

EXECUTIVE MANSION, January 18, 1878.

To the Senate of the United States:

In answer to the resolution of the Senate of December 6, 1877, I inclose a report made to me by the Attorney-General, the results of which seem to be correct, and which affords the information* requested.

R. B. HAYES.

[A similar message was sent to the House of Representatives, in answer to a resolution of that body of November 27, 1877.]

EXECUTIVE MANSION, January 23, 1878.

To the Senate of the United States:

In answer to the resolution of the Senate of November 16, 1877, I transmit reports† made to me by the Attorney-General and the Secretary of the Navy.

R. B. HAYES.

EXECUTIVE MANSION, January 29, 1878.

To the Senate of the United States:

In response to a resolution of the Senate of the 10th ultimo, I transmit herewith copies of reports‡ of the Commissioners of Indian Affairs and General Land Office, dated 9th and 21st instant, respectively.

R. B. HAYES.

EXECUTIVE MANSION, February 4, 1878.

To the Senate and House of Representatives:

The commission appointed under the act of Congress approved March 3, 1873, entitled "An act to authorize inquiries into the causes of steam-boiler explosions," have addressed a report of progress, made to date thereof, to the Secretaries of the Treasury and Navy Departments, which has been transmitted to me by these officers. The commission also present a copy of a report dated February 27, 1877, which they say "was mislaid and did not reach the President." These reports are respectfully submitted for the information of Congress.

R. B. HAYES.

To the Senate:

WASHINGTON, February 6, 1878.

I transmit herewith, in compliance with a resolution of the Senate of the 6th of December last, a report from the Secretary of State and its accompanying papers.§

R. B. HAYES.

* Operation of the Union Pacific Railroad and its branches.

† Relating to the seizure of logs, lumber, and naval stores suspected or having been taken from the public lands.

‡ Relating to payments to the Ute Indians under the fourth article of the agreement of September 13, 1873, and to the occupancy of lands ceded by said Indians.

§ Correspondence relative to the Franco-German War.

EXECUTIVE MANSION, February 11, 1878.

To the Senate and House of Representatives:

In compliance with the resolution of Congress entitled "Joint resolution accepting a painting* tendered to Congress by Mrs. Elizabeth Thompson," approved by me on the 1st instant, I have this day caused a copy of the resolution to be delivered to Mrs. Thompson.

R. B. HAYES.

EXECUTIVE MANSION, February 20, 1878.

To the Senate of the United States:

In response to the resolution of the Senate of January 30, 1878, I transmit herewith a report,† dated the 16th instant, from the Commissioner of Indian Affairs.

R. B. HAYES.

EXECUTIVE MANSION, February 20, 1878.

To the Senate of the United States:

In answer to the resolution of the Senate dated December 7, 1877, I transmit herewith reports from the General of the Army, the Quartermaster-General, the Commissary-General of Subsistence, and the Chief of Ordnance, showing what has been the cost (estimated) of the late war with the Sioux Indians, and what the casualties of rank and file among the soldiers engaged in said Sioux War.

R. B. HAYES.

EXECUTIVE MANSION, February 27, 1878.

To the Senate of the United States:

I transmit herewith, for the information of the Senate, the reply of the Commissioner of Agriculture to a resolution of the Senate of the 20th instant, "relative to the disease prevailing among swine," etc.

R. B. HAYES.

WASHINGTON, March 21, 1878.

To the Senate:

In answer to the resolution of the Senate of the 11th of March instant, I herewith transmit a report from the Secretary of State, with accompanying documents.‡

R. B. HAYES.

* Carpenter's painting of President Lincoln and his Cabinet at the time of his first reading of the Proclamation of Emancipation.

† Relating to the survey of lands in the Indian Territory, etc.

‡ Correspondence relative to the appointment of a third commissioner under the twenty-third article of the treaty with Great Britain of May 8, 1871, on the question of the fisheries.

EXECUTIVE MANSION, *March 25, 1878.**To the Senate of the United States:*

In further answer to the resolution of the Senate of December 7, 1877, as to the cost of the Sioux War, I transmit copies of additional reports on the subject received from the Military Division of the Missouri.

R. B. HAYES.

WASHINGTON, D. C., *March 27, 1878.**To the Senate of the United States:*

In answer to the Senate's resolution of the 14th ultimo, requesting to be furnished with a copy of correspondence between the Government of the United States and that of China respecting the "Ward" claims and the claim of Charles E. Hill, I herewith submit a letter from the Secretary of State, together with its accompanying papers.

R. B. HAYES.

WASHINGTON, *March 29, 1878.**To the House of Representatives:*

I transmit herewith, in compliance with a resolution of the House of Representatives of the 21st ultimo, a report from the Secretary of State and its accompanying papers.*

R. B. HAYES.

EXECUTIVE MANSION, *May 2, 1878.**To the Senate of the United States:*

In answer to the resolution of the Senate of April 16, 1878, I transmit herewith reports† made to me by the Secretary of the Treasury and the Attorney-General.

R. B. HAYES.

WASHINGTON, *May 10, 1878.**To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a convention defining the rights, immunities, and privileges of consular officers, between the United States and His Majesty the King of Italy, signed on the 8th instant.

R. B. HAYES.

*Correspondence with Spain relative to the seizure of the steamer *Virginus*, etc.

†Relating to the defalcations of William R. Whitaker while collector of internal revenue for the first district of Louisiana and while assistant treasurer of the United States at New Orleans.

WASHINGTON, *May 14, 1878.**To the Senate of the United States:*

In answer to the resolution of the Senate of the 29th ultimo, I transmit herewith a report from the Secretary of State, with its accompanying papers.*

R. B. HAYES.

EXECUTIVE MANSION, *May 17, 1878.**To the Senate and House of Representatives:*

I herewith transmit, for your appropriate action, a communication from the Secretary of State, on the subject of the result of the deliberations of the Fishery Commission appointed under certain provisions of the treaty of Washington, with the accompanying documents.

Article XXII of the treaty provides that any sum of money which the commissioners may award shall be paid by the United States Government in a gross sum within twelve months after such award shall have been given.

The commission announced the result of its deliberations on the 23d day of November last year, and an appropriation at the present session of Congress will be necessary to enable the Government to make the payment provided for in the treaty.

I respectfully submit to the consideration of Congress the record of the transaction as presented upon the papers, and recommend an appropriation of the necessary sum, with such discretion to the executive government in regard to its payment as in the wisdom of Congress the public interests may seem to require.

R. B. HAYES.

WASHINGTON, *May 25, 1878.**To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to its ratification, a consular convention between the United States and the Netherlands, signed on the 23d instant.

R. B. HAYES.

WASHINGTON, *June 11, 1878.**To the House of Representatives:*

In answer to a resolution of the House of Representatives of the 27th May ultimo, I transmit the response of the Secretary of State, accompanied by a copy of the papers† called for by the resolution.

R. B. HAYES.

*Correspondence relative to the terms and conditions under which the Cuban insurgents surrendered and to the policy of Spain in the government of Cuba.

†Relating to the convention of May 20, 1875, for the establishment of an international bureau of weights and measures.

EXECUTIVE MANSION, June 12, 1878.

To the Senate and House of Representatives:

In transmitting herewith to Congress a communication from the Secretary of State on the subject of the conference provided for in the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," I respectfully recommend that an adequate appropriation be made for certain expenses of the conference and of the commissioners attending the same on behalf of the United States, as suggested in the communication of the Secretary of State.

R. B. HAYES.

EXECUTIVE MANSION, June 15, 1878.

To the House of Representatives:

I have the honor to transmit herewith the report of the board for testing iron, steel, and other metals, as requested in the resolution of the House of Representatives dated April 27, 1878.

R. B. HAYES.

WASHINGTON, June 17, 1878.

To the Senate:

In answer to the resolution of the Senate of the 27th of May ultimo, I herewith transmit a report from the Secretary of State, with accompanying documents.*

R. B. HAYES.

VETO MESSAGES.

EXECUTIVE MANSION, February 28, 1878.

To the House of Representatives:

After a very careful consideration of the House bill No. 1093, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," I feel compelled to return it to the House of Representatives, in which it originated, with my objections to its passage.

Holding the opinion, which I expressed in my annual message, that "neither the interests of the Government nor of the people of the United States would be promoted by disparaging silver as one of the two precious metals which furnish the coinage of the world, and that legislation which looks to maintaining the volume of intrinsic money to as full a measure of both metals as their relative commercial values will permit would be neither unjust nor inexpedient," it has been my earnest desire

*Correspondence, etc., relative to the selection of M. Maurice Delfosse as one of the commissioners under the treaty with Great Britain of May 8, 1871, on the fisheries question.

to concur with Congress in the adoption of such measures to increase the silver coinage of the country as would not impair the obligation of contracts, either public or private, nor injuriously affect the public credit. It is only upon the conviction that this bill does not meet these essential requirements that I feel it my duty to withhold from it my approval.

My present official duty as to this bill permits only an attention to the specific objections to its passage which seem to me so important as to justify me in asking from the wisdom and duty of Congress that further consideration of the bill for which the Constitution has in such cases provided.

The bill provides for the coinage of silver dollars of the weight of $412\frac{1}{2}$ grains each, of standard silver, to be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract. It is well known that the market value of that number of grains of standard silver during the past year has been from 90 to 92 cents as compared with the standard gold dollar. Thus the silver dollar authorized by this bill is worth 8 to 10 per cent less than it purports to be worth, and is made a legal tender for debts contracted when the law did not recognize such coins as lawful money.

The right to pay duties in silver or in certificates for silver deposits will, when they are issued in sufficient amount to circulate, put an end to the receipt of revenue in gold, and thus compel the payment of silver for both the principal and interest of the public debt. One billion one hundred and forty-three million four hundred and ninety-three thousand four hundred dollars of the bonded debt now outstanding was issued prior to February, 1873, when the silver dollar was unknown in circulation in this country, and was only a convenient form of silver bullion for exportation; \$583,440,350 of the funded debt has been issued since February, 1873, when gold alone was the coin for which the bonds were sold, and gold alone was the coin in which both parties to the contract understood that the bonds would be paid. These bonds entered into the markets of the world. They were paid for in gold when silver had greatly depreciated, and when no one would have bought them if it had been understood that they would be paid in silver. The sum of \$225,000,000 of these bonds has been sold during my Administration for gold coin, and the United States received the benefit of these sales by a reduction of the rate of interest to 4 per cent. During the progress of these sales a doubt was suggested as to the coin in which payment of these bonds would be made. The public announcement was thereupon authorized that it was "not to be anticipated that any future legislation of Congress or any action of any department of the Government would sanction or tolerate the redemption of the principal of these bonds or the payment of the interest thereon in coin of less value than the coin authorized by law at the time of the issue of the bonds, being the coin exacted by the Government in exchange for the same." In view of these facts it will be

justly regarded as a grave breach of the public faith to undertake to pay these bonds, principal or interest, in silver coin worth in the market less than the coin received for them.

It is said that the silver dollar made a legal tender by this bill will under its operation be equivalent in value to the gold dollar. Many supporters of the bill believe this, and would not justify an attempt to pay debts, either public or private, in coin of inferior value to the money of the world. The capital defect of the bill is that it contains no provision protecting from its operation preexisting debts in case the coinage which it creates shall continue to be of less value than that which was the sole legal tender when they were contracted. If it is now proposed, for the purpose of taking advantage of the depreciation of silver in the payment of debts, to coin and make a legal tender a silver dollar of less commercial value than any dollar, whether of gold or paper, which is now lawful money in this country, such measure, it will hardly be questioned, will, in the judgment of mankind, be an act of bad faith. As to all debts heretofore contracted, the silver dollar should be made a legal tender only at its market value. The standard of value should not be changed without the consent of both parties to the contract. National promises should be kept with unflinching fidelity. There is no power to compel a nation to pay its just debts. Its credit depends on its honor. The nation owes what it has led or allowed its creditors to expect. I can not approve a bill which in my judgment authorizes the violation of sacred obligations. The obligation of the public faith transcends all questions of profit or public advantage. Its unquestionable maintenance is the dictate as well of the highest expediency as of the most necessary duty, and should ever be carefully guarded by the Executive, by Congress, and by the people.

It is my firm conviction that if the country is to be benefited by a silver coinage it can be done only by the issue of silver dollars of full value, which will defraud no man. A currency worth less than it purports to be worth will in the end defraud not only creditors, but all who are engaged in legitimate business, and none more surely than those who are dependent on their daily labor for their daily bread.

R. B. HAYES.

EXECUTIVE MANSION, *March 6, 1878.*

To the House of Representatives:

I return herewith House bill No. 3072, entitled "An act to authorize a special term of the circuit court of the United States for the southern district of Mississippi to be held at Scranton, in Jackson County," with the following objections to its becoming a law:

The act provides that a special term of the circuit court of the United States for the southern district of Mississippi shall be held at Scranton,

in Jackson County, Miss., to begin on the second Monday in March, 1878, and directs the clerk of said court to "cause notice of said special term of said court to be published in a newspaper in Jackson, Miss., and also in a newspaper in Scranton, at least ten days before the beginning thereof."

The act can not be executed, inasmuch as there is not sufficient time to give the notice of the holding of the special term which Congress thought proper to require.

The number of suits to be tried at the special term in which the United States is interested is forty-nine, and the amount involved exceeds \$200,000. The Government can not prepare for trial at said special term, because no fund appropriated by Congress can be made available for that purpose. If, therefore, the Government is compelled to go to trial at the special term provided for by this bill, the United States must be defeated for want of time and means to make preparation for the proper vindication of its rights.

The bill is therefore returned for the further consideration of Congress.

R. B. HAYES.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided in the laws of the United States that whenever, by reason of unlawful obstructions, combinations or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce by the ordinary course of judicial proceedings the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed or the execution thereof forcibly obstructed; and

Whereas it has been made to appear to me that, by reason of unlawful combinations and assemblages of persons in arms, it has become impracticable to enforce by the ordinary course of judicial proceedings the laws of the United States within the Territory of New Mexico, and especially within Lincoln County therein, and that the laws of the United States have been therein forcibly opposed and the execution thereof forcibly resisted; 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 of enforcing the faithful execution of the laws of the United States, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time:

Now, therefore, I, Rutherford B. Hayes, President of the United States, do hereby admonish all good citizens of the United States, and especially of the Territory of New Mexico, against aiding, countenancing, abetting, or taking part in any such unlawful proceedings; and I do hereby warn all persons engaged in or connected with said obstruction of the laws to disperse and retire peaceably to their respective abodes on or before noon of the 13th day of October instant.

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 7th day of October, A. D. 1878, and of the Independence of the United States the one hundred and third.

R. B. HAYES.

By the President:

F. W. SEWARD, *Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The recurrence of that season at which it is the habit of our people to make devout and public confession of their constant dependence upon the divine favor for all the good gifts of life and happiness and of public peace and prosperity exhibits in the record of the year abundant reasons for our gratitude and thanksgiving.

Exuberant harvests, productive mines, ample crops of the staples of trade and manufactures, have enriched the country:

The resources thus furnished to our reviving industry and expanding commerce are hastening the day when discords and distresses through the length and breadth of the land will, under the continued favor of Providence, have given way to confidence and energy and assured prosperity.

Peace with all nations has been maintained unbroken, domestic tranquillity has prevailed, and the institutions of liberty and justice which the wisdom and virtue of our fathers established remain the glory and defense of their children.

The general prevalence of the blessings of health through our wide land has made more conspicuous the sufferings and sorrows which the dark shadow of pestilence has cast upon a portion of our people. This heavy affliction even the Divine Ruler has tempered to the suffering communities in the universal sympathy and succor which have flowed to

their relief, and the whole nation may rejoice in the unity of spirit in our people by which they cheerfully share one another's burdens.

Now, therefore, I, Rutherford B. Hayes, President of the United States, do appoint Thursday, the 28th day of November next, as a day of national thanksgiving and prayer; and I earnestly recommend that, withdrawing themselves from secular cares and labors, the people of the United States do meet together on that day in their respective places of worship, there to give thanks and praise to Almighty God for His mercies and to devoutly beseech their continuance.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 30th day of October, A. D. 1878, and of the Independence of the United States the one hundred and third.

R. B. HAYES.

By the President:

WM. M. EVARTS, *Secretary of State.*

EXECUTIVE ORDERS.

EXECUTIVE MANSION,
Washington, December 31, 1877.

JAMES H. COGGESHALL, Esq.,

*Marshal of the United States for the
District of Rhode Island, Providence, R. I.*

SIR: By virtue of the authority conferred upon me by section 5287 of the Revised Statutes of the United States, and in execution of the same, you are hereby empowered and directed to take possession of the steamer *Estelle*, now or lately lying at Bristol, in Rhode Island, and to detain the same until further orders from me concerning the same, and to employ such portion of the land and naval forces of the United States as may be necessary for that purpose.

R. B. HAYES.

EXECUTIVE MANSION,
Washington, May 27, 1878.

SIR:* I am directed by the President to say that the several Departments of the Government will be closed on Thursday, the 30th instant, in respect to the memory of those who fell in defense of the Union, and to enable the employees to participate in the commemorative ceremonies of the day.

Very respectfully, your obedient servant,

W. K. ROGERS, *Private Secretary.*

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

SECOND ANNUAL MESSAGE.

EXECUTIVE MANSION, December 2, 1878.

Fellow-Citizens of the Senate and House of Representatives:

Our heartfelt gratitude is due to the Divine Being who holds in His hands the destinies of nations for the continued bestowal during the last year of countless blessings upon our country.

We are at peace with all other nations. Our public credit has greatly improved, and is perhaps now stronger than ever before. Abundant harvests have rewarded the labors of those who till the soil, our manufacturing industries are reviving, and it is believed that general prosperity, which has been so long anxiously looked for, is at last within our reach.

The enjoyment of health by our people generally has, however, been interrupted during the past season by the prevalence of a fatal pestilence (the yellow fever) in some portions of the Southern States, creating an emergency which called for prompt and extraordinary measures of relief. The disease appeared as an epidemic at New Orleans and at other places on the Lower Mississippi soon after midsummer. It was rapidly spread by fugitives from the infected cities and towns, and did not disappear until early in November. The States of Louisiana, Mississippi, and Tennessee have suffered severely. About 100,000 cases are believed to have occurred, of which about 20,000, according to intelligent estimates, proved fatal. It is impossible to estimate with any approach to accuracy the loss to the country occasioned by this epidemic. It is to be reckoned by the hundred millions of dollars. The suffering and destitution that resulted excited the deepest sympathy in all parts of the Union. Physicians and nurses hastened from every quarter to the assistance of the afflicted communities. Voluntary contributions of money and supplies, in every needed form, were speedily and generously furnished. The Government was able to respond in some measure to the call for help, by providing tents, medicines, and food for the sick and destitute, the requisite directions for the purpose being given in the confident expectation that this action of the Executive would receive the sanction of Congress. About 1,800 tents, and rations of the value of about \$25,000, were sent to cities and towns which applied for them, full details of which will be furnished to Congress by the proper Department.

The fearful spread of this pestilence has awakened a very general public sentiment in favor of national sanitary administration, which shall not only control quarantine, but have the sanitary supervision of internal commerce in times of epidemics, and hold an advisory relation to the State and municipal health authorities, with power to deal with whatever endangers the public health, and which the municipal and

State authorities are unable to regulate. The national quarantine act approved April 29, 1878, which was passed too late in the last session of Congress to provide the means for carrying it into practical operation during the past season, is a step in the direction here indicated. In view of the necessity for the most effective measures, by quarantine and otherwise, for the protection of our seaports and the country generally from this and other epidemics, it is recommended that Congress give to the whole subject early and careful consideration.

The permanent pacification of the country by the complete protection of all citizens in every civil and political right continues to be of paramount interest with the great body of our people. Every step in this direction is welcomed with public approval, and every interruption of steady and uniform progress to the desired consummation awakens general uneasiness and widespread condemnation. The recent Congressional elections have furnished a direct and trustworthy test of the advance thus far made in the practical establishment of the right of suffrage secured by the Constitution to the liberated race in the Southern States. All disturbing influences, real or imaginary, had been removed from all of these States.

The three constitutional amendments which conferred freedom and equality of civil and political rights upon the colored people of the South were adopted by the concurrent action of the great body of good citizens who maintained the authority of the National Government and the integrity and perpetuity of the Union at such a cost of treasure and life, as a wise and necessary embodiment in the organic law of the just results of the war. The people of the former slaveholding States accepted these results, and gave in every practicable form assurances that the thirteenth, fourteenth, and fifteenth amendments, and laws passed in pursuance thereof, should in good faith be enforced, rigidly and impartially, in letter and spirit, to the end that the humblest citizen, without distinction of race or color, should under them receive full and equal protection in person and property and in political rights and privileges. By these constitutional amendments the southern section of the Union obtained a large increase of political power in Congress and in the electoral college, and the country justly expected that elections would proceed, as to the enfranchised race, upon the same circumstances of legal and constitutional freedom and protection which obtained in all the other States of the Union. The friends of law and order looked forward to the conduct of these elections as offering to the general judgment of the country an important opportunity to measure the degree in which the right of suffrage could be exercised by the colored people and would be respected by their fellow-citizens; but a more general enjoyment of freedom of suffrage by the colored people and a more just and generous protection of that freedom by the communities of which they form a part were generally anticipated than the record of the elections discloses. In some of