

TRACT NO. V.

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OVERLAND ROUTES TO THE PACIFIC.

THE BUTTERFIELD CONTRACT.

It is proposed, in the following pages, to exhibit the votes and proceedings in Congress, at the last session of that body, in reference to the contract with Butterfield & Co., for the transportation of an overland mail to the Pacific; a subject, in itself, of great interest, and further important from its connections with a railroad across the continent, with the settlement of our Pacific States, and with the question of the direction which shall be given to the expansion of our population, whether to the West and North-west, or Southward upon Mexico.

By the tenth section of the Post Office Appropriation Act of March 3, 1857, the following provision was made for the establishment of an overland mail to San Francisco:

"Sec. 10. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to contract for the conveyance of the entire letter mail, from such point on the Mississippi river as the contractors may select, to San Francisco, in the State of California, for six years, at a cost not exceeding \$300,000 per annum for semi-monthly, \$450,000 for weekly, or \$600,000 for semi-weekly service; to be performed semi-monthly, weekly, or semi-weekly, at the option of the Postmaster General."

It is a part of the history of this section, fresh in public recollection, and the evidence of which is copiously preserved in the official reports of Congressional debates, that it was passed in the phraseology in which it stands upon the statute book, upon the fullest consideration, with a precise knowledge on all sides of what was intended, and because, in fact, it could not have been carried through Congress in any other form. The selection of an overland mail route was attended with all the difficulties connected with the conflict of local interests, which have proved so great an embarrassment in the way of a Pacific railroad. The overland mail, it was supposed, might be the pioneer of the railroad. Along a line of semi-weekly wagon service, with the stations necessary for such a service, settlements might spring up, which would influence the route of the railroad. Such anticipations

were generally entertained and expressed, and, to a certain extent, there was undoubtedly good ground for them. There is a tendency in settlements to follow mail facilities, and to be stimulated by mail facilities, unless, indeed, mails are carried where settlements are impossible, as turned out in the sequel to be the case with a large part of the route selected under the act of March 3, 1857.

At any rate, whether for sufficient reasons, or otherwise, it was notoriously impossible to carry an appropriation for an overland wagon mail, upon any route defined in the appropriation, or over any route to be defined afterwards by any political authority. "*We got over the difficulty as to where the mail should go, by authorizing the contractors themselves to select the points on the Mississippi river from which they would start.*" This was the explanation made in the Senate, by the late Gen. Rusk, the chairman of the Post Office Committee which reported the section we are now considering; an explanation concurred in by Judge Collamer and others of the same committee, and recognised and received as satisfactory on all sides. "*I indicate no route,*" said Mr. Gwin. "*Let money find the best route to the Pacific.*" That is, let the private capital, which is to take the risks of the enterprise, make its own choice of a "*route to the Pacific.*"

It is no part of the duty of the writer of this paper, to vindicate the propriety of what was done in this matter by the Thirty-fourth Congress. The present question is, what was done, not why it was done, or whether it ought not to have been done in some other way. The question is, whether a law of Congress has been executed, or violated, by the Administration; and to determine that, it is sufficient to understand what the law is, without assuming a defence of the wisdom of it.

Nevertheless, there were strong and peculiar reasons, and they deserve to be stated, which

justify the peculiar phraseology of this law, independently of the consideration that it could not have commanded a majority in either branch of Congress in any other form.

What was specially intended was the facilitation of emigration to our Pacific possessions. This wagon mail was in response to the great petition signed by eighty thousand citizens of California, the stress of which petition was, that that State, languishing for the want of people, must look chiefly overland for families and permanent population. This wagon mail was, in fact, urged and carried as a California measure. It was, to be sure, foreseen that such a mail would have a tendency to build up settlements in the region intervening between the Mississippi and the Pacific, but those settlements were not the main object of the measure. It was a mail route, intended to be an emigrant route, which was the thing asked for, and which was the thing intended to be granted.

In this predicament of the case, there was a peculiar propriety in leaving the selection of the route to the sole discretion of the contractors. The best route for them, would be likely to be the best route for emigrants; and as a considerable proportion of their profits was expected to arise from the carrying of emigrants, they would have the most decisive inducements to select a route satisfactory to emigrants.

But at all events, whatever may have been the reasons which controlled the framing of the law, and whether those reasons were sound, or unsound, the language of it was precise, and the construction of it unmistakable. It left nothing to the determination of the Postmaster General, except the frequency of the service, and it contemplated no restriction upon the contractors, except that the Western terminus of the service should be the city of San Francisco. For the starting point it gave a range of seventeen degrees of latitude, the entire length of the Mississippi. The route of the mail, *per se*, is not named in the act, but that is involved in the starting point. If the contractors had the selection of that, they had necessarily the selection of the route.

The only honest administration of this law, would have been to call for proposals, the frequency of the service being first fixed by the Post Office Department, and to award the contract to the lowest responsible bidder, without any restriction upon the contractors as to the starting point, or route; and the Department had, in fact, no right to require the contractors to state, in their proposals, from what point they intended to start. That was something over which the Department had no control, and which it had no right to know. It was absolutely at the discretion of the contractors, and this discretion remained to them, until they actually commenced the carrying of the mail. It was lawful and competent, and might be wise, for persons to propose to carry the mails for a specified sum, without having themselves determined, at the time of making the proposals, either the starting point, or the route. It might very possibly happen that persons might defer, until after they had actually

obtained the contract, those precise and detailed examinations upon which they would finally predicate their choice of a route.

Let us now see what the actual administration of this law was, if that can be called an administration of a law, which was a flagrant and complete violation of it.

Instead of the route being left to the discretion of contractors, it was determined in Cabinet council, down to the minutest detail of it. Those who made proposals were required to state their starting point and route, and no proposal having been made for the route determined by the President and his advisers, those who made proposals were required to assent that they should be regarded as made for the President's route.

The following official statement of what was done, was made by the Postmaster General himself:

"On the 21 day of July, 1857, the Department, after full and mature consideration, made the following order in relation to the route selected and the bid accepted:

"12,578. From St. Louis, Missouri, and from Memphis, Tennessee, converging at Little Rock, Arkansas; thence via Preston, Texas, or as nearly so as may be found advisable, to the best point of crossing the Rio Grande, above El Paso, and not far from Fort Fillmore; thence along the new road, being opened and constructed under the direction of the Secretary of the Interior, to Fort Yumas, California; thence through the best passes and along the best valleys for safe and expeditious staging, to San Francisco.

"The foregoing route is selected for the overland mail service to California, as combining, in my judgment, more advantages and fewer disadvantages than any other.

"No bid having been made for this particular route, and all the bidders (whose bids were considered regular under the advertisement and the act of Congress) having consented that their bids may be held and considered as extended and applying to said route," &c., &c.

What is here described as the discretion and determination of the Postmaster General, in selecting a route, was, in truth, the discretion and determination of the President and his Cabinet, acting concurrently with the head of the Post Office Department. The whole matter was the subject of Cabinet consultation and Cabinet decision.

In the House, February 23, Mr. Phelps of Missouri, chairman of the Committee of Ways and Means, and a confidential friend of the Administration, said:

"At the time proposals were invited for this overland mail service, the Postmaster General requested those who should bid for the service to designate the point of departure on the Mississippi river, and also, as near as possible, the intermediate points. These contractors, Messrs. Butterfield & Co., presented their proposals for the transportation of the mails from St. Louis and from Memphis, by the thirty-fifth parallel, or the Albuquerque route, to San Francisco; and they also made a combined bid, proposing to start from Memphis and St. Louis, intersecting at, or east of, Albuquerque, and thence by the route previously indicated. As I am informed, all of the bidders were in the city of Washington, either in person or by their agents. The matter attracted a good deal of attention in the Cabinet; and the inquiry was made of the contractors, if they would consider their proposals or bids applicable to any route that might be decided on either by the Cabinet or the Postmaster General. To this inquiry they responded in the affirmative. Upon consideration of the different routes proposed, the Postmaster General awarded the contract to Butterfield & Co., requiring them to carry the mails by way of El Paso to San Francisco. At a subsequent time, the contract was modified so as to make the intersection at Fort Smith, in Arkansas, instead of at Little Rock.

In the House, on the 21st of February, Mr. Reagan of Texas, another friend of the Administration, said:

"This Butterfield contract is one that was made by the Government on great consideration. It is a fact, which is perhaps within the knowledge of the gentleman from Missouri, that there were several Cabinet meetings, at which arguments in favor of and against the several routes were deliberately considered. I trust the members will not, in view of what has been done, undertake to disturb the action of the Government in relation to this route. The contract was entered into, after full consideration, by the President and the whole Cabinet, and a careful review of the advantages and disadvantages of all the routes."

We have now seen what the law required to be done, precisely what was done in violation of the law, and who did it. The law left the route to the contractors, out of whose hands it was completely taken by a high-handed usurpation on the part of the President and his Cabinet. The contractors were illegally required to accompany their bids with statements of the routes they intended to traverse; and when it was found that not one of them contemplated the extraordinary route upon which the Administration was bent, they were coerced to assent that their bids should be considered as made for a route they had never thought of. The contractors were not allowed the least voice in a matter, left to them expressly and exclusively by Congress. The President, to whom the law gave no power, assumed the whole.

By this extraordinary course of proceeding, the treasury is now paying the enormous sum of six hundred thousand dollars per annum for a service which is of no value. It has been shown by a report from the Post Office Department that by dividing the expense of this Butterfield contract by the number of letters carried, the carriage of each letter costs more than sixty dollars. The few letters so carried might just as well, and with no additional expenses, be put into the mail-bags sent by the way of the Isthmus, or by the way of Salt Lake. As a mail service it is confessedly worthless; and for the purpose for which Congress established it, and which alone justified it, the facilitation of emigration to the Pacific, it is equally worthless. The emigration thitherward goes, and will go, where it always has gone, by the central routes, where there is water and grass, and which are in the latitude and natural path of that portion of the Union which has population to spare. The treasury loses six hundred thousand dollars per annum, and California loses the emigrant facilities which she needs, which eighty thousand of her citizens asked for, and for which the law of March 3, 1857, was intended to provide. So far as the extreme South is concerned, there was already a mail from San Antonio in Texas, by the way of El Paso, to Fort Yumas and San Diego. California gains no single immigrant by the running of a mail from St. Louis down to the thirty-second parallel of latitude. Western emigration to San Francisco can never be made to take such a circuitous route, over the worst deserts and through the most untamable savages of the North American continent. The Butterfield route is not a route to California, but a route to Arizona; and it is only as a route to Arizona, that the policy of it is at all explicable. And this is the true explication of it. Everything has been sacrificed to increase the chances of a railroad on the 32d parallel of

latitude, and a railroad, not to San Francisco, but to the Gulf of California.

But the loss to the treasury is not merely the six hundred thousand dollars per annum, payable under this Butterfield contract. One mischief leads to another. The President and Cabinet having, under an irresistible pressure from the extreme South, subverted the act of March 3, 1857, to make, themselves, the Texas and Arizona route, were then under a party necessity to do something, by way of pacification, to keep Missouri and California quiet. The Butterfield contract was odious to both those States, and most embarrassing to the politicians in them, friendly to the Administration. To enable those politicians to sustain themselves at home, it was essential that something should be done for central routes, which could be claimed as an adequate compensation and offset for the extraordinary letting of the Butterfield contract. With this view, the Kansas City and Stockton line on the 35th parallel was established, and some expansion, although less than was asked, was given to the already existing line from St. Joseph, *via* Salt Lake, to Placerville. The national treasury was the common victim, in all these operations. It was from that reservoir, supposed until recently to be exhaustless, that six hundred thousand dollars per annum was diverted to the sustenance of a Southern railroad scheme; and it was from the same reservoir, that about half as much more was appropriated, by way of sop, to allay, or diminish, political disaffection in Missouri.

Under all these diverse pressures upon it from various localities, the overland mail expenditures of the Administration, assumed the following truly magnificent proportions:

From Memphis, <i>via</i> Arizona, to San Francisco	Per ann. \$600,000
From Kansas City, Missouri, to Stockton, California	80,000
From St. Joseph, Missouri, to Placerville	320,000
From San Antonio, Texas, to San Diego	196,000
From Independence to Santa Fe, from Neosho, Missouri, to Santa Fe, and from Santa Fe to El Paso	108,885
Total	1,304,885

This, with what has been paid for the transportation of the Pacific mails, *via* the Isthmus, under contracts which do not expire until the 1st day of October, 1859, makes up an aggregate of nearly two and one-half millions of dollars.

But the worst mischief of the Presidential letting of the Butterfield contract, was not the loss of money to the treasury, great as that was. It was a flagrant and conspicuous defiance of the law-making power, by the highest executive magistrate. If such acts are tolerated, the Government is revolutionized. Legislation becomes a farce, and the only power left is the will and pleasure of the President. No English Minister could hold office a day, after defying Parliament, as Mr. Buchanan, in this instance, has defied Congress, in which body, as yet, any effective rebuke of his usurpation has been stifled by sectional and party influences. Under any considerable repetition of such acts, attended with equal impunity, the Government under which we live would cease to be, even in form, a Government of law.

Let us now see what was attempted to be done in the Senate and House last winter, in reference to this matter.

It was first moved in by Mr. Blair of Missouri, on the 21st of February, in the House, that body having under consideration, in Committee of the Whole, the bill making appropriations for the Post Office Department. To the clause appropriating money for the transportation of the mails, Mr. Blair moved the following proviso as an amendment :

“Provided, however, That the contract with Butterfield & Co., for carrying the mail from the Mississippi river to San Francisco in California, shall be so construed as to allow said contractors to carry the mail by any route they may select, in accordance with the act of Congress under which said contract purports to be made.”

Mr. Blair said :

“It will be recollected that the last Congress passed a law authorizing the Postmaster General to contract for carrying the mail overland from some point on the Mississippi river, to be selected by the contractors, to San Francisco, California. Under this law, bids were invited by the Postmaster General for several routes. The Postmaster General required the mail to be carried, starting from St. Louis, and running down to the thirty-second parallel, then across to Fort Yumas, and up again to San Francisco, adding nine hundred miles to the distance. This, Mr. Chairman, was in violation of the act, and in derogation of the duty confided to him. At the beginning of last session, I prepared an act which was sent to the Post Office Committee to correct this violation of law on the part of the Postmaster General, but I have not heard of it till this day. The law says that the contractor shall select the point on the Mississippi river; and that includes the selection of the route itself. Does any man suppose that, if these contractors had selected St. Paul as the point from which the route was to start, the Postmaster General could have come in and required them to carry the mails from St. Paul down to El Paso, and across in that way? In making the contract as he did, has he not violated the spirit and letter of the law? Sir, it is as plain as anything can be, that here is a violation of the law, whether for a purpose personal to the Postmaster General himself, or for the political purpose of influencing the location of the Pacific railroad, it is not necessary to consider; and I desire that the Congress of the United States shall have power to correct an abuse of which the Postmaster General has been guilty.”

After a few observations in reply, by Mr. Reagan of Texas, Mr. Blair's amendment was agreed to, by a vote of 86 to 51.

Mr. Blair's amendment simply proposed to enforce the law of March 3, 1857, and to leave to mail contractors a discretion which had been arbitrarily usurped by the President. The decisive vote in favor of it, showed the sense of the House upon it, before party and sectional drill was brought to bear upon the question, as, in the sequel, was but too successfully done.

On the next day, February 22, Mr. Avery of Tennessee moved the following as an amendment to the pending bill :

“Provided, That the contract made and entered into between the Post Office Department and Butterfield & Co., for carrying the overland mail from the Mississippi river to the Pacific coast, be, and the same is hereby, ratified and confirmed, and that Butterfield & Co. be compelled to carry said mail according to said contract.”

The amendment was debated in Committee of the Whole, February 22 and 23. Messrs. Avery of Tennessee, Burnett of Kentucky, and several other Southern gentlemen, threatened, in the habitual and characteristic style of that section of the country, that if this Arizona contract was broken up, the entire overland mail service should be broken up. Of this sort of threatening there was an abundance, but of legitimate argument

there was none, the violation of the law of March 3, 1857, being so barefaced, that no defence of it, in a legal point of view, was possible.

Mr. Humphrey Marshall of Kentucky put the thing on frank ground, when he declared himself in favor of the Southern Pacific railroad, and opposed to disturbing the Butterfield contract, because the effect and design of that contract, as dictated by the President, was to favor a Southern Pacific railroad.

Mr. Marshall said :

“I am very averse to seeing any war made, directly or indirectly, upon the Southern route; for I believe that road can and will be made, and it is demonstrable that it is the route a railroad should take. The object of the member from St. Louis is patent. Every one here, and every intelligent man in the country, will understand that his amendment was offered under the apprehension that a pioneer postal route will determine the line of settlement for emigrating populations.

“The establishment of this post route, with liberty to the contractor to pre-empt a large body of land at every stage of twelve miles, and, of course, to erect upon such lands, shops, stables, houses, &c., and to establish there the residences of his employees, would offer, of itself, such securities to the emigrant, such assurances of shelter and assistance along the whole line of travel, as to induce him to make this post route the line of his emigration to the far West. Such determination of the emigrant will, at once, point out the route as the line of pioneer settlements, affording nuclei of future populations. The amendment of the gentleman [Mr. Blair] proposes to disturb this law, by breaking in upon the route as at present established by the contract between the Post Office Department and Mr. Butterfield and his associates. I do not wish this to take place, because I am convinced the Southern line is the best line for a Pacific railway. The physical geography of the continent is peculiar. Stick a pin (in the map or globe) in the city of New York, and stretch a string to Guaymas, on the Gulf of California, and with this radius describe a circle, and you will at once see that Guaymas is nearer to New York, by hundreds of miles, than San Francisco, or any point in Upper California. Stretch the line from New York to the head of the Gulf of California, and it is shorter by far than to any point of the Pacific coast in a higher latitude. Transfer the centre to Chicago, and you will see that the line to the Gulf of California is the shortest line to the Pacific from the Northern lakes. Go further west—even to St. Joseph, in Missouri—and try from that point. It is nearer to the Gulf of California than to any point of the Pacific ocean, even on the line of latitude on which St. Joseph is situated. This feature in the geography of the country is significant of the proper line of a Pacific railroad.”

Mr. Marshall had evidently come to the conclusion to make a clean breast of it. He did not attempt to evade the fact that the South had coerced the Administration into this Butterfield contract with a view to a Southern Pacific railroad, nor did he evade the fact that such a railroad points to the Gulf of California, and not to the Bay of San Francisco.

At the conclusion of the discussion upon Mr. Avery's amendment, Mr. Gooch of Massachusetts moved to amend the amendment, by adding to it the following proviso :

“And provided, also, That the said contractors shall have the right to transport the mails by such route as they may select.”

Mr. Gooch's amendment was carried by a vote of 80 to 37.

As the record of the Committee of the Whole was made up, the amendment of Mr. Avery, as thus amended, was rejected, although there was subsequently a controversy in the House, whether such was the fact, or not. But it was rejected, as the record was made up, and so never reached the House to be voted on there.

Votes in Committee of the Whole are not taken by yeas and nays, so that the names of those

who voted for and against the amendments of Messrs. Blair and Gooch, cannot be given.

On the 24th of February, Mr. Blair's amendment, agreed to so decisively in Committee of the Whole, was brought to a vote in the House, and was there rejected, the Southern drill sergeants having had time to take their accustomed disciplinary measures with their Northern allies.

The following was the vote in the House upon Mr. Blair's amendment:

YEAS—Messrs. Abbott, Andrews, Bennett, Billingshurst, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Caruthers, Case, Cavanaugh, Claflie, Ezra Clark, John B. Clark, Clawson, Clark B. Cochrane, Colfax, Comins, Corode, Cragin, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dodd, Durfee, Etie, Farnsworth, Fenton, Foley, Foster, Giddings, Gilman, Gooch, Goodwin, Grow, Robert B. Hall, Harlan, Hickman, Hoard, Hodges, Horton, Howard, Owen Jones, Keim, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Leach, Leiter, Lovejoy, Samuel S. Marshall, Matteson, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Mott, Murray, Olin, Palmer, Parker, Pettit, John S. Phelps, William W. Phelps, Pike, Potter, Pottle, Ritchie, Robbins, Roberts, Royce, Aaron Shaw, John Sherman, Judson W. Sherman, Robert Smith, Spinner, Stanton, William Stewart, Tappan, Thayer, Thompson, Tompkins, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elisha E. Washburne, Israel Washburn, Wilson, and Wood—99.

NAYS—Messrs. Adrain, Ahl, Anderson, Atkins, Avery, Barksdale, Barr, Bishop, Boeck, Bonham, Boyce, Branch, Bryan, Burnett, Burns, Caskie, Chapman, Clay, Cobb, John Cochrane, Corning, James Craig, Burton Craige, Crawford, Curry, Dowdell, Edmundson, English, Eustis, Faulkner, Florence, Garnett, Gartrell, Gillis, Gilmer, Goode, Greenwood, Gregg, Lawrence W. Hall, Hatch, Hill, Hopkins, Houston, Hughes, Huyler, Jackson, Jewett, George W. Jones, Jacob M. Kunkel, Lamar, Landy, Leidy, Letcher, Maclay, McQueen, McRae, Humphrey Marshall, Mason, Maynard, Millson, Montgomery, Moore, Niblack, Pendleton, Peyton, Phillips, Powell, Ready, Reagan, Reilly, Ricand, Rufin, Russell, Sandidge, Seales, Seward, Henry M. Shaw, Singleton, Samuel A. Smith, William Smith, Stallworth, Stephens, Stevenson, James A. Stewart, Talbot, Miles Taylor, Trippe, Underwood, Vallandigham, Vance, Ward, Watkins, White, Whiteley, Winslow, Woodson, Wortendyke, Augustus R. Wright, John V. Wright, and Zollicoffer—102.

All the Republicans who were present and voting, eighty-four in number, voted solid in the affirmative.

Three Democratic members from Missouri, Messrs. Phelps, Clark, and Caruthers, voted in the affirmative, out of deference, willing or constrained, to the interests and views of their constituency. On the part of Mr. Phelps, it appears to have been a constrained deference, and contrary to a stronger attraction which he felt towards the Administration, as we find him, two days afterwards, refusing Mr. Blair a second opportunity to try his amendment, on the ground that it had been once voted upon, just as if a defeat of it by a majority of three, ought to have precluded another trial of it.

The remaining twelve members who voted for Mr. Blair's amendment, were Messrs. Davis of Maryland, Cavanaugh and Phelps of Minnesota, Davis and Foley of Indiana, Keim, Hickman, and Owen Jones of Pennsylvania, Hodges, Marshall, Shaw, and Smith of Illinois. Of these, only three, Messrs. Cavanaugh, Foley, and Owen Jones, can be reckoned as supporters of the Administration.

Of the negative votes, seventy-five came from the slave States, only four gentlemen from those States, viz: three from Missouri and Mr. Davis of Maryland, venturing to run counter to what

was considered a Southern policy. Southern men are habituated to vote together, and are, above all things, fearful of being put under the ban of a suspicion of fidelity to Southern interests. They are the most unanimous people on the face of the earth, never failing to illustrate that virtue of "*firm concord*," which the poet ascribes to spirits who had no other virtue left. Even the Americans of the South, of the sincerity of whose personal hostility to the Administration there is no particle of doubt, were swept in by the general current, with the solitary exception (outside of Missouri) of Mr. Davis of Baltimore, to endorse one of the most indefensible acts of the President and his Cabinet. And most of them, in yielding to this gregarious impulse, had no excuse in any special interests of their immediate constituents. There is nothing in a proposed line of railroad on the thirty-second parallel of latitude, which should present such attractions to gentlemen in Maryland and Kentucky, or even in North Carolina and Tennessee, as to induce them to endorse gross violations of law by their political opponents. There was no reason, affecting their immediate locality, which required Mr. Ricand of Maryland, or Messrs. Marshall and Underwood, to put themselves on the record as accessaries after the fact to an act of egregious criminality on the part of the President. But so it was, that all the South Americans, Mr. Davis alone excepted, and including the two from North Carolina, Messrs. Gilmer and Vance, ranged themselves obediently, on this occasion, under the banner of the Administration. The case of some of them is even more humiliating than that of the three Democrats from Missouri, Messrs. Craig, Anderson, and Woodson, who voted against Mr. Blair's amendment; for those gentlemen could plead, as an inducement, if not as an adequate excuse, their party sympathy with Mr. Buchanan and with Mr. Buchanan's Postmaster General.

Twenty-seven free-State members, all of them Democrats, and all of them in full communion with the Democracy, except Mr. Adrain and Mr. Montgomery, voted against Mr. Blair's amendment. On this occasion, as on many others, a united South proved too strong for a divided North.

The vote upon Mr. Blair's amendment was a party adoption of what, until then, had been merely an executive act. The President's party had now endorsed and assumed the responsibility of what he had done.

This subject of the Butterfield contract was considered in the Senate, March 1. About eight hours of the session of that day were devoted to it. The report of the discussion and proceedings is voluminous, filling nineteen quarto pages of the Congressional Globe, but in the whole of it there was no attempt to sustain the legal right of the Postmaster General to do what he had done, with the exception of a feeble suggestion from Mr. Yulee, that although the Post Office Department ought not to have fixed the terminus upon the Mississippi, yet that it might well, in virtue of its general powers, control the route. But this suggestion was summarily and decisively

disposed of by Judge Trumbull's observation, that the power to establish post roads was, by the express words of the Constitution, confided to Congress, and to Congress alone.

The thing to be done, was not to sustain the rightfulness of the conduct of the Postmaster General, which would have been a hopeless task, but to prevent, by the dead weight of a sectional and party majority, any censure, or reversal, of the act which had been accomplished. Mr. Iverson of Georgia summed up the whole matter, by saying that the South had got what it wanted, and meant to keep it.

In reference to an amendment moved by Mr. Wilson, in substance like that offered in the House by Mr. Blair, Mr. Iverson said :

"This is nothing more or less than a movement of the North against the South; that is what it is. It is an attempt now to take away the Southern route, and put it in the northern region—the region of snows and mountains. This overland mail was authorized by Congress, and the President determined to put it upon this route, over which it now runs from St. Louis and Memphis, across, by El Paso, to San Francisco. It runs through some portion of the Southern States and Southern country. These Northern gentlemen already have two routes over their own region. They have one from St. Joseph to Placerville. And I believe another. At any rate, they have that—

"Mr. FOOMBS. One from Kansas City to Stockton.

"Mr. IVERSON. They want to take this away from the Southern States, and put it upon their own region, for the purpose of depriving the South of the poor benefit of having a mail route over the region of the Southern States. The object is to operate upon the construction of the Pacific railroad. That is the ultimate design; and it is another one of those circumstances in which the Northern numerical majority of this Government intend to absorb all the benefits of the Government. I trust that Southern Senators will put their foot upon this proposition of the Senator from Massachusetts, and that those who act upon this floor in unison and sympathy with the South, will have the manliness to stand by the South on this occasion, and that this amendment, which is nothing more than an attempt to monopolize the benefits of this Government for the advantage of the North, will be voted down."

In the same vein, Mr. Johnson of Arkansas denounced the amendment of Mr. Wilson, as "*simply sectional in its character.*"

And thus, according to the frank and straightforward statement of Mr. Iverson, a mail route, which had been established by Congress upon the petition and for the benefit of California, had been so located by the President, as to be, not a California measure, but a Southern measure, and was to be sustained as such by "*Southern Senators,*" and by that no less reliable corps of "*Northern allies,*" who, upon all occasions, "*act in unison and sympathy with the South.*" The South had got the route, and was determined to hold on to it. "*Let those keep who can.*" It was not a case for argument, and Mr. Iverson had too much sense to argue it. He knew well who commanded the Senate of the United States, and that he had only to sound the Southern bugle, to rally a long-tried and invincible majority.

The Northern mail routes to which Mr. Iverson referred, as an offset to the Butterfield route, happened, most unluckily, to be both of them Southern routes, and they had both of them been established by Southern policy, and as aids and supports to the Butterfield route. Any route to the Pacific must terminate in a free State, as there are no slave States on that side of the continent. So much is unavoidable. But all the routes which were in operation when Mr. Iver-

son spoke, or which are in operation now, commence in slave States. The most northerly of them commences at St. Joseph, Missouri.

The predicament of affairs was precisely this: The President had, in violation of the law of March 3, 1857, established the Butterfield mail upon the thirty-second parallel of latitude. In so doing, he had betrayed the interests of the Pacific coast and of the whole country. All this, however, was a matter of but small consequence to him. The only thing which embarrassed him was, that under the overpowering necessity of gratifying the Gulf States, he had done something which was locally offensive to Missouri, by which State the straight and natural line from St. Louis to San Francisco was desired and insisted upon. The problem was, to do something which should compensate and satisfy Missouri, or, at any rate, something which would relieve the task of those venal politicians of Missouri, who were determined to stand by the Administration, do what it might. This was the problem, and the President had solved it, by establishing the Kansas City and Stockton route, and by putting a weekly mail upon the St. Joseph and Placerville route. These were the measures, which were to make the loss of the Butterfield route palatable to a State, which it was important to retain in the interest of the Administration and of the Democratic party.

Both these measures were scandalous and extravagant jobs, and utterly useless in every public point of view.

The Kansas City and Stockton line, a monthly line at a cost of eighty thousand dollars per annum, was not wanted to carry mails to the Pacific, three other overland lines being already in existence, in addition to the ocean lines by way of the Isthmus. And the carriage of mails to the Pacific not being the object, there was no public object in it, because the infrequency of a monthly mail precludes the idea of doing anything towards the settlement of the country passed over. It was simply a job; pecuniary, for the benefit of contractors, and political, as a sop and blind for the State of Missouri. All this was so palpable and so bare-faced, that a motion in the Senate, March 1, to strike out this Kansas and Stockton line, was carried without a division, not a single Senator daring, or choosing, to go upon the record as a supporter of such a line.

The St. Joseph and Placerville line, a weekly mail, with a contract time of thirty-eight days, at a cost of three hundred and twenty thousand dollars, was another job of the same character, but of still more enormous proportions. On the face of it, it was worthless as a matter of mail accommodation, the contract time being thirty-eight days, so that the citizens of St. Joseph, even, could get their letters quicker to San Francisco, by sending them by the way of New York. And it was worthless in other respects, because, from the slowness of the time, it did not insure any of those improvements in the road and in stations, which would have facilitated emigration. No public interest gained anything by this substitution, at a great cost, of a weekly mail, for the old monthly mail. The contractors, one

of whom, George Charpenning, jun., of Pennsylvania, is the especial friend of the President and of Mr. Attorney General Black, got a good job, and the Missouri politicians, who were breaking down under the heavy load of the Administration, got something which they could boast of, as a Missouri measure. So much was accomplished, but beyond that, nothing.

To accomplish any really desirable results, it was essential that the speed of the line should be so increased, and with corresponding pay, as would compel and enable the contractors to make improvements in the road, and to establish frequent and extensive way stations. Unless this was done, really nothing was done.

But to do so much was impossible for the President, because two routes, with first class service, to California, would not be likely to be tolerated by Congress, so that to maintain what had been done for the Texas route, it became necessary to refuse what was required for the Salt Lake route. The slow mail answered the purpose of a job, and beyond that the President would not go. Indeed, he not only refused to go beyond that himself, but he actually pocketed and defeated a resolution, passed by the late Congress at the close of its first session, requiring an increase of speed to thirty days upon the Salt Lake route.

To sum up, then, instead of there being, as Mr. Iverson alleged, two Northern lines to offset the Butterfield line, the two lines, both of them commencing in slave States, and both of them, in the condition in which they existed, utterly worthless for any public object, Northern or Southern, were established by a Southern Cabinet, and to subserve the Southern policy of covering the Butterfield route. Having taken six hundred thousand dollars per annum out of the treasury to assist immigration into Arizona, the President had saddled the treasury with an annual charge of four hundred thousand dollars, to shelter his favorite line from attack. The free States were gaining nothing in any part of the whole arrangement, while the treasury, which they chiefly supply, was being bled at the rate of a million of dollars per annum. And even this was not the whole extent of the bleeding which was then going on, and which has been going on ever since.

When the Butterfield contract was entered into, there was a subsisting semi-monthly mail between San Antonio, Texas, and San Diego, California, at an annual compensation of one hundred and forty-six thousand dollars per annum. The Butterfield contract covered so much of this line as lies between the Rio Grande and Fort Yumas. So much of it was given up, and the mails from San Antonio have since been delivered to Butterfield & Co. at the Rio Grande, to be taken again at Fort Yumas, and transported thence to San Diego. But by making this contract weekly, instead of semi-monthly, there has been no decrease of the pay, but, on the contrary, an increase of more than one-third, so that it now amounts to one hundred and ninety-six thousand dollars per annum.

How much the service between Fort Yumas and San Diego is really worth to the country, may be judged of from the statement of Mr. Broderick, of California, that San Diego, being within one hundred miles by a good road from Los Angeles, could be supplied with weekly mails from that point, at a cost not exceeding three thousand dollars per annum.

With these preliminary observations upon Mr. Iverson's complaints of the injustice suffered by the South, in the matter of overland mails, let us examine the record of the votes given in the Senate, March 1, upon that subject.

The first question was upon Mr. Wilson's proposed amendment to the Post Office appropriation bill, being the addition of the following section:

"And be it further enacted, That the contract with Butterfield & Co., for carrying the mails from the Mississippi river to San Francisco, in California, shall be so construed

' as to allow said contractors to carry the mail by any route they may select."

This amendment proposed nothing but to rebuke and put down a gross Executive usurpation, to enforce the law of March 3, 1857, and to make the Butterfield contract by construction what it ought to have been by the words of it.

But such an amendment had no chance of adoption in a body which has been for years past nothing more or less than a Southern caucus, held under the forms of law, and it was accordingly negatived by the following decisive vote:

YEAS—Messrs. Broderick, Cameron, Chandler, Clark, Colamer, Dixon, Doolittle, Durkee, Foot, Foster, Harlan, King, Polk, Pugh, Seward, Shields, Simmons, Trumbull, Wade, and Wilson—20.

NAYS—Messrs. Allen, Bell, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Crittenden, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Lane, Mason, Pearce, Reid, Rice, Silldell, Stuart, Toombs, Ward, and Yulee—30.

Not a single Southern Senator, outside of Missouri, voted for the amendment, and the Senators from Missouri were divided, Mr. Polk taking one side, and Mr. Green taking the other. Even Mr. Bell yielded to the temptation of the interest of Tennessee in maintaining a contract which fixed the eastern terminus of the main stem of the Pacific mail at Memphis.

But the South, united as it was, could not have defeated Mr. Wilson's amendment, but for the treachery of the eight free-State Senators—Allen of Rhode Island, Bigler of Pennsylvania, Fitch of Indiana, Gwin of California, Jones of Iowa, Lane of Oregon, Rice of Minnesota, and Stuart of Michigan. These were the men appealed to by Mr. Iverson, as those who had been long accustomed to *"act upon that floor in union and sympathy with the South,"* now to have the *"manliness to stand by the South upon this occasion."* An appeal so full of tender reminiscences proved irresistible.

Not a single Democrat voted for the amendment, with the exception of Gen. Shields of Minnesota.

Mr. Gwin of California and Mr. Lane, both men of Southern birth and associations, did not flinch from being true to their sympathies, from any such trifling consideration as regard for their constituencies. As to Mr. Lane, he absolutely wallowed and gloried in his shame. Not satisfied with voting to keep the mail route as far from Oregon as it possibly could be without going out of the limits of the United States, he made a speech, in which he maintained that the Texas route was just the route which ought to have been selected. And, as we shall see in the sequel, he even voted against an increased speed upon the Salt Lake route, which leads towards Oregon, with which it may easily be connected by a branch.

The next question was upon the following amendment, moved by Mr. Stuart of Michigan:

"And be it further enacted, That the Postmaster General be, and he is hereby, directed to reduce the service under the contract with Butterfield & Co., made September 16, 1857, for carrying the mail from the Mississippi river to San Francisco, to weekly trips, at a compensation of \$450,000 per annum, as provided in section ten of the act of March 3, 1857, said reduction to commence with the next quarter."

This amendment was carried by the following vote:

YEAS—Messrs. Allen, Benjamin, Bigler, Cameron, Chandler, Clingman, Doolittle, Fessenden, Fitch, Foot, Foster, Green, Hale, Hamlin, Harlan, Hunter, Iverson, Johnson of Tennessee, Jones, King, Lane, Mallory, Mason, Pearce, Pugh, Seward, Shields, Simmons, Stuart, Toombs, Wade, and Wilson—32.

NAYS—Messrs. Bayard, Bell, Bright, Broderick, Brown, Davis, Fitzpatrick, Gwin, Houston, Johnson of Arkansas, Polk, Reid, Rice, Sebastian, Trumbull, and Ward—16.

All the Republicans voted in the affirmative, with the exception of Mr. Trumbull, who believed that Congress had no power to reduce the rate of service. Believing the whole contract, as it was made, illegal and useless, the Republicans wished to make the expense of it as little as possible.

The Southern Senators divided upon this question. Some of them voted for the reduction, as a matter of policy, to preserve the contract from entire abrogation.

An amendment, to discontinue the Kansas and Stockton route, was agreed to without a division, nobody seeming to be willing to assume the responsibility of that piece of objectionable extravagance.

Mr. Broderick of California moved to amend the bill, by adding the following:

"And be it further enacted, That the Postmaster General be, and he is hereby, authorized and required to order an increase of speed on the mail route between St. Joseph, Missouri, and Placerville, California, so as to require the mails to be transported through in twenty-five days; Pro-

'viled, That, if said contractors have heretofore offered to perform said increased service for a less sum than the usual *pro rata* allowed by the Department, then the Postmaster General shall not contract to pay more than said last-mentioned offer, at an increased expense not exceeding one hundred and thirty thousand dollars."

This amendment was carried by the following vote :

Yeas—Messrs. Bell, Bigler, Bright, Broderick, Cameron, Chandler, Clark, Colamer, Doolittle, Douglas, Fessenden, Foot, Foster, Green, Gwin, Hale, Hamlin, Harkins, Houston, Jones, King, Polk, Seward, Shields, Simmons, Trumbull, Wade, Wilson, and Wright—29.

Nays—Messrs. Allen, Bayard, Benjamin, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Lane, Mallory, Mason, Pearce, Pugh, Reid, Sebastian, Stuart, Toombs, and Yulee—24.

In this vote, the South was defeated, the issue being of such a nature that many of the Northern gentlemen who were in the habit of acting "in unison and sympathy with the South" hardly had the courage, or audacity, or "manliness," as Mr. Iverson phrased it, to "stand by" their Southern leaders. "This occasion" was a little too much for them.

The measure proposed was one for which the whole West, including Missouri, was clamorous, and which was a darling object with the people of California. The South was beaten, as it had been upon the same question in both branches of the same Congress at its first session. Then, the South escaped a final defeat by compelling the President to pocket the resolution which Congress had passed for an increase of speed on the St. Joseph route. That resource, of the Executive veto, or of Executive pocketing, always resorted to by the South when anything not satisfactory to them is carried through Congress, was not open to them in this case, as the obnoxious measure was fastened upon an appropriation bill, which the President would be forced to sign. They escaped defeat at last, but this was by the extraordinary and wholly unexpected loss of the entire Post Office appropriation bill, between the Senate and House.

The amendment of Mr. Broderick, and the vote upon it, deserve the most careful consideration.

The amendment was intended to efface the policy of the law of March 3, 1857, baffled hitherto by Presidential usurpation; the policy of aiding emigration to the Pacific, by establishing upon the line of emigration such a mail service, in respect to speed, frequency, and rate of compensation, as would induce and enable the contractors to make a good road, and sustain upon it, at short intervals, adequate stations for the supply of man and beast. The law of March 7, 1857, left the selection of the line to the contractors, upon the simple reasoning, that what would be the best for them would be the best for emigration, and that, as they would look to the carriage of passengers for profit, as well as to the carriage of mails, they would have sufficient motive to keep in the probable route of passengers. By a complete perversion, however, of this policy, a route had been imposed upon contractors, which never could become a route of emigration to California, although it might serve that purpose for Arizona, if there is anything in that dismal region to attract immigrants. California, which is pining for population, was cheated. The West, from which so many desire to migrate overland to the Pacific, was cheated. And the whole country was cheated, by this sacrifice of a large and generous legislation, to subserve the imaginary purposes of a sectional and disunion railroad.

It was the clear duty of Congress, as well in just vindication of its own constitutional prerogatives, as in defence of the public interests involved in the question, to enforce the law of 1857, and to restore to the contractors that discretion in the choice of a route, which they would probably exercise wisely, and which the President had certainly exercised most unwisely. This duty of Congress the Republicans exerted themselves with energy and unanimity to cause to be performed, but without success.

What remained to be attempted, the Texas line being, for the present at least, fastened upon the country by party and sectional influences, was to efface the law of 1857, in the other mode, embraced in Mr. Broderick's amendment, which, leaving the Texas line undisturbed, provided for a vigorous mail service upon the Salt Lake route, always selected by Western emigrants, and which would be selected to-day, by contractors left to exercise their own choice. The mode of proceeding embodied in Mr. Broderick's amendment was expensive, inasmuch as it required a second contract in a case in which one was enough; but if it was expensive, that

was not the fault of Mr. Broderick, or of the Republican Senators. He and they had endeavored in vain so to conform the existing contract to the law of 1857 as to make the existing contract answer the purpose contemplated by the law. But they had been defeated in this by the South, and nothing remained, the existing contract being wholly useless so far as emigration to the Pacific is concerned, but to provide for another contract which would tend to subserve that important national object. If there was a double expense, the responsibility was not upon those who insisted upon a necessary service, but upon those who kept up an unnecessary service.

Only two Southern Senators, outside of Missouri, voted for Mr. Broderick's amendment. These two were Mr. Bell of Tennessee and Mr. Houston of Texas, both of whom are opposed to the Administration, and to the disunion policy of the Democratic party. The people of the West and of California and Oregon will not fail to take notice, that without a single exception, outside of Missouri, the whole body of the Southern Democratic Senators voted against the natural and central route of emigration to the Pacific. Without a single exception, outside of Missouri, they combined to deny to California what they had fraudulently secured for Arizona, and for their own projects of terminating a Pacific railroad upon the Mexican Gulf of California.

Of the free-State Democratic Senators, Messrs. Bigler, Bright, Douglas, Gwin, Jones, Shields, and Wright, voted for Mr. Broderick's amendment; Messrs. Allen, Fitch, Lane, Pugh, and Stuart, voted against it.

In voting as he did, Mr. Bigler certainly did not represent the President, who had pocketed a resolution to reduce the time of the Salt Lake mail to thirty days, and who must have been still more opposed to a reduction to twenty-five days. Mr. Bigler voted as he ought to have voted, and with the additional merit of voting independently of Presidential dictation. It may be presumed, however, that he was braced up to the performance of his duty by his energetic and influential Democratic constituent, the contractor upon the Salt Lake route.

Mr. Broderick's amendment was carried, and would now be a law but for the failure of the whole Post Office appropriation bill. It can be carried again, in spite of the President and of the South, whenever another Post Office appropriation bill is passed. This amendment would be the law to-day, but for the first mistake of Congress in putting it into the form of a separate resolution, which Mr. Buchanan pocketed. That mistake will not be repeated.

These various votes and proceedings in Congress exhibit unmistakably what the policy of the South is and has been. And what is of more consequence, because the future concerns us more than the past, this policy will be adhered to inflexibly hereafter. The politicians of the Gulf States do not desire to augment the population and importance of California. They are looking, for their Pacific railroad terminus, not to the Bay of San Francisco, but to territory now Mexican, but to be acquired from Mexico, by purchase, or filibustering. This is the view, and it will always govern them, which induced them to pervert what was intended to be an emigrant route to California, into an emigrant route to Arizona.

To effect this perversion, they were obliged, as will have been seen, to violate the plain letter of an act of Congress, and to involve the public treasury in the most extravagant outlays. They were also obliged, and this was undoubtedly the necessity which they most deprecated, to come in collision with the local interests and wishes of California and Missouri, although as yet they have found venal politicians enough in those States, to preserve their ascendancy in them unshaken. But, evidently, they would not have incurred the odium and run the risks of these acts, except for an object at once paramount and permanent.

What the Gulf-State cabal coerced a docile and humiliated President to do, they induced the Democratic majority in Congress to sustain, and neither in the House, nor Senate, was it possible to obtain a vote, which, vindicating the law, would have restored to the Pacific mail contractors the selection of their own route. And so it will be to the end, until the ascendancy of what is called the Democratic party, but what is really only a sectional faction, is overthrown; and that is an event which cannot be postponed, after the North, the Middle, the West, and the Pacific States, shall come to the resolution, that the course of the Administration at Washington shall cease to be directed exclusively, at all times, and in all things, great and small, to the furtherance of the narrow, illiberal, provincial, and (in too many aspects of them) treasonable schemes of Southern policy.

