officer in that State upon that subject prior to the occurrence. I am well aware that any military interference by the officers or troops of the United States with the organization of the State legislature or any of its proceedings, or with any civil department of the Government, is repugnant to our ideas of government. I can conceive of no case, not involving rebellion or insurrection, where such interference by authority of the General Government ought to be permitted or can be justified. But there are circumstances connected with the late legislative imbroglio in Louisiana which seem to exempt the military from any intentional wrong in that matter. Knowing that they had been placed in Louisiana to prevent domestic violence and aid in the enforcement of the State laws, the officers and troops of the United States may well have supposed that it was their duty to act when called upon by the governor for that purpose.

Each branch of a legislative assembly is the judge of the election and qualifications of its own members; but if a mob or a body of unauthorized persons seize and hold the legislative hall in a tumultuous and riotous manner, and so prevent any organization by those legally returned as elected, it might become the duty of the State executive to interpose, if requested by a majority of the members elect, to suppress the disturbance and enable the persons elected to organize the house.

Any exercise of this power would only be justifiable under most extraordinary circumstances, and it would then be the duty of the governor to call upon the constabulary or, if necessary, the military force of the State. But with reference to Louisiana, it is to be borne in mind that any attempt by the governor to use the police force of that State at this time would have undoubtedly precipitated a bloody conflict with the White League, as it did on the 14th of September.

There is no doubt but that the presence of the United States troops upon that occasion prevented bloodshed and the loss of life. Both parties appear to have relied upon them as conservators of the public peace.

The first call was made by the Democrats, to remove persons obnoxious to them from the legislative halls; and the second was from the Republicans, to remove persons who had usurped seats in the legislature without legal certificates authorizing them to seats, and in sufficient number to change the majority.

Nobody was disturbed by the military who had a legal right at that time to occupy a seat in the legislature. That the Democratic minority of the house undertook to seize its organization by fraud and violence; that in this attempt they trampled under foot law; that they undertook to make persons not returned as elected members, so as to create a majority; that they acted under a preconcerted plan, and under false pretenses introduced into the hall a body of men to support their pretensions by force if necessary, and that conflict, disorder, and riotous proceedings

followed are facts that seem to be well established; and I am credibly informed that these violent proceedings were a part of a premeditated plan to have the house organized in this way, recognize what has been called the McEnery senate, then to depose Governor Kellogg, and so revolutionize the State government.

Whether it was wrong for the governor, at the request of the majority of the members returned as elected to the house, to use such means as were in his power to defeat these lawless and revolutionary proceedings is perhaps a debatable question; but it is quite certain that there would have been no trouble if those who now complain of illegal interference had allowed the house to be organized in a lawful and regular manner. When those who inaugurate disorder and anarchy disavow such proceedings, it will be time enough to condemn those who by such means as they have prevent the success of their lawless and desperate schemes.

Lieutenant-General Sheridan was requested by me to go to Louisiana to observe and report the situation there, and, if in his opinion necessary, to assume the command, which he did on the 4th instant, after the legislative disturbances had occurred, at 9 o'clock p. m., a number of hours after the disturbances. No party motives nor prejudices can reasonably be imputed to him; but honestly convinced by what he has seen and heard there, he has characterized the leaders of the White Leagues in severe terms and suggested summary modes of procedure against them, which, though they can not be adopted, would, if legal, soon put an end to the troubles and disorders in that State. General Sheridan was looking at facts, and possibly, not thinking of proceedings which would be the only proper ones to pursue in time of peace, thought more of the utterly lawless condition of society surrounding him at the time of his dispatch and of what would prove a sure remedy. He never proposed to do an illegal act nor expressed determination to proceed beyond what the law in the future might authorize for the punishment of the atrocities which have been committed, and the commission of which can not be successfully denied. It is a deplorable fact that political crimes and murders have been committed in Louisiana which have gone unpunished, and which have been justified or apologized for, which must rest as a reproach upon the State and country long after the present generation has passed away.

I have no desire to have United States troops interfere in the domestic concerns of Louisiana or any other State.

On the 9th of December last Governor Kellogg telegraphed to me his apprehensions that the White League intended to make another attack upon the statehouse, to which, on the same day, I made the following answer, since which no communication has been sent to him:

Your dispatch of this date just received. It is exceedingly unpalatable to use troops in anticipation of danger. Let the State authorities be right, and then proceed with their duties without apprehension of danger. If they are then molested, the question will be determined whether the United States is able to maintain law and order within its limits or not.

I have deplored the necessity which seemed to make it my duty under the Constitution and laws to direct such interference. I have always refused except where it seemed to be my imperative duty to act in such a manner under the Constitution and laws of the United States. I have repeatedly and earnestly entreated the people of the South to live together in peace and obey the laws; and nothing would give me greater pleasure than to see reconciliation and tranquillity everywhere prevail, and thereby remove all necessity for the presence of troops among them. I regret, however, to say that this state of things does not exist, nor does its existence seem to be desired, in some localities; and as to those it may be proper for me to say that to the extent that Congress has conferred power upon me to prevent it neither Kuklux Klans, White Leagues, nor any other association using arms and violence to execute their unlawful purposes can be permitted in that way to govern any part of this country; nor can I see with indifference Union men or Republicans ostracized, persecuted, and murdered on account of their opinions, as they now are in some localities.

I have heretofore urged the case of Louisiana upon the attention of Congress, and I can not but think that its inaction has produced great evil.

To summarize: In September last an armed, organized body of men, in the support of candidates who had been put in nomination for the offices of governor and lieutenant-governor at the November election in 1872, and who had been declared not elected by the board of canvassers, recognized by all the courts to which the question had been submitted, undertook to subvert and overthrow the State government that had been recognized by me in accordance with previous precedents. The recognized governor was driven from the statehouse, and but for his finding shelter in the United States custom-house, in the capital of the State of which he was governor, it is scarcely to be doubted that he would have been killed.

From the statehouse, before he had been driven to the custom-house, a call was made, in accordance with the fourth section, fourth article, of the Constitution of the United States, for the aid of the General Government to suppress domestic violence. Under those circumstances, and in accordance with my sworn duties, my proclamation\* of the 15th of September, 1874, was issued. This served to reinstate Governor Kellogg to his position nominally, but it can not be claimed that the insurgents have to this day surrendered to the State authorities the arms belonging to the State, or that they have in any sense disarmed. On the contrary, it is known that the same armed organizations that existed on the 14th of September, 1874, in opposition to the recognized State government, still retain their organization, equipments, and commanders, and can be called out at any hour to resist the State government. Under these

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\*See pp. 276-277.



circumstances the same military force has been continued in Louisiana as was sent there under the first call, and under the same general instructions. I repeat that the task assumed by the troops is not a pleasant one to them; that the Army is not composed of lawyers, capable of judging at a moment's notice of just how far they can go in the maintenance of law and order, and that it was impossible to give specific instructions providing for all possible contingencies that might arise. The troops were bound to act upon the judgment of the commanding officer upon each sudden contingency that arose, or wait instructions which could only reach them after the threatened wrongs had been committed which they were called on to prevent. It should be recollected, too, that upon my recognition of the Kellogg government I reported the fact, with the grounds of recognition, to Congress, and asked that body to take action in the matter; otherwise I should regard their silence as an acquiescence in my course. No action has been taken by that body, and I have maintained the position then marked out.

If error has been committed by the Army in these matters, it has always been on the side of the preservation of good order, the maintenance of law, and the protection of life. Their bearing reflects credit upon the soldiers, and if wrong has resulted the blame is with the turbulent element surrounding them.

I now earnestly ask that such action be taken by Congress as to leave my duties perfectly clear in dealing with the affairs of Louisiana, giving assurance at the same time that whatever may be done by that body in the premises will be executed according to the spirit and letter of the law, without fear or favor.

I herewith transmit copies of documents containing more specific information as to the subject-matter of the resolution.

U. S. GRANT.

EXECUTIVE MANSION, *January 14, 1875.*

*To the Senate of the United States:*

Senate bill No. 1044, "to provide for the resumption of specie payments," is before me, and this day receives my signature of approval.

I venture upon this unusual method of conveying the notice of approval to the "House in which the measure originated" because of its great importance to the country at large and in order to suggest further legislation which seems to me essential to make this law effective.

It is a subject of congratulation that a measure has become law which fixes a date when specie resumption shall commence and implies an obligation on the part of Congress, if in its power, to give such legislation as may prove necessary to redeem this promise.

To this end I respectfully call your attention to a few suggestions:

First. The necessity of an increased revenue to carry out the obligation of adding to the sinking fund annually 1 per cent of the public debt,

amounting now to about \$34,000,000 per annum, and to carry out the promises of this measure to redeem, under certain contingencies, eighty millions of the present legal-tenders, and, without contingency, the fractional currency now in circulation.

How to increase the surplus revenue is for Congress to devise, but I will venture to suggest that the duty on tea and coffee might be restored without permanently enhancing the cost to the consumers, and that the 10 per cent horizontal reduction of the tariff on articles specified in the law of June 6, 1872, be repealed. The supply of tea and coffee already on hand in the United States would in all probability be advanced in price by adopting this measure. But it is known that the adoption of free entry to those articles of necessity did not cheapen them, but merely added to the profits of the countries producing them, or of the middlemen in those countries, who have the exclusive trade in them.

Second. The first section of the bill now under consideration provides that the fractional currency shall be redeemed in silver coin as rapidly as practicable. There is no provision preventing the fluctuation in the value of the paper currency. With gold at a premium of anything over 10 per cent above the currency in use, it is probable, almost certain, that silver would be bought up for exportation as fast as it was put out, or until change would become so scarce as to make the premium on it equal to the premium on gold, or sufficiently high to make it no longer profitable to buy for export, thereby causing a direct loss to the community at large and great embarrassment to trade.

As the present law commands final resumption on the 1st day of January, 1879, and as the gold receipts by the Treasury are larger than the gold payments and the currency receipts are smaller than the currency payments, thereby making monthly sales of gold necessary to meet current currency expenses, it occurs to me that these difficulties might be remedied by authorizing the Secretary of the Treasury to redeem legal-tender notes, whenever presented in sums of not less than \$100 and multiples thereof, at a premium for gold of 10 per cent, less interest at the rate of  $2\frac{1}{2}$  per cent per annum from the 1st day of January, 1875, to the date of putting this law into operation, and diminishing this premium at the same rate until final resumption, changing the rate of premium demanded from time to time as the interest amounts to one-quarter of 1 per cent. I suggest this rate of interest because it would bring currency at par with gold at the date fixed by law for final resumption. I suggest 10 per cent as the demand premium at the beginning because I believe this rate would insure the retention of silver in the country for change.

The provisions of the third section of the act will prevent combinations being made to exhaust the Treasury of coin.

With such a law it is presumable that no gold would be called for not required for legitimate business purposes. When large amounts of coin should be drawn from the Treasury, correspondingly large amounts of

currency would be withdrawn from circulation, thus causing a sufficient stringency in currency to stop the outward flow of coin.

The advantages of a currency of a fixed known value would also be reached. In my opinion, by the enactment of such a law business and industries would revive and the beginning of prosperity on a firm basis would be reached.

Other means of increasing revenue than those suggested should probably be devised, and also other legislation.

In fact, to carry out the first section of the act another mint becomes a necessity. With the present facilities for coinage, it would take a period probably beyond that fixed by law for final specie resumption to coin the silver necessary to transact the business of the country.

There are now smelting furnaces, for extracting the silver and gold from the ores brought from the mountain territories, in Chicago, St. Louis, and Omaha—three in the former city—and as much of the change required will be wanted in the Mississippi Valley States, and as the metals to be coined come from west of those States, and, as I understand, the charges for transportation of bullion from either of the cities named to the mint in Philadelphia or to New York City amount to \$4 for each \$1,000 worth, with an equal expense for transportation back, it would seem a fair argument in favor of adopting one or more of those cities as the place or places for the establishment of new coining facilities.

I have ventured upon this subject with great diffidence, because it is so unusual to approve a measure—as I most heartily do this, even if no further legislation is attainable at this time—and to announce the fact by message. But I do so because I feel that it is a subject of such vital importance to the whole country that it should receive the attention of and be discussed by Congress and the people through the press, and in every way, to the end that the best and most satisfactory course may be reached of executing what I deem most beneficial legislation on a most vital question to the interests and prosperity of the nation.

U. S. GRANT.

EXECUTIVE MANSION, *January 20, 1875.*

*To the House of Representatives:*

I have the honor to transmit herewith a report from a board composed of one person named by the head of each Executive Department and of the Department of Agriculture and Smithsonian Institution, for the purpose of securing a complete and harmonious arrangement of the articles and materials designed to be exhibited from the Executive Departments of the Government at the international exhibition to be held in the city of Philadelphia in the year 1876 for the purpose of celebrating the one hundredth anniversary of the independence of the United States. The report gives a statement of what is proposed to be exhibited by each Department, together with an estimate of the expense which will have to be incurred. Submitting to Congress the estimate made by the board,

I recommend that Congress make a suitable appropriation to enable the different Departments to make a complete and creditable showing of the articles and materials designed to be exhibited by the Government, and which will undoubtedly form one of the most interesting features of the exhibition.

U. S. GRANT.

EXECUTIVE MANSION, *January 20, 1875.*

*To the Senate and House of Representatives:*

In my annual message of December 1, 1873, while inviting general attention to all the recommendations made by the Secretary of War, your special consideration was invited to "the importance of preparing for war in time of peace by providing proper armament for our seacoast defenses. Proper armament is of vastly more importance than fortifications. The latter can be supplied very speedily for temporary purposes when needed; the former can not."

These views gain increased strength and pertinence as the years roll by, and I have now again the honor to call special attention to the condition of the "armament of our fortifications" and the absolute necessity for immediate provision by Congress for the procurement of heavy cannon. The large expenditures required to supply the number of guns for our forts is the strongest argument that can be adduced for a liberal annual appropriation for their gradual accumulation. In time of war such preparations can not be made; cannon can not be purchased in open market nor manufactured at short notice; they must be the product of years of experience and labor.

I herewith inclose copies of a report of the Chief of Ordnance and of a board of ordnance officers on the trial of an 8-inch rifle converted from a 10-inch smoothbore, which shows very conclusively an economical means of utilizing these useless smoothbores and making them into 8-inch rifles, capable of piercing 7 inches of iron. The 1,294 10-inch Rodman guns should, in my opinion, be so utilized, and the appropriation requested by the Chief of Ordnance of \$250,000 to commence these conversions is urgently recommended.

While convinced of the economy and necessity of these conversions, the determination of the best and most economical method of providing guns of still larger caliber should no longer be delayed. The experience of other nations, based on the new conditions of defense brought prominently forward by the introduction of ironclads into every navy afloat, demands heavier metal and rifle guns of not less than 12 inches in caliber. These enormous masses, hurling a shot of 700 pounds, can alone meet many of the requirements of the national defenses. They must be provided, and experiments on a large scale can alone give the data necessary for the determination of the question. A suitable proving ground, with all the facilities and conveniences referred to by the Chief of Ordnance, with a liberal annual appropriation, is an undoubted necessity.

The guns now ready for trial can not be experimented with without funds, and the estimate of \$250,000 for the purpose is deemed reasonable and is strongly recommended.

The constant appeals for legislation on the "armament of fortifications" ought no longer to be disregarded if Congress desires in peace to prepare the important material without which future wars must inevitably lead to disaster.

This subject is submitted with the hope that the consideration it deserves may be given it at the present session.

U. S. GRANT.

EXECUTIVE MANSION, *January 25, 1875.*

*To the Senate and House of Representatives:*

I have the honor to transmit herewith the report of the commission of engineers appointed in compliance with the act of Congress approved June 22, 1874, to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation.

U. S. GRANT.

EXECUTIVE MANSION, *January 26, 1875.*

*To the Senate and House of Representatives:*

I have the honor to transmit herewith, for the information of Congress, a report of the progress made to this date by the United States Centennial Commission appointed in accordance with the requirements of the act approved June 1, 1872.

U. S. GRANT.

WASHINGTON, *February 1, 1875.*

*To the Senate of the United States:*

I transmit to the Senate, for consideration with a view to ratification, a treaty concluded on the 30th ultimo between this Government and His Hawaiian Majesty, on the subject of commercial reciprocity. I also transmit, for the information of the Senate, the papers mentioned in the subjoined list, relating to the commerce between the United States and the Hawaiian Islands.

U. S. GRANT.

EXECUTIVE MANSION, *February 3, 1875.*

*To the Senate and House of Representatives:*

I have the honor to lay before Congress a communication of the Secretary of War relative to the action taken in issuing certain supplies to the suffering people in Kansas and Nebraska, in consequence of the drought and grasshopper plague, and to respectfully request that such action be approved.

U. S. GRANT.

EXECUTIVE MANSION, *February 8, 1875.*

*To the Senate of the United States:*

Herewith I have the honor to send, in accordance with the resolution of the Senate of the 3d instant, all the information in my possession not heretofore furnished relating to affairs in the State of Arkansas.

I will venture to express the opinion that all the testimony shows that in the election of 1872 Joseph Brooks was lawfully elected governor of that State; that he has been unlawfully deprived of the possession of his office since that time; that in 1874 the constitution of the State was by violence, intimidation, and revolutionary proceedings overthrown and a new constitution adopted and a new State government established.

These proceedings, if permitted to stand, practically ignore all rights of minorities in all the States. Also, what is there to prevent each of the States recently readmitted to Federal relations on certain conditions changing their constitutions and violating their pledges if this action in Arkansas is acquiesced in?

I respectfully submit whether a precedent so dangerous to the stability of State government, if not of the National Government also, should be recognized by Congress. I earnestly ask that Congress will take definite action in this matter to relieve the Executive from acting upon questions which should be decided by the legislative branch of the Government.

U. S. GRANT.

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EXECUTIVE MANSION, *February 19, 1875.*

*To the Senate and House of Representatives:*

Under the requirements of section 6 of the "act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, I have the honor to submit herewith the report of the board of audit upon the amount equitably chargeable to the street-railroad companies pursuant to the charters of said companies or the acts of Congress relating thereto, together with the reasons therefor.

U. S. GRANT.

## VETO MESSAGES.

EXECUTIVE MANSION, *January 30, 1875.*

*To the House of Representatives:*

I have the honor to return herewith House bill No. 4462, entitled "An act for the relief of Alexander Burtch," from which I withhold my approval for the reasons given in the accompanying letter of the Secretary of War.

U. S. GRANT.

WAR DEPARTMENT,

*Washington City, January 28, 1875.*

The PRESIDENT.

SIR: I have the honor to return House bill No. 4462, "for the relief of Alexander Burtch."

It appears from the records of this office that Alexander Burtch, Company H, First Indiana Artillery, enlisted July 24, 1861, for three years, reenlisted as a veteran January 1, 1864, and deserted at Fort Gaines, Ala., September 25, 1865, and was a deserter at large at date of muster-out of his company, January 10, 1866.

This Department emphatically objects to this bill becoming a law upon the ground of its great injustice to every soldier who served honorably until his services were no longer required by the Government.

Very respectfully, your obedient servant,

WM. W. BELKNAP,  
*Secretary of War.*

EXECUTIVE MANSION, *February 12, 1875.**To the House of Representatives:*

I have the honor to return herewith House bill No. 2352, entitled "An act granting a pension to Lewis Hinely," from which I withhold my approval for the reasons given in the accompanying letter of the Secretary of the Interior.

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,

*Washington, February 11, 1875.*

The PRESIDENT.

SIR: I have the honor to return herewith House bill No. 2352, "granting a pension to Lewis Hinely."

I am informed by the Commissioner of Pensions that the act does not designate the person for whose benefit it was passed. His true name, as verified by his own signature to papers on file in the Pension Office, is Louis Heinlig, and as there were several soldiers in the company and regiment named in the act whose names are similar to that specified therein, a correction appears to be necessary in order that the beneficiary of the act may be properly identified should the bill become a law.

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

C. DELANO, *Secretary.*

WASHINGTON, *March 3, 1875.**To the House of Representatives:\**

House bill No. 3341† is herewith returned without my approval, for the reasons, first, that it appropriates from the Treasury a large sum of money at a time when the revenue is insufficient for current wants and this proposed further drain on the Treasury. The issue of bonds, authorized by the bill to a very large and indefinite amount, would seriously embarrass the refunding operations now progressing, whereby the interest of the bonded debt of the United States is being largely reduced. Second, I do not believe that any considerable portion of the ex-soldiers

\*Pocket veto. This message was written in the President's room at the Capitol, but failed to reach the House of Representatives before the final adjournment of Congress. The original is filed at the Executive Mansion.

†"An act to equalize the bounties of soldiers who served in the late war for the Union."

who, it is supposed, will be beneficiaries of this appropriation are applicants for it, but, rather, it would result more in a measure for the relief of claim agents and middlemen who would intervene to collect or discount the bounties granted by it. The passage of this bill at this time is inconsistent with the measures of economy now demanded by the necessities of the country.

U. S. GRANT.

[The following messages were sent to the special session of the Senate convened by proclamation (see p. 324) of February 17, 1875.]

## SPECIAL MESSAGES.

WASHINGTON, *March 8, 1875.*

*To the Senate of the United States:*

I nominate in the Medical Department, Army of the United States, Benjamin F. Pope, assistant surgeon, to rank from May 14, 1867.

NOTE.—October 5, 1870, Assistant Surgeon B. F. Pope, United States Army, applied for discharge to date December 31, 1870, under section 3, act of July 15, 1870.

By letter from the Adjutant-General's Office, War Department, November 2, 1870, he was informed he could not be discharged as requested, as the President had decided staff officers did not come under the provisions of the act.

Subsequently the President decided that staff officers who applied and could be spared could go out under the act. Accordingly, Assistant Surgeon Pope was discharged, on his original application, to date December 31, 1870, by special order of that date, this because time did not permit to communicate with him, and the belief that his desire to leave the service was unchanged.

He drew a year's pay and mileage under the order, came to Washington, and on May 19, 1871, applied for revocation of the order of discharge on the ground that, having been officially notified of disapproval, he had made arrangements to remain in service. Forwarded by the Surgeon-General recommended. Disapproved by the Secretary of War May 23, 1871.

June 17, 1871, the order of discharge was revoked. Assistant-Surgeon Pope then refunded the year's pay and mileage and drew pay for continuous service.

U. S. GRANT.

WASHINGTON, *March 9, 1875.*

*To the Senate of the United States:*

Pursuant to the authority conferred upon me by the joint resolution of Congress approved on the 17th of June last, due notice was, on the 1st day of July last, given to the Government of Belgium, through the



minister of the United States at Brussels, of the desire of this Government to terminate the treaty between the United States and His Majesty the King of the Belgians of the 17th of July, 1858. It being deemed advisable, however, that another instrument, with provisions more consonant with the interests of this country, should be entered into with that Government, I directed that negotiations should be set on foot for the purpose. They have resulted in the treaty\* between the same parties of the 8th instant, which is now transmitted for the consideration of the Senate with a view to its ratification.

U. S. GRANT.

*To the Senate:*

WASHINGTON, *March 15, 1875.*

In answer to the resolution of the Senate of the 12th of March instant, I herewith transmit a report† from the Secretary of State, with accompanying correspondence.

U. S. GRANT.

EXECUTIVE MANSION, *March 17, 1875.*

*To the Senate of the United States:*

I have the honor to transmit herewith communications from the Secretaries of War and the Interior, in answer to the resolution of the Senate of the 15th instant, requesting "any information in my possession in regard to the proposed emigration to the Black Hills country, in the Sioux Indian Reservation; whether such emigration is with the consent of the Indian tribes holding said country under the treaty of February 24, 1869, and, if not, what measures will be taken in relation to the same."

U. S. GRANT.

## PROCLAMATIONS.

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 the Union, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence; and

Whereas it is provided by the laws of the United States that in all cases of insurrection in any State or of obstruction to the laws thereof it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive (when the legislature

\*Of commerce and navigation.

†Stating that the question of indemnity demanded from Spain for the execution or detention of a portion of the crew of the steamer *Virginus* and for the execution of passengers, citizens of the United States, had been disposed of by an agreement between the two countries, and transmitting correspondence connected therewith.

can not be convened), to call forth the militia of any other State or States, or to employ such part of the land and naval force as shall be judged necessary, for the purpose of suppressing such insurrection or of causing the laws to be duly executed; and

Whereas the legislature of the State of Mississippi, now in session, have represented to me, in a concurrent resolution of that body, that several of the legally elected officers of Warren County, in said State, are prevented from executing the duties of their respective offices by force and violence; that the public buildings and records of said county have been taken into the possession of and are now held by lawless and unauthorized persons; that many peaceable citizens of said county have been killed, and others have been compelled to abandon and remain away from their homes and families; that illegal and riotous seizures and imprisonments have been made by such lawless persons; and, further, that a large number of armed men from adjacent States have invaded Mississippi to aid such lawless persons, and are still ready to give them such aid; and

Whereas it is further represented as aforesaid by said legislature that the courts of said county can not be held, and that the governor of said State has no sufficient force at his command to execute the laws thereof in said county and suppress said violence without causing a conflict of races and endangering life and property to an alarming extent; and

Whereas the said legislature as aforesaid have made application to me for such part of the military force of the United States as may be necessary and adequate to protect said State and the citizens thereof against the domestic violence hereinbefore mentioned and to enforce the due execution of the laws; 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 purposes aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby command said disorderly and turbulent persons to disperse and retire peaceably to their respective abodes within five days from the date hereof, and that they refrain from forcible resistance to the laws and submit themselves peaceably to the lawful authorities of said county and State.

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 21st day of December, A. D. 1874, and of the Independence of the United States the ninety-ninth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State*.

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 5th day 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, Ulysses S. Grant, 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 5th 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 17th day of February, A. D. 1875, and of the Independence of the United States of America the ninety-ninth.

U. S. GRANT.

By the President:

HAMILTON FISH,  
*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the eighth section of the act of Congress entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain," approved June 23, 1874, it is provided—

That the judges of the court created by this act shall convene in the city of Washington as soon as conveniently may be after their appointment; and the said court shall exist for one year from the date of its first convening and organizing; and should it be found impracticable to complete the work of the said court before the expiration of the said one year, the President may by proclamation extend the time of the duration thereof to a period not more than six months beyond the expiration of the said one year; and in such case all the provisions of this act shall be taken and held to be the same as though the continuance of the said court had been originally fixed by this act at the limit to which it may be thus extended.

And whereas it has been made satisfactorily to appear to me that the said court convened on the 22d of July, 1874, and that a large portion of the business of said court still remains undisposed of, and that it is found

impracticable to complete the work of the said court before the expiration of the said one year from its first convening and organizing:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by the provisions of the said eighth section of the act of Congress aforesaid, do hereby extend the time of the duration of said "Court of Commissioners of Alabama Claims" for a period of six months from and after the 22d day of July, A. D. 1875.

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

[SEAL.] Done at the city of Washington, this 2d day of June, A. D. 1875, and of the Independence of the United States the ninety-ninth.

U. S. GRANT.

By the President:

HAMILTON FISH,  
*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

In accordance with a practice at once wise and beautiful, we have been accustomed, as the year is drawing to a close, to devote an occasion to the humble expression of our thanks to Almighty God for the ~~ceaseless~~ and distinguished benefits bestowed upon us as a nation and for His mercies and protection during the closing year.

Amid the rich and free enjoyment of all our advantages, we should not forget the source from whence they are derived and the extent of our obligation to the Father of All Mercies.

We have full reason to renew our thanks to Almighty God for favors bestowed upon us during the past year.

By His continuing mercy civil and religious liberty have been maintained, peace has reigned within our borders, labor and enterprise have produced their merited rewards; and to His watchful providence we are indebted for security from pestilence and other national calamity.

Apart from national blessings, each individual among us has occasion to thoughtfully recall and devoutly recognize the favors and protection which he has enjoyed.

Now, therefore, I, Ulysses S. Grant, President of the United States, do recommend that on Thursday, the 25th day of November, the people of the United States, abstaining from all secular pursuits and from their accustomed avocations, do assemble in their respective places of worship, and, in such form as may seem most appropriate in their own hearts, offer to Almighty God their acknowledgments and thanks for all His mercies and their humble prayers for a continuance of His divine favor.

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 27th day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

## EXECUTIVE ORDERS.

EXECUTIVE MANSION, *March 9, 1875.*

In order to carry out the provisions of the fifth section of the act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," approved March 3, 1875, the board heretofore appointed to take charge of the articles and materials to be exhibited by the several Executive Departments, the Smithsonian Institution, and the Agricultural Department at the International Exhibition of 1876 is hereby continued under the following regulations and distribution of duties, viz:

The funds appropriated by the above-named section will be drawn from the ~~Treasury~~ upon the requisition of the chairman of the board, and be disbursed as are other public moneys under the existing laws relating to disbursing officers.

An officer of the Army will be detailed by the Secretary of War as disbursing officer of the board.

Each representative of an Executive Department and the representatives of the Smithsonian Institution, of the Agricultural Department, and the United States Commissioner of Food Fishes will have charge of the matters pertaining to his respective Department, subject to the general advisement of the board; and all bills will be paid by the disbursing officer upon vouchers certified by such representative and countersigned by the chairman of the board.

The disbursing officer will render monthly accounts current of all advances to and disbursements by him to the First Auditor of the Treasury for audit and settlement in the same manner as are other accounts of disbursing officers of the Government.

Each representative will be held responsible to the head of his respective Department for all public property of the United States furnished by the head of such Department or otherwise coming to his hands for the purposes of the exhibition, and will render proper accounts of the same to such head of Department until the property is returned.

U. S. GRANT,  
*President United States.*

TREASURY DEPARTMENT, *March 9, 1875.*

The BOARD OF EXAMINERS,

*Treasury Department:*

By direction of the President, the rules and regulations known as the civil-service rules, etc., governing appointments and promotions under the Treasury Department are hereby abolished, and hereafter all appointments will be made as provided for by section 164, Revised Statutes, enacted June 22, 1874.

You are instructed and directed to transfer all books, papers, records, and public property in your possession to the chief clerk of the Department, and notify all sub-boards of the promulgation of this order.

The clerks and other employees now on duty under the direction of the board of examiners will report to the chief clerk for assignment to duty.

I am, very respectfully,

B. H. BRISTOW, *Secretary.*

[A similar order was, by direction of the President, issued by the heads of the other Executive Departments.]

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EXECUTIVE MANSION, *March 25, 1875.*

In pursuance of the fourth section of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," approved March 3, 1875, a board is hereby appointed, to consist of Lieutenant-Colonel T. T. S. Laidley, Ordnance Department, United States Army, president of the board; Commander L. A. Beardslee, United States Navy; Lieutenant-Colonel Q. A. Gillmore, Engineer Department, United States Army; David Smith, Chief Engineer, United States Navy; W. Sooy Smith, civil engineer; A. S. Holly, civil engineer; R. H. Thurston, civil engineer, who will convene at the Watertown Arsenal, Mass., on April 15, 1875, or as soon thereafter as practicable, for the purpose of determining by actual tests the strength and value of all kinds of iron, steel, and other metals which may be submitted to them or by them procured, and to prepare tables which will exhibit the strength and value of said materials for constructive and mechanical purposes, and to provide for the building of a suitable machine for establishing such tests, the machine to be set up and maintained at the Watertown Arsenal.

The funds appropriated for the purposes of these tests will be disbursed under the Ordnance Department of the Army, and the board will receive instructions from and make its report to the Chief of Ordnance.

Mr. R. H. Thurston, civil engineer, is designated as secretary of the board, at an annual compensation of \$1,200.

Actual traveling expenses, as provided by law, will be allowed the members of the board.

U. S. GRANT.

EXECUTIVE MANSION,

*Washington, May 24, 1875.*

SIR:\* The President directs me to say that the several Departments of the Government will be closed on Saturday, the 29th instant, in order 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,

O. E. BABCOCK, *Secretary.*

TREASURY DEPARTMENT,

*Washington, D. C., July 3, 1875.*

*To Collectors of Customs:*

The importation of breech-loading rifles, and fixed ammunition suitable therefor, into the Territory of Alaska, and the shipment of such rifles or ammunition to any port or place in the Territory of Alaska, are hereby forbidden, and collectors of customs are instructed to refuse clearance of any vessel having on board any such arms or ammunition destined for any port or place in said Territory.

If, however, any vessel intends to touch or trade at a port in Alaska Territory or to pass within the waters thereof, but shall be ultimately destined for some port or place not within the limits of said Territory, and shall have on board any such firearms or ammunition, the master or chief officer thereof ~~will be~~ required to execute and deliver to the collector of customs at the port of clearance a good and sufficient bond, with two sureties, in double the value of such merchandise, conditioned that such arms or ammunition, or any part thereof, shall not be landed or disposed of within the Territory of Alaska. Such bond shall be taken for such time as the collector shall deem proper, and may be satisfied upon proofs similar to those required to satisfy ordinary export bonds, showing that such arms have been landed at some foreign port; or, if such merchandise is landed at any port of the United States not within the limits of the Territory of Alaska, the bond may be satisfied upon production of a certificate to that effect from the collector of the port where it is so landed.

CHAS. F. CONANT, *Acting Secretary.*

Approved:

U. S. GRANT, *President.*

EXECUTIVE MANSION, *July 27, 1875.*

In conformity to provisions contained in the river and harbor act approved March 3, 1875, granting to James B. Eads and his associates authority to use, for the construction of jetties at the mouth of the Mississippi River, any materials on the public lands of the United States that shall be suitable for and may be needed in said works, under such

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

regulations as the Secretary of War shall prescribe, it is hereby ordered and directed—

1. That the general supervision of all matters properly appertaining to the grant therein made is placed in the officer of engineers, Major C. B. Comstock, detailed by the Secretary of War, under the provisions of the said act, to report to him “the depth of water and width of channel secured and maintained from time to time in said channel, together with such other information as the Secretary of War may direct.”

2. *Protection of the interests of the United States so far as the taking of material is concerned.*—Said Eads and his associates shall, prior to taking material from any public lands, obtain authority to do so from the Secretary of War, their applications specifying the kinds and amounts of material they wish to take from each subdivision of the public lands; and they shall at once cease from such taking on being notified that the authority is withdrawn.

3. *Protection of the interests of the United States so far as structures are concerned.*—Said Eads and his associates and contractors are authorized to erect, at their own expense, such shops, dwellings, storehouses, and wharves on the military reservation at the mouth of the Mississippi as may be necessary for the prosecution of the work, and shall furnish a list and plan showing the location of the same to the Secretary of War; but these shall be erected in such a way and at such places as not unnecessarily to interfere with navigation or any other interest in which the United States is concerned, whereof the Secretary of War shall be the judge. At his direction any such structure shall be at once removed.

4. *Protection of James B. Eads's interests.*—No person save said Eads and his contractors shall erect any building, tent, or other habitation on the military reservation at the mouth of the Mississippi River. Any person so doing may be summarily ejected by the United States marshal or his deputy. But as authority has already been given to James B. Eads by the Secretary of War to collect the material aforesaid until he should be furnished with the regulations as now herein given, the said Eads is authorized to continue collecting materials under that authority until the 1st day of September, 1875, after which time these regulations will go into effect.

U. S. GRANT.

GENERAL ORDERS, No. 73.

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, August 2, 1875.*

I. The following order has been received from the President of the United States:

EXECUTIVE MANSION, *Washington, July 31, 1875.*

It becomes the painful duty of the President to announce to the people of the United States the death of Andrew Johnson, the last survivor of



his honored predecessors, which occurred in Carter County, East Tennessee, at an early hour this morning.

The solemnity of the occasion which called him to the Presidency, with the varied nature and length of his public services, will cause him to be long remembered and occasion mourning for the death of a distinguished public servant.

As a mark of respect for the memory of the deceased, it is ordered that the Executive Mansion and several Departments of the Government at Washington be draped in mourning until the close of the day designated for his funeral, and that all public business be suspended on that day.

It is further ordered that the War and Navy Departments cause suitable honors to be paid on the occasion to the memory of the illustrious dead.

U. S. GRANT.

By the President:

JOHN L. CADWALADER,  
*Acting Secretary of State.*

II. In compliance with the President's instructions, the troops will be paraded at 10 o'clock a. m. on the day after the receipt of this order at each military post, when the order will be read to them, and the labors of that day will thereafter cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards at intervals of thirty minutes between the rising and setting sun a single gun, and at the close of the day a national salute of thirty-seven guns.

The officers of the Army will wear crape on the left arm and on their swords and the colors of the several regiments will be put in mourning for the period of thirty days.

By order of the Secretary of War:

E. D. TOWNSEND,  
*Adjutant-General.*

#### SPECIAL ORDER.

NAVY DEPARTMENT,  
*Washington, August 2, 1875.*

The President of the United States announces the death of ex-President Andrew Johnson in the following order:

[For order see preceding page.]

In pursuance of the foregoing order, it is hereby directed that the ensign at each naval station and of each vessel of the United States Navy in commission be hoisted at half-mast from sunrise to sunset, and that a gun be fired at intervals of every half hour from sunrise to sunset at each naval station and on board of flagships and of vessels acting singly, on

Tuesday, the 3d instant, the day of the funeral, where this order may be received in time, otherwise on the day after its receipt.

The officers of the Navy and Marine Corps will wear the usual badge of mourning attached to the sword hilt and on the left arm for the period of thirty days.

DANIEL AMMEN,  
*Acting Secretary of the Navy.*

GENERAL ORDERS, NO. 97.

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, November 22, 1875.*

I. The following order announces the decease of Henry Wilson, Vice-President of the United States:

EXECUTIVE MANSION,  
*Washington, November 22, 1875.*

It is with profound sorrow that the President has to announce to the people of the United States the death of the Vice-President, Henry Wilson, who died in the Capitol of the nation this morning.

The eminent station of the deceased, his high character, his long career in the service of his State and of the Union, his devotion to the cause of freedom, and the ability which he brought to the discharge of every duty stand conspicuous and are indelibly impressed on the hearts and affections of the American people.

In testimony of respect for this distinguished citizen and faithful public servant the various Departments of the Government will be closed on the day of the funeral, and the Executive Mansion and all the Executive Departments in Washington will be draped with badges of mourning for thirty days.

The Secretaries of War and of the Navy will issue orders that appropriate military and naval honors be rendered to the memory of one whose virtues and services will long be borne in recollection by a grateful nation.

By the President: U. S. GRANT.  
HAMILTON FISH,  
*Secretary of State.*

II. On the day next succeeding the receipt of this order at each military post the troops will be paraded at 10 o'clock a. m. and this order read to them.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired. Commencing at 12 o'clock noon seventeen minute guns will be fired, and at the close of the day the national salute of thirty-seven guns.

The usual badge of mourning will be worn by officers of the Army and the colors of the several regiments will be put in mourning for the period of three months.

By order of the Secretary of War:

E. D. TOWNSEND, *Adjutant-General*.

SPECIAL ORDER.

NAVY DEPARTMENT,  
*Washington, November 23, 1875.*

The President of the United States announces the death of Vice-President Henry Wilson in the following order:

[For order see preceding page.]

In pursuance of the foregoing order, it is hereby directed that upon the day following the receipt of this the ensign at each United States naval station and of each United States naval vessel in commission be hoisted at half-mast from sunrise to sunset, and that thirteen guns be fired at sunrise, nineteen minute guns at meridian, and a national salute at sunset at each United States naval station and on board flagships and vessels acting singly, at home or abroad.

The officers of the Navy and Marine ~~Corps~~ will wear the usual badge of mourning for three months.

GEO. M. ROBESON,  
*Secretary of the Navy.*

SEVENTH ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 7, 1875.*

*To the Senate and House of Representatives:*

In submitting my seventh annual message to Congress, in this centennial year of our national existence as a free and independent people, it affords me great pleasure to recur to the advancement that has been made from the time of the colonies, one hundred years ago. We were then a people numbering only 3,000,000. Now we number more than 40,000,000. Then industries were confined almost exclusively to the tillage of the soil. Now manufactories absorb much of the labor of the country.

Our liberties remain unimpaired; the bondmen have been freed from slavery; we have become possessed of the respect, if not the friendship, of all civilized nations. Our progress has been great in all the arts—in science, agriculture, commerce, navigation, mining, mechanics, law, medicine, etc.; and in general education the progress is likewise encouraging.

Our thirteen States have become thirty-eight, including Colorado (which has taken the initiatory steps to become a State), and eight Territories, including the Indian Territory and Alaska, and excluding Colorado, making a territory extending from the Atlantic to the Pacific. On the south we have extended to the Gulf of Mexico, and in the west from the Mississippi to the Pacific.

One hundred years ago the cotton gin, the steamship, the railroad, the telegraph, the reaping, sewing, and modern printing machines, and numerous other inventions of scarcely less value to our business and happiness were entirely unknown.

In 1776 manufactories scarcely existed even in name in all this vast territory. In 1870 more than 2,000,000 persons were employed in manufactories, producing more than \$2,100,000,000 of products in amount annually, nearly equal to our national debt. From nearly the whole of the population of 1776 being engaged in the one occupation of agriculture, in 1870 so numerous and diversified had become the occupation of our people that less than 6,000,000 out of more than 40,000,000 were so engaged. The extraordinary effect produced in our country by a resort to diversified occupations has built a market for the products of fertile lands distant from the seaboard and the markets of the world.

The American system of locating various and extensive manufactories next to the plow and the pasture, and adding connecting railroads and steamboats, has produced in our distant interior country a result noticeable by the intelligent portions of all commercial nations. The ingenuity and skill of American mechanics have been demonstrated at home and abroad in a manner most flattering to their pride. But for the extraordinary genius and ability of our mechanics, the achievements of our agriculturists, manufacturers, and transporters throughout the country would have been impossible of attainment.

The progress of the miner has also been great. Of coal our production was small; now many millions of tons are mined annually. So with iron, which formed scarcely an appreciable part of our products half a century ago, we now produce more than the world consumed at the beginning of our national existence. Lead, zinc, and copper, from being articles of import, we may expect to be large exporters of in the near future. The development of gold and silver mines in the United States and Territories has not only been remarkable, but has had a large influence upon the business of all commercial nations. Our merchants in the last hundred years have had a success and have established a reputation for enterprise, sagacity, progress, and integrity unsurpassed by peoples of older nationalities. This "good name" is not confined to their homes, but goes out upon every sea and into every port where commerce enters. With equal pride we can point to our progress in all of the learned professions.

As we are now about to enter upon our second centennial—commencing our manhood as a nation—it is well to look back upon the past and

study what will be best to preserve and advance our future greatness. From the fall of Adam for his transgression to the present day no nation has ever been free from threatened danger to its prosperity and happiness. We should look to the dangers threatening us, and remedy them so far as lies in our power. We are a republic whereof one man is as good as another before the law. Under such a form of government it is of the greatest importance that all should be possessed of education and intelligence enough to cast a vote with a right understanding of its meaning. A large association of ignorant men can not for any considerable period oppose a successful resistance to tyranny and oppression from the educated few, but will inevitably sink into acquiescence to the will of intelligence, whether directed by the demagogue or by priestcraft. Hence the education of the masses becomes of the first necessity for the preservation of our institutions. They are worth preserving, because they have secured the greatest good to the greatest proportion of the population of any form of government yet devised. All other forms of government approach it just in proportion to the general diffusion of education and independence of thought and action. As the primary step, therefore, to our advancement in all that has marked our progress in the past century, I suggest for your earnest consideration, and most earnestly recommend it, that a constitutional amendment be submitted to the legislatures of the several States for ratification, making it the duty of each of the several States to establish and forever ~~maintain~~ free public schools adequate to the education of all the children in the rudimentary branches within their respective limits, irrespective of sex, color, birth-place, or religions; forbidding the teaching in said schools of religious, atheistic, or pagan tenets; and prohibiting the granting of any school funds or school taxes, or any part thereof, either by legislative, municipal, or other authority, for the benefit or in aid, directly or indirectly, of any religious sect or denomination, or in aid or for the benefit of any other object of any nature or kind whatever.

In connection with this important question I would also call your attention to the importance of correcting an evil that, if permitted to continue, will probably lead to great trouble in our land before the close of the nineteenth century. It is the accumulation of vast amounts of untaxed church property.

In 1850, I believe, the church property of the United States which paid no tax, municipal or State, amounted to about \$83,000,000. In 1860 the amount had doubled; in 1875 it is about \$1,000,000,000. By 1900, without check, it is safe to say this property will reach a sum exceeding \$3,000,000,000. So vast a sum, receiving all the protection and benefits of Government without bearing its proportion of the burdens and expenses of the same, will not be looked upon acquiescently by those who have to pay the taxes. In a growing country, where real estate enhances so rapidly with time, as in the United States, there is

scarcely a limit to the wealth that may be acquired by corporations, religious or otherwise, if allowed to retain real estate without taxation. The contemplation of so vast a property as here alluded to, without taxation, may lead to sequestration without constitutional authority and through blood.

I would suggest the taxation of all property equally, whether church or corporation, exempting only the last resting place of the dead and possibly, with proper restrictions, church edifices.

Our relations with most of the foreign powers continue on a satisfactory and friendly footing.

Increased intercourse, the extension of commerce, and the cultivation of mutual interests have steadily improved our relations with the large majority of the powers of the world, rendering practicable the peaceful solution of questions which from time to time necessarily arise, leaving few which demand extended or particular notice.

The correspondence of the Department of State with our diplomatic representatives abroad is transmitted herewith.

I am happy to announce the passage of an act by the General Cortes of Portugal, proclaimed since the adjournment of Congress, for the abolition of servitude in the Portuguese colonies. It is to be hoped—that such legislation may be another step toward the great consummation to be reached, when no man shall be permitted, directly or indirectly, under any guise, excuse, or form of law, to hold his fellow-man in bondage. I am of opinion also that it is the duty of the United States, as contributing toward that end, and required by the spirit of the age in which we live, to provide by suitable legislation that no citizen of the United States shall hold slaves as property in any other country or be interested therein.

Chile has made reparation in the case of the whale ship *Good Return*, seized without sufficient cause upward of forty years ago. Though she had hitherto denied her accountability, the denial was never acquiesced in by this Government, and the justice of the claim has been so earnestly contended for that it has been gratifying that she should have at last acknowledged it.

The arbitrator in the case of the United States steamer *Montijo*, for the seizure and detention of which the Government of the United States of Colombia was held accountable, has decided in favor of the claim. This decision has settled a question which had been pending for several years, and which, while it continued open, might more or less disturb the good understanding which it is desirable should be maintained between the two Republics.

A reciprocity treaty with the King of the Hawaiian Islands was concluded some months since. As it contains a stipulation that it shall not take effect until Congress shall enact the proper legislation for that purpose, copies of the instrument are herewith submitted, in order that, if

such should be the pleasure of Congress, the necessary legislation upon the subject may be adopted.

In March last an arrangement was made, through Mr. Cushing, our minister in Madrid, with the Spanish Government for the payment by the latter to the United States of the sum of \$80,000 in coin, for the purpose of the relief of the families or persons of the ship's company and certain passengers of the *Virginus*. This sum was to have been paid in three installments at two months each. It is due to the Spanish Government that I should state that the payments were fully and spontaneously anticipated by that Government, and that the whole amount was paid within but a few days more than two months from the date of the agreement, a copy of which is herewith transmitted. In pursuance of the terms of the adjustment, I have directed the distribution of the amount among the parties entitled thereto, including the ship's company and such of the passengers as were American citizens. Payments are made accordingly, on the application by the parties entitled thereto.

The past year has furnished no evidence of an approaching termination of the ruinous conflict which has been raging for seven years in the neighboring island of Cuba. The same disregard of the laws of civilized warfare and of the just demands of humanity which has heretofore called forth expressions of condemnation from the nations of Christendom has continued to blacken the sad scene. Desolation, ruin, and pillage are pervading the rich fields of one of the most fertile and productive regions of the earth, and the incendiary's torch, firing plantations and valuable factories and buildings, is the agent marking the alternate advance or retreat of contending parties.

The protracted continuance of this strife seriously affects the interests of all commercial nations, but those of the United States more than others, by reason of close proximity, its larger trade and intercourse with Cuba, and the frequent and intimate personal and social relations which have grown up between its citizens and those of the island. Moreover, the property of our citizens in Cuba is large, and is rendered insecure and depreciated in value and in capacity of production by the continuance of the strife and the unnatural mode of its conduct. The same is true, differing only in degree, with respect to the interests and people of other nations; and the absence of any reasonable assurance of a near termination of the conflict must of necessity soon compel the States thus suffering to consider what the interests of their own people and their duty toward themselves may demand.

I have hoped that Spain would be enabled to establish peace in her colony, to afford security to the property and the interests of our citizens, and allow legitimate scope to trade and commerce and the natural productions of the island. Because of this hope, and from an extreme reluctance to interfere in the most remote manner in the affairs of another and a friendly nation, especially of one whose sympathy and

friendship in the struggling infancy of our own existence must ever be remembered with gratitude, I have patiently and anxiously waited the progress of events. Our own civil conflict is too recent for us not to consider the difficulties which surround a government distracted by a dynastic rebellion at home at the same time that it has to cope with a separate insurrection in a distant colony. But whatever causes may have produced the situation which so grievously affects our interests, it exists, with all its attendant evils operating directly upon this country and its people. Thus far all the efforts of Spain have proved abortive, and time has marked no improvement in the situation. The armed bands of either side now occupy nearly the same ground as in the past, with the difference, from time to time, of more lives sacrificed, more property destroyed, and wider extents of fertile and productive fields and more and more of valuable property constantly wantonly sacrificed to the incendiary's torch.

In contests of this nature, where a considerable body of people who have attempted to free themselves of the control of the superior government have reached such point in occupation of territory, in power, and in general organization as to constitute in fact a body politic; having a government in substance as well as in name; possessed of the elements of stability and equipped with the machinery for the administration of internal policy and the execution of its laws; prepared and able to administer justice at home, as well as in its dealings with other powers, it is within the province of those other powers to recognize its existence as a new and independent nation. In such cases other nations simply deal with an actually existing condition of things, and recognize as one of the powers of the earth that body politic which, possessing the necessary elements, has in fact become a new power. In a word, the creation of a new state is a fact.

To establish the condition of things essential to the recognition of this fact there must be a people occupying a known territory, united under some known and defined form of government, acknowledged by those subject thereto, in which the functions of government are administered by usual methods, competent to mete out justice to citizens and strangers, to afford remedies for public and for private wrongs, and able to assume the correlative international obligations and capable of performing the corresponding international duties resulting from its acquisition of the rights of sovereignty. A power should exist complete in its organization, ready to take and able to maintain its place among the nations of the earth.

While conscious that the insurrection in Cuba has shown a strength and endurance which make it at least doubtful whether it be in the power of Spain to subdue it, it seems unquestionable that no such civil organization exists which may be recognized as an independent government capable of performing its international obligations and entitled to be treated



as one of the powers of the earth. A recognition under such circumstances would be inconsistent with the facts, and would compel the power granting it soon to support by force the government to which it had really given its only claim of existence. In my judgment the United States should adhere to the policy and the principles which have heretofore been its sure and safe guides in like contests between revolted colonies and their mother country, and, acting only upon the clearest evidence, should avoid any possibility of suspicion or of imputation.

A recognition of the independence of Cuba being, in my opinion, impracticable and indefensible, the question which next presents itself is that of the recognition of belligerent rights in the parties to the contest.

In a former message to Congress I had occasion to consider this question, and reached the conclusion that the conflict in Cuba, dreadful and devastating as were its incidents, did not rise to the fearful dignity of war. Regarding it now, after this lapse of time, I am unable to see that any notable success or any marked or real advance on the part of the insurgents has essentially changed the character of the contest. It has acquired greater age, but not greater or more formidable proportions. It is possible that the acts of foreign powers, and even acts of Spain herself, of this very nature, might be pointed to in defense of such recognition. But now, as in its past history, the United States should carefully avoid the false lights which might lead it into the mazes of doubtful law and of questionable propriety, and adhere rigidly and sternly to the rule, which has been its guide, of doing only that which is right and honest and of good report. The question of according or of withholding rights of belligerency must be judged in every case in view of the particular attending facts. Unless justified by necessity, it is always, and justly, regarded as an unfriendly act and a gratuitous demonstration of moral support to the rebellion. It is necessary, and it is required, when the interests and rights of another government or of its people are so far affected by a pending civil conflict as to require a definition of its relations to the parties thereto. But this conflict must be one which will be recognized in the sense of international law as war. Belligerence, too, is a fact. The mere existence of contending armed bodies and their occasional conflicts do not constitute war in the sense referred to. Applying to the existing condition of affairs in Cuba the tests recognized by publicists and writers on international law, and which have been observed by nations of dignity, honesty, and power when free from sensitive or selfish and unworthy motives, I fail to find in the insurrection the existence of such a substantial political organization, real, palpable, and manifest to the world, having the forms and capable of the ordinary functions of government toward its own people and to other states, with courts for the administration of justice, with a local habitation, possessing such organization of force, such material, such occupation of territory, as to take the contest out of the category of a mere

rebellious insurrection or occasional skirmishes and place it on the terrible footing of war, to which a recognition of belligerency would aim to elevate it. The contest, moreover, is solely on land; the insurrection has not possessed itself of a single seaport whence it may send forth its flag, nor has it any means of communication with foreign powers except through the military lines of its adversaries. No apprehension of any of those sudden and difficult complications which a war upon the ocean is apt to precipitate upon the vessels, both commercial and national, and upon the consular officers of other powers calls for the definition of their relations to the parties to the contest. Considered as a question of expediency, I regard the accordance of belligerent rights still to be as unwise and premature as I regard it to be, at present, indefensible as a measure of right. Such recognition entails upon the country according the rights which flow from it difficult and complicated duties, and requires the exaction from the contending parties of the strict observance of their rights and obligations; it confers the right of search upon the high seas by vessels of both parties; it would subject the carrying of arms and munitions of war, which now may be transported freely and without interruption in the vessels of the United States, to detention and to possible seizure; it would give rise to countless vexatious questions, would release the parent Government from responsibility for acts done by the insurgents, and would invest Spain with the right to exercise the ~~supervision~~ recognized by our treaty of 1795 over our commerce on the high seas, a very large part of which, in its traffic between the Atlantic and the Gulf States and between all of them and the States on the Pacific, passes through the waters which wash the shores of Cuba. The exercise of this supervision could scarce fail to lead, if not to abuses, certainly to collisions perilous to the peaceful relations of the two States. There can be little doubt to what result such supervision would before long draw this nation. It would be unworthy of the United States to inaugurate the possibilities of such result by measures of questionable right or expediency or by any indirection. Apart from any question of theoretical right, I am satisfied that while the accordance of belligerent rights to the insurgents in Cuba might give them a hope and an inducement to protract the struggle, it would be but a delusive hope, and would not remove the evils which this Government and its people are experiencing, but would draw the United States into complications which it has waited long and already suffered much to avoid. The recognition of independence or of belligerency being thus, in my judgment, equally inadmissible, it remains to consider what course shall be adopted should the conflict not soon be brought to an end by acts of the parties themselves, and should the evils which result therefrom, affecting all nations, and particularly the United States, continue. In such event I am of opinion that other nations will be compelled to assume the responsibility which devolves upon them, and to seriously consider the only remaining measures possible—mediation and intervention.

Owing, perhaps, to the large expanse of water separating the island from the peninsula, the want of harmony and of personal sympathy between the inhabitants of the colony and those sent thither to rule them, and want of adaptation of the ancient colonial system of Europe to the present times and to the ideas which the events of the past century have developed, the contending parties appear to have within themselves no depository of common confidence to suggest wisdom when passion and excitement have their sway and to assume the part of peacemaker. In this view in the earlier days of the contest the good offices of the United States as a mediator were tendered in good faith, without any selfish purpose, in the interest of humanity and in sincere friendship for both parties, but were at the time declined by Spain, with the declaration, nevertheless, that at a future time they would be indispensable. No intimation has been received that in the opinion of Spain that time has been reached. And yet the strife continues, with all its dread horrors and all its injuries to the interests of the United States and of other nations. Each party seems quite capable of working great injury and damage to the other, as well as to all the relations and interests dependent on the existence of peace in the island; but they seem incapable of reaching any adjustment, and both have thus far failed of achieving any success whereby one party shall possess and control the island to the exclusion of the other. Under these circumstances the agency of others, either by mediation or by intervention, seems to be the only alternative which must, sooner or later, be invoked for the termination of the strife. At the same time, while thus impressed I do not at this time recommend the adoption of any measure of intervention. I shall be ready at all times, and as the equal friend of both parties, to respond to a suggestion that the good offices of the United States will be acceptable to aid in bringing about a peace honorable to both. It is due to Spain, so far as this Government is concerned, that the agency of a third power, to which I have adverted, shall be adopted only as a last expedient. Had it been the desire of the United States to interfere in the affairs of Cuba, repeated opportunities for so doing have been presented within the last few years; but we have remained passive, and have performed our whole duty and all international obligations to Spain with friendship, fairness, and fidelity, and with a spirit of patience and forbearance which negatives every possible suggestion of desire to interfere or to add to the difficulties with which she has been surrounded.

The Government of Spain has recently submitted to our minister at Madrid certain proposals which it is hoped may be found to be the basis, if not the actual submission, of terms to meet the requirements of the particular griefs of which this Government has felt itself entitled to complain. These proposals have not yet reached me in their full text. On their arrival they will be taken into careful examination, and may, I hope, lead to a satisfactory adjustment of the questions to which they

refer and remove the possibility of future occurrences such as have given rise to our just complaints.

It is understood also that renewed efforts are being made to introduce reforms in the internal administration of the island. Persuaded, however, that a proper regard for the interests of the United States and of its citizens entitles it to relief from the strain to which it has been subjected by the difficulties of the questions and the wrongs and losses which arise from the contest in Cuba, and that the interests of humanity itself demand the cessation of the strife before the whole island shall be laid waste and larger sacrifices of life be made, I shall feel it my duty, should my hopes of a satisfactory adjustment and of the early restoration of peace and the removal of future causes of complaint be, unhappily, disappointed, to make a further communication to Congress at some period not far remote, and during the present session, recommending what may then seem to me to be necessary.

The free zone, so called, several years since established by the Mexican Government in certain of the States of that Republic adjacent to our frontier, remains in full operation. It has always been materially injurious to honest traffic, for it operates as an incentive to traders in Mexico to supply without customs charges the wants of inhabitants on this side of the line, and prevents the same wants from being supplied by merchants of the United States, thereby to a considerable extent defrauding our revenue and checking honest commercial enterprise.

Depredations by armed bands from Mexico on the people of Texas near the frontier continue. Though the main object of these incursions is robbery, they frequently result in the murder of unarmed and peaceably disposed persons, and in some instances even the United States post-offices and mail communications have been attacked. Renewed remonstrances upon this subject have been addressed to the Mexican Government, but without much apparent effect. The military force of this Government disposable for service in that quarter is quite inadequate to effectually guard the line, even at those points where the incursions are usually made. An experiment of an armed vessel on the Rio Grande for that purpose is on trial, and it is hoped that, if not thwarted by the shallowness of the river and other natural obstacles, it may materially contribute to the protection of the herdsmen of Texas.

The proceedings of the joint commission under the convention between the United States and Mexico of the 4th of July, 1868, on the subject of claims, will soon be brought to a close. The result of those proceedings will then be communicated to Congress.

I am happy to announce that the Government of Venezuela has, upon further consideration, practically abandoned its objection to pay to the United States that share of its revenue which some years since it allotted toward the extinguishment of the claims of foreigners generally. In thus reconsidering its determination that Government has shown a just

sense of self-respect which can not fail to reflect credit upon it in the eyes of all disinterested persons elsewhere. It is to be regretted, however, that its payments on account of claims of citizens of the United States are still so meager in amount, and that the stipulations of the treaty in regard to the sums to be paid and the periods when those payments were to take place should have been so signally disregarded.

Since my last annual message the exchange has been made of the ratification of a treaty of commerce and navigation with Belgium, and of conventions with the Mexican Republic for the further extension of the joint commission respecting claims; with the Hawaiian Islands for commercial reciprocity, and with the Ottoman Empire for extradition; all of which have been duly proclaimed.

The Court of Commissioners of Alabama Claims has prosecuted its important duties very assiduously and very satisfactorily. It convened and was organized on the 22d day of July, 1874, and by the terms of the act under which it was created was to exist for one year from that date. The act provided, however, that should it be found impracticable to complete the work of the court before the expiration of the year the President might by proclamation extend the time of its duration to a period not more than six months beyond the expiration of the one year.

Having received satisfactory evidence that it would be impracticable to complete the work within the time originally fixed, I issued a proclamation\* (a copy of which is presented herewith) extending the time of duration of the court for a period of six months from and after the 22d day of July last.

A report made through the clerk of the court (communicated herewith) shows the condition of the calendar on the 1st of November last and the large amount of work which has been accomplished. One thousand three hundred and eighty-two claims have been presented, of which 682 had been disposed of at the date of the report. I am informed that 170 cases were decided during the month of November. Arguments are being made and decisions given in the remaining cases with all the dispatch consistent with the proper consideration of the questions submitted. Many of these claims are in behalf of mariners, or depend on the evidence of mariners, whose absence has delayed the taking or the return of the necessary evidence.

It is represented to me that it will be impracticable for the court to finally dispose of all the cases before it within the present limit of its duration. Justice to the parties claimant, who have been at large expense in preparing their claims and obtaining the evidence in their support, suggests a short extension, to enable the court to dispose of all of the claims which have been presented.

I recommend the legislation which may be deemed proper to enable the court to complete the work before it.

\* See pp. 324-325.

I recommend that some suitable provision be made, by the creation of a special court or by conferring the necessary jurisdiction upon some appropriate tribunal, for the consideration and determination of the claims of aliens against the Government of the United States which have arisen within some reasonable limitation of time, or which may hereafter arise, excluding all claims barred by treaty provisions or otherwise. It has been found impossible to give proper consideration to these claims by the Executive Departments of the Government. Such a tribunal would afford an opportunity to aliens other than British subjects to present their claims on account of acts committed against their persons or property during the rebellion, as also to those subjects of Great Britain whose claims, having arisen subsequent to the 9th day of April, 1865, could not be presented to the late commission organized pursuant to the provisions of the treaty of Washington.

The electric telegraph has become an essential and indispensable agent in the transmission of business and social messages. Its operation on land, and within the limit of particular states, is necessarily under the control of the jurisdiction within which it operates. The lines on the high seas, however, are not subject to the particular control of any one government.

In 1869 a concession was granted by the French Government to a company which proposed to lay a cable from the shores of France to the United States. At that time there was a telegraphic connection between the United States and the continent of Europe (through the possessions of Great Britain at either end of the line), under the control of an association which had, at large outlay of capital and at great risk, demonstrated the practicability of maintaining such means of communication. The cost of correspondence by this agency was great, possibly not too large at the time for a proper remuneration for so hazardous and so costly an enterprise. It was, however, a heavy charge upon a means of communication which the progress in the social and commercial intercourse of the world found to be a necessity, and the obtaining of this French concession showed that other capital than that already invested was ready to enter into competition, with assurance of adequate return for their outlay. Impressed with the conviction that the interests, not only of the people of the United States, but of the world at large, demanded, or would demand, the multiplication of such means of communication between separated continents, I was desirous that the proposed connection should be made; but certain provisions of this concession were deemed by me to be objectionable, particularly one which gave for a long term of years the exclusive right of telegraphic communication by submarine cable between the shores of France and the United States. I could not concede that any power should claim the right to land a cable on the shores of the United States and at the same time deny to the United States, or to its citizens or grantees, an equal right to land a

cable on its shores. The right to control the conditions for the laying of a cable within the jurisdictional waters of the United States, to connect our shores with those of any foreign state, pertains exclusively to the Government of the United States, under such limitations and conditions as Congress may impose. In the absence of legislation by Congress I was unwilling, on the one hand, to yield to a foreign state the right to say that its grantees might land on our shores while it denied a similar right to our people to land on its shores, and, on the other hand, I was reluctant to deny to the great interests of the world and of civilization the facilities of such communication as were proposed. I therefore withheld any resistance to the landing of the cable on condition that the offensive monopoly feature of the concession be abandoned, and that the right of any cable which may be established by authority of this Government to land upon French territory and to connect with French land lines and enjoy all the necessary facilities or privileges incident to the use thereof upon as favorable terms as any other company be conceded. As the result thereof the company in question renounced the exclusive privilege, and the representative of France was informed that, understanding this relinquishment to be construed as granting the entire reciprocity and equal facilities which had been demanded, the opposition to the landing of the cable was withdrawn. The cable, under this French concession, was landed in the month of July, 1869, and has been an efficient and valuable agent of communication between this country and the other continent. It soon passed under the control, however, of those who had the management of the cable connecting Great Britain with this continent, and thus whatever benefit to the public might have ensued from competition between the two lines was lost, leaving only the greater facilities of an additional line and the additional security in case of accident to one of them. But these increased facilities and this additional security, together with the control of the combined capital of the two companies, gave also greater power to prevent the future construction of other lines and to limit the control of telegraphic communication between the two continents to those possessing the lines already laid. Within a few months past a cable has been laid, known as the United States Direct Cable Company, connecting the United States directly with Great Britain. As soon as this cable was reported to be laid and in working order the rates of the then existing consolidated companies were greatly reduced. Soon, however, a break was announced in this new cable, and immediately the rates of the other line, which had been reduced, were again raised. This cable being now repaired, the rates appear not to be reduced by either line from those formerly charged by the consolidated companies.

There is reason to believe that large amounts of capital, both at home and abroad, are ready to seek profitable investment in the advancement of this useful and most civilizing means of intercourse and correspondence.

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They await, however, the assurance of the means and conditions on which they may safely be made tributary to the general good.

As these cable telegraph lines connect separate states, there are questions as to their organization and control which probably can be best, if not solely, settled by conventions between the respective states. In the absence, however, of international conventions on the subject, municipal legislation may secure many points which appear to me important, if not indispensable for the protection of the public against the extortions which may result from a monopoly of the right of operating cable telegrams or from a combination between several lines:

I. No line should be allowed to land on the shores of the United States under the concession from another power which does not admit the right of any other line or lines, formed in the United States, to land and freely connect with and operate through its land lines.

II. No line should be allowed to land on the shores of the United States which is not, by treaty stipulation with the government from whose shores it proceeds, or by prohibition in its charter, or otherwise to the satisfaction of this Government, prohibited from consolidating or amalgamating with any other cable telegraph line, or combining therewith for the purpose of regulating and maintaining the cost of telegraphing.

III. All lines should be bound to give precedence in the transmission of the official messages of the governments of the two countries between which it may be laid.

IV. A power should be reserved to the two governments, either conjointly or to each, as regards the messages dispatched from its shores, to fix a limit to the charges to be demanded for the transmission of messages.

I present this subject to the earnest consideration of Congress.

In the meantime, and unless Congress otherwise direct, I shall not oppose the landing of any telegraphic cable which complies with and assents to the points above enumerated, but will feel it my duty to prevent the landing of any which does not conform to the first and second points as stated, and which will not stipulate to concede to this Government the precedence in the transmission of its official messages and will not enter into a satisfactory arrangement with regard to its charges.

Among the pressing and important subjects to which, in my opinion, the attention of Congress should be directed are those relating to fraudulent naturalization and expatriation.

The United States, with great liberality, offers its citizenship to all who in good faith comply with the requirements of law. These requirements are as simple and upon as favorable terms to the emigrant as the high privilege to which he is admitted can or should permit. I do not propose any additional requirements to those which the law now demands; but the very simplicity and the want of unnecessary formality in our law have made fraudulent naturalization not infrequent, to the discredit and injury of all honest citizens, whether native or naturalized. Cases



of this character are continually being brought to the notice of the Government by our representatives abroad, and also those of persons resident in other countries, most frequently those who, if they have remained in this country long enough to entitle them to become naturalized, have generally not much overpassed that period, and have returned to the country of their origin, where they reside, avoiding all duties to the United States by their absence, and claiming to be exempt from all duties to the country of their nativity and of their residence by reason of their alleged naturalization. It is due to this Government itself and to the great mass of the naturalized citizens who entirely, both in name and in fact, become citizens of the United States that the high privilege of citizenship of the United States should not be held by fraud or in derogation of the laws and of the good name of every honest citizen. On many occasions it has been brought to the knowledge of the Government that certificates of naturalization are held and protection or interference claimed by parties who admit that not only they were not within the United States at the time of the pretended naturalization, but that they have never resided in the United States; in others the certificate and record of the court show on their face that the person claiming to be naturalized had not resided the required time in the United States; in others it is admitted upon examination that the requirements of law have not been complied with; in some cases, even, such certificates have been matter of purchase. These are not isolated cases, arising at rare intervals, but of common occurrence, and which are reported from all quarters of the globe. Such occurrences can not, and do not, fail to reflect upon the Government and injure all honest citizens. Such a fraud being discovered, however, there is no practicable means within the control of the Government by which the record of naturalization can be vacated; and should the certificate be taken up, as it usually is, by the diplomatic and consular representatives of the Government to whom it may have been presented, there is nothing to prevent the person claiming to have been naturalized from obtaining a new certificate from the court in place of that which has been taken from him.

The evil has become so great and of such frequent occurrence that I can not too earnestly recommend that some effective measures be adopted to provide a proper remedy and means for the vacating of any record thus fraudulently made, and of punishing the guilty parties to the transaction.

In this connection I refer also to the question of expatriation and the election of nationality.

The United States was foremost in upholding the right of expatriation, and was principally instrumental in overthrowing the doctrine of perpetual allegiance. Congress has declared the right of expatriation to be a natural and inherent right of all people; but while many other nations have enacted laws providing what formalities shall be necessary to work a change of allegiance, the United States has enacted no provisions of

law and has in no respect marked out how and when expatriation may be accomplished by its citizens. Instances are brought to the attention of the Government where citizens of the United States, either naturalized or native born, have formally become citizens or subjects of foreign powers, but who, nevertheless, in the absence of any provisions of legislation on this question, when involved in difficulties or when it seems to be their interest, claim to be citizens of the United States and demand the intervention of a Government which they have long since abandoned and to which for years they have rendered no service nor held themselves in any way amenable.

In other cases naturalized citizens, immediately after naturalization, have returned to their native country; have become engaged in business; have accepted offices or pursuits inconsistent with American citizenship, and evidence no intent to return to the United States until called upon to discharge some duty to the country where they are residing, when at once they assert their citizenship and call upon the representatives of the Government to aid them in their unjust pretensions. It is but justice to all *bona fide* citizens that no doubt should exist on such questions, and that Congress should determine by enactment of law how expatriation may be accomplished and change of citizenship be established.

I also invite your attention to the necessity of regulating by law the status of American women who may marry foreigners, and of defining more fully that of children born in a foreign country of American parents who may reside abroad; ~~and also~~ of some further provision regulating or giving legal effect to marriages of American citizens contracted in foreign countries. The correspondence submitted herewith shows a few of the constantly occurring questions on these points presented to the consideration of the Government. There are few subjects to engage the attention of Congress on which more delicate relations or more important interests are dependent.

In the month of July last the building erected for the Department of State was taken possession of and occupied by that Department. I am happy to announce that the archives and valuable papers of the Government in the custody of that Department are now safely deposited and properly cared for.

The report of the Secretary of the Treasury shows the receipts from customs for the fiscal year ending June 30, 1874, to have been \$163,103,833.69, and for the fiscal year ending June 30, 1875, to have been \$157,167,722.35, a decrease for the last fiscal year of \$5,936,111.34. Receipts from internal revenue for the year ending the 30th of June, 1874, were \$102,409,784.90, and for the year ending June 30, 1875, \$110,007,493.58; increase, \$7,597,708.68.

The report also shows a complete history of the workings of the Department for the last year, and contains recommendations for reforms and for legislation which I concur in, but can not comment on so fully

as I should like to do if space would permit, but will confine myself to a few suggestions which I look upon as vital to the best interests of the whole people—coming within the purview of “‘Treasury;” I mean specie resumption. Too much stress can not be laid upon this question, and I hope Congress may be induced, at the earliest day practicable, to insure the consummation of the act of the last Congress, at its last session, to bring about specie resumption “on and after the 1st of January, 1879,” at furthest. It would be a great blessing if this could be consummated even at an earlier day.

Nothing seems to me more certain than that a full, healthy, and permanent reaction can not take place in favor of the industries and financial welfare of the country until we return to a measure of values recognized throughout the civilized world. While we use a currency not equivalent to this standard the world’s recognized standard, specie, becomes a commodity like the products of the soil, the surplus seeking a market wherever there is a demand for it.

Under our present system we should want none, nor would we have any, were it not that customs dues must be paid in coin and because of the pledge to pay interest on the public debt in coin. The yield of precious metals would flow out for the purchase of foreign productions and leave the United States “hewers of wood and drawers of water,” because of wiser legislation on the subject of finance by the nations with whom we have dealings. I am not prepared to say that I can suggest the best legislation to secure the end most heartily recommended. It will be a source of great gratification to me to be able to approve any measure of Congress looking effectively toward securing “resumption.”

Unlimited inflation would probably bring about specie payments more speedily than any legislation looking to redemption of the legal-tenders in coin; but it would be at the expense of honor. The legal-tenders would have no value beyond settling present liabilities, or, properly speaking, repudiating them. They would buy nothing after debts were all settled.

There are a few measures which seem to me important in this connection and which I commend to your earnest consideration:

A repeal of so much of the legal-tender act as makes these notes receivable for debts contracted after a date to be fixed in the act itself, say not later than the 1st of January, 1877. We should then have quotations at real values, not fictitious ones. Gold would no longer be at a premium, but currency at a discount. A healthy reaction would set in at once, and with it a desire to make the currency equal to what it purports to be. The merchants, manufacturers, and tradesmen of every calling could do business on a fair margin of profit, the money to be received having an unvarying value. Laborers and all classes who work for stipulated pay or salary would receive more for their income, because extra profits would no longer be charged by the capitalists to compensate for the risk of a downward fluctuation in the value of the currency.

Second. That the Secretary of the Treasury be authorized to redeem, say, not to exceed \$2,000,000 monthly of legal-tender notes, by issuing in their stead a long bond, bearing interest at the rate of 3.65 per cent per annum, of denominations ranging from \$50 up to \$1,000 each. This would in time reduce the legal-tender notes to a volume that could be kept afloat without demanding redemption in large sums suddenly.

Third. That additional power be given to the Secretary of the Treasury to accumulate gold for final redemption, either by increasing revenue, curtailing expenses, or both (it is preferable to do both); and I recommend that reduction of expenditures be made wherever it can be done without impairing Government obligations or crippling the due execution thereof. One measure for increasing the revenue—and the only one I think of—is the restoration of the duty on tea and coffee. These duties would add probably \$18,000,000 to the present amount received from imports, and would in no way increase the prices paid for those articles by the consumers.

These articles are the products of countries collecting revenue from exports, and as we, the largest consumers, reduce the duties they proportionately increase them. With this addition to the revenue, many duties now collected, and which give but an insignificant return for the cost of collection, might be remitted, and to the direct advantage of consumers at home.

I would mention those articles which enter into manufactures of all sorts. All duty paid upon such articles goes directly to the cost of the article when manufactured here, and must be paid for by the consumers. These duties not only come from the consumers at home, but act as a protection to foreign manufacturers of the same completed articles in our own and distant markets.

I will suggest or mention another subject bearing upon the problem of "how to enable the Secretary of the Treasury to accumulate balances." It is to devise some better method of verifying claims against the Government than at present exists through the Court of Claims, especially those claims growing out of the late war. Nothing is more certain than that a very large percentage of the amounts passed and paid are either wholly fraudulent or are far in excess of the real losses sustained. The large amount of losses proven—on good testimony according to existing laws, by affidavits of fictitious or unscrupulous persons—to have been sustained on small farms and plantations are not only far beyond the possible yield of those places for any one year, but, as everyone knows who has had experience in tilling the soil and who has visited the scenes of these spoliations, are in many instances more than the individual claimants were ever worth, including their personal and real estate.

The report of the Attorney-General, which will be submitted to Congress at an early day, will contain a detailed history of awards made and of claims pending of the class here referred to.

The report of the Secretary of War, accompanying this message, gives a detailed account of Army operations for the year just passed, expenses for maintenance, etc., with recommendations for legislation to which I respectfully invite your attention. To some of these I invite special attention:

First. The necessity of making \$300,000 of the appropriation for the Subsistence Department available before the beginning of the next fiscal year. Without this provision troops at points distant from supply production must either go without food or existing laws must be violated. It is not attended with cost to the Treasury.

Second. His recommendation for the enactment of a system of annuities for the families of deceased officers by voluntary deductions from the monthly pay of officers. This again is not attended with burden upon the Treasury, and would for the future relieve much distress which every old army officer has witnessed in the past—of officers dying suddenly or being killed, leaving families without even the means of reaching their friends, if fortunate enough to have friends to aid them.

Third. The repeal of the law abolishing mileage, and a return to the old system.

Fourth. The trial with torpedoes under the Corps of Engineers, and appropriation for the same. Should war ever occur between the United States and any maritime power, torpedoes will be among if not the most effective and cheapest auxiliary for the defense of harbors, and also in aggressive operations, that we can have. Hence it is advisable to learn by experiment their best construction and application, as well as effect.

Fifth. A permanent organization for the Signal-Service Corps. This service has now become a necessity of peace as well as war, under the advancement made by the present able management.

Sixth. A renewal of the appropriation for compiling the official records of the war, etc.

The condition of our Navy at this time is a subject of satisfaction. It does not contain, it is true, any of the powerful cruising ironclads which make so much of the maritime strength of some other nations, but neither our continental situation nor our foreign policy requires that we should have a large number of ships of this character, while this situation and the nature of our ports combine to make those of other nations little dangerous to us under any circumstances.

Our Navy does contain, however, a considerable number of ironclads of the monitor class, which, though not properly cruisers, are powerful and effective for harbor defense and for operations near our own shores. Of these all the single-turreted ones, fifteen in number, have been substantially rebuilt, their rotten wooden beams replaced with iron, their hulls strengthened, and their engines and machinery thoroughly repaired, so that they are now in the most efficient condition and ready for sea as soon as they can be manned and put in commission.

The five double-turreted ironclads belonging to our Navy, by far the most powerful of our ships for fighting purposes, are also in hand undergoing complete repairs, and could be ready for sea in periods varying from four to six months. With these completed according to the present design and our two iron torpedo boats now ready, our ironclad fleet will be, for the purposes of defense at home, equal to any force that can readily be brought against it.

Of our wooden navy also cruisers of various sizes, to the number of about forty, including those now in commission, are in the Atlantic, and could be ready for duty as fast as men could be enlisted for those not already in commission. Of these, one-third are in effect new ships, and though some of the remainder need considerable repairs to their boilers and machinery, they all are, or can readily be made, effective.

This constitutes a fleet of more than fifty war ships, of which fifteen are ironclad, now in hand on the Atlantic coast. The Navy has been brought to this condition by a judicious and practical application of what could be spared from the current appropriations of the last few years and from that made to meet the possible emergency of two years ago. It has been done quietly, without proclamation or display, and though it ~~has~~ necessarily straitened the Department in its ordinary expenditure, and, as far as the ironclads are concerned, has added nothing to the cruising force of the Navy, yet the result is not the less satisfactory because it is to be found in a great increase of real rather than apparent force. The expenses incurred in the ~~maintenance of~~ an effective naval force in all its branches are necessarily large, but such force is essential to our position, relations, and character, and affects seriously the weight of our principles and policy throughout the whole sphere of national responsibilities.

The estimates for the regular support of this branch of the service for the next year amount to a little less in the aggregate than those made for the current year; but some additional appropriations are asked for objects not included in the ordinary maintenance of the Navy, but believed to be of pressing importance at this time. It would, in my opinion, be wise at once to afford sufficient means for the immediate completion of the five double-turreted monitors now undergoing repairs, which must otherwise advance slowly, and only as money can be spared from current expenses. Supplemented by these, our Navy, armed with the destructive weapons of modern warfare, manned by our seamen, and in charge of our instructed officers, will present a force powerful for the home purposes of a responsible though peaceful nation.

The report of the Postmaster-General herewith transmitted gives a full history of the workings of the Department for the year just past. It will be observed that the deficiency to be supplied from the General Treasury is increased over the amount required for the preceding year. In a country so vast in area as the United States, with large portions sparsely

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settled, it must be expected that this important service will be more or less a burden upon the Treasury for many years to come. But there is no branch of the public service which interests the whole people more than that of cheap and rapid transmission of the mails to every inhabited part of our territory. Next to the free school, the post-office is the great educator of the people, and it may well receive the support of the General Government.

The subsidy of \$150,000 per annum given to vessels of the United States for carrying the mails between New York and Rio de Janeiro having ceased on the 30th day of September last, we are without direct mail facilities with the South American States. This is greatly to be regretted, and I do not hesitate to recommend the authorization of a renewal of that contract, and also that the service may be increased from monthly to semi-monthly trips. The commercial advantages to be gained by a direct line of American steamers to the South American States will far outweigh the expense of the service.

By act of Congress approved March 3, 1875, almost all matter, whether properly mail matter or not, may be sent any distance through the mails, in packages not exceeding ~~four~~ pounds in weight, for the sum of 16 cents per pound. So far as the transmission of real mail matter goes, this would seem entirely proper; but I suggest that the law be so amended as to exclude from the mails merchandise of all descriptions, and limit this transportation to articles enumerated, and which may be classed as mail matter proper.

The discovery of gold in the Black Hills, a portion of the Sioux Reservation, has had the effect to induce a large emigration of miners to that point. Thus far the effort to protect the treaty rights of the Indians to that section has been successful, but the next year will certainly witness a large increase of such emigration. The negotiations for the relinquishment of the gold fields having failed, it will be necessary for Congress to adopt some measures to relieve the embarrassment growing out of the causes named. The Secretary of the Interior suggests that the supplies now appropriated for the sustenance of that people, being no longer obligatory under the treaty of 1868, but simply a gratuity, may be issued or withheld at his discretion.

The condition of the Indian Territory, to which I have referred in several of my former annual messages, remains practically unchanged. The Secretary of the Interior has taken measures to obtain a full report of the condition of that Territory, and will make it the subject of a special report at an early day. It may then be necessary to make some further recommendation in regard to legislation for the government of that Territory.

The steady growth and increase of the business of the Patent Office indicates in some measure the progress of the industrial activity of the country. The receipts of the office are in excess of its expenditures, and the office generally is in a prosperous and satisfactory condition.

The report of the General Land Office shows that there were 2,459,601 acres less disposed of during this than during the last year. More than one-half of this decrease was in lands disposed of under the homestead and timber-culture laws. The cause of this decrease is supposed to be found in the grasshopper scourge and the droughts which prevailed so extensively in some of the frontier States and Territories during that time as to discourage and deter entries by actual settlers. The cash receipts were less by \$690,322.23 than during the preceding year.

The entire surveyed area of the public domain is 680,253,094 acres, of which 26,077,531 acres were surveyed during the past year, leaving 1,154,471,762 acres still unsurveyed.

The report of the Commissioner presents many interesting suggestions in regard to the management and disposition of the public domain and the modification of existing laws, the apparent importance of which should insure for them the careful consideration of Congress.

The number of pensioners still continues to decrease, the highest number having been reached during the year ending June 30, 1873. During the last year 11,557 names were added to the rolls, and 12,977 were dropped therefrom, showing a net decrease of 1,420. But while the number of pensioners has decreased, the annual amount due on the pension rolls has increased \$44,733.13. This is caused by the greatly increased average rate of pensions, which, by the liberal legislation of Congress, has increased from \$90.26 in 1872 to \$103.91 in 1875 to each invalid pensioner, an increase in the average rate of 15 per cent in the three years. During the year ending June 30, 1875, there was paid on account of pensions, including the expenses of disbursement, \$29,683,116, being \$910,632 less than was paid the preceding year. This reduction in amount of expenditures was produced by the decrease in the amount of arrearages due on allowed claims and on pensions the rate of which was increased by the legislation of the preceding session of Congress. At the close of the last fiscal year there were on the pension rolls 234,821 persons, of whom 210,363 were army pensioners, 105,478 being invalids and 104,885 widows and dependent relatives; 3,420 were navy pensioners, of whom 1,636 were invalids and 1,784 widows and dependent relatives; 21,038 were pensioners of the War of 1812, 15,875 of whom were survivors and 5,163 were widows.

It is estimated that \$29,535,000 will be required for the payment of pensions for the next fiscal year, an amount \$965,000 less than the estimate for the present year.

The geological explorations have been prosecuted with energy during the year, covering an area of about 40,000 square miles in the Territories of Colorado, Utah, and New Mexico, developing the agricultural and mineral resources and furnishing interesting scientific and topographical details of that region.

The method for the treatment of the Indians adopted at the beginning



of my first term has been steadily pursued, and with satisfactory and encouraging results. It has been productive of evident improvement in the condition of that race, and will be continued, with only such modifications as further experience may indicate to be necessary.

The board heretofore appointed to take charge of the articles and materials pertaining to the War, the Navy, the Treasury, the Interior, and the Post-Office Departments, and the Department of Agriculture, the Smithsonian Institution, and the Commission of Food Fishes, to be contributed, under the legislation of last session, to the international exhibition to be held at Philadelphia during the centennial year 1876, has been diligent in the discharge of the duties which have devolved upon it; and the preparations so far made with the means at command give assurance that the governmental contribution will be made one of the marked characteristics of the exhibition. The board has observed commendable economy in the matter of the erection of a building for the governmental exhibit, the expense of which it is estimated will not exceed, say, \$80,000. This amount has been withdrawn, under the law, from the appropriations of five of the principal Departments, which leaves some of those Departments without sufficient means to render their respective practical exhibits complete and satisfactory. The exhibition being an international one, and the Government being a voluntary contributor, it is my opinion that its contribution should be of a character, in quality and extent, to ~~sustain~~ the dignity and credit of so distinguished a contributor. The advantages to the country of a creditable display are, in an international point of view, of the first importance, while an indifferent or uncreditable participation by the Government would be humiliating to the patriotic feelings of our people themselves. I commend the estimates of the board for the necessary additional appropriations to the favorable consideration of Congress.

The powers of Europe almost without exception, many of the South American States, and even the more distant Eastern powers have manifested their friendly sentiments toward the United States and the interest of the world in our progress by taking steps to join with us in celebrating the centennial of the nation, and I strongly recommend that a more national importance be given to this exhibition by such legislation and by such appropriation as will insure its success. Its value in bringing to our shores innumerable useful works of art and skill, the commingling of the citizens of foreign countries and our own, and the interchange of ideas and manufactures will far exceed any pecuniary outlay we may make.

I transmit herewith the report of the Commissioner of Agriculture, together with the reports of the Commissioners, the board of audit, and the board of health of the District of Columbia, to all of which I invite your attention.

The Bureau of Agriculture has accomplished much in disseminating

useful knowledge to the agriculturist, and also in introducing new and useful productions adapted to our soil and climate, and is worthy of the continued encouragement of the Government.

The report of the Commissioner of Education, which accompanies the report of the Secretary of the Interior, shows a gratifying progress in educational matters.

In nearly every annual message that I have had the honor of transmitting to Congress I have called attention to the anomalous, not to say scandalous, condition of affairs existing in the Territory of Utah, and have asked for definite legislation to correct it. That polygamy should exist in a free, enlightened, and Christian country, without the power to punish so flagrant a crime against decency and morality, seems preposterous. True, there is no law to sustain this unnatural vice; but what is needed is a law to punish it as a crime, and at the same time to fix the status of the innocent children, the offspring of this system, and of the possibly innocent plural wives. But as an institution polygamy should be banished from the land.

While this is being done I invite the attention of Congress to another, though perhaps no less an evil—the importation of Chinese women, but few of whom are brought to our shores to pursue honorable or useful occupations.

Observations while visiting the Territories of Wyoming, Utah, and Colorado during the past autumn convinced me that existing laws regulating the disposition of public lands, timber, etc., and probably the mining laws themselves, are very defective and should be carefully amended, and at an early day. Territory where cultivation of the soil can only be followed by irrigation, and where irrigation is not practicable the lands can only be used as pasturage, and this only where stock can reach water (to quench its thirst), can not be governed by the same laws as to entries as lands every acre of which is an independent estate by itself.

Land must be held in larger quantities to justify the expense of conducting water upon it to make it fruitful, or to justify utilizing it as pasturage. The timber in most of the Territories is principally confined to the mountain regions, which are held for entry in small quantities only, and as mineral lands. The timber is the property of the United States, for the disposal of which there is now no adequate law. The settler must become a consumer of this timber, whether he lives upon the plain or engages in working the mines. Hence every man becomes either a trespasser himself or knowingly a patron of trespassers.

My opportunities for observation were not sufficient to justify me in recommending specific legislation on these subjects, but I do recommend that a joint committee of the two Houses of Congress, sufficiently large to be divided into subcommittees, be organized to visit all the mining States and Territories during the coming summer, and that the committee shall report to Congress at the next session such laws or amendments

to laws as it may deem necessary to secure the best interests of the Government and the people of these Territories, who are doing so much for their development.

I am sure the citizens occupying the territory described do not wish to be trespassers, nor will they be if legal ways are provided for them to become owners of these actual necessities of their position.

As this will be the last annual message which I shall have the honor of transmitting to Congress before my successor is chosen, I will repeat or recapitulate the questions which I deem of vital importance which may be legislated upon and settled at this session:

First. That the States shall be required to afford the opportunity of a good common-school education to every child within their limits.

Second. No sectarian tenets shall ever be taught in any school supported in whole or in part by the State, nation, or by the proceeds of any tax levied upon any community. Make education compulsory so far as to deprive all persons who can not read and write from becoming voters after the year 1890, disfranchising none, however, on grounds of illiteracy who may be voters at the time this amendment takes effect.

Third. Declare church and state forever separate and distinct, but each free within their proper spheres; and that all church property shall bear its own proportion of taxation.

Fourth. Drive out licensed immorality, such as polygamy and the importation of women for illegitimate purposes. To recur again to the centennial year, it would seem as though now, as we are about to begin the second century of our national existence, would be a most fitting time for these reforms.

Fifth. Enact such laws as will insure a speedy return to a sound currency, such as will command the respect of the world.

Believing that these views will commend themselves to the great majority of the right-thinking and patriotic citizens of the United States, I submit the rest to Congress.

U. S. GRANT.

## SPECIAL MESSAGES.

EXECUTIVE MANSION, *January 6, 1876.*

*To the Senate of the United States:*

In reply to the resolution of the Senate of the 27th of February last, requesting the President to institute inquiries as to the proper place for the establishment of a branch mint at some point in the Western States or in the Mississippi Valley, I transmit herewith the report, and accompanying papers, of the Director of the Mint, who was charged with the duty of making the inquiries called for by said resolution.

U. S. GRANT.

WASHINGTON, *January 21, 1876.*

*To the House of Representatives:*

I transmit to the House of Representatives, in answer to their resolution of the 17th instant, a report from the Secretary of State, with accompanying documents.\*

U. S. GRANT.

WASHINGTON, *January 25, 1876.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 22d of January instant, I herewith transmit a report† from the Secretary of State.

U. S. GRANT.

EXECUTIVE MANSION, *February 3, 1876.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 19th of January instant, requesting the examination, with a view to ascertaining their suitability for the purposes of a mint, of the building and grounds situated in Columbus, Ohio, known as the "Capital University," and proposed to be donated to the United States by F. Michel, of said city, I have the honor to transmit herewith the report of the Director of the Mint, accompanied by a diagram of the building and lot.

U. S. GRANT.

EXECUTIVE MANSION, *February, 1876.*

*To the House of Representatives:*

In answer to the resolution of the 6th of January of the House of Representatives, requesting to be informed "of the number of Indian agents, regular and special, clerks, and other employees in the Indian service, except those on duty in the office of the Secretary of the Interior, and the amounts paid to each as salaries and expenses," I have the honor to transmit herewith a copy of a report, dated the 31st ultimo, from the Commissioner of Indian Affairs, together with the statements therein referred to.

U. S. GRANT.

WASHINGTON, *February 8, 1876.*

*To the Senate of the United States:*

I transmit to the Senate, in answer to the resolution‡ of that body of the 18th ultimo, a report from the Secretary of State, with accompanying papers.

U. S. GRANT.

\*Correspondence with Spain relative to Cuba.

† Stating that no correspondence had taken place during the year 1875 with any European Government other than Spain relative to Cuba.

‡ Calling for correspondence with any government or its representatives relative to the Centennial celebration to be held in Philadelphia.

EXECUTIVE MANSION, *February 28, 1876.*

*To the Senate and House of Representatives:*

I lay before you herewith a communication from the Secretary of the Interior, of date 26th instant, upon the subject of the deficiency of supplies at the Red Cloud Agency, Nebr.

This matter has already been presented to you by the Secretary, and the House of Representatives has requested an investigation by a military officer of the cause of this deficiency. I have taken proper steps to comply with this request of the House, but the present need of supplies is not disputed. A prolonged delay in furnishing provisions to these Indians will cause great distress and be likely to provoke raids on white settlements, and possibly lead to general outbreak and hostilities.

I therefore deem it proper to invite your attention to the importance of early and favorable action upon the estimates heretofore and herewith submitted.

These estimates and the views of the Secretary in regard to this emergency meet with my full concurrence, and I recommend that the appropriations asked for be made at the earliest day practicable.

U. S. GRANT.

WASHINGTON, *March 3, 1876.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 21st ultimo, I transmit herewith a report from the Secretary of State, and accompanying papers,\* together with a report from the Secretary of the Treasury.

U. S. GRANT.

EXECUTIVE MANSION, *March 6, 1876.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 7th of January last, requesting a "statement of the number of military arrests made in the Territory of Alaska during the past five years, together with the date of each, the charge on which made in each case, the names of the persons arrested, and the period and character of the imprisonment of each in that Territory before trial or surrender to the civil authorities for trial," I have the honor to submit herewith the report of the Acting Secretary of War.

U. S. GRANT.

WASHINGTON, *March 10, 1876.*

*To the Senate of the United States:*

I transmit to the Senate, for consideration with a view to ratification, a metric convention between the United States and certain foreign gov-

\*Correspondence relative to the mode of transferring to the United States the Alabama indemnity of \$15,500,000, and correspondence and papers showing the payment of the indemnity, the form of receipt given therefor, and the disposition of the indemnity.

ernments, signed at Paris on the 20th of May, 1875, by Mr. E. B. Washburne, the minister of the United States at that capital, acting on behalf of this Government, and by the representatives acting on behalf of the foreign powers therein mentioned.

A copy of certain papers on the subject, mentioned in the subjoined list, is also transmitted for the information of the Senate.

U. S. GRANT.

WASHINGTON, *March 22, 1876.*

*To the House of Representatives:*

In answer to a resolution\* of the House of Representatives of the 23d of February ultimo, I transmit herewith a report of the Secretary of State and the papers which accompany it.

U. S. GRANT.

EXECUTIVE MANSION, *March 23, 1876.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 3d of February last, requesting the President "to require a competent, experienced military officer of the United States to execute the duties of an Indian agent so far as to repair to the Red Cloud Agency, and, in his discretion, other Sioux agencies, with instructions to inquire into the causes of" the exhaustion of the appropriation for the subsistence and support of the Sioux Indians for the present fiscal year; "as also his opinion as to whether any further and what amount should be appropriated for the subsistence and support of said Indians for the remainder of the current fiscal year," I have the honor to transmit herewith the report of Lieutenant-Colonel Merritt, of the Ninth Cavalry, who was charged by the Secretary of War with the duty of making the inquiries called for by said resolution.

U. S. GRANT.

EXECUTIVE MANSION, *March 24, 1876.*

*To the Senate of the United States:*

In further answer to the resolution of the Senate of the 7th of January last, requesting to be furnished "with a statement of the number of military arrests made in the Territory of Alaska during the past five years, together with the date of each, the charge on which made in each case, the names of the persons arrested, and the period and character of the imprisonment of each in that Territory before trial or surrender to the civil authorities for trial," I have the honor to transmit herewith the report of the Secretary of War.

U. S. GRANT.

\* Calling for information or facts relative to the charges against George F. Seward, United States minister to China.

EXECUTIVE MANSION, *March 27, 1876.*

*To the House of Representatives:*

In further answer to the resolution of the House of the 6th of January last, with regard to certain expenditures and employees in the Indian service, except those on duty in the office of the Secretary of the Interior, etc., I have the honor to transmit to you a supplementary report received from the Secretary of the Interior, respecting and explaining a clerical error to be found in that portion of the statement of the Interior Department which relates to the expenditures of the Board of Indian Commissioners, and to ask its consideration in connection with the papers which accompanied my message of the 3d of February last.

U. S. GRANT.

EXECUTIVE MANSION, *March 27, 1876.*

*To the House of Representatives:*

I have the honor to transmit herewith a communication received from the chairman of the board on behalf of the United States Executive Departments, containing in detail the operations of the board and setting forth the present embarrassments under which it is now laboring in the endeavor to conduct the participation of the Government in the Centennial Exhibition, and showing very clearly the necessity of additional funds to carry out the undertaking in a creditable manner.

U. S. GRANT.

EXECUTIVE MANSION, *April 3, 1876.*

*To the House of Representatives:*

I have the honor to transmit herewith, for your information, a communication from the Secretary of the Interior of this date, upon the urgent necessities of the Pawnee Indians.

This tribe has recently been removed to the Indian Territory, and is without means of subsistence except as supplied by the Government. Its members have evinced a disposition to become self-supporting, and it is believed that only temporary aid will be required by them. The sums advanced by the United States for this purpose it is expected will be refunded from the proceeds of the sale of the Pawnee Reservation in Nebraska.

The present destitute condition of these Indians would seem to call for immediate relief, and I recommend the subject to your early and favorable consideration.

U. S. GRANT.

EXECUTIVE MANSION, *April 6, 1876.*

*To the Senate of the United States:*

In further answer to the resolution of the Senate of the 7th of January last (partial answers having been transmitted on the 6th and 24th

ultimo), calling for a statement of "the number of military arrests in the Territory of Alaska during the past five years," etc., I have the honor to submit herewith a report, with accompanying papers, received from the Secretary of War.

U. S. GRANT.

EXECUTIVE MANSION, *April 19, 1876.*

*To the Senate and House of Representatives:*

I have the honor to transmit herewith to Congress the final report of the board of audit constituted by section 6 of the "act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, and abolished by the joint resolution approved March 14, 1876, and to call your attention to the statements therein presented.

U. S. GRANT.

*To the Senate:*

WASHINGTON, *May 1, 1876.*

I transmit herewith, for the information of Congress, a report of the president of the Centennial Commission upon the ceremonies to be observed at the opening of the exhibition on the 10th instant. It will be observed that an invitation is therein extended to Senators and Representatives to be present on that occasion.

U. S. GRANT.

[The same message was sent to the House of Representatives.]

*To the Senate:*

WASHINGTON, *May 1, 1876.*

I transmit herewith, for the consideration of the Senate with a view to its ratification by that body, a treaty between the United States and Mexico, concluded on the 29th ultimo.

U. S. GRANT.

*To the House of Representatives:*

WASHINGTON, *May 1, 1876.*

I transmit herewith, in answer to the resolution of the House of Representatives of 15th March last, a report\* from the Secretary of State and accompanying papers.

U. S. GRANT.

*To the House of Representatives:*

WASHINGTON, *May 4, 1876.*

I have given very attentive consideration to a resolution of the House of Representatives passed on the 3d of April, requesting the President of the United States to inform the House whether any executive offices

\* Explanatory of the object, intent, and character of the power conferred upon A. B. Steinberger, special agent to the Samoan or Navigators Islands, and transmitting correspondence relative to the object, operation, and result of his agency.



acts, or duties, and, if any, what, have within a specified period been performed at a distance from the seat of Government established by law, etc.

I have never hesitated and shall not hesitate to communicate to Congress, and to either branch thereof, all the information which the Constitution makes it the duty of the President to give, or which my judgment may suggest to me or a request from either House may indicate to me will be useful in the discharge of the appropriate duties confided to them. I fail, however, to find in the Constitution of the United States the authority given to the House of Representatives (one branch of the Congress, in which is vested the legislative power of the Government) to require of the Executive, an independent branch of the Government, coordinate with the Senate and House of Representatives, an account of his discharge of his appropriate and purely executive offices, acts, and duties, either as to when, where, or how performed.

What the House of Representatives may require as a right in its demand upon the Executive for information is limited to what is necessary for the proper discharge of its powers of legislation or of impeachment.

The inquiry in the resolution of the House as to where executive acts have within the last seven years been performed and at what distance from any particular spot or for how long a period at any one time, etc., does not necessarily belong to the province of legislation. It does not profess to be asked for that object.

If this information be sought through an inquiry of the President as to his executive acts in view or in aid of the power of impeachment vested in the House, it is asked in derogation of an inherent natural right, recognized in this country by a constitutional guaranty which protects every citizen, the President as well as the humblest in the land, from being made a witness against himself.

During the time that I have had the honor to occupy the position of President of this Government it has been, and while I continue to occupy that position it will continue to be, my earnest endeavor to recognize and to respect the several trusts and duties and powers of the coordinate branches of the Government, not encroaching upon them nor allowing encroachments upon the proper powers of the office which the people of the United States have confided to me, but aiming to preserve in their proper relations the several powers and functions of each of the coordinate branches of the Government, agreeably to the Constitution and in accordance with the solemn oath which I have taken to, "preserve, protect, and defend" that instrument.

In maintenance of the rights secured by the Constitution to the executive branch of the Government I am compelled to decline any specific or detailed answer to the request of the House for information as to "any executive offices, acts, or duties, and, if any, what, have been performed at a distance from the seat of Government established by law, and for how long a period at any one time and in what part of the United States."

If, however, the House of Representatives desires to know whether during the period of upward of seven years during which I have held the office of President of the United States I have been absent from the seat of Government, and whether during that period I have performed or have neglected to perform the duties of my office, I freely inform the House that from the time of my entrance upon my office I have been in the habit, as were all of my predecessors (with the exception of one, who lived only one month after assuming the duties of his office, and one whose continued presence in Washington was necessary from the existence at the time of a powerful rebellion), of absenting myself at times from the seat of Government, and that during such absences I did not neglect or forego the obligations or the duties of my office, but continued to discharge all of the executive offices, acts, and duties which were required of me as the President of the United States. I am not aware that a failure occurred in any one instance of my exercising the functions and powers of my office in every case requiring their discharge, or of my exercising all necessary executive acts, in whatever part of the United States I may at the time have been. Fortunately, the rapidity of travel and of mail communication and the facility of almost instantaneous correspondence with the offices at the seat of Government, which the telegraph affords to the President in whatever section of the Union he may be, enable him in these days to maintain as constant and almost as quick intercourse with the Departments at Washington as may be maintained while he remains at the capital.

The necessity of the performance of executive acts by the President of the United States exists and is devolved upon him, wherever he may be within the United States, during his term of office by the Constitution of the United States.

His civil powers are no more limited or capable of limitation as to the place where they shall be exercised than are those which he might be required to discharge in his capacity of Commander in Chief of the Army and Navy, which latter powers it is evident he might be called upon to exercise, possibly, even without the limits of the United States. Had the efforts of those recently in rebellion against the Government been successful in driving a late President of the United States from Washington, it is manifest that he must have discharged his functions, both civil and military, elsewhere than in the place named by law as the seat of Government.

No act of Congress can limit, suspend, or confine this constitutional duty. I am not aware of the existence of any act of Congress which assumes thus to limit or restrict the exercise of the functions of the Executive. Were there such acts, I should nevertheless recognize the superior authority of the Constitution, and should exercise the powers required thereby of the President.

The act to which reference is made in the resolution of the House

relates to the establishing of the seat of Government and the providing of suitable buildings and removal thereto of the offices attached to the Government, etc. It was not understood at its date and by General Washington to confine the President in the discharge of his duties and powers to actual presence at the seat of Government. On the 30th of March, 1791, shortly after the passage of the act referred to, General Washington issued an Executive proclamation having reference to the subject of this very act from Georgetown, a place remote from Philadelphia, which then was the seat of Government, where the act referred to directed that "all offices attached to the seat of Government" should for the time remain.

That none of his successors have entertained the idea that their executive offices could be performed only at the seat of Government is evidenced by the hundreds upon hundreds of such acts performed by my predecessors in unbroken line from Washington to Lincoln, a memorandum of the general nature and character of some of which acts is submitted herewith; and no question has ever been raised as to the validity of those acts or as to the right and propriety of the Executive to exercise the powers of his office in any part of the United States.

U. S. GRANT.

*Memorandum of absences of the Presidents of the United States from the national capital during each of the several Administrations, and of public and executive acts performed during the time of such absences.*

President Washington was frequently absent from the capital; he appears to have been thus absent at least one hundred and eighty-one days during his term.

During his several absences he discharged official and executive duties; among them—

In March, 1791, he issued a proclamation, dated at Georgetown, in reference to running the boundary for the territory of the permanent seat of the Government.

From Mount Vernon he signed an official letter to the Emperor of Morocco, and from the same place the commission of Oliver Wolcott as Comptroller of the Treasury and the proclamation respecting the whisky insurrection in Pennsylvania; also various sea letters, the proclamation of the treaty of 1795 between the United States and Spain, the Executive order of August 4, 1792, relative to the duties on distilled spirits, etc.

When at Germantown he signed the commission of John Breckenridge as attorney of the United States for Kentucky, and that of engineer of the United States Mint.

He proposed to have Mr. Yrujo officially presented, as envoy extraordinary and minister plenipotentiary from Spain, to him at Mount Vernon; but although Mr. Yrujo went there for the purpose, the ceremony of presentation was prevented by Mr. Yrujo's having accidentally left his credentials.

President John Adams was absent from the capital during his term of four years, on various occasions, three hundred and eighty-five days. He discharged official duties and performed the most solemn public acts at Quincy in the same manner as when at the seat of Government. In 1797 (August 25) he forwarded to the Secretary of State a number of passports which he had signed at Quincy. He issued at Quincy commissions to numerous officers of various grades, civil and military. On the 28th of September, 1797, he forwarded to the Secretary of State a commission for a justice

of the Supreme Court, signed in blank at Quincy, instructing the Secretary to fill it with the name of John Marshall if he would accept, and, if not, Bushrod Washington. He issued a proclamation opening trade with certain ports of St. Domingo, and signed warrants for the execution of two soldiers and for a pardon.

President Jefferson was absent from the seat of Government during his two terms of office seven hundred and ninety-six days, more than one-fourth of the whole official period. During his absence he signed and issued from Monticello seventy-five commissions, one letter to the Emperor of Russia, and nine letters of credence to diplomatic agents of the United States accredited to other governments.

President Madison was absent from the seat of Government during his two Presidential terms six hundred and thirty-seven days. He signed and issued from Montpelier during his absence from the capital seventy-one commissions, one proclamation, and nine letters of credence to ministers, accrediting them to foreign governments, and, as it appears, transacted generally all the necessary routine business incident to the Executive office.

President Monroe was absent from the capital during his Presidential service of eight years seven hundred and eight days, independent of the year 1824 and the two months of 1825, for which period no data are found. He transacted public business wherever he happened to be, sometimes at his farm in Virginia, again at his summer resort on the Chesapeake, and sometimes while traveling. He signed and issued from these several places, away from the capital, numerous commissions to civil officers of the Government, exequaturs to foreign consuls, letters of credence, two letters to sovereigns, and thirty-seven pardons.

President John Q. Adams was absent from the capital during his Presidential term of four years two hundred and twenty-two days. During such absence he performed official and public acts, signing and issuing commissions, exequaturs, pardons, proclamations, etc. Referring to his absence in August and September, 1827, Mr. Adams, in his memoirs, volume 8, page 75, says: "I left with him [the chief clerk] some blank signatures, to be used when necessary for proclamations, remission of penalties, and commissions of consuls, taking of him a receipt for the number and kind of blanks left with him, with directions to return to me when I came back all the signed blanks remaining unused and to keep and give me an account of all those that shall have been disposed of. This has been my constant practice with respect to signed blanks of this description. I do the same with regard to patents and land grants."

President Jackson was absent from the capital during his Presidential service of eight years five hundred and two days. He also performed executive duties and public acts while absent. He appears to have signed and issued while absent from the capital very many public papers, embracing commissions, letters of credence, exequaturs, pardons, and among them four Executive proclamations. On the 26th of June, 1833, he addressed a letter from Boston to Mr. Duane, Secretary of the Treasury, giving his views at large on the removal of the "deposits" from the United States Bank and placing them in the State banks, directing that the change, with all its arrangements, should be, if possible, completed by the 15th September following, and recommending that Amos Kendall should be appointed an agent of the Treasury Department to make the necessary arrangements with the State banks. Soon after, September 23, a paper signed by the President and purporting to have been read to the Cabinet was published in the newspapers of the day. Early in the next session of Congress a resolution passed the Senate inquiring of the President whether the paper was genuine or not and if it was published by his authority, and requesting that a copy be laid before that body. The President replied, avowing the genuineness of the paper and that it was published by his authority, but declined to furnish a copy to the Senate on the ground that it was purely executive business, and that the request of the Senate was an undue interference with the independence of the Executive, a coordinate branch of the Government. In January, 1837 (26th),

he refused the privilege to a committee under a resolution of the House of Representatives to make a general investigation of the Executive Departments without specific charges, on the ground, among others, that the use of the books, papers, etc., of the Departments for such purpose would interfere with the discharge of the public duties devolving upon the heads of the different Departments, and necessarily disarrange and retard the public business.

President Van Buren was absent from the capital during his Presidential term one hundred and thirty-one days. He discharged executive duties and performed official and public acts during these absences. Among the papers signed by President Van Buren during his absence from the seat of Government are commissions (one of these being for a United States judge of a district court), pardons, etc.

President Tyler was absent from the capital during his Presidential term one hundred and sixty-three days, and performed public acts and duties during such absences, signing public papers and documents to the number of twenty-eight, in which were included commissions, exequaturs, letters of credence, pardons, and one proclamation making public the treaty of 1842 between the United States and Ecuador.

President Polk was absent from the capital during his Presidential term thirty-seven days, and appears to have signed but two official public papers during such absence.

President Taylor was absent from the capital during the time he served as President thirty-one days, and while absent signed two commissions, three "full powers," two exequaturs, and the proclamation of August 11, 1849, relative to a threatened invasion of Cuba or some of the Provinces of Mexico.

President Fillmore was absent from the capital during the time he served as President sixty days. During such absence he signed pardons, commissions, exequaturs, etc.

President Pierce was absent from the capital in all during his Presidential term fifty-seven days. The several periods of absence which make up this aggregate were each brief, and it does not appear that during these absences the President signed any public official documents, except one pardon.

President Buchanan was absent from the capital during his Presidential term fifty-seven days, and the official papers which he is shown to have signed during such absence are three exequaturs and one letter of credence.

In addition to the public documents and papers executed by the several Presidents during their absences from the seat of Government, constant official correspondence was maintained by each with the heads of the different Executive Departments.

WASHINGTON, *May 15, 1876.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 10th ultimo, I transmit herewith a report and accompanying papers upon the subject\* from the Secretary of State.

U. S. GRANT.

WASHINGTON, *May 16, 1876.*

*To the House of Representatives:*

In answer to a resolution of the House of Representatives of the 5th instant, requesting information as to payments by the Government of

\* Course pursued to enforce the provisions of the convention with Venezuela of April 25, 1866, and the payment of adjudicated claims under act approved February 25, 1873.

Venezuela on account of claims of citizens of the United States under the convention of the 25th of April, 1866, I transmit a report from the Secretary of State, to whom the resolution was referred.

U. S. GRANT.

*To the Senate:*

WASHINGTON, *May 19, 1876.*

I transmit herewith, in answer to a resolution of the Senate of the 27th March last, a report\* from the Secretary of State and an accompanying paper.

U. S. GRANT.

*To the House of Representatives:*

WASHINGTON, *May 31, 1876.*

I transmit, in answer to a resolution of the House of Representatives of the 22d instant, a report of the Secretary of State, with its accompanying papers.†

U. S. GRANT.

EXECUTIVE MANSION, *June 7, 1876.*

*To the Senate and House of Representatives:*

I herewith transmit the report of the board appointed to test iron, steel, and other metals, in accordance with the provisions of section 4 of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," approved ~~March 3, 1875.~~

This board is to determine by actual tests the strength and value of all metals, and to prepare tables which will exhibit their strength and value for all constructions.

The accompanying memorials and resolutions of scientific associations, colleges, and schools strongly advocate the continuation of this board, which is national in its character and general in its investigations.

The board asks for an appropriation of \$50,000 for the ensuing year, and that any unexpended balances remaining on hand on the 30th of June, 1876, may be reappropriated.

This recommendation is submitted for favorable action, in the belief that the labors of the board will, in the benefits accruing to important industrial interests, more than repay to the country at large any money that may be so expended.

U. S. GRANT.

WASHINGTON, *June 10, 1876.*

*To the House of Representatives:*

I transmit herewith, in answer to the resolution of the House of Representatives of the 30th day of March last, a report from the Secretary of

\*Relating to amount of money in the custody of the Department of State to the credit of the awards of the mixed commission under the treaty with Venezuela of April 25, 1866.

†Relating to the steps taken for the protection of American citizens in the Ottoman dominions.

State, with accompanying papers, which presents the correspondence and condition of the question\* up to the day of its date.

U. S. GRANT.

*To the Senate:*

WASHINGTON, June 14, 1876.

In answer to the resolution of the Senate of the 26th April ultimo, I herewith transmit a report† from the Secretary of State, with accompanying documents.

U. S. GRANT.

EXECUTIVE MANSION, June 17, 1876.

*To the Senate and House of Representatives:*

The near approach of a new fiscal year and the failure of Congress up to this time to provide the necessary means to continue all the functions of Government make it my duty to call your attention to the embarrassments that must ensue if the fiscal year is allowed to close without remedial action on your part.

Article I, section 9, of the Constitution declares:

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

To insure economy of expenditure and security of the public treasure Congress has from time to time enacted laws to restrain the use of public moneys, except for the specific purpose for which appropriated and within the time for which appropriated; and to prevent contracting debts in anticipation of appropriate appropriations, Revised Statutes, section 3679, provides:

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.

Section 3732 provides:

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.

Section 3678, as follows:

All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

\* The refusal of Great Britain to surrender certain fugitive criminals in accordance with the extradition clause of the treaty of August 9, 1842.

† Relating to claims before and judgments rendered by the Alabama Claims Commission arising from captures by the rebel cruiser *Shenandoah*.

## Section 3690, that—

All balances of appropriations contained in the annual appropriation bills, and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations.

The effect of the laws quoted, taken in connection with the constitutional provision referred to, is, as above stated, to prohibit any outlay of public money toward defraying even the current and necessary expenses of Government after the expiration of the year for which appropriated, excepting when those expenses are provided for by some permanent appropriation, and excepting in the War and Navy Departments, under section 3732.

The number of permanent appropriations are very limited, and cover but few of the necessary expenditures of the Government. They are nearly all, if not quite all, embraced in sections 3687, 3688, and 3689 of the Revised Statutes. That contained in section 3687 is applicable to *expenses of collecting the revenue from customs*, that in section 3688 to the payment of interest on the *public debt*, and that in section 3689 to various objects too numerous to detail here.

It will be observed that while section 3679, quoted above, provides that *no Department shall in any one fiscal year involve the Government in any contract for the future payment of money in excess of the appropriation for that year*, section 3732, also quoted above, confers, by clear implication, upon the heads of the War and Navy Departments full authority, even in the absence of any appropriation, to purchase or contract for clothing, subsistence, forage, fuel, quarters, or transportation not exceeding the necessities of the current year. The latter provision is special and exceptional in its character, and is to be regarded as excluded from the operation of the former more general one. But if any of the appropriation bills above enumerated should fail to be matured before the expiration of the current fiscal year, the Government would be greatly embarrassed for want of the necessary funds to carry on the service. Precluded from expending money not appropriated, the Departments would have to suspend the service so far as the appropriations for it should have failed to be made.

A careful examination of this subject will demonstrate the embarrassed condition all branches of the Government will be in, and especially the executive, if there should be a failure to pass the necessary appropriation bills before the 1st of July, or otherwise provide.

I commend this subject most earnestly to your consideration, and urge that some measure be speedily adopted to avert the evils which would result from nonaction by Congress. I will venture the suggestion, by



way of remedy, that a joint resolution, properly guarded, might be passed through the two Houses of Congress, extending the provisions of all appropriations for the present fiscal year to the next in all cases where there is a failure on the 1st of July to supply such appropriation; each appropriation so extended to hold good until Congress shall have passed a corresponding appropriation applicable to the new fiscal year, when all moneys expended under laws enacted for this fiscal year shall be deducted from the corresponding appropriation for the next.

To make my ideas on this subject more clear, I have caused to be drawn up a joint resolution embodying them more fully.

U. S. GRANT.

JOINT RESOLUTION to provide for defraying temporarily the ordinary and necessary expenses of the public service.

Whereas the ordinary and necessary expenses of the public service in its various branches, comprising among others the expenses which especially pertain to the legislative, executive, and judicial departments of the Government, to the consular and diplomatic service, to the postal service, to the support of the Army, and to the maintenance of the Navy, are generally met by annual appropriations which expire at the end of the current fiscal year; and

Whereas no public funds will be available to defray these expenses as the same shall accrue after that period unless appropriations shall have been previously made therefor by law; and

Whereas, to avoid the great embarrassment to the public service that might otherwise ensue, it is expedient to make provision for defraying temporarily such of these expenses as would be unprovided for in case some one of the usual annual appropriation bills designed to provide therefor should fail to be matured by the end of the fiscal year now current: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That in case any of the following appropriation bills for the fiscal year ending June 30, 1877, shall not have passed by the commencement of such year, so that the funds to be appropriated thereby may then be available for expenditure—that is to say, the bill providing for the legislative, executive, and judicial expenses; the bill providing for the consular and diplomatic expenses; the bill providing for the service of the Post-Office Department; the bill providing for the support of the Army, and the bill providing for the naval service—the appropriation act for the current fiscal year corresponding in its general description and object to such appropriation bill shall extend to the fiscal year next ensuing until such appropriation bill is enacted and takes effect, to the end that the provisions of such appropriation act which apply to the ordinary and necessary expenses of the public service for the current fiscal year shall in like manner be applicable to similar expenses which may accrue during the period intervening between the end of the current fiscal year and the time when such appropriation bill for the next ensuing fiscal year shall be enacted and take effect.

WASHINGTON, June 20, 1876.

*To the Senate and House of Representatives:*

By the tenth article of the treaty between the United States and Great Britain signed in Washington on the 9th day of August, 1842, it was agreed that the two Governments should, upon mutual requisitions respectively

made, deliver up to justice all persons who, being charged with certain crimes therein enumerated, committed within the jurisdiction of either, should seek an asylum or be found within the territories of the other.

The only condition or limitation contained in the treaty to the reciprocal obligation thus to deliver up the fugitive was that it should be done only upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged should be found, would justify his apprehension and commitment for trial if the crime or offense had there been committed.

In the month of February last a requisition was duly made, in pursuance of the provisions of the treaty, by this Government upon that of Great Britain for the surrender of one Ezra D. Winslow, charged with extensive forgeries and the utterance of forged paper, committed within the jurisdiction of the United States, who had sought an asylum and was found within the territories of Her Britannic Majesty and was apprehended in London. The evidence of the criminality of the fugitive was duly furnished and heard, and, being found sufficient to justify his apprehension and commitment for trial if the crimes had been committed in Great Britain, he was held and committed for extradition.

Her Majesty's Government, however, did not deliver up the fugitive in accordance with the terms of the treaty, notwithstanding every requirement thereof had been met on the part of the United States, but, instead of surrendering the fugitive, demanded certain assurances or stipulations not mentioned in the treaty, but foreign to its provisions, as a condition of the performance by Great Britain of her obligations under the treaty.

In a recent communication to the House of Representatives, and in answer to a call from that body for information on this case, I submitted the correspondence which has passed between the two Governments with reference thereto. It will be found in Executive Document No. 173 of the House of Representatives of the present session, and I respectfully refer thereto for more detailed information bearing on the question.

It appears from the correspondence that the British Government bases its refusal to surrender the fugitive and its demand for stipulations or assurances from this Government on the requirements of a purely domestic enactment of the British Parliament, passed in the year 1870.

This act was brought to the notice of this Government shortly after its enactment, and Her Majesty's Government was advised that the United States understood it as giving continued effect to the existing engagements under the treaty of 1842 for the extradition of criminals; and with this knowledge on its part, and without dissent from the declared views of the United States as to the unchanged nature of the reciprocal rights and obligations of the two powers under the treaty, Great Britain has continued to make requisitions and to grant surrenders in numerous instances, without suggestion that it was contemplated to depart from the practice under the treaty which has obtained for

more than thirty years, until now, for the first time, in this case of Winslow, it is assumed that under this act of Parliament Her Majesty may require a stipulation or agreement not provided for in the treaty as a condition to the observance by her Government of its treaty obligations toward this country.

This I have felt it my duty emphatically to repel.

In addition to the case of Winslow, requisition was also made by this Government on that of Great Britain for the surrender of Charles J. Brent, also charged with forgery, committed in the United States, and found in Great Britain. The evidence of criminality was duly heard and the fugitive committed for extradition.

A similar stipulation to that demanded in Winslow's case was also asked in Brent's, and was likewise refused.

It is with extreme regret that I am now called upon to announce to you that Her Majesty's Government has finally released both of these fugitives, Winslow and Brent, and set them at liberty, thus omitting to comply with the provisions and requirements of the treaty under which the extradition of fugitive criminals is made between the two Governments.

The position thus taken by the British Government, if adhered to, can not but be regarded as the abrogation and annulment of the article of the treaty on extradition.

Under these circumstances it will not, in my judgment, comport with the dignity or self-respect of this Government to make demands upon that Government for the surrender of fugitive criminals, nor to entertain any requisition of that character from that Government under the treaty.

It will be a cause of deep regret if a treaty which has been thus far beneficial in its practical operation, which has worked so well and so efficiently, and which, notwithstanding the exciting and at times violent political disturbances of which both countries have been the scene during its existence, has given rise to no complaints on the part of either Government against either its spirit or its provisions, should be abruptly terminated.

It has tended to the protection of society and to the general interests of both countries. Its violation or annulment would be a retrograde step in international intercourse.

I have been anxious and have made the effort to enlarge its scope and to make a new treaty which would be a still more efficient agent for the punishment and prevention of crime. At the same time, I have felt it my duty to decline to entertain a proposition made by Great Britain, pending its refusal to execute the existing treaty, to amend it by practically conceding by treaty the identical conditions which that Government demands under its act of Parliament. In addition to the impossibility of the United States entering upon negotiations under the menace of an intended violation or a refusal to execute the terms of an existing treaty

I deemed it inadvisable to treat of only the one amendment proposed by Great Britain while the United States desires an enlargement of the list of crimes for which extradition may be asked, and other improvements which experience has shown might be embodied in a new treaty.

It is for the wisdom of Congress to determine whether the article of the treaty relating to extradition is to be any longer regarded as obligatory on the Government of the United States or as forming part of the supreme law of the land. Should the attitude of the British Government remain unchanged, I shall not, without an expression of the wish of Congress that I should do so, take any action either in making or granting requisitions for the surrender of fugitive criminals under the treaty of 1842.

Respectfully submitted.

U. S. GRANT.

EXECUTIVE MANSION, *July 8, 1876.*

*To the Senate of the United States:*

I have the honor to transmit herewith a report\* from General W. T. Sherman [J. D. Cameron, Secretary of War], together with the most recent reports received from Brigadier-General A. H. Terry, as a response to the resolution of the Senate of the 7th instant, a copy of which is attached to this message.

U. S. GRANT.

WASHINGTON, *July 13, 1876.*

*To the House of Representatives:*

I transmit herewith, in answer to a resolution of the House of Representatives of the 1st ultimo, a report† from the Secretary of State upon the subject.

U. S. GRANT.

WASHINGTON, *July 19, 1876.*

*To the House of Representatives:*

I transmit a report from the Secretary of State, in answer to the resolution of the House of Representatives of the 1st of April last, on the subject of commercial intercourse with Mexico and Central America.

U. S. GRANT.

EXECUTIVE MANSION, *July 31, 1876.*

*To the House of Representatives:*

The act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, is so defective in what

\* Relating to hostile demonstrations of the Sioux Indians and the disaster to the forces under General Custer.

† Stating that no correspondence has taken place with Great Britain relative to the sequestration of the lands and property in New Zealand claimed by William Webster, an American citizen.

it omits to provide for that I can not announce its approval without at the same time pointing out what seems to me to be its defects. It makes but inadequate provision for the service at best, and in some instances fails to make any provision whatever.

Notably among the first class is the reduction in the ordinary annual appropriations for the Revenue-Cutter Service, to the prejudice of the customs revenue.

The same may be said of the Signal Service, as also the failure to provide for the increased expense devolved upon the mints and assay offices by recent legislation, and thus tending to defeat the objects of that legislation.

Of this class also are public buildings, for the protection, preservation, and completion of which there is no adequate appropriation, while the sum of \$100,000 only is appropriated for the repairs of the different navy yards and stations and the preservation of the same, the ordinary and customary appropriations for which are not less than \$1,000,000.

A similar reduction is made in the expenses for armories and arsenals.

The provision for the ordinary judicial expenses is much less than the estimated amount for that important service, the actual expenditures of the last fiscal year, and the certain demands of the current year.

The provision for the expenses of the surveys of public lands is less than one-half of the usual appropriation for that service and what are understood to be its actual demands.

Reduction in the expenditures for light-houses, beacons, and fog stations is also made in similar proportion.

Of the class for which no appropriation is made, among the most noticeable, perhaps, is that portion of the general expenses of the District of Columbia on behalf of the United States, as appropriated in former years, and the judgments of the Court of Claims. The failure to make a reasonable contribution to the expenses of the nation's capital is an apparent dereliction on the part of the United States and rank injustice to the people here who bear the burdens, while to refuse or neglect to provide for the payment of solemn judgments of its own courts is apparently to repudiate. Of a different character, but as prejudicial to the Treasury, is the omission to make provision to enable the Secretary of the Treasury to have the rebel archives and records of captured and abandoned property examined and information furnished therefrom for the use of the Government.

Finally, without further specification of detail, it may be said that the act which in its title purports to make provision for a diverse and greatly extended civil service unhappily appropriates an amount not more than 65 per cent of its ordinary demands.

The legislative department establishes and defines the service, and devolves upon the Executive Departments the obligation of submitting annually the needful estimates of expenses of such service. Congress

properly exacts implicit obedience to the requirements of the law in the administration of the public service and rigid accountability in the expenditures therefor. It is submitted that a corresponding responsibility and obligation rest upon it to make the adequate appropriations to render possible such administration and tolerable such exaction. Anything short of an ample provision for a specified service is necessarily fraught with disaster to the public interests and is a positive injustice to those charged with its execution.

To appropriate and to execute are corresponding obligations and duties, and the adequacy of the former is the necessary measure of the efficiency of the execution.

In this eighth month of the present session of Congress—nearly one month of the fiscal year to which this appropriation applies having passed—I do not feel warranted in vetoing an absolutely necessary appropriation bill; but in signing it I deem it a duty to show where the responsibility belongs for whatever embarrassments may arise in the execution of the trust confided to me.

U. S. GRANT.

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EXECUTIVE MANSION, *July 31, 1876.*

*To the Senate of the United States:*

In response to the resolution of the Senate of July 20, 1876, calling upon the President to communicate to the Senate, if in his opinion not incompatible with the public interest, any information in regard to the slaughter of American citizens at Hamburg, S. C., I have the honor to submit the following inclosures, to wit:

No. 1. Letter of the 22d of July, 1876, from Governor D. H. Chamberlain, of South Carolina, to me.

No. 2. My reply thereto.

No. 3. Report of Hon. William Stone, attorney-general of South Carolina.

No. 4. Report of General H. W. Purvis, adjutant and inspector general of South Carolina.

No. 5. Copy of evidence taken before a coroner's jury investigating facts relating to the Hamburg massacre.

No. 6. Printed copy of statement by M. C. Butler, of South Carolina.

No. 7. Printed letter from the same to the editors of the Journal of Commerce.

No. 8. Copy of letter from Governor Chamberlain to the Hon. T. J. Robertson.

No. 9. An address to the American people by the colored citizens of Charleston, S. C.

No. 10. An address by a committee appointed at a convention of leading representatives of Columbia, S. C.

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No. 11. Copy of letter of July 15, 1876, from the district attorney of Mississippi to the Attorney-General of the United States.

No. 12. Letter from same to same.

No. 13. Copy of report of a grand jury lately in session in Oxford, Miss.

These inclosures embrace all the information in my possession touching the late disgraceful and brutal slaughter of unoffending men at the town of Hamburg, S. C. My letter to Governor Chamberlain contains all the comments I wish to make on the subject. As allusion is made in that letter to the condition of other States, and particularly to Louisiana and Mississippi, I have added to the inclosures letters and testimony in regard to the lawless condition of a portion of the people of the latter State.

In regard to Louisiana affairs, murders and massacres of innocent men for opinion's sake or on account of color have been of too recent date and of too frequent occurrence to require recapitulation or testimony here. All are familiar with their horrible details, the only wonder being that so many justify them or apologize for them.

But recently a committee of the Senate of the United States visited the State of Mississippi to take testimony on the subject of frauds and violence in elections. Their report has not yet been made public, but I await its forthcoming with a feeling of confidence that it will fully sustain all that I have stated relating to fraud and violence in the State of Mississippi.

U. S. GRANT.

EXECUTIVE MANSION, *August 11, 1876.*

*To the Senate and House of Representatives:*

I transmit herewith a telegram of the 5th of August instant from Lieutenant-General Sheridan to General Sherman, a letter of the 11th of the present month from General Sherman to the Secretary of War, and a letter from the latter of the same date to me, all setting forth the possible needs of the Army in consequence of existing hostilities.

I would strongly urge upon Congress the necessity for making some provision for a contingency which may arise during the vacation—for more troops in the Indian country than it is now possible to send.

It would seem to me to be much more economical and better to authorize an increase of the present cavalry force by 2,500 privates, but if this is not deemed advisable, then that the President be authorized to call out not exceeding five regiments, 1,000 strong each, of volunteers, to serve for a period not exceeding six months.

Should this latter authority be given, I would not order out any volunteers unless in my opinion, based upon reports from the scene of war, I deemed it absolutely necessary, and then only the smallest number considered sufficient to meet the emergency.

U. S. GRANT.

EXECUTIVE MANSION, August 14, 1876.

*To the House of Representatives:*

In affixing my signature to the river and harbor bill, No. 3822, I deem it my duty to announce to the House of Representatives my objections to some features of the bill, and the reason I sign it. If it was obligatory upon the Executive to expend all the money appropriated by Congress, I should return the river and harbor bill with my objections, notwithstanding the great inconvenience to the public interests resulting therefrom and the loss of expenditures from previous Congresses upon incompleting works. Without enumerating, many appropriations are made for works of purely private or local interest, in no sense national. I can not give my sanction to these, and will take care that during my term of office no public money shall be expended upon them.

There is very great necessity for economy of expenditures at this time, growing out of the loss of revenue likely to arise from a deficiency of appropriations to insure a thorough collection of the same. The reduction of revenue districts, diminution of special agents, and total abolition of supervisors may result in great falling off of the revenue. It may be a question to consider whether any expenditure can be authorized under the river and harbor appropriation further than to protect works already done and paid for. Under no circumstances will I allow expenditures upon works not clearly national.

U. S. GRANT.--

WASHINGTON, August 14, 1876.

*To the House of Representatives:*

In announcing, as I do, that I have attached my signature of official approval to the "Act making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes," it is my duty to call attention to a provision in the act directing that notice be sent to certain of the diplomatic and consular officers of the Government "to close their offices."

In the literal sense of this direction it would be an invasion of the constitutional prerogatives and duty of the Executive.

By the Constitution the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint, ambassadors, other public ministers, and consuls," etc.

It is within the power of Congress to grant or withhold appropriation of money for the payment of salaries and expenses of the foreign representatives of the Government.

In the early days of the Government a sum in gross was appropriated, leaving it to the Executive to determine the grade of the officers and the countries to which they should be sent.



Latterly, for very many years, specific sums have been appropriated for designated missions or employments, and as a rule the omission by Congress to make an appropriation for any specific port has heretofore been accepted as an indication of a wish on the part of Congress which the executive branch of the Government respected and complied with.

In calling attention to the passage which I have indicated I assume that the intention of the provision is only to exercise the constitutional prerogative of Congress over the expenditures of the Government and to fix a time at which the compensation of certain diplomatic and consular officers shall cease, and not to invade the constitutional rights of the Executive, which I should be compelled to resist; and my present object is not to discuss or dispute the wisdom of failing to appropriate for several offices, but to guard against the construction that might possibly be placed on the language used, as implying a right in the legislative branch to direct the closing or discontinuing of any of the diplomatic or consular offices of the Government.

U. S. GRANT.

[For message of August 15, 1876, withdrawing objections to Senate bill No. 779, see p. 388.]

WASHINGTON, *August 15, 1876.*

*To the Senate of the United States:*

I transmit to the Senate, in answer to its resolution of the 24th ultimo, a report from the Secretary of State, with its accompanying statement.\*

U. S. GRANT.

## VETO MESSAGES.

EXECUTIVE MANSION, *February 3, 1876.*

*To the House of Representatives:*

I have the honor to return herewith without my approval House bill No. 1561, entitled "An act transferring the custody of certain Indian trust funds from the Secretary of the Interior to the Treasurer of the United States," for the reasons set forth in the accompanying communication from the Secretary of the Interior.

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,

*Washington, February 2, 1876.*

The PRESIDENT.

SIR: I acknowledge the receipt of your communication of the 29th ultimo, transmitting House bill No. 1561 and requesting this Department to report whether any objections to its becoming a law are known to exist.

\* Aggregate number of civil officers in or connected with the Department of State from 1859 to 1875, inclusive.

In reply I have the honor to state that I am fearful that the act is not sufficiently definite in terms to accomplish the end desired, namely, the mere transfer of the custody of said trust funds, enabling this Department to receive the interest from the custodian and apply it as heretofore without the intervention of Congress. The nature of the guardianship and control over the Indians exercised by me as Secretary and trustee is such as to require this Department to keep an account of the funds to their credit or held in trust for them, and to receive the interest on their trust funds promptly when due. I am fearful that this bill may not allow me to do so, and to guard against any danger of embarrassment in the transaction of this business I inclose a draft of a bill\* which, if substituted for the one already passed, will, it is believed, obviate the difficulties which may arise if the present bill should become a law.

Very respectfully, your obedient servant,

Z. CHANDLER, *Secretary.*

EXECUTIVE MANSION, *March 27, 1876.*

*To the House of Representatives:*

I have the honor to return herewith without my approval the bill (H. R. No. 83) entitled "An act for the relief of James A. Hile, of Lewis County, Mo.," for the reasons set forth in the accompanying communication of the Secretary of War.

U. S. GRANT.

WAR DEPARTMENT,

*Washington City, March 25, 1876.*

THE PRESIDENT.

SIR: I have the honor to return act H. R. 83, with the following report from the Adjutant-General:

"It appears from the records of this office that James A. Hile, private Company F, Twenty-first Missouri Volunteers, enlisted July 15, 1861; deserted June 14, 1862; returned August 2, 1862; was restored to duty by special order No. 38, headquarters District of Columbus, Department of Tennessee, dated Columbus, Ky., February 26, 1863. He reenlisted February 28, 1864, as a veteran volunteer; was tried by general court-martial for absence without leave from November 25, 1864, to December 13, 1864, and sentenced to forfeit all pay and allowances for time absent by general order No. 48, headquarters Second Division, Sixteenth Army Corps, dated May 22, 1865.

"On the muster-out roll of company dated April 19, 1866, he is reported, 'Deserted March 1, 1866, at Bladen Springs, Ala.'

"This man, in his application to this office for discharge, stated under oath (affidavit dated July 27, 1870) that he left his command without leave and returned to his home February 28, 1866, having previously applied for a furlough, which was refused.

"This man, according to his own statement under oath, did desert as reported, and if this bill becomes a law it will be an injustice to every soldier who served honorably with his command until his services were no longer required by the Government, in addition to falsifying the record, as the bill directs the record shall be made to show he is *no deserter*.

"This is only one of many similar cases."

The remarks of the Adjutant-General adverse to the passage of the bill are concurred in.

Very respectfully, your obedient servant,

ALPHONSO TAFT,  
*Secretary of War.*

\* Omitted.

EXECUTIVE MANSION, *March 31, 1876.**To the Senate of the United States:*

For the reasons set forth in the accompanying communication from the Secretary of the Treasury, I have the honor to return herewith without my approval Senate bill No. 489, entitled "An act for the relief of G. B. Tyler and E. H. Lockett, assignees of William T. Cheatham."

U. S. GRANT.

The PRESIDENT:

TREASURY DEPARTMENT, *March 30, 1876.*

Referring to the letter of the 25th instant, written by your direction, transmitting Senate bill No. 489, "for the relief of G. B. Tyler and E. H. Lockett, assignees of William T. Cheatham," and requesting my opinion as to the propriety of its approval by you, I have to say that there are no data on file in the Department, so far as I can learn, which indicate that the amount it is proposed by this bill to refund to the assignees of Mr. Cheatham was wrongfully collected or that the amount should be refunded.

The Commissioner of Internal Revenue, in his report to me in reference to the matter, says:

"The reimbursement to the United States by said Cheatham of the salary paid to this storekeeper by the collector of internal revenue for the months of December, 1869, and January, 1870, was in accordance with the provisions of joint resolution of March 29, 1869 (16 U. S. Statutes at Large, p. 52), and there appears to be no reason for the refunding by the United States to the assignees of said Cheatham the salary of this storekeeper that would ~~not apply~~ with equal force to similar payments by all other distillers who were operating ~~their~~ distilleries or had spirits in their warehouses at that time."

The facts above stated are considered by this office valid and serious objections to the approval of this bill, and they would have been communicated to the Congressional committee before the passage of the bill had they called the attention of this office to the subject.

The bill is herewith returned.

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

B. H. BRISTOW,  
*Secretary.*

EXECUTIVE MANSION, *April 18, 1870.**To the Senate of the United States:*

Herewith I return Senate bill No. 172, entitled "An act fixing the salary of the President of the United States," without my approval.

I am constrained to this course from a sense of duty to my successors in office, to myself, and to what is due to the dignity of the position of Chief Magistrate of a nation of more than 40,000,000 people.

When the salary of the President of the United States, pursuant to the Constitution, was fixed at \$25,000 per annum, we were a nation of but 3,000,000 people, poor from a long and exhaustive war, without commerce or manufactures, with but few wants and those cheaply supplied. The salary must then have been deemed small for the responsibilities

and dignity of the position, but justifiably so from the impoverished condition of the Treasury and the simplicity it was desired to cultivate in the Republic.

The salary of Congressmen under the Constitution was first fixed at \$6 per day for the time actually in session—an average of about one hundred and twenty days to each session—or \$720 per year, or less than one-thirtieth of the salary of the President.

Congress have legislated upon their own salaries from time to time since, until finally it reached \$5,000 per annum, or one-fifth that of the President, before the salary of the latter was increased.

No one having a knowledge of the cost of living at the national capital will contend that the present salary of Congressmen is too high, unless it is the intention to make the office one entirely of honor, when the salary should be abolished—a proposition repugnant to our republican ideas and institutions.

I do not believe the citizens of this Republic desire their public servants to serve them without a fair compensation for their services. Twenty-five thousand dollars does not defray the expenses of the Executive for one year, or has not in my experience. It is not now one-fifth in value of what it was at the time of the adoption of the Constitution in supplying demands and wants.

Having no personal interest in this matter, I have felt myself free to ~~return~~ this bill to the House in which it originated with my objections, believing that in doing so I meet the wishes and judgment of the great majority of those who indirectly pay all the salaries and other expenses of Government.

U. S. GRANT.

EXECUTIVE MANSION, *May 26, 1876.*

*To the House of Representatives:*

I return herewith without my approval House bill No. 1922, entitled “An act providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia.”

The objection to affixing my signature to this bill may be found in the communication addressed to me by the Attorney-General, and which accompanies this message.

U. S. GRANT.

DEPARTMENT OF JUSTICE,  
*Washington, May 23, 1876.*

THE PRESIDENT.

SIR: In reply to your note of the 19th instant, in which you request me to report whether there are objections to your approval of “An act providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia,” being House bill No. 1922, I have the honor to state that the bill seems to me objectionable because of indefiniteness and uncertainty as to the time which

it purports to fix when deeds of trust, mortgages, etc., shall take effect and be valid as to creditors and subsequent purchasers for valuable consideration without notice.

Although there is no constitutional objection to the act, yet for the reason above stated I hesitate to advise its approval.

Very respectfully, your obedient servant,

EDWARDS PIERREPONT, *Attorney-General.*

EXECUTIVE MANSION, *June 9, 1876.*

*To the Senate of the United States:*

I return herewith without my approval Senate bill No. 165, entitled "An act for the relief of Michael W. Brock, of Meigs County, Tenn., late a private in Company D, Tenth Tennessee Volunteers."

The objection to affixing my signature to this bill may be found in the indorsement (which accompanies this message) by the Adjutant-General of the Army.

U. S. GRANT.

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, June 8, 1876.*

Respectfully returned to the Secretary of War.

The records of this office show that Michael W. Brock, Company D, Tenth Tennessee Volunteers, deserted November 24, 1864, due United States for horse and horse equipments, carbine, saber, and pistol, all complete.

He presented satisfactory evidence of his having left the service by proper authority, and the charge of desertion has been removed and the soldier furnished an honorable discharge.

No evidence has been presented to this office to establish that he was erroneously charged with Government property.

If satisfactory evidence is furnished showing conclusively that this soldier was erroneously charged with Government property, taken at time of his reported desertion, the charge will be removed, and in that case the inclosed act for his relief will be unnecessary.

E. D. TOWNSEND, *Adjutant-General.*

EXECUTIVE MANSION, *June 30, 1876.*

*To the Senate of the United States:*

I return herewith without my approval Senate bill No. 692, entitled "An act to amend chapter 166 of the laws of the second session of the Forty-third Congress."

The objections to affixing my signature to this bill may be found in the report, which accompanies this message, of the Chief of Engineers of the Army to the Secretary of War.

U. S. GRANT.

WAR DEPARTMENT,  
*Washington City, June 28, 1876.*

The PRESIDENT:

SIR: I have the honor to return herewith Senate bill No. 692, "to amend chapter 166 of the laws of the second session of the Forty-third Congress," and beg to invite

your attention to the report of the Chief of Engineers dated the 27th instant, copy inclosed, and for the reasons stated in said report it is believed the bill should not become a law.

Very respectfully, your obedient servant,

J. D. CAMERON,  
*Secretary of War.*

OFFICE OF THE CHIEF OF ENGINEERS, *June 27, 1876.*

Respectfully returned to the honorable the Secretary of War.

"An act to aid in the improvement of the Fox and Wisconsin rivers, in the State of Wisconsin," approved March 3, 1875, contains the following clause:

"In case any lands or other property is now or shall be flowed or injured by means of any part of the works of said improvement heretofore or hereafter constructed, for which compensation is now or shall become legally owing, and in the opinion of the officer in charge it is not prudent that the dam or dams be lowered, the amount of such compensation may be ascertained in like manner," etc.

The dams referred to in the above clause are at the outlets of Lake Winnebago, known as the Neenah or Menasha channels of the Lower Fox River.

The officer of the Department of Justice appointed under the provisions of the act referred to to represent the interests of the United States in legal proceedings "for flowage damages hereinbefore described," acting apparently under the assumption that because the dams in question had not been lowered it was the opinion of the officer in charge that they should not be lowered, has had such surveys, investigations, etc., made as were deemed necessary by him to protect the interests of the United States, and under this action it is understood that, at the instance of claimants, judges of the circuit court have appointed commissioners to decide on the amount of compensation due, and the judges have fixed the rate of compensation the commissioners are to receive. These commissioners are not appointed at the instance of the United States.

In this way the awards for damages have already been made to the amount of \$70,000, and ultimately a much larger sum will be claimed to be due from the United States.

The officer of engineers in charge of the improvement of the Fox and Wisconsin rivers reports that the dams which have occasioned the flowage were not constructed by the canal companies, and are not at all necessary for the purposes of navigation, and so far as that is concerned could not only be lowered, but entirely dispensed with.

They were built by private parties solely for their own use and profit and for water-power purposes, and have raised the water level and caused the flowage, for which they should be held liable.

In view of the preceding facts, and for the additional reason that the subject of the liability of the United States is now being investigated by the Department of Justice, it is respectfully suggested that the inclosed act to amend chapter 166 of the laws of the second session of the Forty-third Congress (S. 692) should not become a law.

A. A. HUMPHREYS,  
*Brigadier-General and Chief of Engineers.*

EXECUTIVE MANSION, *July 11, 1876.*

*To the House of Representatives:*

For the reasons set forth in the accompanying report of the Secretary of War, I have the honor to return herewith without my approval House bill No. 1337, entitled "An act for the relief of Nelson Tiffany."

U. S. GRANT.

The PRESIDENT.

WAR DEPARTMENT, *June 7, 1876.*

SIR: I have the honor to return House bill No. 1337, "for the relief of Nelson Tiffany."

The Adjutant-General, to whom the bill was referred, reports as follows:

"Nelson Tiffany, private, Company A, Twenty-fifth Massachusetts Volunteers, deserted October 10, 1864, and remained absent until April 25, 1865, when he surrendered under the President's proclamation, thereby acknowledging his desertion.

"If this bill becomes a law, it will not only falsify the records of this Department, but will be an injustice to every man who served honorably during the War of the Rebellion."

\* \* \* \* \*  
Very respectfully, your obedient servant,

J. D. CAMERON,  
*Secretary of War.*

EXECUTIVE MANSION, *July 13, 1876.**To the House of Representatives:*

For the reasons stated in the accompanying report by the Commissioner of Pensions to the Secretary of the Interior, I have the honor to return without my approval House bill No. 11, entitled "An act granting a pension to Eliza Jane Blumer."

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,  
*Washington, July 8, 1876.*

The PRESIDENT.

SIR: I have the honor to return herewith a bill (H. R. 11) entitled "An act granting a pension to Eliza Jane Blumer," and to invite your attention to the inclosed copy of a communication addressed to me on the 7th instant by the Commissioner of Pensions, relating to said bill.

In the opinion of this Department the misdescription of the soldier in the bill is of such a character as would render it difficult, if not impossible, to carry the provisions of the bill into effect should it become a law.

I have the honor to be, with great respect, your obedient servant,

CHAS. T. GORHAM,  
*Acting Secretary.*

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., July 7, 1876.*

The Honorable SECRETARY OF THE INTERIOR.

SIR: I have the honor to return herewith engrossed House bill No. 11, giving to Eliza Jane Blumer a pension as a widow of Henry A. Blumer, private of Company A, Forty-seventh Pennsylvania Volunteers, with the suggestion that if the bill is intended to pension Eliza Blumer, whose application, No. 46382, on file in this office, has been rejected, it should designate the soldier as of Company B of said regiment, it failing to appear from the records of the War Department that he served in any other company than that last named.

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

J. A. BENTLEY,  
*Commissioner.*

EXECUTIVE MANSION, *July 20, 1876.*

*To the House of Representatives:*

I have the honor to return herewith without my approval House bill No. 2684, entitled "An act to amend sections 3946, 3951, and 3954 of the Revised Statutes."

It is the judgment of the Postmaster-General, whose report accompanies this message, that if this bill should become a law in its present form it would fail to give effect to its provisions. The remedial suggestions in his report are respectfully recommended to your attention.

U. S. GRANT.

POST-OFFICE DEPARTMENT,

*Washington, D. C., July 19, 1876.*

THE PRESIDENT OF THE UNITED STATES,

*Washington, D. C.*

SIR: I have the honor to return herewith House bill No. 2684, "to amend sections 3946, 3951, and 3954 of the Revised Statutes," with the following objections thereto:

The sections of the Revised Statutes which this bill proposes to amend were substantially repealed by the twelfth section of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874. The sections of the Revised Statutes numbered as indicated in the bill were enacted as sections 246 and 251 of the "act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872. These sections were subsequently embodied in the revision of ~~the statutes~~.

If the accompanying bill should become a law in its present form, it would, in my judgment, fail to give effect to its provisions. The bill is a very important one for the service of the Post-Office Department. Efforts have been made for four or five years past to induce Congress to pass just such a law. To break up the vicious system of straw bidding, this bill would be very valuable, and I regret exceedingly that a mistake should have been made in the title and enacting clause which will render its provisions inoperative.

I therefore suggest that the attention of the House in which it originated shall be called to the defects in the bill explained above; and to enable that body to understand very fully what, in my judgment, would be required to perfect it, I would suggest that the title should read "A bill to amend subsections 246 and 251 of section 12 of an act entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes,' approved June 23, 1874, and also to amend section 3954 of the Revised Statutes," and that the enacting clause of the bill should be changed in conformity therewith.

I have the honor to be, with great respect, your obedient servant,

JAS. N. TYNER, *Postmaster-General.*

EXECUTIVE MANSION, *August 14, 1876.*

*To the House of Representatives:*

For the reason stated in the accompanying communication, submitted to me by the Secretary of War, I have the honor to return herewith without my approval House bill No. 36, entitled "An act to restore the name of Captain Edward S. Meyer to the active list of the Army."

U. S. GRANT.



WAR DEPARTMENT,  
Washington, D. C., August 4, 1876.

The PRESIDENT.

SIR: I have the honor to return House bill No. 36, "to restore the name of Captain Edward S. Meyer to the active list of the Army," and beg to invite your attention to the inclosed report of the Adjutant-General of this date, stating objections to the approval of the bill.

Very respectfully, your obedient servant,

J. D. CAMERON,  
*Secretary of War.*

ADJUTANT-GENERAL'S OFFICE, August 4, 1876.

Respectfully returned to the Secretary of War.

Edward S. Meyer served as a private in the Fourth Ohio Volunteers (three months) from May 4, 1861, to August 18, 1861. He again enlisted as private, Nineteenth Ohio Volunteers, September 10, 1861; was promoted first lieutenant November 1, 1861, and resigned September 27, 1862. He was commissioned captain, One hundred and seventh Ohio Volunteers, November 11, 1862; was wounded at Chancellorsville, Va., May 2, 1863, and discharged for physical disability January 1, 1865. He was again mustered into service February 8, 1865, as major, Fifth United States Veteran Volunteers (Hancock's Corps), and mustered out March 20, 1866. Was brevetted lieutenant-colonel, colonel, and brigadier-general of volunteers March 13, 1865.

He was appointed captain, Thirty-fifth United States Infantry, July 28, 1866; became unassigned August 12, 1869; assigned to Nineteenth Infantry August 5, 1870, and transferred to Ninth Cavalry January 1, 1871. Retired August 24, 1872.

July 8, 1869, Captain Meyer applied for retirement on account of wounds received at Chancellorsville May 2, 1863, by which he was incapacitated for active service. No action was then had on the request, pending action by Congress ~~reducing the Army.~~

October 6, 1869, he asked to be placed on waiting orders, being unfit for duty, and no possibility of improvement without going North. He was accordingly relieved from duty and ordered home to await orders.

December 18, 1869, he called on the Secretary of War and asked to be assigned to duty.

January 4, 1870, he again applied to be assigned to duty with some regiment on the frontier, stating that his wound had healed, etc., and asking to withdraw his previous request for retirement. This was accompanied by a similar request from his father, Mr. S. Meyer, of Ohio.

July 29, 1870, he applied the third time to withdraw application for retirement and to be assigned to duty. On January 1, 1871, in accordance with his repeated requests to be assigned to duty, he was assigned to the Ninth Cavalry, serving in Texas. He joined the regiment, and on March 4, 1872, he renewed his former request to be ordered before a retiring board, stating that he found his injuries would not allow him to remain on duty on the frontier; that his disability was constantly increasing, etc. The medical director of the department approved the request, and added that Captain Meyer's wounds certainly unfitted him for service on the frontier.

April 13, 1872, Senator Sherman joined in requesting retirement of Captain Meyer. He was ordered before the retiring board and on August 20, 1872, was examined.

The board found Captain Meyer "incapacitated for active service, and that said incapacity results from a gunshot wound received in his lower jaw at the battle of Chancellorsville, Va., May 2, 1863," when captain in One hundred and seventh Ohio Volunteers. He was retired in accordance with the finding.

March 21 and December 6, 1873, Captain Meyer asked restoration to active service and reappointment as a captain of cavalry, which application was disapproved by the General of the Army.

Pending the action on the bill before Congress no reports were called for as to the official facts of record in the War Department, and no evidence has been filed in this office showing that he has sufficiently recovered.

The absence of such evidence and the fact that after one assignment to active duty he has failed to be sufficiently recovered are submitted as objections why the bill should not be approved.

E. D. TOWNSEND,  
*Adjutant-General.*

EXECUTIVE MANSION, *August 15, 1876.*

*To the House of Representatives:*

I herewith return House bill No. 4085 without my approval. The repeal of the clause in the original bill for paving Pennsylvania avenue fixing the time for the completion of the work by December 1, 1876, is objectionable in this, that it fixes no date when the work is to be completed.

Experience shows that where contractors have unlimited time to complete any given work they consult their own convenience, and not the public good. Should Congress deem it proper to amend the present bill in such manner as to fix the date for the completion of the work to be done by any date between December 1 and the close of my official term, it will receive my approval.

U. S. GRANT.

EXECUTIVE MANSION, *August 15, 1876.*

*To the Senate of the United States:*

For the reasons stated in the accompanying communication, submitted to me by the Acting Secretary of the Interior, I have the honor to return herewith without my approval Senate bill No. 779, entitled "An act to provide for the sale of a portion of the reservation of the confederated Otoe and Missouri and the Sacs and Foxes of the Missouri tribes of Indians, in the States of Kansas and Nebraska."

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., August 14, 1876.*

The PRESIDENT.

SIR: I have the honor to return herewith the bill (S. No. 779) entitled "An act to provide for the sale of a portion of the reservation of the confederated Otoe and Missouri and the Sacs and Foxes of the Missouri tribes of Indians, in the States of Kansas and Nebraska," and to invite your attention to the inclosed copy of a letter this day addressed to me by the Commissioner of Indian Affairs, stating that the bill, in his opinion, should not become a law.

I fully concur in the opinion expressed by the Commissioner, and for the reasons stated in his letter do not feel at liberty to recommend your approval of the bill.

I have the honor to be, with great respect, your obedient servant,

CHAS. T. GORHAM,  
*Acting Secretary.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., August 14, 1876.

The Honorable SECRETARY OF THE INTERIOR.

SIR: I have the honor to return herewith, in accordance with your verbal request, a bill entitled "An act to provide for the sale of a portion of the reservation of the confederated Otoe and Missouri and the Sacs and Foxes of the Missouri tribes of Indians, in the States of Kansas and Nebraska," with my views thereon, the same having passed both Houses of Congress and now awaits the approval of the President.

Your attention is respectfully invited to the act of June 10, 1872 (17 U. S. Statutes at Large, p. 391), which provides for the sale of these reservations, or a portion of them. The whole of both these reservations has been surveyed, a portion in accordance with this act of Congress and the remainder with a view to the allotment of lands to the Indians.

The second section of the bill provides for the appraisement of the whole reservation, while the third section authorizes the sale of a portion not exceeding 120,000 acres, a portion of which is in Kansas.

The bill authorizes the sale of that portion lying in Kansas through the land office located at Beatrice, Nebr. No provision is made for the relief of such Indians, if any there be, who may have settled upon the portion authorized to be sold, and who may have made improvements thereon. Moreover, in fulfillment of treaty obligations, the assent of the Indians to the operations of the whole bill, and not simply to the first section, should be required, as in the case of the Menominees (16 U. S. Statutes at Large, p. 410). In my opinion, this bill should not receive the approval of the President.

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

J. Q. SMITH, *Commissioner.*

[The Senate proceeded, as the Constitution prescribes, to reconsider the said bill returned by the President of the United States with his objections, and pending the question, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? the following message was received:]

EXECUTIVE MANSION, August 15, 1876.

*To the Senate of the United States:*

Upon further investigation I am convinced that my message of this date, withholding my signature from Senate bill No. 779, entitled "An act to provide for the sale of a portion of the reservation of the confederated Otoe and Missouri and the Sacs and Foxes of the Missouri tribes of Indians, in the States of Kansas and Nebraska," was premature, and I request, therefore, that the bill may be returned, in order that I may affix my signature to it.

U. S. GRANT.

[A motion to refer the last message to the Committee on Privileges and Elections was, after debate, determined in the negative; and the question recurring, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? it was determined in the affirmative—yeas 36, nays 0.]

EXECUTIVE MANSION, *August 15, 1876.*

*To the Senate of the United States:*

For the reasons presented in the accompanying communications, submitted by the Secretary of War, I have the honor to return herewith without my approval Senate bill No. 561, entitled "An act for the relief of Major Junius T. Turner."

U. S. GRANT.

WAR DEPARTMENT,

*Washington City, August 14, 1876.*

The PRESIDENT.

SIR: I have the honor to return Senate bill 561, "for the relief of Major Junius T. Turner," with copy of the report of the Adjutant-General of this date, stating objections to the approval of the bill.

Very respectfully, your obedient servant,

J. D. CAMERON,  
*Secretary of War.*

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,

*August 14, 1876.*

Respectfully returned to the Secretary of War.

The following objections exist to this bill becoming a law:

The bill as passed both Houses awards "such sum as shall equal the travel pay of a captain of volunteers from Washington, D. C., to San Francisco, Cal.," whereas at the date of the discharge of Junius T. Turner he was a private of Company E, California Battalion, Second Massachusetts Cavalry, and not a commissioned officer.

Aside from this, under the established regulations and rulings of the Treasury and War Departments, "a soldier, on receiving and accepting a commission as a company officer, is not entitled to traveling allowances." A departure from this rule, heretofore adhered to, would open up a very wide field for similar claims.

Private Junius T. Turner, Second Massachusetts Cavalry, was discharged by way of favor March 28, 1864, to accept promotion as second lieutenant, Third Maryland Cavalry, and was mustered as of that grade in said regiment March 29, 1864.

He was honorably discharged September 7, 1865, as captain, Third Maryland Cavalry, as set forth in the inclosed official copy of a letter\* from this office, dated June 7, 1876, to Hon. C. D. MacDougall, M. C., of Committee on Military Affairs, House of Representatives.

E. D. TOWNSEND,  
*Adjutant-General.*

[The Senate proceeded, as the Constitution prescribes, to reconsider the said bill returned by the President of the United States with his objections, and pending the question, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? it was ordered that the message be referred to the Committee on Military Affairs. At the next (second) session of the Forty-fourth Congress the following message was received:]

EXECUTIVE MANSION, *January 12, 1877.*

*To the Senate of the United States:*

On the eve of the adjournment of the last session of Congress I returned to the Senate bill No. 561, entitled "An act for the relief of Major Junius T.

\* Omitted.

Turner," with my objections to its becoming a law. I now desire to withdraw those objections, as I am satisfied they were made under a misapprehension of the facts.

U. S. GRANT.

[This message was also referred to the Committee on Military Affairs, which committee, on February 13, 1877, reported to the Senate a recommendation that the bill do pass, the objections of the President of the United States to the contrary notwithstanding. No action was taken.]

## PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Whereas by the first section of an act entitled "An act to authorize the President to accept for citizens of the United States the jurisdiction of certain tribunals in the Ottoman dominions and Egypt, established or to be established under the authority of the Sublime Porte and of the Government of Egypt," approved March 23, 1874, it was enacted as follows:

That whenever the President of the United States shall receive satisfactory information that the Ottoman Government or that of Egypt has organized other tribunals on a basis likely to secure to citizens of the United States in their domains the same impartial justice which they now enjoy there under the judicial functions exercised by the minister, consuls, and other functionaries of the United States pursuant to the act of Congress approved the 22d of June, 1860, entitled "An act to carry into effect provisions of the treaties between the United States, China, Persia, and other countries giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," he is hereby authorized to suspend the operations of said acts as to the dominions in which such tribunals may be organized so far as the jurisdiction of said tribunals may embrace matters now cognizable by the minister, consuls, or other functionaries of the United States in said dominions, and to notify the Government of the Sublime Porte, or that of Egypt, or either of them, that the United States during such suspension will, as aforesaid, accept for their citizens the jurisdiction of the tribunals aforesaid over citizens of the United States which has heretofore been exercised by the minister, consuls, or other functionaries of the United States.

And whereas satisfactory information has been received by me that the Government of Egypt has organized other tribunals on a basis likely to secure to citizens of the United States in the dominions subject to such Government the impartial justice which they now enjoy there under the judicial functions exercised by the minister, consul, or other functionaries of the United States pursuant to the said act of Congress approved June 22, 1860:

Now, therefore, I, Ulysses S. Grant, President of the United States of

America, by virtue of the power and authority conferred upon me by the said act approved March 23, 1874, do hereby suspend during the pleasure of the President the operation of the said act approved June 22, 1860, as to the said dominions subject to the Government of Egypt in which such tribunals have been organized, so far as the jurisdiction of said tribunals may embrace matters now cognizable by the minister, consuls, or other functionaries of the United States in said dominions, except as to cases actually commenced before the date hereof.

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 27th day of March, A. D. 1876, and of the Independence of the United States of America the one hundredth.

U. S. GRANT.

By the President:

HAMILTON FISH,  
*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas a joint resolution of the Senate and House of Representatives of the United States was duly approved on the 13th day of March last, which resolution is as follows:

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it be, and is hereby, recommended by the Senate and House of Representatives to the people of the several States that they assemble in their several counties or towns on the approaching centennial anniversary of our national independence, and that they cause to have delivered on such day an historical sketch of said county or town from its formation, and that a copy of said sketch may be filed, in print or manuscript, in the clerk's office of said county, and an additional copy, in print or manuscript, be filed in the office of the Librarian of Congress, to the intent that a complete record may thus be obtained of the progress of our institutions during the first centennial of their existence.*

And whereas it is deemed proper that such recommendation be brought to the notice and knowledge of the people of the United States:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby declare and make known the same, in the hope that the object of such resolution may meet the approval of the people of the United States and that proper steps may be taken to carry the same into effect.

Given under my hand, at the city of Washington, the 25th day of May, A. D. 1876, and of the Independence of the United States the one hundredth.

U. S. GRANT.

By the President:

HAMILTON FISH,  
*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The centennial anniversary of the day on which the people of the United States declared their right to a separate and equal station among the powers of the earth seems to demand an exceptional observance.

The founders of the Government, at its birth and in its feebleness, invoked the blessings and the protection of a Divine Providence, and the thirteen colonies and three millions of people have expanded into a nation of strength and numbers commanding the position which then was asserted and for which fervent prayers were then offered.

It seems fitting that on the occurrence of the hundredth anniversary of our existence as a nation a grateful acknowledgment should be made to Almighty God for the protection and the bounties which He has vouchsafed to our beloved country.

I therefore invite the good people of the United States, on the approaching 4th day of July, in addition to the usual observances with which they are accustomed to greet the return of the day, further, in such manner and at such time as in their respective localities and religious associations may be most convenient, to mark its recurrence by some public religious and devout thanksgiving to Almighty God for the blessings which have been bestowed upon us as a nation during the century of our existence, and humbly to invoke a continuance of His favor and of His protection.

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 26th day of June, A. D. 1876, and of the Independence of the United States of America the one hundredth.

U. S. GRANT.

By the President:

HAMILTON FISH,

*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Congress of the United States did, by an act approved on the 3d day of March, 1875, authorize the inhabitants of the Territory of Colorado to form for themselves out of said Territory a State government with the name of the State of Colorado, and for the admission of such State into the Union on an equal footing with the original States upon certain conditions in said act specified; and

Whereas it was provided by said act of Congress that the convention

elected by the people of said Territory to frame a State constitution should, when assembled for that purpose and after organization, declare on behalf of the people that they adopt the Constitution of the United States, and should also provide by an ordinance, irrevocable without the consent of the United States and the people of said State, that perfect toleration of religious sentiment shall be secured and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship, and that the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States; and

Whereas it was further provided by said act that the constitution thus formed for the people of the Territory of Colorado should, by an ordinance of the convention forming the same, be submitted to the people of said Territory for ratification or rejection at an election to be held in the month of July, 1876, at which election the lawful voters of said new State should vote directly for or against the proposed constitution, and the returns of said election should be made to the acting governor of the Territory, who, with the chief justice and United States attorney of said Territory, or any two of them, should canvass the same, and, if a majority of legal votes should be cast for said constitution in said proposed State the said acting governor should certify the same to the President of the United States, together with a copy of said constitution and ordinances, whereupon it should be the duty of the President of the United States to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress; and

Whereas it has been certified to me by the acting governor of said Territory of Colorado that within the time prescribed by said act of Congress a constitution for said proposed State has been adopted and the same ratified by a majority of the legal voters of said proposed new State, in accordance with the conditions prescribed by said act of Congress; and

Whereas a duly authenticated copy of said constitution and of the declaration and ordinance required by said act has been received by me:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, do, in accordance with the provisions of the act of Congress aforesaid, declare and proclaim the fact that the fundamental conditions imposed by Congress on the State of Colorado to entitle that State to admission to the Union have been ratified and accepted, and that the admission of the said State into the Union is now complete.



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

[SEAL.] Done at the city of Washington, this 1st day of August, A. D. 1876, and of the Independence of the United States of America the one hundred and first.

U. S. GRANT.

By the President:

— HAMILTON FISH,  
*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by Article V of a convention concluded at Washington upon the 30th day of January, 1875, between the United States of America and His Majesty the King of the Hawaiian Islands it was provided as follows, viz:

— The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America. Such assent having been given and the ratifications of the convention having been exchanged as provided in Article VI, the convention shall remain in force for seven years from the date at which it may come into operation, and, further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years or at any time thereafter.

And whereas such convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands and has been ratified and duly proclaimed on the part of the United States, and a law to carry the same into operation has been passed by the Congress of the United States, and the ratifications of the convention have been exchanged as provided in Article VI thereof; and

Whereas the Acting Secretary of State of the United States and His Majesty's envoy extraordinary and minister plenipotentiary at Washington have recorded in a protocol a conference held by them at Washington on the 9th day of September, 1876, in the following language:

Whereas it is provided by Article V of the convention between the United States of America and His Majesty the King of the Hawaiian Islands concerning commercial reciprocity, signed at Washington on the 30th day of January, 1875, as follows:

"ART. V. The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until the law to carry it into operation shall have been passed by the

Congress of the United States of America. Such assent having been given and the ratifications of the convention having been exchanged as provided in Article VI, the convention shall remain in force for seven years from the date at which it may come into operation, and, further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years or at any time thereafter;" and

Whereas the said convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and has been ratified and duly proclaimed on the part of the Government of the United States; and

Whereas an act was passed by the Senate and House of Representatives of the United States of America in Congress assembled, entitled "An act to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands signed on the 30th day of January, 1875," which was approved on the 15th day of August, in the year 1876; and

Whereas an act was passed by the Legislative Assembly of the Hawaiian Islands entitled "An act to carry into effect a convention between His Majesty the King and the United States of America signed at Washington on the 30th day of January, 1875," which was duly approved on the 18th day of July, in the year 1876; and

Whereas the ratifications of the said convention have been exchanged as provided in Article VI:

The undersigned, William Hunter, Acting Secretary of State of the United States of America, and the Hon. Elisha H. Allen, chief justice of the supreme court, chancellor of the Kingdom, member of the privy council of state, and His Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, have met together at Washington, and, having found the said convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands and has been ratified and duly proclaimed on the part of the Government of the United States, and that the laws required to carry the said treaty into operation have been passed by the Congress of the United States of America on the one part and by the Legislative Assembly of the Hawaiian Islands on the other, hereby declare that the convention aforesaid, concluded between the United States of America and His Majesty the King of the Hawaiian Islands on the 30th day of January, 1875, will take effect on the date hereof.

Now, therefore, I, Ulysses S. Grant, President of the United States of America, in pursuance of the premises, do declare that the said convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands and been ratified and duly proclaimed on the part of the Government of the United States, and that the necessary legislation has been passed to carry the same into effect, and that the ratifications of the convention have been exchanged as provided in Article VI.

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

[SEAL.] Done in the city of Washington, this 9th day of September, A. D. 1876, and of the Independence of the United States of America the one hundred and first.

U. S. GRANT.

By the President:

W. HUNTER,  
*Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has been satisfactorily shown to me that insurrection and domestic violence exist in several counties of the State of South Carolina, and that certain combinations of men against law exist in many counties of said State known as "rifle clubs," who ride up and down by day and night in arms, murdering some peaceable citizens and intimidating others, which combinations, though forbidden by the laws of the State, can not be controlled or suppressed by the ordinary course of justice; and

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 by laws in pursuance of the above it is provided (in the laws of the United States) that in all cases of insurrection in any State or of obstruction to the laws thereof it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive (when the legislature can not be convened), to call forth the militia of any other State or States, or to employ such part of the land and naval forces as shall be judged necessary, for the purpose of suppressing such insurrection or causing the laws to be duly executed; and

Whereas the legislature of said State is not now in session and can not be convened in time to meet the present emergency, and the executive of said State, under section 4 of Article IV of the Constitution of the United States and the laws passed in pursuance thereof, has therefore made due application to me in the premises for such part of the military force of the United States as may be necessary and adequate to protect said State and the citizens thereof against domestic violence and to enforce the due execution of the laws; and

Whereas it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command all persons engaged in said unlawful and insurrectionary proceedings to disperse and retire peaceably to their respective abodes within three days from this date, and hereafter abandon said combinations and submit themselves to the laws and constituted authorities of said State.

And I invoke the aid and cooperation of all good citizens thereof to uphold the laws and preserve the public peace.

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 17th day of October, A. D. 1876, and of the Independence of the United States one hundred and one.

U. S. GRANT.

By the President:

JOHN L. CADWALADER,  
*Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

From year to year we have been accustomed to pause in our daily pursuits and set apart a time to offer our thanks to Almighty God for the special blessings He has vouchsafed to us, with our prayers for a continuance thereof.

We have at this time equal reason to be thankful for His continued protection and for the many material blessings which His bounty has bestowed.

In addition to these favors accorded to us as individuals, we have especial occasion to express our hearty thanks to Almighty God that by His providence and guidance our Government, established a century ago, has been enabled to fulfill the purpose of its founders in offering an asylum to the people of every race, securing civil and religious liberty to all within its borders, and meting out to every individual alike justice and equality before the law.

It is, moreover, especially our duty to offer our humble prayers to the Father of All Mercies for a continuance of His divine favor to us as a nation and as individuals.

By reason of all these considerations, I, Ulysses S. Grant, President of the United States, do recommend to the people of the United States to devote the 30th day of November next to the expression of their thanks and prayers to Almighty God, and, laying aside their daily avocations and all secular occupations, to assemble in their respective places of worship and observe such day as a day of thanksgiving and rest.

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 26th day of October, A. D. 1876, and of the Independence of the United States of America the one hundred and first.

U. S. GRANT.

By the President:

HAMILTON FISH,  
*Secretary of State.*

## EXECUTIVE ORDERS.

EXECUTIVE MANSION,

*Washington, May 20, 1876.*

SIR:\* The President directs me to say that the several Departments of the Government will be closed on Tuesday, 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,

C. C. SNIFFEN, *Secretary.*

WAR DEPARTMENT,

*Washington City, August 10, 1876.*

By direction of the President, General W. T. Sherman and Brigadier-General M. C. Meigs, Quartermaster-General United States Army, are appointed members of the commission to examine "the whole subject of reform and reorganization of the Army of the United States," as provided by section 4, act approved July 24, 1876, "making appropriations for the support of the Army for the fiscal year ending June 30, 1877, and for other purposes."

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J. D. CAMERON, *Secretary of War.*

WASHINGTON, *August 21, 1876.*

It is with extreme pain that the President announces to the people of the United States the death of the Speaker of the House of Representatives, the Hon. Michael C. Kerr, of Indiana.

A man of great intellectual endowments, large culture, great probity and earnestness in his devotion to the public interests, has passed from the position, power, and usefulness to which he had been recently called.

The body over which he had been selected to preside not being in session to render its tribute of affection and respect to the memory of the deceased, the President invites the people of the United States to a solemn recognition of the public and private worth and the services of a pure and eminent character.

U. S. GRANT.

By the President:

JOHN L. CADWALADER, *Acting Secretary of State.*

EXECUTIVE MANSION, *November 23, 1876.*

A joint resolution adopted by Congress August 5, 1876, declares that—

Whereas it is ascertained that the hostile Indians of the Northwest are largely equipped with arms which require special metallic cartridges, and that such special

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

ammunition is in large part supplied to such hostile Indians, directly or indirectly, through traders and others in the Indian country: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is hereby authorized and requested to take such measures as in his judgment may be necessary to prevent such special metallic ammunition being conveyed to such hostile Indians, and is further authorized to declare the same contraband of war in such district of country as he may designate during the continuance of hostilities.

To carry into effect the above-cited resolution, the sale of fixed ammunition or metallic cartridges by any trader or other person in any district of the Indian country occupied by hostile Indians, or over which they roam, is hereby prohibited; and all such ammunition or cartridges introduced into said country by traders or other persons, and that are liable in any way or manner, directly or indirectly, to be received by such hostile Indians, shall be deemed contraband of war, seized by any military officer and confiscated; and the district of country to which this prohibition shall apply during the continuance of hostilities is hereby designated as that which embraces all Indian country, or country occupied by Indians or subject to their visits, lying within the Territories of Montana, Dakota, and Wyoming and the States of Nebraska and Colorado.

U. S. GRANT.

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## EIGHTH ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 5, 1876.*

*To the Senate and House of Representatives:*

In submitting my eighth and last annual message to Congress it seems proper that I should refer to and in some degree recapitulate the events and official acts of the past eight years.

It was my fortune, or misfortune, to be called to the office of Chief Executive without any previous political training. From the age of 17 I had never even witnessed the excitement attending a Presidential campaign but twice antecedent to my own candidacy, and at but one of them was I eligible as a voter.

Under such circumstances it is but reasonable to suppose that errors of judgment must have occurred. Even had they not, differences of opinion between the Executive, bound by an oath to the strict performance of his duties, and writers and debaters must have arisen. It is not necessarily evidence of blunder on the part of the Executive because there are these differences of views. Mistakes have been made, as all can see and I admit, but it seems to me oftener in the selections made of the assistants appointed to aid in carrying out the various duties of administering the

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Government—in nearly every case selected without a personal acquaintance with the appointee, but upon recommendations of the representatives chosen directly by the people. It is impossible, where so many trusts are to be allotted, that the right parties should be chosen in every instance. History shows that no Administration from the time of Washington to the present has been free from these mistakes. But I leave comparisons to history, claiming only that I have acted in every instance from a conscientious desire to do what was right, constitutional, within the law, and for the very best interests of the whole people. Failures have been errors of judgment, not of intent.

My civil career commenced, too, at a most critical and difficult time. Less than four years before, the country had emerged from a conflict such as no other nation had ever survived. Nearly one-half of the States had revolted against the Government, and of those remaining faithful to the Union a large percentage of the population sympathized with the rebellion and made an "enemy in the rear" almost as dangerous as the more honorable enemy in the front. The latter committed errors of judgment, but they maintained them openly and courageously; the former received the protection of the Government they would see destroyed, and reaped all the pecuniary advantage to be gained out of the then existing state of affairs, many of them by obtaining contracts and by swindling the Government in the delivery of their goods.

Immediately on the cessation of hostilities the then noble President, who had carried the country so far through its perils, fell a martyr to his patriotism at the hands of an assassin.

The intervening time to my first inauguration was filled up with wranglings between Congress and the new Executive as to the best mode of "reconstruction," or, to speak plainly, as to whether the control of the Government should be thrown immediately into the hands of those who had so recently and persistently tried to destroy it, or whether the victors should continue to have an equal voice with them in this control. Reconstruction, as finally agreed upon, means this and only this, except that the late slave was enfranchised, giving an increase, as was supposed, to the Union-loving and Union-supporting votes. If *free* in the full sense of the word, they would not disappoint this expectation. Hence at the beginning of my first Administration the work of reconstruction, much embarrassed by the long delay, virtually commenced. It was the work of the legislative branch of the Government. My province was wholly in approving their acts, which I did most heartily, urging the legislatures of States that had not yet done so to ratify the fifteenth amendment to the Constitution. The country was laboring under an enormous debt, contracted in the suppression of rebellion, and taxation was so oppressive as to discourage production. Another danger also threatened us—a foreign war. The last difficulty had to be adjusted, and was adjusted without a war and in a manner highly hon-

orable to all parties concerned. Taxes have been reduced within the last seven years nearly \$300,000,000, and the national debt has been reduced in the same time over \$435,000,000. By refunding the 6 per cent bonded debt for bonds bearing 5 and 4½ per cent interest, respectively, the annual interest has been reduced from over \$130,000,000 in 1869 to but little over \$100,000,000 in 1876. The balance of trade has been changed from over \$130,000,000 against the United States in 1869 to more than \$120,000,000 in our favor in 1876.

It is confidently believed that the balance of trade in favor of the United States will increase, not diminish, and that the pledge of Congress to resume specie payments in 1879 will be easily accomplished, even in the absence of much-desired further legislation on the subject.

A policy has been adopted toward the Indian tribes inhabiting a large portion of the territory of the United States which has been humane and has substantially ended Indian hostilities in the whole land except in a portion of Nebraska, and Dakota, Wyoming, and Montana Territories—the Black Hills region and approaches thereto. Hostilities there have grown out of the avarice of the white man, who has violated our treaty stipulations in his search for gold. The question might be asked why the Government has not enforced obedience to the terms of the treaty prohibiting the occupation of the Black Hills region by whites. The answer is simple: The first immigrants to the Black Hills were removed by troops, but rumors of rich discoveries of gold took into that region increased numbers. Gold has actually been found in paying quantity, and an effort to remove the miners would only result in the desertion of the bulk of the troops that might be sent there to remove them. All difficulty in this matter has, however, been removed—subject to the approval of Congress—by a treaty ceding the Black Hills and approaches to settlement by citizens.

The subject of Indian policy and treatment is so fully set forth by the Secretary of the Interior and the Commissioner of Indian Affairs, and my views so fully expressed therein, that I refer to their reports and recommendations as my own.

The relations of the United States with foreign powers continue on a friendly footing.

Questions have arisen from time to time in the foreign relations of the Government, but the United States have been happily free during the past year from the complications and embarrassments which have surrounded some of the foreign powers.

The diplomatic correspondence submitted herewith contains information as to certain of the matters which have occupied the Government.

The cordiality which attends our relations with the powers of the earth has been plainly shown by the general participation of foreign nations in the exhibition which has just closed and by the exertions made by distant powers to show their interest in and friendly feelings toward



the United States in the commemoration of the centennial of the nation. The Government and people of the United States have not only fully appreciated this exhibition of kindly feeling, but it may be justly and fairly expected that no small benefits will result both to ourselves and other nations from a better acquaintance, and a better appreciation of our mutual advantages and mutual wants.

Congress at its last session saw fit to reduce the amount usually appropriated for foreign intercourse by withholding appropriations for representatives of the United States in certain foreign countries and for certain consular officers, and by reducing the amounts usually appropriated for certain other diplomatic posts, and thus necessitating a change in the grade of the representatives. For these reasons, immediately upon the passage of the bill making appropriations for the diplomatic and consular service for the present fiscal year, instructions were issued to the representatives of the United States at Bolivia, Ecuador, and Colombia, and to the consular officers for whom no appropriation had been made, to close their respective legations and consulates and cease from the performance of their duties; and in like manner steps were immediately taken to substitute *chargés d'affaires* for ~~ministers~~ resident in Portugal, Denmark, Greece, Switzerland, and Paraguay.

While thoroughly impressed with the wisdom of sound economy in the foreign service, as in other branches of the Government, I can not escape the conclusion that in some instances the withholding of appropriations will prove an expensive economy, and that the small retrenchment secured by a change of grade in certain diplomatic posts is not an adequate consideration for the loss of influence and importance which will attend our foreign representatives under this reduction. I am of the opinion that a reexamination of the subject will cause a change in some instances in the conclusions reached on these subjects at the last session of Congress.

The Court of Commissioners of Alabama Claims, whose functions were continued by an act of the last session of Congress until the 1st day of January, 1877, has carried on its labors with diligence and general satisfaction. By a report from the clerk of the court, transmitted herewith, bearing date November 14, 1876, it appears that within the time now allowed by law the court will have disposed of all the claims presented for adjudication. This report also contains a statement of the general results of the labors of the court to the date thereof. It is a cause of satisfaction that the method adopted for the satisfaction of the classes of claims submitted to the court, which are of long standing and justly entitled to early consideration, should have proved successful and acceptable.

It is with satisfaction that I am enabled to state that the work of the joint commission for determining the boundary line between the United States and British possessions from the northwest angle of the Lake of

the Woods to the Rocky Mountains, commenced in 1872, has been completed. The final agreements of the commissioners, with the maps, have been duly signed, and the work of the commission is complete.

The fixing of the boundary upon the Pacific coast by the protocol of March 10, 1873, pursuant to the award of the Emperor of Germany by Article XXXIV of the treaty of Washington, with the termination of the work of this commission, adjusts and fixes the entire boundary between the United States and the British possessions, except as to the portion of territory ceded by Russia to the United States under the treaty of 1867. The work intrusted to the commissioner and the officers of the Army attached to the commission has been well and satisfactorily performed. The original of the final agreement of the commissioners, signed upon the 29th of May, 1876, with the original official "lists of astronomical stations observed," the original official "list of monuments marking the international boundary line," and the maps, records, and general reports relating to the commission, have been deposited in the Department of State. The official report of the commissioner on the part of the United States, with the report of the chief astronomer of the United States, will be submitted to Congress within a short time.

I reserve for a separate communication to Congress a statement of the condition of the questions which lately arose with Great Britain respecting the surrender of fugitive criminals under the treaty of 1842.

The Ottoman Government gave notice, under date of January 15, 1874, of its desire to terminate the treaty of 1862, concerning commerce and navigation, pursuant to the provisions of the twenty-second article thereof. Under this notice the treaty terminated upon the 5th day of June, 1876. That Government has invited negotiations toward the conclusion of a new treaty.

By the act of Congress of March 23, 1874, the President was authorized, when he should receive satisfactory information that the Ottoman Government or that of Egypt had organized new tribunals likely to secure to citizens of the United States the same impartial justice enjoyed under the exercise of judicial functions by diplomatic and consular officers of the United States, to suspend the operation of the act of June 22, 1860, and to accept for citizens of the United States the jurisdiction of the new tribunals. Satisfactory information having been received of the organization of such new tribunals in Egypt, I caused a proclamation\* to be issued upon the 27th of March last, suspending the operation of the act of June 22, 1860, in Egypt, according to the provisions of the act. A copy of the proclamation accompanies this message. The United States has united with the other powers in the organization of these courts. It is hoped that the jurisdictional questions which have arisen may be readily adjusted, and that this advance in judicial reform may be hindered by no obstacles.

\* See pp. 390-391.

The necessary legislation to carry into effect the convention respecting commercial reciprocity concluded with the Hawaiian Islands in 1875 having been had, the proclamation to carry into effect the convention, as provided by the act approved August 15, 1876, was duly issued upon the 9th day of September last. A copy thereof accompanies this message.\*

The commotions which have been prevalent in Mexico for some time past, and which, unhappily, seem to be not yet wholly quieted, have led to complaints of citizens of the United States of injuries by persons in authority. It is hoped, however, that these will ultimately be adjusted to the satisfaction of both Governments. The frontier of the United States in that quarter has not been exempt from acts of violence by citizens of one Republic on those of the other. The frequency of these is supposed to be increased and their adjustment made more difficult by the considerable changes in the course of the lower part of the Rio Grande River, which river is a part of the boundary between the two countries. These changes have placed on either side of that river portions of land which by existing conventions belong to the jurisdiction of the Government on the opposite side of the river. The subject of adjustment of this cause of difficulty is under consideration between the ~~two~~ Republics.

The Government of the United States of Colombia has paid the award in the case of the steamer *Montijo*, seized by authorities of that Government some years since, and the amount has been transferred to the claimants.

It is with satisfaction that I am able to announce that the joint commission for the adjustment of claims between the United States and Mexico under the convention of 1868, the duration of which has been several times extended, has brought its labors to a close. From the report of the agent of the United States, which accompanies the papers transmitted herewith, it will be seen that within the time limited by the commission 1,017 claims on the part of citizens of the United States against Mexico were referred to the commission. Of these claims 831 were dismissed or disallowed, and in 186 cases awards were made in favor of the claimants against the Mexican Republic, amounting in the aggregate to \$4,125,622.20. Within the same period 998 claims on the part of citizens of the Mexican Republic against the United States were referred to the commission. Of these claims 831 were dismissed or disallowed, and in 167 cases awards were made in favor of the claimants against the United States, amounting in the aggregate to \$150,498.41.

By the terms of the convention the amount of these awards is to be deducted from the amount awarded in favor of our citizens against Mexico, and the balance only to be paid by Mexico to the United States, leaving the United States to make provision for this proportion of the awards in favor of its own citizens.

I invite your attention to the legislation which will be necessary to provide for the payment.

\* See pp. 394-395.

In this connection I am pleased to be able to express the acknowledgments due to Sir Edward Thornton, the umpire of the commission, who has given to the consideration of the large number of claims submitted to him much time, unwearied patience, and that firmness and intelligence which are well known to belong to the accomplished representative of Great Britain, and which are likewise recognized by the representative in this country of the Republic of Mexico.

Monthly payments of a very small part of the amount due by the Government of Venezuela to citizens of the United States on account of claims of the latter against that Government continue to be made with reasonable punctuality. That Government has proposed to change the system which it has hitherto pursued in this respect by issuing bonds for part of the amount of the several claims. The proposition, however, could not, it is supposed, properly be accepted, at least without the consent of the holders of certificates of the indebtedness of Venezuela. These are so much dispersed that it would be difficult, if not impossible, to ascertain their disposition on the subject.

In former messages I have called the attention of Congress to the necessity of legislation with regard to fraudulent naturalization and to the subject of expatriation and the election of nationality.

The numbers of persons of foreign birth seeking a home in the United States, the ease and facility with which the honest emigrant may, after the lapse of a reasonable time, become possessed of all the privileges of citizenship of the United States, and the frequent occasions which induce such adopted citizens to return to the country of their birth render the subject of naturalization and the safeguards which experience has proved necessary for the protection of the honest naturalized citizen of paramount importance. The very simplicity in the requirements of law on this question affords opportunity for fraud, and the want of uniformity in the proceedings and records of the various courts and in the forms of the certificates of naturalization issued affords a constant source of difficulty.

I suggest no additional requirements to the acquisition of citizenship beyond those now existing, but I invite the earnest attention of Congress to the necessity and wisdom of some provisions regarding uniformity in the records and certificates, and providing against the frauds which frequently take place and for the vacating of a record of naturalization obtained in fraud.

These provisions are needed in aid and for the protection of the honest citizen of foreign birth, and for the want of which he is made to suffer not infrequently. The United States has insisted upon the right of expatriation, and has obtained, after a long struggle, an admission of the principle contended for by acquiescence therein on the part of many foreign powers and by the conclusion of treaties on that subject. It is, however, but justice to the government to which such naturalized citizens have formerly owed allegiance, as well as to the United States, that certain

fixed and definite rules should be adopted governing such cases and providing how expatriation may be accomplished.

While emigrants in large numbers become citizens of the United States, it is also true that persons, both native born and naturalized, once citizens of the United States, either by formal acts or as the effect of a series of facts and circumstances, abandon their citizenship and cease to be entitled to the protection of the United States, but continue on convenient occasions to assert a claim to protection in the absence of provisions on these questions.

And in this connection I again invite your attention to the necessity of legislation concerning the marriages of American citizens contracted abroad, and concerning the status of American women who may marry foreigners and of children born of American parents in a foreign country.

The delicate and complicated questions continually occurring with reference to naturalization, expatriation, and the status of such persons as I have above referred to induce me to earnestly direct your attention again to these subjects.

In like manner I repeat my recommendation that some means be provided for the hearing and determination of the just and subsisting claims of aliens upon the Government of the United States within a reasonable limitation, and of such as may hereafter arise. While by existing provisions of law the Court of Claims may in certain cases be resorted to by an alien claimant, the absence of any general provisions governing all such cases and the want of a tribunal skilled in the disposition of such cases upon recognized fixed and settled principles, either provides no remedy in many deserving cases or compels a consideration of such claims by Congress or the executive department of the Government.

It is believed that other governments are in advance of the United States upon this question, and that the practice now adopted is entirely unsatisfactory.

Congress, by an act approved the 3d day of March, 1875, authorized the inhabitants of the Territory of Colorado to form a State government, with the name of the State of Colorado, and therein provided for the admission of said State, when formed, into the Union upon an equal footing with the original States.

A constitution having been adopted and ratified by the people of that State, and the acting governor having certified to me the facts as provided by said act, together with a copy of such constitution and ordinances as provided for in the said act, and the provisions of the said act of Congress having been duly complied with, I issued a proclamation\* upon the 1st of August, 1876, a copy of which is hereto annexed.

The report of the Secretary of War shows that the Army has been actively employed during the year in subduing, at the request of the Indian Bureau, certain wild bands of the Sioux Indian Nation and in

\* See pp. 392-394.

preserving the peace at the South during the election. The commission constituted under the act of July 24, 1876, to consider and report on the "whole subject of the reform and reorganization of the Army" met in August last, and has collected a large mass of statistics and opinions bearing on the subject before it. These are now under consideration, and their report is progressing. I am advised, though, by the president of the commission that it will be impracticable to comply with the clause of the act requiring the report to be presented, through me, to Congress on the first day of this session, as there has not yet been time for that mature deliberation which the importance of the subject demands. Therefore I ask that the time of making the report be extended to the 29th day of January, 1877.

In accordance with the resolution of August 15, 1876, the Army regulations prepared under the act of March 1, 1875, have not been promulgated, but are held until after the report of the above-mentioned commission shall have been received and acted on.

By the act of August 15, 1876, the cavalry force of the Army was increased by 2,500 men, with the proviso that they should be discharged on the expiration of hostilities. Under this authority the cavalry regiments have been strengthened, and a portion ~~of them~~ are now in the field pursuing the remnants of the Indians with whom they have been engaged during the summer.

The estimates of the War Department are made up on the basis of the number of men authorized by law, and their requirements as shown by years of experience, and also with the purpose on the part of the bureau officers to provide for all contingencies that may arise during the time for which the estimates are made. Exclusive of engineer estimates (presented in accordance with acts of Congress calling for surveys and estimates for improvements at various localities), the estimates now presented are about six millions in excess of the appropriations for the years 1874-75 and 1875-76. This increase is asked in order to provide for the increased cavalry force (should their services be necessary), to prosecute economically work upon important public buildings, to provide for armament of fortifications and manufacture of small arms, and to replenish the working stock in the supply departments. The appropriations for these last named have for the past few years been so limited that the accumulations in store will be entirely exhausted during the present year, and it will be necessary to at once begin to replenish them.

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

First. That the claims under the act of July 4, 1864, for supplies taken by the Army during the war be removed from the offices of the Quartermaster and Commissary Generals and transferred to the Southern Claims Commission. These claims are of precisely similar nature to those now before the Southern Claims Commission, and the War Department

bureaus have not the clerical force for their examination nor proper machinery for investigating the loyalty of the claimants.

Second. That Congress sanction the scheme of an annuity fund for the benefit of the families of deceased officers, and that it also provide for the permanent organization of the Signal Service, both of which were recommended in my last annual message.

Third. That the manufacturing operations of the Ordnance Department be concentrated at three arsenals and an armory, and that the remaining arsenals be sold and the proceeds applied to this object by the Ordnance Department.

The appropriations for river and harbor improvements for the current year were \$5,015,000. With my approval, the Secretary of War directed that of this amount \$2,000,000 should be expended, and no new works should be begun and none prosecuted which were not of national importance. Subsequently this amount was increased to \$2,237,600, and the works are now progressing on this basis.

The improvement of the South Pass of the Mississippi River, under James B. Eads and his associates, is progressing favorably. At the present time there is a channel of 20.3 feet in depth between the jetties at the mouth of the pass and 18.5 feet at the head of the pass. Neither channel, however, has the width required before payments can be made by the United States. A commission of engineer officers is now examining these works, and their reports will be presented as soon as received.

The report of the Secretary of the Navy shows that branch of the service to be in condition as effective as it is possible to keep it with the means and authority given the Department. It is, of course, not possible to rival the costly and progressive establishments of great European powers with the old material of our Navy, to which no increase has been authorized since the war, except the eight small cruisers built to supply the place of others which had gone to decay. Yet the most has been done that was possible with the means at command; and by substantially rebuilding some of our old ships with durable material and completely repairing and refitting our monitor fleet the Navy has been gradually so brought up that, though it does not maintain its relative position among the progressive navies of the world, it is now in a condition more powerful and effective than it ever has been in time of peace.

The complete repairs of our five heavy ironclads are only delayed on account of the inadequacy of the appropriations made last year for the working bureaus of the Department, which were actually less in amount than those made before the war, notwithstanding the greatly enhanced price of labor and materials and the increase in the cost of the naval service growing out of the universal use and great expense of steam machinery. The money necessary for these repairs should be provided at once, that they may be completed without further unnecessary delay and expense.

When this is done, all the strength that there is in our Navy will be developed and useful to its full capacity, and it will be powerful for purposes of defense, and also for offensive action, should the necessity for that arise within a reasonable distance from our shores.

The fact that our Navy is not more modern and powerful than it is has been made a cause of complaint against the Secretary of the Navy by persons who at the same time criticise and complain of his endeavors to bring the Navy that we have to its best and most efficient condition;—but the good sense of the country will understand that it is really due to his practical action that we have at this time any effective naval force at command.

The report of the Postmaster-General shows the excess of expenditures (excluding expenditures on account of previous years) over receipts for the fiscal year ended June 30, 1876, to be \$4,151,988.66.

Estimated expenditures for the fiscal year ending June 30, 1878, are \$36,723,432.43.

Estimated revenue for same period is \$30,645,165, leaving estimated excess of expenditure, to be appropriated as a deficiency, of \$6,078,267.43.

The Postmaster-General, like his predecessor, is convinced that a change in the basis of adjusting the salaries of postmasters of the fourth class is necessary for the good of the service as well as for the interests of the Government, and urgently recommends that the compensation of the class of postmasters ~~above~~ mentioned be based upon the business of their respective offices, as ascertained from the sworn returns to the Auditor of stamps canceled.

A few postmasters in the Southern States have expressed great apprehension of their personal safety on account of their connection with the postal service, and have specially requested that their reports of apprehended danger should not be made public lest it should result in the loss of their lives. But no positive testimony of interference has been submitted, except in the case of a mail messenger at Spartanburg, in South Carolina, who reported that he had been violently driven away while in charge of the mails on account of his political affiliations. An assistant superintendent of the Railway Mail Service investigated this case and reported that the messenger had disappeared from his post, leaving his work to be performed by a substitute. The Postmaster-General thinks this case is sufficiently suggestive to justify him in recommending that a more severe punishment should be provided for the offense of assaulting any person in charge of the mails or of retarding or otherwise obstructing them by threats of personal injury.

“A very gratifying result is presented in the fact that the deficiency of this Department during the last fiscal year was reduced to \$4,081,790.18, as against \$6,169,938.88 of the preceding year. The difference can be traced to the large increase in its ordinary receipts (which greatly exceed the estimates therefor) and a slight decrease in its expenditures.”



The ordinary *receipts* of the Post-Office Department for the past seven fiscal years have increased at an average of over 8 per cent per annum, while the increase of *expenditures* for the same period has been but about 5.50 per cent per annum, and the *decrease* of *deficiency* in the revenues has been at the rate of nearly 2 per cent per annum.

The report of the Commissioner of Agriculture accompanying this message will be found one of great interest, marking, as it does, the great progress of the last century in the variety of products of the soil; increased knowledge and skill in the labor of producing, saving, and manipulating the same to prepare them for the use of man; in the improvements in machinery to aid the agriculturist in his labors, and in a knowledge of those scientific subjects necessary to a thorough system of economy in agricultural production, namely, chemistry, botany, entomology, etc. A study of this report by those interested in agriculture and deriving their support from it will find it of value in pointing out those articles which are raised in greater quantity than the needs of the world require, and must sell, therefore, for less than the cost of production, and those which command a profit over cost of production because there is not an over-production.

I call special attention to the need of the Department for a new gallery for the reception of the exhibits returned from the Centennial Exhibition, including the exhibits donated by very many foreign nations, and to the recommendations of the Commissioner of Agriculture generally.

The reports of the District Commissioners and the board of health are just received—too late to read them and to make recommendations thereon—and are herewith submitted.

The international exhibition held in Philadelphia this year, in commemoration of the one hundredth anniversary of American independence, has proven a great success, and will, no doubt, be of enduring advantage to the country. It has shown the great progress in the arts, sciences, and mechanical skill made in a single century, and demonstrated that we are but little behind older nations in any one branch, while in some we scarcely have a rival. It has served, too, not only to bring peoples and products of skill and labor from all parts of the world together, but in bringing together people from all sections of our own country, which must prove a great benefit in the information imparted and pride of country engendered.

It has been suggested by scientists interested in and connected with the Smithsonian Institution, in a communication herewith, that the Government exhibit be removed to the capital and a suitable building be erected or purchased for its accommodation as a permanent exhibit. I earnestly recommend this; and believing that Congress would second this view, I directed that all Government exhibits at the Centennial Exhibition should remain where they are, except such as might be injured by remaining in a building not intended as a protection in inclement

weather, or such as may be wanted by the Department furnishing them, until the question of permanent exhibition is acted on.

Although the moneys appropriated by Congress to enable the participation of the several Executive Departments in the International Exhibition of 1876 were not sufficient to carry out the undertaking to the full extent at first contemplated, it gives me pleasure to refer to the very efficient and creditable manner in which the board appointed from these several Departments to provide an exhibition on the part of the Government have discharged their duties with the funds placed at their command. Without a precedent to guide them in the preparation of such a display, the success of their labors was amply attested by the sustained attention which the contents of the Government building attracted during the period of the exhibition from both foreign and native visitors.

I am strongly impressed with the value of the collection made by the Government for the purposes of the exhibition, illustrating, as it does, the mineral resources of the country, the statistical and practical evidences of our growth as a nation, and the uses of the mechanical arts and the applications of applied science in the administration of the affairs of Government.

Many nations have voluntarily contributed their exhibits to the United States to increase the interest in any permanent exhibition Congress may provide for. For this act of generosity they should receive the thanks of the people, and I respectfully suggest that a resolution of Congress to that effect be adopted.

The attention of Congress can not be too earnestly called to the necessity of throwing some greater safeguard over the method of choosing and declaring the election of a President. Under the present system there seems to be no provided remedy for contesting the election in any one State. The remedy is partially, no doubt, in the enlightenment of electors. The compulsory support of the free school and the disfranchisement of all who can not read and write the English language, after a fixed probation, would meet my hearty approval. I would not make this apply, however, to those already voters, but I would to all becoming so after the expiration of the probation fixed upon. Foreigners coming to this country to become citizens, who are educated in their own language, should acquire the requisite knowledge of ours during the necessary residence to obtain naturalization. If they did not take interest enough in our language to acquire sufficient knowledge of it to enable them to study the institutions and laws of the country intelligently, I would not confer upon them the right to make such laws nor to select those who do.

I append to this message, for convenient reference, a synopsis of administrative events and of all recommendations to Congress made by me during the last seven years. Time may show some of these recommendations not to have been wisely conceived, but I believe the larger part will do no discredit to the Administration. One of these recommendations met

with the united opposition of one political party in the Senate and with a strong opposition from the other, namely, the treaty for the annexation of Santo Domingo to the United States, to which I will specially refer, maintaining, as I do, that if my views had been concurred in the country would be in a more prosperous condition to-day, both politically and financially.

Santo Domingo is fertile, and upon its soil may be grown just those tropical products of which the United States use so much, and which are produced or prepared for market now by slave labor almost exclusively, namely, sugar, coffee, dyewoods, mahogany, tropical fruits, tobacco, etc. About 75 per cent of the exports of Cuba are consumed in the United States. A large percentage of the exports of Brazil also find the same market. These are paid for almost exclusively in coin, legislation, particularly in Cuba, being unfavorable to a mutual exchange of the products of each country. Flour shipped from the Mississippi River to Havana can pass by the very entrance to the city on its way to a port in Spain, there pay a duty fixed upon articles to be reexported, transferred to a Spanish vessel and brought back almost to the point of starting, paying a second duty, and still leave a profit over what would be received by direct shipment. All that is produced in Cuba could be produced in Santo Domingo. Being a part of the United States, commerce between the island and mainland would be free. There would be no export duties on her shipments nor import duties on those coming here. There would be no import duties upon the supplies, machinery, etc., going from the States. The effect that would have been produced upon Cuban commerce, with these advantages to a rival, is observable at a glance. The Cuban question would have been settled long ago in favor of "free Cuba." Hundreds of American vessels would now be advantageously used in transporting the valuable woods and other products of the soil of the island to a market and in carrying supplies and emigrants to it. The island is but sparsely settled, while it has an area sufficient for the profitable employment of several millions of people. The soil would have soon fallen into the hands of United States capitalists. The products are so valuable in commerce that emigration there would have been encouraged; the emancipated race of the South would have found there a congenial home, where their civil rights would not be disputed and where their labor would be so much sought after that the poorest among them could have found the means to go. Thus in cases of great oppression and cruelty, such as has been practiced upon them in many places within the last eleven years, whole communities would have sought refuge in Santo Domingo. I do not suppose the whole race would have gone, nor is it desirable that they should go. Their labor is desirable—indispensable almost—where they now are. But the possession of this territory would have left the negro "master of the situation," by enabling him to demand his rights at home on pain of finding them elsewhere.

I do not present these views now as a recommendation for a renewal of the subject of annexation, but I do refer to it to vindicate my previous action in regard to it.

With the present term of Congress my official life terminates. It is not probable that public affairs will ever again receive attention from me further than as a citizen of the Republic, always taking a deep interest in the honor, integrity, and prosperity of the whole land.

U. S. GRANT.

## SPECIAL MESSAGES.

EXECUTIVE MANSION, *December 6, 1876.*

*To the Senate and House of Representatives:*

I have the honor to transmit herewith a letter (accompanied by testimony) addressed to me by Hon. John Sherman and other distinguished citizens, in regard to the canvass of the vote for electors in the State of Louisiana.

U. S. GRANT.

EXECUTIVE MANSION, *December 14, 1876.*

*To the House of Representatives:*

In answer to a resolution of the 7th instant of the House of Representatives, asking to be informed whether any, and what, negotiations have or are being made with the Sioux Indians for their removal to the Indian Territory, and under what authority the same has been and is being done, I submit herewith a report received from the Secretary of the Interior, which contains, it is believed, all the information in possession of his Department touching the matter of the resolution.

U. S. GRANT.

EXECUTIVE MANSION, *December 14, 1876.*

*To the Senate of the United States:*

In answer to the resolution of the Senate of the 6th instant, requesting information "as to whether troops of the United States were stationed at the city of Petersburg, in the State of Virginia, on the 7th of November, 1876, and, if so, under what authority and for what purpose," I submit the inclosed letters from the Secretary of War, to whom the resolution was referred, together with the report of the General of the Army and accompanying papers.

These inclosures will give all the information called for by the resolution, and I confidently believe will justify the action taken. It is well

understood that the presence of United States troops at polling places never prevented the free exercise of the franchise by any citizen, of whatever political faith. If, then, they have had any effect whatever upon the ballot cast, it has been to insure protection to the citizen casting it, in giving it to the candidate of his unbiased choice, without fear, and thus securing the very essence of liberty. It may be the presence of twenty-four United States soldiers, under the command of a captain and lieutenant, quartered in the custom-house at Petersburg, Va., on the 7th of November, at a considerable distance from any polling place, without any interference on their part whatever, and without going near the polls during the election, *may have secured a different result from what would have been obtained if they had not been there* (to maintain the peace in case of riot) *on the face of the returns*; but if such is the case it is only proof that in this one Congressional district in the State of Virginia the legal and constitutional voters have been able to return as elected the candidate of their choice.

U. S. GRANT.

EXECUTIVE MANSION, *December 22, 1876.*

*To the Senate and House of Representatives:*

I have the honor to transmit herewith a letter, submitted by the Secretary of the Interior, from the Commissioner of Indian Affairs, accompanied by the report and journal of proceedings of the commission appointed on the 24th day of August last to obtain certain concessions from the Sioux Indians, in accordance with the provisions contained in the Indian appropriation act for the current fiscal year.

I ask your special consideration of these articles of agreement, as among other advantages to be gained by them is the clear right of citizens to go into a country of which they have taken possession and from which they can not be excluded.

U. S. GRANT.

EXECUTIVE MANSION, *December 22, 1876.*

*To the Senate and House of Representatives:*

I have the honor to transmit herewith a report (and papers which accompanied it) of the progress of the work committed to their charge, addressed to me by the commissioners appointed under the act of Congress approved July 19, 1876, authorizing the repavement of Pennsylvania avenue.

U. S. GRANT.

WASHINGTON, *December 23, 1876.*

*To the House of Representatives:*

When Congress adjourned in August last the execution of the extradition article of the treaty of 1842 between the United States and Great Britain had been interrupted.

The United States had demanded of Her Majesty's Government the surrender of certain fugitives from justice charged with crimes committed within the jurisdiction of the United States, who had sought asylum and were found within the territories of Her British Majesty, and had, in due compliance with the requirements of the treaty, furnished the evidence of the criminality of the fugitives, which had been found sufficient to justify their apprehension and commitment for trial, as required by the treaty, and the fugitives were held and committed for extradition.

Her Majesty's Government, however, demanded from the United States certain assurances or stipulations as a condition for the surrender of these fugitives.

As the treaty contemplated no such conditions to the performance of the obligations which each Government had assumed, the demand for stipulations on the part of this Government was repelled.

Her Majesty's Government thereupon, in June last, released two of the fugitives (Ezra D. Winslow and Charles J. Brent), and subsequently released a third (one William E. Gray), and, refusing to surrender, set them at liberty.

In a message to the two Houses of Congress on the 20th day of June last, in view of the condition of facts as above referred to, I said:

The position thus taken by the British Government, if adhered to, can not but be regarded as the abrogation and annulment of the article of the treaty on extradition.

Under these circumstances it will not, in my judgment, comport with the dignity or self-respect of this Government to make demands upon that Government for the surrender of fugitive criminals, nor to entertain any requisition of that character from that Government under the treaty.

Article XI of the treaty of 1842 provided that "the tenth article [that relating to extradition] should continue in force until one or the other of the parties should signify its wish to terminate it, and no longer."

In view, however, of the great importance of an extradition treaty, especially between two states as intimately connected in commercial and social relations as are the United States and Great Britain, and in the hope that Her Majesty's Government might yet reach a different decision from that then attained, I abstained from recommending any action by Congress terminating the extradition article of the treaty. I have, however, declined to take any steps under the treaty toward extradition.

It is with great satisfaction that I am able now to announce to Congress and to the country that by the voluntary act of Her Majesty's Government the obstacles which had been interposed to the execution of the extradition article of the treaty have been removed.

On the 27th of October last Her Majesty's representative at this capital, under instructions from Lord Derby, informed this Government that Her Majesty's Government would be prepared, as a temporary measure, until a new extradition treaty can be concluded, to put in force all powers vested in it for the surrender of accused persons to the Government

of the United States under the treaty of 1842, without asking for any engagement as to such persons not being tried in the United States for other than the offenses for which extradition had been demanded.

I was happy to greet this announcement as the removal of the obstacles which had arrested the execution of the extradition treaty between the two countries.

In reply to the note of Her Majesty's representative, after referring to the applications heretofore made by the United States for the surrender of the fugitives referred to in the correspondence which was laid before Congress at its last session, it was stated that on an indication of readiness to surrender these persons an agent would be authorized to receive them, and I would be ready to respond to requisitions which may be made on the part of Her Majesty's Government under the tenth article of the treaty of 1842, which I would then regard as in full force until such time as either Government shall avail itself of the right to terminate it provided by the eleventh article, or until a more comprehensive arrangement can be reached between the two Governments in regard to the extradition of criminals—an object to which the attention of this Government would gladly be given, with an earnest desire for a mutually satisfactory result.

A copy of the correspondence between Her Majesty's representative at this capital and the Secretary of State on the subject is transmitted herewith.

It is with great satisfaction ~~that~~ I have now to announce that Her Majesty's Government, while expressing its desire not to be understood to recede from the interpretation which in its previous correspondence it has put upon the treaty, but having regard to the prospect of a new treaty and the power possessed by either party of spontaneously denouncing the old one, caused the rearrest on the 4th instant of Brent, one of the fugitives who had been previously discharged, and, after awaiting the requisite time within which the fugitive is entitled to appeal or to apply for his discharge, on the 21st instant surrendered him to the agent appointed on behalf of this Government to receive and to convey him to the United States.

Her Majesty's Government has expressed an earnest desire to rearrest and to deliver up Winslow and Gray, the other fugitives who had been arrested and committed on the requisition of the United States, but were released because of the refusal of the United States to give the assurances and stipulations then required by Great Britain. These persons, however, are believed to have escaped from British jurisdiction; a diligent search has failed to discover them.

As the surrender of Brent without condition or stipulation of any kind being asked removes the obstacle which interrupted the execution of the treaty, I shall no longer abstain from making demands upon Her Majesty's Government for the surrender of fugitive criminals, nor from

entertaining requisitions of that character from that Government under the treaty of 1842, but will again regard the treaty as operative, hoping to be able before long to conclude with Her Majesty's Government a new treaty of a broader and more comprehensive nature.

U. S. GRANT.

WASHINGTON, *January 8, 1877.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 19th ultimo, I transmit herewith the report of the Secretary of State, together with the papers\* which accompanied it.

U. S. GRANT.

[For message of January 12, 1877, withdrawing objections to Senate bill No. 561, see pp. 389-390.]

EXECUTIVE MANSION, *January 12, 1877.*

*To the House of Representatives:*

In reply to a resolution of inquiry dated December 23, 1876, of the House of Representatives, respecting the expenditure of certain moneys appropriated by the act of August 14, 1876, for river and harbor improvements, I have the honor to transmit herewith, for your information, a report and accompanying papers received from the Secretary of War, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, *January 15, 1877.*

*To the House of Representatives:*

The joint resolution authorizing the Secretary of War to supply blankets to the Reform School in the District of Columbia is before me.

I am in entire sympathy with the purpose of the resolution, but before taking any action upon it I deem it my duty to submit for your consideration the accompanying letter, received from the Secretary of War, embodying a report, made in anticipation of the passage of the resolution, by the Quartermaster-General of the Army, in which, among other facts, it is stated that—

The appropriation for clothing for the Army for this fiscal year is much smaller than usual, and the supply of blankets which it will allow us to purchase is so small that none can properly be spared for other purposes than the supply of the Army.

If it be thought by Congress worth while to cause the supply of blankets for the institution referred to to be procured through the War Department, it is respectfully suggested that provision to meet the expense be made by special appropriation.

U. S. GRANT.

\* Correspondence relative to the Venezuelan mixed commission held under the convention of April 25, 1866, for the settlement of claims against Venezuela.



EXECUTIVE MANSION, *January 19, 1877.*

*To the House of Representatives:*

At the request of the Attorney-General, I have the honor to transmit herewith a report in answer to the resolution of the House adopted on the 1st of August, 1876, relative to certain matters occurring in the administration of the provisional government of the District of Columbia, and chiefly affecting the Commissioners and the late board of audit.

U. S. GRANT.

WASHINGTON, *January 20, 1877.*

*To the Senate of the United States:*

Herewith I transmit a report from the Secretary of State, with accompanying papers, relating to the Court of Commissioners of Alabama Claims.

U. S. GRANT.

EXECUTIVE MANSION, *January 22, 1877.*

*To the House of Representatives:*

In answer to the resolution of the House of Representatives of the 8th of December last, inquiring whether any increase in the cavalry force of the army on the Mexican frontier of Texas has been made, as authorized by the act of July 24, 1876, and whether any troops have been removed from the frontier of Texas and from the post of Fort Sill, on the Kiowa and Comanche Reservation, and whether, if so, their places have been supplied by other forces, I have the honor to transmit a report received from the Secretary of War.

U. S. GRANT.

EXECUTIVE MANSION, *January 22, 1877.*

*To the House of Representatives:*

On the 9th day of December, 1876, the following resolution of the House of Representatives was received, namely:

*Resolved*, That the President be requested, if not incompatible with the public interest, to transmit to this House copies of any and all orders or directions emanating from him or from either of the Executive Departments of the Government to any military commander or civil officer with reference to the service of the Army, or any portion thereof, in the States of Virginia, South Carolina, Louisiana, and Florida since the 1st of August last, together with reports by telegraph or otherwise from either or any of said military commanders or civil officers.

It was immediately or soon thereafter referred to the Secretary of War and the Attorney-General, the custodians of all retained copies of "orders or directions" given by the Executive Departments of the Government covered by the above inquiry, together with all information upon which such "orders or directions" were given.

The information, it will be observed, is voluminous, and, with the limited clerical force in the Department of Justice, has consumed the time up to the present. Many of the communications accompanying this have been already made public in connection with messages heretofore sent to Congress. This class of information includes the important documents received from the governor of South Carolina and sent to Congress with my message on the subject of the Hamburg massacre; also the documents accompanying my response to the resolution of the House of Representatives in regard to the soldiers stationed at Petersburg.

There have also come to me and to the Department of Justice, from time to time, other earnest written communications from persons holding public trusts and from others residing in the South, some of which I append hereto as bearing upon the precarious condition of the public peace in those States. These communications I have reason to regard as made by respectable and responsible men. Many of them deprecate the publication of their names as involving danger to them personally.

The reports heretofore made by committees of Congress of the results of their inquiries in Mississippi and Louisiana, and the newspapers of several States recommending "the Mississippi plan," have also furnished important data for estimating the danger to the public peace and order in those States.

It is enough to say that these different kinds and sources of evidence have left no doubt whatever in my mind that intimidation has been used, and actual violence, to an extent requiring the aid of the United States Government, where it was practicable to furnish such aid, in South Carolina, in Florida, and in Louisiana, as well as in Mississippi, in Alabama, and in Georgia.

The troops of the United States have been but sparingly used, and in no case so as to interfere with the free exercise of the right of suffrage. Very few troops were available for the purpose of preventing or suppressing the violence and intimidation existing in the States above named. In no case, except that of South Carolina, was the number of soldiers in any State increased in anticipation of the election, saving that twenty-four men and an officer were sent from Fort Foote to Petersburg, Va., where disturbances were threatened prior to the election.

No troops were stationed at the voting places. In Florida and in Louisiana, respectively, the small number of soldiers already in the said States were stationed at such points in each State as were most threatened with violence, where they might be available as a posse for the officer whose duty it was to preserve the peace and prevent intimidation of voters. Such a disposition of the troops seemed to me reasonable and justified by law and precedent, while its omission would have been inconsistent with the constitutional duty of the President of the United States "to take care that the laws be faithfully executed." The statute expressly forbids the bringing of troops to the polls "except where it is

necessary to keep the peace," implying that to keep the peace it may be done. But this even, so far as I am advised, has not in any case been done. The stationing of a company or part of a company in the vicinity, where they would be available to prevent riot, has been the only use made of troops prior to and at the time of the elections. Where so stationed, they could be called in an emergency requiring it by a marshal or deputy marshal as a posse to aid in suppressing unlawful violence. The evidence which has come to me has left me no ground to doubt that if there had been more military force available it would have been my duty to have disposed of it in several States with a view to the prevention of the violence and intimidation which have undoubtedly contributed to the defeat of the election law in Mississippi, Alabama, and Georgia, as well as in South Carolina, Louisiana, and Florida.

By Article IV, section 4, of the Constitution—

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

— By act of Congress (U. S. Revised Statutes, secs. 1034, 1035) the President, in case of "insurrection in any State" or of "unlawful obstruction to the enforcement of the laws of the United States by the ordinary course of judicial proceedings," or whenever "domestic violence in any State so obstructs the execution of the laws thereof and of the United States as to deprive any portion of the people of such State" of their civil or political rights, is authorized to employ such parts of the land and naval forces as he may deem necessary to enforce the execution of the laws and preserve the peace and sustain the authority of the State and of the United States. Acting under this title (69) of the Revised Statutes United States, I accompanied the sending of troops to South Carolina with a proclamation\* such as is therein prescribed.

The President is also authorized by act of Congress "to employ such part of the land or naval forces of the United States \* \* \* as shall be necessary to prevent the violation and to enforce the due execution of the provisions" of title 24 of the Revised Statutes of the United States, for the protection of the civil rights of citizens, among which is the provision against conspiracies "to prevent, by force, intimidation, or threat, any citizen who is lawfully entitled to vote from giving his support or advocacy in a legal manner toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President or as a member of Congress of the United States." (U. S. Revised Statutes, sec. 1989.)

In cases falling under this title I have not considered it necessary to issue a proclamation to precede or accompany the employment of such part of the Army as seemed to be necessary.

\* See pp. 396-397.

In case of insurrection against a State government or against the Government of the United States a proclamation is appropriate; but in keeping the peace of the United States at an election at which Members of Congress are elected no such call from the State or proclamation by the President is prescribed by statute or required by precedent.

In the case of South Carolina insurrection and domestic violence against the State government were clearly shown, and the application of the governor founded thereon was duly presented, and I could not deny his constitutional request without abandoning my duty as the Executive of the National Government.

The companies stationed in the other States have been employed to secure the better execution of the laws of the United States and to preserve the peace of the United States.

After the election had been had, and where violence was apprehended by which the returns from the counties and precincts might be destroyed, troops were ordered to the State of Florida, and those already in Louisiana were ordered to the points in greatest danger of violence.

I have not employed troops on slight occasions, nor in any case where it has not been necessary to the enforcement of the laws of the United States. In this I have been guided by the Constitution and the laws which have been enacted and the precedents which have been formed under it.

It has been necessary to employ troops occasionally to overcome resistance to the internal-revenue laws from the time of the resistance to the collection of the whisky tax in Pennsylvania, under Washington, to the present time.

In 1854, when it was apprehended that resistance would be made in Boston to the seizure and return to his master of a fugitive slave, the troops there stationed were employed to enforce the master's right under the Constitution, and troops stationed at New York were ordered to be in readiness to go to Boston if it should prove to be necessary.

In 1859, when John Brown, with a small number of men, made his attack upon Harpers Ferry, the President ordered United States troops to assist in the apprehension and suppression of him and his party without a formal call of the legislature or governor of Virginia and without proclamation of the President.

Without citing further instances in which the Executive has exercised his power, as Commander of the Army and Navy, to prevent or suppress resistance to the laws of the United States, or where he has exercised like authority in obedience to a call from a State to suppress insurrection, I desire to assure both Congress and the country that it has been my purpose to administer the executive powers of the Government fairly, and in no instance to disregard or transcend the limits of the Constitution.

— U. S. GRANT.

WASHINGTON, January 23, 1877.

*To the Senate of the United States:*

I transmit, in answer to a resolution of the Senate of the 16th instant, a report of the Secretary of State, with its accompanying papers.\*

U. S. GRANT.

WASHINGTON, January 25, 1877.

*To the Senate of the United States:*

I transmit to the Senate, for consideration with a view to ratification, a treaty between the United States and His Majesty the King of Spain, in relation to the extradition of criminals, signed on the 5th of January, 1877.

U. S. GRANT.

EXECUTIVE MANSION, January 29, 1877.

*To the Senate and House of Representatives:*

I have the honor to transmit herewith the proceedings of the commission appointed to examine "the whole subject of reform and reorganization of the Army of the United States," under the provisions of the act of Congress approved July 24, 1876.

The commission report that so fully has their time been occupied by other important duties that they are not at this time prepared to submit a plan or make proper recommendations.

U. S. GRANT.

EXECUTIVE MANSION, January 29, 1877.

*To the House of Representatives:*

I have the honor to transmit herewith reports and accompanying papers received from the Secretaries of State and War, in answer to the resolution of the House of Representatives of the 9th instant, relative "to the imprisonment and detention by the Mexican authorities at Matamoras of John Jay Smith, an American citizen, and also to the wounding and robbing by Mexican soldiers at New Laredo of Dr. Samuel Huggins, an American citizen."

U. S. GRANT.

EXECUTIVE MANSION, January 29, 1877.

*To the Senate of the United States:*

I follow the example heretofore occasionally permitted of communicating in this mode my approval of the "act to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon, for the term commencing March 4, A. D. 1877," because of my appreciation of the imminent peril to the institutions of

\* Correspondence with diplomatic officers of the United States in Turkey relative to atrocities and massacres by Turks in Bulgaria.

the country from which, in my judgment, the act affords a wise and constitutional means of escape.

For the first time in the history of our country, under the Constitution as it now is, a dispute exists with regard to the result of the election of the Chief Magistrate of the nation.

It is understood that upon the disposition of disputes touching the electoral votes cast at the late election by one or more of the States depends the question whether one or the other of the candidates for the Presidency is to be the lawful Chief Magistrate. The importance of having clearly ascertained, by a procedure regulated by law, which of the two citizens has been elected, and of having the right to this high office recognized and cheerfully agreed in by all the people of the Republic, can not be overestimated, and leads me to express to Congress and to the nation my great satisfaction at the adoption of a measure that affords an orderly means of decision of a gravely exciting question.

While the history of our country in its earlier periods shows that the President of the Senate has counted the votes and declared their standing, our whole history shows that in no instance of doubt or dispute has he exercised the power of deciding, and that the two Houses of Congress have disposed of all such doubts and disputes, although in no instance hitherto have they been such that their decision could essentially have affected the result.

For the first time the Government of the United States is now brought to meet the question as one vital to the result, and this under conditions not the best calculated to produce an agreement or to induce calm feeling in the several branches of the Government or among the people of the country. In a case where, as now, the result is involved, it is the highest duty of the lawmaking power to provide in advance a constitutional, orderly, and just method of executing the Constitution in this most interesting and critical of its provisions. The doing so, far from being a compromise of right, is an enforcement of right and an execution of powers conferred by the Constitution on Congress.

I think that this orderly method has been secured by the bill, which, appealing to the Constitution and the law as the guide in ascertaining rights, provides a means of deciding questions of single returns through the direct action of Congress, and in respect to double returns by a tribunal of inquiry, whose decisions stand unless both Houses of Congress shall concur in determining otherwise, thus securing a definite disposition of all questions of dispute, in whatever aspect they may arise. With or without this law, as all of the States have voted, and as a tie vote is impossible, it must be that one of the two candidates has been elected; and it would be deplorable to witness an irregular controversy as to which of the two should receive or which should continue to hold the office. In all periods of history controversies have arisen as to the succession or choice of the chiefs of states, and no party or citizens loving

their country and its free institutions can sacrifice too much of mere feeling in preserving through the upright course of law their country from the smallest danger to its peace on such an occasion; and it can not be impressed too firmly in the hearts of all the people that true liberty and real progress can exist only through a cheerful adherence to constitutional law.

The bill purports to provide only for the settlement of questions arising from the recent elections. The fact that such questions can arise demonstrates the necessity, which I can not doubt will before long be supplied, of permanent general legislation to meet cases which have not been contemplated in the Constitution or laws of the country.

The bill may not be perfect, and its provisions may not be such as would be best applicable to all future occasions, but it is calculated to meet the present condition of the question and of the country.

The country is agitated. It needs and it desires peace and quiet and harmony between all parties and all sections. Its industries are arrested, labor unemployed, capital idle, and enterprise paralyzed by reason of the doubt and anxiety attending the uncertainty of a double claim to the Chief Magistracy of the nation. It wants to be assured that the result of the election will be accepted without resistance from the supporters of the disappointed candidate, and that its highest officer shall not hold his place with a questioned title of right. Believing that the bill will secure these ends, I give it my signature.

U. S. GRANT.

EXECUTIVE MANSION, *January 30, 1877.*

*To the Senate and House of Representatives:*

I desire to call the attention of Congress to the importance of providing for the continuance of the board for testing iron, steel, and other metals, which by the sundry civil appropriation act of last year was ordered to be discontinued at the end of the present fiscal year. This board, consisting of engineers and other scientific experts from the Army, the Navy, and from civil life (all of whom, except the secretary, give their time and labors to this object without compensation), was organized by authority of Congress in the spring of 1875, and immediately drafted a comprehensive plan for its investigations and contracted for a testing machine of 400 tons capacity, which would enable it to properly conduct the experiments. Meanwhile the subcommittees of the board have devoted their time to such experiments as could be made with the smaller testing machines already available. This large machine is just now completed and ready for erection at the Watertown Arsenal, and the real labors of the board are therefore just about to be commenced. If the board is to be discontinued at the end of the present fiscal year, the money already appropriated and the services of the gentlemen who have given so much time to the subject will be unproductive of any results.

The importance of these experiments can hardly be overestimated when we consider the almost endless variety of purposes for which iron and steel are employed in this country and the many thousands of lives which daily depend on the soundness of iron structures. I need hardly refer to the recent disaster at the Ashtabula bridge, in Ohio, and the conflicting theories of experts as to the cause of it, as an instance of what might have been averted by a more thorough knowledge of the properties of iron and the best modes of construction. These experiments can not properly be conducted by private firms, not only on account of the expense, but because the results must rest upon the authority of disinterested persons. They must therefore be undertaken under the sanction of the Government. Compared with their great value to the industrial interests of the country, the expense is very slight.

The board recommend an appropriation of \$40,000 for the next fiscal year, and I earnestly commend their request to the favorable consideration of Congress. I also recommend that the board be required to conduct their investigations under the direction of the Secretary of War, and to make full report of their progress to that officer in time to be incorporated in his annual report.

• U. S. GRANT.

WASHINGTON, *February 2, 1877.*

*To the Senate of the United States:*

I transmit, in answer to a resolution of the Senate of the 10th ultimo, a report of the Secretary of State, with its accompanying papers.\*

U. S. GRANT.

EXECUTIVE MANSION, *February 3, 1877.*

*To the Senate and House of Representatives:*

By the act of Congress approved January 14, 1875, "to provide for the resumption of specie payments," the 1st of January, 1879, is fixed as the date when such resumption is to begin. It may not be desirable to fix an earlier date when it shall actually become obligatory upon the Government to redeem its outstanding legal-tender notes in coin on presentation, but it is certainly most desirable, and will prove most beneficial to every pecuniary interest of the country, to hasten the day when the paper circulation of the country and the gold coin shall have equal values.

At a later day, if currency and coin should retain equal values, it might become advisable to authorize or direct resumption. I believe the time has come when by a simple act of the legislative branch of the Government this most desirable result can be attained. I am strengthened in this view by the course trade has taken in the last two years and by the strength of the credit of the United States at home and abroad.

\*Preliminary and final reports of J. Hubley Ashton, agent of the United States before the United States and Mexican Claims Commission.



For the fiscal year ending June 30, 1876, the exports of the United States exceeded the imports by \$120,213,102; but our exports include \$40,569,621 of specie and bullion in excess of imports of the same commodities. For the six months of the present fiscal year from July 1, 1876, to January 1, 1877, the excess of exports over imports amounted to \$107,544,869, and the import of specie and bullion exceeded the export of the precious metals by \$6,192,147 in the same time. The actual excess of exports over imports for the six months, exclusive of specie and bullion, amounted to \$113,737,040, showing for the time being the accumulation of specie and bullion in the country amounting to more than \$6,000,000, in addition to the national product of these metals for the same period—a total increase of gold and silver for the six months not far short of \$60,000,000. It is very evident that unless this great increase of the precious metals can be utilized at home in such a way as to make it in some manner remunerative to the holders it must seek a foreign market as surely as would any other product of the soil or the manufactory. Any legislation which will keep coin and bullion at home will, in my judgment, soon bring about practical resumption, and will add the coin of the country to the circulating medium, thus securing a healthy “inflation” of a sound currency, to the great advantage of every legitimate business interest.

The act to provide for the resumption of specie payments authorizes ~~the~~ the Secretary of the Treasury to issue bonds of either of the descriptions named in the act of Congress approved July 14, 1870, entitled “An act to authorize the refunding of the national debt,” for not less than par in gold. With the present value of the  $4\frac{1}{2}$  per cent bonds in the markets of the world, they could be exchanged at par for gold, thus strengthening the Treasury to meet final resumption and to keep the excess of coin over demand, pending its permanent use as a circulating medium, at home. All that would be further required would be to reduce the volume of legal-tender notes in circulation. To accomplish this I would suggest an act authorizing the Secretary of the Treasury to issue 4 per cent bonds, with forty years to run before maturity, to be exchanged for legal-tender notes whenever presented in sums of \$50 or any multiple thereof, the whole amount of such bonds, however, not to exceed \$150,000,000. To increase the home demand for such bonds I would recommend that they be available for deposit in the United States Treasury for banking purposes under the various provisions of law relating to national banks.

I would suggest further that national banks be required to retain a certain percentage of the coin interest received by them from the bonds deposited with the Treasury to secure their circulation.

I would also recommend the repeal of the third section of the joint resolution “for the issue of silver coin,” approved July 22, 1876, limiting the subsidiary coin and fractional currency to \$50,000,000.

I am satisfied that if Congress will enact some such law as will accomplish the end suggested they will give a relief to the country instant in its effects, and for which they will receive the gratitude of the whole people.

U. S. GRANT.

EXECUTIVE MANSION, *February 9, 1877.*

*To the Senate and House of Representatives:*

The accompanying memorial is transmitted to Congress at the request of a committee, composed of many distinguished citizens of New York, recently appointed to cooperate with a generous body of French citizens who design to erect in the harbor of New York a colossal statue of "Liberty Enlightening the World." Very little is asked of us to do, and I hope that the wishes of the memorialists may receive your very favorable consideration.

U. S. GRANT.

EXECUTIVE MANSION, *February 9, 1877.*

*To the Senate and House of Representatives:*

I transmit herewith the catalogues and report of the board on behalf of the Executive Departments at the International Exhibition of 1876, with their accompanying illustrations.

The labors performed by the members of the board, as evinced by the voluminous mass of information found in the various papers from the officers charged with their preparation, have been in the highest degree commendable, and believing that the publication of these papers will form an interesting memorial of the greatest of international exhibitions and of the centennial anniversary of the independence of our country, I recommend that they be printed in a suitable form for distribution and preservation.

The letter of the chairman of the board will give to Congress the history of its organization, the law and Executive orders under which it has acted, and the steps which have been taken to preserve the large and instructive collections made, with a view to their forming a part of a national museum, should Congress make the necessary appropriations for such a desirable object.

U. S. GRANT.

WASHINGTON, *February 15, 1877.*

*To the Senate of the United States:*

I transmit herewith, in answer to the resolution of the Senate of the 13th instant, a report from the Secretary of State, with accompanying papers.\*

U. S. GRANT.

\* Statements of appropriations and expenditures of the Department of State from March 4, 1789, to June 30, 1876, inclusive.

WASHINGTON, *February 23, 1877.**To the Senate and House of Representatives:*

I transmit herewith a report from the Secretary of State, bearing date the 20th instant, with its accompaniments, being the report of the commissioner of the United States and of the officers of engineers attached to the commission appointed to determine the boundary line between the United States and the possessions of Great Britain from the northwest angle of the Lake of the Woods to the summit of the Rocky Mountains. These reports announce the completion of the labors of this commission, whereby the entire boundary line between the United States and the possessions of Great Britain is marked and determined, except as to that part of the territory of the United States which was ceded by Russia under the treaty of 1867.

U. S. GRANT.

WASHINGTON, *February 24, 1877.**To the House of Representatives:*

I transmit herewith, in answer to the resolution of the House of Representatives of the 25th ultimo, a report from the Secretary of State, with accompanying papers.\*

U. S. GRANT.

EXECUTIVE MANSION, *February 26, 1877.**To the Senate of the United States:*

I have the honor to return herewith Senate bill No. 234, entitled "An act to allow a pension of \$37 per month to soldiers who have lost both an arm and a leg." Under existing law soldiers who have lost both an arm and a leg are entitled to draw a monthly pension of \$18. As the object of this bill is to allow them \$18 per month for each of these disabilities, or \$36 in all, it is returned simply for an amendment of title which shall agree with its provisions. When this shall have been done, I will very gladly give it my immediate approval.

U. S. GRANT.

WASHINGTON, *February 28, 1877.**To the Senate of the United States:*

In answer to the resolution† of the Senate of the 27th instant, I transmit herewith a report of the Secretary of State, together with the papers which accompanied it.

U. S. GRANT.

\*Correspondence, etc., connected with the agency of A. B. Steinberger in the Samoan Islands.

†Directing the Secretary of State to transmit any communication demanding the payment of moneys claimed to be due the Dominican Government from the United States.

VETO MESSAGES.

EXECUTIVE MANSION, *January 15, 1877.*

*To the House of Representatives:*

For the reasons set forth in the accompanying communication addressed to the Secretary of the Interior by the Commissioner of the General Land Office, I have the honor to return herewith without my signature the bill (H. R. 2041) entitled "An act to amend section 2291 of the Revised Statutes of the United States, in relation to proof required in homestead entries."

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., January 12, 1877.*

The PRESIDENT.

SIR: I have the honor to return herewith enrolled bill H. R. No. 2041, entitled "An act to amend section 2291 of the Revised Statutes of the United States, in relation to proof required in homestead entries," which accompanied your letter of the 10th instant, requesting to be informed whether any objection was known to this Department why the same should not become a law.

The matter was referred to the Commissioner of the General Land Office, and I transmit herewith a copy of a letter from him suggesting certain amendments to the second section of said act.

I concur in the recommendations made by the Commissioner.

I have the honor to be, with great respect, your obedient servant,

Z. CHANDLER,  
*Secretary.*

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
*Washington, D. C., January 11, 1877.*

The Honorable SECRETARY OF THE INTERIOR.

SIR: I am in receipt, by your reference of yesterday's date, of "An act to amend section 2291 of the Revised Statutes of the United States, in relation to proof required in homestead entries," which has passed both Houses of Congress and now awaits the signature of the President.

The purpose of the act is to enable parties seeking title under the homestead law to make final proof before a judge or clerk of court in the county or district where the lands are situated.

Its provisions are in conformity with the views and recommendations of this office, and I see no objection to them in so far as relates to the taking of the testimony.

I observe, however, that the second section provides that the proofs, affidavits, and oaths shall be filed in the office of the register, and no provision is made for the transmission of either the original papers or duplicates to this office, in order that patents may properly issue thereon, the provisions relating to certification for the purposes of evidence seeming to require that they shall remain on file in the district office. There is, therefore, no opportunity for the supervisory control of the Commissioner over entries so made to be exercised under the statutes, and thus the express requirements of existing law, as well as the essential harmony of the land system, are interfered with by its provisions. To remedy this defect in the proposed law I recommend that the act be returned to the legislative body with the request for an

enactment in lieu of the second section which shall provide for the regular transmission of the papers to this office, as in other cases, or the simple striking out of the section altogether, as the provisions of existing law would then cover the case, and require the same disposal of this class of entries as obtains under present regulations so far as relates to the transmission of papers and proof to this office and the certification of the same by the Commissioner, under seal, for purposes of evidence.

I observe in section 3, line 4, the omission of the word "he" after the word "corrupt," which destroys the grammatical construction of the language and was probably a clerical error.

I return herewith the act referred to.

Very respectfully, your obedient servant,

A. WILLIAMSON,  
*Commissioner.*

EXECUTIVE MANSION, *January 23, 1877.*

*To the House of Representatives:*

I return herewith House bill (No. 4350) to abolish the board of commissioners of the Metropolitan police of the District of Columbia and to transfer its duties to the Commissioners of the District of Columbia, without my approval.

It is my judgment that the police commissioners, while appointed by the Executive, should report to and receive instructions from the District Commissioners. Under other circumstances than those existing at present I would have ~~no objection to the entire abolition of the board and seeing the duties devolved directly upon the District Commissioners.~~ The latter should, in my opinion, have supervision and control over the acts of the police commissioners under any circumstances; but as recent events have shown that gross violations of law have existed in this District for years directly under the eyes of the police, it is highly desirable that the board of police commissioners should be continued in some form until the evil complained of is eradicated and until the police force is put on a footing to prevent, if possible, a recurrence of the evil. The board of police commissioners have recently been charged with the direct object of accomplishing this end.

U. S. GRANT.

WASHINGTON, *January 26, 1877.*

*To the House of Representatives:*

I return to the House of Representatives, in which they originated, two joint resolutions, the one entitled "Joint resolution relating to congratulations from the Argentine Republic," the other entitled "Joint resolution in reference to congratulations from the Republic of Pretoria, South Africa."

The former of these resolutions purports to direct the Secretary of State to acknowledge a dispatch of congratulation from the Argentine Republic and the high appreciation of Congress of the compliment thus conveyed. The other directs the Secretary of State to communicate to the

Republic of Pretoria the high appreciation of Congress of the complimentary terms in which said Republic has referred to the first centennial of our national independence.

Sympathizing, as I do, in the spirit of courtesy and friendly recognition which has prompted the passage of these resolutions, I can not escape the conviction that their adoption has inadvertently involved the exercise of a power which infringes upon the constitutional rights of the Executive.

The usage of governments generally confines their correspondence and interchange of opinion and of sentiments of congratulation, as well as of discussion, to one certain established agency. To allow correspondence or interchange between states to be conducted by or with more than one such agency would necessarily lead to confusion, and possibly to contradictory presentation of views and to international complications.

The Constitution of the United States, following the established usage of nations, has indicated the President as the agent to represent the national sovereignty in its intercourse with foreign powers and to receive all official communications from them. It gives him the power, by and with the advice and consent of the Senate, to make treaties and to appoint ambassadors and other public ministers; it intrusts to him solely "to receive ambassadors and other public ministers," thus vesting in him the origination of negotiations and the reception and conduct of all correspondence with foreign states, making him, in the language of one of the most eminent writers on constitutional law, "the constitutional organ of communication with foreign states."

No copy of the addresses which it is proposed to acknowledge is furnished. I have no knowledge of their tone, language, or purport. From the tenor of the two joint resolutions it is to be inferred that these communications are probably purely congratulatory. Friendly and kindly intentioned as they may be, the presentation by a foreign state of any communication to a branch of the Government not contemplated by the Constitution for the reception of communications from foreign states might, if allowed to pass without notice, become a precedent for the address by foreigners or by foreign states of communications of a different nature and with wicked designs.

If Congress can direct the correspondence of the Secretary of State with foreign governments, a case very different from that now under consideration might arise, when that officer might be directed to present to the same foreign government entirely different and antagonistic views or statements.

By the act of Congress establishing what is now the Department of State, then known as the Department of Foreign Affairs, the Secretary is to "perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeably to the Constitution, relative to correspondence, commissions,

or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the said Department; and furthermore, the said principal officer [the Secretary of State] shall conduct the business of the said Department in such manner as the President of the United States shall from time to time order or instruct."

This law, which remains substantially unchanged, confirms the view that the whole correspondence of the Government with and from foreign states is intrusted to the President; that the Secretary of State conducts such correspondence exclusively under the orders and instructions of the President, and that no communication or correspondence from foreigners or from a foreign state can properly be addressed to any branch or Department of the Government except that to which such correspondence has been committed by the Constitution and the laws.

I therefore feel it my duty to return the joint resolutions without my approval to the House of Representatives, in which they originated.

In addition to the reasons already stated for withholding my constitutional approval from these resolutions is the fact that no information is furnished as to the terms or purport of the communications to which acknowledgments are desired; no copy of the communications accompanies the resolutions, nor is the name even of the officer or of the body to whom an acknowledgment could be addressed given; it is not known whether these congratulatory addresses proceed from the head of the state or from legislative bodies; and as regards the resolution relating to the Republic of Pretoria, I can not learn that any state or government of that name exists.

U. S. GRANT.

EXECUTIVE MANSION, *January 26, 1877.*

*To the Senate of the United States:*

I have the honor to return herewith without my approval Senate bill No. 685, entitled "An act to place the name of Daniel H. Kelly upon the muster roll of Company F, Second Tennessee Infantry."

The reasons for withholding my signature to this bill may be found in the accompanying report received from the Secretary of War.

U. S. GRANT.

THE PRESIDENT.

WAR DEPARTMENT, *January 24, 1877.*

SIR: I have the honor to return herewith Senate bill 685, "to place the name of Daniel H. Kelly upon the muster roll of Company F, Second Tennessee Infantry," with the report of the Adjutant-General, as follows:

"The inclosed act directs the Secretary of War to place the name of Daniel H. Kelly upon the muster roll of Company F, Second Tennessee Infantry, to date

December 1, 1861. There is no record of the enlistment, service, or death of this man on file in this office, and if this act becomes a law as it now reads it will be of no benefit to the heirs."

I have the honor to be, sir, with great respect, your obedient servant,

J. D. CAMERON,  
*Secretary of War.*

EXECUTIVE MANSION, *February 14, 1877.*

*To the House of Representatives:*

I have the honor to return herewith without my approval House bill No. 3367, entitled "An act to remove the charge of desertion from the military record of Alfred Rouland."

The reasons for withholding my signature may be found in the accompanying report received from the Secretary of War.

U. S. GRANT.

WAR DEPARTMENT,  
*Washington City, February 8, 1877.*

The PRESIDENT.

SIR: I have the honor to return House bill 3367, "to remove the charge of desertion from the military record of Alfred Rouland," and ~~inclose~~ copy of the report of the Adjutant-General, dated the 8th instant, who recommends that the bill be not approved.

In this connection I would invite attention to reports of the Military Committees of the ~~House~~ and Senate (House Report No. 461, Forty-fourth Congress, first session; Senate Report No. 578, Forty-fourth Congress, second session) in the case, of which copies are herewith.

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

J. D. CAMERON,  
*Secretary of War.*

WAR DEPARTMENT,  
*Adjutant-General's Office, February 8, 1877.*

Respectfully returned to the Secretary of War.

This man is reported on the muster-out roll of his company as having "deserted at Wilmington, N. C., April 16, 1866."

In his petition of December 28, 1874, on file in this office, occurs the following language:

"I was transferred to the Twenty-eighth Michigan Volunteers, and performed duty with that regiment from the 28th June, 1865, until the 16th day of April, 1866, when, being in a reduced and weak condition from continued chills and fever, and being in great fear of smallpox, which had become very prevalent at Wilmington, N. C., where my company was then stationed, I left my command without leave and returned to Michigan." \* \* \*

This man is consequently a deserter in fact, and should this bill, restoring to an honorable status an admitted deserter, become a law, it will defeat every end of military discipline and justice, besides working a great injustice to every soldier who served faithfully and honorably.

It is therefore strongly recommended that it be not approved.

E. D. TOWNSEND,  
*Adjutant-General.*



EXECUTIVE MANSION, *February 14, 1877.**To the House of Representatives:*

I return the House bill No. 3155, entitled "An act to perfect the revision of the statutes of the United States," without my approval. My objection is to the single provision which amends section 3823 of the Revised Statutes.

That section is as follows:

SEC. 3823. The Clerk of the House of Representatives shall select in Virginia, South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas one or more newspapers, not exceeding the number allowed by law, in which such treaties and laws of the United States as may be ordered for publication in newspapers according to law shall be published, and in some one or more of which so selected all such advertisements as may be ordered for publication in said districts by any United States court or judge thereof, or by any officer of such courts, or by any executive officer of the United States, shall be published, the compensation for which and other terms of publication shall be fixed by said Clerk at a rate not exceeding \$2 per page for the publication of treaties and laws, and not exceeding \$1 per square of eight lines of space for the publication of advertisements, the accounts for which shall be adjusted by the proper accounting officers and paid in the manner now authorized by law in the like cases.

The bill proposes to amend this section as follows:

By striking out all after the word "in" in the first line to the word "one" in the third line, and inserting therefor the words "each State and Territory of the United States."

Prior to 1867 the advertising of the Executive Departments had been subject to the direction of the heads of those Departments, and had been published in newspapers selected by them and on terms fixed by them. In the year 1867 (14 U. S. Statutes at Large, pp. 466, 467), while the ten States above named were yet unrestricted, and when there existed a radical difference of opinion between the executive and legislative departments as to the administration of the Government in those States, this provision was enacted. Subsequently, during the same year (15 U. S. Statutes at Large, p. 8), so much of this provision "as relates to the publication of the laws and treaties of the United States" was extended to all the States and Territories, leaving the advertisements ordered by Congress and by the Executive Departments unaffected thereby. The continuance of this provision after the reconstruction acts had taken effect and the bringing it forward into the Revised Statutes were probably through inadvertence.

The existence of this section (3823) of the Revised Statutes seems to have been ignored by Congress itself in the adoption of section 3941, authorizing the Postmaster-General to advertise in such newspapers as he may choose. But the present act, if it should go into effect, would compel him and the other heads of the Executive Departments, as well as all the courts, to publish all their advertisements in newspapers selected by the Clerk of the House of Representatives. It would make general

in its operation a provision which was exceptional and temporary in its origin and character. This, in my judgment, would be unwise, if not also an actual encroachment upon the constitutional rights of the executive branch of the Government. The person who should be appointed by law to select all the newspapers throughout the country to which the patronage of all branches of the Government of the United States should be given, if not an officer of the United States under Article II, section 2, clause 2, of the Constitution, would certainly have powers and duties which have hitherto been regarded as official.

But without reference to the question of its constitutionality, I am satisfied that this provision would not operate usefully or fairly. I am constrained, therefore, to withhold from it my approval. I regret that my objection to this one clause of the act can not be made available without withholding my approval from the entire act, which is otherwise unobjectionable.

U. S. GRANT.

EXECUTIVE MANSION, *February 28, 1877.*

*To the Senate of the United States:*

I have the honor to return herewith without my approval Senate bill No. 691, entitled "An act for the relief of Edward A. Leland." The reasons for withholding my approval may be found in the accompanying communication received from the Secretary of the Interior.

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,  
*Washington, February 27, 1877.*

THE PRESIDENT.

SIR: I have the honor to return herewith the bill (S. 691) entitled "An act for the relief of Edward A. Leland," accompanied by a copy of a letter from the Commissioner of Patents suggesting an objection to the bill in its present form, and to recommend that it be returned to Congress for amendment in accordance with the suggestions of the Commissioner.

I have the honor to be, very respectfully,

Z. CHANDLER,  
*Secretary.*

DEPARTMENT OF THE INTERIOR,  
UNITED STATES PATENT OFFICE,  
*Washington, D. C., February 27, 1877.*

HON. Z. CHANDLER,  
*Secretary of the Interior.*

SIR: In the matter of the enrolled bill (S. 691) extending letters patent of Edward A. Leland, I have the honor to report that said letters patent were granted for an improved paint can August 14, 1860, for the term of fourteen years; that they consequently expired on the 14th day of August, 1874, whereupon the invention became the property of the public.

The present act proposes to extend the term of the patent seven years from said 14th day of August, 1874, and give to it the same effect in law as if it had been originally granted for the term of twenty-one years.

It will be seen, therefore, that those who have innocently used and purchased the invention since the expiration of the letters patent on the 14th of August, 1874, under the impression that the invention was the property of the public, will, by the retro-active terms of the bill, be liable for damages for such use upon suits for infringement.

This hardship is generally, if not always, provided against by a proviso to such bills, setting forth in terms "that no person shall be held liable for the infringement of said patent, if extended, for making use of said invention since the expiration of the original term of said patent and prior to the date of its extension."

Unless such a proviso is incorporated into the present bill, the injustice alluded to may be done.

Very respectfully, your obedient servant,

ELLIS SPEAR,  
*Commissioner of Patents.*

## 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 5th day 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, Ulysses S. Grant, 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 5th 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 2d day of March, A. D. 1877, and of the Independence [SEAL.] of the United States of America the one hundred and first.

U. S. GRANT.

By the President:

HAMILTON FISH,  
*Secretary of State.*