

PRESIDENT'S MESSAGE.

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

Fellow Citizens of the Senate and House of Representatives—The adjournment of the last Congress, without making appropriations for the support of the army for the present fiscal year, has rendered necessary a suspension of payment to the officers and men of the sums due them for services rendered after the 30th day of June last. The army exists by virtue of statutes which prescribe its numbers, regulate its organization and employment, and which fix the pay of its officers and men, and declare their right to receive the same at stated periods. The Statutes, however, do not authorize the payment of troops in the absence of specific

APPROPRIATIONS.

Therefore the constitution has wisely provided that no money shall be drawn from the Treasury but in consequence of appropriations made by law, and it has also been declared by statute that no department of the government shall expend, in any one fiscal year, any sum in excess of the appropriation made by Congress for that fiscal year. We have, therefore, an army in the service, authorized by law, and entitled to be paid, but no funds are available for that purpose. It may also be said, as an additional incentive to prompt action by Congress, that since the commencement of the fiscal year the army, though without pay, has been constantly and actively employed in arduous and dangerous service, in the performance of which both officers and men have discharged their duty with fidelity and courage, and without complaint. These circumstances, in my judgment, contribute an extraordinary occasion for requiring Congress to be convened in advance of the time prescribed by law, for your meeting in regular session. The importance of speedy action upon this subject, on the part of Congress is so manifest, that I venture to suggest the propriety of making the necessary appropriations for the support of the army for the current year, at its present maximum numerical strength of 25,000 men, leaving for future consideration all questions relating to an increase or decrease of the number of enlisted men. In the event of the reduction of the army by subsequent legislation during the fiscal year, the excess of the appropriation could not be expended, and in the event of its enlargement the additional sum required for the payment of the extra force could be provided in due time. It would be unjust to the troops now in the service, and whose pay is already largely in arrears of payment to them, should it be further postponed until after Congress shall have considered all the questions likely to arise in the effort to fix the proper limit to the strength of the army. As my estimate of appropriations for the support of the military establishment for the fiscal year ending June 30th, 1878, were transferred to Congress by the former Secretary of the Treasury, at the opening of its session in December last, these estimates, modified by the present Secretary, so as to conform to the present requirements, are now renewed, amounting to \$32,436,764.93, and having been transmitted to both Houses of Congress, are submitted for your consideration.

There is also required by the Navy Department \$2,386,127. This sum is made up of \$1,446,888.16 due to officers and enlisted men for the last quarter of the last fiscal year; \$311,953.50 due for advances made by the fiscal agent of the Government in London for the support of the foreign service; \$50,000 due to the naval hospital fund; \$150,000 due for arrearages of pay to officers, and \$45,219.58 for the supply of the marine corps.

There will also be needed an appropriation of \$262,565.22 to defray the unsettled expenses of the United States Courts for the fiscal year ending June 30th last, now due to attorneys, clerks, commissioners, and marshals, and for rent for court rooms, the support of prisoners and other deficiencies; and as part of the building of the Interior Department was destroyed by fire on the 24th of last month, some immediate repairs and temporary structures have in consequence, become necessary, the estimate for which will be transmitted

to Congress immediately, and an appropriation of the requisite funds is respectfully recommended. The Secretary of the Treasury will communicate to Congress, in connection with the estimates for the appropriations for the support of the army for the current fiscal year, estimates for such other deficiencies in the different branches of the public service as require immediate action, and cannot, without inconvenience, be postponed until the regular session.

PARIS INTERNATIONAL EXHIBITION.

I take this opportunity to invite your attention to the propriety of adopting, at your present session, the necessary legislation to enable the people of the United States to participate in the advantages of the International Exhibition of Agricultural Industry and Fine Arts which is to be held at Paris in 1878, and in which this Government has been invited by the Government of France to take part. This invitation was communicated to this Government in May, 1876, by the Minister of France, at this capitol, and a copy thereof was submitted to the proper committees of Congress at its last session, but no action was taken upon the subject. The Department of State has received many letters from various parts of the country expressing a desire to participate in the exhibition, and numerous applications of a similar nature have also been made at the United States legation at Paris. The Department of State has also received official advice of the strong desire on the part of the French government that the United States should participate in this enterprise, and space has hitherto been and is still reserved in the Exhibition buildings for the use of exhibitors from the United States to the exclusion of other parties who have been applicants therefor.

EXPENSES OF COMMISSIONERS.

In order that our industries may be properly represented at the exhibition, an appropriation will be needed for the payment of salaries and expenses of commissioners for the transportation of goods and for other purposes, in connection with the object in view, and as May next is the time fixed for the opening of the exhibition, if our citizens are to share the advantages of this international competition for the trade of other nations, the necessity for immediate action is apparent. To enable the United States to co-operate in the international exhibition which was held at Vienna in 1873, Congress then passed a resolution making an appropriation of \$200,000 and authorizing the President to appoint a certain number of practical artisans and scientific men who should attend the exhibition and report their proceedings and observations to him. Provision was also made for the appointment of a number of honorary commissioners. I have felt that prompt action by Congress in accepting the invitation of the government of France is of so much interest to the people of this country, and so suitable to the cordial relations between the governments of the two countries, that the subject might properly be presented for attention at your present session.

PRISON CONGRESS.

The government of Sweden and Norway has addressed an official invitation to the government to take part in the International Prison Congress to be held next year. The problem which the congress proposes to study, how to diminish crime, is one in which all civilized nations have an interest in common, and the congress of Stockholm seems likely to prove the most important convention ever held for the study of this grave question. Under authority of a joint resolution of Congress, approved Feb. 16, 1875, a commission was appointed by my predecessor to represent the United States on that occasion, and the Prison Congress having been, in the earnest desire of the Swedish Government, postponed to 1878, his commission was renewed by me, and an appropriation of \$8,000 was made in the sundry civil service act of 1875 to meet the expenses of the commissioner. I recommend the re-appropriation of that sum for the same purpose, the former appropriation having been covered into the treasury, and no longer available for the purpose without further action by Congress. The subject is brought to your attention at this time in view of cir-

cumstances which render it highly desirable that the commissioner should proceed to the discharge of his important duties immediately. As to the several acts of Congress providing for detailed reports from the different departments of the Government.

DEPARTMENT REPORTS

requiring their submission at the beginning of the regular annual session, I defer, until that time, any further reference to subjects of public interest.

(Signed) R. B. HAYES.
Washington, D. C.,

October 15th, 1877.

BY TELEGRAPH.

CONGRESSIONAL.

SENATE.

WASHINGTON, 16.—The Senate met at noon, and soon afterwards the Clerk of the House announced the organization of that body and also the appointment of a committee to wait upon the President, with a committee on the part of the Senate, and notify him that a quorum of the two houses had assembled, etc.

A resolution, instructing the Secretary to notify the House that a quorum of the Senate was ready for business, was agreed to.

Sargent introduced a bill releasing C. C. Webb, Ira P. Rankin and the other sureties on the official bond of Frank Soule, late Collector of Internal Revenue for the first district of California, which was referred to the committee on finance. He also introduced a bill relating to the equitable and legal right of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights; referred to the committee on judiciary.

Beck introduced a bill to remove all disabilities imposed by the fourteenth amendment; referred. Recess.

Thurman introduced a bill amending the Pacific Railroad acts and to create a sinking fund for the liquidation of the indebtedness due the Government by the Pacific Railroad Companies; referred. This is the same bill reported by the judiciary committee in July, 1876.

A resolution to continue the committees of last session was agreed to.

A memorial of the Missouri Legislature for the removal of the national capitol to the Mississippi Valley and favoring Mississippi levees, was referred.

Sargent submitted a resolution requesting the President to transmit to the Senate a statement of the Navy Department expenditures from March 4th, 1879, to June 30th, 1876. Passed, with an amendment by Davis, of West Virginia, asking a similar report from the War Department.

WASHINGTON, 17.—Beck introduced a bill authorizing the payment of half the custom duties in legal tenders; referred.

Thurman presented the credentials of Spofford, of Louisiana, and asked that he be sworn in.

Mitchell moved that these credentials be referred to the election committee.

A long discussion on points of order occurred, and at the request of Edmunds, Thurman allowed the whole matter to go over till tomorrow.

Edmunds submitted the following, which was laid over till tomorrow at the request of Bayard:

Resolved, That a select committee of seven senators be appointed, whose duty it shall be to take into consideration the law respecting the ascertaining and declaring of the result of the election of the President and Vice President of the United States, and that said committee have power to report a bill or otherwise.

McCreery introduced a bill to repeal the bankrupt law and all its amendments. Ordered to lie on the table to be taken up hereafter.

Edmunds moved that the committee on elections be discharged from further consideration of Kellogg's credentials. Laid over at the request of Thurman.

The Senate then went into executive session.

HOUSE.

WASHINGTON, 15.—Hale offered a resolution seating Belford, which Clerk Adams refused to entertain. Hale appealed from the decision of the clerk, who declined to enter-

tain the appeal. The previous question on proceeding to the election of Speaker was moved, put and carried. Hale demanded a division. The result was 149 ayes, 129 nays, so the resolution was adopted.

Clymer nominated Randall and Hale nominated Garfield.

The clerk appointed Clymer, Banning, Fort and Oster tellers, and by a vote of 149 to 132, Randall was elected over Garfield.

Garfield and Goode conducted the Speaker to the chair and Kelly, of Pennsylvania, administered the oath.

The Speaker said: Gentlemen of the House of Representatives—Elevated for the second time by your generosity to the exalted position of Speaker of this House, I thank you with a grateful heart. I shall endeavor with even temper, but with rigid firmness, to perform the duties of the office and to respond adequately to the confidence reposed in me by conforming my action to the clearly expressed will of the House. Yet fully realizing the delicacy and difficulty of the position, I solicit your advice and assistance, feeling assured at the same time of your forbearance and indulgence. We meet under circumstances imperiously demanding that all considerations of class and section and party shall be subordinated to the loftier and more patriotic object of doing what is best for the whole country and all its people. Since the adjournment an administration has been inducted into office which is obeyed as the actual government, regardless of the grave events which marked its birth, and this House, animated by a spirit of true patriotism, desiring first public tranquility under the law, will frankly approve any sincere and permanent policy looking to complete pacification by constitutional methods and to the consequent promotion of the general welfare, but it should be held our sacred duty to provide legislation which will render impossible a repetition of the wrongs which have occurred and of the dangers which threatened us. I assume that we will take no step backward in the work of retrenchment and reform so auspiciously begun at the last House. Under a matured and definite plan of reduction of the expenses of the Government it is certain that still greater reduction can be made without impairing the efficiency of the administration. To have an honest administration it should be frugal. Never before was it more urgent than now, with general financial distress and with labor distressed by heavy burdens, to exercise the sternest economy. When the iron rule of hard necessity darkens every household in the land, extravagance on the part of the people's servants is an unpardonable crime. It is partly because of that wholesome policy so faithfully carried out that I am permitted this day to speak from this place, invoking for our deliberations tolerance of opinion, which secures harmonious action, right and clear judgment, which purifies legislation, and that mutual confidence and respect shall subsist between the House and its presiding officer. I am now ready to take the oath prescribed by law. (Clapping of hands on the democratic side of the chamber).

The oath was administered. The Speaker then administered the oath to the members. Most of the southern members took the qualified oath. Objection was made to swearing in Caine and Rainey, of South Carolina, Darrel, Ellis and Robertson, of Louisiana, and Pacheco, of California, and those members stood aside.

The delegates of the Territories were all sworn in without objection.

Clymer offered resolutions electing as clerk George M. Adams of Kentucky; sergeant-at-arms, John G. Thompson, of Ohio; door-keeper, John W. Polk, Minnesota; postmaster, James M. Stewart, Virginia; chaplain, Rev. Dr. John Poisel, Maryland.

Hale offered an amendment substituting for these names those of Jeremiah M. Rusk, of Wisconsin, N. G. Ordway, New Hampshire, Horace H. Harrison, Tennessee, Henry Sherwood, Michigan, and Rev. J. G. Butler, Washington.

The amendment was rejected, and the resolution adopted without a division.

The oath of office was then administered to these officers, Messrs. Polk and Stewart taking the modified oath.

A committee was then appointed to inform the Senate of the organ-

ization of the House, and inform the President that Congress is ready to receive any communication he may desire to make.

The drawing of seats was fixed for 4, the courtesy of selecting seats in advance being extended to Messrs. Stephens, Kelly, Wood, Patterson and Banks.

After a short recess the drawing began. Stephens chose a desk in the front row in the eastern corner of the main aisle; Kelly and Wood chose the seats they occupied at the last congress, and Banks and Patterson took good positions on the republican side. The first name drawn was Chandler, who selected his former seat. Garfield got an early choice and also selected his former seat, and Butler, of Massachusetts, got a seat in the front row, at the corner of one of the smaller aisles, on the republican side of the chamber.

When all the names had been called, the last being that of Hutton, of Virginia, and all the seats were selected, the House adjourned, the question as to the swearing in of the members objected to being put off till to-morrow.

WASHINGTON, 16.—After prayer Hale called up the Colorado election case.

Cox objected, and the House refused to consider it.

There was a long discussion on the swearing in of Rainey and Cain, of the Clerk's list.

Cox wanted to refer it to the election committee, but it was contended by Mills and Potter, democrats, and others, that as these gentlemen have the usual legal certificates, they were entitled to seats. This view prevailed and they were sworn in.

WASHINGTON, 17.—The contested election case of the fourth Louisiana district was taken up, on a resolution of Leonard, of Louisiana, ordering the claims of Elam and Smith, contestants, to the election committee to decide on the *prima facie* evidence.

J. G. Elam and E. R. Robertson were sworn in as members from Louisiana, taking the modified oath.

The case of Pacheco, of California, was then called up, when Garfield moved that the oath of office be administered.

Springer, who had made the objection on Monday, offered to withdraw it, but the Speaker ruled that as the objection was on record it could not be withdrawn, but must be acted upon.

Garfield stated that the question of election had been carried into the courts, and that on an appeal to the Supreme Court of the State, that court, a majority of whose members are democrats, had found that Pacheco had been legally elected, and under that finding the governor had given him the legal certificate, so that Pacheco's right to be sworn in was not only *prima facie*, but was absolutely unquestioned.

Luttrell denied the accuracy of Garfield's statement as to a majority of the Supreme court being democrats.

Garfield—"Did not a majority of the judges, who acted on the question, belong to your party at that time?"

Luttrell—"A majority of the judges were elected in opposition to a democratic majority."

Garfield—"That does not answer my question."

Cox read the written statement embracing the facts in the case, claiming that by the alteration of one vote a fraudulent election had been given to Pacheco. In conclusion he said that it was as big a sin to steal a vote as to steal a railroad presidency.

Springer remarked that he had objected to the swearing in of Pacheco, but that on examination of the papers presented to the clerk he did not see how the clerk could have done otherwise than put Pacheco's name on the list, still he would call attention to the fact although the certificate was regular on its face, it was based on forged election returns from the County of Monterey. In that connection he sent to the clerk's desk, and had read an extract from Mr. Black's article on the electoral commission to show that fraud vitiates everything.

Garfield—"While it is true that fraud vitiates everything, it is not true that the allegation of fraud vitiates anything."

Garfield's motion was agreed to without division, and the oath of office (ironclad) was thereupon administered to Pacheco. Pacheco then desired to make some state-