

have arisen out of the fisheries, as well as those which affect the relations of the United States toward the British possessions in North America.

I did not deem it expedient to agree to the proposal unless the consideration of the questions growing out of the acts committed by the vessels which have given rise to the claims known as the "Alabama claims" were to be within the subject of discussion and settlement by the commission. The British Government having assented to this, the commission is expected shortly to meet. I therefore nominate as such commissioners, jointly and separately, on the part of the United States:

Hamilton Fish, Secretary of State.

Robert C. Schenck, envoy extraordinary and minister plenipotentiary to Great Britain.

Samuel Nelson, an associate justice of the Supreme Court of the United States.

Ebenezer R. Hoar, of Massachusetts.

George H. Williams, of Oregon.

I communicate herewith the correspondence which has passed on this subject between the Secretary of State and the British minister.

U. S. GRANT.

EXECUTIVE MANSION, *February 10, 1871.*

To the Senate and House of Representatives:

I submit herewith, for the information of Congress, the second annual report of the Board of Indian Commissioners to the Secretary of the Interior.

U. S. GRANT.

EXECUTIVE MANSION, *February 13, 1871*

To the House of Representatives:

I transmit herewith, in answer to the resolution of the House of the 6th instant, copies of the correspondence between the governor of the State of California and the President of the United States in the month of October, 1868, relative to the use of the military forces of the National Government in preserving the peace at the approaching State election.

U. S. GRANT.

EXECUTIVE MANSION, *February 15, 1871.*

To the Senate and House of Representatives:

I have this day transmitted to the Senate the announcement that Senate bill No. 218, "An act prescribing an oath of office to be taken by persons who participated in the late rebellion, but who are not disqualified from holding office by the fourteenth amendment to the Constitution

of the United States," has become a law in the manner prescribed by the Constitution, without the signature of the President.

If this were a bill for the repeal of the "test oath" required of persons "elected or appointed to offices of honor or trust," it would meet my approval. The effect of the law, however, is to relieve from taking a prescribed oath all those persons whom it was intended to exclude from such offices and to require it from all others. By this law the soldier who fought and bled for his country is to swear to his loyalty before assuming official functions, while the general who commanded hosts for the overthrow of his Government is admitted to place without it. I can not affix my name to a law which discriminates against the upholder of his Government.

I believe, however, that it is not wise policy to keep from office by an oath those who are not disqualified by the Constitution, and who are the choice of legal voters; but while relieving them from an oath which they can not take, I recommend the release also of those to whom the oath has no application.

U. S. GRANT.

EXECUTIVE MANSION, *February 17, 1871.*

To the Senate of the United States:

In answer to your resolution of the 19th of December last, requesting the President "to furnish the Senate with the entire cost of transportation of mails and freights of every description to the Pacific Coast, also to all intermediate points west of the Missouri River, from the annexation of California to July 1, 1864; and also the expenses of the War Department and Indian Bureau during the same period in guarding the overland route from the Missouri River to California against Indians and Mormons, and the cost of the Indian service on the same line, including in all cases freights and all other expenditures," I transmit herewith reports received from the Secretary of the Interior, the Secretary of War, and the Postmaster-General.

U. S. GRANT.

WASHINGTON, *February 27, 1871.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and Great Britain, concluded at Washington on the 23d instant, supplemental to the convention between the two countries concluded May 13, 1870, concerning the citizenship of citizens or subjects of either country emigrating to the other.

The conclusion of the supplemental convention now submitted was found to be expedient in view of the stipulation contained in Article II

of the before-named convention of May 13, 1870, that the two Governments should agree upon the manner in which the renunciation within the periods specified, by naturalized citizens and subjects of either country, of their naturalization should be effected.

U. S. GRANT.

WASHINGTON, March 3, 1871.

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 2d instant, a report of the Secretary of State, with accompanying documents.*

U. S. GRANT.

WASHINGTON, March 3, 1871.

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of February 1, 1871, a report from the Secretary of State, with accompanying documents.†

U. S. GRANT.

VETO MESSAGES.

EXECUTIVE MANSION, January 4, 1871.

To the House of Representatives:

I herewith return without my approval House bill No. 1395, entitled "An act for the relief of Charles Cooper, Goshorn A. Jones, Jerome Rowley, William Hannegan, and John Hannegan," for the following reasons:

The act directs the discontinuance of an action at law said to be now pending in the United States district court for the northern district of Ohio for the enforcement of the bond executed by said parties to the United States, whereas in fact no such suit is pending in the district court, but such a suit is now pending in the circuit court of the United States for the sixth circuit and northern district of Ohio.

Neither the body of said act nor the proviso requires the obligors in said bond, who are released from all liability to the United States on account thereof, to abandon or release their pretended claim against the Government.

Since these parties have gone to Congress to ask relief from liability for a large sum of money on account of the failure of the principals in

* Correspondence from the United States legation at Constantinople relative to restrictions on the passage of the straits of the Dardanelles and the Bosphorus by the ships of other nations.

† Dispatches, etc., from the United States minister to the Court of Brazil relative to the Paraguayan war, the culture of cotton in Brazil, trade with Brazil, etc.

the bond to execute their contract, it is but just and proper that they at the same time should abandon the claim heretofore asserted by them against the Government growing out of the same transaction.

U. S. GRANT.

EXECUTIVE MANSION, February 7, 1871.

To the Senate of the United States:

I hereby return without my approval Senate resolution No. 92, entitled "A resolution for the relief of certain contractors for the construction of vessels of war and steam machinery," for the following reasons:

The act of March 2, 1867 (14 U. S. Statutes at Large, p. 424), directs the Secretary of the Navy—

to investigate the claims of all contractors for building vessels of war and steam machinery for the same under contracts made after the 1st day of May, 1861, and prior to the 1st day of January, 1864; and said investigation to be made upon the following basis: He shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work occasioned by the Government, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor. * * *

The present joint resolution transfers the investigation to the Court of Claims, and repeals "so much of said act as provides against considering any allowance in favor of any such parties for any advance in the price of labor or material, unless such advance could have been avoided by the exercise of ordinary diligence and prudence on the part of the contractor." It seems to me that the provision thus repealed is a very reasonable one. It prevents the contractor from receiving any allowance for an advance in the price of labor and material when he could have avoided that advance by the exercise of ordinary prudence and diligence. The effect of the repeal will be to relieve contractors from the consequences of their own imprudence and negligence. I see no good reason for thus relieving contractors who have not exercised ordinary prudence and diligence in their business transactions.

U. S. GRANT.

EXECUTIVE MANSION, February 28, 1871.

To the House of Representatives:

I herewith return without my approval House bill No. 2566, entitled "An act for the relief of Henry Willman, late a private in the Third Regiment of Indiana Cavalry," for the following reasons:

The records of the War Department show that Henry Willman was mustered into the military service April 4, 1862, and that he was mounted

on a private horse. It appears from evidence presented by himself that his horse died May 18, 1862; that he remounted himself on June 8, 1862, and so continued mounted till October 1, 1862, when his horse was killed by the enemy, and that he was not afterwards mounted upon a private horse.

Upon presenting a claim against the United States for the legal value of the two horses lost by him in the public service, the claim, after investigation, was allowed; but it being discovered that he had erroneously been paid for the use and risk of a private horse from May 18 to June 8, 1862, and from October 1, 1862, to April 30, 1864, during which periods he had no horse in the public service, the amount so overpaid was offset against his claim, leaving the latter fully liquidated and the claimant indebted to the United States in an amount not yet refunded.

The person named in the act is not, in law or equity, entitled to the relief therein provided, and has no unsatisfied demands against the United States.

U. S. GRANT.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory evidence was given to me on the 17th day of this month by the Government of Portugal that the discriminating duties heretofore levied in the ports of Portugal on merchandise imported in vessels of the United States into said ports from other countries than those of which said merchandise was the growth, production, or manufacture have been abolished:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of January 7, 1824, and by an act in addition thereto of May 24, 1828, do hereby declare and proclaim that the discriminating duties heretofore levied in ports of the United States upon merchandise imported in Portuguese vessels from countries other than those of which such merchandise is the growth, produce, or manufacture shall be, and are hereby, suspended and discontinued, this suspension or discontinuance to take effect on and after the said 17th day of this month and to continue so long as the reciprocal exemption of merchandise belonging to citizens of the United States from such discriminating duties shall be granted in the ports of Portugal.

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 25th day of February, A. D. 1871, and of the Independence of the United States of America the ninety-fifth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

[NOTE.—The Forty-second Congress, first session, met March 4, 1871, in accordance with the act of January 22, 1867.]

SPECIAL MESSAGES.

WASHINGTON, *March 17, 1871.*

To the Senate of the United States:

I transmit to the Senate, in compliance with its resolution of the 14th instant, a report from the Secretary of State, making known that official notice has been received at the Department of State of the ratification by the legislature of one, and only one, additional State—to wit, that of New Jersey—of the fifteenth amendment to the Constitution of the United States since the 30th of March, 1870, the date of his certificate that three-fourths of the whole number of States in the United States had ratified that amendment and that it had become valid to all intents and purposes as part of the Constitution of the United States.

U. S. GRANT.

WASHINGTON, D. C., *March 23, 1871.*

To the Senate and House of Representatives:

A condition of affairs now exists in some of the States of the Union rendering life and property insecure and the carrying of the mails and the collection of the revenue dangerous. The proof that such a condition of affairs exists in some localities is now before the Senate. That the power to correct these evils is beyond the control of the State authorities I do not doubt; that the power of the Executive of the United States, acting within the limits of existing laws, is sufficient for present emergencies is not clear.

Therefore I urgently recommend such legislation as in the judgment of Congress shall effectually secure life, liberty, and property and the enforcement of law in all parts of the United States.

It may be expedient to provide that such law as shall be passed in

pursuance of this recommendation shall expire at the end of the next session of Congress.

There is no other subject upon which I would recommend legislation during the present session.

U. S. GRANT.

WASHINGTON, *March 28, 1871.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 16th instant, I transmit a report from the Secretary of State and the papers* which accompanied it.

U. S. GRANT.

WASHINGTON, *March 30, 1871.*

To the Senate of the United States:

I transmit, for consideration with a view to its ratification, a treaty of commerce and navigation between the United States and the Kingdom of Italy, signed at Florence on the 26th of last month.

U. S. GRANT.

EXECUTIVE MANSION, *March 31, 1871.*

To the Senate of the United States:

In answer to your resolution of the 17th instant, requesting, "if not incompatible with the public service, the report recently made by a board of officers of the Engineer Department on the condition of the Mississippi River near Vicksburg, Miss., with such remarks, suggestions, or recommendations as may be made by the Chief Engineer of the Army," I herewith transmit a report, dated 28th instant, with accompanying papers, received from the Secretary of War.

U. S. GRANT.

EXECUTIVE MANSION, *April 5, 1871.*

To the Senate and House of Representatives:

I have the honor to submit herewith to the two Houses of Congress the report of the commissioners appointed in pursuance of joint resolution approved January 12, 1871.

It will be observed that this report more than sustains all that I have heretofore said in regard to the productiveness and healthfulness of the Republic of San Domingo, of the unanimity of the people for annexation to the United States, and of their peaceable character.

It is due to the public, as it certainly is to myself, that I should here give all the circumstances which first led to the negotiation of a treaty for the annexation of the Republic of San Domingo to the United States.

* Reports, communications, etc., relative to the International Statistical Congress held at The Hague in 1869.

When I accepted the arduous and responsible position which I now hold, I did not dream of instituting any steps for the acquisition of insular possessions. I believed, however, that our institutions were broad enough to extend over the entire continent as rapidly as other peoples might desire to bring themselves under our protection. I believed further that we should not permit any independent government within the limits of North America to pass from a condition of independence to one of ownership or protection under a European power.

Soon after my inauguration as President I was waited upon by an agent of President Baez with a proposition to annex the Republic of San Domingo to the United States. This gentleman represented the capacity of the island, the desire of the people, and their character and habits about as they have been described by the commissioners whose report accompanies this message. He stated further that, being weak in numbers and poor in purse, they were not capable of developing their great resources; that the people had no incentive to industry on account of lack of protection for their accumulations, and that if not accepted by the United States—with institutions which they loved above those of any other nation—they would be compelled to seek protection elsewhere. To these statements I made no reply and gave no indication of what I thought of the proposition. In the course of time I was waited upon by a second gentleman from San Domingo, who made the same representations, and who was received in like manner.

In view of the facts which had been laid before me, and with an earnest desire to maintain the "Monroe doctrine," I believed that I would be derelict in my duty if I did not take measures to ascertain the exact wish of the Government and inhabitants of the Republic of San Domingo in regard to annexation and communicate the information to the people of the United States. Under the attending circumstances I felt that if I turned a deaf ear to this appeal I might in the future be justly charged with a flagrant neglect of the public interests and an utter disregard of the welfare of a downtrodden race praying for the blessings of a free and strong government and for protection in the enjoyment of the fruits of their own industry.

Those opponents of annexation who have heretofore professed to be preeminently the friends of the rights of man I believed would be my most violent assailants if I neglected so clear a duty. Accordingly, after having appointed a commissioner to visit the island, who declined on account of sickness, I selected a second gentleman, in whose capacity, judgment, and integrity I had, and have yet, the most unbounded confidence.

He visited San Domingo, not to secure or hasten annexation, but, unprejudiced and unbiased, to learn all the facts about the Government, the people, and the resources of that Republic. He went certainly as well prepared to make an unfavorable report as a favorable one, if the facts warranted it. His report fully corroborated the views of previous

commissioners, and upon its receipt I felt that a sense of duty and a due regard for our great national interests required me to negotiate a treaty for the acquisition of the Republic of San Domingo.

As soon as it became publicly known that such a treaty had been negotiated, the attention of the country was occupied with allegations calculated to prejudice the merits of the case and with aspersions upon those whose duty had connected them with it. Amid the public excitement thus created the treaty failed to receive the requisite two-thirds vote of the Senate, and was rejected; but whether the action of that body was based wholly upon the merits of the treaty, or might not have been in some degree influenced by such unfounded allegations, could not be known by the people, because the debates of the Senate in secret session are not published.

Under these circumstances I deemed it due to the office which I hold and due to the character of the agents who had been charged with the investigation that such proceedings should be had as would enable the people to know the truth. A commission was therefore constituted, under authority of Congress, consisting of gentlemen selected with special reference to their high character and capacity for the laborious work intrusted to them, who were instructed to visit the spot and report upon the facts. Other eminent citizens were requested to accompany the commission, in order that the people might have the benefit of their views. Students of science and correspondents of the press, without regard to political opinions, were invited to join the expedition, and their numbers were limited only by the capacity of the vessel.

The mere rejection by the Senate of a treaty negotiated by the President only indicates a difference of opinion between two coordinate departments of the Government, without touching the character or wounding the pride of either. But when such rejection takes place simultaneously with charges openly made of corruption on the part of the President or those employed by him the case is different. Indeed, in such case the honor of the nation demands investigation. This has been accomplished by the report of the commissioners herewith transmitted, and which fully vindicates the purity of the motives and action of those who represented the United States in the negotiation.

And now my task is finished, and with it ends all personal solicitude upon the subject. My duty being done, yours begins; and I gladly hand over the whole matter to the judgment of the American people and of their representatives in Congress assembled. The facts will now be spread before the country, and a decision rendered by that tribunal whose convictions so seldom err, and against whose will I have no policy to enforce. My opinion remains unchanged; indeed, it is confirmed by the report that the interests of our country and of San Domingo alike invite the annexation of that Republic.

In view of the difference of opinion upon this subject, I suggest that

no action be taken at the present session beyond the printing and general dissemination of the report. Before the next session of Congress the people will have considered the subject and formed an intelligent opinion concerning it, to which opinion, deliberately made up, it will be the duty of every department of the Government to give heed; and no one will more cheerfully conform to it than myself. It is not only the theory of our Constitution that the will of the people, constitutionally expressed, is the supreme law, but I have ever believed that "all men are wiser than any one man;" and if the people, upon a full presentation of the facts, shall decide that the annexation of the Republic is not desirable, every department of the Government ought to acquiesce in that decision.

In again submitting to Congress a subject upon which public sentiment has been divided, and which has been made the occasion of acrimonious debates in Congress, as well as of unjust aspersions elsewhere, I may, I trust, be indulged in a single remark.

No man could hope to perform duties so delicate and responsible as pertain to the Presidential office without sometimes incurring the hostility of those who deem their opinions and wishes treated with insufficient consideration; and he who undertakes to conduct the affairs of a great government as a faithful public servant, if sustained by the approval of his own conscience, may rely with confidence upon the candor and intelligence of a free people whose best interests he has striven to subserve, and can bear with patience the censure of disappointed men.

U. S. GRANT.

WASHINGTON, April 5, 1871.

To the Senate of the United States:

I transmit confidentially, for the information and consideration of the Senate, a copy of a dispatch of the 25th of February last relative to the annexation of the Hawaiian Islands, addressed to the Department of State by Henry A. Pierce, minister resident of the United States at Honolulu. Although I do not deem it advisable to express any opinion or to make any recommendation in regard to the subject at this juncture, the views of the Senate, if it should be deemed proper to express them, would be very acceptable with reference to any future course which there might be a disposition to adopt.

U. S. GRANT.

WASHINGTON, April 11, 1871.

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of March 31, 1871, a report from the Secretary of State, with accompanying documents.*

U. S. GRANT.

* Dispatches from the United States minister at Florence relative to the occupation of Rome by the King of Italy.

[The following messages were sent to the special session of the Senate convened by proclamation (see pp. 133-134) of April 20, 1871.]

WASHINGTON, *May 10, 1871.*

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 Great Britain for the settlement of pending questions between the two countries, signed at Washington on the 8th instant by the commissioners of the United States and Great Britain, respectively.

Copies of the powers and instructions to the commissioners on the part of the United States and the protocols of the conferences are also transmitted.

U. S. GRANT.

WASHINGTON, *May 15, 1871.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 10th instant, a report* from the Secretary of State and the papers which accompanied it.

U. S. GRANT.

WASHINGTON, *May 17, 1871.*

To the Senate of the United States:

In answer to a resolution of the Senate of the 15th instant, I transmit herewith a report † from the Secretary of State.

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 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,

* Relating to claims of the subjects of foreign nations growing out of the War of the Rebellion.
† Relating to claims under the treaty of Washington of May 8, 1871.

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 I have received information that combinations of armed men, unauthorized by law, are now disturbing the peace and safety of the citizens of the State of South Carolina and committing acts of violence in said State of a character and to an extent which render the power of the State and its officers unequal to the task of protecting life and property and securing public order therein; 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 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 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 purpose 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 the persons composing the unlawful combinations aforesaid to disperse and retire peaceably to their respective abodes within twenty days from this date.

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 24th day of March, A. D. 1871, and of the Independence of the United States the ninety-fifth.

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 Wednesday, the 10th day of May 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