

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 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, 1879, to June 30, 1876, inclusive.