

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

Ulysses S. Grant

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 retroactive 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.

Rutherford B. Hayes

March 4, 1877, to March 4, 1881