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MESSAGE OF THE PRESIDENT,

VETOING THE BILL (S. 36) TO INCREASE THE STRENGTH AND EFFICIENCY OF HEAVY ARTILLERY FOR SEA-COAST DEFENCE.

To the Senate of the Confederate States :

I regret that a sense of duty compels me to return to you with my objections, an act which originated in the Senate, entitled "An act to increase the strength and efficiency of heavy artillery for sea coast defence."

This act selects from the provisional army a particular regiment, known as the first regiment of South Carolina infantry, and directs that it shall hereafter be known as the second regiment of South Carolina artillery, and shall have the same organization as is now allowed by law to the first regiment of South Carolina artillery.

It next directs that the first and second regiments of South Carolina artillery shall be increased to twelve companies each, and that the complement of a company shall be one hundred and twenty-five enlisted men.

The objections entertained to these provisions are grave, and I submit them as succinctly as possible.

1. The organization of artillery into regiments, is subject to great inconvenience and impairs the efficiency of that important arm of the service.

Both in the regular and the provisional army, the organization of the artillery is a corps, composed of batteries, the commander of a battery being a captain, and the men being formed into companies. This organization applies to both heavy or siege and field artillery, and experience has shown it to be more efficient than the organization into regiments.

Under the law, as it now exists, the exact number of batteries required at any point, can be ordered there, and an officer of such rank as is appropriate to the number of guns, is assigned to their command. It is thus in the power of commanders to assign officers to the duties for which they are most competent, some having greater merit in heavy, and others in light artillery. The system has worked exceedingly well, and I should greatly regret to see it changed or impaired by exceptions. If the organization by regiments be better, it ought to be adopted for the whole artillery service. If not, why should the exceptions to a good system be increased in number?

Where the organization is uniform throughout the service, the troops are better satisfied, and the administration of the army is much more easy and efficient. Where there are exceptions, there is constant effort on the part of the men to change from one organization to another, discontent is engendered, and embarrassments arise in administration.

It rarely occurs that the service of artillery is required at one point to the number of ten or twelve companies. The exigencies of the service will require that these regiments, (if organized as contemplated in the bill now returned to you,) shall be broken into detachments, and the field officers, in such event, would be in command of fractions not proportional to their rank.

The first regiment of South Carolina artillery was organized by the State before the formation of the Confederacy, and, when it was transferred to this government, it was necessarily accepted with the existing organization; but that organization was exceptional and objectionable for the reasons already stated. It has been retained in Fort Sumter, which is one of the points where such an organization is least detrimental to the service, but no satisfactory reason is perceived for augmenting the number of companies of which it is composed, or for the organization of another regiment.

The first regiment of South Carolina infantry, or a part of it, I am informed, has been assigned to duty and has received instruction in the artillery service, and can be so employed without the passage of the act in question, as long as the exigencies of the service may require. It still remains, however, infantry, and could, in case of necessity be used as such in the field. If the act should become a law, this advantage would be lost without any apparent compensating benefit.

II. The act seems to me objectionable as being special legislation.

It is well known that the artillery service is very generally preferred by our troops to infantry service. It is believed that there would be little difficulty now in raising a regiment of artillerists from citizens exempt from conscription, while such is not the case with infantry. If the example be once set of converting regiments of infantry into artillery, it needs little foresight to predict that Congress will be beset with applications for such change from regiments now serving as infantry, and claims will be sent forward for equal favors in each of the States. Wherever siege artillery is required, the delegations of the different States will naturally expect and apply for a grant of the same favor to some infantry regiment from their State, and this result would be far from conducive to the discipline of the army and the good of the service.

There are now numbers of our citizens who, after having volunteered in the infantry, have been found too feeble in constitution to withstand the fatigue and exhaustion of the rapid movements on which the success of our military operations depends. Such soldiers would deem it a great favor to be transferred to the service of heavy artillery for which they would be well fitted; and their claims for this favorite service appear to be better founded than those of the enlisted men of the infantry regiment designated in the act.

If the purpose of the act be, as it apparently is, to provide for twenty four companies of artillerists to serve together, the command of these companies would be of sufficient importance to require the appointment of a Brigadier General to command them, and it is feared that such special legislation, without apparent necessity for one State, would be made the precedent for similar demands from other States, thus leading to consequences which did not, perhaps, suggest themselves to Congress when the bill received its assent.

III. It is finally suggested, for the consideration of Congress whether some of the provisions of this bill are not equivalent to the exercise of the Executive functions by the legislative department of the government, and therefore an infringement of the principles of the Constitution which so carefully separate the duties of these different departments.

Congress has power to "make rules for the government and regulation of the land and naval forces" as well as to "raise armies."

Under these powers Congress could undoubtedly order the raising of regiments of artillery for sea-coast defence, and by change of organization direct that a certain number of regiments of infantry be converted into artillery. But such is not the bill under discussion. Congress, in that bill, orders a specified regiment to be employed for sea coast defence.

If this be a legitimate exercise of legislative power, Congress can, of course, select other regiments and order them to the defence of the Indian country, and select again other regiments and order them to be sent to the Tennessee, the Virginia, or the Texian frontier.

Such orders seem to me purely executive. They have hitherto been made through the Adjutant General of the army, and it requires but little reflection to perceive that the exercise of such powers by Congress withdraws from the Executive the authority indispensable to the fulfilment of his functions as commander-in-chief.

These reasons have appeared to my mind decisive of the question, and I therefore respectfully return them to the Senate as those which have prevented my approval of the act which is also herewith returned.

JEFFERSON DAVIS.

RICHMOND, VA., March 31, 1863.

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