

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 appraisal 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

Mr. Johnson
May 5 1876

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 Amer-
ica in Congress assembled, That it be, and
it 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 Cen-
tennial Anniversary of our National Inde-
pendence, and that they cause to have deliv-
ered on such day an historical sketch of
said county or town from its formation, and that

PRESIDENT GRANT'S CENTENNIAL PROCLAMATION.

Given under my hand at the City of
 Washington, the twenty-fifth day of May,
 in the year of Our Lord,
 one thousand eight hundred
 and seventy six, and of the
 Independence of the United
 States the One Hundredth.
U. S. Grant

By the President
H. Hamilton Fish
 Secretary of State

PRESIDENT GRANT'S SIGNATURE TO CENTENNIAL
 PROCLAMATION.

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, [SEAL.] 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.