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Grover Cleveland

March 4, 1885, to March 4, 1889



BRIDGE OF THE NEW JERSEY OF
ROY H. CLEVELAND

A BRIDGE OF PORTLAND CEMENT FROM COPY OF ORIGINAL IN STEEL



GROVER CLEVELAND

Grover Cleveland

GROVER CLEVELAND was born in Caldwell, Essex County, N. J., March 18, 1837. On the paternal side he is of English origin. Moses Cleveland emigrated from Ipswich, County of Suffolk, England, in 1635, and settled at Woburn, Mass., where he died in 1701. His descendant William Cleveland was a silversmith and watchmaker at Norwich, Conn. Richard Falley Cleveland, son of the latter named, was graduated at Yale in 1824, was ordained to the Presbyterian ministry in 1829, and in the same year married Ann Neal, daughter of a Baltimore merchant of Irish birth. These two were the parents of Grover Cleveland. The Presbyterian parsonage at Caldwell, where he was born, was first occupied by the Rev. Stephen Grover, in whose honor he was named; but the first name was early dropped, and he has been since known as Grover Cleveland. When he was 4 years old his father accepted a call to Fayetteville, near Syracuse, N. Y., where the son had common and academic schooling, and afterwards was a clerk in a country store. The removal of the family to Clinton, Oneida County, gave him additional educational advantages in the academy there. In his seventeenth year he became a clerk and an assistant teacher in the New York Institution for the Blind, in New York City, in which his elder brother, William, a Presbyterian clergyman, was then a teacher. In 1855 he left Holland Patent, in Oneida County, where his mother at that time resided, to go to the West in search of employment. On his way he stopped at Black Rock, now a part of Buffalo, and called on his uncle, Lewis F. Allen, who induced him to remain and aid him in the compilation of a volume of the American Herd Book, receiving for six weeks' service \$60. He afterwards, and while studying law, assisted in the preparation of several other volumes of this work, and the preface to the fifth volume (1861) acknowledges his services. In August, 1855, he secured a place as clerk and copyist for the law firm of Rogers, Bowen & Rogers, in Buffalo, began to read Blackstone, and in the autumn of that year was receiving \$4 per week for his work. He was admitted to the bar in 1859, but for three years longer remained with the firm that first employed him, acting as managing clerk at a salary of \$600, a part of which he devoted to the

support of his widowed mother, who died in 1882. Was appointed assistant district attorney of Erie County January 1, 1863, and held the office for three years. At this time the Civil War was raging. Two of his brothers were in the Army, and his mother and sisters were largely dependent upon him for support. Unable himself to enlist, he borrowed money and sent a substitute to the war, and it was not till long after the war that he was able to repay the loan. In 1865, at the age of 28, he was the Democratic candidate for district attorney, but was defeated by the Republican candidate, his intimate friend, Lyman K. Bass. He then became the law partner of Isaac V. Vanderpool, and in 1869 became a member of the firm of Lanning, Cleveland & Folsom. He continued a successful practice till 1870, when he was elected sheriff of Erie County. At the expiration of his three years' term he formed a law partnership with his personal friend and political antagonist, Lyman K. Bass, the firm being Bass, Cleveland & Bissell, and, after the forced retirement, from failing health, of Mr. Bass, Cleveland & Bissell. In 1881 he was nominated the Democratic candidate for mayor of Buffalo, and was elected by a majority of 3,530, the largest ever given to a candidate in that city. In the same election the Republican State ticket was carried in Buffalo by an average majority of over 1,600. He entered upon the office January 1, 1882, and soon became known as the "Veto Mayor," using that prerogative fearlessly in checking unwise, illegal, and extravagant expenditures. By his vetoes he saved the city nearly \$1,000,000 in the first half year of his administration. He opposed giving \$500 of the taxpayers' money to the Firemen's Benevolent Society on the ground that such appropriation was not permissible under the terms of the State constitution and the charter of the city. He vetoed a resolution diverting \$500 from the Fourth of July appropriations to the observance of Decoration Day for the same reason, and immediately subscribed one-tenth of the sum wanted for the purpose. His administration of the office won tributes to his integrity and ability from the press and the people irrespective of party. On the second day of the Democratic State convention at Syracuse, September 22, 1882, on the third ballot, was nominated for governor in opposition to the Republican candidate, Charles J. Folger, then Secretary of the United States Treasury. He had the united support of his own party, while the Republicans were not united on his opponent, and at the election in November he received a plurality over Mr. Folger of 192,854. His State administration was only an expansion of the fundamental principles that controlled his official action while mayor of Buffalo. In a letter written to his brother on the day of his election he announced a policy he intended to adopt, and afterwards carried out, "that is, to make the matter a business engagement between the people of the State and myself, in which the obligation on my side is to perform the duties assigned me with an eye single to the interest of my employers." The

Democratic national convention met at Chicago July 8, 1884. On July 11 he was nominated as their candidate for President. The Republicans made James G. Blaine their candidate, while Benjamin F. Butler, of Massachusetts, was the Labor and Greenback candidate, and John P. St. John, of Kansas, was the Prohibition candidate. At the election, November 4, Mr. Cleveland received 219 and Mr. Blaine 182 electoral votes. He was unanimously renominated for the Presidency by the national Democratic convention in St. Louis on June 6, 1888. At the election in November he received 168 electoral votes, while 233 were cast for Benjamin Harrison, the Republican candidate. Of the popular vote, however, he received 5,540,329, and Mr. Harrison received 5,439,853. At the close of his Administration, March 4, 1889, he retired to New York City, where he reentered upon the practice of his profession. It soon became evident, however, that he would be prominently urged as a candidate for renomination in 1892. At the national Democratic convention which met in Chicago June 21, 1892, he received more than two-thirds of the votes on the first ballot. At the election in November he received 277 of the electoral votes, while Mr. Harrison received 145 and Mr. James B. Weaver, the candidate of the People's Party, 22. Of the popular vote Mr. Cleveland received 5,553,142, Mr. Harrison 5,186,931, and Mr. Weaver 1,030,128. He retired from office March 4, 1897, and removed to Princeton, N. J., where he has since resided. He is the first of our Presidents who served a second term without being elected as his own successor. President Cleveland was married in the White House on June 2, 1886, to Miss Frances Folsom, daughter of his deceased friend and partner, Oscar Folsom, of the Buffalo bar. Mrs. Cleveland was the youngest (except the wife of Mr. Madison) of the many mistresses of the White House, having been born in Buffalo, N. Y., in 1864. She is the first wife of a President married in the White House, and the first to give birth to a child there, their second daughter (Esther) having been born in the Executive Mansion in 1893.

INAUGURAL ADDRESS.

FELLOW-CITIZENS: In the presence of this vast assemblage of my countrymen I am about to supplement and seal by the oath which I shall take the manifestation of the will of a great and free people. In the exercise of their power and right of self-government they have committed to one of their fellow-citizens a supreme and sacred trust, and he here consecrates himself to their service.

This impressive ceremony adds little to the solemn sense of responsibility with which I contemplate the duty I owe to all the people of the land. Nothing can relieve me from anxiety lest by any act of mine

their interests may suffer, and nothing is needed to strengthen my resolution to engage every faculty and effort in the promotion of their welfare.

Amid the din of party strife the people's choice was made, but its attendant circumstances have demonstrated anew the strength and safety of a government by the people. In each succeeding year it more clearly appears that our democratic principle needs no apology, and that in its fearless and faithful application is to be found the surest guaranty of good government.

But the best results in the operation of a government wherein every citizen has a share largely depend upon a proper limitation of purely partisan zeal and effort and a correct appreciation of the time when the heat of the partisan should be merged in the patriotism of the citizen.

To-day the executive branch of the Government is transferred to new keeping. But this is still the Government of all the people, and it should be none the less an object of their affectionate solicitude. At this hour the animosities of political strife, the bitterness of partisan defeat, and the exultation of partisan triumph should be supplanted by an ungrudging acquiescence in the popular will and a sober, conscientious concern for the general weal. Moreover, if from this hour we cheerfully and honestly abandon all sectional prejudice and distrust, and determine, with manly confidence in one another, to work out harmoniously the achievements of our national destiny, we shall deserve to realize all the benefits which our happy form of government can bestow.

On this auspicious occasion we may well renew the pledge of our devotion to the Constitution, which, launched by the founders of the Republic and consecrated by their prayers and patriotic devotion, has for almost a century borne the hopes and the aspirations of a great people through prosperity and peace and through the shock of foreign conflicts and the perils of domestic strife and vicissitudes.

By the Father of his Country our Constitution was commended for adoption as "the result of a spirit of amity and mutual concession." In that same spirit it should be administered, in order to promote the lasting welfare of the country and to secure the full measure of its priceless benefits to us and to those who will succeed to the blessings of our national life. The large variety of diverse and competing interests subject to Federal control, persistently seeking the recognition of their claims, need give us no fear that "the greatest good to the greatest number" will fail to be accomplished if in the halls of national legislation that spirit of amity and mutual concession shall prevail in which the Constitution had its birth. If this involves the surrender or postponement of private interests and the abandonment of local advantages, compensation will be found in the assurance that the common interest is subserved and the general welfare advanced.

In the discharge of my official duty I shall endeavor to be guided by a just and unstrained construction of the Constitution, a careful observance

of the distinction between the powers granted to the Federal Government and those reserved to the States or to the people, and by a cautious appreciation of those functions which by the Constitution and laws have been especially assigned to the executive branch of the Government.

But he who takes the oath to-day to preserve, protect, and defend the Constitution of the United States only assumes the solemn obligation which every patriotic citizen—on the farm, in the workshop, in the busy marts of trade, and everywhere—should share with him. The Constitution which prescribes his oath, my countrymen, is yours; the Government you have chosen him to administer for a time is yours; the suffrage which executes the will of freemen is yours; the laws and the entire scheme of our civil rule, from the town meeting to the State capitals and the national capital, is yours. Your every voter, as surely as your Chief Magistrate, under the same high sanction, though in a different sphere, exercises a public trust. Nor is this all. Every citizen owes to the country a vigilant watch and close scrutiny of its public servants and a fair and reasonable estimate of their fidelity and usefulness. Thus is the people's will impressed upon the whole framework of our civil polity—municipal, State, and Federal; and this is the price of our liberty and the inspiration of our faith in the Republic.

It is the duty of those serving the people in public place to closely limit public expenditures to the actual needs of the Government economically administered, because this bounds the right of the Government to exact tribute from the earnings of labor or the property of the citizen, and because public extravagance begets extravagance among the people. We should never be ashamed of the simplicity and prudential economies which are best suited to the operation of a republican form of government and most compatible with the mission of the American people. Those who are selected for a limited time to manage public affairs are still of the people, and may do much by their example to encourage, consistently with the dignity of their official functions, that plain way of life which among their fellow-citizens aids integrity and promotes thrift and prosperity.

The genius of our institutions, the needs of our people in their home life, and the attention which is demanded for the settlement and development of the resources of our vast territory dictate the scrupulous avoidance of any departure from that foreign policy commended by the history, the traditions, and the prosperity of our Republic. It is the policy of independence, favored by our position and defended by our known love of justice and by our power. It is the policy of peace suitable to our interests. It is the policy of neutrality, rejecting any share in foreign broils and ambitions upon other continents and repelling their intrusion here. It is the policy of Monroe and of Washington and Jefferson—“Peace, commerce, and honest friendship with all nations; entangling alliance with none.”

A due regard for the interests and prosperity of all the people demands

that our finances shall be established upon such a sound and sensible basis as shall secure the safety and confidence of business interests and make the wage of labor sure and steady, and that our system of revenue shall be so adjusted as to relieve the people of unnecessary taxation, having a due regard to the interests of capital invested and workingmen employed in American industries, and preventing the accumulation of a surplus in the Treasury to tempt extravagance and waste.

Care for the property of the nation and for the needs of future settlers requires that the public domain should be protected from purloining schemes and unlawful occupation.

The conscience of the people demands that the Indians within our boundaries shall be fairly and honestly treated as wards of the Government and their education and civilization promoted with a view to their ultimate citizenship, and that polygamy in the Territories, destructive of the family relation and offensive to the moral sense of the civilized world, shall be repressed.

The laws should be rigidly enforced which prohibit the immigration of a servile class to compete with American labor, with no intention of acquiring citizenship, and bringing with them and retaining habits and customs repugnant to our civilization.

The people demand reform in the administration of the Government and the application of business principles to public affairs. As a means to this end, civil-service reform should be in good faith enforced. Our citizens have the right to protection from the incompetency of public employees who hold their places solely as the reward of partisan service, and from the corrupting influence of those who promise and the vicious methods of those who expect such rewards; and those who worthily seek public employment have the right to insist that merit and competency shall be recognized instead of party subserviency or the surrender of honest political belief.

In the administration of a government pledged to do equal and exact justice to all men there should be no pretext for anxiety touching the protection of the freedmen in their rights or their security in the enjoyment of their privileges under the Constitution and its amendments. All discussion as to their fitness for the place accorded to them as American citizens is idle and unprofitable except as it suggests the necessity for their improvement. The fact that they are citizens entitles them to all the rights due to that relation and charges them with all its duties, obligations, and responsibilities.

These topics and the constant and ever-varying wants of an active and enterprising population may well receive the attention and the patriotic endeavor of all who make and execute the Federal law. Our duties are practical and call for industrious application, an intelligent perception of the claims of public office, and, above all, a firm determination, by united action, to secure to all the people of the land the full benefits of the best

form of government ever vouchsafed to man. And let us not trust to human effort alone, but humbly acknowledging the power and goodness of Almighty God, who presides over the destiny of nations, and who has at all times been revealed in our country's history, let us invoke His aid and His blessing upon our labors.

MARCH 4, 1885.

SPECIAL MESSAGES.

EXECUTIVE MANSION, *March 13, 1885.*

To the Senate of the United States:

For the purpose of their reexamination I withdraw certain treaties and conventions now pending in the Senate which were communicated to that body by my predecessor in office, and I therefore request the return to me of the commercial convention between the United States and the Dominican Republic which was transmitted to the Senate December 9, 1884; of the commercial treaty between the United States and Spain which was transmitted to the Senate December 10, 1884, together with the supplementary articles thereto of March 2, 1885; and of the treaty between the United States and Nicaragua for the construction of an interoceanic canal which was transmitted to the Senate December 10, 1884.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, April 2, 1885.

To the Senate of the United States:

For the purpose of its reconsideration I withdraw the additional article, now pending in the Senate, signed on the 23d of June last, to the treaty of friendship, commerce, and navigation which was concluded between the United States and the Argentine Confederation July 27, 1853, and communicated to the Senate by my predecessor in office 27th of January, 1885.

GROVER CLEVELAND.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is alleged that certain individuals, associations of persons, and corporations are in the unauthorized possession of portions of the territory known as the Oklahoma lands, within the Indian Territory, which are designated, described, and recognized by the treaties and laws

of the United States and by the executive authority thereof as Indian lands; and

Whereas it is further alleged that certain other persons or associations within the territory and jurisdiction of the United States have begun and set on foot preparations for an organized and forcible entry and settlement upon the aforesaid lands and are now threatening such entry and occupation; and

Whereas the laws of the United States provide for the removal of all persons residing or being found upon such Indian lands and territory without permission expressly and legally obtained of the Interior Department:

Now, therefore, for the purpose of protecting the public interests, as well as the interests of the Indian nations and tribes, and to the end that no person or persons may be induced to enter upon said territory, where they will not be allowed to remain without the permission of the authority aforesaid, I, Grover Cleveland, President of the United States, do hereby warn and admonish all and every person or persons now in the occupation of such lands, and all such person or persons as are intending, preparing, or threatening to enter and settle upon the same, that they will neither be permitted to enter upon said territory nor, if already there, to remain thereon, and that in case a due regard for and voluntary obedience to the laws and treaties of the United States and if this admonition and warning be not sufficient to effect the purposes and intentions of the Government as herein declared, the military power of the United States will be invoked to abate all such unauthorized possession, to prevent such threatened entry and occupation, and to remove all such intruders from the said Indian lands.

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

[SEAL.] Done at the city of Washington, this 13th day of March, 1885, and of the Independence of the United States of America the one hundred and ninth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory evidence has been received by me that upon vessels of the United States arriving at the island of Trinidad, British West Indies, no duty is imposed by the ton as tonnage tax or as light money, and that no other equivalent tax on vessels of the United States is imposed at said island by the British Government; and

Whereas by the provisions of section 14 of an act approved June 26,

1884, "to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," the President of the United States is authorized to suspend the collection in ports of the United States from vessels arriving from any port in the island of Trinidad of so much of the duty at the rate of 3 cents per ton as may be in excess of the tonnage and light-house dues, or other equivalent of tax or taxes, imposed on American vessels by the government of the foreign country in which such port is situated:

Now, therefore, I, Grover Cleveland, President of the United States of America, by virtue of the authority vested in me by the act and section hereinbefore mentioned, do hereby declare and proclaim that on and after this 7th day of April, 1885, the collection of said tonnage duty of 3 cents per ton shall be suspended as regards all vessels arriving in any port of the United States from a port in the island of Trinidad, British West Indies.

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

[SEAL.] Done at the city of Washington, this 7th day of April, 1885, and of the Independence of the United States of America the one hundred and ninth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, by an Executive order bearing date the 27th day of February, 1885, it was ordered that "all that tract of country in the Territory of Dakota known as the Old Winnebago Reservation and the Sioux or Crow Creek Reservation, and lying on the east bank of the Missouri River, set apart and reserved by Executive order dated January 11, 1875, and which is not covered by the Executive order dated August 9, 1879, restoring certain of the lands reserved by the order of January 11, 1875, except the following-described tracts: Townships No. 108 north, range 71 west; 108 north, range 72 west; fractional township 108 north, range 73 west; the west half of section 4, sections 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33 of township 107 north, range 70 west; fractional townships 107 north, range 71 west; 107 north, range 72 west; 107 north, range 73 west; the west half of township 106 north, range 70 west; and fractional township 106 north, range 71 west; and except also all tracts within the limits of the aforesaid Old Winnebago Reservation and the Sioux or Crow Creek Reservation which are outside of the limits of the above-described tracts, and which may have heretofore been allotted to the Indians residing upon said reservation, or which may have heretofore

been selected or occupied by the said Indians under and in accordance with the provisions of article 6 of the treaty with the Sioux Indians of April 29, 1868, be, and the same is hereby, restored to the public domain;" and

Whereas upon the claim being made that said order is illegal and in violation of the plighted faith and obligations of the United States contained in sundry treaties heretofore entered into with the Indian tribes or bands occupants of said reservation, and that the further execution of said order will not only occasion much distress and suffering to peaceable Indians, but retard the work of their civilization and engender amongst them a distrust of the National Government, I have determined, after a careful examination of the several treaties, acts of Congress, and other official data bearing on the subject, aided and assisted therein by the advice and opinion of the Attorney-General of the United States duly rendered in that behalf, that the lands so proposed to be restored to the public domain by said Executive order of February 27, 1885, are included as existing Indian reservations on the east bank of the Missouri River by the terms of the second article of the treaty with the Sioux Indians concluded April 29, 1868, and that consequently, being treaty reservations, the Executive was without lawful power to restore them to the public domain by said Executive order, which is therefore deemed and considered to be wholly inoperative and void; and

Whereas the laws of the United States provide for the removal of all persons residing or being found upon Indian lands and territory without permission expressly and legally obtained of the Interior Department:

Now, therefore, in order to maintain inviolate the solemn pledges and plighted faith of the Government as given in the treaties in question, and for the purpose of properly protecting the interests of the Indian tribes as well as of the United States in the premises, and to the end that no person or persons may be induced to enter upon said lands, where they will not be allowed to remain without the permission of the authority aforesaid, I, Grover Cleveland, President of the United States, do hereby declare and proclaim the said Executive order of February 27, 1885, to be in contravention of the treaty obligations of the United States with the Sioux tribe of Indians, and therefore to be inoperative and of no effect; and I further declare that the lands intended to be embraced therein are existing Indian reservations, and as such available for Indian purposes alone and subject to the Indian-intercourse acts of the United States. I do further warn and admonish all and every person or persons now in the occupation of said lands under color of said Executive order, and all such person or persons as are intending or preparing to enter and settle upon the same thereunder, that they will neither be permitted to remain or enter upon said lands, and such persons as are already there are hereby required to vacate and remove therefrom with their effects within sixty days from the date hereof; and in case a due regard for and

voluntary obedience to the laws and treaties of the United States and this admonition and warning be not sufficient to effect the purpose and intentions as herein declared, all the power of the Government will be employed to carry into proper execution the treaties and laws of the United States herein referred to.

In testimony thereof I hereunto set my hand and cause the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 17th day of April, 1885, and of the Independence of the United States of America the one hundred and ninth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas certain portions of the Cheyenne and Arapahoe Indian Reservation, in the Indian Territory, are occupied by persons other than Indians, who claim the right to keep and graze cattle thereon by agreement made with the Indians for whose special possession and occupancy the said lands have been reserved by the Government of the United States, or under other pretexts and licenses; and

Whereas all such agreements and licenses are deemed void and of no effect, and the persons so occupying said lands with cattle are considered unlawfully upon the domain of the United States so reserved as aforesaid; and

Whereas the claims of such persons under said leases and licenses and their unauthorized presence upon such reservation have caused complaint and discontent on the part of the Indians located thereon, and are likely to cause serious outbreaks and disturbances:

Now, therefore, I, Grover Cleveland, President of the United States, do hereby order and direct that all persons other than Indians who are now upon any part of said reservation for the purpose of grazing cattle thereon, and their servants and agents, and all other unauthorized persons now upon said reservation, do, within forty days from the date of this proclamation, depart and entirely remove therefrom with their cattle, horses, and other property.

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 on this 23d day of July, 1885, and the year of the Independence of the United States the one hundred and tenth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The President of the United States has just received the sad tidings of the death of that illustrious citizen and ex-President of the United States, General Ulysses S. Grant, at Mount McGregor, in the State of New York, to which place he had lately been removed in the endeavor to prolong his life.

In making this announcement to the people of the United States the President is impressed with the magnitude of the public loss of a great military leader, who was in the hour of victory magnanimous, amid disaster serene and self-sustained; who in every station, whether as a soldier or as a Chief Magistrate, twice called to power by his fellow-countrymen, trod unswervingly the pathway of duty, undeterred by doubts, single-minded and straightforward.

The entire country has witnessed with deep emotion his prolonged and patient struggle with painful disease, and has watched by his couch of suffering with tearful sympathy.

The destined end has come at last, and his spirit has returned to the Creator who sent it forth.

The great heart of the nation that followed him when living with love and pride bows now in sorrow above him dead, tenderly mindful of his virtues, his great patriotic services, and of the loss occasioned by his death.

In testimony of respect to the memory of General Grant, it is ordered that the Executive Mansion and the several Departments at Washington be draped in mourning for a period of thirty days and that all public business shall on the day of the funeral be suspended; and the Secretaries of War and of the Navy will cause orders to be issued for appropriate military and naval honors to be rendered on that day.

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 23d day of July, 1885, and of the Independence of the United States the one hundred and tenth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas public policy demands that the public domain shall be reserved for the occupancy of actual settlers in good faith, and that our people who seek homes upon such domain shall in no wise be prevented by any wrongful interference from the safe and free entry thereon to which they may be entitled; and

Whereas, to secure and maintain this beneficent policy, a statute was

passed by the Congress of the United States on the 25th day of February, in the year 1885, which declared to be unlawful all inclosures of any public lands in any State or Territory to any of which land included within said inclosure the person, party, association, or corporation making or controlling such inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim made in good faith with a view to entry thereof at the proper land office; and which statute also prohibited any person, by force, threats, intimidation, or by any fencing or inclosure or other unlawful means, from preventing or obstructing any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public-land laws of the United States, and from preventing or obstructing free passage and transit over or through the public lands; and

Whereas it is by the fifth section of said act provided as follows:

That the President is hereby authorized to take such means as shall be necessary to remove and destroy any unlawful inclosure of any of said lands, and to employ civil or military force as may be necessary for that purpose.

And whereas it has been brought to my knowledge that unlawful inclosures, and such as are prohibited by the terms of the aforesaid statute, exist upon the public domain, and that actual legal settlement thereon is prevented and obstructed by such inclosures and by force, threats, and intimidation:

Now, therefore, I, Grover Cleveland, President of the United States, do hereby order and direct that any and every unlawful inclosure of the public lands maintained by any person, association, or corporation be immediately removed; and I do hereby forbid any person, association, or corporation from preventing or obstructing by means of such inclosures, or by force, threats, or intimidation, any person entitled thereto from peaceably entering upon and establishing a settlement or residence on any part of such public land which is subject to entry and settlement under the laws of the United States.

And I command and require each and every officer of the United States upon whom the duty is legally devolved to cause this order to be obeyed and all the provisions of the act of Congress herein mentioned to be faithfully enforced.

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

[SEAL.] Done at the city of Washington, this 7th day of August, 1885, and of the Independence of the United States of America the one hundred and tenth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD,
—Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory evidence has been received by me that upon vessels of the United States arriving at the port of Boca del Toro, United States of Colombia, no duty is imposed by the ton as tonnage tax or as light money, and that no other equivalent tax on vessels of the United States is imposed at said port by the Colombian Government; and

Whereas by the provisions of section 14 of an act approved June 26, 1884, "to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," the President of the United States is authorized to suspend the collection in ports of the United States from vessels arriving from any port in "Central America down to and including Aspinwall and Panama" of so much of the duty at the rate of 3 cents per ton as may be in excess of the tonnage and light-house dues, or other equivalent tax or taxes, imposed on American vessels by the government of the foreign country in which such port is situated:

Now, therefore, I, Grover Cleveland, President of the United States of America, by virtue of the authority vested in me by the act and section hereinbefore mentioned, do hereby declare and proclaim that on and after this 9th day of September, 1885, the collection of said tonnage duty of 3 cents per ton shall be suspended as regards all vessels arriving in any port of the United States from the port of Boca del Toro, United States of Colombia.

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

[SEAL.] Done at the city of Washington, this 9th day of September, 1885, and of the Independence of the United States of America the one hundred and tenth.

By the President:

GROVER CLEVELAND.

T. F. BAYARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The American people have always abundant cause to be thankful to Almighty God, whose watchful care and guiding hand have been manifested in every stage of their national life, guarding and protecting them in time of peril and safely leading them in the hour of darkness and of danger.

It is fitting and proper that a nation thus favored should on one day in every year, for that purpose especially appointed, publicly acknowledge the goodness of God and return thanks to Him for all His gracious gifts.

Therefore, I, Grover Cleveland, President of the United States of America, do hereby designate and set apart Thursday, the 26th day of November instant, as a day of public thanksgiving and prayer, and do invoke the observance of the same by all the people of the land.

On that day let all secular business be suspended, and let the people assemble in their usual places of worship and with prayer and songs of praise devoutly testify their gratitude to the Giver of Every Good and Perfect Gift for all that He has done for us in the year that has passed; for our preservation as a united nation and for our deliverance from the shock and danger of political convulsion; for the blessings of peace and for our safety and quiet while wars and rumors of wars have agitated and afflicted other nations of the earth; for our security against the scourge of pestilence, which in other lands has claimed its dead by thousands and filled the streets with mourners; for plenteous crops which reward the labor of the husbandman and increase our nation's wealth, and for the contentment throughout our borders which follows in the train of prosperity and abundance.

And let there also be on the day thus set apart a reunion of families, sanctified and chastened by tender memories and associations; and let the social intercourse of friends, with pleasant reminiscence, renew the ties of affection and strengthen the bonds of kindly feeling.

And let us by no means forget while we give thanks and enjoy the comforts which have crowned our lives that truly grateful hearts are inclined to deeds of charity, and that a kind and thoughtful remembrance of the poor will double the pleasures of our condition and render our praise and thanksgiving more acceptable in the sight of the Lord.

Done at the city of Washington, this 2d day of November, 1885, and
[SEAL.] of the Independence of the United States the one hundred
and tenth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is represented to me by the governor of the Territory of Washington that domestic violence exists within the said Territory, and that by reason of unlawful obstructions and combinations and the assemblage of evil-disposed persons it has become impracticable to enforce by the ordinary course of judicial proceedings the laws of the United States at Seattle and at other points and places within said Territory, whereby life and property are there threatened and endangered; and

Whereas the legislature of said Territory can not be convened, and in

the judgment of the President an emergency has arisen and a case is now presented which justifies and requires, under the Constitution and laws of the United States, the employment of military force to suppress domestic violence and enforce the faithful execution of the laws of the United States if the command and warning of this proclamation be disobeyed or disregarded:

Now, therefore, I, Grover Cleveland, President of the United States of America, do hereby command and warn all insurgents and all persons who have assembled at any point within the said Territory of Washington for the unlawful purposes aforesaid to desist therefrom and to disperse and retire peaceably to their respective abodes on or before 12 o'clock meridian on the 8th day of November instant.

And I do admonish all good citizens of the United States and all persons within the limits and jurisdiction thereof against aiding, abetting, countenancing, or taking any part in such unlawful acts or assemblages.

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

[SEAL.] Done at the city of Washington, this 7th day of November, A. D. 1885, and of the Independence of the United States the one hundred and tenth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD,

Secretary of State.

EXECUTIVE ORDERS.

In the exercise of the power vested in the President by the Constitution, and by virtue of the seventeen hundred and fifty-third section of the Revised Statutes and of the civil-service act approved January 16, 1883, the following rule for the regulation and improvement of the executive civil service is hereby amended and promulgated, as follows:

RULE XXII.

Any person who has been in the classified departmental service for one year or more immediately previous may, when the needs of the service require it, be transferred or appointed to any other place therein upon producing a certificate from the Civil Service Commission that such person has passed at the required grade one or more examinations which are together equal to that necessary for original entrance to the place which would be secured by the transfer or appointment; and any person who has for three years last preceding served as a clerk in the office of the President of the United States may be transferred or appointed to any place in the classified service without examination.

Approved, March 18, 1885.

GROVER CLEVELAND.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

Whereas the Government of His Majesty the King of Italy has extended to the Government of the United States an invitation to participate in a sanitary conference to be held at Rome on the 15th day of May, 1885, for the purpose of devising efficient measures to prevent the invasion of cholera and to mitigate its disastrous consequences; and

Whereas, by a provision of the act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes," approved March 3, 1885, for the suppression of epidemic diseases, the President of the United States is authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use certain appropriated sums, made immediately available, "in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same and for maintaining quarantine and maritime inspections at points of danger;" and

Whereas there is imminent danger of a recurrence of a cholera epidemic in Europe, which may be brought to our shores unless adequate measures of international or local quarantine and maritime inspection are taken in season, which measures of preventive inspection are proper to be considered by the aforesaid conference, to the end that their efficiency in divers countries may be secured:

Now, therefore, in virtue of the discretionary authority conferred upon me by the aforesaid act of Congress, I hereby designate and appoint Major George M. Sternberg, surgeon in the United States Army, to attend said conference at Rome as the delegate thereto on the part of the Government of the United States, under the directions and instructions of the Secretary of State; and I hereby direct the Secretary of War to detail the said George M. Sternberg to perform the special service to which he is thus assigned, with full pay and allowances as on active service; and I further direct that the reasonable and necessary expenses of travel and sojourn of the said George M. Sternberg in proceeding from Washington to Rome, and during his attendance there upon the sessions of the said conference, and in returning, upon the conclusion thereof, from Rome to Washington, be adjusted and paid from the appropriation available under the aforesaid act of March 3, 1885, upon his statement of account approved by the Secretary of State.

Done at the city of Washington, this 25th day of April, A. D. 1885, and of the Independence of the United States the one hundred and ninth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD, *Secretary of State.*

EXECUTIVE MANSION,
Washington, May 12, 1885.

Under a provision of an act of Congress entitled "An act making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes," approved March 3, 1885, a board, to consist of the officers and civilians hereinafter named, is appointed to "examine and report at what ports fortifications or other defenses are most urgently required, the character and kind of defenses best adapted for each, with reference to armament," and "the utilization of torpedoes, mines, or other defensive appliances:" Hon. William C. Endicott, Secretary of War, president of the board; Brigadier-General Stephen V. Benét, Chief of Ordnance; Brigadier-General John Newton, Chief of Engineers; Lieutenant-Colonel Henry L. Abbot, Corps of Engineers; Captain Charles S. Smith, Ordnance Department; Commander W. T. Sampson, United States Navy; Commander Caspar F. Goodrich, United States Navy; Mr. Joseph Morgan, jr., of Pennsylvania; Mr. Erastus Corning, of New York.

GROVER CLEVELAND.

EXECUTIVE MANSION, May 26, 1885.

Under the provisions of section 4 of the act approved March 3, 1883, it is hereby ordered that the several Executive Departments, the Department of Agriculture, and the Government Printing Office be closed on Saturday, the 30th instant, to enable the employees to participate in the decoration of the graves of the soldiers who fell during the rebellion.

GROVER CLEVELAND.

In the exercise of the power vested in the President by the Constitution, and by virtue of the seventeen hundred and fifty-third section of the Revised Statutes and of the civil-service act approved January 16, 1883, the following rule for the regulation and improvement of the executive civil service is hereby amended and promulgated, as follows:

RULE XI.

I. Every application, in order to entitle the applicant to appear for examination or to be examined, must state under oath the facts on the following subjects: (1) Full name, residence, and post-office address; (2) citizenship; (3) age; (4) place of birth; (5) health and physical capacity for the public service; (6) right of preference by reason of military or naval service; (7) previous employment in the public service; (8) business or employment and residence for the previous five years; (9) education. Such other information shall be furnished as the Commission may reasonably require touching the applicant's fitness for the public service. The applicant must also state the number of members of his family in the public service and where employed, and must also assert that he is not disqualified under section 8 of the civil-service act, which is as follows:

"That no person habitually using intoxicating beverages to excess shall be appointed to or retained in any office, appointment, or employment to which the provisions of this act are applicable."

of Canada, where Chinese immigration is now regulated by laws more exclusive than

No person dismissed from the public service for misconduct and no person who has not been absolutely appointed or employed after probation shall be admitted to examination within two years thereafter.

2. No person under enlistment in the Army or Navy of the United States shall be examined under these rules, except for some place in the Department under which he is enlisted requiring special qualifications, and with the consent in writing of the head of such Department.

3. The Commission may by regulations, subject to change at any time by the President, declare the kind and measure of ill health, physical incapacity, misrepresentation, and bad faith which may properly exclude any person from the right of examination, grading, or certification under these rules. It may also provide for medical certificates of physical capacity in the proper cases, and for the appropriate certification of persons so defective in sight, speech, hearing, or otherwise as to be apparently disqualified for some of the duties of the part of the service which they seek to enter.

Approved, June 2, 1885.

GROVER CLEVELAND.

In the exercise of the power vested in the President by the Constitution, and by virtue of the seventeen hundred and fifty-third section of the Revised Statutes and of the civil-service act approved January 16, 1883, the eighth clause of Rule XIX for the regulation and improvement of the executive civil service is hereby amended so as to read as follows:

8. Chief clerks, deputy collectors, deputy naval officers, deputy surveyors of customs, and superintendents or chiefs of divisions or bureaus.

And the same is hereby promulgated.

Approved, June 15, 1885. _____

GROVER CLEVELAND.

In the exercise of the power vested in the President by the Constitution, and by virtue of the seventeen hundred and fifty-third section of the Revised Statutes and of the civil-service act approved January 16, 1883, the following special rule for the regulation and improvement of the executive civil service is hereby promulgated:

SPECIAL RULE NO. 4.

Appointments to the 150 places in the Pension Office provided to be filled by the act of March 3, 1885, except so far as they may be filled by promotions or transfers, must be separately apportioned by the appointing power in as near conformity to the second section of the act of January 16, 1883, as the need of filling them promptly and the residence and qualifications of the applicants will permit.

Approved, July 16, 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 23, 1885.*

Heads of all Government Departments:

ix-President Ulysses S. Grant died this morning at 8 o'clock.

In respect to his memory it is ordered that all of the offices of the Executive Departments in the city of Washington be closed to-day at 1 o'clock.

GROVER CLEVELAND.

GENERAL ORDERS, No. 81.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,*Washington, July 23, 1885.*

I. The following proclamation has been received from the President:

[For proclamation see p. 308.]

II. In compliance with the instructions of the President, on the day of the funeral, at each military post, the troops and cadets will be paraded and this order read to them, after which all labors for the day will cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards at intervals of thirty minutes between the rising and setting of the sun a single gun, and at the close of the day a national salute of thirty-eight guns.

The officers of the Army will wear crape on the left arm and on their swords, and the colors of the Battalion of Engineers, of the several regiments, and of the United States Corps of Cadets will be put in mourning for the period of six months.

The date and hour of the funeral will be communicated to department commanders by telegraph, and by them to their subordinate commanders.

By command of Lieutenant-General Sheridan:

R. C. DRUM, *Adjutant-General.*

SPECIAL ORDER.

NAVY DEPARTMENT,

Washington, July 23, 1885.

The President of the United States announces the death of ex-President Ulysses S. Grant in the following proclamation:

[For proclamation see p. 308.]

In pursuance of the President's instructions, it is hereby directed that the ensign at each naval station and of each vessel of the United States Navy in commission be hoisted at half-mast, and that a gun be fired at intervals of every half hour from sunrise to sunset at each naval station and on board of flagships and of vessels acting singly on the day of the funeral, where this order may be received in time, otherwise on the day after its receipt.

The officers of the Navy and Marine Corps will wear the usual badge of mourning attached to the sword hilt and on the left arm for a period of thirty days.

WILLIAM C. WHITNEY,

Secretary of the Navy.

In the exercise of the power vested in the President by the Constitution, and by virtue of the seventeen hundred and fifty-third section of

the Revised Statutes and of the civil-service act approved January 16, 1883, the seventh clause of Rule XIX for the regulation and improvement of the executive civil service is hereby amended so as to read as follows:

7. Persons whose employment is exclusively professional; but medical examiners are not included among such persons.

And the same is hereby promulgated.

Approved, August 5, 1885.

GROVER CLEVELAND.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

EXECUTIVE MANSION, *August 6, 1885.*

To Head of each Executive Department:

It is hereby ordered, That the several Executive Departments, the Department of Agriculture, and the Government Printing Office be closed to-morrow, Friday, August 7, at 3 o'clock p. m., to enable such employees as may desire to attend the funeral of the late ex-President, General Grant, in New York.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, September 23, 1885.

Under a provision of an act of Congress entitled "An act to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas, in connection with a similar commission to be appointed by the State of Texas," the following officers of the Army are detailed, in obedience to the provisions of said act of Congress, to act in conjunction with such persons as have been appointed by the State of Texas to ascertain and mark the point where the one hundredth meridian of longitude crosses the Red River: Major W. R. Livermore, Corps of Engineers; First Lieutenant Thomas L. Casey, jr., Corps of Engineers; First Lieutenant Lansing H. Beach, Corps of Engineers.

GROVER CLEVELAND.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

Whereas, by a provision of the act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes," approved March 3, 1885, for the suppression of epidemic diseases, the President

of the United States is authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use certain appropriated sums, made immediately available, "in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same and for maintaining quarantine and maritime inspections at points of danger;" and

Whereas there is imminent danger of a recurrence of a cholera epidemic in Europe, which may be brought to our shores unless adequate measures of international or local quarantine inspections are taken in season, which measures of preventive inspection are proper subjects to be considered, to the end that their efficiency in divers countries may be secured:

Now, therefore, in virtue of the discretionary authority conferred upon me by the aforesaid act of Congress, I hereby designate and appoint Dr. E. O. Shakespeare, M. D., of Pennsylvania, as a representative of the Government of the United States, to proceed, under the directions of the Secretary of State, to Spain and such other countries in Europe where the cholera exists, and make investigation of the causes, progress, and proper prevention and cure of the said diseases, in order that a full report may be made of them to Congress during the next ensuing session; and I direct that the reasonable and necessary expenses of travel and sojourn of the said E. O. Shakespeare in proceeding from Washington to Spain and elsewhere in Europe as he may find it absolutely necessary to go in pursuit of the desired information, and in returning to Washington at the conclusion of his labors, be adjusted and paid from the appropriation available under the aforesaid act of March 3, 1885, upon his statement of account approved by the Secretary of State.

Done at the city of Washington, this 1st day of October, 1885, and of the Independence of the United States the one hundred and tenth.

GROVER CLEVELAND.

By the President :

T. F. BAYARD, *Secretary of State.*

In the exercise of the power vested in the President by the Constitution, and by virtue of the seventeen hundred and fifty-third section of the Revised Statutes and of the civil-service act approved January 16, 1883, the following special rule for the regulation and improvement of the executive civil service is hereby made and promulgated:

SPECIAL RULE NO. 5.

Special Rule No. 2, approved July 18, 1884, is hereby revoked. All applicants on any register for the postal or customs service who on the 1st day of November next shall have been thereon one year or more shall, in conformity with Rule XVI, be no longer eligible for appointment from such register.

Approved, October 1, 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, October 24, 1885.

Under a provision of an act of Congress entitled "An act to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas, in connection with a similar commission to be appointed by the State of Texas," Major S. M. Mansfield, Corps of Engineers, is detailed, in addition to those officers named in Executive order dated September 23, 1885, in obedience to the provisions of said act of Congress, to act in conjunction with such persons as have been appointed by the State of Texas to ascertain and mark the point where the one hundredth meridian of longitude crosses the Red River.

GROVER CLEVELAND.

EXECUTIVE MANSION, October 29, 1885.*

The death of George B. McClellan, at one time the Major-General Commanding the Army of the United States, took place at an early hour this morning. As a mark of public respect to the memory of this distinguished soldier and citizen, whose military ability and civic virtues have shed luster upon the history of his country, it is ordered by the President that the national flag be displayed at half-mast upon all the buildings of the Executive Departments in the city until after his funeral shall have taken place.

DANIEL S. LAMONT,
Private Secretary.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, November 25, 1885.

I. The following proclamation [order] of the President of the United States is published for the information and guidance of all concerned:

EXECUTIVE MANSION,
Washington, November 25, 1885.

To the People of the United States:

Thomas A. Hendricks, Vice-President of the United States, died to-day at 5 o'clock p. m. at Indianapolis, and it becomes my mournful duty to announce the distressing fact to his fellow-countrymen.

In respect to the memory and the eminent and varied services of this high official and patriotic public servant, whose long career was so full of usefulness and honor to his State and to the United States, it is ordered that the national flag be displayed at half-mast upon all the public buildings of the United States; that the Executive Mansion and

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

the several Executive Departments in the city of Washington be closed on the day of the funeral and be draped in mourning for the period of thirty days; that the usual and appropriate military and naval honors be rendered, and that on all the legations and consulates of the United States in foreign countries the national flag shall be displayed at half-mast on the reception of this order, and the usual emblems of mourning be adopted for thirty days.

GROVER CLEVELAND.

By the President:

T. F. BAYARD,
Secretary of State.

II. On the day next succeeding the receipt of this order at each military post the troops will be paraded at 10 o'clock a. m. and this order read to them.

The national flag will be displayed at half-mast. At dawn of day thirteen guns will be fired. Commencing at 12 o'clock m., nineteen minute guns will be fired, and at the close of the day the national salute of thirty-eight guns.

The usual badge of mourning will be worn by officers of the Army, and the colors of the several regiments, of the United States Corps of Cadets, and of the Battalion of Engineers will be put in mourning for the period of thirty days.

By order of the Secretary of War:

R. C. DRUM,
Adjutant-General.

SPECIAL ORDER.

NAVY DEPARTMENT,
Washington, November 25, 1885.

The President of the United States announces the death of Vice-President Thomas A. Hendricks in the following order:

[For order see preceding page.]

In pursuance of the foregoing order, it is hereby directed that upon the day following the receipt of this the ensign at each United States naval station and of each United States naval vessel in commission be hoisted at half-mast from sunrise to sunset, and that thirteen guns be fired at sunrise, nineteen minute guns at meridian, and a national salute at sunset at each United States naval station and on board flagships and vessels acting singly, at home or abroad.

The officers of the Navy and Marine Corps will wear the usual badge of mourning for three months.

WILLIAM C. WHITNEY,
Secretary of the Navy.

In the exercise of the power vested in the President by the Constitution, and by virtue of the seventeen hundred and fifty-third section of the Revised Statutes and of the civil-service act approved January 16, 1883, the following rules for the regulation and improvement of the executive civil service are hereby amended and promulgated so as to read as follows:

RULE IV.

1. All officials connected with any office where or for which any examination is to take place will give the Civil Service Commission and the chief examiner such information as may be reasonably required to enable the Commission to select competent and trustworthy examiners; and the examinations by those selected as examiners, and the work incident thereto, will be regarded as a part of the public business to be performed at such office, and with due regard to other parts of the public business said examiners shall be allowed time during office hours to perform the duties required of them.

2. It shall be the duty of every executive officer promptly to inform the Commission, in writing, of the removal or discharge from the public service of any examiner in his office, or of the inability or refusal of any such examiner to act in that capacity; and, on the request of the Commission, such officer shall thereupon name not less than two persons serving under him whom he regards as most competent for a place on an examining board, stating generally their qualifications; and from all those who may be named for any such place the Commission shall select a person to fill the same.

RULE XI.

1. Every application, in order to entitle the applicant to appear for examination or to be examined, must state under oath the facts on the following subjects: (1) Full name, residence, and post-office address; (2) citizenship; (3) age; (4) place of birth; (5) health and physical capacity for the public service; (6) right of preference by reason of military or naval service; (7) previous employment in the public service; (8) business or employment and residence for the previous five years; (9) education. Such other information shall be furnished as the Commission may reasonably require touching the applicant's fitness for the public service. The applicant must also state the number of members of his family in the public service and where employed, and must also assert that he is not disqualified under section 8 of the civil-service act, which is as follows:

"That no person habitually using intoxicating beverages to excess shall be appointed to or retained in any office, appointment, or employment to which the provisions of this act are applicable."

No person dismissed from the public service for misconduct shall be admitted to examination within two years thereafter, and no person not absolutely appointed or employed after probation shall be admitted to an examination within one year thereafter.

2. No person under enlistment in the Army or Navy of the United States shall be examined under these rules, except for some place requiring special qualifications, and with the consent in writing of the head of the Department under which he is enlisted.

3. The Commission may, by regulations subject to change at any time by the President, declare the kind and measure of ill health, physical incapacity, misrepresentation, and bad faith which may properly exclude any person from the right of examination, grading, or certification under these rules. It may also provide for medical certificates of physical capacity in the proper cases, and for the appropriate

certification of persons so defective in sight, speech, hearing, or otherwise as to be apparently disqualified for some of the duties of the part of the service which they seek to enter.

RULE XII.

1. Every regular application must be supported by proper certificates of good moral character, health, and physical and mental capacity for doing the public work, the certificates to be in such form and number as the regulations of the Commission shall provide; but no certificate will be received which is inconsistent with the tenth section of the civil-service act.

2. No one shall be examined for admission to the classified postal service if under 16 or over 35 years of age, excepting messengers, stampers, and other junior assistants, who must not be under 14 years of age, or to the classified customs service or to the classified departmental service if under 18 or over 45 years of age; but no one shall be examined for appointment to any place in the classified customs service, except that of clerk or messenger, who is under 21 years of age; but these limitations of age shall not apply to persons honorably discharged from the military or naval service of the country who are otherwise duly qualified.

RULE XVI.

1. Whenever any officer having the power of appointment or employment shall so request, there shall be certified to him by the Commission or the proper examining board four names for the vacancy specified, to be taken from those graded highest on the proper register of those in his branch of the service and remaining eligible, regard being had for any right of preference and to the apportionments to States and Territories; and from the said four a selection shall be made for the vacancy. But if a person is on both a general and a special register he need not be certified for the former, except at the discretion of the Commission, until he has remained two months upon the latter.

2. These certifications for the service at Washington shall be made in such order as to apportion, as nearly as may be practicable, the original appointments thereto among the States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census.

3. In case the request for any such certification or any law or regulation shall call for those of either sex, persons of that sex shall be certified; otherwise sex shall be disregarded in such certification.

4. Subject to the other provisions of this rule, persons eligible on any register shall be entitled to three certifications only to the same officer, but with his request in writing there may be a fourth certification of such persons to him when reached in order. No one shall remain eligible for more than one year upon any register, except as may be provided by regulation; but these restrictions shall not extend to examinations under clause 5 of Rule VII. No person while remaining eligible on any register shall be admitted to a new examination, and no person having failed upon any examination shall within six months be admitted to another examination without the consent of the Commission.

5. Any person appointed to or employed in any place in the classified service who shall be dismissed or separated therefrom without fault or delinquency on his part may be reappointed or reemployed in the same Department or office, at a grade for which no higher examination is required than that for the position he last held, within one year next following such dismissal or separation, without further examination, on such certification as the Commission may provide.

RULE XVII.

1. Every original appointment or employment in said classified service shall be for the probationary period of six months, at the end of which time, if the conduct and

capacity of the person appointed have been found satisfactory to the officer having the duty of selection, the probationer shall be absolutely appointed or employed, but otherwise be deemed out of the service.

2. Every officer under whom any probationer shall serve during any part of the probation provided for by these rules shall carefully observe the quality and value of the service rendered by such probationer, and shall report to the proper appointing officer in writing the facts observed by him, showing the character and qualifications of such probationer and of the service performed by him; and such reports shall be preserved on file.

3. Every false statement knowingly made by any person in his application for examination, and every connivance by him at any false statement made in any certificate which may accompany his application, and every deception or fraud practiced by him or by any person in his behalf and with his knowledge to influence his examination, certification, or appointment, shall be regarded as good cause for refusing to certify such person or for the removal or discharge of such person during his probation or thereafter.

RULE XIX.

There are excepted from examination the following: (1) The confidential clerk or secretary of any head of a Department or office; (2) cashiers of collectors; (3) cashiers of postmasters; (4) superintendents of money-order divisions in post-offices; (5) the direct custodians of money for whose fidelity another officer is under official bond, and disbursing officers having the custody of money who give bond; but these exceptions shall not extend to any official below the grade of assistant cashier or teller; (6) persons employed exclusively in the secret service of the Government, or as translators, or interpreters, or stenographers; (7) persons whose employment is exclusively professional, but medical examiners are not included among such persons; (8) chief clerks, deputy collectors, deputy naval officers, deputy surveyors of customs, and superintendents or chiefs of divisions or bureaus. But no person so excepted shall be either transferred, appointed, or promoted, unless to some excepted place, without an examination under the Commission, which examination shall not take place within six months after entering the service. Promotions may be made without examination in offices where examinations are not now held until rules on the subject shall be promulgated.

RULE XXI.

1. No person, unless excepted under Rule XIX, shall be admitted into the classified civil service from any place not within said service without an examination and certification under the rules; with this exception, that any person who shall have been an officer for one year or more last preceding in any Department or office, in a grade above the classified service thereof, may be transferred or appointed to any place in the service of the same without examination.

2. No person who has passed only a limited examination under clause 4 of Rule VII for the lower classes or grades in the departmental or customs service shall be appointed, or be promoted within two years after appointment, to any position giving a salary of \$1,000 or upward, without first passing an examination under clause 1 of said rule; and such examination shall not be allowed within the first year after appointment.

3. But a person who has passed the examination under said clause 1, and has accepted a position giving a salary of \$900 or less, shall have the same right of promotion as if originally appointed to a position giving a salary of \$1,000 or more.

4. The Commission may at any time certify for a \$900 or any lower place in the classified service any person upon the register who has passed the examination under clause 1 of Rule VII if such person does not object before such certification is made.

RULE XXII.

Any person who has been in the classified departmental service for six months or more immediately previous may, when the needs of the service require it, be transferred or appointed to any other place therein upon producing a certificate from the Civil Service Commission that such person has passed at the required grade one or more examinations which are together equal to that necessary for original entrance to the place which would be secured by the transfer or appointment; and any person who has for three years last preceding served as a clerk in the office of the President of the United States may be transferred or appointed to any place in the classified service without examination.

Approved, November 27, 1885.

GROVER CLEVELAND.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

EXECUTIVE MANSION,
Washington, November 28, 1885.

It is hereby ordered, That the Department of Agriculture, the Government Printing Office, and all other Government offices in the District of Columbia be closed on Tuesday, December 1, 1885, the day of the funeral of the late Thomas A. Hendricks, Vice-President of the United States.

GROVER CLEVELAND.

FIRST ANNUAL MESSAGE.

WASHINGTON, *December 8, 1885.*

To the Congress of the United States:

Your assembling is clouded by a sense of public bereavement, caused by the recent and sudden death of Thomas A. Hendricks, Vice-President of the United States. His distinguished public services, his complete integrity and devotion to every duty, and his personal virtues will find honorable record in his country's history.

Ample and repeated proofs of the esteem and confidence in which he was held by his fellow-countrymen were manifested by his election to offices of the most important trust and highest dignity; and at length, full of years and honors, he has been laid at rest amid universal sorrow and benediction.

The Constitution, which requires those chosen to legislate for the people to annually meet in the discharge of their solemn trust, also requires the President to give to Congress information of the state of the Union and recommend to their consideration such measures as he shall deem necessary and expedient. At the threshold of a compliance with these constitutional directions it is well for us to bear in mind that our

usefulness to the people's interests will be promoted by a constant appreciation of the scope and character of our respective duties as they relate to Federal legislation. While the Executive may recommend such measures as he shall deem expedient, the responsibility for legislative action must and should rest upon those selected by the people to make their laws.

Contemplation of the grave and responsible functions assigned to the respective branches of the Government under the Constitution will disclose the partitions of power between our respective departments and their necessary independence, and also the need for the exercise of all the power intrusted to each in that spirit of comity and cooperation which is essential to the proper fulfillment of the patriotic obligations which rest upon us as faithful servants of the people.

The jealous watchfulness of our constituencies, great and small, supplements their suffrages, and before the tribunal they establish every public servant should be judged.

It is gratifying to announce that the relations of the United States with all foreign powers continue to be friendly. Our position after nearly a century of successful constitutional government, maintenance of good faith in all our engagements, the avoidance of complications with other nations, and our consistent and amicable attitude toward the strong and weak alike furnish proof of a political disposition which renders professions of good will unnecessary. There are no questions of difficulty pending ~~with~~ any foreign government.

The Argentine Government has revived the long dormant question of the Falkland Islands by claiming from the United States indemnity for their loss, attributed to the action of the commander of the sloop of war *Lexington* in breaking up a piratical colony on those islands in 1831, and their subsequent occupation by Great Britain. In view of the ample justification for the act of the *Lexington* and the derelict condition of the islands before and after their alleged occupation by Argentine colonists, this Government considers the claim as wholly groundless.

Question has arisen with the Government of Austria-Hungary touching the representation of the United States at Vienna. Having under my constitutional prerogative appointed an estimable citizen of unimpeached probity and competence as minister at that court, the Government of Austria-Hungary invited this Government to take cognizance of certain exceptions, based upon allegations against the personal acceptability of Mr. Keiley, the appointed envoy, asking that in view thereof the appointment should be withdrawn. The reasons advanced were such as could not be acquiesced in without violation of my oath of office and the precepts of the Constitution, since they necessarily involved a limitation in favor of a foreign government upon the right of selection by the Executive and required such an application of a religious test as a qualification for office under the United States as would have resulted in the practical disfranchisement of a large class of our citizens and the

abandonment of a vital principle in our Government. The Austro-Hungarian Government finally decided not to receive Mr. Keiley as the envoy of the United States, and that gentleman has since resigned his commission, leaving the post vacant. I have made no new nomination, and the interests of this Government at Vienna are now in the care of the secretary of legation, acting as *chargé d'affaires ad interim*.

Early in March last war broke out in Central America, caused by the attempt of Guatemala to consolidate the several States into a single government. In these contests between our neighboring States the United States forebore to interfere actively, but lent the aid of their friendly offices in deprecation of war and to promote peace and concord among the belligerents, and by such counsel contributed importantly to the restoration of tranquillity in that locality.

Emergencies growing out of civil war in the United States of Colombia demanded of the Government at the beginning of this Administration the employment of armed forces to fulfill its guaranties under the thirty-fifth article of the treaty of 1846, in order to keep the transit open across the Isthmus of Panama. Desirous of exercising only the powers expressly reserved to us by the treaty, and mindful of the rights of Colombia, the forces sent to the Isthmus were instructed to confine their action to "positively and efficaciously" preventing the transit and its accessories from being "interrupted or embarrassed."

The execution of this delicate and responsible ~~task~~ necessarily involved police control where the local authority was temporarily powerless, but always in aid of the sovereignty of Colombia.

The prompt and successful fulfillment of its duty by this Government was highly appreciated by the Government of Colombia, and has been followed by expressions of its satisfaction.

High praise is due to the officers and men engaged in this service.

The restoration of peace on the Isthmus by the reestablishment of the constituted Government there being thus accomplished, the forces of the United States were withdrawn.

Pending these occurrences a question of much importance was presented by decrees of the Colombian Government proclaiming the closure of certain ports then in the hands of insurgents and declaring vessels held by the revolutionists to be piratical and liable to capture by any power. To neither of these propositions could the United States assent. An effective closure of ports not in the possession of the Government, but held by hostile partisans, could not be recognized; neither could the vessels of insurgents against the legitimate sovereignty be deemed *hostes humani generis* within the precepts of international law, whatever might be the definition and penalty of their acts under the municipal law of the State against whose authority they were in revolt. The denial by this Government of the Colombian propositions did not, however, imply the admission of a belligerent status on the part of the insurgents.

The Colombian Government has expressed its willingness to negotiate conventions for the adjustment by arbitration of claims by foreign citizens arising out of the destruction of the city of Aspinwall by the insurrectionary forces.

The interest of the United States in a practicable transit for ships across the strip of land separating the Atlantic from the Pacific has been repeatedly manifested during the last half century.

My immediate predecessor caused to be negotiated with Nicaragua a treaty for the construction, by and at the sole cost of the United States, of a canal through Nicaraguan territory, and laid it before the Senate. Pending the action of that body thereon, I withdrew the treaty for reexamination. Attentive consideration of its provisions leads me to withhold it from resubmission to the Senate.

Maintaining, as I do, the tenets of a line of precedents from Washington's day, which proscribe entangling alliances with foreign states, I do not favor a policy of acquisition of new and distant territory or the incorporation of remote interests with our own.

The laws of progress are vital and organic, and we must be conscious of that irresistible tide of commercial expansion which, as the concomitant of our active civilization, day by day is being urged onward by those increasing facilities of production, transportation, and communication to which steam and electricity have given birth; but our duty in the present instructs us to address ourselves mainly to the development of the vast resources of the great area committed to our charge and to the cultivation of the arts of peace within our own borders, though jealously alert in preventing the American hemisphere from being involved in the political problems and complications of distant governments. Therefore I am unable to recommend propositions involving paramount privileges of ownership or right outside of our own territory, when coupled with absolute and unlimited engagements to defend the territorial integrity of the state where such interests lie. While the general project of connecting the two oceans by means of a canal is to be encouraged, I am of opinion that any scheme to that end to be considered with favor should be free from the features alluded to.

The Tehuantepec route is declared by engineers of the highest repute and by competent scientists to afford an entirely practicable transit for vessels and cargoes, by means of a ship railway, from the Atlantic to the Pacific. The obvious advantages of such a route, if feasible, over others more remote from the axial lines of traffic between Europe and the Pacific, and particularly between the Valley of the Mississippi and the western coast of North and South America, are deserving of consideration.

Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit—a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a

prize for warlike ambition. An engagement combining the construction, ownership, and operation of such a work by this Government, with an offensive and defensive alliance for its protection, with the foreign state whose responsibilities and rights we would share is, in my judgment, inconsistent with such dedication to universal and neutral use, and would, moreover, entail measures for its realization beyond the scope of our national polity or present means.

The lapse of years has abundantly confirmed the wisdom and foresight of those earlier Administrations which, long before the conditions of maritime intercourse were changed and enlarged by the progress of the age, proclaimed the vital need of interoceanic transit across the American Isthmus and consecrated it in advance to the common use of mankind by their positive declarations and through the formal obligation of treaties. Toward such realization the efforts of my Administration will be applied, ever bearing in mind the principles on which it must rest, and which were declared in no uncertain tones by Mr. Cass, who, while Secretary of State, in 1858, announced that "what the United States want in Central America, next to the happiness of its people, is the security and neutrality of the interoceanic routes which lead through it."

The construction of three transcontinental lines of railway, all in successful operation, wholly within our territory, and uniting the Atlantic and the Pacific oceans, has been accompanied by results of ~~a most~~ most interesting and impressive nature, and has created new conditions, not in the routes of commerce only, but in political geography, which powerfully affect our relations toward and necessarily increase our interests in any transisthmian route which may be opened and employed for the ends of peace and traffic, or, in other contingencies, for uses inimical to both.

Transportation is a factor in the cost of commodities scarcely second to that of their production, and weighs as heavily upon the consumer.

Our experience already has proven the great importance of having the competition between land carriage and water carriage fully developed, each acting as a protection to the public against the tendencies to monopoly which are inherent in the consolidation of wealth and power in the hands of vast corporations.

These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit; and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.

The drawings and report of a recent survey of the Nicaragua Canal route, made by Chief Engineer Menocal, will be communicated for your information.

The claims of citizens of the United States for losses by reason of the late military operations of Chile in Peru and Bolivia are the subject of negotiation for a claims convention with Chile, providing for their submission to arbitration.

The harmony of our relations with China is fully sustained.

In the application of the acts lately passed to execute the treaty of 1880, restrictive of the immigration of Chinese laborers into the United States, individual cases of hardship have occurred beyond the power of the Executive to remedy, and calling for judicial determination.

The condition of the Chinese question in the Western States and Territories is, despite this restrictive legislation, far from being satisfactory. The recent outbreak in Wyoming Territory, where numbers of unoffending Chinamen, indisputably within the protection of the treaties and the law, were murdered by a mob, and the still more recent threatened outbreak of the same character in Washington Territory, are fresh in the minds of all, and there is apprehension lest the bitterness of feeling against the Mongolian race on the Pacific Slope may find vent in similar lawless demonstrations. All the power of this Government should be exerted to maintain the amplest good faith toward China in the treatment of these men, and the inflexible sternness of the law in bringing the wrongdoers to justice should be insisted upon.

Every effort has been made by this Government to prevent these violent outbreaks and to aid the representatives of China in their investigation of these outrages; and it is but just to say that they are traceable to the lawlessness of men not citizens of the United States engaged in competition with Chinese laborers.

Race prejudice is the chief factor in originating these disturbances, and it exists in a large part of our domain, jeopardizing our domestic peace and the good relationship we strive to maintain with China.

The admitted right of a government to prevent the influx of elements hostile to its internal peace and security may not be questioned, even where there is no treaty stipulation on the subject. That the exclusion of Chinese labor is demanded in other countries where like conditions prevail is strongly evidenced in the Dominion of Canada, where Chinese immigration is now regulated by laws more exclusive than our own. If existing laws are inadequate to compass the end in view, I shall be prepared to give earnest consideration to any further remedial measures, within the treaty limits, which the wisdom of Congress may devise.

The independent State of the Kongo has been organized as a government under the sovereignty of His Majesty the King of the Belgians, who assumes its chief magistracy in his personal character only, without making the new State a dependency of Belgium. It is fortunate that a benighted region, owing all it has of quickening civilization to the beneficence and philanthropic spirit of this monarch, should have the advantage and security of his benevolent supervision.

The action taken by this Government last year in being the first to recognize the flag of the International Association of the Kongo has been followed by formal recognition of the new nationality which succeeds to its sovereign powers.

A conference of delegates of the principal commercial nations was held at Berlin last winter to discuss methods whereby the Kongo basin might be kept open to the world's trade. Delegates attended on behalf of the United States on the understanding that their part should be merely deliberative, without imparting to the results any binding character so far as the United States were concerned. This reserve was due to the indisposition of this Government to share in any disposal by an international congress of jurisdictional questions in remote foreign territories. The results of the conference were embodied in a formal act of the nature of an international convention, which laid down certain obligations purporting to be binding on the signatories, subject to ratification within one year. Notwithstanding the reservation under which the delegates of the United States attended, their signatures were attached to the general act in the same manner as those of the plenipotentiaries of other governments, thus making the United States appear, without reserve or qualification, as signatories to a joint international engagement imposing on the signers the conservation of the territorial integrity of distant regions where we have no established interests or control.

This Government does not, however, regard its reservation of liberty of action in the premises as at all impaired; and holding that an engagement to share in the obligation of enforcing neutrality in the remote valley of the Kongo would be an alliance whose responsibilities we are not in a position to assume, I abstain from asking the sanction of the Senate to that general act.

The correspondence will be laid before you, and the instructive and interesting report of the agent sent by this Government to the Kongo country and his recommendations for the establishment of commercial agencies on the African coast are also submitted for your consideration.

The commission appointed by my predecessor last winter to visit the Central and South American countries and report on the methods of enlarging the commercial relations of the United States therewith has submitted reports, which will be laid before you.

No opportunity has been omitted to testify the friendliness of this Government toward Korea, whose entrance into the family of treaty powers the United States were the first to recognize. I regard with favor the application made by the Korean Government to be allowed to employ American officers as military instructors, to which the assent of Congress becomes necessary, and I am happy to say this request has the concurrent sanction of China and Japan.

The arrest and imprisonment of Julio R. Santos, a citizen of the United States, by the authorities of Ecuador gave rise to a contention with that Government, in which his right to be released or to have a speedy and impartial trial on announced charges and with all guaranties of defense stipulated by treaty was insisted upon by us. After an elaborate correspondence and repeated and earnest representations on our part Mr.

Santos was, after an alleged trial and conviction, eventually included in a general decree of amnesty and pardoned by the Ecuadorian Executive and released, leaving the question of his American citizenship denied by the Ecuadorian Government, but insisted upon by our own.

The amount adjudged by the late French and American Claims Commission to be due from the United States to French claimants on account of injuries suffered by them during the War of Secession, having been appropriated by the last Congress, has been duly paid to the French Government.

The act of February 25, 1885, provided for a preliminary search of the records of French prize courts for evidence bearing on the claims of American citizens against France for spoliations committed prior to 1801. The duty has been performed, and the report of the agent will be laid before you.

I regret to say that the restrictions upon the importation of our pork into France continue, notwithstanding the abundant demonstration of the absence of sanitary danger in its use; but I entertain strong hopes that with a better understanding of the matter this vexatious prohibition will be removed. It would be pleasing to be able to say as much with respect to Germany, Austria, and other countries, where such food products are absolutely excluded, without present prospect of reasonable change.

The interpretation of our existing treaties of naturalization by Germany during the past year has attracted attention by reason of an apparent tendency on the part of the Imperial Government to extend the scope of the residential restrictions to which returning naturalized citizens of German origin are asserted to be liable under the laws of the Empire. The temperate and just attitude taken by this Government with regard to this class of questions will doubtless lead to a satisfactory understanding.

The dispute of Germany and Spain relative to the domination of the Caroline Islands has attracted the attention of this Government by reason of extensive interests of American citizens having grown up in those parts during the past thirty years, and because the question of ownership involves jurisdiction of matters affecting the status of our citizens under civil and criminal law. While standing wholly aloof from the proprietary issues raised between powers to both of which the United States are friendly, this Government expects that nothing in the present contention shall unfavorably affect our citizens carrying on a peaceful commerce or there domiciled, and has so informed the Governments of Spain and Germany.

The marked good will between the United States and Great Britain has been maintained during the past year.

The termination of the fishing clauses of the treaty of Washington, in pursuance of the joint resolution of March 3, 1883, must have resulted

in the abrupt cessation on the 1st of July of this year, in the midst of their ventures, of the operations of citizens of the United States engaged in fishing in British American waters but for a diplomatic understanding reached with Her Majesty's Government in June last, whereby assurance was obtained that no interruption of those operations should take place during the current fishing season.

In the interest of good neighborhood and of the commercial intercourse of adjacent communities, the question of the North American fisheries is one of much importance. Following out the intimation given by me when the extensory arrangement above described was negotiated, I recommend that the Congress provide for the appointment of a commission in which the Governments of the United States and Great Britain shall be respectively represented, charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two Governments and their respective citizens on the coasts of the United States and British North America. The fishing interests being intimately related to other general questions dependent upon contiguity and intercourse, consideration thereof in all their equities might also properly come within the purview of such a commission, and the fullest latitude of expression on both sides should be permitted.

The correspondence in relation to the fishing rights will be submitted.

The arctic exploring steamer *Alert*, which was generously given by Her Majesty's Government to aid in the relief of the Greely expedition, was, after the successful attainment of that humane purpose, returned to Great Britain, in pursuance of the authority conferred by the act of March 3, 1885.

The inadequacy of the existing engagements for extradition between the United States and Great Britain has been long apparent. The tenth article of the treaty of 1842, one of the earliest compacts in this regard entered into by us, stipulated for surrender in respect of a limited number of offenses. Other crimes no less inimical to the social welfare should be embraced and the procedure of extradition brought in harmony with present international practice. Negotiations with Her Majesty's Government for an enlarged treaty of extradition have been pending since 1870, and I entertain strong hopes that a satisfactory result may be soon attained.

The frontier line between Alaska and British Columbia, as defined by the treaty of cession with Russia, follows the demarcation assigned in a prior treaty between Great Britain and Russia. Modern exploration discloses that this ancient boundary is impracticable as a geographical fact. In the unsettled condition of that region the question has lacked importance, but the discovery of mineral wealth in the territory the line is supposed to traverse admonishes that the time has come when an accurate knowledge of the boundary is needful to avert jurisdictional complications.

I recommend, therefore, that provision be made for a preliminary reconnaissance by officers of the United States, to the end of acquiring more precise information on the subject. I have invited Her Majesty's Government to consider with us the adoption of a more convenient line, to be established by meridian observations or by known geographical features without the necessity of an expensive survey of the whole.

The late insurrectionary movements in Hayti having been quelled, the Government of that Republic has made prompt provision for adjudicating the losses suffered by foreigners because of hostilities there, and the claims of certain citizens of the United States will be in this manner determined.

The long-pending claims of two citizens of the United States, Pelletier and Lazare, have been disposed of by arbitration, and an award in favor of each claimant has been made, which by the terms of the engagement is final. It remains for Congress to provide for the payment of the stipulated moiety of the expenses.

A question arose with Hayti during the past year by reason of the exceptional treatment of an American citizen, Mr. Van Bokkelen, a resident of Port-au-Prince, who, on suit by creditors residing in the United States, was sentenced to imprisonment, and, under the operation of a Haytian statute, was denied relief secured to a native Haytian. This Government asserted his treaty right to equal treatment with natives of Hayti in all suits at law. Our contention was denied by the Haytian Government, which, however, while still professing to maintain the ground taken against Mr. Van Bokkelen's right, terminated the controversy by setting him at liberty without explanation.

An international conference to consider the means of arresting the spread of cholera and other epidemic diseases was held at Rome in May last, and adjourned to meet again on further notice. An expert delegate on behalf of the United States has attended its sessions and will submit a report.

Our relations with Mexico continue to be most cordial, as befits those of neighbors between whom the strongest ties of friendship and commercial intimacy exist, as the natural and growing consequence of our similarity of institutions and geographical propinquity.

The relocation of the boundary line between the United States and Mexico westward of the Rio Grande, under the convention of July 29, 1882, has been unavoidably delayed, but I apprehend no difficulty in securing a prolongation of the period for its accomplishment.

The lately concluded commercial treaty with Mexico still awaits the stipulated legislation to carry its provisions into effect, for which one year's additional time has been secured by a supplementary article signed in February last and since ratified on both sides.

As this convention, so important to the commercial welfare of the two adjoining countries, has been constitutionally confirmed by the treaty-

making branch, I express the hope that legislation needed to make it effective may not be long delayed.

The large influx of capital and enterprise to Mexico from the United States continues to aid in the development of the resources and in augmenting the material well-being of our sister Republic. Lines of railway, penetrating to the heart and capital of the country, bring the two peoples into mutually beneficial intercourse, and enlarged facilities of transit add to profitable commerce, create new markets, and furnish avenues to otherwise isolated communities.

I have already adverted to the suggested construction of a ship railway across the narrow formation of the territory of Mexico at Tehuantepec.

With the gradual recovery of Peru from the effects of her late disastrous conflict with Chile, and with the restoration of civil authority in that distracted country, it is hoped that pending war claims of our citizens will be adjusted.

In conformity with notification given by the Government of Peru, the existing treaties of commerce and extradition between the United States and that country will terminate March 31, 1886.

Our good relationship with Russia continues.

An officer of the Navy, detailed for the purpose, is now on his way to Siberia bearing the testimonials voted by Congress to those who generously succored the survivors of the unfortunate *Jeannette* expedition.

It is gratifying to advert to the cordiality of our intercourse with Spain.

The long-pending claim of the owners of the ship *Masonic* for loss suffered through the admitted dereliction of the Spanish authorities in the Philippine Islands has been adjusted by arbitration and an indemnity awarded. The principle of arbitration in such cases, to which the United States have long and consistently adhered, thus receives a fresh and gratifying confirmation.

Other questions with Spain have been disposed of or are under diplomatic consideration with a view to just and honorable settlement.

The operation of the commercial agreement with Spain of January 2-February 13, 1884, has been found inadequate to the commercial needs of the United States and the Spanish Antilles, and the terms of the agreement are subjected to conflicting interpretations in those islands.

Negotiations have been instituted at Madrid for a full treaty not open to these objections and in the line of the general policy touching the neighborly intercourse of proximate communities, to which I elsewhere advert, and aiming, moreover, at the removal of existing burdens and annoying restrictions; and although a satisfactory termination is promised, I am compelled to delay its announcement.

An international copyright conference was held at Berne in September, on the invitation of the Swiss Government. The envoy of the United States attended as a delegate, but refrained from committing this

Government to the results, even by signing the recommendatory protocol adopted. The interesting and important subject of international copyright has been before you for several years. Action is certainly desirable to effect the object in view; and while there may be question as to the relative advantage of treating it by legislation or by specific treaty, the matured views of the Berne conference can not fail to aid your consideration of the subject.

The termination of the commercial treaty of 1862 between the United States and Turkey has been sought by that Government. While there is question as to the sufficiency of the notice of termination given, yet as the commercial rights of our citizens in Turkey come under the favored-nation guaranties of the prior treaty of 1830, and as equal treatment is admitted by the Porte, no inconvenience can result from the assent of this Government to the revision of the Ottoman tariffs, in which the treaty powers have been invited to join.

Questions concerning our citizens in Turkey may be affected by the Porte's nonacquiescence in the right of expatriation and by the imposition of religious tests as a condition of residence, in which this Government can not concur. The United States must hold in their intercourse with every power that the status of their citizens is to be respected and equal civil privileges accorded to them without regard to creed, and affected by no considerations save those growing out of domiciliary return to the land of original allegiance or of unfulfilled personal obligations which may survive, under municipal laws, after such voluntary return.

The negotiation with Venezuela relative to the rehearing of the awards of the mixed commission constituted under the treaty of 1866 was resumed in view of the recent acquiescence of the Venezuelan envoy in the principal point advanced by this Government, that the effects of the old treaty could only be set aside by the operation of a new convention. A result in substantial accord with the advisory suggestions contained in the joint resolution of March 3, 1883, has been agreed upon and will shortly be submitted to the Senate for ratification.

Under section 3659 of the Revised Statutes all funds held in trust by the United States and the annual interest accruing thereon, when not otherwise required by treaty, are to be invested in stocks of the United States bearing a rate of interest not less than 5 per cent per annum. There being now no procurable stocks paying so high a rate of interest, the letter of the statute is at present inapplicable, but its spirit is subserved by continuing to make investments of this nature in current stocks bearing the highest interest now paid. The statute, however, makes no provision for the disposal of such accretions. It being contrary to the general rule of this Government to allow interest on claims, I recommend the repeal of the provision in question and the disposition, under a uniform rule, of the present accumulations from investment of trust funds.

The inadequacy of existing legislation touching citizenship and naturalization demands your consideration.

While recognizing the right of expatriation, no statutory provision exists providing means for renouncing citizenship by an American citizen, native born or naturalized, nor for terminating and vacating an improper acquisition of citizenship. Even a fraudulent decree of naturalization can not now be canceled. The privilege and franchise of American citizenship should be granted with care, and extended to those only who intend in good faith to assume its duties and responsibilities when attaining its privileges and benefits. It should be withheld from those who merely go through the forms of naturalization with the intent of escaping the duties of their original allegiance without taking upon themselves those of their new status, or who may acquire the rights of American citizenship for no other than a hostile purpose toward their original governments. These evils have had many flagrant illustrations.

I regard with favor the suggestion put forth by one of my predecessors that provision be made for a central bureau of record of the decrees of naturalization granted by the various courts throughout the United States now invested with that power.

The rights which spring from domicile in the United States, especially when coupled with a declaration of intention to become a citizen, are worthy of definition by statute. The stranger coming hither with intent to remain, establishing his residence in our midst, contributing to the general welfare, and by his voluntary act declaring his purpose to assume the responsibilities of citizenship, thereby gains an inchoate status which legislation may properly define. The laws of certain States and Territories admit a domiciled alien to the local franchise, conferring on him the rights of citizenship to a degree which places him in the anomalous position of being a citizen of a State and yet not of the United States within the purview of Federal and international law.

It is important within the scope of national legislation to define this right of alien domicile as distinguished from Federal naturalization.

The commercial relations of the United States with their immediate neighbors and with important areas of traffic near our shores suggest especially liberal intercourse between them and us.

Following the treaty of 1883 with Mexico, which rested on the basis of a reciprocal exemption from customs duties, other similar treaties were initiated by my predecessor.

Recognizing the need of less obstructed traffic with Cuba and Puerto Rico, and met by the desire of Spain to succor languishing interests in the Antilles, steps were taken to attain those ends by a treaty of commerce. A similar treaty was afterwards signed by the Dominican Republic. Subsequently overtures were made by Her Britannic Majesty's Government for a like mutual extension of commercial intercourse with the British West Indian and South American dependencies, but without result.

On taking office I withdrew for reexamination the treaties signed with Spain and Santo Domingo, then pending before the Senate. The result has been to satisfy me of the inexpediency of entering into engagements of this character not covering the entire traffic.

These treaties contemplated the surrender by the United States of large revenues for inadequate considerations. Upon sugar alone duties were surrendered to an amount far exceeding all the advantages offered in exchange. Even were it intended to relieve our consumers, it was evident that so long as the exemption but partially covered our importation such relief would be illusory. To relinquish a revenue so essential seemed highly improvident at a time when new and large drains upon the Treasury were contemplated. Moreover, embarrassing questions would have arisen under the favored-nation clauses of treaties with other nations.

As a further objection, it is evident that tariff regulation by treaty diminishes that independent control over its own revenues which is essential for the safety and welfare of any government. Emergency calling for an increase of taxation may at any time arise, and no engagement with a foreign power should exist to hamper the action of the Government.

By the fourteenth section of the shipping act approved June 26, 1884, certain reductions and contingent exemptions from tonnage dues were made as to vessels entering ports of the United States from any foreign port in North and Central America, the West India Islands, the Bahamas and Bermudas, Mexico, and the Isthmus as far as Aspinwall and Panama. The Governments of Belgium, Denmark, Germany, Portugal, and Sweden and Norway have asserted, under the favored-nation clause in their treaties with the United States, a claim to like treatment in respect of vessels coming to the United States from their home ports. This Government, however, holds that the privileges granted by the act are purely geographical, inuring to any vessel of any foreign power that may choose to engage in traffic between this country and any port within the defined zone, and no warrant exists under the most-favored-nation clause for the extension of the privileges in question to vessels sailing to this country from ports outside the limitation of the act.

Undoubtedly the relations of commerce with our near neighbors, whose territories form so long a frontier line difficult to be guarded, and who find in our country, and equally offer to us, natural markets, demand special and considerate treatment. It rests with Congress to consider what legislative action may increase facilities of intercourse which contiguity makes natural and desirable.

I earnestly urge that Congress recast the appropriations for the maintenance of the diplomatic and consular service on a footing commensurate with the importance of our national interests. At every post where a representative is necessary the salary should be so graded as to permit him to live with comfort. With the assignment of adequate salaries the

so-called notarial extraofficial fees, which our officers abroad are now permitted to treat as personal perquisites, should be done away with. Every act requiring the certification and seal of the officer should be taxable at schedule rates and the fee therefor returned to the Treasury. By restoring these revenues to the public use the consular service would be self-supporting, even with a liberal increase of the present low salaries.

In further prevention of abuses a system of consular inspection should be instituted.

The appointment of a limited number of secretaries of legation at large, to be assigned to duty wherever necessary, and in particular for temporary service at missions which for any cause may be without a head, should also be authorized.

I favor also authorization for the detail of officers of the regular service as military or naval attachés at legations.

Some foreign governments do not recognize the union of consular with diplomatic functions. Italy and Venezuela will only receive the appointee in one of his two capacities, but this does not prevent the requirement of a bond and submission to the responsibilities of an office whose duties he can not discharge. The superadded title of consul-general should be abandoned at all missions.

I deem it expedient that a well-devised measure for the reorganization of the extraterritorial courts in Oriental countries should replace the present system, which labors under the disadvantage of combining judicial and executive functions in the same office.

In several Oriental countries generous offers have been made of premises for housing the legations of the United States. A grant of land for that purpose was made some years since by Japan, and has been referred to in the annual messages of my predecessor. The Siamese Government has made a gift to the United States of commodious quarters in Bangkok. In Korea the late minister was permitted to purchase a building from the Government for legation use. In China the premises rented for the legation are favored as to local charges. At Tangier the house occupied by our representative has been for many years the property of this Government, having been given for that purpose in 1822 by the Sultan of Morocco. I approve the suggestion heretofore made, that, in view of the conditions of life and administration in the Eastern countries, the legation buildings in China, Japan, Korea, Siam, and perhaps Persia, should be owned and furnished by the Government with a view to permanency and security. To this end I recommend that authority be given to accept the gifts adverted to in Japan and Siam, and to purchase in the other countries named, with provision for furniture and repairs. A considerable saving in rentals would result.

The World's Industrial Exposition, held at New Orleans last winter, with the assistance of the Federal Government, attracted a large number of foreign exhibits, and proved of great value in spreading among

the concourse of visitors from Mexico and Central and South America a wider knowledge of the varied manufactures and productions of this country and their availability in exchange for the productions of those regions.

Past Congresses have had under consideration the advisability of abolishing the discrimination made by the tariff laws in favor of the works of American artists. The odium of the policy which subjects to a high rate of duty the paintings of foreign artists and exempts the productions of American artists residing abroad, and who receive gratuitously advantages and instruction, is visited upon our citizens engaged in art culture in Europe, and has caused them with practical unanimity to favor the abolition of such an ungracious distinction; and in their interest, and for other obvious reasons, I strongly recommend it.

The report of the Secretary of the Treasury fully exhibits the condition of the public finances and of the several branches of the Government connected with his Department. The suggestions of the Secretary relating to the practical operations of this important Department, and his recommendations in the direction of simplification and economy, particularly in the work of collecting customs duties, are especially urged upon the attention of Congress.

The ordinary receipts from all sources for the fiscal year ended June 30, 1885, were \$322,690,706.38. Of this sum \$181,471,939.34 was received from customs and \$141,218,767.04 from internal revenue. The total receipts, as given above, were \$24,829,163.54 less than those for the year ended June 30, 1884. This diminution embraces a falling off of \$13,595,550.42 in the receipts from customs and \$9,687,346.97 in the receipts from internal revenue.

The total ordinary expenditures of the Government for the fiscal year were \$260,226,935.50, leaving a surplus in the Treasury at the close of the year of \$63,463,771.27. This is \$40,929,854.32 less than the surplus reported at the close of the previous year.

The expenditures are classified as follows:

For civil expenses.....	\$23,826,942.11
For foreign intercourse.....	5,439,609.11
For Indians.....	6,552,494.63
For pensions.....	56,102,267.49
For the military, including river and harbor improvements and arsenals	42,670,578.47
For the Navy, including vessels, machinery, and improvements of navy-yards.....	16,021,079.69
For interest on the public debt.....	51,386,256.47
For the District of Columbia.....	3,499,650.95
For miscellaneous expenditures, including public buildings, light-houses, and collecting the revenue.....	54,728,056.21

The amount paid on the public debt during the fiscal year ended June 30, 1885, was \$45,993,235.43, and there has been paid since that date and up to November 1, 1885, the sum of \$369,828, leaving the amount of the debt at the last-named date \$1,514,475,860.47. There was, however, at

that time in the Treasury, applicable to the general purposes of the Government, the sum of \$66,818,292.38.

The total receipts for the current fiscal year ending June 30, 1886, ascertained to October 1, 1885, and estimated for the remainder of the year, are \$315,000,000. The expenditures ascertained and estimated for the same time are \$245,000,000, leaving a surplus at the close of the year estimated at \$70,000,000.

The value of the exports from the United States to foreign countries during the last fiscal year was as follows:

Domestic merchandise.....	\$726,682,946.00
Foreign merchandise.....	15,506,809.00
	<hr/>
	742,189,755.00
Gold.....	8,477,892.00
Silver.....	33,753,633.00
	<hr/>
	784,421,280.00

Some of the principal exports, with their values and the percentage they respectively bear to the total exportation, are given as follows:

Articles.	Value.	Percentage.
Cotton and cotton manufactures.....	\$213,799,049	29.42
Breadstuffs.....	160,370,821	22.07
Provisions.....	107,332,456	14.77
Oils—mineral, vegetable, and animal.....	54,326,202	7.48
Tobacco and its manufactures.....	24,767,305	3.41
Wood and its manufactures.....	21,464,322	2.95

Our imports during the year were as follows:

Merchandise.....	\$579,580,053.80
Gold.....	26,691,696.00
Silver.....	16,550,627.00
	<hr/>
	622,822,376.80

The following are given as prominent articles of import during the year, with their values and the percentage they bear to the total importation:

Articles.	Value.	Percentage.
Sugar and molasses.....	\$76,738,713	13.29
Coffee.....	46,723,318	8.09
Wool and its manufactures.....	44,656,482	7.73
Silk and its manufactures.....	40,393,002	6.99
Chemicals, dyes, drugs, and medicines.....	35,070,816	6.07
Iron and steel and their manufactures.....	34,563,689	5.98
Flax, hemp, jute, and their manufactures.....	32,854,874	5.69
Cotton and its manufactures.....	28,152,001	4.88
Hides and skins other than fur skins.....	20,586,443	3.56

Of the entire amount of duties collected 70 per cent was collected from the following articles of import:

	Percentage.
Sugar and molasses	29
Wool and its manufactures	15
Silk and its manufactures	8
Iron and steel and their manufactures	7
Cotton manufactures	6
Flax, hemp, and jute, and their manufactures	5

The fact that our revenues are in excess of the actual needs of an economical administration of the Government justifies a reduction in the amount exacted from the people for its support. Our Government is but the means established by the will of a free people by which certain principles are applied which they have adopted for their benefit and protection; and it is never better administered and its true spirit is never better observed than when the people's taxation for its support is scrupulously limited to the actual necessity of expenditure and distributed according to a just and equitable plan.

The proposition with which we have to deal is the reduction of the revenue received by the Government, and indirectly paid by the people, from customs duties. The question of free trade is not involved, nor is there now any occasion for the general discussion of the wisdom or expediency of a protective system.

Justice and fairness dictate that in any modification of our present laws relating to revenue the industries and interests which have been encouraged by such laws, and in which our citizens have large investments, should not be ruthlessly injured or destroyed. We should also deal with the subject in such manner as to protect the interests of American labor, which is the capital of our workingmen. Its stability and proper remuneration furnish the most justifiable pretext for a protective policy.

Within these limitations a certain reduction should be made in our customs revenue. The amount of such reduction having been determined, the inquiry follows, Where can it best be remitted and what articles can best be released from duty in the interest of our citizens?

I think the reduction should be made in the revenue derived from a tax upon the imported necessities of life. We thus directly lessen the cost of living in every family of the land and release to the people in every humble home a larger measure of the rewards of frugal industry.

During the year ended November 1, 1885, 145 national banks were organized, with an aggregate capital of \$16,938,000, and circulating notes have been issued to them amounting to \$4,274,910. The whole number of these banks in existence on the day above mentioned was 2,727.

The very limited amount of circulating notes issued by our national banks, compared with the amount the law permits them to issue upon a deposit of bonds for their redemption, indicates that the volume of our circulating medium may be largely increased through this instrumentality.

Nothing more important than the present condition of our currency and coinage can claim your attention.

Since February, 1878, the Government has, under the compulsory provisions of law, purchased silver bullion and coined the same at the rate of more than \$2,000,000 every month. By this process up to the present date 215,759,431 silver dollars have been coined.

A reasonable appreciation of a delegation of power to the General Government would limit its exercise, without express restrictive words, to the people's needs and the requirements of the public welfare.

Upon this theory the authority to "coin money" given to Congress by the Constitution, if it permits the purchase by the Government of bullion for coinage in any event, does not justify such purchase and coinage to an extent beyond the amount needed for a sufficient circulating medium.

The desire to utilize the silver product of the country should not lead to a misuse or the perversion of this power.

The necessity for such an addition to the silver currency of the nation as is compelled by the silver-coinage act is negated by the fact that up to the present time only about 50,000,000 of the silver dollars so coined have actually found their way into circulation, leaving more than 165,000,000 in the possession of the Government, the custody of which has entailed a considerable expense for the construction of vaults for its deposit. Against this latter amount there are outstanding silver certificates amounting to about \$93,000,000.

Every month two millions of gold in the public Treasury are paid out for two millions or more of silver dollars, to be added to the idle mass already accumulated.

If continued long enough, this operation will result in the substitution of silver for all the gold the Government owns applicable to its general purposes. It will not do to rely upon the customs receipts of the Government to make good this drain of gold, because the silver thus coined having been made legal tender for all debts and dues, public and private, at times during the last six months 58 per cent of the receipts for duties has been in silver or silver certificates, while the average within that period has been 20 per cent. The proportion of silver and its certificates received by the Government will probably increase as time goes on, for the reason that the nearer the period approaches when it will be obliged to offer silver in payment of its obligations the greater inducement there will be to hoard gold against depreciation in the value of silver or for the purpose of speculating.

This hoarding of gold has already begun.

When the time comes that gold has been withdrawn from circulation, then will be apparent the difference between the real value of the silver dollar and a dollar in gold, and the two coins will part company. Gold, still the standard of value and necessary in our dealings with other

countries, will be at a premium over silver; banks which have substituted gold for the deposits of their customers may pay them with silver bought with such gold, thus making a handsome profit; rich speculators will sell their hoarded gold to their neighbors who need it to liquidate their foreign debts, at a ruinous premium over silver, and the laboring men and women of the land, most defenseless of all, will find that the dollar received for the wage of their toil has sadly shrunk in its purchasing power. It may be said that the latter result will be but temporary, and that ultimately the price of labor will be adjusted to the change; but even if this takes place the wage-worker can not possibly gain, but must inevitably lose, since the price he is compelled to pay for his living will not only be measured in a coin heavily depreciated and fluctuating and uncertain in its value, but this uncertainty in the value of the purchasing medium will be made the pretext for an advance in prices beyond that justified by actual depreciation.

The words uttered in 1834 by Daniel Webster in the Senate of the United States are true to-day:

The very man of all others who has the deepest interest in a sound currency, and who suffers most by mischievous legislation in money matters, is the man who earns his daily bread by his daily toil.

The most distinguished advocate of bimetallism, discussing our silver coinage, has lately written:

No American citizen's hand has yet felt the sensation of cheapness, either in receiving or expending the silver-act dollars.

And those who live by labor or legitimate trade never will feel that sensation of cheapness. However plenty silver dollars may become, they will not be distributed as gifts among the people; and if the laboring man should receive four depreciated dollars where he now receives but two, he will pay in the depreciated coin more than double the price he now pays for all the necessaries and comforts of life.

Those who do not fear any disastrous consequences arising from the continued compulsory coinage of silver as now directed by law, and who suppose that the addition to the currency of the country intended as its result will be a public benefit, are reminded that history demonstrates that the point is easily reached in the attempt to float at the same time two sorts of money of different excellence when the better will cease to be in general circulation. The hoarding of gold which has already taken place indicates that we shall not escape the usual experience in such cases. So if this silver coinage be continued we may reasonably expect that gold and its equivalent will abandon the field of circulation to silver alone. This of course must produce a severe contraction of our circulating medium, instead of adding to it.

It will not be disputed that any attempt on the part of the Government to cause the circulation of silver dollars worth 80 cents side by side with

gold dollars worth 100 cents, even within the limit that legislation does not run counter to the laws of trade, to be successful must be seconded by the confidence of the people that both coins will retain the same purchasing power and be interchangeable at will. A special effort has been made by the Secretary of the Treasury to increase the amount of our silver coin in circulation; but the fact that a large share of the limited amount thus put out has soon returned to the public Treasury in payment of duties leads to the belief that the people do not now desire to keep it in hand, and this, with the evident disposition to hoard gold, gives rise to the suspicion that there already exists a lack of confidence among the people touching our financial processes. There is certainly not enough silver now in circulation to cause uneasiness, and the whole amount coined and now on hand might after a time be absorbed by the people without apprehension; but it is the ceaseless stream that threatens to overflow the land which causes fear and uncertainty.

What has been thus far submitted upon this subject relates almost entirely to considerations of a home nature, unconnected with the bearing which the policies of other nations have upon the question. But it is perfectly apparent that a line of action in regard to ~~our~~ currency can not wisely be settled upon or persisted in without considering the attitude on the subject of other countries with whom we maintain intercourse through commerce, trade, and travel. An acknowledgment of this fact is found in the act by ~~virtue~~ of which our silver is compulsorily coined. It provides that—

The President shall invite the governments of the countries composing the Latin Union, so called, and of such other European nations as he may deem advisable, to join the United States in a conference to adopt a common ratio between gold and silver for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between those metals.

This conference absolutely failed, and a similar fate has awaited all subsequent efforts in the same direction. And still we continue our coinage of silver at a ratio different from that of any other nation. The most vital part of the silver-coinage act remains inoperative and unexecuted, and without an ally or friend we battle upon the silver field in an illogical and losing contest.

To give full effect to the design of Congress on this subject I have made careful and earnest endeavor since the adjournment of the last Congress.

To this end I delegated a gentleman well instructed in fiscal science to proceed to the financial centers of Europe and, in conjunction with our ministers to England, France, and Germany, to obtain a full knowledge of the attitude and intent of those governments in respect of the establishment of such an international ratio as would procure free coinage of both metals at the mints of those countries and our own. By my direction our consul-general at Paris has given close attention to the

proceedings of the congress of the Latin Union, in order to indicate our interest in its objects and report its action.

It may be said in brief, as the result of these efforts, that the attitude of the leading powers remains substantially unchanged since the monetary conference of 1881, nor is it to be questioned that the views of these governments are in each instance supported by the weight of public opinion.

The steps thus taken have therefore only more fully demonstrated the uselessness of further attempts at present to arrive at any agreement on the subject with other nations.

In the meantime we are accumulating silver coin, based upon our own peculiar ratio, to such an extent, and assuming so heavy a burden to be provided for in any international negotiations, as will render us an undesirable party to any future monetary conference of nations.

It is a significant fact that four of the five countries composing the Latin Union mentioned in our coinage act, embarrassed with their silver currency, have just completed an agreement among themselves that no more silver shall be coined by their respective Governments and that such as has been already coined and in circulation shall be redeemed in gold by the country of its coinage. The resort to this expedient by these countries may well arrest the attention of those who suppose that we can succeed without shock or injury in the attempt to circulate upon its merits all the silver we may coin under the provisions of our silver-coinage act.

The condition in which our Treasury may be placed by a persistence in our present course is a matter of concern to every patriotic citizen who does not desire his Government to pay in silver such of its obligations as should be paid in gold. Nor should our condition be such as to oblige us, in a prudent management of our affairs, to discontinue the calling in and payment of interest-bearing obligations which we have the right now to discharge, and thus avoid the payment of further interest thereon.

The so-called debtor class, for whose benefit the continued compulsory coinage of silver is insisted upon, are not dishonest because they are in debt, and they should not be suspected of a desire to jeopardize the financial safety of the country in order that they may cancel their present debts by paying the same in depreciated dollars. Nor should it be forgotten that it is not the rich nor the money lender alone that must submit to such a readjustment, enforced by the Government and their debtors. The pittance of the widow and the orphan and the incomes of helpless beneficiaries of all kinds would be disastrously reduced. The depositors in savings banks and in other institutions which hold in trust the savings of the poor, when their little accumulations are scaled down to meet the new order of things, would in their distress painfully realize the delusion of the promise made to them that plentiful money would improve their condition.

We have now on hand all the silver dollars necessary to supply the present needs of the people and to satisfy those who from sentiment wish to see them in circulation, and if their coinage is suspended they can be readily obtained by all who desire them. If the need of more is at any time apparent, their coinage may be renewed.

That disaster has not already overtaken us furnishes no proof that danger does not wait upon a continuation of the present silver coinage. We have been saved by the most careful management and unusual expedients, by a combination of fortunate conditions, and by a confident expectation that the course of the Government in regard to silver coinage would be speedily changed by the action of Congress.

Prosperity hesitates upon our threshold because of the dangers and uncertainties surrounding this question. Capital timidly shrinks from trade, and investors are unwilling to take the chance of the questionable shape in which their money will be returned to them, while enterprise halts at a risk against which care and sagacious management do not protect.

As a necessary consequence, labor lacks employment and suffering and distress are visited upon a portion of our fellow-citizens especially entitled to the careful consideration of those charged with the duties of legislation. No interest appeals to us so strongly for a safe and stable currency as the vast army of the unemployed.

I recommend the ~~suspension of the~~ compulsory coinage of silver dollars, directed by the law passed in February, 1878.

The Steamboat-Inspection Service on the 30th day of June, 1885, was composed of 140 persons, including officers, clerks, and messengers. The expenses of the service over the receipts were \$138,822.22 during the fiscal year. The special inspection of foreign steam vessels, organized under a law passed in 1882, was maintained during the year at an expense of \$36,641.63. Since the close of the fiscal year reductions have been made in the force employed which will result in a saving during the current year of \$17,000 without affecting the efficiency of the service.

The Supervising Surgeon-General reports that during the fiscal year 41,714 patients have received relief through the Marine-Hospital Service, of whom 12,803 were treated in hospitals and 28,911 at the dispensaries.

Active and effective efforts have been made through the medium of this service to protect the country against an invasion of cholera, which has prevailed in Spain and France, and the smallpox, which recently broke out in Canada.

The most gratifying results have attended the operations of the Life-Saving Service during the last fiscal year. The observance of the provision of law requiring the appointment of the force employed in this service to be made "solely with reference to their fitness, and without reference to their political or party affiliation," has secured the result

which may confidently be expected in any branch of public employment where such a rule is applied. As a consequence, this service is composed of men well qualified for the performance of their dangerous and exceptionally important duties.

The number of stations in commission at the close of the year was 203. The number of disasters to vessels and craft of all kinds within their field of action was 371. The number of persons endangered in such disasters was 2,439, of whom 2,428 were saved and only 11 lost. Other lives which were imperiled, though not by disasters to shipping, were also rescued, and a large amount of property was saved through the aid of this service. The cost of its maintenance during the year was \$828,474.43.

The work of the Coast and Geodetic Survey was during the last fiscal year carried on within the boundaries and off the coasts of thirty-two States, two Territories, and the District of Columbia. In July last certain irregularities were found to exist in the management of this Bureau, which led to a prompt investigation of its methods. The abuses which were brought to light by this examination and the reckless disregard of duty and the interests of the Government developed on the part of some of those connected with the service made a change of superintendency and a few of its other officers necessary. Since the Bureau has been in new hands an introduction of economies and the application of business methods have produced an important saving to the Government and a promise of more useful results.

This service has never been regulated by anything but the most indefinite legal enactments and the most unsatisfactory rules. It was many years ago sanctioned apparently for a purpose regarded as temporary and related to a survey of our coast. Having gained a place in the appropriations made by Congress, it has gradually taken to itself powers and objects not contemplated in its creation and extended its operations until it sadly needs legislative attention.

So far as a further survey of our coast is concerned, there seems to be a propriety in transferring that work to the Navy Department. The other duties now in charge of this establishment, if they can not be profitably attached to some existing Department or other bureau, should be prosecuted under a law exactly defining their scope and purpose, and with a careful discrimination between the scientific inquiries which may properly be assumed by the Government and those which should be undertaken by State authority or by individual enterprise.

It is hoped that the report of the Congressional committee heretofore appointed to investigate this and other like matters will aid in the accomplishment of proper legislation on this subject.

The report of the Secretary of War is herewith submitted. The attention of Congress is invited to the detailed account which it contains of the administration of his Department, and his recommendations and suggestions for the improvement of the service.

The Army consisted, at the date of the last consolidated returns, of 2,154 officers and 24,705 enlisted men.

The expenses of the Departments for the fiscal year ended June 30, 1885, including \$13,164,394.60 for public works and river and harbor improvements, were \$45,850,999.54.

Besides the troops which were dispatched in pursuit of the small band of Indians who left their reservation in Arizona and committed murders and outrages, two regiments of cavalry and one of infantry were sent last July to the Indian Territory to prevent an outbreak which seemed imminent. They remained to aid, if necessary, in the expulsion of intruders upon the reservation, who seemed to have caused the discontent among the Indians, but the Executive proclamation* warning them to remove was complied with without their interference.

Troops were also sent to Rock Springs, in Wyoming Territory, after the massacre of Chinese there, to prevent further disturbance, and afterwards to Seattle, in Washington Territory, to avert a threatened attack upon Chinese laborers and domestic violence there. In both cases the mere presence of the troops had the desired effect.

It appears that the number of desertions has diminished, but that during the last fiscal year they numbered 2,927; and one instance is given by the Lieutenant-General of six desertions by the same recruit. I am convinced that this number of desertions can be much diminished by better discipline and treatment; but the punishment should be increased for repeated offenses.

These desertions might also be reduced by lessening the term of first enlistments, thus allowing a discontented recruit to contemplate a nearer discharge and the Army a profitable riddance. After one term of service a reenlistment would be quite apt to secure a contented recruit and a good soldier.

The Acting Judge-Advocate-General reports that the number of trials by general courts-martial during the year was 2,328, and that 11,851 trials took place before garrison and regimental courts-martial. The suggestion that probably more than half the Army have been tried for offenses, great and small, in one year may well arrest attention. Of course many of these trials before garrison and regimental courts-martial were for offenses almost frivolous, and there should, I think, be a way devised to dispose of these in a more summary and less inconvenient manner than by court-martial.

If some of the proceedings of courts-martial which I have had occasion to examine present the ideas of justice which generally prevail in these tribunals, I am satisfied that they should be much reformed if the honor and the honesty of the Army and Navy are by their instrumentality to be vindicated and protected.

The Board on Fortifications or other defenses, appointed in pursuance

*See pp. 303-304.

of the provisions of the act of Congress approved March 3, 1885, will in a short time present their report, and it is hoped that this may greatly aid the legislation so necessary to remedy the present defenseless condition of our seacoasts.

The work of the Signal Service has been prosecuted during the last year with results of increasing benefit to the country. The field of instruction has been enlarged with a view of adding to its usefulness. The number of stations in operation June 30, 1885, was 489. Telegraphic reports are received daily from 160 stations. Reports are also received from 25 Canadian stations, 375 volunteer observers, 52 army surgeons at military posts, and 333 foreign stations. The expense of the service during the fiscal year, after deducting receipts from military telegraph lines, was \$792,592.97. In view of the fact referred to by the Secretary of War, that the work of this service ordinarily is of a scientific nature, and the further fact that it is assuming larger proportions constantly and becoming more and more unsuited to the fixed rules which must govern the Army, I am inclined to agree with him in the opinion that it should be separately established. If this is done, the scope and extent of its operations should, as nearly as possible, be definitely prescribed by law and always capable of exact ascertainment.

The Military Academy at West Point is reported as being in a high state of efficiency and well equipped for the satisfactory accomplishment of the purposes of its maintenance.

The fact that the class which graduates next year is an unusually large one has constrained me to decline to make appointments to second lieutenantcies in the Army from civil life, so that such vacancies as exist in these places may be reserved for such graduates; and yet it is not probable that there will be enough vacancies to provide positions for them all when they leave the military school. Under the prevailing law and usage those not thus assigned to duty never actively enter the military service. It is suggested that the law on this subject be changed so that such of these young men as are not at once assigned to duty after graduation may be retained as second lieutenants in the Army if they desire it, subject to assignment when opportunity occurs, and under proper rules as to priority of selection.

The expenditures on account of the Military Academy for the last fiscal year, exclusive of the sum taken for its purposes from appropriations for the support of the Army, were \$290,712.07.

The act approved March 3, 1885, designed to compensate officers and enlisted men for loss of private property while in the service of the United States, is so indefinite in its terms and apparently admits so many claims the adjustment of which could not have been contemplated that if it is to remain upon the statute book it needs amendment.

There should be a general law of Congress prohibiting the construction of bridges over navigable waters in such manner as to obstruct

navigation, with provisions for preventing the same. It seems that under existing statutes the Government can not intervene to prevent such a construction when entered upon without its consent, though when such consent is asked and granted upon condition the authority to insist upon such condition is clear. Thus it is represented that while the officers of the Government are with great care guarding against the obstruction of navigation by a bridge across the Mississippi River at St. Paul a large pier for a bridge has been built just below this place directly in the navigable channel of the river. If such things are to be permitted, a strong argument is presented against the appropriation of large sums of money to improve the navigation of this and other important highways of commerce.

The report of the Secretary of the Navy gives a history of the operations of his Department and the present condition of the work committed to his charge.

He details in full the course pursued by him to protect the rights of the Government in respect of certain vessels unfinished at the time of his accession to office, and also concerning the dispatch boat *Dolphin*, claimed to be completed and awaiting the acceptance of the Department. No one can fail to see from recitals contained in this report that only the application of business principles has been insisted upon in the treatment of these subjects, and that whatever controversy ~~has arisen~~ was caused by the exaction on the part of the Department of ~~contract~~ obligations as they were legally construed. In the case of the *Dolphin*, with entire justice to the contractor, an agreement has been entered into providing for the ascertainment by a judicial inquiry of the complete or partial compliance with the contract in her construction, and further providing for the assessment of any damages to which the Government may be entitled on account of a partial failure to perform such contract, or the payment of the sum still remaining unpaid upon her price in case a full performance is adjudged.

The contractor, by reason of his failure in business, being unable to complete the other three vessels, they were taken possession of by the Government in their unfinished state under a clause in the contract permitting such a course, and are now in process of completion in the yard of the contractor, but under the supervision of the Navy Department.

Congress at its last session authorized the construction of two additional new cruisers and two gunboats, at a cost not exceeding in the aggregate \$2,995,000. The appropriation for this purpose having become available on the 1st day of July last, steps were at once taken for the procurement of such plans for the construction of these vessels as would be likely to insure their usefulness when completed. These are of the utmost importance, considering the constant advance in the art of building vessels of this character, and the time is not lost which is spent in their careful consideration and selection.

All must admit the importance of an effective navy to a nation like ours, having such an extended seacoast to protect; and yet we have not a single vessel of war that could keep the seas against a first-class vessel of any important power. Such a condition ought not longer to continue. The nation that can not resist aggression is constantly exposed to it. Its foreign policy is of necessity weak and its negotiations are conducted with disadvantage because it is not in condition to enforce the terms dictated by its sense of right and justice.

Inspired, as I am, by the hope, shared by all patriotic citizens, that the day is not very far distant when our Navy will be such as befits our standing among the nations of the earth, and rejoiced at every step that leads in the direction of such a consummation, I deem it my duty to especially direct the attention of Congress to the close of the report of the Secretary of the Navy, in which the humiliating weakness of the present organization of his Department is exhibited and the startling abuses and waste of its present methods are exposed. The conviction is forced upon us with the certainty of mathematical demonstration that before we proceed further in the restoration of a Navy we need a thoroughly reorganized Navy Department. The fact that within seventeen years more than \$75,000,000 have been spent in the construction, repair, equipment, and armament of vessels, and the further fact that instead of an effective and creditable fleet we have only the discontent and apprehension of a nation undefended by war vessels, added to the disclosures now made, do not permit us to doubt that every attempt to revive our Navy has thus far for the most part been misdirected, and all our efforts in that direction have been little better than blind gropings and expensive, aimless follies.

Unquestionably if we are content with the maintenance of a Navy Department simply as a shabby ornament to the Government, a constant watchfulness may prevent some of the scandal and abuse which have found their way into our present organization, and its incurable waste may be reduced to the minimum. But if we desire to build ships for present usefulness instead of naval reminders of the days that are past, we must have a Department organized for the work, supplied with all the talent and ingenuity our country affords, prepared to take advantage of the experience of other nations, systematized so that all effort shall unite and lead in one direction, and fully imbued with the conviction that war vessels, though new, are useless unless they combine all that the ingenuity of man has up to this day brought forth relating to their construction.

I earnestly commend the portion of the Secretary's report devoted to this subject to the attention of Congress, in the hope that his suggestions touching the reorganization of his Department may be adopted as the first step toward the reconstruction of our Navy.

The affairs of the postal service are exhibited by the report of the Postmaster-General, which will be laid before you.

The postal revenue, whose ratio of gain upon the rising prosperity of 1882 and 1883 outstripped the increasing expenses of our growing service, was checked by the reduction in the rate of letter postage which took effect with the beginning of October in the latter year, and it diminished during the two past fiscal years \$2,790,000, in about the proportion of \$2,270,000 in 1884 to \$520,000 in 1885. Natural growth and development have meantime increased expenditure, resulting in a deficiency in the revenue to meet the expenses of the Department of five and a quarter million dollars for the year 1884 and eight and a third million in the last fiscal year. The anticipated and natural revival of the revenue has been oppressed and retarded by the unfavorable business condition of the country, of which the postal service is a faithful indicator. The gratifying fact is shown, however, by the report that our returning prosperity is marked by a gain of \$380,000 in the revenue of the latter half of the last year over the corresponding period of the preceding year.

The change in the weight of first-class matter which may be carried for a single rate of postage from a half ounce to an ounce, and the reduction by one-half of the rate of newspaper postage, which, under recent legislation, began with the current year, will operate to restrain the augmentation of receipts which otherwise might have been expected to such a degree that the scale of expense may gain upon the revenue and cause an increased deficiency to be shown at its close. Yet, after no long period of reawakened prosperity, by proper economy it is confidently anticipated that ~~even~~ the present low rates, now as favorable as any country affords, will be adequate to sustain the cost of the service.

The operation of the Post-Office Department is for the convenience and benefit of the people, and the method by which they pay the charges of this useful arm of their public service, so that it be just and impartial, is of less importance to them than the economical expenditure of the means they provide for its maintenance and the due improvement of its agencies, so that they may enjoy its highest usefulness.

A proper attention has been directed to the prevention of waste or extravagance, and good results appear from the report to have already been accomplished.

I approve the recommendation of the Postmaster-General to reduce the charges on domestic money orders of \$5 and less from 8 to 5 cents. This change will materially aid those of our people who most of all avail themselves of this instrumentality, but to whom the element of cheapness is of the greatest importance. With this reduction the system would still remain self-supporting.

The free-delivery system has been extended to 19 additional cities during the year, and 178 now enjoy its conveniences. Experience has commended it to those who enjoy its benefits, and further enlargement of its facilities is due to other communities to which it is adapted. In the cities where it has been established, taken together, the local postage

exceeds its maintenance by nearly \$1,300,000. The limit to which this system is now confined by law has been nearly reached, and the reasons given justify its extension, which is proposed.

It was decided, with my approbation, after a sufficient examination, to be inexpedient for the Post-Office Department to contract for carrying our foreign mails under the additional authority given by the last Congress. The amount limited was inadequate to pay all within the purview of the law the full rate of 50 cents per mile, and it would have been unjust and unwise to have given it to some and denied it to others. Nor could contracts have been let under the law to all at a rate to have brought the aggregate within the appropriation without such practical prearrangement of terms as would have violated it.

The rate of sea and inland postage which was proffered under another statute clearly appears to be a fair compensation for the desired service, being three times the price necessary to secure transportation by other vessels upon any route, and much beyond the charges made to private persons for services not less burdensome.

Some of the steamship companies, upon the refusal of the Postmaster-General to attempt, by the means provided, the distribution of the sum appropriated as an extra compensation, withdrew the services of their vessels and thereby occasioned slight inconvenience, though no considerable injury, the mails having been dispatched by other means.

Whatever may be thought of the policy of subsidizing any line of public conveyance or travel, I am satisfied that it should not be done under cover of an expenditure incident to the administration of a Department, nor should there be any uncertainty as to the recipients of the subsidy or any discretion left to an executive officer as to its distribution. If such gifts of the public money are to be made for the purpose of aiding any enterprise in the supposed interest of the public, I can not but think that the amount to be paid and the beneficiary might better be determined by Congress than in any other way.

The international congress of delegates from the Postal Union countries convened at Lisbon, in Portugal, in February last, and after a session of some weeks the delegates signed a convention amendatory of the present postal-union convention in some particulars designed to advance its purposes. This additional act has had my approval and will be laid before you with the departmental report.

I approve the recommendation of the Postmaster-General that another assistant be provided for his Department. I invite your consideration to the several other recommendations contained in his report.

The report of the Attorney-General contains a history of the conduct of the Department of Justice during the last year and a number of valuable suggestions as to needed legislation, and I invite your careful attention to the same.

The condition of business in the courts of the United States is such that

there seems to be an imperative necessity for remedial legislation on the subject. Some of these courts are so overburdened with pending causes that the delays in determining litigation amount often to a denial of justice. Among the plans suggested for relief is one submitted by the Attorney-General. Its main features are: The transfer of all the original jurisdiction of the circuit courts to the district courts and an increase of judges for the latter where necessary; an addition of judges to the circuit courts, and constituting them exclusively courts of appeal, and reasonably limiting appeals thereto; further restrictions of the right to remove causes from the State to Federal courts; permitting appeals to the Supreme Court from the courts of the District of Columbia and the Territories only in the same cases as they are allowed from State courts, and guarding against an unnecessary number of appeals from the circuit courts.

I approve the plan thus outlined, and recommend the legislation necessary for its application to our judicial system.

The present mode of compensating United States marshals and district attorneys should, in my opinion, be changed. They are allowed to charge against the Government certain fees for services, their income being measured by the amount of such fees within a fixed limit as to their annual aggregate. This is a direct inducement for them to make their fees in criminal cases as large as possible in an effort to reach the maximum sum permitted. As an entirely natural consequence, unscrupulous marshals are found encouraging frivolous prosecutions, arresting people on petty charges of crime and transporting them to distant places for examination and trial, for the purpose of earning mileage and other fees; and district attorneys uselessly attend criminal examinations far from their places of residence for the express purpose of swelling their accounts against the Government. The actual expenses incurred in these transactions are also charged against the Government.

Thus the rights and freedom of our citizens are outraged and public expenditures increased for the purpose of furnishing public officers pretexts for increasing the measure of their compensation.

I think marshals and district attorneys should be paid salaries, adjusted by a rule which will make them commensurate with services fairly rendered.

In connection with this subject I desire to suggest the advisability, if it be found not obnoxious to constitutional objection, of investing United States commissioners with the power to try and determine certain violations of law within the grade of misdemeanors. Such trials might be made to depend upon the option of the accused. The multiplication of small and technical offenses, especially under the provisions of our internal-revenue law, render some change in our present system very desirable in the interests of humanity as well as economy. The district courts are now crowded with petty prosecutions, involving a punishment

in case of conviction, of only a slight fine, while the parties accused are harassed by an enforced attendance upon courts held hundreds of miles from their homes. If poor and friendless, they are obliged to remain in jail during months, perhaps, that elapse before a session of the court is held, and are finally brought to trial surrounded by strangers and with but little real opportunity for defense. In the meantime frequently the marshal has charged against the Government his fees for an arrest, the transportation of the accused and the expense of the same, and for summoning witnesses before a commissioner, a grand jury, and a court; the witnesses have been paid from the public funds large fees and traveling expenses, and the commissioner and district attorney have also made their charges against the Government.

This abuse in the administration of our criminal law should be remedied; and if the plan above suggested is not practicable, some other should be devised.

The report of the Secretary of the Interior, containing an account of the operations of this important Department and much interesting information, will be submitted for your consideration.

The most intricate and difficult subject in charge of this Department is the treatment and management of the Indians. I am satisfied that some progress may be noted in their condition as a result of a prudent administration of the present laws and regulations for their control.

But it is submitted that there is lack of a fixed purpose or policy on this subject, which should be supplied. It is useless to dilate upon the wrongs of the Indians, and as useless to indulge in the heartless belief that because their wrongs are revenged in their own atrocious manner, therefore they should be exterminated.

They are within the care of our Government, and their rights are, or should be, protected from invasion by the most solemn obligations. They are properly enough called the wards of the Government; and it should be borne in mind that this guardianship involves on our part efforts for the improvement of their condition and the enforcement of their rights. There seems to be general concurrence in the proposition that the ultimate object of their treatment should be their civilization and citizenship. Fitted by these to keep pace in the march of progress with the advanced civilization about them, they will readily assimilate with the mass of our population, assuming the responsibilities and receiving the protection incident to this condition.

The difficulty appears to be in the selection of the means to be at present employed toward the attainment of this result.

Our Indian population, exclusive of those in Alaska, is reported as numbering 260,000, nearly all being located on lands set apart for their use and occupation, aggregating over 134,000,000 acres. These lands are included in the boundaries of 171 reservations of different dimensions, scattered in 21 States and Territories, presenting great variations in

climate and in the kind and quality of their soils. Among the Indians upon these several reservations there exist the most marked differences in natural traits and disposition and in their progress toward civilization. While some are lazy, vicious, and stupid, others are industrious, peaceful, and intelligent; while a portion of them are self-supporting and independent, and have so far advanced in civilization that they make their own laws, administered through officers of their own choice, and educate their children in schools of their own establishment and maintenance, others still retain, in squalor and dependence, almost the savagery of their natural state.

In dealing with this question the desires manifested by the Indians should not be ignored. Here again we find a great diversity. With some the tribal relation is cherished with the utmost tenacity, while its hold upon others is considerably relaxed; the love of home is strong with all, and yet there are those whose attachment to a particular locality is by no means unyielding; the ownership of their lands in severalty is much desired by some, while by others, and sometimes among the most civilized, such a distribution would be bitterly opposed.

The variation of their wants, growing out of and connected with the character of their several locations, should be regarded. Some are upon reservations most fit for grazing, but without flocks or herds; and some, on arable land, have no agricultural implements. While some of the reservations are double the size necessary to maintain the number of Indians now upon them, in a few cases, perhaps, they should be enlarged.

Add to all this the difference in the administration of the agencies. While the same duties are devolved upon all, the disposition of the agents and the manner of their contact with the Indians have much to do with their condition and welfare. The agent who perfunctorily performs his duty and slothfully neglects all opportunity to advance their moral and physical improvement and fails to inspire them with a desire for better things will accomplish nothing in the direction of their civilization, while he who feels the burden of an important trust and has an interest in his work will, by consistent example, firm yet considerate treatment, and well-directed aid and encouragement, constantly lead those under his charge toward the light of their enfranchisement.

The history of all the progress which has been made in the civilization of the Indian I think will disclose the fact that the beginning has been religious teaching, followed by or accompanying secular education. While the self-sacrificing and pious men and women who have aided in this good work by their independent endeavor have for their reward the beneficent results of their labor and the consciousness of Christian duty well performed, their valuable services should be fully acknowledged by all who under the law are charged with the control and management of our Indian wards.

What has been said indicates that in the present condition of the

Indians no attempt should be made to apply a fixed and unyielding plan of action to their varied and varying needs and circumstances.

The Indian Bureau, burdened as it is with their general oversight and with the details of the establishment, can hardly possess itself of the minute phases of the particular cases needing treatment; and thus the propriety of creating an instrumentality auxiliary to those already established for the care of the Indians suggests itself.

I recommend the passage of a law authorizing the appointment of six commissioners, three of whom shall be detailed from the Army, to be charged with the duty of a careful inspection from time to time of all the Indians upon our reservations or subject to the care and control of the Government, with a view of discovering their exact condition and needs and determining what steps shall be taken on behalf of the Government to improve their situation in the direction of their self-support and complete civilization; that they ascertain from such inspection what, if any, of the reservations may be reduced in area, and in such cases what part not needed for Indian occupation may be purchased by the Government from the Indians and disposed of for their benefit; what, if any, Indians may, with their consent, be removed to other reservations, with a view of their concentration and the sale on their behalf of their abandoned reservations; what Indian lands now held in common should be allotted in severalty; in what manner and to what extent the Indians upon the reservations can be placed under the protection of our laws and subjected to their penalties, and which, if any, Indians should be invested with the right of citizenship. The powers and functions of the commissioners in regard to these subjects should be clearly defined, though they should, in conjunction with the Secretary of the Interior, be given all the authority to deal definitely with the questions presented deemed safe and consistent.

They should be also charged with the duty of ascertaining the Indians who might properly be furnished with implements of agriculture, and of what kind; in what cases the support of the Government should be withdrawn; where the present plan of distributing Indian supplies should be changed; where schools may be established and where discontinued; the conduct, methods, and fitness of agents in charge of reservations; the extent to which such reservations are occupied or intruded upon by unauthorized persons, and generally all matters related to the welfare and improvement of the Indian.

They should advise with the Secretary of the Interior concerning these matters of detail in management, and he should be given power to deal with them fully, if he is not now invested with such power.

This plan contemplates the selection of persons for commissioners who are interested in the Indian question and who have practical ideas upon the subject of their treatment.

The expense of the Indian Bureau during the last fiscal year was more

than six and a half million dollars. I believe much of this expenditure might be saved under the plan proposed; that its economical effects would be increased with its continuance; that the safety of our frontier settlers would be subserved under its operation, and that the nation would be saved through its results from the imputation of inhumanity, injustice, and mismanagement.

In order to carry out the policy of allotment of Indian lands in severalty, when deemed expedient, it will be necessary to have surveys completed of the reservations, and I hope that provision will be made for the prosecution of this work.

In May of the present year a small portion of the Chiricahua Apaches on the White Mountain Reservation, in Arizona, left the reservation and committed a number of murders and depredations upon settlers in that neighborhood. Though prompt and energetic action was taken by the military, the renegades eluded capture and escaped into Mexico. The formation of the country through which these Indians passed, their thorough acquaintance with the same, the speed of their escape, and the manner in which they scattered and concealed themselves among the mountains near the scene of their outrages put our soldiers at a great disadvantage in their efforts to capture them, though the expectation is still entertained that they will be ultimately taken and punished for their crimes.

The threatening and disorderly conduct of the Cheyennes in the Indian Territory early last summer caused considerable alarm and uneasiness. Investigation proved that their threatening attitude was due in a great measure to the occupation of the land of their reservation by immense herds of cattle, which their owners claimed were rightfully there under certain leases made by the Indians. Such occupation appearing upon examination to be unlawful notwithstanding these leases, the intruders were ordered to remove with their cattle from the lands of the Indians by Executive proclamation.* The enforcement of this proclamation had the effect of restoring peace and order among the Indians, and they are now quiet and well behaved.

By an Executive order issued on February 27, 1885, by my predecessor, a portion of the tract of country in the territory known as the Old Winnebago and Crow Creek reservations was directed to be restored to the public domain and opened to settlement under the land laws of the United States, and a large number of persons entered upon those lands. This action alarmed the Sioux Indians, who claimed the territory as belonging to their reservation under the treaty of 1868. This claim was determined, after careful investigation, to be well founded, and consequently the Executive order referred to was by proclamation of April 17, 1885, † declared to be inoperative and of no effect, and all persons upon the land were warned to leave. This warning has been substantially complied with.

*See pp. 224-225.

† See pp. 305-307.

The public domain had its origin in cessions of land by the States to the General Government. The first cession was made by the State of New York, and the largest, which in area exceeded all the others, by the State of Virginia. The territory the proprietorship of which became thus vested in the General Government extended from the western line of Pennsylvania to the Mississippi River. These patriotic donations of the States were encumbered with no condition except that they should be held and used "for the common benefit of the United States." By purchase with the common fund of all the people additions were made to this domain until it extended to the northern line of Mexico, the Pacific Ocean, and the Polar Sea. The original trust, "for the common benefit of the United States," attached to all. In the execution of that trust the policy of many homes, rather than large estates, was adopted by the Government. That these might be easily obtained, and be the abode of security and contentment, the laws for their acquisition were few, easily understood, and general in their character. But the pressure of local interests, combined with a speculative spirit, have in many instances procured the passage of laws which marred the harmony of the general plan and encumbered the system with a multitude of general and special enactments which render the land laws complicated, subject the titles to uncertainty, and the purchasers often to oppression and wrong. Laws which were intended for the "common benefit" have been perverted—so that large quantities of land are vesting in single ownerships. ~~From~~ the multitude and character of the laws, this consequence seems incapable of correction by mere administration.

It is not for the "common benefit of the United States" that a large area of the public lands should be acquired, directly or through fraud, in the hands of a single individual. The nation's strength is in the people. The nation's prosperity is in their prosperity. The nation's glory is in the equality of her justice. The nation's perpetuity is in the patriotism of all her people. Hence, as far as practicable, the plan adopted in the disposal of the public lands should have in view the original policy, which encouraged many purchasers of these lands for homes and discouraged the massing of large areas. Exclusive of Alaska, about three-fifths of the national domain has been sold or subjected to contract or grant. Of the remaining two-fifths a considerable portion is either mountain or desert. A rapidly increasing population creates a growing demand for homes, and the accumulation of wealth inspires an eager competition to obtain the public land for speculative purposes. In the future this collision of interests will be more marked than in the past, and the execution of the nation's trust in behalf of our settlers will be more difficult. I therefore commend to your attention the recommendations contained in the report of the Secretary of the Interior with reference to the repeal and modification of certain of our land laws.

The nation has made princely grants and subsidies to a system of

railroads projected as great national highways to connect the Pacific States with the East. It has been charged that these donations from the people have been diverted to private gain and corrupt uses, and thus public indignation has been aroused and suspicion engendered. Our great nation does not begrudge its generosity, but it abhors speculation and fraud; and the favorable regard of our people for the great corporations to which these grants were made can only be revived by a restoration of confidence, to be secured by their constant, unequivocal, and clearly manifested integrity. A faithful application of the undiminished proceeds of the grants to the construction and perfecting of their roads, an honest discharge of their obligations, and entire justice to all the people in the enjoyment of their rights on these highways of travel are all the public asks, and it will be content with no less. To secure these things should be the common purpose of the officers of the Government, as well as of the corporations. With this accomplishment prosperity would be permanently secured to the roads, and national pride would take the place of national complaint.

It appears from the report of the Commissioner of Pensions that there were on the 1st day of July, 1885, 345,125 persons borne upon the pension rolls, who were classified as follows: Army invalids, 241,456; widows, minor children, and dependent relatives of deceased soldiers, 78,841; navy invalids, 2,745; navy widows, minor children, and dependents, 1,926; survivors of the War of 1812, 2,945; and widows of those who served in that war, 17,212. About one man in ten of all those who enlisted in the late war are reported as receiving pensions, exclusive of the dependents of deceased soldiers. On the 1st of July, 1875, the number of pensioners was 234,821, and the increase within the ten years next thereafter was 110,304.

While there is no expenditure of the public funds which the people more cheerfully approve than that made in recognition of the services of our soldiers living and dead, the sentiment underlying the subject should not be vitiated by the introduction of any fraudulent practices. Therefore it is fully as important that the rolls should be cleansed of all those who by fraud have secured a place thereon as that meritorious claims should be speedily examined and adjusted. The reforms in the methods of doing the business of this Bureau which have lately been inaugurated promise better results in both these directions.

The operations of the Patent Office demonstrate the activity of the inventive genius of the country. For the year ended June 30, 1885, the applications for patents, including reissues, and for the registration of trade-marks and labels, numbered 35,688. During the same period there were 22,928 patents granted and reissued and 1,429 trade-marks and labels registered. The number of patents issued in the year 1875 was 14,387. The receipts during the last fiscal year were \$1,074,974.35, and the total expenditures, not including contingent expenses, \$934,123.11.

There were 9,788 applications for patents pending on the 1st day of July, 1884, and 5,786 on the same date in the year 1885. There has been considerable improvement made in the prompt determination of applications and a consequent relief to expectant inventors.

A number of suggestions and recommendations are contained in the report of the Commissioner of Patents which are well entitled to the consideration of Congress.

In the Territory of Utah the law of the United States passed for the suppression of polygamy has been energetically and faithfully executed during the past year, with measurably good results. A number of convictions have been secured for unlawful cohabitation, and in some cases pleas of guilty have been entered and a slight punishment imposed, upon a promise by the accused that they would not again offend against the law, nor advise, counsel, aid, or abet in any way its violation by others.

The Utah commissioners express the opinion, based upon such information as they are able to obtain, that but few polygamous marriages have taken place in the Territory during the last year. They further report that while there can not be found upon the registration lists of voters the name of a man actually guilty of polygamy, and while none of that class are holding office, yet at the last election in the Territory all the officers elected, except in one county, were men who, though not actually living in the practice of polygamy, subscribe to the doctrine of polygamous marriages as a divine revelation and a law unto all higher and more binding upon the conscience than any human law, local or national. Thus is the strange spectacle presented of a community protected by a republican form of government, to which they owe allegiance, sustaining by their suffrages a principle and a belief which set at naught that obligation of absolute obedience to the law of the land which lies at the foundation of republican institutions.

The strength, the perpetuity, and the destiny of the nation rest upon our homes, established by the law of God, guarded by parental care, regulated by parental authority, and sanctified by parental love.

These are not the homes of polygamy.

The mothers of our land, who rule the nation as they mold the characters and guide the actions of their sons, live according to God's holy ordinances, and each, secure and happy in the exclusive love of the father of her children, sheds the warm light of true womanhood, unperverted and unpolluted, upon all within her pure and wholesome family circle.

These are not the cheerless, crushed, and unwomanly mothers of polygamy.

The fathers of our families are the best citizens of the Republic. Wife and children are the sources of patriotism, and conjugal and parental affection beget devotion to the country. The man who, undefiled with plural marriage, is surrounded in his single home with his wife and

children has a stake in the country which inspires him with respect for its laws and courage for its defense.

These are not the fathers of polygamous families.

There is no feature of this practice or the system which sanctions it which is not opposed to all that is of value in our institutions.

There should be no relaxation in the firm but just execution of the law now in operation, and I should be glad to approve such further discreet legislation as will rid the country of this blot upon its fair fame.

Since the people upholding polygamy in our Territories are reenforced by immigration from other lands, I recommend that a law be passed to prevent the importation of Mormons into the country.

The agricultural interest of the country demands just recognition and liberal encouragement. It sustains with certainty and unfailing strength our nation's prosperity by the products of its steady toil, and bears its full share of the burden of taxation without complaint. Our agriculturists have but slight personal representation in the councils of the nation, and are generally content with the humbler duties of citizenship and willing to trust to the bounty of nature for a reward of their labor. But the magnitude and value of this industry are appreciated when the statement is made that of our total annual exports more than three-fourths are the products of agriculture, and of our total population nearly one-half are exclusively engaged in that occupation.

The Department of Agriculture was created for the purpose of acquiring and diffusing among the people useful information respecting the subjects it has in charge, and aiding in the cause of intelligent and progressive farming, by the collection of statistics, by testing the value and usefulness of new seeds and plants, and distributing such as are found desirable among agriculturists. This and other powers and duties with which this Department is invested are of the utmost importance, and if wisely exercised must be of great benefit to the country. The aim of our beneficent Government is the improvement of the people in every station and the amelioration of their condition. Surely our agriculturists should not be neglected. The instrumentality established in aid of the farmers of the land should not only be well equipped for the accomplishment of its purpose, but those for whose benefit it has been adopted should be encouraged to avail themselves fully of its advantages.

The prohibition of the importation into several countries of certain of our animals and their products, based upon the suspicion that health is endangered in their use and consumption, suggests the importance of such precautions for the protection of our stock of all kinds against disease as will disarm suspicion of danger and cause the removal of such an injurious prohibition.

If the laws now in operation are insufficient to accomplish this protection, I recommend their amendment to meet the necessities of the situation; and I commend to the consideration of Congress the suggestions

contained in the report of the Commissioner of Agriculture calculated to increase the value and efficiency of this Department.

The report of the Civil Service Commission, which will be submitted, contains an account of the manner in which the civil-service law has been executed during the last year and much valuable information on this important subject.

I am inclined to think that there is no sentiment more general in the minds of the people of our country than a conviction of the correctness of the principle upon which the law enforcing civil-service reform is based. In its present condition the law regulates only a part of the subordinate public positions throughout the country. It applies the test of fitness to applicants for these places by means of a competitive examination, and gives large discretion to the Commissioners as to the character of the examination and many other matters connected with its execution. Thus the rules and regulations adopted by the Commission have much to do with the practical usefulness of the statute and with the results of its application.

The people may well trust the Commission to execute the law with perfect fairness and with as little irritation as is possible. But of course no relaxation of the principle which underlies it and no weakening of the safeguards which surround it can be expected. Experience in its administration will probably suggest amendment of the methods of its execution, but I venture to hope that we shall never again be remitted to the system which distributes public positions purely as rewards for partisan service. Doubts may well be entertained whether our Government could survive the strain of a continuance of this system, which upon every change of Administration inspires an immense army of claimants for office to lay siege to the patronage of Government, engrossing the time of public officers with their importunities, spreading abroad the contagion of their disappointment, and filling the air with the tumult of their discontent.

The allurements of an immense number of offices and places exhibited to the voters of the land, and the promise of their bestowal in recognition of partisan activity, debauch the suffrage and rob political action of its thoughtful and deliberative character. The evil would increase with the multiplication of offices consequent upon our extension, and the mania for office holding, growing from its indulgence, would pervade our population so generally that patriotic purpose, the support of principle, the desire for the public good, and solicitude for the nation's welfare would be nearly banished from the activity of our party contests and cause them to degenerate into ignoble, selfish, and disgraceful struggles for the possession of office and public place.

Civil-service reform enforced by law came none too soon to check the progress of demoralization.

One of its effects, not enough regarded, is the freedom it brings to the

political action of those conservative and sober men who, in fear of the confusion and risk attending an arbitrary and sudden change in all the public offices with a change of party rule, cast their ballots against such a chance.

Parties seem to be necessary, and will long continue to exist; nor can it be now denied that there are legitimate advantages, not disconnected with office holding, which follow party supremacy. While partisanship continues bitter and pronounced and supplies so much of motive to sentiment and action, it is not fair to hold public officials in charge of important trusts responsible for the best results in the performance of their duties, and yet insist that they shall rely in confidential and important places upon the work of those not only opposed to them in political affiliation, but so steeped in partisan prejudice and rancor that they have no loyalty to their chiefs and no desire for their success. Civil-service reform does not exact this, nor does it require that those in subordinate positions who fail in yielding their best service or who are incompetent should be retained simply because they are in place. The whining of a clerk discharged for indolence or incompetency, who, though he gained his place by the worst possible operation of the spoils system, suddenly discovers that he is entitled to protection under the sanction of civil-service reform, represents an idea no less absurd than the clamor of the applicant who claims the vacant position as his compensation for the most questionable party work.

The civil-service law does not prevent the discharge of the indolent or incompetent clerk, but it does prevent supplying his place with the unfit party worker. Thus in both these phases is seen benefit to the public service. And the people who desire good government, having secured this statute, will not relinquish its benefits without protest. Nor are they unmindful of the fact that its full advantages can only be gained through the complete good faith of those having its execution in charge. And this they will insist upon.

I recommend that the salaries of the Civil Service Commissioners be increased to a sum more nearly commensurate to their important duties.

It is a source of considerable and not unnatural discontent that no adequate provision has yet been made for accommodating the principal library of the Government. Of the vast collection of books and pamphlets gathered at the Capitol, numbering some 700,000, exclusive of manuscripts, maps, and the products of the graphic arts, also of great volume and value, only about 300,000 volumes, or less than half the collection, are provided with shelf room. The others, which are increasing at the rate of from twenty-five to thirty thousand volumes a year, are not only inaccessible to the public, but are subject to serious damage and deterioration from other causes in their present situation.

A consideration of the facts that the library of the Capitol has twice been destroyed or damaged by fire, its daily increasing value, and its importance as a place of deposit of books under the law relating to copy-

right makes manifest the necessity of prompt action to insure its proper accommodation and protection.

My attention has been called to a controversy which has arisen from the condition of the law relating to railroad facilities in the city of Washington, which has involved the Commissioners of the District in much annoyance and trouble. I hope this difficulty will be promptly settled by appropriate legislation.

The Commissioners represent that enough of the revenues of the District are now on deposit in the Treasury of the United States to repay the sum advanced by the Government for sewer improvements under the act of June 30, 1884. They desire now an advance of the share which ultimately should be borne by the District of the cost of extensive improvements to the streets of the city. The total expense of these contemplated improvements is estimated at \$1,000,000, and they are of the opinion that a considerable sum could be saved if they had all the money in hand, so that contracts for the whole work could be made at the same time. They express confidence that if the advance asked for should be made the Government would be reimbursed the same within ~~a~~ reasonable time. I have no doubt that these improvements could be made much cheaper if undertaken together and prosecuted according to a general plan.

The license law now in force within the District is deficient and uncertain in some of its provisions and ought to be amended. The Commissioners urge, with good reason, the necessity of providing a building for the use of the District government which shall better secure the safety and preservation of its valuable books and records.

The present condition of the law relating to the succession to the Presidency in the event of the death, disability, or removal of both the President and Vice-President is such as to require immediate amendment. This subject has repeatedly been considered by Congress, but no result has been reached. The recent lamentable death of the Vice-President, and vacancies at the same time in all other offices the incumbents of which might immediately exercise the functions of the Presidential office, has caused public anxiety and a just demand that a recurrence of such a condition of affairs should not be permitted.

In conclusion I commend to the wise care and thoughtful attention of Congress the needs, the welfare, and the aspirations of an intelligent and generous nation. To subordinate these to the narrow advantages of partisanship or the accomplishment of selfish aims is to violate the people's trust and betray the people's interests; but an individual sense of responsibility on the part of each of us and a stern determination to perform our duty well must give us place among those who have added in their day and generation to the glory and prosperity of our beloved land.

GROVER CLEVELAND.

SPECIAL MESSAGES.

EXECUTIVE MANSION,
Washington, December 14, 1885.

To the Senate of the United States:

In response to the resolution of the Senatē of the 9th instant, calling for the correspondence on file in relation to the appointment of Mr. A. M. Keiley as envoy extraordinary and minister plenipotentiary, first to the Government of Italy and then to that of Austria-Hungary, I transmit herewith a report from the Secretary of State, with accompanying papers.

GROVER CLEVELAND.

EXECUTIVE MANSION, December 14, 1885.

To the Senate and House of Representatives:

I transmit herewith a communication of 10th instant from the Secretary of the Interior, inclosing a report from the Commissioner of Indian Affairs upon the subject of the condition of the Northern Cheyenne Indians upon the Rosebud and Tongue rivers, in Montana, the inadequacy of the appropriation made for their support during the current ~~fiscal~~ year, and requesting legislative authority for the use of certain funds indicated for their relief.

The proposed legislation does not involve any additional appropriation, and the necessity for the authority requested is urgent. I therefore recommend the matter to the early and favorable consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 14, 1885.

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and Venezuela for the reopening of the claims of citizens of the United States against that Government under the treaty of April 25, 1866, signed on the 5th instant.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 14, 1885.

To the Senate:

I transmit, for the consideration of the Senate with a view to ratification, an additional article, signed the 5th instant, extending for a period of eighteen months from the date of the exchange of ratifications of the

same the provisions of Article VIII of the convention of July 29, 1882, between the United States and Mexico, in regard to the resurvey of the boundary line, a copy of which convention is herewith inclosed.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 21, 1885.

To the Senate of the United States:

I nominate James P. Kimball, of Pennsylvania, to be Director of the Mint, in place of Horatio C. Burchard, removed; and the reasons for such removal are herewith communicated to the Senate, pursuant to the statute in such case made and provided.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 21, 1885.*

To the Senate of the United States:

In the matter of the removal of Horatio C. }
Burchard as Director of the Mint. }

In conformity to section 343 of the Revised Statutes of the United States, the following is respectfully communicated to the Senate as reasons of the removal above referred to:

The Director of the Mint is the head of one of the most important of the bureaus of the Treasury Department, to which are attached duties of a highly technical and varied nature.

By the express terms of the law creating the office the incumbent is "under the direction of the Secretary of the Treasury."

This last-named officer, under whose direction Mr. Burchard was thus placed, reported to me that his mode of conducting the business of the office was unsatisfactory and inefficient and that the public interest required a change.

And therefore I removed Mr. Burchard and appointed Mr. Kimball in his place, believing him to possess especial qualifications for the proper administration of the important duties involved.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 21, 1885.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 17th instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill granting a right of way to the Jamestown and Northern Railroad Company through the Devils Lake Indian Reservation, in the Territory of Dakota.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 21, 1885.**To the Senate and House of Representatives:*

I transmit herewith a communication of the 15th instant from the Secretary of the Interior, submitting, with accompanying papers upon the subject, a draft of a bill to amend section 2148 of the Revised Statutes of the United States, relating to trespasses upon Indian lands.

The subject is one of great importance, and is commended to the early and favorable action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 21, 1885.**To the Senate and House of Representatives:*

I transmit herewith a report, together with accompanying documents, made to me by the board of management of the World's Industrial and Cotton Centennial Exposition, held at New Orleans from December 16, 1884, to May 31, 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 21, 1885.**To the Senate and House of Representatives:*

I transmit herewith a communication of the 17th instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill to accept and ratify an agreement made by the Pi-Ute Indians, and granting a right of way to the Carson and Colorado Railroad Company through the Walker River Reservation, in Nevada.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 21, 1885.**To the Senate and House of Representatives:*

I transmit herewith a communication of the 17th instant from the Secretary of the Interior, submitting, with accompanying papers, a report of the Commissioner of Indian Affairs concerning the failure of the Utah and Northern Railroad Company to compensate the Indians upon the Fort Hall Reservation, in Idaho, for lands taken and used in construction of their line of road crossing the reservation from north to south.

The subject is recommended to the early attention and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 21, 1885.**To the Senate and House of Representatives:*

I transmit herewith a communication of the 15th instant from the Secretary of the Interior, submitting, with accompanying papers upon the

subject, a draft of a bill "to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes."

The matter is presented for the favorable consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 21, 1885.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 15th instant from the Secretary of the Interior, submitting, with accompanying papers upon the subject, a draft of a bill for the relief of the Mission Indians in California.

The subject is presented for the action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 21, 1885.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 17th instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill to accept and ratify an agreement made by the Sisseton and Wahpeton Indians, and to grant a right of way for the Chicago, Milwaukee and St. Paul Railway through the Lake Traverse Reservation, in Dakota.

The subject is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 21, 1885.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 15th instant from the Secretary of the Interior, submitting, with accompanying papers on the subject, a draft of a bill to amend section 5388 of the Revised Statutes of the United States, relating to timber depredations upon lands reserved or purchased for military, Indian, or other purposes, etc.

This is an important subject, and is commended to the early attention of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December 21, 1885.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 15th instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill to accept and ratify an agreement made with the confederated tribes and bands of Indians occupying the Yakima Reservation, in Washington

Territory, for the right of way of the Northern Pacific Railroad across said reservation, etc.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 5, 1886.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 19th ultimo from the Secretary of the Interior, submitting, with accompanying papers in relation thereto, a draft of a bill "to provide for allotments of lands in severalty to the Indians residing upon the Round Valley Reservation, in the State of California, and granting patents therefor, and for other purposes."

The matter is presented for the early consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 7, 1886.*

To the Senate:

I transmit herewith, in response to a resolution of the Senate of the 9th ultimo, a report of the Secretary of State, in answer to the request for any documents or information received from our consul-general at Paris or from the special agent sent to the financial centers of Europe in respect to the establishment of an international ratio of gold and silver coinage as would procure the free coinage of both metals at the mints of those countries and our own.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 12, 1886.*

To the Senate and House of Representatives:

In continuation of the message of my predecessor of the 13th of February last, I now transmit herewith a letter from the Secretary of State, which is accompanied by the final report of the commissioners appointed under the act of July 7, 1884, to visit the States of Central and South America.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 12, 1886.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 2d instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill to amend section 9 of the act of March 3, 1885, relating to the trial and punishment of Indians committing certain specified crimes.

The subject is presented for the consideration and action of Congress.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *January 12, 1886.*

I transmit herewith a report of the Secretary of State, in response to a resolution of the Senate of the 14th ultimo, requesting a copy of "any report of an actual instrumental survey of a line for a ship railroad across the Isthmus of Tehuantepec and any map of the same that has been made to or placed on file in any of the Executive Departments, and of any canal or canals designed to connect such ship railway with the Gulf of Mexico or the Pacific Ocean."

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 12, 1886.*

To the Senate of the United States:

I transmit herewith a communication from the Secretary of State, accompanied by a report of Hon. James O. Broadhead and Somerville P. Tuck, appointed to carry out certain of the provisions of section 5 of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," approved January ~~20~~, 1885.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *January 12, 1886.*

I transmit herewith, in response to a resolution of the Senate of the 5th instant, a report of the Secretary of State, containing all the correspondence and information in the custody of his Department relative to the extension of certain fishing rights and privileges under the treaty of Washington from July 1, 1885, to January 1, 1886.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 25, 1886.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, which is accompanied by the report of the United States Electrical Commission of the proceedings of the National Conference of Electricians held at the city of Philadelphia in the month of September, 1884.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 25, 1886.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 16th instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of proposed legislation providing for negotiations with the various tribes and

bands of Chippewa Indians in the State of Minnesota, with a view to the improvement of their present condition.

It is requested that the matter may have early attention, consideration, and action by Congress.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *January 28, 1886.*

In continuing accord with the Senate resolution of December 9, 1885, I transmit herewith a letter from the Secretary of State, accompanied by information received from the United States minister to Belgium in relation to the action of the Belgian Government in concluding its adhesion to the monetary convention of the States comprising the "Latin Union."

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 28, 1886.*

To the Senate and House of Representatives:

I transmit herewith a communication of 25th instant from the Secretary of the Interior, submitting, with accompanying papers, the draft of a proposed amendment to the first section of the act ratifying an agreement with the Crow Indians in Montana, approved April 11, 1882, requested by said Indians, for the purpose of increasing the amount of the annual payments under said agreement and reducing the number thereof, in order that sufficient means may be provided for establishing them on their individual allotments.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION,

Washington, February 4, 1886.

To the Senate:

By its resolution in executive session of March 18, 1885, the Senate advised and consented to the ratification of the convention concluded November 12, 1884, between the United States of America and the United States of Mexico, touching the boundary line between the two countries where it follows the bed of the Rio Grande and the Rio Gila.

The ratifications could not, however, be exchanged between the two contracting parties and the convention proclaimed until after it had received the constitutional sanction of the Government of Mexico, whose Congress but recently convened.

In a note to the Secretary of State of December 26, 1885, Mr. Matias Romero, the minister of Mexico here, advises him of a decree issued by the Mexican Senate in its session of December 11 last, approving, with certain modifications, the convention in question:

"The modifications made in the said treaty by the Mexican Senate

are not essential," says Mr. Romero, "since they consist mainly in the rectification of the mistake made when the Gila River was mentioned as a part of the boundary line, the Colorado River being omitted, and in the correction of an error in the Spanish translation."

That the Senate may have the matter fully before it, I herewith transmit a copy of Mr. Romero's note of December 26, 1885, with its inclosure, and return the convention in the original for such further consideration and direction as the Senate in its constitutional prerogative may deem necessary and proper.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 4, 1886.*

THE PRESIDENT OF THE SENATE PRO TEMPORE.

SIR: In response to the Senate resolution dated January 5, 1886—

That the Secretary of the Interior be, and hereby is, directed to communicate to the Senate a copy of each report made by the Government directors of the Union Pacific Railroad Company from date of first appointment of such directors to the present time—

I transmit herewith a communication from the ~~Secretary~~ Secretary of the Interior, dated the 2d instant, with the copies required.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 4, 1886.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In response to House resolution of January 27, 1886—

That the Secretary of the Interior be, and is hereby, requested to furnish this House with copies of any and all contracts or leases which are to be found on file in said Department between the Southern Pacific Company and any and every railroad or railroads to which land grants were made, or which received any subsidies from the United States; also a copy of the charter of incorporation of the Southern Pacific Company; also all and every contract or contracts on file between the Pacific Steamship Company and any and every land grant or subsidized railroad company or companies—

I transmit herewith a communication from the Secretary of the Interior, dated the 2d instant, inclosing the copies required.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 4, 1886.*

To the Senate and House of Representatives:

I transmit herewith a communication of 3d instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill authorizing the use of certain funds belonging to the Miami Indians in

Indian Territory, proceeds of sales of their lands, for the purpose of relieving their present pressing necessities.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 8, 1886.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior, dated 5th instant, inclosing the recommendation of the Commissioner of Indian Affairs for the insertion in the act making appropriations for the current and contingent expenses of the Indian Department for the year ending June 30, 1887, of an item providing for an agent for the Winnebago Indians in Wisconsin, at a salary of \$1,500 per annum.

The matter is respectfully submitted for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 8, 1886.*

THE PRESIDENT OF THE SENATE PRO TEMPORE.

SIR: In response to Senate resolution of January 7, 1886—

That the Secretary of the Interior be, and hereby is, directed to communicate to the Senate whether any surveys of the public lands ~~have been~~ made within the last two years in the State of Nebraska; whether there are any unsurveyed public lands within said State; also what recommendations have been made within the last three years by the surveyors-general of said district as to the discontinuance of said office, and whether it is advisable that the office of surveyor-general of said district should cease and be discontinued under the provisions of section 2218 of the Revised Statutes of the United States—

I transmit herewith a communication from the Secretary of the Interior, dated the 3d instant, inclosing the information desired.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 15, 1886.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication, under date of the 9th instant, from the Secretary of the Interior, and the accompanying last annual report of the Government directors of the Union Pacific Railway Company.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 15, 1886.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 12th instant from the Secretary of the Interior, submitting, with accompanying papers, the draft of

a bill prepared by the Commissioner of Indian Affairs to amend the third section of the act of March 3, 1885, "to provide for the sale of the Sac and Fox and Iowa Indian reservations in the States of Nebraska and Kansas, and for other purposes."

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 16, 1886.*

To the Senate of the United States:

I transmit herewith, in response to a resolution of the Senate of the 9th instant, a statement showing the payments of awards of the commissioners appointed under the conventions between the United States and France concluded April 30, 1803, and July 4, 1831, and between the United States and Spain concluded February 22, 1819, prepared from the books in the Department of the Treasury, under the direction of the Secretary of the Treasury, at the request of the Secretary of State.

Also, for the further information of the Senate, a report prepared by direction of the Secretary of State, from the original records in his custody, of the awards made by the said commissioners in claims allowed by them.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, D. C., March 1, 1886

To the Senate of the United States:

Ever since the beginning of the present session of the Senate the different heads of the Departments attached to the executive branch of the Government have been plied with various requests and demands from committees of the Senate, from members of such committees, and at last from the Senate itself, requiring the transmission of reasons for the suspension of certain officials during the recess of that body, or for the papers touching the conduct of such officials, or for all papers and documents relating to such suspensions, or for all documents and papers filed in such Departments in relation to the management and conduct of the offices held by such suspended officials.

The different terms from time to time adopted in making these requests and demands, the order in which they succeeded each other, and the fact that when made by the Senate the resolution for that purpose was passed in executive session have led to the presumption, the correctness of which will, I suppose, be candidly admitted, that from first to last the information thus sought and the papers thus demanded were desired for use by the Senate and its committees in considering the propriety of the suspensions referred to

Though these suspensions are my executive acts, based upon considerations addressed to me alone and for which I am wholly responsible, I have had no invitation from the Senate to state the position which I have felt constrained to assume in relation to the same or to interpret for myself my acts and motives in the premises.

In this condition of affairs I have forbore addressing the Senate upon the subject, lest I might be accused of thrusting myself unbidden upon the attention of that body.

But the report of the Committee on the Judiciary of the Senate lately presented and published, which censures the Attorney-General of the United States for his refusal to transmit certain papers relating to a suspension from office, and which also, if I correctly interpret it, evinces a misapprehension of the position of the Executive upon the question of such suspensions, will, I hope, justify this communication.

This report is predicated upon a resolution of the Senate directed to the Attorney-General and his reply to the same. This resolution was adopted in executive session devoted entirely to business connected with the consideration of nominations for office. It required the Attorney-General "to transmit to the Senate copies of all documents and papers that have been filed in the Department of Justice since the 1st day of January, 1885, in relation to the management and conduct of the office of district attorney of the United States for the southern district of Alabama."

The incumbent of this office on the 1st day of January, 1885, and until the 17th day of July ensuing, was George M. Duskin, who on the day last mentioned was suspended by an Executive order, and John D. Burnett designated to perform the duties of said office. At the time of the passage of the resolution above referred to the nomination of Burnett for said office was pending before the Senate, and all the papers relating to said nomination were before that body for its inspection and information.

In reply to this resolution the Attorney-General, after referring to the fact that the papers relating to the nomination of Burnett had already been sent to the Senate, stated that he was directed by the President to say that—

The papers and documents which are mentioned in said resolution and still remaining in the custody of this Department, having exclusive reference to the suspension by the President of George M. Duskin, the late incumbent of the office of district attorney for the southern district of Alabama, it is not considered that the public interests will be promoted by a compliance with said resolution and the transmission of the papers and documents therein mentioned to the Senate in executive session.

Upon this resolution and the answer thereto the issue is thus stated by the Committee on the Judiciary at the outset of the report:

The important question, then, is whether it is within the constitutional competence of either House of Congress to have access to the official papers and documents in the various public offices of the United States created by laws enacted by themselves.

I do not suppose that "the public offices of the United States" are regulated or controlled in their relations to either House of Congress by the fact that they were "created by laws enacted by themselves." It must be that these instrumentalities were created for the benefit of the people and to answer the general purposes of government under the Constitution and the laws, and that they are unencumbered by any lien in favor of either branch of Congress growing out of their construction, and unembarrassed by any obligation to the Senate as the price of their creation.

The complaint of the committee that access to official papers in the public offices is denied the Senate is met by the statement that at no time has it been the disposition or the intention of the President or any Department of the executive branch of the Government to withhold from the Senate official documents or papers filed in any of the public offices. While it is by no means conceded that the Senate has the right in any case to review the act of the Executive in removing or suspending a public officer, upon official documents or otherwise, it is considered that documents and papers of that nature should, because they are official, be freely transmitted to the Senate upon its demand, trusting the use of the same for proper and legitimate purposes to the good faith of that body; and though no such paper or document has been specifically demanded in any of the numerous requests and demands made upon the Departments, yet as often as they were found in the public offices they have been furnished in answer to ~~such applications.~~

The letter of the Attorney-General in response to the resolution of the Senate in the particular case mentioned in the committee's report was written at my suggestion and by my direction. There had been no official papers or documents filed in his Department relating to the case within the period specified in the resolution. The letter was intended, by its description of the papers and documents remaining in the custody of the Department, to convey the idea that they were not official; and it was assumed that the resolution called for information, papers, and documents of the same character as were required by the requests and demands which preceded it.

Everything that had been written or done on behalf of the Senate from the beginning pointed to all letters and papers of a private and unofficial nature as the objects of search, if they were to be found in the Departments, and provided they had been presented to the Executive with a view to their consideration upon the question of suspension from office.

Against the transmission of such papers and documents I have interposed my advice and direction. This has not been done, as is suggested in the committee's report, upon the assumption on my part that the Attorney-General or any other head of a Department "is the servant of the President, and is to give or withhold copies of documents in his office according to the will of the Executive and not otherwise," but

because I regard the papers and documents withheld and addressed to me or intended for my use and action purely unofficial and private, not infrequently confidential, and having reference to the performance of a duty exclusively mine. I consider them in no proper sense as upon the files of the Department, but as deposited there for my convenience, remaining still completely under my control. I suppose if I desired to take them into my custody I might do so with entire propriety, and if I saw fit to destroy them no one could complain.

Even the committee in its report appears to concede that there may be with the President or in the Departments papers and documents which, on account of their unofficial character, are not subject to the inspection of the Congress. A reference in the report to instances where the House of Representatives ought not to succeed in a call for the production of papers is immediately followed by this statement:

The committee feels authorized to state, after a somewhat careful research, that within the foregoing limits there is scarcely in the history of this Government, until now, any instance of a refusal by a head of a Department, or even of the President himself, to communicate official facts and information, as distinguished from private and unofficial papers, motions, views, reasons, and opinions, to either House of Congress when unconditionally demanded.

To which of the classes thus recognized do the papers and documents belong that are now the objects of the Senate's quest?

They consist of letters and representations addressed to the Executive or intended for his inspection; they are voluntarily written and presented by private citizens who are not in the least instigated thereto by any official invitation or at all subject to official control. While some of them are entitled to Executive consideration, many of them are so irrelevant, or in the light of other facts so worthless, that they have not been given the least weight in determining the question to which they are supposed to relate.

Are all these, simply because they are preserved, to be considered official documents and subject to the inspection of the Senate? If not, who is to determine which belong to this class? Are the motives and purposes of the Senate, as they are day by day developed, such as would be satisfied with my selection? Am I to submit to theirs at the risk of being charged with making a suspension from office upon evidence which was not even considered?

Are these papers to be regarded official because they have not only been presented but preserved in the public offices?

Their nature and character remain the same whether they are kept in the Executive Mansion or deposited in the Departments. There is no mysterious power of transmutation in departmental custody, nor is there magic in the undefined and sacred solemnity of Department files. If the presence of these papers in the public offices is a stumbling block in the way of the performance of Senatorial duty, it can be easily removed.

The papers and documents which have been described derive no official character from any constitutional, statutory, or other requirement making them necessary to the performance of the official duty of the Executive.

It will not be denied, I suppose, that the President may suspend a public officer in the entire absence of any papers or documents to aid his official judgment and discretion; and I am quite prepared to avow that the cases are not few in which suspensions from office have depended more upon oral representations made to me by citizens of known good repute and by members of the House of Representatives and Senators of the United States than upon any letters and documents presented for my examination. I have not felt justified in suspecting the veracity, integrity, and patriotism of Senators, or ignoring their representations, because they were not in party affiliation with the majority of their associates; and I recall a few suspensions which bear the approval of individual members identified politically with the majority in the Senate.

While, therefore, I am constrained to deny the right of the Senate to the papers and documents described, so far as the right to the same is based upon the claim that they are in any view of the subject official, I am also led unequivocally to dispute the right of the Senate by the aid of any documents whatever, or in any way save through the judicial process of trial on impeachment, to review or reverse the acts of the Executive in the suspension, during the recess of the Senate, of Federal officials.

I believe the power to remove or suspend such officials is vested in the President alone by the Constitution, which in express terms provides that "the executive power shall be vested in a President of the United States of America," and that "he shall take care that the laws be faithfully executed."

The Senate belongs to the legislative branch of the Government. When the Constitution by express provision superadded to its legislative duties the right to advise and consent to appointments to office and to sit as a court of impeachment, it conferred upon that body all the control and regulation of Executive action supposed to be necessary for the safety of the people; and this express and special grant of such extraordinary powers, not in any way related to or growing out of general Senatorial duty, and in itself a departure from the general plan of our Government, should be held, under a familiar maxim of construction, to exclude every other right of interference with Executive functions.

In the first Congress which assembled after the adoption of the Constitution, comprising many who aided in its preparation, a legislative construction was given to that instrument in which the independence of the Executive in the matter of removals from office was fully sustained.

I think it will be found that in the subsequent discussions of this question there was generally, if not at all times, a proposition pending to in some way curtail this power of the President by legislation, which

furnishes evidence that to limit such power it was supposed to be necessary to supplement the Constitution by such legislation.

The first enactment of this description was passed under a stress of partisanship and political bitterness which culminated in the President's impeachment.

This law provided that the Federal officers to which it applied could only be suspended during the recess of the Senate when shown by evidence satisfactory to the President to be guilty of misconduct in office, or crime, or when incapable or disqualified to perform their duties, and that within twenty days after the next meeting of the Senate it should be the duty of the President "to report to the Senate such suspension, with the evidence and reasons for his action in the case."

This statute, passed in 1867, when Congress was overwhelmingly and bitterly opposed politically to the President, may be regarded as an indication that even then it was thought necessary by a Congress determined upon the subjugation of the Executive to legislative will to furnish itself a law for that purpose, instead of attempting to reach the object intended by an invocation of any pretended constitutional right.

The law which thus found its way to our statute book was plain in its terms, and its intent needed no avowal. If valid and now in operation, it would justify the present course of the Senate and command the obedience of the Executive to its demands. It may, however, be remarked in passing that under this law the President had the privilege of presenting to the body ~~which~~ assumed to review his executive acts his reasons therefor, instead of being excluded from explanation or judged by papers found in the Departments.

Two years after the law of 1867 was passed, and within less than five weeks after the inauguration of a President in political accord with both branches of Congress, the sections of the act regulating suspensions from office during the recess of the Senate were entirely repealed, and in their place were substituted provisions which, instead of limiting the causes of suspension to misconduct, crime, disability, or disqualification, expressly permitted such suspension by the President "in his discretion," and completely abandoned the requirement obliging him to report to the Senate "the evidence and reasons" for his action.

With these modifications and with all branches of the Government in political harmony, and in the absence of partisan incentive to captious obstruction, the law as it was left by the amendment of 1869 was much less destructive of Executive discretion. And yet the great general and patriotic citizen who on the 4th day of March, 1869, assumed the duties of Chief Executive, and for whose freer administration of his high office the most hateful restraints of the law of 1867 were, on the 5th day of April, 1869, removed, mindful of his obligation to defend and protect every prerogative of his great trust, and apprehensive of the injury threatened the public service in the continued operation of these statutes

even in their modified form, in his first message to Congress advised their repeal and set forth their unconstitutional character and hurtful tendency in the following language:

It may be well to mention here the embarrassment possible to arise from leaving on the statute books the so-called "tenure-of-office acts," and to earnestly recommend their total repeal. It could not have been the intention of the framers of the Constitution, when providing that appointments made by the President should receive the consent of the Senate, that the latter should have the power to retain in office persons placed there by Federal appointment against the will of the President. The law is inconsistent with a faithful and efficient administration of the Government. What faith can an Executive put in officials forced upon him, and those, too, whom he has suspended for reason? How will such officials be likely to serve an Administration which they know does not trust them?

I am unable to state whether or not this recommendation for a repeal of these laws has been since repeated. If it has not, the reason can probably be found in the experience which demonstrated the fact that the necessities of the political situation but rarely developed their vicious character.

And so it happens that after an existence of nearly twenty years of almost innocuous desuetude these laws are brought forth—apparently the repealed as well as the unrepealed—and put in the way of an Executive who is willing, if permitted, to attempt an improvement in the methods of administration.

The constitutionality of these laws is by no means admitted. But why should the provisions of the repealed law, which required specific cause for suspension and a report to the Senate of "evidence and reasons," be now in effect applied to the present Executive, instead of the law, afterwards passed and unrepealed, which distinctly permits suspensions by the President "in his discretion" and carefully omits the requirement that "evidence and reasons for his action in the case" shall be reported to the Senate.

The requests and demands which by the score have for nearly three months been presented to the different Departments of the Government, whatever may be their form, have but one complexion. They assume the right of the Senate to sit in judgment upon the exercise of my exclusive discretion and Executive function, for which I am solely responsible to the people from whom I have so lately received the sacred trust of office. My oath to support and defend the Constitution, my duty to the people who have chosen me to execute the powers of their great office and not to relinquish them, and my duty to the Chief Magistracy, which I must preserve unimpaired in all its dignity and vigor, compel me to refuse compliance with these demands.

To the end that the service may be improved, the Senate is invited to the fullest scrutiny of the persons submitted to them for public office, in recognition of the constitutional power of that body to advise and consent to their appointment. I shall continue, as I have thus far done, to furnish, at the request of the confirming body, all the information I possess

touching the fitness of the nominees placed before them for their action, both when they are proposed to fill vacancies and to take the place of suspended officials. Upon a refusal to confirm I shall not assume the right to ask the reasons for the action of the Senate nor question its determination. I can not think that anything more is required to secure worthy incumbents in public office than a careful and independent discharge of our respective duties within their well-defined limits.

Though the propriety of suspensions might be better assured if the action of the President was subject to review by the Senate, yet if the Constitution and the laws have placed this responsibility upon the executive branch of the Government it should not be divided nor the discretion which it involves relinquished.

It has been claimed that the present Executive having pledged himself not to remove officials except for cause, the fact of their suspension implies such misconduct on the part of a suspended official as injures his character and reputation, and therefore the Senate should review the case for his vindication.

I have said that certain officials should not, in my opinion, be removed during the continuance of the term for which they were appointed solely for the purpose of putting in their place those in political affiliation with the appointing power, and this declaration was immediately followed by a description of official partisanship which ought not to entitle those in whom it was exhibited to consideration. It is not apparent how an adherence to the course thus announced carries with it the consequences described. If in any degree the suggestion is worthy of consideration, it is to be hoped that there may be a defense against unjust suspension in the justice of the Executive.

Every pledge which I have made by which I have placed a limitation upon my exercise of executive power has been faithfully redeemed. Of course the pretense is not put forth that no mistakes have been committed; but not a suspension has been made except it appeared to my satisfaction that the public welfare would be improved thereby. Many applications for suspension have been denied, and the adherence to the rule laid down to govern my action as to such suspensions has caused much irritation and impatience on the part of those who have insisted upon more changes in the offices.

The pledges I have made were made to the people, and to them I am responsible for the manner in which they have been redeemed. I am not responsible to the Senate, and I am unwilling to submit my actions and official conduct to them for judgment.

There are no grounds for an allegation that the fear of being found false to my professions influences me in declining to submit to the demands of the Senate. I have not constantly refused to suspend officials, and thus incurred the displeasure of political friends, and yet willfully broken faith with the people for the sake of being false to them.

Neither the discontent of party friends, nor the allurements constantly offered of confirmations of appointees conditioned upon the avowal that suspensions have been made on party grounds alone, nor the threat proposed in the resolutions now before the Senate that no confirmations will be made unless the demands of that body be complied with, are sufficient to discourage or deter me from following in the way which I am convinced leads to better government for the people.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 1, 1886.*

To the Senate and House of Representatives:

It is made the constitutional duty of the President to recommend to the consideration of Congress from time to time such measures as he shall judge necessary and expedient. In no matters can the necessity of this be more evident than when the good faith of the United States under the solemn obligation of treaties with foreign powers is concerned.

The question of the treatment of the subjects of China sojourning within the jurisdiction of the United States presents such a matter for the urgent and earnest consideration of the Executive and the Congress.

In my first annual message, upon the assembling of the present Congress, I adverted to this question in the following words:

The harmony of our relations with China is fully sustained.

In the application of the acts lately passed to execute the treaty of 1880, restrictive of the immigration of Chinese laborers into the United States, individual cases of hardship have occurred beyond the power of the Executive to remedy, and calling for judicial determination.

The condition of the Chinese question in the Western States and Territories is, despite this restrictive legislation, far from being satisfactory. The recent outbreak in Wyoming Territory, where numbers of unoffending Chinamen, indisputably within the protection of the treaties and the law, were murdered by a mob, and the still more recent threatened outbreak of the same character in Washington Territory, are fresh in the minds of all, and there is apprehension lest the bitterness of feeling against the Mongolian race on the Pacific Slope may find vent in similar lawless demonstrations. All the power of this Government should be exerted to maintain the amplest good faith toward China in the treatment of these men, and the inflexible sternness of the law in bringing the wrongdoers to justice should be insisted upon.

Every effort has been made by this Government to prevent these violent outbreaks and to aid the representatives of China in their investigation of these outrages; and it is but just to say that they are traceable to the lawlessness of men not citizens of the United States engaged in competition with Chinese laborers.

Race prejudice is the chief factor in originating these disturbances, and it exists in a large part of our domain, jeopardizing our domestic peace and the good relationship we strive to maintain with China.

The admitted right of a government to prevent the influx of elements hostile to its internal peace and security may not be questioned, even where there is no treaty stipulation on the subject. That the exclusion of Chinese labor is demanded in other countries where like conditions prevail is strongly evidenced in the Dominion of Canada, where Chinese immigration is now regulated by laws more exclusive than

our own. If existing laws are inadequate to compass the end in view, I shall be prepared to give earnest consideration to any further remedial measures, within the treaty limits, which the wisdom of Congress may devise.

At the time I wrote this the shocking occurrences at Rock Springs, in Wyoming Territory, were fresh in the minds of all, and had been recently presented anew to the attention of this Government by the Chinese minister in a note which, while not unnaturally exhibiting some misconception of our Federal system of administration in the Territories while they as yet are not in the exercise of the full measure of that sovereign self-government pertaining to the States of the Union, presents in truthful terms the main features of the cruel outrage there perpetrated upon inoffensive subjects of China. In the investigation of the Rock Springs outbreak and the ascertainment of the facts on which the Chinese minister's statements rest the Chinese representatives were aided by the agents of the United States, and the reports submitted, having been thus framed and recounting the facts within the knowledge of witnesses on both sides, possess an impartial truthfulness which could not fail to give them great impressiveness.

The facts, which so far are not controverted or affected by any exculpatory or mitigating testimony, show the murder of a number of Chinese subjects in September last at Rock Springs, the wounding of many others, and the spoliation of the property of all when the unhappy survivors had been driven from their habitations. There is no allegation that the victims by any lawless or disorderly act on their part contributed to bring about a collision; on the contrary, it appears that the law-abiding disposition of these people, who were sojourners in our midst under the sanction of hospitality and express treaty obligations, was made the pretext for an attack upon them. This outrage upon law and treaty engagements was committed by a lawless mob. None of the aggressors—happily for the national good fame—appear by the reports to have been citizens of the United States. They were aliens engaged in that remote district as mining laborers, who became excited against the Chinese laborers, as it would seem, because of their refusal to join them in a strike to secure higher wages. The oppression of Chinese subjects by their rivals in the competition for labor does not differ in violence and illegality from that applied to other classes of native or alien labor. All are equally under the protection of law and equally entitled to enjoy the benefits of assured public order.

Were there no treaty in existence referring to the rights of Chinese subjects; did they come hither as all other strangers who voluntarily resort to this land of freedom, of self-government, and of laws, here peaceably to win their bread and to live their lives, there can be no question that they would be entitled still to the same measure of protection from violence and the same free forum for the redress of their grievances as any other aliens.

So far as the treaties between the United States and China stipulate for the treatment of the Chinese subjects actually in the United States as the citizens or subjects of "the most favored nation" are treated, they create no new status for them; they simply recognize and confirm a general and existing rule, applicable to all aliens alike, for none are favored above others by domestic law, and none by foreign treaties unless it be the Chinese themselves in some respects. For by the third article of the treaty of November 17, 1880, between the United States and China it is provided that—

ART. III. If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

This article may be held to constitute a special privilege for Chinese subjects in the United States, as compared with other aliens; not that it creates any peculiar rights which others do not share, but because, in case of ill treatment of the Chinese in the United States, this Government is bound to "exert all its power to devise measures for their protection," by securing to them the rights to which equally with any and all other foreigners they are entitled.

Whether it is now incumbent upon the United States to amend their general laws or devise new measures in this regard I do not consider in the present communication, but confine myself to the particular point raised by the outrage and massacre at Rock Springs.

The note of the Chinese minister and the documents which accompany it give, as I believe, an unexaggerated statement of the lamentable incident, and present impressively the regrettable circumstance that the proceedings, in the name of justice, for the ascertainment of the crime and fixing the responsibility therefor were a ghastly mockery of justice. So long as the Chinese minister, under his instructions, makes this the basis of an appeal to the principles and convictions of mankind, no exception can be taken; but when he goes further, and, taking as his precedent the action of the Chinese Government in past instances where the lives of American citizens and their property in China have been endangered, argues a reciprocal obligation on the part of the United States to indemnify the Chinese subjects who suffered at Rock Springs, it became necessary to meet his argument and to deny most emphatically the conclusions he seeks to draw as to the existence of such a liability and the right of the Chinese Government to insist upon it.

I draw the attention of the Congress to the latter part of the note of the Secretary of State of February 18, 1886, in reply to the Chinese minister's representations, and invite especial consideration of the cogent reasons by which he reaches the conclusion that whilst the United States

Government is under no obligation, whether by the express terms of its treaties with China or the principles of international law, to indemnify these Chinese subjects for losses caused by such means and under the admitted circumstances, yet that in view of the palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties or to assure to the sufferers an impartial forum in which to seek and obtain compensation for the losses which those subjects have incurred by lack of police protection, and considering further the entire absence of provocation or contribution on the part of the victims, the Executive may be induced to bring the matter to the benevolent consideration of the Congress, in order that that body, in its high discretion, may direct the bounty of the Government in aid of innocent and peaceful strangers whose maltreatment has brought discredit upon the country, with the distinct understanding that such action is in no wise to be held as a precedent, is wholly gratuitous, and is resorted to in a spirit of pure generosity toward those who are otherwise helpless.

The correspondence exchanged is herewith submitted for the information of the Congress, and accompanies a like message to the House of Representatives.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1886.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 27th ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill, prepared in the Office of Indian Affairs, for the purpose of securing to the Cherokees and others, citizens of the Cherokee Nation by adoption and incorporation, a sum equal to their proportion of the \$300,000, proceeds of lands west of 96° in the Indian Territory, appropriated by the act of March 3, 1883.

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1886.*

To the Senate and House of Representatives:

I transmit herewith a communication of 25th ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill recommended by the Commissioner of Indian Affairs, for the payment of money claimed under alleged existing treaty stipulations and laws by such Eastern Cherokee Indians as have removed or shall hereafter remove themselves to the Indian Territory.

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 2, 1886.*

To the Senate and House of Representatives:

I transmit herewith a communication of 26th ultimo from the Secretary of the Interior, with inclosures, requesting legislation to provide for the reappraisal and sale of a small tract of land in the State of Nebraska belonging to the Sac and Fox Indian Reservation.

The matter is presented for the action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 3 1886.*

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, the seventeenth annual report of the Board of Indian Commissioners, for the year 1885, submitted to the Secretary of the Interior in pursuance of the act of May 17, 1882.

The report accompanies the message to the House of Representatives.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 10, 1886.*

To the Senate and House of Representatives:

I transmit herewith a communication of the 5th instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill, prepared in the Office of Indian Affairs, "for the relief of the Omaha tribe of Indians in the State of Nebraska."

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 10, 1886.*

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, the report of the National Board of Health for the year 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 17, 1886.*

To the Senate of the United States:

I transmit herewith a communication from the Secretary of State, being a revised list of papers on file in the Department of State touching the unpaid claims of citizens of the United States against France for spoliation prior to July 31, 1801.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 17, 1886.**To the Senate of the United States:*

In response to the resolution of the Senate of the 17th of February, requesting to be furnished with a copy of the report made by the consul-general of the United States at Berlin upon the shipping interest of Germany, I transmit a report of the Secretary of State upon the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION,

*Washington, March 17, 1886.**To the Senate of the United States:*

In compliance with the resolution of the Senate in executive session of the 27th of January, I transmit herewith the report of the Secretary of State and the papers accompanying it, relating to the emigration of Chinese to the United States.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 18, 1886.**To the Senate and House of Representatives:*

I transmit herewith a communication of 16th instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill, prepared by the Commissioner of Indian Affairs, providing for the use of certain funds, proceeds of Indian reservations, covered into the Treasury under the provisions of the act of March 3, 1883, for the benefit of the Indians on whose account the same is covered in.

The subject is recommended to the favorable consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 18, 1886.**To the Senate and House of Representatives:*

I transmit herewith a communication of the 16th instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill, prepared by the Commissioner of Indian Affairs, "to authorize the purchase of a tract of land near Salem, Oreg., for the use of the Indian training school."

The subject is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 18, 1886.**To the Senate:*

In compliance with a resolution of the Senate of February 9, 1886, I herewith transmit a report from the Secretary of State, with its accom-

panying documents, relative to the commerce between the United States and certain foreign countries in cereals, and the cotton product during the years 1884 and 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 22, 1886.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 15th of February last, calling upon the Secretary of State for copies of all the correspondence relating to the claims of certain governments to be accorded the reductions and exemptions of tonnage dues accorded to vessels entering ports of the United States from certain ports named in the shipping act of June 26, 1884, I transmit the report of that officer, together with the correspondence.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 25, 1886.*

To the Senate and House of Representatives:

I transmit herewith the report of the Civil Service Commission for the year ended on the 16th day of January last.

The exhibit thus made of the operations of the Commission and the account thus presented of the results following the execution of the civil-service law can not fail to demonstrate its usefulness and strengthen the conviction that this scheme for a reform in the methods of administering the Government is no longer an experiment.

Wherever this reform has gained a foothold it has steadily advanced in the esteem of those charged with public administrative duties, while the people who desire good government have constantly been confirmed in their high estimate of its value and efficiency.

With the benefits it has already secured to the public service plainly apparent, and with its promise of increased usefulness easily appreciated, this cause is commended to the liberal care and jealous protection of the Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 30, 1886.*

To the House of Representatives:

In further answer to the resolution of the House of Representatives of the 15th of February last, calling upon the Secretary of State for copies of all correspondence relating to the claims of governments to be accorded the reductions and exemptions of tonnage dues accorded to vessels entering the ports of the United States from certain ports named in the shipping act of June 26, 1884, I transmit herewith a copy of the reply of the Attorney-General to the letter of the Secretary of State of December 15,

1885, as found on pages 35 and 36 of Executive Document No. 132, House of Representatives, Forty-ninth Congress, first session, communicated on the 22d instant.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 1, 1886.*

To the House of Representatives:

In response to a resolution of the House of Representatives of the 24th of March, relative to the employment of substitutes in the Department of State, I transmit herewith a report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 1, 1886.*

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior and the accompanying report, submitted by the governor of Alaska in compliance with section 5 of the act of May 17, 1884, entitled "An act providing a civil government for Alaska."

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 1, 1886.*

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of State, in relation to the claim of the representatives of the late Hon. James Crooks, a British subject, against this Government for the seizure of the schooner *Lord Nelson* in 1812.

The matter is commended to the favorable consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 6, 1886.*

To the Senate and House of Representatives of the United States:

I transmit herewith, for the consideration of Congress with a view to appropriate legislation in the premises, a report of the Secretary of State, with certain correspondence touching the treaty right of Chinese subjects other than laborers "to go and come of their own free will and accord."

In my annual message of the 8th of December last I said:

In the application of the acts lately passed to execute the treaty of 1880, restrictive of the immigration of Chinese laborers into the United States, individual cases of hardship have occurred beyond the power of the Executive to remedy, and calling for judicial determination.

These cases of individual hardship are due to the ambiguous and defective provisions of the acts of Congress approved respectively on the

6th May, 1882, and 5th July, 1884. The hardship has in some cases been remedied by the action of the courts. In other cases, however, where the phraseology of the statutes has appeared to be conclusive against any discretion on the part of the officers charged with the execution of the law, Chinese persons expressly entitled to free admission under the treaty have been refused a landing and sent back to the country whence they came without being afforded any opportunity to show in the courts or otherwise their right to the privilege of free ingress and egress which it was the purpose of the treaty to secure.

In the language of one of the judicial determinations of the Supreme Court of the United States to which I have referred—

The supposition should not be indulged that Congress, while professing to faithfully execute the treaty stipulations and recognizing the fact that they secure to a certain class the right to go from and come to the United States, intended to make its protection depend upon the performance of conditions which it was physically impossible to perform. (112 U. S. Reports, p. 554, *Chew Heong vs. United States.*)

The act of July 5, 1884, imposes such an impossible condition in not providing for the admission, under proper certificate, of Chinese travelers of the exempted classes in the cases most likely to arise in ordinary commercial intercourse.

The treaty provisions governing the case are as follows:

ART. I. * * * The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. * * *

ART. II. Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, * * * shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

Section 6 of the amended Chinese immigration act of 1884 purports to secure this treaty right to the exempted classes named by means of prescribed certificates of their status, which certificates shall be the *prima facie* and the sole permissible evidence to establish a right of entry into the United States. But it provides in terms for the issuance of certificates in two cases only:

- (a) Chinese subjects departing from a port of China; and
- (b) Chinese persons (*i. e.*, of the Chinese race) who may at the time be subjects of some foreign government other than China, and who may depart for the United States from the ports of such other foreign government.

A statute is certainly most unusual which, purporting to execute the provisions of a treaty with China in respect of Chinese subjects, enacts strict formalities as regards the subjects of other governments than that of China.

It is sufficient that I should call the earnest attention of Congress to

the circumstance that the statute makes no provision whatever for the somewhat numerous class of Chinese persons who, retaining their Chinese subjection in some countries other than China, desire to come from such countries to the United States.

Chinese merchants have trading operations of magnitude throughout the world. They do not become citizens or subjects of the country where they may temporarily reside and trade; they continue to be subjects of China, and to them the explicit exemption of the treaty applies. Yet if such a Chinese subject, the head of a mercantile house at Hongkong or Yokohama or Honolulu or Havana or Colon, desires to come from any of these places to the United States, he is met with the requirement that he must produce a certificate, in prescribed form and in the English tongue, issued by the Chinese Government. If there be at the foreign place of his residence no representative of the Chinese Government competent to issue a certificate in the prescribed form, he can obtain none, and is under the provisions of the present law unjustly debarred from entry into the United States. His usual Chinese passport will not suffice, for it is not in the form which the act prescribes shall be the sole permissible evidence of his right to land. And he can obtain no such certificate from the Government of his place of residence, because he is not a subject or citizen thereof "at the time," or at any time.

There being, therefore, no statutory provision prescribing the terms upon which Chinese persons resident in foreign countries but not subjects or citizens of such countries may prove their status and rights as members of the exempted classes in the absence of a Chinese representative in such country, the Secretary of the Treasury, in whom the execution of the act of July 5, 1884, was vested, undertook to remedy the omission by directing the revenue officers to recognize as lawful certificates those issued in favor of Chinese subjects by the Chinese consular and diplomatic officers at the foreign port of departure, when viséed by the United States representative thereat. This appears to be a just application of the spirit of the law, although enlarging its letter, and in adopting this rule he was controlled by the authority of high judicial decision as to what evidence is necessary to establish the fact that an individual Chinaman belongs to the exempted class.

He, however, went beyond the spirit of the act and the judicial decisions, by providing, in a circular dated January 14, 1885, for the original issuance of such a certificate by the United States consular officer at the port of departure, in the absence of a Chinese diplomatic or consular representative thereat; for it is clear that the act of Congress contemplated the intervention of the United States consul only in a supervisory capacity, his function being to check the proceeding and see that no abuse of the privilege followed. The power or duty of original certification is wholly distinct from that supervisory function. It either dispenses with the foreign certificate altogether, leaving the consular visé to stand alone

and sufficient, or else it combines in one official act the distinct functions of certification and verification of the fact certified.

The official character attaching to the consular certification contemplated by the unamended circular of January 14, 1885, is to be borne in mind. It is not merely *prima facie* evidence of the status of the bearer, such as the courts may admit in their discretion; it was prescribed as an official attestation, on the strength of which the customs officers at the port of entry were to admit the bearer without further adjudication of his status unless question should arise as to the truth of the certificate itself.

It became, therefore, necessary to amend the circular of January 14, 1885, and this was done on the 13th of June following, by striking out the clause prescribing original certification of status by the United States consuls. The effect of this amendment is to deprive any certificate the United States consuls may issue of the value it purported to possess as sole permissible evidence under the statute when its issuance was prescribed by Treasury regulations. There is, however, nothing to prevent consuls giving certificates of facts within their knowledge to be received as evidence in the absence of statutory authentication.

The complaint of the Chinese minister in his note of March 24, 1886, is that the Chinese merchant Lay Sang, of the house of King Lee & Co., of San Francisco, having arrived at San Francisco from Hongkong and exhibited a certificate of the United States consul at Hongkong as to his status as a merchant, and consequently exempt under the treaty, was refused permission to land and was sent back to Hongkong by the steamer which brought him. While the certificate he bore was doubtless insufficient under the present law, it is to be remembered that there is at Hongkong no representative of the Government of China competent or authorized to issue the certificate required by the statute. The intent of Congress to legislate in execution of the treaty is thus defeated by a prohibition directly contrary to the treaty, and conditions are exacted which, in the words of the Supreme Court hereinbefore quoted, "it was physically impossible to perform."

This anomalous feature of the act should be reformed as speedily as possible, in order that the occurrence of such cases may be avoided and the imputation removed which would otherwise rest upon the good faith of the United States in the execution of their solemn treaty engagements.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 9, 1886.*

To the House of Representatives:

I transmit herewith a report of the Secretary of State, in relation to the mercantile marines of France, Germany, Great Britain, and Italy.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 14, 1886.**To the House of Representatives:*

In response to a resolution of the House of Representatives of the 17th ultimo, requesting the Secretary of State "to communicate to the House of Representatives, if not incompatible with the public interest, copies of the recent correspondence and dispatches between the Secretary of State and the minister of the United States at The Hague touching the subject of taxation of petroleum in Holland and in the Dutch colonies, and that of the export therefrom of leaf tobacco to the United States," I transmit herewith the report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 14, 1886.**To the House of Representatives:*

In response to a resolution of the House of Representatives of the 6th instant, requesting the Secretary of State "to transmit, if not incompatible with the public interest, copies of all correspondence between his Department and the representatives of France, Germany, Austria, and any other European country which has partially or entirely restricted the importation of American pork," I transmit herewith the report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 20, 1886.**To the House of Representatives:*

I transmit herewith a report of the Secretary of State on the manufacture of milk sugar in Switzerland.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 22, 1886.**To the Senate and House of Representatives:*

The Constitution imposes upon the President the duty of recommending to the consideration of Congress from time to time such measures as he shall judge necessary and expedient.

I am so deeply impressed with the importance of immediately and thoughtfully meeting the problem which recent events and a present condition have thrust upon us, involving the settlement of disputes arising between our laboring men and their employers, that I am constrained to recommend to Congress legislation upon this serious and pressing subject.

Under our form of government the value of labor as an element of national prosperity should be distinctly recognized, and the welfare of the

laboring man should be regarded as especially entitled to legislative care. In a country which offers to all its citizens the highest attainment of social and political distinction its workmen can not justly or safely be considered as irrevocably consigned to the limits of a class and entitled to no attention and allowed no protest against neglect.

The laboring man, bearing in his hand an indispensable contribution to our growth and progress, may well insist, with manly courage and as a right, upon the same recognition from those who make our laws as is accorded to any other citizen having a valuable interest in charge; and his reasonable demands should be met in such a spirit of appreciation and fairness as to induce a contented and patriotic cooperation in the achievement of a grand national destiny.

While the real interests of labor are not promoted by a resort to threats and violent manifestations, and while those who, under the pretext of an advocacy of the claims of labor, wantonly attack the rights of capital and for selfish purposes or the love of disorder sow seeds of violence and discontent should neither be encouraged nor conciliated, all legislation on the subject should be calmly and deliberately undertaken, with no purpose of satisfying unreasonable demands or gaining partisan advantage.

The present condition of the relations between labor and capital is far from satisfactory. The discontent of the employed is due in a large degree to the grasping and heedless exactions of employers and the alleged discrimination in favor of capital as an object of governmental attention. It must also be conceded that the laboring men are not always careful to avoid causeless and unjustifiable disturbance.

Though the importance of a better accord between these interests is apparent, it must be borne in mind that any effort in that direction by the Federal Government must be greatly limited by constitutional restrictions. There are many grievances which legislation by Congress can not redress, and many conditions which can not by such means be reformed.

I am satisfied, however, that something may be done under Federal authority to prevent the disturbances which so often arise from disputes between employers and the employed, and which at times seriously threaten the business interests of the country; and, in my opinion, the proper theory upon which to proceed is that of voluntary arbitration as the means of settling these difficulties.

But I suggest that instead of arbitrators chosen in the heat of conflicting claims, and after each dispute shall arise, for the purpose of determining the same, there be created a commission of labor, consisting of three members, who shall be regular officers of the Government, charged among other duties with the consideration and settlement, when possible, of all controversies between labor and capital.

A commission thus organized would have the advantage of being a stable body, and its members, as they gained experience, would constantly

improve in their ability to deal intelligently and usefully with the questions which might be submitted to them. If arbitrators are chosen for temporary service as each case of dispute arises, experience and familiarity with much that is involved in the question will be lacking, extreme partisanship and bias will be the qualifications sought on either side, and frequent complaints of unfairness and partiality will be inevitable. The imposition upon a Federal court of a duty so foreign to the judicial function as the selection of an arbitrator in such cases is at least of doubtful propriety.

The establishment by Federal authority of such a bureau would be a just and sensible recognition of the value of labor and of its right to be represented in the departments of the Government. So far as its conciliatory offices shall have relation to disturbances which interfere with transit and commerce between the States, its existence would be justified under the provision of the Constitution which gives to Congress the power "to regulate commerce with foreign nations and among the several States;" and in the frequent disputes between the laboring men and their employers, of less extent, and the consequences of which are confined within State limits and threaten domestic violence, the interposition of such a commission might be tendered, upon the application of the legislature or executive of a State, under the constitutional provision which requires the General Government to "protect" each of the States "against domestic violence."

If such a commission were fairly organized, the risk of a loss of popular support and sympathy resulting from a refusal to submit to so peaceful an instrumentality would constrain both parties to such disputes to invoke its interference and abide by its decisions. There would also be good reason to hope that the very existence of such an agency would invite application to it for advice and counsel, frequently resulting in the avoidance of contention and misunderstanding.

If the usefulness of such a commission is doubted because it might lack power to enforce its decisions, much encouragement is derived from the conceded good that has been accomplished by the railroad commissions which have been organized in many of the States, which, having little more than advisory power, have exerted a most salutary influence in the settlement of disputes between conflicting interests.

In July, 1884, by a law of Congress, a Bureau of Labor was established and placed in charge of a Commissioner of Labor, who is required to "collect information upon the subject of labor, its relations to capital, the hours of labor and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity."

The commission which I suggest could easily be ingrafted upon the bureau thus already organized by the addition of two more commissioners and by supplementing the duties now imposed upon it by such other

powers and functions as would permit the commissioners to act as arbitrators when necessary between labor and capital, under such limitations and upon such occasions as should be deemed proper and useful.

Power should also be distinctly conferred upon this bureau to investigate the causes of all disputes as they occur, whether submitted for arbitration or not, so that information may always be at hand to aid legislation on the subject when necessary and desirable.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 26, 1886.*

To the House of Representatives:

I transmit herewith a communication from the Secretary of State, accompanied by a report of Mr. Somerville P. Tuck, appointed to carry out certain provisions of section 5 of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoiliations committed by the French prior to the 31st day of July, 1801," approved January 20, 1885.

GROVER CLEVELAND.

[The same message was sent to the Senate.]

EXECUTIVE MANSION, *May 5, 1886.*

To the Senate and House of Representatives:

I transmit herewith a communication of 1st instant from the Secretary of the Interior, submitting a draft of a bill recommended by the Commissioner of Indian Affairs, providing for the payment of improvements made by settlers on the lands of the Mescalero Indian Reservation in the Territory of New Mexico.

The subject is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 11, 1886.*

To the Senate and House of Representatives:

I herewith transmit a report from the Secretary of State, dated the 6th instant, touching the claims of Benjamin Weil and La Abra Silver Mining Company against the Government of Mexico.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 11, 1886.*

To the Senate and House of Representatives:

By a joint resolution of Congress approved March 3, 1877, the President was authorized and directed to accept the colossal statue of "Liberty Enlightening the World" when presented by the citizens of the French Republic, and to designate and set apart for the erection thereof

a suitable site upon either Governors or Bedloes Island, in the harbor of New York, and upon the completion thereof to cause the statue "to be inaugurated with such ceremonies as will serve to testify the gratitude of our people for this expressive and felicitous memorial of the sympathy of the citizens of our sister Republic."

The President was further thereby "authorized to cause suitable regulations to be made for its future maintenance as a beacon and for the permanent care and preservation thereof as a monument of art and the continued good will of the great nation which aided us in our struggle for freedom."

Under the authority of this resolution, on the 4th day of July, 1884, the minister of the United States to the French Republic, by direction of the President of the United States, accepted the statue and received a deed of presentation from the Franco-American Union, which is now preserved in the archives of the Department of State.

I now transmit to Congress a letter to the Secretary of State from Joseph W. Drexel, esq., chairman of the executive committee of "the American committee on the pedestal of the great statue of 'Liberty Enlightening the World,'" dated the 27th of April, 1886, suggesting the propriety of the further execution by the President of the joint resolution referred to by prescribing the ceremonies of inauguration to be observed upon the complete erection of the statue upon its site on Bedloes Island, in the harbor of New York.

Thursday, the 3d of September, being the anniversary of the signing of the treaty of peace at Paris by which the independence of these United States was recognized and secured, has been suggested by this committee under whose auspices and agency the pedestal for the statue has been constructed as an appropriate day for the ceremonies of inauguration.

The international character which has been imprinted upon this work by the joint resolution of 1877 makes it incumbent upon Congress to provide means to carry their resolution into effect.

Therefore I recommend the appropriation of such sum of money as in the judgment of Congress shall be deemed adequate and proper to defray the cost of the inauguration of this statue.

I have been informed by the committee that certain expenses have been incurred in the care and custody of the statue since it was deposited on Bedloes Island, and the phraseology of the joint resolution providing for "the permanent care and preservation thereof as a monument of art" would seem to include the payment by the United States of the expense so incurred since the reception of the statue in this country.

The action of the French Government and people in relation to the presentation of this statue to the United States will, I hope, meet with hearty and responsive action upon the part of Congress, in which the Executive will be most happy to cooperate.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 11, 1886.**To the Senate and House of Representatives:*

The last general appropriation bill passed by the legislature of Utah was vetoed by the then governor of that Territory. It made an appropriation of money for the support of the district courts of the Territory, including the pay of reporters, jurors, and witnesses, and for the completion and maintenance of the Deseret University and the education of the deaf mutes therein. It also appropriated for the support of the Territorial insane asylum, as well as the salaries of Territorial officers, including that of the superintendent of the district schools, the auditor, the librarian, and the treasurer of the Territory. It also provided for internal improvements, such as roads and bridges.

The appropriation for the district courts, for the payment of witnesses and jurors in criminal cases, was \$40,000; that for the Deseret University and the deaf mutes was \$66,000, and for the insane asylum \$25,000.

The board of regents of the Deseret University have borrowed money for the completion of the university buildings which were authorized by legislative action, and which is now due and no provision made for the payment. The act appropriating for the benefit of the Territorial insane asylum passed by the legislature was also vetoed. This included the sum of \$13,000, which had been borrowed by the board of directors of the asylum for its completion and furnishing, and which now remains due and unpaid. It also included the sum of \$3,548.85 for the care and maintenance of the indigent insaue.

The legislature of the Territory, under existing law, will not again convene for nearly two years, there being no authority for a special session. In the meantime, under present conditions, the good order of society will be jeopardized, educational and charitable institutions will be paralyzed, and internal improvements stopped until the legislature meets and makes provision for their support.

A determination on the part of the General Government to suppress certain unlawful practices in this Territory demands neither the refusal of the means to support the local government nor the sacrifice of the interests of the community.

I therefore recommend the immediate enactment of such legislation as will authorize the assembling of the legislature of that Territory in special session at an early day, so that provision can be made to meet the difficulties herein suggested.

GROVER CLEVELAND.

EXECUTIVE MANSION,

*Washington, May 17, 1886.**To the Senate:*

I transmit to the Senate, for its consideration with a view to ratification, a supplementary article, signed the 14th instant by the Secretary

of State and the minister of Mexico here, extending until May 20, 1887, the time specified in Article VIII of the commercial reciprocity treaty of January 20, 1883, between the United States and Mexico, for the approval of the laws necessary to carry the said treaty into effect.

GROVER CLEVELAND.

EXECUTIVE MANSION,

Washington, May 17, 1886.

To the Senate:

In response to a resolution of the Senate of the 5th instant, inquiring as to the necessity for the continuance of the present charge for passports for American citizens desiring to visit foreign countries, I transmit herewith the report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION,

Washington, May 17, 1886.

To the Senate and House of Representatives:

With reference to the paragraph in my annual message to Congress in which I called attention to the uncertainty that exists as to the location of the frontier line between Alaska and British Columbia as defined by the treaty of cession with Russia of March 30, 1867, I now transmit herewith, for the information and consideration of Congress, a report of the Secretary of State upon the subject, with accompanying papers.

In view of the importance of the subject, I recommend that provision be made by law for a preliminary survey of the boundary line in question by officers of the United States, in order that the information necessary for the basis of a treaty between this country and Great Britain for the establishment of a definite boundary line may be obtained; and I also recommend that the sum of \$100,000, or so much thereof as may be necessary, be appropriated for the expenses of making such survey.

GROVER CLEVELAND.

EXECUTIVE MANSION,

Washington, May 21, 1886.

To the Senate of the United States:

I transmit herewith, for your consideration with a view to their ratification, the "convention concerning the international exchanges for official documents and literary publications" and the "convention for assuring the immediate exchange of the official journal as well as of the parliamentary annals and documents."

The first was signed at Brussels on the 15th of March, 1886, by the plenipotentiaries of the United States, Belgium, Brazil, Spain, Italy, Portugal, Servia, and Switzerland.

The second was signed at the same place and on the same date by the plenipotentiaries of the above-named powers, with the exception of Switzerland.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 21, 1886.*

To the Senate and House of Representatives:

I herewith transmit a report from the Secretary of State, dated the 19th instant, touching the necessity of legislation to carry into effect the provisions of Article II of the treaty between the United States and China of November 17, 1880, for the repression of the opium traffic, and recommend that appropriate legislation to fulfill that treaty promise of this Government be provided without further delay.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 28, 1886.*

To the House of Representatives:

I transmit herewith a report of the Secretary of State, accompanying the report of consuls of the United States on the trade and commerce of foreign countries.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 1, 1886.*

To the House of Representatives:

In response to a resolution of the House of Representatives of the 17th of March last, requesting the Secretary of State "to communicate to the House of Representatives, if not incompatible with the public interest, copies of recent correspondence and dispatches between the Secretary of State and the minister of the United States at The Hague touching the subject of taxation on petroleum in Holland and in the Dutch colonies, and that of the export therefrom of leaf tobacco to the United States," with reference to my message to the House of Representatives of the 14th ultimo [April], I now transmit a further report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 2, 1886.*

To the House of Representatives:

In compliance with the request of the House of Representatives of this date, I return herewith House bill No. 6391, entitled "An act to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes."

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 9, 1886.**To the Senate and House of Representatives:*

I herewith transmit a letter from the Secretary of State, with an accompanying paper, in relation to the distribution of the fund appropriated by the act of April 20, 1882, for the relief of the captain, owners, officers, and crew of the brig *General Armstrong*.

GROVER CLEVELAND.

EXECUTIVE MANSION,

*Washington, June 9, 1886.**To the Senate of the United States:*

I transmit herewith, for your consideration with a view to its ratification, a convention for the extradition of criminals, signed at Tokyo on the 29th day of April, 1886, by the plenipotentiaries of the United States and the Empire of Japan.

The negotiation which led to the conclusion of this convention was caused immediately by the case of a forger in San Francisco, who, having fled to Japan, was delivered up to the authorities of the State of California. It was not possible for this Government to ask his surrender, but the Japanese Government of its own motion caused his delivery as a friendly act. It then suggested the conclusion of an extradition convention between the two countries. The suggestion was favorably ~~enter-~~ tain-ed by this Government, not only on account of the importance of such a treaty to the execution of the criminal laws of the United States, but also because of the support which its conclusion would give to Japan in her efforts toward judicial autotomy and complete sovereignty.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 15, 1886.**To the House of Representatives:*

I transmit herewith a report from the Secretary of State, concerning the claim of Benjamin Weil and La Abra Mining Company, of Mexico, agreeably to the resolution of the House of Representatives dated May 13, 1886.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 19, 1886.**To the House of Representatives:*

Upon an examination of a bill originating in the House of Representatives, No. 4838, entitled "An act to abolish certain fees for official services to American vessels; and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes," I find that there is such a failure to adjust existing laws to the new departure proposed by the bill as to greatly endanger the public service if

this bill should not be amended or at once supplemented by additional legislation.

The fees which are at present collected from vessels for services performed by the Bureau of Inspection, and which made up the fund from which certain expenses appurtenant to that Bureau were paid, are by the proposed bill abolished, but no provision has been substituted directing that such expenses shall be paid from the public Treasury or any other source.

The objects of the bill are in the main so useful and important that I have concluded to approve the same upon the assurance of those actively promoting its passage that another bill shall at once be introduced to cover the defect above referred to.

The necessity of such supplemental legislation is so obvious that I hope it will receive the immediate action of the Congress.

GROVER CLEVELAND

EXECUTIVE MANSION, *June 28, 1886.*

To the Senate and House of Representatives:

I herewith inclose a report from the Secretary of State, with its accompanying copies of papers, relative to the case of the American schooner *Ounalaska*, which was duly condemned by the Government of Salvador for having been employed in aid of an insurrection against that Republic, and was subsequently presented to the United States. It seems that an act of Congress accepting the gift on the part of this Government is necessary to complete the transfer, and I recommend that legislation in this sense be adopted. It further appears that one Isidore Gutte, of San Francisco, has sought to obtain possession of the condemned vessel, and I therefore suggest that a second provision to the law accepting her be made giving authority to the Court of Claims to hear and determine the question of title.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 28, 1886.*

To the Senate and House of Representatives:

I transmit herewith a communication, with an accompanying paper, from the Secretary of State, in relation to the distribution of the award of the late Mexican Claims Commission in the case of S. A. Belden & Co. against the Republic of Mexico.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 30, 1886.*

To the Senate:

In response to the resolution of the Senate of the 28th of April last, I transmit herewith a report of the Secretary of State in relation to the affairs of the independent State of the Kongo.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 6, 1886.**To the House of Representatives:*

In compliance with a concurrent resolution of this date, I return herewith House bill No. 3501, entitled "An act granting a pension to Daniel J. Bingham."

GROVER CLEVELAND.

EXECUTIVE MANSION,

*Washington, July 8, 1886.**To the Senate of the United States:*

I transmit herewith, for your consideration with a view to its ratification, a convention signed at London June 25, 1886, between the United States of America and Great Britain, concerning the extradition of persons charged with crime.

I also inclose a report from the Secretary of State and a copy of a dispatch from the United States minister at London dated June 26, 1886, in reference thereto.

The question of extradition has been discussed between the two countries by Secretaries Fish, Evarts, and Frelinghuysen, as well as by the present Secretary of State, and the method adopted by the inclosed convention, namely, that of amending and extending the provisions of the tenth article of the treaty of 1842, has seemed the most convenient and expeditious.

In view of the continued pendency of the question and its great importance owing to the contiguity of Her Majesty's territories with those of the United States, I respectfully urge the consideration of the convention by the Senate during the present session.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 9, 1886.**To the Senate and House of Representatives:*

I transmit herewith, for your information, a report from the Secretary of State, inclosing the correspondence which has been exchanged between the Department of State and the Governments of Switzerland and Italy on the subject of international copyright.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 12, 1886.**To the Senate and House of Representatives:*

I transmit herewith a communication of 3d instant, with inclosures, from the Secretary of the Interior, recommending legislative authority for the use of funds from appropriation, Sioux, etc., 1887, for the subsistence of certain Northern Cheyenne Indians who have gone or who may

go from the Sioux Reservation in Dakota to the Tongue River Indian Agency or vicinity, in Montana.

The matter is presented for the favorable consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 24, 1886.*

To the Senate of the United States:

In response to the resolutions of the Senate dated respectively May 10 and July 10, 1886, touching alleged seizures and detentions of vessels of the United States in British North American waters, I transmit herewith a report of the Secretary of State, with accompanying papers.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 27, 1886.*

To the House of Representatives:

I transmit herewith, in response to the House resolution of the 10th instant, a report from the Secretary of State, and accompanying papers, relating to the imprisonment in Ecuador and subsequent release of Julio R. Santos.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 29, 1886.*

To the House of Representatives:

I transmit herewith a report of the Secretary of State, in reply to the resolution of the House of Representatives of the 27th of May last, in relation to trust funds.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 29, 1886.*

To the Senate of the United States:

I transmit herewith reports from the heads of the several Executive Departments of the Government, in answer to a resolution of the Senate of June 18, 1886, which requested certain information regarding appointments in such Departments, and having relation to the civil-service law.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 30, 1886.*

To the Senate of the United States:

In further response to the Senate resolutions of the 10th of May and 10th of July, 1886, touching the seizure and detention of American vessels in Canadian waters, I transmit herewith a letter from the Secretary of State dated the 29th instant, accompanied by a report from the consul-general at Halifax relative to the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 31, 1886.**To the House of Representatives:*

I have approved House bill No. 4335, entitled "An act making an appropriation to continue the construction of a public building at Clarksburg, W. Va., and changing the limit of cost thereof."

A law passed by the last Congress authorized the construction of this building and appropriated \$50,000 for that purpose, which was declared to be the limit of its cost. A site has been purchased for said building, and, as is too often the case, it is now discovered that the sum appropriated is insufficient to meet the expense of such a building as is really needed.

The object of the bill which I have approved is to extend the limit of the cost to \$80,000 and to make the additional appropriation to reach that sum. The first section fixes the limit above mentioned, but the second section appropriates \$35,000, and thus, with the appropriation of \$50,000 heretofore made, the aggregate appropriations exceed the sum to which the cost of the building is limited by \$5,000.

Inasmuch as this latter sum can not properly be applied to the construction of the building, attention is called to the existence of this excess of appropriation and the suggestion made that it be returned to the Treasury.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 2, 1886.**To the Senate of the United States:*

In response to the resolution of your honorable body of the 26th ultimo, I transmit a report of the Secretary of State, with accompanying papers, communicating the information possessed by the Department of State "concerning the alleged illegal detention of A. K. Cutting, an American citizen, by the Mexican authorities at El Paso del Norte;" and as to the further inquiry contained in said resolution, "whether any additional United States troops have been recently ordered to Fort Bliss," I answer in the negative.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 2, 1886.**To the House of Representatives:*

In performance of the duty imposed upon me by the Constitution, I herewith transmit for your information (the same having heretofore been communicated to the Senate in response to a resolution of inquiry adopted by that body July 26, 1886) certain correspondence and accompanying documents in relation to the arrest and imprisonment at Paso del Norte by Mexican authority of A. K. Cutting, a citizen of the United States.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 2, 1886.**To the House of Representatives:*

I have this day approved a bill originating in the House of Representatives entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleo-margarine."

This legislation has awakened much interest among the people of the country, and earnest argument has been addressed to the Executive for the purpose of influencing his action thereupon. Many in opposition have urged its dangerous character as tending to break down the boundaries between the proper exercise of legislative power by Federal and State authority; many in favor of the enactment have represented that it promised great advantages to a large portion of our population who sadly need relief; and those on both sides of the question whose advocacy or opposition is based upon no broader foundation than local or personal interest have outnumbered all the others.

This upon its face and in its main features is a revenue bill, and was first introduced in the House of Representatives, wherein the Constitution declares that all bills for raising revenue shall originate.

The Constitution has invested Congress with a very wide legislative discretion both as to the necessity of taxation and the selection of the objects of its burdens; and though if the question was presented to me as an original proposition I might doubt the present need of ~~increased~~ ~~taxation~~, I deem it my duty in this instance to defer to the judgment of the legislative branch of the Government, which has been so emphatically announced in both Houses of Congress upon the passage of this bill.

Moreover, those who desire to see removed the weight of taxation now pressing upon the people from other directions may well be justified in the hope and expectation that the selection of an additional subject of internal taxation so well able to bear it will in consistency be followed by legislation relieving our citizens from other revenue burdens, rendered by the passage of this bill even more than heretofore unnecessary and needlessly oppressive.

It has been urged as an objection to this measure that while purporting to be legislation for revenue its real purpose is to destroy, by the use of the taxing power, one industry of our people for the protection and benefit of another.

If entitled to indulge in such a suspicion as a basis of official action in this case, and if entirely satisfied that the consequences indicated would ensue, I should doubtless feel constrained to interpose Executive dissent.

But I do not feel called upon to interpret the motives of Congress otherwise than by the apparent character of the bill which has been presented to me, and I am convinced that the taxes which it creates can not possibly destroy the open and legitimate manufacture and sale of the thing upon which it is levied. If this article has the merit which

its friends claim for it, and if the people of the land, with full knowledge of its real character, desire to purchase and use it, the taxes exacted by this bill will permit a fair profit to both manufacturer and dealer. If the existence of the commodity taxed and the profits of its manufacture and sale depend upon disposing of it to the people for something else which it deceitfully imitates, the entire enterprise is a fraud and not an industry; and if it can not endure the exhibition of its real character which will be effected by the inspection, supervision, and stamping which this bill directs, the sooner it is destroyed the better in the interest of fair dealing.

Such a result would not furnish the first instance in the history of legislation in which a revenue bill produced a benefit which was merely incidental to its main purpose.

There is certainly no industry better entitled to the incidental advantages which may follow this legislation than our farming and dairy interests, and to none of our people should they be less begrudged than our farmers and dairymen. The present depression of their occupations, the hard, steady, and often unremunerative toil which such occupations exact, and the burdens of taxation which our agriculturists necessarily bear entitle them to every legitimate consideration.

Nor should there be opposition to the incidental effect of this legislation on the part of those who profess to be engaged honestly and fairly in the manufacture and sale of a wholesome and valuable article of food which by its provisions may be subject to taxation. As long as their business is carried on under cover and by false pretenses such men have bad companions in those whose manufactures, however vile and harmful, take their place without challenge with the better sort in a common crusade of deceit against the public. But if this occupation and its methods are forced into the light and all these manufactures must thus either stand upon their merits or fall, the good and bad must soon part company and the fittest only will survive.

Not the least important incident related to this legislation is the defense afforded to the consumer against the fraudulent substitution and sale of an imitation for a genuine article of food of very general household use. Notwithstanding the immense quantity of the article described in this bill which is sold to the people for their consumption as food, and notwithstanding the claim made that its manufacture supplies a cheap substitute for butter, I venture to say that hardly a pound ever entered a poor man's house under its real name and in its true character.

While in its relation to an article of this description there should be no governmental regulation of what the citizen shall eat, it is certainly not a cause of regret if by legislation of this character he is afforded a means by which he may better protect himself against imposition in meeting the needs and wants of his daily life.

Having entered upon this legislation, it is manifestly a duty to render it as effective as possible in the accomplishment of all the good which should legitimately follow in its train.

This leads to the suggestion that the article proposed to be taxed and

the circumstances which subject it thereto should be clearly and with great distinctness defined in the statute. It seems to me that this object has not been completely attained in the phraseology of the second section of the bill, and that question may well arise as to the precise condition the article to be taxed must assume in order to be regarded as "made in imitation or semblance of butter, or, when so made, calculated or intended to be sold as butter or for butter."

The fourteenth and fifteenth sections of the bill, in my opinion, are in danger of being construed as an interference with the police powers of the States. Not being entirely satisfied of the unconstitutionality of these provisions, and regarding them as not being so connected and interwoven with the other sections as, if found invalid, to vitiate the entire measure, I have determined to commend them to the attention of the House with a view to an immediate amendment of the bill if it should be deemed necessary and if it is practicable at this late day in the session of Congress.

The fact, too, that the bill does not take effect by its terms until ninety days have elapsed after its approval, thus leaving it but one month in operation before the next session of Congress, when, if time does not now permit, the safety and efficiency of the measure may be abundantly protected by remedial legislative action, and the desire to see realized the beneficial results which it is expected will immediately follow the inauguration of this legislation, have had their influence in determining my official action.

The considerations which have been referred to will, I hope, justify this communication and the suggestions which it contains.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 4, 1886.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 3d instant (the Senate concurring), I return herewith Senate bill No. 2056, entitled "An act to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service."

GROVER CLEVELAND.

VE TO MESSAGES.

EXECUTIVE MANSION, *March 10, 1886.*

To the Senate of the United States:

I have carefully considered Senate bill No. 193, entitled "An act for the relief of John Hollins McBlair," and hereby return the same without approval to the Senate, where it originated, with my objections to the same.

The object of this bill is to suspend the provisions of law regulating appointments in the Army by promotion so far as they affect John Hollins McBlair, and to authorize the President to nominate and, by and with the advice and consent of the Senate, appoint said McBlair a first lieutenant in the Army and to place him upon the retired list as of the date of April 8, 1864, with the pay of his rank from April 30, 1884.

The beneficiary named in this bill was appointed a first lieutenant in the Army, from civil life, in June, 1861, with rank from May 14, 1861.

It appears from his own testimony, afterwards taken before a retiring board, that at the time he was commissioned he was but 17 years of age.

In October, 1861, he was in the field for five days with his regiment, within which time he participated in no battle, skirmish, or engagement of any kind.

After five days spent in marching and camping he was taken sick, and after remaining in camp six or seven weeks, his illness still continuing, he was granted sick leave and came to Washington.

In June, 1862, he was put on duty in the Commissary Department at Washington and remained there until August, 1863, when he was summoned before a retiring board convened for the purpose of retiring disabled officers.

From testimony before this board it appears that the illness which caused him to leave his regiment was one not uncommon in the Army, and yielded to treatment, so that in April or May, 1862, he was completely cured.

About this time, however, he was attacked with convulsions, which were pronounced by the physicians examined before the board to be a form of epilepsy, and for this cause he was found to be incapacitated for active service.

The medical testimony, while it suggested various causes for this epileptic condition, negatives entirely any claim that these attacks were at all related to the illness which obliged this officer to abandon service with his regiment. He testified himself that he had been told he had one or two convulsions in childhood, but there is no direct testimony that he was subject to epileptic attacks before he entered the Army.

The retiring board determined upon the proof that this incapacity did not result from any incident of military service, and therefore Lieutenant McBlair was in October, 1863, retired wholly from the service with one year's pay and allowances, which is the usual action in such cases, and which was approved by the President.

But in April, 1864, the President, in a review of the case, made an order that instead of this officer being wholly retired he should be placed upon the retired list as of the date when the action of the retiring board was originally approved.

For about twenty years, and up to April 30, 1884, he remained upon the retired list and received the pay to which this position entitled him.

Quite recently, in consequence of a claim of additional pay which he made upon the Government, his status was examined by the Court of Claims, which decided that the action of the President in April, 1864, by which he sought to change the original disposition of the case upon the findings of the retiring board, was nugatory, and that ever since October, 1863, this officer had not been connected with the Army and had been receiving from the Government money to which he was not entitled.

If the bill herewith returned becomes a law, it makes valid all payments made, and if its purpose is carried out causes such payments to be resumed.

The finding of the retiring board seems so satisfactory and the merits of this case so slight in the light of the large sum already paid to the applicant, while the claims of thousands of wounded and disabled soldiers wait for justice at the hands of the Government, that I am constrained to interpose an objection to a measure which proposes to suspend general and wholesome laws for the purpose of granting what appears to me to be an undeserved gratuity.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 11, 1886.*

To the Senate of the United States:

I return herewith without approval, and with a statement of my objections thereto, Senate bill—No. 150, entitled “An act to quiet title of settlers on the Des Moines ~~River~~ lands in the State of Iowa, and for other purposes.”

This proposed legislation grows out of a grant of land made to the Territory of Iowa in the year 1846 to aid in the improvement of the navigation of the Des Moines River.

The language of this grant was such that it gave rise to conflicting decisions on the part of the Government Departments as to its extent, and it was not until 1860 that this question was authoritatively and finally settled by the Supreme Court of the United States. Its decision diminished the extent of the grant to a quantity much less than had been insisted on by certain interested parties and rendered invalid the titles of parties who held, under the Territory or State of Iowa, lands beyond the limit of the grant fixed by the decision of the court.

For the purpose of validating such titles and to settle all disputes so far as the General Government was concerned, the Congress, in the year 1861, by a joint resolution, transferred to the State of Iowa all the title then retained by the United States to the lands within the larger limits which had been claimed, and then held by *bona fide* purchasers from the State; and in 1862 an act of Congress was passed for the same general purpose.

Without detailing the exact language of this resolution and statute, it certainly seems to be such a transfer and relinquishment of all interests

in the land mentioned on the part of the United States as to relieve the Government from any further concern therein.

The questions unfortunately growing out of this grant and the legislation relating thereto have been passed upon by the United States Supreme Court in numerous cases, and as late as 1883 that court, referring to its many previous decisions, adjudged that "the act of 1862 (12 U. S. Statutes at Large, ch. 161, p. 543) transferred the title from the United States and vested it in the State of Iowa for the use of its grantees under the river grant."

Bills similar to this have been before Congress for a number of years and have failed of passage; and at least on one occasion the Committee on the Judiciary of the Senate reported adversely upon a measure covering the same ground.

I have carefully examined the legislation upon the subject of this grant, and studied the decisions of the court upon the numerous and complicated questions which have arisen from such legislation, and the positions of the parties claiming an interest in the land covered by said grant, and I can not but think that every possible question that can be raised, or at least that ought to be raised, in any suit relating to these lands has been determined by the highest judicial authority in the land; and if any substantial point remains yet unsettled, I believe there is no difficulty in presenting it to the proper tribunal.

This bill declares that certain lands which nearly twenty-four years ago the United States entirely relinquished are still public lands, and directs the Attorney-General to begin suits to assert and protect the title of the United States in such lands.

If it be true that these are public lands, the declaration that they are so by enactment is entirely unnecessary; and if they are wrongfully withheld from the Government, the duty and authority of the Attorney-General are not aided by the proposed legislation. If they are not public lands because the United States have conveyed them to others, the bill is subject to grave objections as an attempt to destroy vested rights and disturb interests which have long since become fixed.

If a law of Congress could, in the manner contemplated by the bill, change, under the Constitution, the existing rights of any of the parties claiming interests in these lands, it hardly seems that any new questions could be presented to the courts which would do more than raise false hopes and renew useless and bitter strife and litigation.

It seems to me that all controversies which can hereafter arise between those claiming these lands have been fairly remitted to the State of Iowa, and that there they can be properly and safely left; and the Government, through its Attorney-General, should not be called upon to litigate the rights of private parties.

It is not pleasant to contemplate loss threatened to any party acting in good faith, caused by uncertainty in the language of laws or their

conflicting interpretation; and if there are persons occupying these lands who labor under such disabilities as prevent them from appealing to the courts for a redress of their wrongs, a plain statute, directed simply to a remedy for such disabilities, would not be objectionable.

Should there be meritorious cases of hardship and loss, caused by an invitation on the part of the Government to settle upon lands apparently public, but to which no right or lawful possession can be secured, it would be better, rather than to attempt a disturbance of titles already settled, to ascertain such losses and do equity by compensating the proper parties through an appropriation for that purpose.

A law to accomplish this very object was passed by Congress in the year 1873.

Valuable proof is thus furnished, by the only law ever passed upon the subject, of the manner in which it was thought proper by the Congress at that time to meet the difficulties suggested by the bill now under consideration.

Notwithstanding the fact that there may be parties in the occupancy of these lands who suffer hardship by the application of strict legal principles to their claims, safety lies in noninterference by Congress with matters which should be left to judicial cognizance; and I am unwilling to concur in legislation which, if not an encroachment upon judicial power, trenches so closely thereon as to be of doubtful expediency, and which at the same time increases the elements of litigation that have heretofore existed and endangers vested rights.—

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 26, 1886.*

To the Senate of the United States:

I herewith return Senate bill No. 349, entitled "An act for the promotion of anatomical science and to prevent the desecration of graves," without my approval.

The purpose of this bill is to permit the delivery of certain dead bodies to the medical colleges located in the District of Columbia for dissection.

Such disposition of the bodies of unknown and pauper dead is only excused by the necessity of acquiring by this means proper and useful anatomical knowledge, and the laws by which it is permitted should, in deference to a decent and universal sentiment, carefully guard against abuse and needless offense.

The measure under consideration does not with sufficient care specify and limit the officers and the parties who it is proposed to invest with discretion in the disposition of dead bodies remaining in the institutions and places mentioned in the bill. The second section indicates an intention to prevent the use of said bodies for any other purpose than the promotion of anatomical and surgical knowledge within the District of Columbia,

and to secure after such use the decent burial of the remains. It declares that a bond shall be given providing for the performance of these conditions. But instead of exacting the bond from the medical colleges, to which alone, by the terms of the first section, the bodies are to be delivered, such bond is required of "every physician or surgeon before receiving such dead body."

The bill also provides that a relative by blood or marriage, or a friend, may, within forty-eight hours after death, demand that any body be buried, upon satisfying "the authorities" of the relationship claimed to the deceased.

The "authorities" to be thus satisfied should be clearly defined, and the determination of a question so important should be left with those only who will perform this duty with proper care and consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION,

Washington, April 30, 1886.

To the Senate of the United States: —

I herewith return without my approval Senate bill No. 141, entitled "An act to extend the provisions of the act of June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' to the port of Omaha, in the State of Nebraska."

The statute, which was passed June 10, 1880, referred to in the title of this bill permitted certain merchandise imported at specified ports, but which was consigned to certain other ports which were mentioned by name in the seventh section of said act, to be shipped immediately after entry at the port of arrival to such destination.

The seventh section of said act contained the names of more than seventy ports or places to which imported merchandise might be thus immediately shipped. One of the places thus named is "Omaha, in Nebraska."

But it was declared in a proviso which was made a part of this section that the privilege of immediate transportation contemplated by the act should "not extend to any place at which there are not the necessary officers for the appraisement of merchandise and the collection of duties."

Because there were no such officers at Omaha the privilege mentioned was withheld from that place by the Treasury Department.

The bill submitted to me for approval provides that these privileges conferred by the act of June 10, 1880, be "extended to the port of Omaha, in the State of Nebraska, as provided for as to the ports mentioned in section 7 of said act."

I can not see that anything is gained by this legislation.

If the circumstances should warrant such a course, the authority which

withholds such privileges from any of the places mentioned in the law of 1880 can confer the same without the aid of a new statute. This position is sustained by an opinion of the Attorney-General, dated in February, 1885.

If the legislation now proposed should become operative, the privileges extended to the city of Omaha would still be subject to the proviso attached to the seventh section of the law of 1880, and such newly granted privileges would be liable to immediate withdrawal by the Secretary of the Treasury.

Thus, if the design of this bill is to restore to the city named the privileges permitted by the law of 1880, it seems to be entirely unnecessary, since the power of such restoration is now fully vested in the Treasury Department. If the object sought is to bestow such privileges entirely free from the operation of the proviso above recited, the language of the bill does not accomplish that result.

I understand that the Government has not now at Omaha "the necessary officers for the appraisement of merchandise and the collection of duties," which by such proviso are necessary in order to secure to any place the advantages of immediate transportation. In the absence of such officers the proposed legislation would be nugatory and inoperative.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 8, 1886.*

To the House of Representatives:

I herewith return without approval a bill numbered 3019, entitled "An act to increase the pension of Abigail Smith," which bill originated in the House of Representatives.

This proposed legislation does injustice to a very worthy pensioner who was on the pension roll at the time of the passage of the law which took effect on the 19th day of March last, and by virtue of which all pensions of her class were increased from \$8 to \$12 per month. Under this law she became entitled to her increased pension from the date of its passage. The bill now returned allows her the same amount, but if it became a law I suppose it would supersede her claim under the previous statute and postpone the receipt by her of the increase to the date of the passage of the new law.

She would thus lose for nearly two months the increase of pension already secured to her.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 8, 1886.*

To the House of Representatives:

I return without my approval House bill No. 1471, entitled "An act increasing the pension of Andrew J. Hill."

This bill doubles the pension which the person named therein has been receiving for a number of years. It appears from the report of the committee to which the bill was referred that a claim made by him for increased pension has been lately rejected by the Pension Bureau "on the ground that the claimant is now receiving a pension commensurate with the degree of disability found to exist."

The policy of frequently reversing by special enactment the decisions of the Bureau invested by law with the examination of pension claims, fully equipped for such examination, and which ought not to be suspected of any lack of liberality to our veteran soldiers, is exceedingly questionable. It may well be doubted if a committee of Congress has a better opportunity than such an agency to judge of the merits of these claims. If, however, there is any lack of power in the Pension Bureau for a full investigation, it should be supplied; if the system adopted is inadequate to do full justice to claimants, it should be corrected, and if there is a want of sympathy and consideration for the defenders of our Government the Bureau should be reorganized.

The disposition to concede the most generous treatment to the disabled, aged, and needy among our veterans ought not to be restrained; and it must be admitted that in some cases justice and equity can not be done nor the charitable tendencies of the Government in favor of worthy objects of its care indulged under fixed rules. These conditions sometimes justify a ~~resort to~~ special legislation, but I am convinced that the interposition by special enactment in the granting of pensions should be rare and exceptional. In the nature of things if this is lightly done and upon slight occasion, an invitation is offered for the presentation of claims to Congress which upon their merits could not survive the test of an examination by the Pension Bureau, and whose only hope of success depends upon sympathy, often misdirected, instead of right and justice. The instrumentality organized by law for the determination of pension claims is thus often overruled and discredited, and there is danger that in the end popular prejudice will be created against those who are worthily entitled to the bounty of the Government.

There has lately been presented to me, on the same day, for approval, nearly 240 special bills granting and increasing pensions and restoring to the pension list the names of parties which for cause have been dropped. To aid Executive duty they were referred to the Pension Bureau for examination and report. After a delay absolutely necessary they have been returned to me within a few hours of the limit constitutionally permitted for Executive action. Two hundred and thirty-two of these bills are thus classified:

Eighty-one cover cases in which favorable action by the Pension Bureau was denied by reason of the insufficiency of the testimony filed to prove the facts alleged.

These bills I have approved on the assumption that the claims were

meritorious and that by the passage of the bills the Government has waived full proof of the facts.

Twenty-six of the bills cover claims rejected by the Pension Bureau because the evidence produced tended to prove that the alleged disability existed before the claimant's enlistment; 21 cover claims which have been denied by such Bureau because the evidence tended to show that the disability, though contracted in the service, was not incurred in the line of duty; 33 cover claims which have been denied because the evidence tended to establish that the disability originated after the soldier's discharge from the Army; 47 cover claims which have been denied because the general pension laws contain no provisions under which they could be allowed, and 24 of the claims have never been presented to the Pension Bureau.

I estimate the expenditure involved in these bills at more than \$35,000 annually.

Though my conception of public duty leads me to the conclusion, upon the slight examination which I have been able to give such of these bills as are not comprised in the first class above mentioned, that many of them should be disapproved, I am utterly unable to submit within the time allowed me for that purpose my objections to the same.

They will therefore become operative without my approval.

A sufficient reason for the return of the particular bill now under consideration is found in the fact that it provides that the name of Andrew J. Hill be placed upon the pension roll, while the records of the Pension Bureau, as well as a medical certificate made a part of the committee's report, disclose that the correct name of the intended beneficiary is Alfred J. Hill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 17, 1886.*

To the Senate of the United States:

I return without approval Senate bill No. 1397, entitled "An act to establish a port of delivery at Springfield, in the State of Massachusetts."

It appears that the best reasons urged for the passage of this bill are that Springfield has a population of about 40,000, that the imports to the section of country where the city is located for the last year amounted in value to nearly \$3,000,000, and that the importers at this point labored under a disadvantage in being obliged to go to New York and Boston to clear their goods, which are frequently greatly delayed.

The Government is now subjected to great loss of revenue through the intricacies of the present system relating to the collection of customs dues, and through the frauds and evasions which that system permits and invites. It is also the cause of much of the delay and vexation to which the honest importer is subjected.

I am of the opinion that the reforms of present methods which have been lately earnestly pressed upon Congress should be inaugurated, instead of increasing the number of ports where present evils may be further extended.

The bill now under consideration provides that a surveyor of customs shall be appointed to reside at said port, who shall receive a salary not to exceed \$1,000 per annum.

It is quite obvious that an experienced force of employees at the ports where goods for Springfield are entered would be much better qualified to adjust the duties upon the same than the person thus proposed to be added to the vast army of Federal officials.

There are many cities in the different States having larger populations than Springfield, and fully as much entitled, upon every ground presented, to the advantages sought by this bill; and yet it is clear that the following of the precedent which the proposed legislation would establish could not fail to produce confusion and uncertainty in the adjustment of customs dues, leading to irritating discriminations and probable loss to the Government.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 24, 1886.*

To the Senate of the United States:

I herewith return without approval Senate bill No. 2186, entitled "An act granting a pension to Louis Melcher."

This claimant enlisted on the 25th day of May, 1861, and was discharged for disability on the 16th day of August, 1861, having been in the service less than three months.

The certificate of the surgeon of his regiment, made at the time of his discharge, stated his disability to be "lameness, caused by previous repeated and extensive ulcerations of his legs, extending deeply among the muscles and impairing their powers and action by cicatrices, all existing before enlistment and not mentioned to the mustering officers at the time."

Upon this certificate, given at the time of the claimant's discharge and while he was actually under the surgeon's observation, an application for a pension was rejected by the Pension Bureau.

In the absence of anything impeaching the ability and integrity of the surgeon of the regiment, his certificate should, in my opinion, be regarded as a true statement of the condition of the claimant at the time of his discharge, though the committee's report suggests that the surgeon's skill may have been at fault when he declared that the ulcers existed before enlistment. The cicatrices showing beyond a doubt the previous existence of this difficulty would be plainly apparent upon an examination by a surgeon, and their origin could hardly be mistaken. The term of the claimant's service was not sufficiently long to have developed and

healed, even imperfectly, in a location previously healthy, ulcers of the kind mentioned in the claimant's application.

My approval of this bill is therefore withheld upon the ground that I find nothing in my examination of the facts connected with the case which impeaches the value of the surgeon's certificate upon which the adverse action of the Pension Bureau was predicated.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 24, 1886.*

To the Senate of the United States:

A bill which originated in the Senate, entitled "An act granting a pension to Edward Ayers," and numbered 363, is herewith returned without approval.

The person named in this bill enlisted October 3, 1861, in an Indiana regiment and was mustered out of the service December 13, 1865. He represents that he was injured in the hip at the battle of Days Gap, April 30, 1863, and for this a pension is provided for him by the bill under consideration. His application for pension has been rejected by the Pension Bureau on the ground that it was proved on a special examination of the case that the claimant was injured by a fall when a boy, and that the injury complained of existed prior to his enlistment.

There is not a particle of proof or a fact stated either in the committee's report or the records in the Pension Bureau, so far as they are brought to my notice, tending to show that the claimant was in hospital or under medical care a single day during the whole term of his enlistment.

The report of the committee contains the following statement:

The record evidence proves that he was in this engagement, but there is no proof from this source that he was wounded. By numerous comrades who were present it is proven that he was hurt by the explosion of a shell as claimed. It is also shown that he has been disabled ever since; and the examining surgeon specifically describes the wound, and twice verifies that he is permanently disabled. From the fact that a man was exceedingly liable to injury under the circumstances in which he was placed, and from the evidence of eyewitnesses, the committee are of opinion that he was wounded as alleged.

A wound from a shell causing the person injured to be "disabled ever since" usually results in hospital or medical treatment. Not only is there no such claim made in this case, but, on the contrary, it appears that the claimant served in his regiment two years and nearly eight months after the alleged injury, and until he was mustered out.

It is represented to me by a report from the Pension Bureau that after his alleged wound, and in May or June, 1863, the claimant deserted, and in July of that year was arrested in the State of Indiana and returned to duty without trial. If this report is correct, the party now seeking a pension at the hands of the Government for disability incurred in the

service seems to have been capable of considerable physical exertion, though not very creditable, **within** a few weeks after he claims to have received the injury upon which his application is based.

GROVER' CLEVELAND.

EXECUTIVE MANSION, *May 24, 1886.*

To the Senate of the United States:

I return without approval Senate bill No. 1630, entitled "An act granting a pension to James C. Chandler."

It appears from the report of the committee to whom this bill was referred and from an examination of the official records that the proposed beneficiary first enlisted on the 27th day of August, 1861, and about nine months thereafter, on the 1st day of June, 1862, was discharged on account of disability arising from chronic bronchitis.

Notwithstanding the chronic character of his alleged disability, he enlisted again on the 3d day of January, 1864, seventeen months after such discharge.

No statement is presented of the bounty received by him upon either enlistment.

He was finally mustered out on the 19th day of September, 1865.

He first applied for a pension under the general law in May, 1869, alleging that in April, 1862, he was run over by a wagon and injured in his ankle. This accident occurred during his first enlistment; ~~but~~ ~~instead of~~ the injury having been then regarded a disability, he was discharged from such enlistment less than two months thereafter on account of chronic bronchitis.

It appears from the committee's report that his application was rejected and that another was afterwards made, alleging that the claimant had been afflicted with typhoid fever contracted in May, 1862, resulting in "rheumatism and disease of the back in region of kidneys."

This application was also rejected, on the ground that any disability that might have arisen from the cause alleged "had not existed in a pensionable degree since the date of filing the claim therefor," which was February 10, 1885.

There still remained an appeal to Congress, and probably there were not wanting those who found their interests in advising such an appeal and who had at hand Congressional precedents which promised a favorable result. That the parties interested did not miscalculate the chances of success is demonstrated by the bill now before me, which, in direct opposition to the action of the Pension Bureau, grants a pension to a man who, though discharged from enlistment for a certain alleged disability, made two applications for a pension based upon two distinct causes, both claimed to exist within two months prior to such discharge, and both different from the one upon which he accepted the same, and notwithstanding the fact that the proposed beneficiary, after all these disabilities

had occurred, passed an examination as to his physical fitness for reenlistment, actually did reenlist, and served till finally mustered out at the close of the war.

If any money is to be given this man from the public Treasury, it should not be done under the guise of a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 24, 1886.*

To the Senate of the United States:

I hereby return without approval Senate bill No. 857, entitled "An act granting a pension to Dudley B. Branch."

This claim is based upon the allegation, as appears by the committee's report, that the person named in the bill has a hernia, and that on the 9th day of June, 1862, while in the military service and in the line of duty, "in getting over a fence he fell heavily, striking a stone or hard substance, and received the hernia in his left side."

In December, 1875, thirteen and a half years thereafter, he filed an application for a pension, which was rejected by the Pension Bureau on the ground that there was no record of the alleged hernia, and the claimant was unable to furnish satisfactory evidence of its origin in the service.

The fact is stated in the committee's report that late in the year 1863 this soldier was transferred to the Invalid Corps, and the records show that he was thus transferred for a disability entirely different from that upon which he now bases his claim. He was mustered out in September, 1864, at the end of his term of service.

I am convinced that the rejection of this claim by the Pension Bureau was correct, and think its action should not be reversed.

I suppose an injury of the description claimed, if caused by violence directly applied, is quite palpable, its effect usually immediate, and its existence easily proved. The long time which elapsed between the injury and the claimant's application for a pension may be fairly considered as bearing upon the merits of such application, while the fact that the claimant was transferred to the Invalid Corps more than a year after he alleges the injury occurred, for an entirely different disability, can not be overlooked. In the committee's report the statement is found that the beneficiary named in the bill was in two different hospitals during the year 1863, and yet it is not claimed that the history of his hospital treatment furnishes any proof of the injury upon which his claim is now based.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 25, 1886.*

To the Senate of the United States:

I return without approval Senate bill No. 1998, entitled "An act for the relief of John D. Ham," which grants a pension to the party named.

The claimant alleges that he enrolled in the Army in January, 1862, and was "sworn in at his own home;" that the next day he started on horseback to go to the regiment he was to join, and that on the way his horse fell upon his left ankle, whereby he sustained an injury which entitles him to a pension.

His name is not borne upon any of the rolls of the regiment he alleges he was on his way to join.

He filed his application for pension in the Pension Bureau October 17, 1879 (seventeen years after his alleged injury), which was rejected apparently on the ground that he was not in the military service when the disability claimed was incurred.

He was drafted in 1863 and served until he was mustered out in 1865.

It is entirely clear that this claimant was not in the military service at the time he claims to have been injured; and his conduct in remaining at home until he was drafted, nearly two years afterwards, furnishes proof that he did not regard himself as in the meantime owing any military duty. These considerations, and the further facts that upon being drafted he was accepted as physically qualified for service, that he actually thereafter served a year and eight months, and that he waited seventeen years before claiming pension for his injury, in my mind present a case upon which the claimant is entitled to no relief even if charity instead of just liberality is invoked.

GROVER CLEVELAND.

—EXECUTIVE MANSION, *May 25, 1886.*

To the Senate of the United States:

I herewith return without approval Senate bill No. 1290, entitled "An act granting a pension to David W. Hamilton."

A claim for pension filed by him in November, 1879, was rejected by the Pension Bureau on the ground that his alleged disability existed prior to his enlistment.

An examination of the records in the Adjutant-General's Office and a statement from the Pension Bureau derived from the claimant's application there for pension, with a reference to the report of the committee to whom this bill was referred, disclose the following facts:

The claimant was mustered in the service as first lieutenant in September, 1861, and as captain June 12, 1862. He is reported as present with his company until the 30th of that month. For the six months immediately following the latter date he is reported as "absent sick," and for the ten months next succeeding, and until October 27, 1863, as "absent on detached service." On the day last mentioned he tendered his resignation at Camp Morton, in the State of Indiana, to enable him to accept an appointment as captain in the Invalid Corps. He was thereupon so appointed upon account of "chronic enlargement of the spermatic cord of several years' standing, consequent upon hydrocele." He remained in the Invalid Corps until July 12, 1864, when, upon the tender of his resignation, he was discharged.

Less than four months afterwards, and on the 6th day of November, 1864, he was mustered in the service as a captain in another regiment of volunteers, and on the 17th day of November, 1865, again tendered his resignation, and was finally discharged.

Upon his application for pension under the general law, fourteen years thereafter, he admitted that he suffered from hydrocele as early as 1856, but claimed that an operation then performed for the same had given him permanent relief.

It will be seen that the claimant's term of service was liberally interspersed with sick leave, detached service, resignations, and membership in the Invalid Corps. He admits having the trouble which would naturally result in his alleged disability long before he entered the service. The surgeon upon whose certificate he was appointed to the Invalid Corps must have stated to him the character of his difficulty and that it was chronic. No application for pension was made until fourteen years after his discharge and just prior to the expiration of the time within which large arrearages might have been claimed. There is no hint of any medical testimony at all contradicting the certificate of the army surgeon made in 1863, but it is stated in the report of the committee that he can not procure medical testimony as to his soundness before entering the service because his family physician is dead. If he had filed his application earlier, it would have appeared in better faith, and it may be that he could have secured the evidence of his family physician if it was of the character he desired.

After the Pension Bureau has been in operation for a score of years since the late civil war, equipped with thousands of employees charged with no other duty except the ascertainment and adjustment of the claims of our discharged soldiers and their surviving relatives, it seems to me that a stronger case than this should be presented to justify the passage of a special act, twenty-three years after an alleged disability, granting a pension which has been refused by the Bureau especially organized for the purpose of allowing the same under just and liberal laws.

I am by no means insensible to that influence which leads the judgment toward the allowance of every claim alleged to be founded upon patriotic service in the nation's cause; and yet I neither believe it to be a duty nor a kindness to the worthy citizens for whose benefit our scheme of pensions was provided to permit the diversion of the nation's bounty to objects not within its scope and purpose.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *May 28, 1886.*

I hereby return without approval Senate bill No. 1850, entitled "An act granting a pension to Mrs. Annie C. Owen."

The husband of the claimant was mustered into the service as second

lieutenant December 14, 1861, and discharged October 16, 1862. It appears that he died in 1876 from neuralgia of the heart. In 1883 the present claimant filed her application for pension, alleging that her husband received two shell wounds, one in the calf of his left leg and one in his left side, on the 1st day of July, 1862, and claiming that they were in some way connected with the cause of his death.

On the records of his command there is no mention made of either wound,—but it does appear that on the 8th day of July, seven days after the date of the alleged wounds, he was granted a leave of absence for thirty days on account, as stated in a medical certificate, of “remittent fever and diarrhea.” A medical certificate dated August 5, 1862, while absent on leave, represents him to be at that time suffering from “chronic bronchitis and acute dysentery.”

The application made for pension by the widow was rejected by the Pension Bureau February 1, 1886.

There is nothing before me showing that the husband of the claimant ever filed an application for pension, though he lived nearly fourteen years after his discharge; and his widow's claim was not made until twenty-one years after the alleged wounds and seven years after her husband's death.

If the information furnished concerning this soldier's service is correct, this claim for pension must be based upon a mistake. It is hardly possible that wounds such as are alleged should be received in battle by a second lieutenant and no record made of them; that he should seven days thereafter receive a leave of absence for other sickness, with no mention of these wounds, and that a medical certificate should be made (probably with a view of prolonging his leave) stating still other ailments, but silent as to wounds. The further facts that he made no claim for pension and that the claim of his widow was long delayed are worthy of consideration. And if the wounds were received as described there is certainly no necessary connection between them and death fourteen years afterwards from neuralgia of the heart.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 28, 1886.*

To the House of Representatives:

I return without approval a bill originating in the House of Representatives, numbered 2145, and entitled “An act for the relief of Rebecca Eldridge.”

This bill provides for the payment of a pension to the claimant as the widow of Wilber H. Eldridge, who was mustered into the service on the 24th day of July, 1862, and discharged June 21, 1865. He was pensioned at the rate of \$2 per month for a slight wound in the calf of the left leg, received on the 25th day of March, 1865. There is no pretense that this wound was at all serious, and a surgeon who examined it in 1880 reported that in his opinion the wounded man “was not incapacitated

from obtaining his subsistence by manual labor;" that the ball passed "rather superficially through the muscles," and that the party examined said there was no lameness "unless after long standing or walking a good deal."

On the 28th of January, 1881, while working about a building, he fell backward from a ladder and fractured his skull, from which he died the same day.

Without a particle of proof and with no fact established which connects the fatal accident in the remotest degree with the wound referred to, it is proposed to grant a pension to the widow of \$12 per month.

It is not a pleasant thing to interfere in such a case; but we are dealing with pensions, and not with gratuities.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *May 28, 1886.*

I hereby return without approval Senate bill No. 1253, entitled "An act granting a pension to J. D. Haworth."

It is proposed by this bill to grant a pension to the claimant for the alleged loss of sight in one eye and the impairment of the vision of the other.

From the information furnished me I am convinced that the difficulty alleged by this applicant had its origin in causes existing prior to his enlistment, and that his present condition of disability is not the result of his service in the Army.

GROVER CLEVELAND.

To the House of Representatives:

EXECUTIVE MANSION, *May 28, 1886.*

I hereby return without approval a bill which originated in the House of Representatives, numbered 1582, and entitled "An act for the relief of Eleanor C. Bangham."

The claimant in this case is the widow of John S. Bangham, who was mustered into the service of the United States as a private on the 26th day of March, 1864, and was discharged by general order June 23, 1865.

It appears that during his fifteen months of service he was sick a considerable part of the time, and the records in two of the hospitals to which he was admitted show that his sickness was epilepsy. There are no records showing the character of his illness in other hospitals.

His widow, the present claimant, filed an application for pension March 12, 1878, alleging that her husband committed suicide September 10, 1873, from the effects of chronic diarrhea and general debility contracted in the service. Upon the evidence then produced her claim was allowed at the rate of \$8 a month. She remained upon the rolls until July, 1885, when a special examination of the case was made, upon which it was developed and admitted by the pensioner that the deceased

soldier had suffered from epilepsy from early childhood, and that during a despondent mood following an epileptic fit he committed suicide.

Upon these facts it was determined by the Pension Bureau that the pension should not have been granted, and it was withdrawn. It was so satisfactorily proven that the disease which indirectly caused the death of the claimant's husband was not contracted in the service that, in my opinion, the conclusion arrived at on such examination should stand.

- GROVER CLEVELAND.

EXECUTIVE MANSION, *May 28, 1886.*

To the House of Representatives:

I hereby return without approval bill No. 1406, which originated in the House of Representatives and is entitled "An act granting a pension to Simmons W. Harden."

The claimant mentioned in this bill enlisted as a private December 30, 1863, and was discharged May 17, 1865.

He filed an application for pension in 1866, in which he alleged that he was injured in the left side by a fall from a wagon while in the service.

In 1880 he filed another application, in which he claimed that he was afflicted with an enlargement of the lungs and heart from overexertion at a review. His record in the Army makes no mention of either of these troubles, but does show that he had at some time during his service dyspepsia and intermittent fever.

The fact that fourteen years elapsed after he claimed to have been injured by a fall from a wagon before he discovered that enlargement of the lungs and heart was his real difficulty is calculated to at least raise a doubt as to the validity of his claim.

The evidence as to his condition at the time of enlistment, as well as since, seems quite contradictory and unsatisfactory. The committee to which the bill was referred report that "the only question in the case is as to his condition at time of enlistment, and the evidence is so flatly contradictory on that point that it is impossible to decide that question."

Notwithstanding this declaration, it is proposed to allow him a pension of \$16 a month, though he has survived all his ailments long enough to reach the age of 72 years.

I think upon the case presented the action of the Pension Bureau overruling his claim should not be reversed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 1, 1886.*

To the Senate:

I return herewith Senate bill No. 1441, entitled "An act granting a pension to M. Romahn."

The beneficiary named in this bill enlisted September 13, 1862, and was discharged May 24, 1865.

He filed his claim in the Pension Bureau December 5, 1882, alleging that in the winter of 1862, from being put on duty—standing guard excessively—he became afflicted with varicose veins. His army record shows no disability of any kind, though he served more than two years after the date at which he alleges his injury was incurred. His application was rejected on the ground that no record of his disability appeared and that the evidence of the same filed upon such application was insufficient.

The claim now made to Congress for relief is the same as that made to the Pension Bureau, with the allegation added that in May, 1865, his breast and shoulder were injured by a railroad accident while he was on detail duty.

If the latter-described injury really existed, it is exceeding strange that it found no place in his claim before the Pension Bureau, while the account given of the cause of his alleged varicose veins must surprise those who are at all familiar with the character of that difficulty and the routine of army service. His continued performance of military duty after he incurred this infirmity, the fact that he made no claim for pension on that account until twenty years had passed, and the unsatisfactory evidence now produced to support his allegation tend to induce the suspicion that the decision of the Pension Bureau was entirely just and that this bill is not based upon substantial merits.

— GROVER CLEVELAND.

EXECUTIVE MANSION, *June 2, 1886.*

To the Senate:

Senate bill No. 789, entitled "An act granting a pension to John S. Williams," is herewith returned without approval.

This claimant enlisted in 1861. He alleges that his shoulder was dislocated in 1862 while ferrying troops across a river. The records of the War Department fail to furnish any information as to the alleged injury. He served afterwards until 1865 and was discharged. His claim for pension was rejected by the Pension Bureau in 1882, twenty years after the time he fixes as the date of his injury; and after such long delay he states as an excuse for the unsatisfactory nature of his proof that the doctors, surgeons, and officers who knew him are dead.

Considering that the injury complained of is merely a dislocation of the shoulder, and in view of the other facts developed in the case, I think the Pension Bureau arrived at a correct conclusion when this claim was rejected.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 2, 1886.*

To the Senate:

I return without approval Senate bill No. 327, entitled "An act granting a pension to James E. O'Shea."

From the report of the committee to whom this bill was referred I learn that the claimant enlisted in April, 1861, and was discharged in October, 1864.

He filed a claim in the Pension Bureau alleging that he received a saber wound in the head March 7, 1862, and a gunshot wound in the left leg in the autumn of the same year.

It appears upon examination of his military record that there is no mention of either disability, and that he served two years after the time he claims to have received these injuries. So far from being disabled, it is reported as an incident of his army life that in the year 1864 this soldier was found guilty of desertion and sentenced to forfeit all pay and allowances for the time he was absent.

The report of the committee, in apparent explanation of the lack of any official mention of the injuries alleged, declares that "the fact that the records of the War Department are often imperfect works great hardship to men who apply for pensions;" and his conviction of desertion and the lack of proof to sustain his allegations as to his injuries are disposed of as follows in the committee's report:

The Adjutant-General's report shows that the ~~man was~~ under discipline for some irregularities, but notwithstanding this and the lack of the required proof that he was wounded in the line of duty the committee are of the opinion that, situated as he was, he was very liable to and very probably did receive the wound from which he ~~has suffered~~ and is still suffering.

I am convinced that there exists serious difficulty on the part of the claimant instead of in the record of the War Department; that the kind of irregularity for which he was under discipline is calculated to produce a lack of confidence in his merits as a pensioner, and that the fact of his situation being such as to render him liable to receive a wound is hardly sufficient to establish his right to a soldier's pension, which is only justified by injuries actually received and affirmatively proven.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, June 2, 1886.

I return herewith without approval Senate bill No. 1726, entitled "An act granting a pension to Augustus Field Stevens."

It appears that this claimant enlisted August 21, 1861, and was discharged on the 3d day of October, 1861, after a service of less than two months, upon a medical certificate of disability which represented him as "incapable of performing the duties of a soldier because of general debility, advanced age, unfit for service before entering."

His claim is not based upon any wound or injury, but he alleges that he contracted chronic diarrhea or dysentery while in the service. The committee to whom the bill was referred by the Senate admit that "there is a quantity of contradictory testimony, biased in about equal proportion for and against the claimant."

His claim was rejected by the Pension Bureau in 1882 and again in 1885, after a special examination concerning the facts, on the ground that the claimant had failed to show any pensionable disability contracted while he was in the service.

The medical certificate upon which he was discharged makes no mention of the disorders of which the applicant for pension now complains, but contains other statements which demonstrate that no allowance should be made to him by way of pension, unless such pension is to be openly and confessedly regarded as a mere charity, or unless the medical certificate made at the time of discharge, with the patient under observation, is to be, without any allegation to that effect, impeached.

I am not prepared either to gratuitously set at naught two determinations of the Pension Bureau, one very lately made after a special examination, and especially when the evidence produced before the committee to reverse the Bureau's action is admitted to be "contradictory" and "biased in about equal proportion for and against the claimant."

GROVER CLEVELAND.

To the Senate:—

EXECUTIVE MANSION, *June 19, 1886.*

I return herewith Senate bill No. 226, entitled "An act granting a pension to Margaret D. Marchand," without approval.

The beneficiary named in this bill is the widow of John B. Marchand, who entered the United States Navy in 1828, who was promoted to the rank of commodore in 1866, and who was placed upon the retired list in 1870. He died in August, 1875, of heart disease.

His widow filed an application for pension in 1883, claiming that his fatal disease was caused by exposure and exertion in the service during the War of the Rebellion. The application was rejected because of the inability to furnish evidence to prove that the death had any relation to the naval service of the deceased.

I am unable to see how any other conclusion could have been reached. The information furnished by the report of the committee to whom this bill was referred and derived from other data before me absolutely fails to connect the death of Commodore Marchand with any incident of his naval service.

This officer was undoubtedly brave and efficient, rendering his country valuable service; but it does not appear to have been of so distinguished a character, nor are the circumstances of his widow alleged to be such, as to render a gratuity justifiable.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *June 19, 1886.*

I hereby return without my approval Senate bill No. 183, entitled "An act for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers."

This soldier was enrolled in the Army June 2, 1862, and discharged June 30, 1865. He was sent to the Government hospital September 20, 1863, and thereupon transferred to the Invalid Corps.

He filed his declaration for a pension in November, 1880, alleging that while in the service he contracted malarial fever and chronic diarrhea, and was seized with convulsions, suffering from great general debility.

A pension of \$50 a month was granted to him in June, 1881, dating from the time of filing his application, which sum he has been receiving up to the present time.

This bill proposes to remove the limitation fixed by the law of 1879 prescribing the date prior to which an application for pension must be filed in order to entitle the claimant to draw the pension allowed from the time of his discharge from the service.

If this bill should become a law, it would entitle the claimant to about \$9,000 of back pension. This is claimed upon the ground that the soldier was so sick from the time of the passage of the act creating the limitation up to the date allowed him to avail himself of the privileges of the act that he could not file his claim.

I think the limitation thus fixed a very wise one, and that it ~~should~~ not, in fairness to other claimants, be relaxed for causes not mentioned in the statute; nor should the door be opened to applications of this kind.

The beneficiary named in this bill had fifteen years after the accruing of his claim, and before it is alleged that he was incapacitated, within which he might have filed his application and entitled himself to the back pension now applied for.

The facts here presented come so far short of furnishing a satisfactory excuse for his delay that, in my judgment, the discrimination asked in his favor should not be granted.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *June 19, 1886.*

I return without approval Senate bill No. 763, entitled "An act for the erection of a public building at Sioux City, Iowa."

The report of the committee of the House of Representatives to whom this bill was referred states that by the census of 1880 the population of Sioux City was nearly 8,000, and that by other enumerations since made its population would seem to exceed 23,000. It is further stated in the report that for the accommodation of this population the city contains 393 brick and 2,984 frame buildings.

It seems to me that in the consideration of the merits of this bill the necessities of the Government should control the question, and that it should be decided as a business proposition, depending upon the needs of a Government building at the point proposed in order to do the Government work.

This greatly reduces the value of statistics showing population, extent

of business, prospective growth, and matters of that kind, which, though exceedingly interesting, do not always demonstrate the necessity of the expenditure of a large sum of money for a public building.

I find upon examination that United States courts are sometimes held at Sioux City, but that they have been thus far held in the county courthouse without serious inconvenience and without any expense to the Government. There are actually no other Federal officers there for whom the Government in any view should provide accommodations except the postmaster. The post-office is now located in a building rented by the Government until the 1st day of January, 1889, at the rate of \$2,200 per annum.

By the last report of the Supervising Architect it appears that on October 1, 1885, there were 80 new public buildings in course of construction, and that the amount expended thereon during the preceding year was nearly \$2,500,000, while large appropriations are asked to be expended on these buildings during the current year.

In my judgment the number of public buildings should not at this time be increased unless a greater public necessity exists therefor than is apparent in this case.

— GROVER CLEVELAND.

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To the Senate:

EXECUTIVE MANSION, *June 19, 1886.*

I return without approval Senate bill No. 206, entitled "An act to provide for the erection of a public building in the city of Zanesville, Ohio."

No Federal courts are held at Zanesville, and there are no Government officers located there who should be provided for at the public expense except the postmaster.

So far as I am informed the patrons of the post-office are fairly well accommodated in a building which is rented by the Government at the rate of \$800 per annum; and though the postmaster naturally certifies that he and his fourteen employees require much more spacious surroundings, I have no doubt he and they can be induced to continue to serve the Government in its present quarters.

The public buildings now in process of construction, numbering 80, involving constant supervision, are all the building projects which the Government ought to have on hand at one time, unless a very palpable necessity exists for an increase in the number. The multiplication of these structures involves not only the appropriations made for their completion, but great expense in their care and preservation thereafter.

While a fine Government building is a desirable ornament to any town or city, and while the securing of an appropriation therefor is often considered as an illustration of zeal and activity in the interest of a constituency, I am of the opinion that the expenditure of public money for

such a purpose should depend upon the necessity of such a building for public uses.

In the case under consideration I have no doubt the Government can be well accommodated for some time to come in all its business relations with the people of Zanesville by renting quarters, at less expense than the annual cost of maintaining the proposed new building after its completion.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 19, 1886.*

To the House of Representatives:

I hereby return without approval House bill No. 1990, entitled "An act granting a pension to John Hunter."

The claimant was enrolled July 20, 1864, and was discharged by expiration of his term of service July 13, 1865.

During four months of the twelve while he remained in the service he is reported as "absent sick." His hospital record shows that he was treated for intermittent fever and rheumatism. In 1879, fourteen years after his discharge, he filed his claim for a pension, alleging that in May, 1864, he received a gunshot wound in the right leg while in a skirmish. The month of May, 1864, is included in the time during which, by the record, he appears to have been absent sick and undergoing treatment for fever and rheumatism. His claim was rejected in December, 1884, on the ground that there was no record of the alleged wound and the claimant was unable, though aided by the Bureau, to prove that the injury claimed was due to the service.

The evidence recited in the report of the Congressional committee to whom this bill was referred, though it tends to show, if reliable, that when the soldier returned from his service his leg was affected, fails to show a continuous disability from that cause. It is stated that about five years ago, while the claimant was gathering dandelions, in stepping across a ditch his leg broke. The doctor who attended him states that the leg was about four weeks longer in uniting than is usual, but he is not represented as giving an opinion that the fracture had anything to do with his patient's military service.

I find no reference to his condition since his recovery from the fracture of his leg, and there seems to be no allegation of present disability either from army service or the injury sustained while gathering dandelions.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 19, 1886.*

To the House of Representatives:

I return without my approval House bill No. 4002, entitled "An act granting a pension to Carter W. Tiller."

The records of the War Department show that George W. Tiller, the son of the claimant, enlisted in a Kentucky regiment on the 8th day of October, 1861, and that he deserted on the 20th day of September, 1863; that he was captured by the Confederates afterwards, but the time and circumstances are not given. On the 21st day of July, 1864, he was admitted to the Andersonville hospital, and died the same day of scorbutus.

The father filed his claim for a pension in 1877, alleging his dependence upon the deceased soldier. It is probably true that the son while in the Army sent money to the claimant, though he appears to have been employed as a policeman in the city of Louisville ever since his son's death, at a fair salary.

The claim thus made was rejected by the Pension Bureau on the ground that the claimant was not dependent upon his son.

I am entirely satisfied of the correctness of this determination, and if the records presented to me are reliable I think the fact which appears therefrom, that the death of the soldier occurred ten months after desertion and had no apparent relation to any service in the Union Army, is conclusive against the claim now made.

GROVER CLEVELAND.

EXECUTIVE MANSION, June 19, 1886.

To the House of Representatives:

I return without approval House bill No. 3826, entitled "An act for the relief of John Taylor."

By this bill it is proposed to increase the pension of the beneficiary named to \$16 a month. He has been receiving a pension under the general law, dating from his discharge in 1865. His pension has been twice already increased, once by the Pension Bureau and once by a special act passed in 1882. His wound is not such as to cause his disability to become aggravated by time. The increase allowed by this bill, when applied for at the Pension Bureau in 1885, was denied on the ground that "the rate he was receiving was commensurate with the degree of his disability, a board of surgeons having reported that he was receiving a liberal rating."

I can discover no just ground for reversing this determination and making a further discrimination in favor of this pensioner.

GROVER CLEVELAND.

EXECUTIVE MANSION, June 19, 1886.

To the House of Representatives:

I return without approval House bill No. 5997, entitled "An act granting a pension to Elizabeth Luce."

The claimant named in this bill is the widow of John W. Luce, who entered the Army in August, 1861, and who was discharged in January,

1864, for a disability declared at the time in the surgeon's certificate to arise from "organic stricture of the urethra," which, from his statement, existed at the time of his enlistment.

Notwithstanding the admission which thus appears to have been made by him at the time of his discharge, he soon afterwards made an application for a pension, alleging that his difficulty arose from his being thrown forward on the pommel of his saddle when in the service.

Upon an examination of this claim by a special examiner, it is stated that no one could be found who had any knowledge of such an injury, and the claim was rejected.

In 1883, twenty years after the soldier alleged he was injured in the manner stated, he died, and the cause of his death was declared to be "chronic gastritis, complicated with kidney difficulty."

It is alleged that the examinations made by the Pension Bureau developed the fact that the deceased soldier was a man of quite intemperate habits.

The theory upon which this widow should be pensioned can only be that the death of her husband resulted from a disability or injury contracted or received in the military service. It seems to me that however satisfactorily the injury which he described may be established, and though every suspicion as to his habits be dismissed, there can hardly possibly be any connection between such an injury and the causes to which his death is attributed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 19, 1886.*

To the House of Representatives:

I return without approval House bill No. 4058, entitled "An act for the relief of Joel D. Monroe."

The claimant mentioned in this bill enlisted in August, 1864, and was discharged with his regiment June 4, 1865.

The record of his short military service exhibits no mention of any injury or disability; but in June, 1880, fifteen years after his discharge, he filed in the Pension Bureau a claim for a pension based upon the allegation that in December, 1864, he was injured by the falling of a tree, which struck him on his head, affecting both of his eyes. He added to this allegation the further complaint that he contracted rheumatism while in the service.

The application for a pension was rejected by the Pension Bureau because there was no record of the disabilities claimed, nor was satisfactory proof furnished that any such disabilities originated in the service.

I am so entirely satisfied with this determination of the Pension Bureau that I am constrained to withhold my approval of this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 21, 1886.*

To the House of Representatives:

I return without approval House bill No. 3624, entitled "An act granting a pension to Fred. J. Leese."

This claimant enlisted September 7, 1864, and was discharged June 4, 1865. During his short term of service there does not appear on the records any evidence of disability.

But in November, 1883, eighteen years after his discharge, he filed his application for a pension, alleging that in November, 1864, he contracted chronic diarrhea from exposure and severe work.

His claim has not yet been fully passed upon by the Pension Bureau, which, in my opinion, is sufficient reason why this bill should not become a law. I am also thoroughly convinced, from examination of the case, that the claimant should not be pensioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 21, 1886.*

To the House of Representatives:

I herewith return without approval House bill No. 6897, entitled "An act granting a pension to Henry Hipple, jr."

This claimant entered the Army as a drummer August 6, 1862, and was discharged May 29, 1863.

In 1879, sixteen years after his discharge, he appears to have discovered that during his short term of military service in the inhospitable climate of Port Tobacco, within the State of Maryland, he contracted rheumatism to such an extent as to entitle him to pension, for which he then applied.

It is conceded that he received no medical treatment while in the Army for this complaint, nor does he seem to have been attended by a physician since his discharge.

Without commenting further upon the features of this case which tend to discredit it, I deem myself obliged to disapprove this bill on the ground that there is an almost complete failure to state any facts that should entitle the claimant to a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 21, 1886.*

To the House of Representatives:

I hereby return without approval a bill originating in the House of Representatives, entitled "An act granting an increase of pension to John W. Farris," which bill is numbered 6136.

The claimant mentioned in this bill enlisted in the month of October, 1861, and was mustered out of the service in August, 1865.

In 1881, sixteen years after his discharge, he filed an application for a

pension, alleging that he was afflicted with chronic diarrhea contracted in the Army, and in 1885 his claim was allowed, and he was granted a pension for that cause.

In September of the same year, and after this pension was granted, he filed an application for an increase of his rate, alleging that in 1884 his eyes became affected in consequence of his previous ailments and the debility consequent thereupon.

The ingenuity developed in the constant and persistent attacks upon the public Treasury by those claiming pensions, and the increase of those already granted, is exhibited in bold relief by this attempt to include sore eyes among the results of diarrhea.

I am entirely satisfied with the opinion of the medical referee, who, after examining this case in October, 1885, reported that "the disease of the eyes can not be admitted to be a result of chronic diarrhea."

On all grounds it seems to me that this claimant should be contented with the pension which has been already allowed him.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 21, 1886.*

To the House of Representatives:

I hereby return without approval House bill No. 1707, entitled "An act granting a pension to Elijah P. Hensley."

The records of the War Department show that this claimant was mustered into the Third North Carolina Regiment, but on the muster-out roll of his company he is reported to have deserted April 3, 1865, and there is no record of any discharge or disability.

In September, 1866, an order was issued from his department headquarters removing the charge of desertion against him. Thirteen days afterwards, and on the 25th day of September, 1866, he filed an application for pension, which in 1868 was granted. He drew such pension dating from 1865 until 1877, when, upon evidence that the injury for which he was pensioned was not received in the line of duty, his name was dropped from the rolls.

The pensioner appealed from this determination of the Pension Bureau to the Secretary of the Interior, who, as lately as May, 1885, rendered a decision sustaining the action of the Bureau.

I find nothing in the facts presented to me which, in my opinion, justifies the reversal of the judgment of the Bureau and the Secretary of the Interior.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 21, 1886.*

To the Senate:

I return without approval Senate bill No. 2223, entitled "An act granting a pension to Elizabeth S. De Krafft." —

My objection to this bill is that it is of no possible advantage to the beneficiary therein mentioned. It directs that her name be placed upon the pension roll, subject to the provisions and limitations of the pension laws. The effect of such legislation would be to permit Mrs. De Krafft to draw a pension at the rate of \$30 each month from the date of the approval of the bill.

On the 26th day of February, 1886, under the provisions of the general pension law, she was allowed a pension of this exact sum, but the payments were to date from November 10, 1885.

I am so thoroughly tired of disapproving gifts of public money to individuals who in my view have no right or claim to the same, notwithstanding apparent Congressional sanction, that I interpose with a feeling of relief a veto in a case where I find it unnecessary to determine the merits of the application. In speaking of the promiscuous and ill-advised grants of pensions which have lately been presented to me for approval, I have spoken of their "apparent Congressional sanction" in recognition of the fact that a large proportion of these bills have never been submitted to a majority of either branch of Congress, but are the result of nominal sessions held for the express purpose of their consideration and attended by a small minority of the members of the respective Houses of the legislative branch of Government.

Thus in considering these bills I have not felt that I was aided by the deliberate judgment of the Congress; and when I have deemed it my duty to disapprove many of the bills presented, I have hardly regarded my action as a dissent from the conclusions of the people's representatives.

I have not been insensible to the suggestions which should influence every citizen, either in private station or official place, to exhibit not only a just but a generous appreciation of the services of our country's defenders. In reviewing the pension legislation presented to me many bills have been approved upon the theory that every doubt should be resolved in favor of the proposed beneficiary. I have not, however, been able to entirely divest myself of the idea that the public money appropriated for pensions is the soldiers' fund, which should be devoted to the indemnification of those who in the defense of the Union and in the nation's service have worthily suffered, and who in the day of their dependence resulting from such suffering are entitled to the benefactions of their Government. This reflection lends to the bestowal of pensions a kind of sacredness which invites the adoption of such principles and regulations as will exclude perversion as well as insure a liberal and generous application of grateful and benevolent designs. Heedlessness and a disregard of the principle which underlies the granting of pensions is unfair to the wounded, crippled soldier who is honored in the just recognition of his Government. Such a man should never find himself side by side on the pension roll with those who have been tempted to attribute the natural ills to which humanity is heir to service

in the Army. Every relaxation of principle in the granting of pensions invites applications without merit and encourages those who for gain urge honest men to become dishonest. Thus is the demoralizing lesson taught the people that as against the public Treasury the most questionable expedients are allowable.

During the present session of Congress 493 special pension bills have been submitted to me, and I am advised that 111 more have received the favorable action of both Houses of Congress and will be presented within a day or two, making over 600 of these bills which have been passed up to this time during the present session, nearly three times the number passed at any entire session since the year 1861. With the Pension Bureau, fully equipped and regulated by the most liberal rules, in active operation, supplemented in its work by constant special legislation, it certainly is not unreasonable to suppose that in all the years that have elapsed since the close of the war a majority of the meritorious claims for pensions have been presented and determined.

I have now more than 130 of these bills before me awaiting Executive action. It will be impossible to bestow upon them the examination they deserve, and many will probably become operative which should be rejected.

In the meantime I venture to suggest the significance of the startling increase in this kind of legislation and the consequences involved in its continuance.

— GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *June 21, 1886.*

I hereby return without approval Senate bill No. 1584, entitled "An act for the relief of Cornelia R. Schenck."

It is proposed by this bill to grant a pension to Mrs. Schenck as the widow of Daniel F. Schenck, who entered the military service of the United States in August, 1861, and was mustered out October 21, 1864.

The record of his service contains no mention of any disability. He died in December, 1875, of a disease called gastroenteritis, which, being interpreted, seems to denote "inflammation of the stomach and small intestines." So far as the facts are made to appear, the soldier, neither during the term of his service nor during the eleven years he lived after his discharge, made any claim of any disability.

The claim of his widow was filed in the Pension Bureau in 1885, ten years after her husband's death, and is still undetermined.

The fact that her application is still pending in that Bureau is sufficient reason why this bill should not become a law.

A better reason is based upon the entire lack of any facts shown to exist which entitle the beneficiary named to a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, June 22, 1886.

To the Senate:

I return herewith without approval Senate bill No. 1192, entitled "An act granting a pension to Alfred Denny."

It appears that the claimant entered the United States military service as captain and assistant quartermaster of volunteers on the 12th day of June, 1863. After remaining in such position for less than a year he resigned to accept a civil position.

The short record of his military service discloses no mention of any accident or disability. But twenty years after his resignation, and on the 12th day of March, 1884, he reappears as an applicant for a pension, and alleges in his declaration filed in the Pension Bureau that in August, 1863, while in the line of duty, he was, by a sudden movement of the horse he was riding, thrown forward upon the horn of his saddle and thereby received a rupture in his right side, which at some time and in a manner wholly unexplained subsequently caused a rupture in his left side also.

The number of instances in which those of our soldiers who rode horses during the war were injured by being thrown forward upon their saddles indicate that those saddles were very dangerous contrivances.

I am satisfied there is not a particle of merit in this claim, and no facts are presented to me which entitle it to charitable consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, June 22, 1886.

To the Senate:

I hereby return without approval Senate bill No. 1400, entitled "An act granting a pension to William H. Beck."

This claimant enlisted in 1861. He reenlisted as a veteran volunteer January 1, 1864, and was finally mustered out April 20, 1866. In all this time of service his record shows no medical treatment or claim of disability. Indeed, an abstract of his reenlistment January 1, 1864, shows a medical examination and perfect soundness.

Notwithstanding all this, he filed his declaration on the 4th day of April, 1879, nearly thirteen years after his discharge, alleging that in June, 1863, he incurred epilepsy, to which he has been subject since, and that his fits have been from one to ten days apart. To connect this in some way with his military service he stated that the doctor at a hospital said his epilepsy was caused "by jar to the head from heavy firing."

Six months after this alleged "jar" and his consequent epilepsy he reenlisted upon a medical certificate of perfect soundness and served more than two years thereafter.

Every conceded fact in the case negatives the allegations of his declaration, and the rejection of his claim necessarily followed.

If this disease can be caused in the manner here detailed, its manifestations are such as to leave no doubt of its existence, and it seems to me simply impossible under the circumstances detailed that there should be any lack of evidence to support the claim upon which this bill is predicated.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *June 22, 1886.*

I hereby return without approval Senate bill No. 2005, entitled "An act granting a pension to Mary J. Nottage."

The beneficiary named in this bill is the widow of Thomas Nottage, who enlisted in August, 1861, and was discharged for disability September 17, 1862. The assistant surgeon of his regiment, upon his discharge, certified the cause to be "disease of the urinary organs," which had troubled him several years.

He died of consumption January 8, 1879, nearly seventeen years after his discharge, without ever having made any application for a pension.

In 1880 his widow made an application for pension, alleging that he contracted in the service "malarial poisoning, causing remittent fever, piles, general debility, consumption, and death," and that he left two children, both born after his discharge, one in 1866 and the other in 1874.

The only medical testimony which has been brought to my attention touching his condition since his discharge is that of a single physician to the effect that he attended him from the year 1873 to the time of his death in 1879. He states that the patient had during that time "repeated attacks of remittent fever and irritability of the bladder, with organic deposits;" that "in the spring of 1878 he had sore throat and cough, which resulted in consumption, of which he died."

The claim of the widow was rejected in July, 1885, on the ground that "the soldier's death was not the result of his service."

I am satisfied that this conclusion of the Pension Bureau was correct.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *June 22, 1886.*

I return herewith without approval Senate bill No. 342, entitled "An act granting a pension to Marrilla Parsons, of Detroit, Mich."

No claim has ever been made for a pension in this case to the Pension Bureau, probably for the reason that there is no pretext that the beneficiary named is entitled to a pension under any general law.

Daniel P. Parsons was her stepson, who enlisted in 1861 and died of consumption on the 13th day of August, 1864.

There are no special circumstances to distinguish this case from many

others whose claims might be made by stepparents, and there are no facts stated in support of the conclusion embodied in the committee's report that the soldier was taken sick from exposure incident to the service.

To depart from all rules regulating the granting of pensions by such an enactment as is proposed would establish a precedent which could not fail to cause embarrassment and perplexity.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *June 22, 1886.*

I return without approval Senate bill No. 1383, entitled "An act granting a pension to Harriet Welch."

The beneficiary named in this bill asks for a pension as the widow of Syreannous Welch, who was wounded in 1864 while in the service, and was pensioned therefor in 1867. In 1876 his rate of pension was increased. In 1877 he appears to have applied to have his pension again increased. It is alleged that upon such application he was directed to appear before an examining board or a surgeon at Green Bay, Wis., for examination, and in returning to his home from that place on the 7th day of September, 1877, he fell from the cars and was killed, his remains having been found on the track the next morning.

No one appears to have seen the accident, but it is claimed that he could not depend upon his wounded leg, and that it "gave way many times and caused him to fall." From this statement the inference seems to have been indulged that his death was attributable to the wound he had received thirteen years before.

The widow's claim based upon this state of facts was rejected by the Pension Bureau on the ground that the accident resulting in death was not the result of his military service, and on an appeal taken to the Secretary of the Interior from that determination the same was sustained.

Though this widow admits that prior to her marriage with the deceased soldier she had married another man whom she could only say she believed to be dead, I believe her case to be a pitiable one and wish that I could join in her relief; but, unfortunately, official duty can not always be well done when directed solely by sympathy and charity.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *June 22, 1886.*

I return without approval Senaté bill No. 1288, entitled "An act granting a pension to Robert Holsey."

This claimant enlisted in 1862, and though he appears to have been sick on two occasions during his term of service, he remained with his company until it was mustered out in 1865.

This soldier was really sick during the time he remained in the Army, and in this respect his claim for a pension has a better origin than many that are presented. But the fact must be recognized, I suppose, that every army ailment does not necessarily result in death or disability.

In 1882, seventeen years after his discharge, this soldier filed his declaration for a pension, alleging that in 1863 he contracted intermittent fever, affecting his lungs, kidneys, and stomach.

A board of surgeons, upon an examination made in 1882, find disease of kidneys, but no indication of lung and stomach trouble; and a medical referee reported in 1885 that there had been no disease of the stomach and lungs since the filing of the claim, and that the difficulty affecting the kidneys had no relation to the sickness for which the claimant had been treated while in the Army.

I am of the opinion that a correct conclusion was reached when the application for pension in this case was denied by the Pension Bureau.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 22, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 7979, entitled "An act granting a pension to Jackson Steward."

This claimant's application for pension is now pending in the Pension Bureau, and has been sent to a special examiner for the purpose of taking additional proof.

This I deem sufficient reason why the proposed bill should not now become a law.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 22, 1886.*

To the Senate:

I hereby return without approval Senate bill No. 2025, entitled "An act granting a pension to James Butler."

This claimant was enrolled as a private in a New Hampshire regiment August 23, 1864, but on the organization of his company, on the 12th day of September, 1864, he was discharged on account of a fracture of his leg, which happened on the 11th day of September, 1864.

It appears that before the organization of the company to which he was attached, and on the 10th day of September, he obtained permission to leave the place of rendezvous for the purpose of visiting his family, and was to return the next day. At a very early hour in the morning, either while preparing to return or actually on his way, he fell into a new cellar and broke his leg. It is said that the leg fractured is now shorter than the other.

His claim for pension was rejected in December, 1864, by the Pension Bureau, and its action was affirmed in 1871 upon the ground that the

injury was received while the claimant was on an individual furlough, and therefore not in the line of duty.

Considering the fact that neither his regiment nor his company had at the time of his accident been organized, and that he was in no sense in the military service of the United States, and that his injury was received while on a visit, and not in the performance of duty, I can see no pretext for allowing a pension in this case.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I hereby return without approval House bill No. 6688, entitled "An act for the relief of William Bishop."

This claimant was enrolled as a substitute on the 25th day of March, 1865. He was admitted to a post hospital at Indianapolis on the 3d day of April, 1865, with the measles; was removed to the City General Hospital, in Indianapolis, on the 5th day of May, 1865; was returned to duty May 8, 1865, and was mustered out with a detachment of unassigned men on the 11th day of May, 1865.

This is the military record of this soldier, who remained in the Army one month and seventeen days, having entered it as a substitute at a time when high bounties were paid.

Fifteen years after this brilliant service and this terrific encounter with the measles, and on the 28th day of June, 1880, the claimant discovered that his attack of the measles had some relation to his army enrollment and that this disease had "settled in his eyes, also affecting his spinal column."

This claim was rejected by the Pension Bureau, and I have no doubt of the correctness of its determination.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I herewith return without approval House bill No. 6266, entitled "An act granting a pension to Philip Arner."

It is conceded in the application for a pension made by this claimant that he was perfectly well prior to his enlistment, during his service, and for a year thereafter. He was discharged in July, 1864, and the proof is that he was taken seriously ill in the fall of 1865, since which time he has been troubled with lung difficulty.

He filed his application for pension in 1883. This was rejected on the ground that the sickness which produced his disability having occurred more than a year after his discharge from the Army, it can not be accepted as a result of his military service.

There is absolutely no allegation of any incident of his service which it is claimed is at all related to his sickness and disability.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I herewith return without approval House bill No. 6170, entitled "An act granting a pension to Mary A. Van Etten."

In her declaration for a pension, filed July 28, 1885, this claimant alleges that her husband was drowned upon attempting to cross Braddocks Bay, near his residence, in the State of New York, on the 16th day of July, 1875.

It is claimed that in an effort to drive across that bay in a buggy with his young son the buggy was overturned and both were drowned. The application for pension was based upon the theory that during his military service the deceased soldier contracted rheumatism, which so interfered with his ability to save himself by swimming that his death may be fairly traced to a disability incurred in the service.

He does not appear to have been treated while in the Army for rheumatism, though some evidence is presented of his complaining of rheumatic symptoms.

He was mustered out in 1863, and though he lived twelve years thereafter it does not appear that he ever applied for a pension; and though he was drowned in 1875, his widow apparently did not connect his military service with his death until ten years thereafter.

It seems to me that there is such an entire absence of direct and tangible evidence that the death of this soldier resulted from any incident of his service that the granting of a pension upon such a theory is not justified.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 6117, entitled "An act granting a pension to James D. Cotton."

The claim for a pension in this case is on behalf of the father of Thomas Cotton, who was killed at Pittsburg Landing April 6, 1862.

The application of this claimant still remains in the Pension Bureau undetermined. The doubt in the case appears to relate to the dependence of the father upon his son at the time of his death.

This is a question which the Bureau is so well fitted to investigate and justly determine that it is, in my opinion, best to permit the same to be there fully examined.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 6753, entitled "An act granting a pension to Mrs. Alice E. Travers."

The husband of the beneficiary, John T. Travers, enlisted August 25, 1864, and was discharged June 11, 1866.

He died January 6, 1881, from the effects of an overdose of morphine which he administered himself. He was a druggist, and when suffering severely was in the habit of taking opiates for relief and sleep.

The disease from which it is said he suffered was lung difficulty, claimed to have been caused by a severe cold contracted in the service.

It does not appear that he ever applied for a pension, and the widow's claim seems to have been properly rejected by the Pension Bureau on the ground that the soldier's death was not due to his military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 1816, entitled "An act granting a pension to Mary Ann Miller."

Hamilton Miller, the husband of the claimant, enlisted April 22, 1861, and was sent with his regiment to Camp Dennison, in the suburbs of Cincinnati.

While thus in camp, apparently before he had ever been to the front, and on the 3d of June, 1861, he obtained permission to go to the city of Cincinnati, and was there killed by a blow received from some person who appears to be unknown; but undoubtedly the injury occurred in a fight or as the result of an altercation.

It is very clear to me that the Pension Bureau properly rejected the widow's claim for pension, for the reason that the soldier was not in the line of duty at the date of his death. It is also impossible to connect the death with any incident of the soldier's military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 7436, entitled "An act to grant a pension to Mary Anderson."

This claimant is the widow of Richard Anderson, who at the time of his death was receiving a pension on account of chronic diarrhea contracted in the service.

On the 7th day of February, 1882, the deceased pensioner went to Sparta, in the State of Wisconsin, to be examined for an increase of his

pension. He called on the surgeon and was examined, and the next morning was found beheaded on the railroad track under such circumstances as indicated suicide.

The claim of the widow was rejected by the Pension Bureau on the ground that the cause of the death of her husband was in no way connected with his military service.

His wife and family present pitiable objects for sympathy, but I am unable to see how they have any claim to a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I hereby return without approval House bill 576, entitled "An act for the relief of Louisa C. Beezeley."

By this bill it is proposed to grant a pension to the beneficiary named, as the widow of Nathaniel Beezeley, who was enrolled in an Indiana regiment as a farrier in September, 1861. He was discharged July 17, 1862, after having been in the hospital considerable of the short time he was connected with the Army. The surgeon's certificate on his discharge stated that it was granted by reason of "old age," he then being 60 years old.

He never made any claim for pension, but in 1877 his widow filed her declaration, stating that her husband died in 1875 from disease contracted in the service.

I am convinced that the Pension Bureau acted upon entirely satisfactory evidence when this claim was rejected upon the ground that the cause of death originated subsequent to the soldier's discharge.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 6895, entitled "An act granting a pension to Sarah Harbaugh."

The husband of this claimant enlisted August 1, 1861, and was discharged September 7, 1864. He received a gunshot wound in the left ankle in May, 1863, and died suddenly of disease of the heart October 4, 1881. He was insane before his death, but in my opinion any connection between his injury and his service in the Army is next to impossible.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I hereby return without approval House bill No. 7167, entitled "An act for the relief of Mrs. Maria Hunter."

The beneficiary named in this bill, to whom it is therein proposed to grant a pension at the rate of \$50 a month, on the 23d day of March, 1886, filed her application for a pension in the Pension Bureau, where it is still pending undetermined.

Although the deceased soldier held a high rank, I have no doubt his widow will receive ample justice through the instrumentality organized for the purpose of dispensing the nation's grateful acknowledgment of military service in its defense.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 3205, entitled "An act granting a pension to George W. Guyse."

The claimant filed his declaration for a pension in 1878, alleging that about the 25th day of December, 1863, he received a gunshot wound in his left knee while engaged in a skirmish.

There has been much testimony taken in this case, and a great deal of it is exceedingly contradictory. Three of the claimant's comrades, who originally testified to the receipt of the injury by him, afterwards denied that he was wounded in the service, and a portion of the evidence taken by the Bureau tends to establish the fact that the claimant cut his left knee with a knife shortly after his discharge.

An examining surgeon in November, 1884, reports ~~that he finds~~ "no indication of a gunshot wound, there being no physical or rational signs to sustain claimant in his application for pension."

He further reports that there "seems to be an imperfect scar near the knee, so imperfect as to render its origin uncertain, but in no respect resembling a gunshot wound."

I think upon all the facts presented the Pension Bureau properly rejected this claim, because there was no record of the injury and no satisfactory evidence produced showing that it was incurred in service and in line of duty, "all sources of information having been exhausted."

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I return without approval House bill No. 7401, entitled "An act granting a pension to Samuel Miller."

This man was discharged from one enlistment June 16, 1864, and enlisted again in August of that year. He was finally discharged July 1, 1865.

In 1880 he filed an application for a pension, alleging that in May, 1862, he contracted in the service "kidney disease and weakness of the back."

A board of surgeons in 1881 reported that they failed to "discover any evidence of disease of kidneys."

It will be observed that since the date when it is claimed his disabilities visited him Mr. Miller not only served out his first term of enlistment, but reenlisted, and necessarily must have passed a medical examination.

I am entirely satisfied with the rejection of this claim by the Pension Bureau.

GROVER_CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 424, entitled "An act to pension Giles C. Hawley."

This claimant enlisted August 5, 1861, and was discharged November 14, 1861, upon a surgeon's certificate, in which he stated: "I deem him unfit to stay in the service on account of deafness. He can not hear an ordinary command."

Seventeen years after his discharge from a military service of a little more than three months' duration, and in the year 1878, the claimant filed an application for pension, in which he alleged that "from exposure and excessive duty in the service his hearing was seriously affected."

There is no doubt that his disability existed to quite an extent at least before his enlistment, and there was plenty of opportunity for its increase between the time of discharge and of his application for pension.

I am entirely satisfied that it should not be altogether charged to the three months he spent in the service.

GROVER_CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 7222, entitled "An act granting a pension to Callie West."

I base my action upon the opinion, derived from an examination of the circumstances attending the death of the claimant's husband, that his fatal disease did not have its origin in his military service and was entirely disconnected therewith.

GROVER_CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I return without approval House bill No. 6257, entitled "An act for the relief of Julia Connelly."

It is proposed by this bill to grant a pension to the beneficiary named as the widow of Thomas Connelly.

This man was mustered into the service October 26, 1861. He never did a day's service so far as his name appears, and the muster-out roll of his company reports him as having deserted at Camp Cameron, Pa., November 14, 1861.

He visited his family about the 1st day of December, 1861, and was found December 30, 1861, drowned in a canal about 6 miles from his home.

Those who prosecute claims for pensions have grown very bold when cases of this description are presented for consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I herewith return without approval House bill No. 6774, entitled "An act granting a pension to Bruno Schultz."

The application of this claimant for a pension, which was filed a number of years ago, though at one time rejected, has been since opened for reexamination, and is now awaiting additional evidence.

In this condition of this case I think this bill should not be approved.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I hereby return without approval House bill No. 7298, entitled "An act for the relief of Charles Schuler."

It is proposed by this bill to grant a pension to the person above named, who was discharged from the military service in December, 1864. He filed a declaration for a pension in the Pension Bureau in January, 1883. This application is still pending. Without referring to the merits of the case, I am of the opinion that the matter should be determined by the Bureau to which it has properly been presented before special legislation should be invoked.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 7073, entitled "An act granting a pension to Mary S. Woodson."

Henry Woodson, the husband of the beneficiary named, enlisted in September, 1861, and was discharged in October, 1863, on account of valvular disease of the heart.

The application for pension on behalf of his widow was filed August 5, 1881.

She concedes that she is unable to furnish any evidence of the date or the cause of her husband's death.

It appears that he left home in March, 1874, for the purpose of finding work, and neither she nor her friends have ever heard from him since. His death may naturally be presumed, and the condition of his family is such that it would be a positive gratification to aid them in the manner proposed; but the entire and conceded absence of any presumption, however weak, that he died from any cause connected with his military service seems to render it improper to place the widow's name upon the pension rolls.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I return without approval House bill No. 7108, entitled "An act granting a pension to Andrew J. Wilson."

It appears that this man was drafted and entered the service in February, 1865, and was discharged in September of the same year on account of "chronic nephritis and deafness."

In 1882 he filed his application for a pension, alleging that in June, 1865, from exposure, he contracted rheumatism. Afterwards he described his trouble as inflammation of the muscles of the back, with pain in the kidneys. In another statement, filed in December, 1884, he alleges that while in the service he contracted diarrhea and was injured in one of his testicles, producing a rupture.

Whatever else may be said of this claimant's achievements during his short military career, it must be conceded that he accumulated a great deal of disability.

There is no doubt in my mind that whatever ailments he may honestly lay claim to, his title to the same was complete before he entered the Army.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 7703, entitled "An act granting a pension to Anna A. Probert."

The husband of this beneficiary was pensioned in 1864. He was a druggist and apothecary at Norwalk, in the State of Ohio. Shortly before his death, in 1878, he went to Memphis for the purpose of giving his professional assistance to those suffering from yellow fever at that place. He was himself attacked by that disease, and died on the 28th day of October, 1878.

His widow has never herself applied for a pension, but a power of

attorney has been filed, authorizing the prosecution of her claim by another.

That she has employed an ingenious attorney or agent is demonstrated by the fact that the bill now before me seems to be based upon the theory that Mr. Probert might have recovered from his attack of yellow fever if he had been free from the ailments for which he had been pensioned fourteen years before.

If such speculations and presumptions as this are to be indulged, we shall find ourselves surrounded and hedged in by the rule that all men entering an army were free from disease or the liability to disease before their enlistment, and every infirmity which is visited upon them thereafter is the consequence of army service.

GROVER CLEVELAND.

EXECUTIVE MANSION, June 23, 1886.

To the House of Representatives:

I return without approval House bill No. 7162, entitled "An act granting a pension to Martha McIlwain."

R. J. McIlwain, the husband of the claimant, enlisted in 1861, and was discharged in 1862 because of the loss of his right leg by a gunshot wound. He was pensioned for this disability. He died May 15, 1883, from an overdose of morphia. It is claimed by the widow that her husband was in the habit of taking morphia to alleviate the pain he endured from his stump, and that he accidentally took too much.

The case was investigated by a special examiner upon the widow's application for pension, and his report shows that the deceased had been in the habit of taking morphia and knew how to use it; that he had been in the habit of buying 6 grains at a time, and that his death was caused by his taking one entire purchase of 6 grains while under the influence of liquor.

In any event it is quite clear that the taking of morphia in any quantity was not the natural result of military service or injury received therein.

I concur in the judgment of the Pension Bureau, which rejected the widow's claim for pension on the ground that "the death of the soldier was not due to his military service."

GROVER CLEVELAND.

EXECUTIVE MANSION, June 23, 1886.

To the House of Representatives:

I hereby return without approval House bill No. 7931, entitled "An act increasing the pension of Clark Boon."

This claimant filed his declaration for pension February 3, 1874, in which he states that he lost his health while a prisoner at Tyler, Tex.

On the 19th day of October, 1874, he filed an affidavit claiming that he contracted diseases of the heart and head while in the service. In a further application, filed January 16, 1878, he abandoned his allegations as to disease, and asks for a pension on account of a gunshot wound in the left ankle. Medical testimony was produced on his behalf tending to show not only a gunshot wound, but a disease of the eyes.

A small pension was at last granted him upon the theory advanced by a board of surgeons in 1880 that it was "possible that applicant was entitled to a small rating for weakness of ankle."

A declaration was filed June 4, 1885, by which this claimant insists upon an increase of pension on account of the wound and also for disease of eyes and rheumatism.

I am entirely satisfied that all has been done in this case that the most liberal treatment demands.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I hereby return without approval House bill No. 7257, entitled "An act granting a pension to James H. Darling."

This man enlisted in November, 1861, and was reported as having deserted March 5, 1862. The charge of desertion was, however, removed, and it is stated that he went to his home in Ohio at the date stated, by proper authority, where he remained sick till December, 1862, when he was discharged for disability caused "by a disease of the kidneys known as Bright's disease," from which, the physician making the certificate thought, "there was no reasonable prospect of his recovery."

The claimant filed his application for pension, alleging that in January, 1862, he contracted rheumatism.

The claim was investigated by a special examiner and rejected on the ground that the evidence produced failed to show the alleged disability was contracted in the service and in the line of duty.

A medical examination made in 1877 showed that the claimant was "a well-nourished man, 65 years old; height, 5 feet 8 inches; weight, 165 pounds." No disability was discovered, "but a general stiffness of joints, especially of legs, which he says is much aggravated in stormy, cold weather."

Another examination in 1882 found this victim of war disability with "the appearance of a hale, hearty old man--no disease that was discoverable by examination (without chemical test), except some lameness from rheumatism." His weight upon this examination is stated to be 186 pounds.

It is evident to me that this man ought not to be pensioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, June 23, 1886.

To the House of Representatives:

I return herewith without my approval House bill No. 6372, entitled "An act to pension Charles A. Chase."

This claimant was enrolled September 6, 1864, and mustered out with his detachment June 1, 1865. His brief service contains no record of disability.

But in 1880 he filed a declaration for pension, in which he claims that by reason of exposure suffered in the service about the 20th of October, 1864, he contracted disease of the liver and kidneys.

The application for pension was denied January 9, 1884, because there was no record of the alleged diseases, and no satisfactory proof of their contraction in the Army was produced, and because of the meager and unconvincing evidence of disability found by the surgeon on an actual examination of the claimant.

I adopt these as the reasons for my action in withholding my approval of this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, June 23, 1886.

To the House of Representatives:

I return herewith without approval House bill No. 6192, entitled "An act granting a pension to Mary Norman."

The husband of this claimant was enrolled May 22, 1863, and was mustered out of the service June 1, 1866.

He was wounded in the head February 20, 1864; was treated for the same, and returned to duty September 3, 1864.

In her declaration for pension, filed in February, 1880, the claimant claims a pension because of his wound and deafness consequent therefrom, and that he died after he left the service.

In a letter, however, dated October 13, 1880, she states that her husband was drowned while trying to cross Roanoke River in December, 1868.

Her claim was rejected in 1881 on the ground that the cause of the soldier's death was accidental drowning, and was not due to his military service.

In an attempt to meet this objection it was claimed as lately as 1885, on behalf of the widow, that her husband's wound caused deafness to such an extent that at the time he was drowned he was unable to hear the ferryman, with whom he was crossing the river, call out that the boat was sinking.

How he could have saved his life if he had heard the warning is not stated.

It seems very clear to me that this is not a proper case for the granting of a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.**To the House of Representatives:*

I return herewith without my approval House bill No. 7614, entitled "An act granting an increase of pension to Hezekiah Tillman."

This claimant, in his declaration for pension, filed in 1866, alleges that he received a gunshot wound in his right leg November 25, 1862. He was mustered out with his company September 22, 1864.

He was pensioned for the wound which he claimed to have received as his only injury.

In another declaration, filed in 1872, he alleged that in December, 1862, he was struck in his left eye by some hard substance, which destroyed the vision of that organ.

In a subsequent declaration, filed in 1878, he claimed that he received a shell wound in his left knee in November, 1863.

This latter claim has not been finally acted upon by the Pension Bureau, and I am of the opinion that with the diverse claims for injuries which have been there presented on behalf of the beneficiary named justice will be done in the case.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.**To the House of Representatives:*

I return without approval House bill No. 6718, entitled "An act granting a pension to William H. Starr."

An application made by this claimant to the Pension Bureau is still pending there, and additional evidence has been called for, which the claim is awaiting before final decision.

I am of the opinion that the investigation there should be fully completed before special legislation is resorted to.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.**To the House of Representatives:*

I return without approval House bill No. 7109, entitled "An act granting a pension to Joseph Tuttle."

This man claims a pension as the dependent father of Charles Tuttle, who enlisted in 1861 and was killed in action May 31, 1862.

The claimant, being, as he says, poor, took his son Charles, at the age of 9 years, and placed him in charge of an uncle living in Ohio. An arrangement was afterwards made by which the boy should live with a stranger named Betts. Upon the death of this gentleman the lad was transferred to one Captain Hill, with whom he remained until his enlistment in 1861.

It is stated that during the time he remained with Mr. Hill he sent his

father \$5; but the fatherly care and interest of the claimant in his son is exhibited by his statement that though the son was killed in 1862 his father was not aware of it until the year 1864.

After the exhibition of heartlessness and abandonment on the part of a father which is a prominent feature in this case, I should be sorry to be a party to a scheme permitting him to profit by the death of his patriotic son. The claimant relinquished the care of his son, and should be held to have relinquished all claim to his assistance and the benefits so indecently claimed as the result of his death.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 23, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 5995, entitled "An act granting a pension to David T. Elderkin."

This claimant enlisted August 5, 1862. From his record it appears that he was dishonorably discharged the service, to date from June 11, 1863, with a loss of all pay, bounty, and allowances.

He filed a declaration for a pension in 1882, claiming that he was wounded in the head by a shell January 1, 1863, which cut his cheek close to his right ear, causing almost total deafness.

There is conflicting evidence as to the claimant's freedom from deafness prior to enlistment, and on a special examination it was shown that he was slightly hard of hearing before enlistment. Indeed the claimant himself stated to the special examiner and also to the board of surgeons that he had been somewhat deaf from childhood.

In 1882 an examining surgeon reports that he finds no scar or evidence of wound, but his hearing is very much impaired.

The claim was rejected in 1885 on the ground that deafness existed prior to enlistment, and also because of no ratable disability by reason of alleged wound in the cheek.

I think, considering the manner of the soldier's discharge and the facts developed, that the claimant should not be pensioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 29, 1886.*

To the Senate:

I hereby return Senate bill No. 1797, entitled "An act granting a pension to John S. Kirkpatrick."

This claimant appears to have enlisted December 10, 1861, and to have been discharged December 20, 1864. He is borne upon the rolls of his company as present up to June, 1862; in July and August, 1862, as on detached service as hospital attendant, and so reported February 28, 1863. In March and April, 1863, he is reported as present, and in May

and June, 1863, as on detached service. There is nowhere in his service any record of disability.

He filed his application for a pension in 1880, in which he alleged that from hardship and exposure on a long march in New Mexico in the month of December, 1862, he contracted varicose veins in his legs.

As I understand the record given above, this claimant was on detached service from July, 1862, to February, 1863.

It will be observed that his claim is that he contracted his disability within that time, and in December, 1862. He appears also to have served for two years after the date of his alleged injury, and that he did not file his application for pension till about sixteen years afterwards.

His claim is still pending, undetermined, in the Pension Bureau, and if there is merit in it there is no doubt that he will be able to make it apparent.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *June 29, 1886.*

I hereby return without approval Senate bill No. 1077, entitled "An act granting a pension to Newcomb Parker."

This claimant filed an application for a pension in the year 1880.

Before the passage of the bill herewith returned the Commissioner of Pensions, in ignorance of the action of Congress, allowed his claim under the general law. As this decision of the Pension Bureau entitles the beneficiary named to draw a pension from the date of filing his application, which, under the provisions of the special bill in his favor, would only accrue from the time of its passage, I am unwilling that one found worthy to be placed upon the pension rolls by the Bureau, to which he properly applied, should be an actual loser by reason of a special interposition of Congress in his behalf.

GROVER CLEVELAND.

To the House of Representatives:

EXECUTIVE MANSION, *July 2, 1886.*

I return without approval House bill No. 473, entitled "An act granting a pension to William Boone."

There is not the slightest room for doubt as to the facts involved in this case.

No application for pension was ever made to the Pension Bureau by the beneficiary named in this bill. He enlisted in August, 1862; was in action November, 1862, and taken prisoner and at once paroled. During his parole, and at Aurora, in the State of Illinois, he took part in the celebration of the 4th day of July, 1863, and while so engaged was terribly injured by the discharge of a cannon. He is poor, and has a wife and a number of children.

These facts are derived from the report of the committee in Congress to

whom the bill was referred, and from a letter written by the soldier since favorable action was had upon said bill by both Houses of Congress, which letter is now before me. In this letter he says: "I never thought of trying getting a pension until my old comrades urged me to do so."

This declaration does not in the least, I think, militate against the present application for pension, but it tends to show the ideas that have become quite prevalent concerning the facts necessary to be established in order to procure a pension by special act of Congress.

Let it be conceded that during the three months which elapsed between the soldier's enlistment and his capture and parole he was constantly in the field and bravely did his duty. The case presented is that of a brave soldier, not injured in any engagement with the enemy, but honorably captured, and by his parole placed in a condition which prevented for the time being his further active military service. He proceeded to his home or to his friends and took his place among noncombatants. Eight months afterwards he joined the citizens of the place of his sojourn and the citizens of every town and hamlet in the loyal States in the usual and creditable celebration of our national holiday. Among the casualties which unfortunately always result from such celebrations there occurred a premature discharge of a cannon, which the present claimant for pension was assisting other citizens to discharge and manage.

Whether any of those thus engaged with him were injured is not disclosed, but it is certain that the paroled soldier was very badly hurt.

I am utterly unable to discover any relation between this accident and the military service, or any reason why, if a pension is granted as proposed by this bill, there should not also be a pension granted to any of the companions of the claimant who chanced to be injured at the same time.

A disabled man and a wife and family in need are objects which appeal to the sympathy and charitable feelings of any decent man; but it seems to me that it by no means follows that those intrusted with the people's business and the expenditure of the people's money are justified in so executing the pension laws as that they shall furnish a means of relief in every case of distress or hardship.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *July 3, 1886.*

I hereby return without approval Senate bill No. 365, entitled "An act for the relief of Martin L. Bundy."

By this bill it is proposed to allow in the settlement by the United States with Mr. Bundy, who was lately a paymaster in the Army, the sum of \$719.47 for the forage of two horses to which he claims he was entitled while in the service, and which has never been drawn by him. The time during which it is alleged this forage was due is stated to be between July 17, 1862, and April 15, 1866.

This claimant was mustered out as paymaster on the last-mentioned

date, and in 1872 a certificate was issued that, his accounts having been adjusted, they exhibited no indebtedness on his part to the United States.

Subsequently, however, and in or about the year 1879, it was discovered that by reason of a duplicate credit, which had been allowed him by mistake, he was actually indebted to the Government in the sum of \$528.72.

After the fact had been made known to him the claim embodied in this bill was suggested to or invented by him, which, if allowed, will not only extinguish his indebtedness to the Government, but leave a balance due to him.

By the law and the Army Regulations the forage upon which this claim is based is or should be only allowed to those in the service who actually have and use horses in the performance of their duties.

And when thus entitled to forage it was necessary to draw it in kind or in the specific articles permitted every month, and if not thus drawn it could not afterwards be claimed. There seems to be no such thing as commutation of forage in such cases.

There is no suggestion that the claimant named in this bill had or used any horses while in the service. If he did and paid for their maintenance and at the time of the settlement of his accounts made no claim for reimbursement, he presents a case of incredible ignorance of his rights or a wonderful lack of that disposition to gain every possible advantage which is usually found among those who deal with the Government.

It is quite apparent that the claim is not valid, and the fact that it is made long after the discovery of his deficit leads to the suspicion that it is insisted on merely for the purpose of paying his debt.

Though in this particular case it would do but little more than to extinguish an indebtedness to the Government, the allowance of this claim would set a precedent which could hardly be ignored, and which, if followed, would furnish another means of attack upon the public Treasury quite as effective as many which are now in active operation.

GROVER CLEVELAND.

EXECUTIVE MANSION, July 5, 1886.

To the House of Representatives:

I herewith return without approval House bill No. 7018, entitled "An act granting a pension to Aretus F. Loomis."

The Commissioner of Pensions, before he became aware of the passage of this bill, directed favorable action upon the application of the claimant pending in the Pension Bureau. A certificate has been issued for the payment of a pension to him, dating from September 30, 1882.

In the interest of the claimant I therefore withhold my signature from the bill, as the pension granted by special act would only date from the time of its passage.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 5, 1886.**To the House of Representatives:*

I herewith return without approval House bill No. 1818, entitled "An act granting a pension to H. L. Kyler."

A pension was granted to the person named in this bill, dating from September, 1864, for neuralgia and disease of the eyes.

He was mustered into the service, to serve one hundred days, May 14, 1864, and mustered out September 8, 1864.

In 1880 information reached the Pension Bureau that the pensioner was treated for neuralgia and disease of the eyes at various times between the years 1859 and 1864, and this fact appearing to the satisfaction of the Bureau upon the examination which followed, the pensioner's name was dropped from the roll.

Afterwards another thorough examination of the case was made, when the pensioner was permitted to confront the witnesses against him and produce evidence in his own behalf.

It is claimed that a Dr. Saunders, who testified to treating the pensioner before his enlistment, was exceedingly unfriendly; but he was corroborated by his son and by entries on his books. Another physician, apparently disinterested, also testified to his treatment of the pensioner in 1860 for difficulties with his eyes and ears. The pensioner himself admitted that he had trouble with one of his eyes in 1860, but that he entirely recovered. Six other witnesses testified to the existence of disease of the pensioner's eyes before enlistment.

Though twelve neighbors of the pensioner testified that he was free from neuralgia and disease of the eyes before enlistment, I am of the opinion that the evidence against the pension was quite satisfactory, and that it should not be restored, as the bill before me proposes.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 5, 1886.**To the House of Representatives:*

I return herewith without approval House bill No. 3640, entitled "An act granting a pension to James T. Irwin."

This claimant enlisted in February, 1864, and was mustered out June 10, 1865. He is reported as absent sick from August 20, 1864, until mustered out. He seems to have been treated for remittent fever, chronic diarrhea, general debility, and palpitation of the heart.

In 1876 he filed a declaration for pension, alleging that at Petersburg, July 1, 1864, he contracted fever and inflammation of the eyes.

He filed an affidavit in January, 1877, in which he states that his diseased eyes resulted from diseased nerves, caused by a wound received June 18, 1864, at Petersburg, and from a consequent abscess on the back of the neck.

In an affidavit filed in July, 1878, he states that in June, 1864, in front of Petersburg, he had his gun smashed in front of his face and his eyes injured, and afterwards he had an abscess on the back of his neck, typhoid fever, and disease of the left lung.

His claim founded upon these various allegations of injury was rejected in February, 1879.

In September, 1884, a declaration was filed for a pension, alleging disease of the heart contracted at Petersburg June 16, 1864.

The claimant was examined once in 1882 and twice in 1884 by United States examining surgeons and boards, and it is stated that these examinations failed to reveal any disease or disability except disease of the eyes and an irritable heart, the result of indigestion.

An oculist who made an examination in 1884 reported that the unnatural condition of claimant's eyes was congenital and in no manner the result of injury or disease.

Upon a consideration of the very short time that the claimant was in actual service, the different claims he has made touching his alleged disability, and the positive results of medical examinations, I am satisfied this pension should not be allowed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 5, 1886.*

To the House of Representatives:

I return herewith without my approval House bill No. 5306, entitled "An act granting a pension to Roxana V. Rowley."

The beneficiary named in this bill is the widow of Franklin Rowley, who enlisted February 8, 1865, was promoted to first lieutenant March 13, 1865, and was discharged May 22, 1865, having tendered his resignation, as it is stated, on account of incompetency. His tender of resignation was indorsed by the commanding officer of his regiment as follows: "This man is wholly unfit for an officer."

It will be seen that he was in the service a little more than three months.

In 1880, fifteen years after his discharge, he applied for a pension, alleging that he contracted disease of the liver while in the service.

Upon an examination of the claim his attending physician before enlistment stated that as early as 1854 the claimant was afflicted with dyspepsia and functional disease of the liver; that he regarded him as incurable, so far as being restored to sound health was concerned, and that if he had been at home at the time when he enlisted he would have advised against it.

The testimony of this physician as to the claimant's condition after his discharge is referred to in the report of the Committee of the House to whom this bill was referred, and I do not understand that he is at all impeached. He certainly is better informed than any other person regarding the condition of the man who was his patient.

The soldier died in 1881, sixteen years after his discharge, and his

widow filed her claim for pension in 1882, alleging that the death of her husband was caused by a disease of the liver contracted in the service.

Her claim was rejected in 1883 upon the ground that the disease of which her husband died existed prior to his enlistment.

I can not avoid the conclusion, upon all the facts presented, that his death was not chargeable to any incident of his brief military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 5, 1886.*

To the House of Representatives:

I herewith return without approval House bill No. 5021, entitled "An act granting a pension to Mrs. Margaret A. Jacoby."

A pension has been allowed on account of the disability of the claimant's husband, dating from his discharge in 1864.

The beneficiary named in this bill applied for pension in 1885, alleging that she married the soldier in 1864; that he incurred deafness and chronic diarrhea while in the service, from the combined effect of which he partially lost his mind; that on the 7th day of September, 1875, he disappeared, and that after diligent search and inquiry she is unable to learn anything of him since that time.

His disability from army service should be conceded and his death at some time and in some manner may well be presumed; ~~but~~ the fact that he died from any cause related to his disability or his service in the Army has no presumption and not a single particle of proof to rest upon.

With proper diligence something should be discovered to throw a little light upon this subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 5, 1886.*

To the House of Representatives:

I return without approval House bill No. 3304, entitled "An act to restore the name of Abner Morehead to the pension roll."

The person mentioned in this bill was pensioned in November, 1867, upon the claim made by him that in 1863, from hardship and exposure incident to camp life and field duty, he contracted a fever which settled in his eyes, almost wholly destroying his sight. Afterwards his pension was increased to \$15 a month, dating from December, 1867, and arrears at the rate of \$8 a month from February, 1864. In 1876 the case was put in the hands of a special agent of the Pension Bureau for examination, and upon his report, showing that the claimant's disease of the eyes existed prior to enlistment, his name was dropped from the rolls.

An application for restoration was made in 1879, and a thorough examination was made by a special examiner in 1885, who reported that the testimony taken conclusively established the fact that the claimant had

disease of the eyes prior to the time of enlistment, the result of a disorder which he specifically mentions, and that he was treated for the same more than a year subsequently to 1860. He adds:

There is no merit whatever in this case, and it is evident that he obtained a large sum as pension to which he must have known he was not entitled.

The results of these examinations, instituted for the express purpose of developing the facts, and with nothing apparent to impeach them, should, I think, control as against the statements of neighbors and comrades based upon mere general observation, and not necessarily covering the period which is important to the controversy.

GROVER CLEVELAND.

EXECUTIVE MANSION, July 5, 1886.

To the House of Representatives:

I herewith return without approval House bill No. 4782, entitled "An act granting a pension to Elizabeth McKay."

The beneficiary named is the widow of Rowley S. McKay, who in 1862 seems to have been employed as pilot on the ram *Switzerland*. He seems to have been upon the rolls of two other vessels of the United States, the *Covington* and *General Price*, but was discharged by Admiral Porter in June, 1864, with loss of all pay and emoluments.

He filed an application for pension in 1870, alleging that while on duty as pilot and in action with the rebel ram *Arkansas* his hearing became affected by heavy firing. He also claimed that in February, 1863, while on the vessel *Queen of the West*, she grounded, and to escape capture he got off and floated down the river on a cotton bale, and, being in the water about three hours, the exposure caused a disease of the urinary organs; and that a few days after, while coming up the river on a transport, the boat was fired into and several balls passed through his left thigh. It seems that this claim was not definitely passed upon, but it is stated that the records failed to show that McKay was in the service of the United States at the time he alleged the contraction of disease of the urinary organs and was wounded in the thigh.

The beneficiary named in this bill never made application for pension to the Pension Bureau, but it appears that she bases her claims to consideration by Congress upon the allegation that in 1862, while her husband was acting as pilot of the ram or gunboat *Switzerland*, he contracted chronic diarrhea, from which he never recovered, and that he died from the effects of said disease in May, 1874.

It will be observed that among the various causes which the soldier or sailor himself alleged as the grounds of his application for pension chronic diarrhea is not mentioned.

There does not appear to be any medical testimony to support the claim thus made by the widow, and the cause of death is not definitely stated.

Taking all together, it has the appearance of a case, by no means rare, where chronic diarrhea or rheumatism are appealed to as a basis for a pension claim in the absence of something more substantial and definite.

The fact that the claim of the beneficiary has never been presented to the Pension Bureau influences in some degree my action in withholding my approval of this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 5, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 3623, entitled "An act granting a pension to William H. Nevil."

This bill directs that the name of the claimant be placed upon the pension roll "subject to the provisions and limitations of the pension laws."

This very thing was done on the 22d day of June, 1865, and the claimant is in the receipt at the present time of the full amount of pension allowed by our pension laws as administered by the Pension Bureau.

I suppose the intention of the bill was to increase this pension, but it is not framed in such a way as to accomplish that object or to benefit the claimant in any way whatever.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 5, 1886.*

To the House of Representatives:

I herewith return without approval House bill No. 1505, entitled "An act granting a pension to William Dermody."

By the records of the War Department which have been furnished me it appears that this claimant enlisted August 19, 1861; that he deserted August 29, 1862; in November and December, 1862, he is reported as present in confinement in regimental guardhouse, to forfeit one month's pay by sentence of regimental court-martial; he is reported as having deserted again in December, 1863, but as present for duty in January and February, 1864; he reenlisted in the latter month, and was mustered out July 17, 1865, and with his company was paid up to and including July 21, 1865.

He filed a declaration for pension in 1879, alleging that he received a gunshot wound in the thigh at Trenton, N. J., July 21, 1865, and that the wound was inflicted by a member of the Invalid Corps, who was whipping a drummer boy, and the claimant interfered in behalf of the boy.

It is quite certain that the transaction took place July 23.

An examining board, in 1880, found pistol shot in thigh, but refused to give the claimant a rating, because, as they report, "from the evidence before the board there is reason to suppose that he was deserting from the barracks at Trenton July 23, 1865, and was shot by the guard."

This may not be a just suspicion or finding, but he surely was not in the service nor in the performance of any military duty at the time of the injury, nor was he engaged in such manner as to entitle him to indemnification at the hands of the Government.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 5, 1886.*

To the House of Representatives:

I herewith return without approval House bill No. 1059, entitled "An act to grant a pension to Joseph Komiser."

The Pension Bureau reports that the records of the office fail to show that an application has been filed in favor of this claimant, though it is stated in the report of the House committee that such a claim was made and rejected on the ground that the claimant was not at the time of injury in the service of the United States.

It certainly appears from the report of the committee that the beneficiary named in this bill was not in the service of the Government at such a time, and also that he had not been mustered into the service of any State military organization. It is stated that he belonged to Captain Frank Mason's company of volunteers, of Frostburg, in the State of Maryland.

Whether this company was organized for the purpose of cooperating at any time with the Union or State forces is not alleged, and it may well have been existing merely for the purpose of neighborhood protection.

Such as it was, the company was ordered in June, 1861, to proceed to Cumberland to repel a threatened attack of Confederate forces. Upon arriving at that place the men were ordered to uncap their muskets. In doing this, and through the negligence of another member of the company, whose musket was discharged, the claimant was wounded.

It does not seem to me that the facts in this case, so far as they have been developed, justify the passage of this act.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 5, 1886.*

To the House of Representatives:

I herewith return without approval House bill No. 4226, entitled "An act granting a pension to Fannie E. Evans."

The beneficiary named in this bill is the widow of George S. Evans. He was a soldier in the Mexican War, and entered the Union Army in the War of the Rebellion, on the 16th day of October, 1861, as major of a California regiment. He became a colonel in February, 1863, and resigned in April of that year, to take effect on the 31st of May ensuing.

His resignation seems to have been tendered on account of private matters, and no mention was then made of any disability. It is stated in the committee's report to the House that in 1864 he accepted the office of adjutant-general of the State of California, which he held for nearly four years.

He died in 1883 from cerebral apoplexy.

In March, 1884, his widow filed an application for pension, based upon the allegation that from active and severe service in a battle with the Indians at Spanish Fort in 1863 her husband incurred a hernia, which incapacitated him for active service.

There appears to be evidence to justify this statement, notwithstanding the fact that the deceased during the twenty years that followed before his death made no claim for such disability.

But it seems to me that the effort to attribute his death by apoplexy to the existence of hernia ought not to be successful.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 5, 1886.*

To the House of Representatives:

I herewith return without approval House bill No. 2971, entitled "An act granting a pension to Francis Deming."

This claimant entered the service in August, 1861, and was discharged September 15, 1865.—

His hospital record shows that during his service he was treated for various temporary ailments, among which rheumatism is not included.

He filed an application for pension in September, 1884, alleging that in August, 1864, he contracted rheumatism, which had resulted in blindness.

On an examination of his case in November, 1884, he stated that his eyesight began to fail in 1882.

There seems to be no testimony showing his condition from the time of his discharge to 1880, a period of fifteen years.

The claim that his present condition of blindness is the result of his army service is not insisted upon as a reason for granting him relief as strongly as his sad and helpless condition. The committee of the House to which this bill was referred, after detailing his situation, close their report with these words: "He served well his country in its dire need; his necessities now appeal for relief."

We have here presented the case of a soldier who did his duty during his army service, and who was discharged in 1865 without any record of having suffered with rheumatism and without any claim of disability arising from the same. He returned to his place as a citizen, and in peaceful pursuits, with chances certainly not impaired by the circumstance that he had served his country, he appears to have held his place in the race of life for fifteen years or more. Then, like many another, he was

subjected to loss of sight, one of the saddest afflictions known to human life.

Thereupon, and after nineteen years had elapsed since his discharge from the Army, a pension is claimed for him upon a very shadowy allegation of the incurrence of rheumatism while in the service, coupled with the startling proposition that this rheumatism resulted, just previous to his application, in blindness. Upon medical examination it appeared that his blindness was caused by amaurosis, which is generally accepted as an affection of the optic nerve.

I am satisfied that a fair examination of the facts in this case justifies the statement that the bill under consideration can rest only upon the grounds that aid should be furnished to this ex-soldier because he served in the Army and because he a long time thereafter became blind, disabled, and dependent.

The question is whether we are prepared to adopt this principle and establish this precedent.

None of us are entitled to credit for extreme tenderness and consideration toward those who fought their country's battles. These are sentiments common to all good citizens. They lead to the most benevolent care on the part of the Government and deeds of charity and mercy in private life. The blatant and noisy self-assertion of those who, from motives that may well be suspected, declare themselves above all others friends of the soldier can not discredit nor belittle the calm, steady, and affectionate regard of a grateful nation.

An appropriation has just been passed setting apart \$76,000,000 of the public money for distribution as pensions, under laws liberally constructed, with a view of meeting every meritorious case. More than \$1,000,000 was added to maintain the Pension Bureau, which is charged with the duty of a fair, just, and liberal apportionment of this fund.

Legislation has been at the present session of Congress perfected considerably increasing the rate of pension in certain cases. Appropriations have also been made of large sums for the support of national homes where sick, disabled, or needy soldiers are cared for, and within a few days a liberal sum has been appropriated for the enlargement and increased accommodation and convenience of these institutions.

All this is no more than should be done.

But with all this, and with the hundreds of special acts which have been passed granting pensions in cases where, for my part, I am willing to confess that sympathy rather than judgment has often led to the discovery of a relation between injury or death and military service, I am constrained by a sense of public duty to interpose against establishing a principle and setting a precedent which must result in unregulated, partial, and unjust gifts of public money under the pretext of indemnifying those who suffered in their means of support as an incident of military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, July 6, 1886.

To the House of Representatives:

I herewith return without approval House bill No. 4642, entitled "An act granting a pension to James Carroll."

The claimant alleges that he was wounded while in the service as a member of Company B, Third Regiment North Carolina Mounted Volunteers, while securing recruits for the regiment at Watauga, N. C., January 25, 1865.

The records of the War Department develop the fact that the name of this man is not borne upon any roll of the company to which he claims to belong.

He stated in his application that he was sworn in by one George W. Perkins, who, it appears, was a private in said company, and that Perkins was with him at the time he was shot.

This is undoubtedly true, and that the claimant was injured by a gunshot is also probably true. He was not, however, at the time regularly in the United States service, but this objection might in some circumstances be regarded as technical. The difficulty is that the fact that he was creditably employed in a service of benefit to the country is not satisfactorily shown. He gives two accounts of the business in which he was engaged, and Mr. Perkins's explanation of the manner in which the two were occupied is somewhat different still.

Carroll's claim, presented to the Pension Bureau, was rejected upon the ground that there was no record of his service on file; but in his testimony he stated that Perkins was wounded on the same occasion as himself, and that he (Perkins) was then a pensioner on account thereof.

The records of the Pension Bureau show that Perkins was pensioned in 1873 on account of three wounds received at the time and place of Carroll's injury.

It also appears that his name was dropped from the rolls in 1877 on the ground that his wounds were not received in the line of duty.

After an investigation made at that time by a special examiner, he reported that Perkins and Carroll had collected a number of men together, who made their headquarters at the home of Carroll's mother and were engaged in plundering the neighborhood, and that on account of their depredations they were hunted down by home guards and shot at the time they stated.

If this report is accepted as reliable, it should of course lead to the rejection of the claim for pension on the part of Mr. Carroll.

GROVER CLEVELAND.

EXECUTIVE MANSION, July 6, 1886.

To the House of Representatives:

I herewith return without approval House bill No. 3043, entitled "An act granting a pension to Lewis W. Scanland."

The claimant filed his declaration for a pension in 1884, alleging that he contracted chronic diarrhea while serving in a company of mounted Illinois volunteers in the Black Hawk War.

The records show that he served from April 18, 1832, to May 28, in the same year.

He was examined by a board of surgeons in 1884, when he was said to be 75 years old. In his examination he did not claim to have diarrhea for a good many years. On the contrary, he claimed to be affected with constipation, and said he had never had diarrhea of late years, except at times when he had taken medicine for constipation.

I am inclined to think it would have been a fortunate thing if in this case it could have been demonstrated that a man could thrive so well with the chronic diarrhea for fifty-two years as its existence in the case of this good old gentleman would prove. We should then, perhaps, have less of it in claims for pensions.

The fact is, in this case there is no disability which can be traced to the forty days' military service of fifty-four years ago, and I think little, if any, more infirmity than is usually found in men of the age of the claimant.

Entertaining this belief, I am constrained to withhold my signature from this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 6, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 5414, entitled "An act granting a pension to Maria Cunningham."

The husband of the beneficiary named in this bill enlisted January 29, 1862, and was discharged January 20, 1865.

He applied for a pension in 1876, alleging a shell wound in the head. His claim was rejected on the ground that there appeared to be no disability from that cause. No other injury or disability was ever claimed by him, but at the time of his examination in 1876 he was found to be sickly, feeble, and emaciated, and suffering from an advanced stage of saccharine diabetes.

His widow filed an application for a pension in 1879, alleging that her husband died in December, 1877, of spinal disease and diabetes, contracted in the service.

Her claim was rejected because evidence was not furnished that the cause of the soldier's death had its origin in the military service.

There seems to be an entire absence of proof of this important fact.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 6, 1886.*

To the House of Representatives:

I herewith return without approval House bill No. 4797, entitled "An act granting a pension to Robert H. Stapleton."

This claimant filed an application for pension in the Pension Bureau in 1883, alleging that while acting as lieutenant-colonel of a New Mexico regiment, on February 21, 1862, the tongue of a caisson struck him, injuring his left side. A medical examination made in 1882 showed a fracture of the ninth, tenth, and eleventh ribs of the left side.

If these fractures were the result of the injury alleged, they were immediately apparent, and the delay of twenty-one years in presenting the claim for pension certainly needs explanation.

Claims of this description, by a wise provision of law, must, to be valid, be prosecuted to a successful issue prior to the 4th day of July, 1874.

The rank which this claimant held presupposes such intelligence as admits of no excuse on the ground of ignorance of the law for his failure to present his application within the time fixed by law.

The evidence of disability from the cause alleged is weak, to say the most of it, and I can not think that such a wholesome provision of law as that above referred to, which limits the time for the adjustment of such claims, should be modified upon the facts presented in this case.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 6, 1886.*

To the House of Representatives:

I herewith return without approval House bill No. 5550, entitled "An act to provide for the erection of a public building at Duluth, Minn."

After quite a careful examination of the public needs at the point mentioned I am entirely satisfied that the public building provided for in this bill is not immediately necessary.

Not a little legislation has lately been perfected, and very likely more will be necessary, to increase miscalculated appropriations for and correct blunders in the construction of many of the public buildings now in process of erection.

While this does not furnish a good reason for disapproving the erection of other buildings where actually necessary, it induces close scrutiny and gives rise to the earnest wish that new projects for public buildings shall for the present be limited to such as are required by the most pressing necessities of the Government's business.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 6, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 2043, entitled "An act to place Mary Karstetter on the pension roll."

The husband of this beneficiary, Jacob Karstetter, was enrolled June 30, 1864, as a substitute in a Pennsylvania regiment, and was discharged for disability June 20, 1865, caused by a gunshot wound in the left hand.

A declaration for pension was filed by him in 1865, based upon this wound, and the same was granted, dating from June in that year, which he drew till the time of his death, August 21, 1874.

In 1882 his widow filed her application for pension, alleging that he died of wounds received in battle. The claim was made that he was injured while in the Army by a horse running over him.

There is little or no evidence of such an injury having been received; and if this was presented there would be no necessary connection between that and the cause of the soldier's death, which was certified by the attending physician to be gastritis and congestion of the kidneys.

I can hardly see how the Pension Bureau could arrive at any conclusion except that the death of the soldier was not due to his military service, and the acceptance of this finding, after an examination of the facts, leads me to disapprove this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 6, 1886.*

To the House of Representatives: —

I herewith return without approval House bill No. 5394, entitled "An act granting a pension to Sallie Ann Bradley."

The husband of this proposed beneficiary was discharged from the military service in 1865, after a long service, and was afterwards pensioned for gunshot wound.

He died in 1882. The widow appears to have never filed a claim for pension in her own right.

No cause is given of the soldier's death, but it is not claimed that it resulted from his military service, her pension being asked for entirely because of her needs and the faithful service of her husband and her sons.

This presents the question whether a gift in such a case is a proper disposition of money appropriated for the purpose of paying pensions.

The passage of this law would, in my opinion, establish a precedent so far-reaching and open the door to such a vast multitude of claims not on principle within our present pension laws that I am constrained to disapprove the bill under consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 6, 1886.*

To the House of Representatives:

I return herewith without approval House bill No. 5603, entitled "An act granting a pension to Mrs. Catherine McCarty."

The beneficiary is the widow of John McCarty, of the First Missouri Regiment of State Militia Volunteers, who died at Clinton, Mo., April 8, 1864.

The widow filed her claim in 1866, alleging that her husband died while in the service from an overdose of colchicum.

The evidence shows without dispute that on the day previous to the death of the soldier a comrade procured some medicine from the regimental surgeon and asked McCarty to smell and taste it; that he did so, and shortly afterwards became very sick and died the next morning.

It is quite evident that the deceased soldier did more than taste this medicine.

Although it would be pleasant to aid the widow in this case, it is hardly fair to ask the Government to grant a pension for the freak or gross heedlessness and recklessness of this soldier.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 6, 1886.*

To the House of Representatives:

I herewith return without my approval House bill No. 6648, entitled "An act for the relief of Edward M. Harrington."

It appears that this claimant was enrolled as a recruit December 31, 1863, and mustered in at Dunkirk, N. Y. He remained at the barracks there until March, 1864, when he was received at the Elmira rendezvous. From there he was sent to his regiment on the 7th day of April, 1864.

He was discharged June 15, 1864, upon a surgeon's certificate of disability, declaring the cause of discharge to be epilepsy, produced by blows of violence over the hypochondrial region while in the service, producing a deformity of sternum.

The claimant filed an application for pension in June, 1879, and in that and subsequent affidavits he alleged that while in barracks at Dunkirk, N. Y., and about the 9th day of January, 1864, and in the line of duty, he was attacked by one Patrick Burnes, who struck him upon the head and stamped upon and kicked him, breaking his collar bone and a number of ribs, causing internal injury and fits, the latter recurring every two weeks.

It is hardly worth while considering the character of these alleged injuries or their connection with the fits with which the claimant is afflicted.

I am entirely unable to see how the injuries are related to the claimant's army service.

The Government ought not to be called upon to insure against the quarrelsome propensities of its individual soldiers, nor to compensate one who is worsted in a fight, or even in an unprovoked attack, when the cause of injury is in no way connected with or related to any requirement or incident of military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, July 7, 1886.

To the Senate of the United States:

I return without approval Senate bill No. 2281, entitled "An act granting to railroads the right of way through the Indian reservation in northern Montana."

The reservation referred to stretches across the extreme northern part of Montana Territory, with British America for its northern boundary. It contains an area of over 30,000 square miles. It is dedicated to Indian occupancy by treaty of October 17, 1855, and act of Congress of April 15, 1874. No railroads are within immediate approach to its boundaries, and only one, as shown on recent maps, is under construction in the neighborhood leading in its direction. The surrounding country is sparsely settled, and I have been unable to ascertain that the necessities of commerce or any public exigencies demand this legislation, which would affect so seriously the rights and interests of the Indians occupying the reservation.

The bill is in the nature of a general right of way for railroads through this Indian reservation. The Indian occupants have not given their consent to it, neither have they been consulted regarding it, nor is there any provision in it for securing their consent or agreement to the location or construction of railroads upon their lands. No routes are described, and no general directions on which the line of any railroad will be constructed are given.

No particular organized railway company engaged in constructing a railroad toward the reservation and ready or desirous to build its road through the Indian lands to meet the needs and requirements of trade and commerce is named. The bill gives the right to any railroad in the country, duly organized under the laws of any Territory, of any State, or of the United States, except those of the District of Columbia, to enter this Indian country, prospect for routes of travel, survey them, and construct routes of travel wherever it may please, with no check save possible disapproval by the Secretary of the Interior of its maps of location, and no limitation upon its acts except such rules and regulations as he may prescribe.

This power vested in the Secretary of the Interior might itself be improvidently exercised and subject to abuse.

No limit of time is fixed within which the construction of railroads should begin or be completed. Without such limitations speculating corporations would be enabled to seek out and secure the right of way over the natural and most feasible routes, with no present intention of constructing railroads along such lines, but with the view of holding their advantageous easements for disposal at some future time to some other corporation for a valuable consideration. In this way the construction of needed railroad facilities in that country could be hereafter greatly obstructed and retarded.

If the United States must exercise its right of eminent domain over the Indian Territories for the general welfare of the whole country, it should be done cautiously, with due regard for the interests of the Indians, and to no greater extent than the exigencies of the public service require.

Bills tending somewhat in the direction of this general character of legislation, affecting the rights of the Indians reserved to them by treaty stipulations, have been presented to me during the present session of Congress. They have received my reluctant approval, though I am by no means certain that a mistake has not been made in passing such laws without providing for the consent to such grants by the Indian occupants and otherwise more closely guarding their rights and interests; and I hoped that each of those bills as it received my approval would be the last of the kind presented. They, however, designated particular railroad companies, laid down general routes over which the respective roads should be constructed through the Indian lands, and specified their direction and termini, so that I was enabled to reasonably satisfy myself that the exigencies of the public service and the interests of commerce probably demanded the construction of the roads, and that by their construction and operation the Indians would not be too seriously affected.

The bill now before me is much more general in its terms than those which have preceded it. It is a new and wide departure from the general tenor of legislation affecting Indian reservations. It ignores the right of the Indians to be consulted as to the disposition of their lands, opens wide the door to any railroad corporation to do what, under the treaty covering the greater portion of the reservation, is reserved to the United States alone; it gives the right to enter upon Indian lands to a class of corporations carrying with them many individuals not known for any scrupulous regard for the interest or welfare of the Indians; it invites a general invasion of the Indian country, and brings into contact and intercourse with the Indians a class of whites and others who are independent of the orders, regulations, and control of the resident agents.

Corporations operating railroads through Indian lands are strongly tempted to infringe at will upon the reserved rights and the property of Indians, and thus are apt to become so arbitrary in their dealings and domineering in their conduct toward them that the Indians become disquieted, often threatening outbreaks and periling the lives of frontier settlers and others.

I am impressed with the belief that the bill under consideration does not sufficiently guard against an invasion of the rights and a disturbance of the peace and quiet of the Indians on the reservation mentioned; nor am I satisfied that the legislation proposed is demanded by any exigency of the public welfare.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 9, 1886.**To the House of Representatives:*

I return herewith without approval House bill No. 524, entitled "An act granting a pension to Daniel H. Ross."

An application for pension was filed in the Pension Bureau by the beneficiary named in this bill, and considerable testimony was filed in support of the same. I do not understand that the claim has been finally rejected. But however that may be, the claimant died, as I am advised, on the 1st day of February last. This, of course, renders the proposed legislation entirely inoperative, if it would not actually prejudice the claim of his surviving widow. She has already been advised of the evidence necessary to complete the claim of her husband, and it is not at all improbable that she will be able to prosecute the same to a successful issue for her benefit.

At any rate, her rights should not be in the least jeopardized by the completion of the legislation proposed in this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 9, 1886.**To the Senate:*

I herewith return ~~without~~ approval Senate bill No. 856, entitled "An act to provide for the erection of a public building in the city of Dayton, Ohio."

It is not claimed that the Government has any public department or business which it should quarter at Dayton except its post-office and internal-revenue office. The former is represented as employing ten clerks, sixteen regular and two substitute letter carriers, and two special-delivery employees, who, I suppose, are boys, only occasionally in actual service. I do not understand that the present post-office quarters are either insufficient or inconvenient. By a statement prepared by the present postmaster it appears that they are rented by the Government for a period of ten years from the 15th day of October, 1883, at an annual rent of \$2,950, which includes the cost of heating the same.

The office of the internal-revenue collector is claimed to be inadequate, but I am led to believe that this officer is fairly accommodated at an annual rental of \$900. It is not impossible that a suggestion to change the area of this revenue district may be adopted, which would relieve any complaint of inadequacy of office room.

With only these two offices to provide for, I am not satisfied that the expenditure of \$150,000 for their accommodation, as proposed by this bill, is in accordance with sound business principles or consistent with that economy in public affairs which has been promised to the people.

GROVER CLEVELAND.

EXECUTIVE MANSION, July 10, 1886.

To the House of Representatives:

I herewith return without approval House bill No. 5546, entitled "An act for the erection of a public building at Asheville, N. C."

If the needs of the Government are alone considered, the proposed building is only necessary for the accommodation of two terms of the United States court in each year and to provide an office for the clerk of that court and more commodious quarters for the post-office.

The terms of the court are now held in the county court room at Asheville at an expense to the Government of \$50 for each term; the clerk of the court occupies a room for which an annual rent of \$150 is paid, and the rent paid for the rooms occupied by the post-office is \$180 each year.

The postmaster reports that four employees are regularly engaged in his office, which is now rated as third class.

I have no doubt that the court could be much more conveniently provided for in a new building if one should be erected; but it is represented to me that the regular terms held at Asheville last only two or three weeks each, though special terms ~~are~~ ordered at times to clear the docket. It is difficult to see from any facts presented in support of this bill why the United States court does not find accommodations which fairly answer its needs in the rooms now occupied by it. The floor space furnished for the terms of the Federal court is stated to be 75 by 100 feet, which, it must be admitted, provides a very respectable court room.

It is submitted that the necessity to the Government of a proper place to hold its courts is the only consideration which should have any weight in determining upon the propriety of expending the money which will be necessary to erect the proposed new building.

The limit of its cost is fixed in the bill under consideration at the sum of \$80,000, but the history of such projects justifies the expectation that this limit will certainly be exceeded.

I am satisfied that the present necessity for this building is not urgent, and that something may be gained by a delay which will demonstrate more fully the public needs, and thus better suggest the style and size of the building to be erected.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, July 30, 1886.

I return without approval Senate bill No. 63, entitled "An act to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont."

On the 20th day of June, 1884, a bill was approved and became a law

having the same title and containing precisely the same provisions and in the exact words of the bill herewith returned.

The records of the War Department indicate that nothing has been done toward building the bridge permitted by such prior act. It is hardly possible that the bill now before me is intended to authorize an additional bridge between the two towns named, and I have been unable to discover any excuse or necessity for new legislation on the subject.

I conclude, therefore, that Congress in passing this bill acted in ignorance of the fact that a law providing for its objects and purposes was already on the statute book.

My approval of the bill is withheld for this reason and in order to prevent an unnecessary and confusing multiplicity of laws.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 30, 1886.*

To the House of Representatives:

I hereby return without my approval House bill No. 1391, entitled "An act to provide for the erection of a public building at Springfield, Mo."

It appears from the report of the committee of the House of Representatives to which this bill was referred that the city of Springfield is in a thriving condition, with stores, banks, and manufactories, and having, with North Springfield, which is an adjoining town, about 20,000 inhabitants.

No Federal courts are held at this place, and apparently the only quarters which the Government should provide are such as are necessary for the accommodation of the post-office and the land-office located there.

The postmaster reports that six employees are engaged in his office.

The rooms used as a post-office are now furnished the Government free of expense, and the rent paid for the quarters occupied as a land-office amounts to \$300 annually.

Upon the facts presented I am satisfied that the business of the Government at this point can be well transacted for the present without the construction of the proposed building.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 31, 1886.*

To the Senate:

I return without approval Senate bill No. 2160, entitled "A bill granting a pension to Mary J. Hagerman."

The husband of this proposed beneficiary enlisted in 1861 and was wounded by a gunshot, which seriously injured his left forearm. In 1864 he was discharged; was afterwards pensioned for his wound, and died in August, 1884.

Dr. Hageman, who attended the deceased in his last illness, testifies

that he was called to attend him in August, 1884; that he was sick with typhomalarial fever, and that upon inquiry he (the physician) found that it was caused by hard work or overexertion and exposure. He was ill for about ten days.

The application of his widow for pension was rejected in 1885 on the ground that the fatal disease was not due to military service.

I am unable to discover how any different determination could have been reached.

To grant a pension in this case would clearly contravene the present policy of the Government, and either establish a precedent which, if followed, would allow a pension to the widow of every soldier wounded or disabled in the war, without regard to the cause of death, or would unjustly discriminate in favor of the few thus receiving the bounty of the Government against many whose cases were equally meritorious.

GROVER CLEVELAND.

To the Senate:

EXECUTIVE MANSION, *July 31, 1886.*

I herewith return without my approval Senate bill No. 1421, entitled "An act granting a pension to William H. Weaver."

The claimant named in this bill enlisted August 12, 1862, and was mustered out of service June 12, 1865. During his service he was treated in hospital for diarrhea and lumbago, and in the reports for May and June, as well as July and August, 1864, he is reported as absent sick.

He filed his application for pension in November, 1877, alleging that in March, 1863, he contracted measles, and in May, 1864, remittent fever, and that as a result of the two attacks he was afflicted with weakness in the limbs and eyes. He made statements afterwards in support of his application that he was also troubled in the service with rheumatism and diarrhea.

The case was examined by several special examiners, from which, as reported to me, it appeared from the claimant's admission that he had sore eyes previous to his enlistment, though he claimed they were sound when he entered the Army.

A surgeon who made an examination in March, 1881, reported that he could not find any evidence whatever of disease of the eyes, and nothing to corroborate the claimant's assertion that he was suffering from rheumatism, piles, or diarrhea.

Another surgeon, who examined the claimant in 1879, reported that he found the eyelids slightly granulated, producing some irritation of the eyeball and rendering the eyes a little weak, and that he found no other disability.

In 1882 a surgeon who made an examination reported that he discovered indications that the claimant had suffered at some time with chronic ophthalmia, but that in his opinion his eyes did not disable him

in the least, and that the claimant was well nourished and in good health.

The report of the committee to whom this bill was referred in the Senate states that six special examinations have been made in the case and that two of them were favorable to the claim.

The trouble and expense incurred by the Pension Bureau to ascertain the truth and to deal fairly by this claimant, and the entire absence of any suspicion of bias against the claim in that Bureau, ought to give weight to its determination.

The claim was rejected by the Pension Bureau in July, 1885, upon the ground that disease of the eyes existed prior to enlistment and that the evidence failed to show that there had existed a pensionable degree of disability, since discharge, from diarrhea or rheumatism.

It will be observed that this is not a case where there was a lack of the technical proof required by the Pension Bureau, but that its judgment was based upon the merits of the application and affected the very foundation of the claim.

I think it should be sustained; and its correctness is somewhat strengthened by the fact that the claimant continued in active service for more than a year after his alleged sickness, that after filing his claim he added thereto allegations of additional disabilities, and that he made no application for pension until more than twelve years after his discharge.

GROVER CLEVELAND.

EXECUTIVE MANSION, July 31, 1886.

To the House of Representatives:

I herewith return without approval House bill No. 3363, entitled "An act granting a pension to Jennette Dow."

The husband of the claimant enlisted August 7, 1862; received a gunshot wound in his left knee in September, 1863, and was mustered out with his company June 10, 1865. He was pensioned for his wound in 1878 at the rate of \$4 per month, dating from the time of his discharge, which amount was increased to \$8 per month from June 4, 1880. The pensioned soldier died December 17, 1882, and in 1883 his widow, the claimant, filed an application for pension, alleging that her husband's death resulted from his wound. Her claim was rejected in 1885 upon the ground that death was not caused by the wound.

The physician who was present at the time of the death certifies that the same resulted from apoplexy in twelve hours after the deceased was attacked.

It also appears from the statement of this physician that the deceased was employed for years after his discharge from the Army as a railroad conductor, and that at the time of his death he had with difficulty reached his home. He then describes as following the attack the usual

manifestations of apoplexy, and adds that he regards the case as one of "hemiplegia, the outgrowth primarily of nerve injury, aggravated by the life's calling, and eventuating in apoplexy as stated."

Evidence is filed in the Pension Bureau showing that after his discharge he was more or less troubled with his wound, though one witness testifies that he railroaded with him for fifteen years after his injury. I find no medical testimony referred to which with any distinctness charges death to the wound, and it would be hardly credible if such evidence was found.

I am sure that in no case except in an application for pension would an attempt be made in the circumstances here developed to attribute death from apoplexy to a wound in the knee received nineteen years before the apoplectic attack.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 31, 1886.*

To the House of Representatives:

I return without approval House bill No. 9106, entitled "An act granting a pension to Rachel Barnes."

William Barnes, the husband of the beneficiary named in this bill, enlisted in the United States infantry in February, 1838, and was discharged February 24, 1841.

In 1880 he applied for a pension, alleging that while serving in Florida in 1840 and 1841 he contracted disease of the eyes. He procured considerable evidence in support of his claim, but in 1882, and while still endeavoring to furnish further proof, he committed suicide by hanging.

The inference that his death thus occasioned was the result of despondency and despair brought on by his failure to procure a pension, while it adds a sad feature to the case, does not aid in connecting his death with his military service.

That this was the view of the committee of the House to whom the bill was referred is evidenced by the conclusion of their report in these words:

And while your committee do not feel justified under the law as at present existing in recommending that the name of the widow be placed upon the pension roll for the purpose of a pension in her own right as widow of the deceased soldier and by reason of the soldier's death, they do think that she should be allowed such pension as, had her husband's claim been favorably determined on the day of his decease, he would have received.

And yet the bill under consideration directs the Secretary of the Interior to place this widow's name on the pension roll and to "pay her a pension as such widow from and after the passage of this act, subject to the provisions and limitations of the pension laws."

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 31, 1886.**To the House of Representatives:*

I return herewith without approval House bill No. 8336, entitled "An act granting an increase of pension to Duncan Forbes."

The beneficiary named in this bill enlisted, under the name of Alexander Sheret, January 7, 1862, in the Regular Army, and was discharged January 8, 1865.

He applied for a pension in 1879, alleging that he was wounded in his right breast December 31, 1862, and in his right ankle September 20, 1863. He was pensioned in 1883, dating from January 9, 1865, for the ankle wound, but that part of his claim based upon the wound in his breast was rejected upon the ground that there was no record of the same and the testimony failed to show that such a wound had its origin in the service.

Though the lack of such a record is sufficiently accounted for, I am convinced that, conceding both the wounds alleged were received, this pensioner has been fairly and justly treated.

It appears from the allegations of his application to the Pension Bureau that after the wound in his breast, in December, 1862, he continued his service till September, 1863, when he was wounded again in the ankle, and that with both wounds he served until his discharge in January, 1865. It also appears from the records that after his discharge from the Army, and on the 3d day of February, 1865, he enlisted as landsman in the United States Navy, and served in that branch of the service for three years.

A medical examination in May, 1885, disclosed the appearance of a gunshot wound in the right breast, which is thus described:

The missile struck the seventh rib of right side and glanced off, leaving a horizontal scar $2\frac{1}{4}$ inches long and one-half inch wide, deeply depressed and firmly adherent.

I credit this claimant with being a good soldier, and I am willing to believe that his insistence upon a greater pension than that already allowed by the Pension Bureau, under liberal general laws, enacted for the benefit of himself and all his comrades, is the result of the demoralization produced by ill-advised special legislation on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 4, 1886.**To the House of Representatives:*

I return without approval House bill No. 5389, entitled "An act granting a pension to Ann Kinney."

This beneficiary applied for a pension in 1877 as the widow of Edward Kinney, alleging that he died September 5, 1875, from the effects of a wound received in the Army. He enlisted November 4, 1861, and was

discharged July 28, 1862, on account of a gunshot wound in his left elbow, for which wound he was pensioned in the year 1865.

A physician testifies that the pensioned soldier's death was, in his opinion, brought on indirectly by the intemperate use of intoxicating liquors, and that he died from congestion of the brain.

The marshal of the city where he resided states that on the day of the soldier's death he was called to remove him from a house in which he was making a disturbance, and that finding him intoxicated he arrested him and took him to the lockup and placed him in a cell. In a short time, not exceeding an hour, thereafter he was found dead. He further states that he was addicted to periodical sprees.

Another statement is made that the soldier was an intemperate man, and died very suddenly in the city lockup, where he had been taken by an officer while on a drunken spree.

This is not a pleasant recital, and as against the widow I should be glad to avoid its effect. But the most favorable phase of the case does not aid her, since her claim rests upon the allegation that her husband was subject to epileptic fits and died from congestion of the brain while in one of these fits. Even upon this showing the connection between the fits and the wound in the elbow is not made apparent.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 4, 1886.*

To the House of Representatives:

I herewith return without approval House bill No. 8556, entitled "An act granting a pension to Abraham Points."

This soldier enlisted August 11, 1864, and was mustered out June 28, 1865.

He was treated during his short term of service for "catarrhal," "constipation," "diarrhea," "jaundice," and "colic."

He filed an application for pension in 1878, alleging that some of his comrades in a joke twisted his arm in such a manner that the elbow joint became stiffened and ankylosed, and that his eyes became sore and have continued to grow worse ever since. There is no record of either of these disabilities.

The application was denied upon the ground, as stated in the report from the Pension Bureau, that the claim "was specially examined, and it was shown conclusively, from the evidence of neighbors and acquaintances of good repute and standing, that the alleged disabilities existed at and prior to claimant's enlistment."

I am satisfied from an examination of the facts submitted to me that this determination was correct.

GROVER CLEVELAND.

EXECUTIVE MANSION, August 4, 1886.

To the House of Representatives:

I herewith return without approval House bill No. 3551, entitled "An act granting a pension to George W. Cutler, late a private in Company B, Ninth New Hampshire Volunteers."

This claimant enlisted July 12, 1862, and was discharged June 22, 1863, for disability resulting from "scrofulous ulceration of the tibia and fibula of right leg; loss of sight of left eye."

He made a claim for pension in 1865, alleging an injury while loading commissary stores, resulting in spitting of blood, injury to lungs, and heart disease.

This claim was rejected August 31, 1865.

In 1867 he again enlisted in the United States infantry, and was discharged from that enlistment March 29, 1869, for disability, the certificate stating that—

He is unfit for military service by reason of being subject to bleeding of the lungs. He was wounded, while in the line of his duty in the United States Army, at Fredericksburg, Va., December 13, 1862. Said wound is not the cause of his disability.

Afterwards, and in the year 1879, he filed affidavits claiming that he was wounded by a minie ball at the battle of Fredericksburg, December 13, 1862, and was injured by falling down an embankment.

In 1883 he filed an affidavit in which he stated that the disability for which he claims a pension arose from injuries received in falling down a bank at Fredericksburg and being tramped on by troops, causing a complication of diseases resulting in general debility.

The statement in the certificate of discharge from his second enlistment as to the wound he received by a minie ball at Fredericksburg was of course derived from his own statement, as it was related to a prior term of service.

The records of the Adjutant-General's Office furnish no evidence of wounds or injury at Fredericksburg.

The injury alleged at first as a consequence of loading commissary stores seems to have been abandoned by the claimant for the adoption of a wound at Fredericksburg, which in its turn seems to have been abandoned and a fall down a bank and trampling upon by troops substituted.

Whatever injuries he may have suffered during his first enlistment, and to whatever cause he chooses at last to attribute them, they did not prevent his reenlistment and passing the physical examination necessary before acceptance.

The surgeon of the Ninth New Hampshire Volunteers, in which he first enlisted, states that he remembers the claimant well; that he was mustered and accepted as a recruit in spite of his (the surgeon's) protest; that he was physically unfit for duty; that he had the appearance of impaired health, and that his face and neck were marked by one or more deep scars, the result, as the claimant himself alleged, of scrofulous

abscesses in early youth. He expresses the opinion that he is attempting to palm off these old scars as evidence of wounds received, and that if he had been wounded as he claimed he (the surgeon) would have known it and remembered it.

It is true that whenever in this case a wound is described it is located in the jaw, while some of the medical testimony negatives the existence of any wound.

The contrariety of the claimant's statements and the testimony and circumstances tend so strongly to impeach his claim that I do not think the decision of the Pension Bureau should be reversed and the claimant pensioned.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 4, 1886.*

To the House of Representatives:

I herewith return without my approval House bill No. 7234, entitled "An act granting a pension to Susan Hawes."

The beneficiary named in this bill is the mother of Jeremiah Hawes, who enlisted in February, 1861, in the United States artillery, and was discharged in February, 1864. He filed a claim for pension in 1881, alleging that in 1862, by the premature discharge of a cannon, he sustained paralysis of his right arm and side. In 1883, while his claim was still pending, he died.

He does not appear to have made his home with his mother altogether, if at all. For some years prior to his death and at the time of its occurrence he was an inmate, or had been an inmate, of a soldiers' home in Ohio.

But whatever may be said of the character of any injuries he may have received in the service or of his relations to his mother, the cause of his death, it seems to me, can not possibly upon any reasonable theory be attributable to any incident of his military service.

It appears that in July, 1883, while the deceased was on his way from Buffalo, where he had been in a hospital, to the soldiers' home in Ohio, he attempted to step on a slowly moving freight train, and making a misstep a wheel of the car passed over his foot, injuring it so badly that it was deemed necessary by two physicians who were called to amputate the foot. An anæsthetic was administered preparatory to the operation, but before it was entered upon the injured man died, having survived the accident but two hours.

The physicians who were present stated that in their opinion death was due to heart disease.

The above account of the death of the soldier is derived from a report furnished by the Pension Bureau, and differs somewhat from the statement contained in the report of the House Committee on Invalid Pensions as related to the intention of the physicians to amputate the injured

foot and their administration of an anæsthetic. But the accident and the death two hours thereafter under the treatment of the physicians are conceded facts.

GROVER CLEVELAND.

EXECUTIVE MANSION, *August 4, 1886.*

To the House of Representatives:

I herewith return without approval House bill No. 1584, entitled "An act for the relief of Mrs. Aurelia C. Richardson."

Albert H. Fillmore, the son of the beneficiary mentioned in this bill, enlisted in August, 1862, and died in the service, of smallpox, May 20, 1865.

His father having died some time prior to the soldier's enlistment, his mother in 1858 married Lorenzo D. Richardson. It is stated in the report upon this case from the Pension Bureau that the deceased did not live with his mother after her marriage to Richardson, and that there is no competent evidence that he contributed to her support after that event.

At the time of the soldier's death his stepfather was a blacksmith, earning at about that time, as it is represented, not less than \$70 a month, and owning considerable property, a part of which still remains to him.

While in ordinary cases of this kind I am by no means inclined to distinguish very closely between dependence at the date of the soldier's death and the date of proposed aid to a needy mother, I think the circumstances here presented, especially the fact of nonresidence by the son with his mother since her second marriage, do not call for a departure from the law governing claims based upon dependence.

GROVER CLEVELAND.

POCKET VETOES.

EXECUTIVE MANSION,

Washington, August 17, 1886.

Hon. THOS. F. BAYARD,

Secretary of State.

DEAR SIR: The President directs me to transmit to you the accompanying bills and joint resolutions, which failed to become laws at the close of the late session of Congress, being unsigned and not having been presented to him ten days prior to adjournment.

I may add that the printed copy of memorandum (without signature) is by the President, and is attached to each bill and resolution by his direction.

Very respectfully,

O. L. PRUDEN,
Assistant Secretary.

[“An act for the relief of Francis W. Haldeman.”—Received July 28, 1886.]

This bill appropriates \$200 to the party named therein “as compensation for services performed and money expended for the benefit of the United States Army.” It appears from a report of the House Committee on War Claims that in the fall of 1863 Haldeman, a lad 12 years of age, purchased a uniform and armed himself and attached himself to various Ohio regiments, and, as is said, performed various duties connected with the army service until the end of the year 1864, and for this it is proposed to give him \$200.

Of course he never enlisted and never was regularly attached to any regiment. What kind of arms this boy 12 years of age armed himself with is not stated, and it is quite evident that his military service could not have amounted to much more than the indulgence of a boyish freak and his being made a pet of the soldiers with whom he was associated. There is a pleasant sentiment connected with this display of patriotism and childish military ardor, and it is not a matter of surprise that he should, as stated by the committee, have “received honorable mention by name in the history of his regiment;” but when it is proposed twenty-two years after his one year’s experience with troops to pay him a sum nearly if not quite equal to the pay of a soldier who fought and suffered all the dangers and privations of a soldier’s life, I am constrained to dissent.

—[“An act for the relief of R. D. Beckley and Leon Howard.”—Received July 28, 1886.]

These two men were employed by the Doorkeeper of the Forty-eighth Congress as laborers at the rate of \$720 per annum.

They claim that in both sessions of that Congress they not only performed the duties appertaining to their positions as laborers, but also performed the full duties of messengers. Having received their pay as laborers, this bill proposes to appropriate for them the difference between their compensation as laborers and \$1,200, the pay allowed messengers.

Congress, in appropriation bills covering the period in which these men claim to have performed these dual duties, provided for a certain specified number of messengers and a fixed number of laborers. They both accepted the latter position. If they actually performed the duties of both places, their ability to do so is evidence that the labor of either place was very light. In any case they owed their time and services to the Government, and while they were performing the duties of messengers they were not engaged in the harder tasks which might have been required of them as laborers. They ought not to complain if they have received the amount for which they agreed to work, and which was allowed for as the wages of a place which they were glad enough to secure. If they really did the work of both places, I don’t see why they should not be paid both compensations. This proposition of course would not be entertained for a moment.

I am of the opinion that claims for extra compensation such as these should be firmly discountenanced, and I am sure no injustice will be done by my declining to approve this bill.

[“An act for the relief of Thomas P. Morgan, jr.”—Received July 31, 1886.—Memorandum.]

Thomas P. Morgan, jr., in the year 1881 entered into a contract with the Government to do certain excavating in the harbor of Norfolk.

He performed considerable of the work, but though the time limited by the contract for the completion was extended by the Government, he failed to complete the work, which necessitated other arrangements, to the damage of the Government in quite a large sum. His contract was forfeited by the Government because the progress he made was so slow and unsatisfactory. It seems that a certain percentage of the money earned by him in the progress of the work was, under the terms of the contract, retained by the Government to insure its completion, and when work was terminated the sum thus retained amounted to \$4,898.04, which sum was justly forfeited to the Government.

The object of this bill is to waive this forfeiture and pay this sum to the derelict contractor.

Inasmuch as I am unable to see any equities in this case that should overcome the fact that the amount of loss to the Government through the contract is greater than the sum thus sought to be released to him, I am not willing to agree to his release from the consequence of his failure to perform his contract.

[“An act for the relief of Charles F. Bowers.”—Received August 2, 1886.]

It appears that Charles F. Bowers, while acting as regimental quartermaster in 1862, received of John Weeks, assistant quartermaster of volunteers, the sum of \$230, for which he gave a receipt. On the settlement of his accounts he was unable to account for said sum, for the reason, as he alleges, that certain of his papers were lost and destroyed. Thus in the statement of his account he is represented as a debtor of the Government in that amount.

This bill directs that a credit be allowed to him of the said sum of \$230. But since his account was adjusted as above stated, showing him in debt to the Government in the amount last stated, he has paid the sum of \$75 and been allowed a credit of \$125 for the value of a horse; so that whatever may be said of the merits of his claim that he should not be charged with the sum of \$230, if he should now be credited with that sum the Government would owe him upon its books the sum of \$30.

The bill is therefore not approved.

[“An act to provide for the erection of a public building in the city of Annapolis, Md.”—Received August 3, 1886.—Memorandum.]

The post-office at Annapolis is now accommodated in quarters for which the Government pays rent at the rate of \$500 per annum, and the office occupied by the collector of customs is rented for \$75 per annum.

The Government has no other use for a public building at Annapolis than is above indicated, and the chief argument urged why a building should be constructed there is based upon the fact that this city is the capital of the State of Maryland and should have a Government building because most if not all the other capitals of the States have such edifices.

There seems to be so little necessity for the building proposed for the transaction of Government business, and if there is anything in the argument last referred to it seems so well answered by the maintenance of the Naval Academy at Annapolis, this bill is allowed to remain inoperative.

[“An act for the relief of J. A. Henry and others.”—Received August 3, 1886.—Memorandum.]

This bill appropriates various sums to the parties named therein, being claims of rent of quarters occupied during the war by the Quartermaster’s Department of the Army.

Among the appropriations there proposed to be made is one of the sum of \$51 to L. F. Green. This account has been once paid, a special act directing such payment having been approved February 12, 1885. The fact of this payment and important information bearing upon the validity of some of the other claims mentioned in the bill could have been easily obtained by application to the Third Auditor.

[“An act for the relief of William H. Wheeler.”—Received August 3, 1886.]

This bill directs the payment of the sum of \$633.50 to William H. Wheeler for quartermaster’s stores furnished the Army in the year 1862.

From the ~~data~~ furnished me by the Quartermaster-General I am quite certain that this claim has been once paid. The circumstances presented to prove this are so strong that they should be explained before the relief provided by this bill is afforded the claimant.

[“An act granting a pension to Margaret D. Marchand.”—Received August 5, 1886.—Memorandum.]

A bill presented to me for approval, granting a pension of \$50 per month to the beneficiary named, was disapproved upon the ground that the death of her husband did not appear to be in any way related to any incident of his military service.

This bill differs from the prior one simply in granting a pension subject to the provisions and limitations of the pension laws instead of fixing the rate of pension at a specified sum. I am still unable to see how the objection to the first bill has been obviated.

[“Joint resolution providing for the distribution of the Official Register of the United States.”—Received August 5, 1886.—Memorandum.]

This resolution reached me five minutes after the adjournment of the two Houses of Congress, and is the only enactment of the session which came to me too late for official action.

I do not understand this resolution nor the purposes sought to be accomplished by its passage, and while in that frame of mind should have been constrained to withhold my approval from the same even if it had reached me in time for consideration.

[“Joint resolution directing payment of the surplus in the Treasury on the public debt.”—Received August 5, 1886.—Memorandum.]

This resolution involves so much and is of such serious import that I do not deem it best to discuss it at this time. It is not approved because I believe it to be unnecessary and because I am by no means convinced that its mere passage and approval at this time may not endanger and embarrass the successful and useful operations of the Treasury Department and impair the confidence which the people should have in the management of the finances of the Government.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is represented to me by the governor of the Territory of Washington that domestic violence exists within the said Territory, and that by reason of unlawful obstructions and combinations and the assemblage of evil-disposed persons it has become impracticable to enforce by the ordinary course of judicial proceedings the laws of the United States at Seattle and at other points and places within said Territory, whereby life and property are there threatened and endangered; and

Whereas, in the judgment of the President, an emergency has arisen and a case is now presented which justifies and requires, under the Constitution and laws of the United States, the employment of military force to suppress domestic violence and enforce the faithful execution of the laws of the United States if the command and warning of this proclamation be disobeyed and disregarded:

Now, therefore, I, Grover Cleveland, President of the United States of America, do hereby command and warn all insurgents and all persons who have assembled at any point within the said Territory of Washington for the unlawful purposes aforesaid to desist therefrom and to disperse and retire peaceably to their respective abodes on or before 6 o'clock in the afternoon of the 10th day of February instant.

And I do admonish all good citizens of the United States and all persons within the limits and jurisdiction thereof against aiding, abetting, countenancing, or taking any part in such unlawful acts or assemblages.

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

[SEAL.] Done at the city of Washington, this 9th day of February, A. D. 1886, and of the Independence of the United States the one hundred and tenth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by a proclamation of the President of the United States dated the 14th day of February, in the year 1884,* upon evidence then appearing satisfactory to him that the Government of Spain had abolished the discriminating customs duty theretofore imposed upon the products of and articles proceeding from the United States of America imported into the islands of Cuba and Puerto Rico, such abolition to take effect on and after the 1st day of March of said year 1884, and, by virtue of the authority vested in him by section 4228 of the Revised Statutes of the United States, the President did thereby declare and proclaim that on and after the said 1st day of March, 1884, so long as the products of and articles proceeding from the United States imported into the islands of Cuba and Puerto Rico should be exempt from discriminating customs duties, any such duties on the products of and articles proceeding from Cuba and Puerto Rico under the Spanish flag should be suspended and discontinued; and

Whereas by Article I of the commercial agreement signed at Madrid the 13th day of February, 1884, it was stipulated and provided that "the duties of the third column of the customs tariffs of Cuba and Puerto Rico, which implies the suppression of the differential flag duty," should at once be applied to the products of and articles proceeding from the United States of America; and

Whereas the complete suppression of the differential flag duty in respect of all vessels of the United States and their cargoes entering the ports of Cuba and Puerto Rico is by the terms of the said agreement expressly made the consideration for the exercise of the authority conferred upon the President in respect of the suspension of the collection of foreign discriminating duties of tonnage and imposts upon merchandise brought within the United States from Cuba and Puerto Rico in Spanish vessels by said section 4228 of the Revised Statutes, which section reads as follows:

SEC. 4228. Upon satisfactory proof being given to the President by the government of any foreign nation that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes, shall be continued, and no longer.

* See pp. 223-224.

And whereas proof is given to me that such complete suppression of the differential flag duty in respect of vessels of the United States and their cargoes entering the ports of Cuba and Puerto Rico has not in fact been secured, but that, notwithstanding the said agreement dated at Madrid, February 13, 1884, and in contravention thereof, as well as of the provisions of the said section 4228 of the Revised Statutes, higher and discriminating duties continue to be imposed and levied in said ports upon certain produce, manufactures, or merchandise imported into said ports from the United States or from any foreign country in vessels of the United States than is imposed and levied on the like produce, manufactures, or merchandise carried to said ports in Spanish vessels:

Now, therefore, I, Grover Cleveland, President of the United States of America, in execution of the aforesaid section 4228 of the Revised Statutes, do hereby revoke the suspension of the discriminating customs imposed and levied in the ports of the United States on the products of and articles proceeding under the Spanish flag from Cuba and Puerto Rico, which is set forth and contained in the aforesaid proclamation dated the 14th day of February, 1884; this revocation of said proclamation to take effect on and after the 25th 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 13th day of October, A. D. 1886, and of the Independence of the United States the one hundred and eleventh.

GROVER CLEVELAND.

By the President:

T. F. BAYARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory proof has been given to me by the Government of Spain that no discriminating duties of tonnage or imposts are imposed or levied in the islands of Cuba and Puerto Rico upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country; and

Whereas notification of such abolition of discriminating duties of tonnage and imposts as aforesaid has been given to me by a memorandum of agreement signed this day in the city of Washington between the Secretary of State of the United States and the envoy extraordinary and minister plenipotentiary of Her Majesty the Queen Regent of Spain accredited to the Government of the United States of America:

Now, therefore, I, Grover Cleveland, President of the United States of

America, by virtue of the authority vested in me by section 4228 of the Revised Statutes of the United States, do hereby declare and proclaim that from and after the date of this my proclamation, being also the date of the notification received as aforesaid, the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued so far as respects the vessels of Spain and the produce, manufactures, or merchandise imported in said vessels into the United States from the islands of Cuba and Puerto Rico or from any other foreign country; such suspension to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and their cargoes, shall be continued in the said islands of Cuba and Puerto Rico, and no longer.

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 October, A. D. 1886, and of the Independence of the United States the one hundred and eleventh.

GROVER CLEVELAND.

By the President:

T. F. BAYARD,
Secretary of State.

A PROCLAMATION

BY THE PRESIDENT OF THE UNITED STATES.

It has long been the custom of the people of the United States, on a day in each year especially set apart for that purpose by their Chief Executive, to acknowledge the goodness and mercy of God and to invoke His continued care and protection.

In observance of such custom I, Grover Cleveland, President of the United States, do hereby designate and set apart Thursday, the 25th day of November instant, to be observed and kept as a day of thanksgiving and prayer.

On that day let all our people forego their accustomed employments and assemble in their usual places of worship to give thanks to the Ruler of the Universe for our continued enjoyment of the blessings of a free government, for a renewal of business prosperity throughout our land, for the return which has rewarded the labor of those who till the soil, and for our progress as a people in all that makes a nation great.

And while we contemplate the infinite power of God in earthquake, flood, and storm let the grateful hearts of those who have been shielded from harm through His mercy be turned in sympathy and kindness toward those who have suffered through His visitations.

Let us also in the midst of our thanksgiving remember the poor and needy with cheerful gifts and alms so that our service may by deeds of charity be made acceptable in the sight of the Lord.

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 1st day of November, A. D. 1886, and of the Independence of the United States of America the one hundred and eleventh.

GROVER CLEVELAND.

By the President:

T. F. BAYARD, *Secretary of State.*

EXECUTIVE ORDERS.

Whereas in an Executive order dated the 21st day of July, 1875, directing the distribution of the fund of 400,000 pesetas received from the Spanish Government in satisfaction of the reclamation of the United States arising from the capture of the *Virginus*, it was provided "that should any further order or direction be required the same will hereafter be made in addition hereto;" and

Whereas a further order or direction is deemed necessary:

Now, therefore, I, Grover Cleveland, President of the United States, do hereby direct that all persons entitled to the benefit of any of the aforesaid fund of 400,000 pesetas who have not yet presented their claims thereto shall formulate and present their claims to the Secretary of State of the United States within six months from the date of this order, or be held as forever barred from the benefits of said fund.

And I hereby further direct that the balance of the fund which shall remain unclaimed at the expiration of the aforesaid period of six months shall be distributed *pro rata* among the beneficiaries under the original distribution, provided they or their heirs or representatives shall within the six months next succeeding the said former period present to the Secretary of State of the United States petitions for their shares of said balance.

And to these ends the Secretary of State is requested to cause public notice to be given of the above direction.

In witness whereof I have hereunto set my hand, at the city of Washington, this 12th day of December, A. D. 1885, and of the Independence of the United States of America the one hundred and tenth.

GROVER CLEVELAND.

EXECUTIVE MANSION,

Washington, February 9, 1886—4 o'clock p. m.

Tidings of the death of Winfield Scott Hancock, the senior major-general of the Army of the United States, have just been received.