THE FEDERAL CABLE AND TELEGRAPH POLICY FROM
1860 TO 1878.

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October 1, 1927.

Submitted to the Department of History and the Faculty of the Graduate School of the University of Kansas in partial fulfillment of the requirements for the degree of Master of Arts.

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ACKNOWLEDGMENT

I am grateful to Dr. James C. Malin for his criticisms of my thesis. His suggestions were helpful and were kindly given.
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"'Th' invention 'll adm'mred, and each how, he
To be 'th' inventor miss'd, so easy it seem'd
Once found, which yet unfound most would have thought
Impossible.'"

Milton

Communication brings nations in closer contact with one and another. Early methods of transmitting messages were crude, unreliable and slow. It took several days to send a message a distance of a few hundred miles. Often many hardships were endured. But men have done much to overcome distance through communication.

By the middle of the nineteenth century, two inventions, the telegraph and the submarine cable, had been completed. These have brought about closer relationships among the peoples of the World.

An invention is often an evolutionary development, therefore it is difficult to decide who should receive the credit as the inventor of a completed task. This is true of the telegraph. Mr. Samuel F. B. Morse, an American, is usually regarded as the inventor. However, the press and the courts have wished to deprive Mr. Morse of this honor. When the Chief Justice of
the United States Supreme Court delivered the decision of this court, he stated,

"It can make no difference whether he (the inventor) 'derives his information from books or from conversation with men skilled in the science' and 'the fact that Morse sought and obtained the necessary information and counsel from the best sources, and acted upon it, neither impairs his right as an inventor nor detracts from his merits."\(^2\)

The first instrument was finished by 1836.\(^3\) This instrument was kept by Mr. Morse and at the present time it is in the national capital.\(^4\)

Mr. Morse needed financial aid to further his plans. The next year after he completed his instrument he appeared in Washington. Here he wished to secure the necessary funds by asking Congress to appropriate the money. The money was to be used for a telegraph line which was to be built between Washington and Baltimore. He was received favorably by the House Committee on Commerce but Congress did not grant the desired assistance. Mr. Morse then tried to obtain aid from foreign countries but he was unsuccessful.

Six years later, in 1843, Mr. Morse appeared again before Congress. This time he succeeded in getting Congress to appropriate the money\(^5\) to build the first telegraph line in the United States. This line, under Government control was built from Washington to Baltimore. Thus telegraphic communication started in the United States.
The invention of the submarine cable has been accredited to Mr. Morse. He completed his device in 1842, and in December of the same year he demonstrated that the cable could be used successfully across small bodies of water.

By 1860, the telegraph had become an important instrument in the transmission of messages, but the cable was not used in the United States as an important instrument of communication until after the Civil War.

These two methods of communication have contributed much to the development of the United States, and they have been the source of many problems to the Government. Many of these appeared in Congress from 1860 to 1877. Some were settled satisfactorily during this period but others remained undecided.
CHAPTER II.
DOMESTIC TELEGRAPH AND CABLE DURING THE CIVIL WAR.

Part 1.
Military Telegraph

Telegraphic communication benefits a country that is in peace. During a period of war it is essential, as messages must be sent quickly and accurately. In a crisis it was thought that such an important instrument of communication should be controlled by the Government.

At the beginning of the conflict between the North and the South, the telegraph was controlled by private companies. In the same month that the war began "the Government took exclusive control of the telegraph lines radiating from Washington". 1

An important question at this time was, what type of messages should be sent over the wires? This was a new problem for the Government of the United States. In the last war, which was the war with Mexico, telegraphy was in its infancy. The Government and the representatives of the newspapers tried to settle this problem. 2 On August 2, 1861, the representatives of the newspaper held a meeting at Washington. They consulted with Major General McClellan. After the consultation the representatives

"Resolved to accede to the following suggestion from him, and to transmit them to the editors of all newspapers in the loyal States and District of Columbia:

"1st. That all such editors be requested to refrain from publishing, either as an editorial or as
correspondence of any description, or from any point, any matter that may furnish aid and comfort to the enemy.

"2d. That they be also requested and earnestly solicited to signify to their correspondents here and elsewhere their approval of the foregoing suggestion, and to comply with it in spirit and letter.

"Also, resolved, That the government be respectfully requested to appeal to the representatives of the press facilities for obtaining and immediately transmitting all information suitable for publication, particularly touching engagements with the enemy."

Major General McClellan; W. W. Harding of the Philadelphia Enquirer; Wm. B. Shaw of the New York Herald; W. D. Wellach of the Washington Evening Star; C. C. Cappor of the Boston Journal; Adam S. Hill of New York Tribune and other representatives of the newspaper approved these resolutions.

After the adoption of these resolutions there seemed to be more complaint about the way in which the censorship was exercised. This was due partly perhaps to the instructions given by F. W. Seward from the Department of State to H. E. Thayer, the censor. The following is a copy of the letter that was written by the Secretary of State to the Censor:

"Department of State Oct. 22, 1861

Dear Sir: For the present it is deemed advisable to prohibit all telegraphic despatches from Washington, intended for publication, which relate to the civil or military operations of the Government, with the exception of the despatches of the regular agent of the associated press or other despatches which contain the same facts. Of course, items of general news, personal movements, etc. etc., are not prohibited.

Very truly yours,

H. E. Thayer Esq.

F. W. Seward."
These instructions given by the Secretary of State seemingly ignored the agreement that had been made by the Government and the Press.

It was difficult to enforce the agreement made by the Government and the Press, as the Government and the Editors disagreed upon the news to be printed, and also numerous papers did not accept the terms required.

The attempt to control the censorship of the telegraph without legislative measures was unsuccessful. Congressmen saw that it was necessary to investigate the situation. A joint committee was appointed to inquire into the conduct of the War. This committee reported a bill, which concerned the telegraph problem. This bill passed the Senate, the House of Representatives, and was signed by the President on January 31, 1862, nine days after it was introduced into the Senate. By this act the President of the United States was authorized to take possession of any or all telegraph lines when in his judgment the public safety required it. All officers, agents, and employees, that belonged to the telegraph lines that were taken, were placed under military control and subjected to all restrictions imposed by the rules and articles of War. This placed under military control of the President, men who were loyal citizens, but not enlisted in the military service.
Other provisions of this act authorized the President to prescribe rules and regulations for the telegraph, and to appoint three commissions with the advice and consent of the Senate to decide upon the damages or compensation a company was entitled to receive because the telegraph line had been seized by the Government.

Another provision of this act concerned the punishment of those who attempted to injure or destroy the telegraph in any State or District in which the laws of the United States were opposed or when the enforcing of the laws were obstructed by insurgents and rebels too powerful to be suppressed by the ordinary judicial proceedings. Such actions were to be punished as a military offense, or such penalty as a court-martial might impose.

The powers authorized by this act were in force no longer than was necessary for the suppression of the rebellion.9

The President by virtue of this act, took military possession of all lines of telegraph in the United States on February, 26.

On February, 25, the control of censorship was transferred from the Department of State to the Department of War. On the same day the President issued his orders in regard to the telegraph messages. They were; that all telegraphic communications concerning military operations were forbidden unless authorized by the War Department, the
commanding general, or the general commanding armies in
the field in the many departments, and all newspapers
publishing unauthorized military news however obtained,
should be excluded from receiving information by telegraph
and should be denied the privilege of transmitting their
papers by the railroads.

On the same day the President appointed E. S.
Sandford as military supervisor of telegraph messages in
the United States, and Anson Stager as military superin-
tendent of all the telegraph offices and lines in the United
States.

By these orders and appointments the President
wished to establish complete control over the military
telegraphs. However, these were not intended to interfere
with the ordinary or private business of the companies.11

In addition to the President's orders, the War
Department issued a general order, which applied the 57
Article of War to the unofficial military telegraph messages.
This article, "provided that any one 'convicted of holding
correspondence with or giving intelligence, to the enemy,
either directly or indirectly,' should suffer death, or
such other punishment as a court-martial should decree."12

The supervision of the telegraph by the Govern-
ment did not prevent the publication of unauthorized news.
Military messages that were unofficial were not sent by
telegraph. War stories were often brought in by messen-
gers, or the news written or sent by the mails. Another
method used, was the sending of the communications by a code. 13

The rebellion legally ceased with the President's Proclamation of Peace in August, 1866. 14 The telegraph lines of the companies that were located in the States of the Union were to be returned to the private companies as provided in the Act of January 31, 1862. The telegraph lines of the Southern States were taken possession of by the Government. 15

During the rebellion the Government constructed and operated about 15,000 miles of military telegraph. The total expenditure from May 1, 1861 to June 30, 1865 was $2,655,500. 16
During the war, there was the desire to have cable connections with some of the southern ports. The country had been at war nearly two years before an attempt was made to gain the consent of Congress to the laying of a submarine cable, which would connect the North with some of the southern ports.

On February 3, 1863, a member from the Committee on Military Affairs, M. Abraham B. Olin presented a bill to the House of Representatives. The provisions of this bill authorized the Secretary of War to be responsible for the construction and laying of a cable from Fort McHenry, Baltimore, or Fort Monroe to Galveston, Texas, touching at Fort Macon, North Carolina; Port Royal, South Carolina; and Fernandina, Florida; and with a branch to New Orleans from Fort Pickens, or such places as the military service required.

The House acted favorably on this bill, but the Senate Committee on Military Affairs and the Militia, to whom the bill was referred, reported it adversely. However an amendment was passed which provided that the Secretary of the Navy and the Secretary of the Treasurer should work with the Secretary of War. This placed the control of the cable with the three cabinet members that were most closely associated with the protection of the
country. The bill did not pass the Senate. The reasons that the bill failed to pass were, that the experiments with the early cables had been unsuccessful, that it was called up so near the close of the session, that the cost of the cable would be enormous, and that the protection of the line after it was completed would be difficult.
CHAPTER III.
TELEGRAPHIC COMMUNICATION WITH FOREIGN COUNTRIES

Part 1.
Atlantic Cables.

Many telegraph lines had been built in other countries. Lines had been extended so that London could communicate with Europe, with some of the cities on the northern coast of Africa, and with some of the cities of Asia, as far away as Bombay and Calcutta India. A line had been built by Russia, which extended north to Archangel and then east to Irkutsk in Siberia.

The United States is separated from the Old World by two large bodies of water, the Atlantic Ocean and the Pacific Ocean. As this nation developed she had more contacts with the foreign countries. A more rapid means of communication was desirable. The cable had been used to connect many places of the Old World, why not connect the New and the Old by this wonderful means of communication?

Mr. Cyrus W. Field, an American wished to establish cable communications with Europe across the Atlantic Ocean. Two cable companies were organized before 1860, which helped to accomplish this desire. These companies were the New York, Newfoundland and London Telegraph and the Atlantic Telegraph.
Six years before 1860, the first company was formed in New York through the effort of Mr. Cyrus W. Field. A line "over land and by cable", which crossed the Gulf of St. Lawrence was completed by this company during 1856. This line connected the village of Trinity Bay with New York.

Mr. Field organized the Atlantic Telegraph Company in 1856. The company in 1858 was composed of British, Canadian and United States citizens. This company was to extend a cable to the English coast from the line built to Newfoundland from New York. In 1857 an attempt was made to lay a cable from the Valentia Bay, Ireland across to the Atlantic, but this expedition was not successful. This company was aided by the British and American Governments. Both offered men-of-war to be used in laying the cable. The company was to receive annually from England £14,000 and from the United States it was to receive $70,000 for official services. The next year in June, a second expedition was begun, but it was also a failure. In July of this year they tried again. This time the cable was successfully laid. With the official opening of the cable on the 16th of August 1858 two great continents were connected by telegraphic communication. Queen Victoria sent the first message. This message was sent to the President of the United States, Mr. Buchanan. It was "Glory to God in the Highest, peace
on earth, goodwill toward men."

Signals could not be transmitted over the line satisfactorily. In less than a month's time after the line was officially opened, the sending of messages was discontinued.

The failure to transmit messages over this cable caused many earnest supporters of the project to lose faith in such an enterprise. In a comparatively short time the Civil War began, and the people were so absorbed in this conflict that little time was left for other matters. But during this time Mr. Field did not give up. In 1864 he went to England.

In June, after the close of the Civil War, another expedition, the fourth was attempted but the cable broke when nearly 1212 miles of the cable had been laid. An attempt was made to get the cable on the ship by grappling for it, but the efforts were unsuccessful. This line was to have been laid from "Valentia Bay, Ireland" to "Heart's Content, Newfoundland." The estimated cost of this project was $3,000,000. The United States assisted this enterprise by agreeing "to give a maximum subsidy of seventy-five thousand dollars a year ... so long as the cable continued to work." However the United States was to use this sum as a payment on messages that were sent by the Government.
Mr. Field did not feel that the trip had been a total failure. Work was begun on a cable, and some work was done on the ship's equipment. In the summer of 1866, the expedition again started from the coast of Ireland. This cable was successfully landed in Trinity Bay in July. Mr. Field, the tireless worker for this enterprise, telegraphed the following to President Johnson.

''Heart's Content, Friday July 27, 1866.

To His Excellency, President Johnson, Washington.

Sir: The Atlantic cable was successfully completed this morning. I hope that it will prove a blessing to England and the United States, and increase the intercourse between our own country and the eastern hemisphere.

Yours faithfully,

Cyrus W. Field.''

The broken cable of 1865 was completed. Thus two cables connected the Old World with the New World. If the cables were worked carefully as many as ten, twelve or even twenty-four words could be sent in a minute. The payment was made in gold. A message which consisted of twenty words cost £10. The date of the message and the sender's address were counted as part of the message.

The following illustrates the high rates that were charged at first. "But the most expensive adventure with the new line was Secretary Seward's despatch of 5000 words to our minister in Paris, in November, demanding that the French withdraw their troops from Mexico. This is said to have cost the government of the United States £25,000 in gold."
Although these two cables connected Europe with North America, neither of them had been landed on the shores of the United States.

The cable which connected Cuba and Florida was the first one to be landed on the United States coast from another country. Although this line was not landed until 1867, the interest in the possibility of laying this cable began in 1865. After the failure of the Atlantic Cable in this year, some people of the United States still had confidence in the cable as a means of communication. In December a bill appeared in the Senate, the purpose of which was to grant to the International Ocean Telegraph Company the right and privilege to establish telegraphic communication between the City of New York and the West Indies. This company was an incorporated company chartered by the State of New York. It was maintained that a line built by this company to the Bermuda Islands and then laid to the Azore Islands and from there to the shores of Europe would be ready for use before the cable between the Ireland coast and the shores of Newfound land.

In the following May, the bill was passed by the Senate and the House of Representatives and was signed by the President on May 5, 1866. The company composed of James A. Smyser, Alexander Hamilton, Jr., Alfred Fell, Jr., Nasturkia Delafield, Oliver K. King, James M. Diggs and
William R. Smith was granted the sole privilege for a period of fourteen years, from the time the act was approved, to build, to maintain and to operate telegraphic lines from the shores of the State of Florida to the Islands of Cuba, Bahamas and other West Indies. The Government reserved the right to have a telegraph operator of its own selection to send and receive its messages from naval, military and diplomatic agents. The Government required the company to keep its lines open to the public and also required that all messages, despatches, and communications should be forwarded in the order in which they were received. Congress limited the prices to be charged to three dollars and fifty cents for a message of ten words. Congress reserved the power to alter or repeal the act. 25

In the next year, another New York company, the American Atlantic Cable Telegraph Company, was granted the right to build, maintain and operate a telegraph cable from the Atlantic coast of the United States to Europe by way of the Bermudas and Azores. This company could not build its lines from the coast of Florida 26 as the International Telegraph Company had been granted the sole right to build a line from the shores of this State. The prices charged by this company were not regulated by the Government and the terms granted to the United States Government were to be decided by the Postmaster-General and the company. This company was granted the privilege of the
act for a period of twenty years from the approval of the act, if the company had actively started operations within a period of years (two). However this company was not granted a monopoly over any shore as the previous company had been granted.

The International Ocean Telegraph Company and the American Atlantic Cable Telegraph Company were seemingly successful in keeping a monopoly over telegraph cables to the Bermudas, Bahamas, Cuba and other West Indies Islands. Two bills and one resolution were introduced during the fortieth-first congress (1870) to aid telegraphic communication to one or all of these places and none were discussed or passed. 

In 1869, thirteen years after the line from New York to Trinity Bay was completed, the New York, Newfoundland and London Telegraph Company wished to land a cable upon the shores of the United States and on January 5, a bill was introduced in the Senate granting these privileges. This bill passed the Senate February 23, 1869, but was objected to in the House of Representatives without much discussion. A similar bill was introduced during this Congress. It was referred to the Committee on Commerce.

This question of European communication appeared again in the next congress when a bill was introduced which was the same as passed by the Senate in the previous congress. Some of the points discussed by the Senators were, whether
This bill should be general or private, whether they should grant privileges to a company having exclusive grants on the other side, and whether the power to land a cable on the shores of a state was granted in the Constitution. This bill did not pass.

Another company was more successful in landing its cable on the shores of the United States. This was the Société du Câble Transatlantique François Company. It was organized two years previously in 1867 by the French Government. This company succeeded in 1869 in landing its cable through the consent of the State Legislature of Massachusetts and not through a grant from Congress.

By 1869 international communication had developed into a rather serious problem for the United States. Should the Government continue the policy of granting certain privileges to private companies, or should Congress pass a law which provided for all foreign companies? Foreign communication from 1869-1877 is discussed in the chapter on International Communication (1869-1877).
Part 2.

Overland Telegraph to Asia.

While the companies worked to connect the Old World with the New World by laying cables across the Atlantic Ocean, some effort was made to connect them by an overland telegraph to Asia via Bering Strait.

The man especially interested in this enterprise was Perry McDonough Collins, an American citizen of the State of California.

Mr. Collins wanted to develop an Asiatic trade by going west from the United States across the Pacific Ocean. The Congressmen of California suggested that Mr. Collins be appointed as an agent of commerce to visit the Amoor Valley of Russia. On March 24, 1856, this appointment was received by Mr. Collins. On April 12 he sailed from New York for Russia. He returned in 1858, having spent more than two years on this trip.

Mr. Oberholtzer states that, "While on this mission Mr. Collins conceived the idea that it would be feasible to build an intercontinental telegraph line." Although in 1858 the most eastern telegraph station in Russia was Moscow, and the most western telegraph station in the United States was St. Louis, Mr. Collins after his return to the United States began active work for an international telegraph line.
This subject was presented to Congress on February 18, 1861 by Mr. John Cochran from the Committee on Commerce. He reported a bill, the provisions of which provided for an appropriation of $50,000 to be used for the surveying of the northern water coast and islands of the Pacific Ocean and Bering Strait. This was to aid telegraphic communication between Asia and North America. The next year two similar bills were introduced in Congress, but this body still withheld the desired assistance.

However the United States in 1862 assured Russia that she was willing to co-operate with the Russian Government in the building of the line. Mr. William H. Seward, the Secretary of State wrote a letter, dated June 9, to Mr. Cameron, the United States minister to the Russian Government, in which he stated, "assure Prince Gortschachoff that the government will not be backward in rendering effective co-operation" in the building of the telegraph. Russia also favored telegraphic connections between the two nations, according to a letter dated October 4 of the same year. This letter was written to Mr. Seward by Bayard Taylor, Charge de Affaires ad interim.

The Russian Government in the following May, sanctioned their willingness to co-operate by granting to Mr. Collins, for a period of five years, the exclusive privilege to build and maintain a line for thirty-three
years. This line was to be built from America to the mouth of the Amoor River. He was granted this privilege for a period of five years. 8

As the line was to be built north along the Pacific coast to the Bering Strait, it would cross British Territory. Therefore it was necessary to get the consent of the British Government to build this line through its territory. On February 9, 1864, 9 this Government granted the privilege to Mr. Collins to build a line through its possessions on the North Pacific. This grant provided that the line was to be started by January 1st, 1867, and was to be completed by January 1st, 1870. In regard to messages, the British Government thought that satisfactory arrangements could be made on the basis of the suggestions of the Russian government, 10 as outlined in the letter written by General Melnikoff and dated May 23, 1863. He wrote "'The expedition and tariff of despatches must be in accordance with the rules generally adopted for telegraphs. Therefore the government despatches must have precedence over private despatches, as agreed upon by telegraph convention between Russia and the neighboring European powers; and, upon the whole, the order of transmission and the tariff must be arranged according to the example of international conventions concluded by and between the different powers concerned." 11
The two foreign governments, that were concerned in the building of this line, had approved of Mr. Collin's enterprise, but the United States Government had not. A memorial from Mr. Collins was presented to the Senate and House on April 12, 1864 which requested the United States Government to aid him in the completion of his enterprise. In the Senate, on June 9, Senator Zachariah Chandler of Michigan, from the Committee on Commerce to whom Mr. Collin's memorial was referred presented a bill. The provisions of this bill were to aid "telegraphic communication between the eastern and western continents."

The three points of the bill as given by Mr. Chandler provided for a right of way and for every fifteen miles the right to use a quarter section of the public lands for the buildings, station etc; for a ship, either steam or sailing, to take the soundings across Bering Strait and round the British possessions, and for the payment of $50,000 annually for five years for the use of the telegraph.

Senator John C. Ten Eyck, from New York, objected to the granting of a right of way to a company of this kind, as such a right did much to prevent competition. He also opposed placing the Navy Department at the disposal of the company. Mr. James W. Grimes, senator from Iowa, disapproved of the use of a vessel during the war, unless
Secretary of Navy exercised his judgment. Mr. Ten Eyck objected to the money payment, as he had been informed that the company had great wealth. Mr. Grimes opposed the money payment. He read a communication to the Senate that contended Mr. Collins was not the man interested but that it was an immense monopoly known as the Western Union Telegraph Company that was to buy the concessions from Mr. Collins. Mr. Chandler thought the money was not a subsidy, as no money was to be paid out of the Treasury until the line was completed. Mr. Doolittle stated, "It is simply an agreement on our part that if they will build the line at their own expense and set it in operation we will pay them for the use of it."

The bill was amended by the Senate, but it passed this group June 21, 1864. Thirty-six voted in favor of the bill and three voted against the bill.

In the House of Representatives the bill was read for information June 27, 1864. Mr. Elihu B. Washburne, a representative from Illinois, on June 30, 1864 presented an amendment. This provided that it was unlawful for the owners or officers of a telegraph line to make any contract, directly or through any party or parties for any newspaper or newspaper association upon terms different from those open to all newspapers or newspaper associations. This amendment was agreed to and the bill was passed. The same day the Senate concurred in the House amendment.
The President approved of this bill "(S. No. 532) to encourage and facilitate telegraphic communication between the eastern and western continents," on July 1, 1864.26

The provisions of this act granted to Mr. Collins and his associates, the right to construct and to maintain a line from the Pacific telegraph line, north through the territories of the United States to British America. Also granted certain stone, timber and land rights. In section 2 the Secretary of Navy was authorized to provide a vessel for the surveying and soundings of the Pacific coast, however he was to decide when the vessel should be sent. In section 3, The United States Government was granted priority in the use of the lines in the United States territory. The Secretary of War was authorized to protect the lines. In section 4, Congress reserved the right to alter, add, amend or repeal the act. In section 5, The Government provided that the rates to be charged were to be based upon the rates that were charged the Europeans and Americans, for like service, or the rates were to be established by an agreement made by the United States, Russia, and Great Britain. Also any newspaper or newspaper association was prohibited from making special terms with the company.27

As soon as this act was passed, "Mr. Collins closed an arrangement with the Western Union Co., assigning to it the Russian and British concessions, the company on
its part assuming the construction and operation - under the name of the 'Western Union Extension' - of the overland intercontinental line.....\textsuperscript{28}

Two years later the company had seven vessels ready to begin their work. They were at San Francisco and Vancouver waiting for the co-operation of the United States Government that was provided for by section 2 of the act of July 1, 1864. This section permitted the Secretary of Navy to send a vessel but did not require him to send one. On February 19, 1866 Representative Nathaniel Banks of Massachusetts presented a resolution that required the Secretary of Navy to send one steam vessel to assist in the soundings necessary to build a telegraph line.\textsuperscript{29} This resolution passed the House on the same day as proposed.\textsuperscript{30}

The Senate received the resolution the next day.\textsuperscript{31} In a brief discussion on February 21, Senator John Sherman from Ohio asked why a vessel had not been furnished as provided by the original act. Mr. Fessenden replied that the Treasury Department furnished a vessel as the Navy Department did not have a vessel at the time; and he said "I know, however, having been Secretary of the Treasury at the time, that that arrangement was made and went into execution, and a vessel was furnished under the act, and has been in the service of this company for the
purposes named in the original act, and used by them."32

The Joint Resolution with a few amendments passed the Senate on February 21, and on the same day the House agreed to the Senate amendments. 33  By the Joint Resolution dated February 26, the Secretary of the Navy was authorized to send a steam vessel to be used by the telegraph company. It was to aid in the soundings and surveyings of the Asiatic and American coasts of the Pacific. 34

It was thought in 1866 that sometime during 1868 that the line would be completed and would be in use. 35

However the anticipation of 1868 was not realized. In a Western Union letter of March 25 the following year the public was unexpectedly informed that work had ceased on the line. The main reason given for suspending the work was the "demonstrated success of the Atlantic cable lines - a single one of the two cables being declared as yet more than sufficient for the amount of business actually offering." It was also said that the concessions which they were expecting from Eastern China were withheld. The Western Union Company wanted assistance from the United States Government and the Russian Government. 36  However it was seemingly unsuccessful in obtaining aid, as the company, in the same month notified the Secretary of State that work on the line had been suspended for an indefinite period. 37
Although a cable had to be laid only a few hundred miles under the Bering Strait waters, and there were seemingly no engineering problems, Mr. Collins desire to connect the western continent with the eastern continent via the Bering Strait failed. But it was a great undertaking as a distance of 5400 miles had to be covered, and a great deal of this was in sparsely settled and cold countries.

After the company failed it wished to have admitted free of duty some of its cable. The duty on this cable was $125,000. In November 1868, it was brought to the harbor of New York. This subject was reported in the Senate on February 18, 1869 by Senator Edwin D. Morgan from the Financial Committee. He presented a Joint Resolution (S. R. No. 228). The Senate wished to place the power of admitting the cable under the Secretary of Treasury. It was proposed by this resolution that the Secretary of Treasury deliver the cable to the Western Union Company. This resolution passed the Senate, but it was recalled from the House of Representatives by the Senate. A similar resolution was adopted by the House of Representatives in March of the same year, but neither the Senate resolution or the House resolution passed both houses.

The subject of the Overland Telegraph to Asia appeared again in Congress, three years after the company wanted its cable admitted free of duty. In April 1872, a
resolution was agreed to by the Senate, that required the Secretary of Navy to give a report of the assistance given by his department in performing the duties that were authorized by the section 2 of the Act of July 1, 1864. In the next month the Secretary of the Navy gave an estimated report, which stated that the assistance given to the company amounted to $53,454.74.
Part 3.

International Communication, 1869-1877.

The Government dealt with telegraphic communication within the United States by the act of July, 1866. But another phase of telegraphic communication still demanded the attention of Congress. This was international communication.

Congress in 1864 approved of the overland telegraph to Asia. In 1866 Europe and North America were connected by two cables, but neither of these were landed upon the soil of the United States. Therefore Congress did not need to give or to withhold its approval upon the right to land these cables. Congress in 1866 and 1867 granted the right to two companies, the International Ocean Telegraph Company and the American Atlantic Cable Company, to land cables upon the United States coast. By 1869 this body had seemingly reversed its policy as it refused the New York, Newfoundland and London Telegraph Company, in this year the privilege of landing a cable upon the shores of the United States.

In 1869 Congress began to consider more seriously international communication. Should Congress pass a general law that would apply to all foreign communication?

Two joint resolutions and a bill, which concerned foreign communication were introduced into the Senate by
the middle of January. The most significant of those was the resolution introduced on January 14, by Senator James R. Doolittle of Wisconsin. The provisions of this resolution granted to the president the power to land cables from foreign powers upon reciprocal terms. If a power did not consent to reciprocal terms, the landing of a cable on the United States coast from this foreign power was unlawful.¹

The first bill or resolution that passed either house of Congress that provided for telegraphic communication between foreign powers and the United States was the bill S. No. 368. This bill was reported in the Senate on February 2, by Mr. Charles Sumner, Massachusetts.² The bill was considered on March 2, and with a brief discussion passed the Senate on the same day. The provisions of this bill provided that when the United States established telegraphic communication with a foreign country, the cables or lines under United States jurisdiction were subjected to any terms that Congress had already made with a foreign country and to the following: First, that the same powers were to be granted to the United States that were granted to the other country; Second, that the United States Government was to be granted the use of the cable and naval, military, and diplomatic privileges; Third, that the United States Postmaster General should establish the rates that
had not been arranged for; Fourth, that the public should have use of the line at all times, and that there should be no discrimination in forwarding communications that had not been provided for; Fifth, The power was granted to Congress to decide the rates, rules and regulations, if Congress thought it necessary to do so; Sixth, that any one accepting the term of this act were required to file a written statement of its acceptance in the Secretary of State’s office. These privileges were not to be conferred upon any company that had a cable on a foreign shore, if similar rights were not granted to companies that were authorized by a State of this country or by the United States.3

This bill was passed so late in the session that the House did not vote on it. But in the next Congress during March, three bills S. No. 113, S. No. 115, and S. No. 117 were introduced in the Senate, which were to encourage international telegraphic communication. The bill S. No. 115 was introduced by Mr. Charles Sumner, a Senator from Massachusetts.4 This bill was the only one reported during the Spring Session of this Congress. It was presented in the Senate April 1, 1869, but was not discussed.5 Congress adjourned without providing for international telegraphic communication.

Although the National Legislative body did not provide for the landing of a foreign cable, a state Legislature did. The Massachusetts Legislature on March 30, passed a bill. The provisions of this bill provided for
the incorporation of the "Ocean Telegraph Company" and authorized this company to put a cable from some place on the coast of Plymouth County to the ocean, where this cable was to be connected "with any foreign" cable. Whether this act was valid or not was questioned. Attorney General Hoar considered that a constitutional right had been violated, the right "'to regulate commerce with foreign nations and among the several States.'" The following was the Attorney General's opinion,

"'Telegraph communication is a new means of commercial intercourse which the discoveries of modern science have supplied. Being, however, an instrument of commerce, and a most efficient instrument of commercial intercourse, the fact that it is a new one does not, in my judgment, prevent the application to it of the constitutional provision. I am of the opinion that the control of telegraphic communication with foreign nations, so far as it is exercised by means of cables leading from the shores of the United States, is within the constitutional authority of Congress - to permit, regulate or prohibit in such cases and under such circumstances as their judgment shall direct; .... In other words, that the jurisdiction of the United States Government to regulate commerce with foreign nations, including every kind of commercial intercourse is complete and supreme; that it can be exercised and asserted whenever and in such manner as Congress shall think fit, and that no action of the Government of an ex parte State of the Union can confer any right upon any person or corporation to carry on intercourse with foreign nations by a telegraphic cable, which will afford any permanent security for their value or their continuous enjoyment, unless the previous assent of Congress has been obtained. ..."'

The organization of the Societe du Cable Trans-atlantique Francais Company was in 1867. They obtained a charter from the Government of France. In 1869 this company wished to connect by cable the United States and
France. The members of this company were granted a liberal concession by the French Government, this was the sole privilege for a long time of controlling "telegraphic communication" between the two countries.\(^8\) Now here was a foreign company with a monopolistic feature, which if allowed to be enforced would prohibit any company from the United States establishing telegraphic communication with France. Congress had not provided for international communication, therefore President Grant acted. He objected to the bringing of this cable to the shores of the United States unless this monopolistic feature was given up. This, the company did.\(^9\)

The cable was landed in July 1869, under the jurisdiction of a State and unauthorized by Congress. The cable was laid between Brest in France and St. Pierre Island, and from St. Pierre Island the line was extended to the coast of Duxbury Massachusetts.\(^10\)

In the month that the cable was landed, Mr. Fish, who was the Secretary of State,\(^11\) addressed a note which concerned this cable to the ministers of France and England. In this note he stated,

"It is not doubted by this Government that the complete control of the whole subject, both of the permission and the regulation of this mode of foreign intercourse, is with the Government of the United States, and that, however, suitable certain legislation on the part of a State of the Union may become, in respect to its proprietary rights, in aid of such enterprises, the entire question of the allowance or prohibition of such means of
When Congress convened in December, some of the members were still anxious to provide for international communication. Bill S. No. 115 was considered. This bill was the same as the one which was reported to the Senate in February and passed the Senate. However it reached the House so late in the session that the members did not find time to act upon it. Due to the landing of the French Cable during the summer Mr. Sumner proposed an amendment to the bill. The effect of this amendment made the bill apply not only to all future cables but to all existing cables. This amendment was opposed by Mr. Roscoe Conkling, a senator from New York. He thought the amendment would impose upon the telegraph and cable lines that existed, conditions which were not originally part of their agreement. After a lengthy discussion on December 21, 1869, this bill was not debated again. But it was brought to the attention of the Senate at five different meetings. The last time it was presented was on December 12, 1870.

Other bills were introduced in Congress during 1870, which related to telegraphic communication. But the only bill which passed both houses was the one reported in December by Mr. Fernando Wood, New York in the House of Representatives. The provisions of this bill authorized...
the protection of the Government of the United States and its citizens in international communication, it was not retroactive in character, provided for the transmission of despatches and was general in application. This bill was amended by the Senate. It passed the Senate as amended March 3, 1871, and the House of Representatives concurred in the Senate amendment on the same day. According to Mr. Wood, the President withheld his signature as he objected to the Senate's amendment which established the maximum rates to be charged. Only one general bill after 1871 passed either House. This was the bill that was passed by the House of Representatives on May 20, 1872. After this date, either House did not pass a general law, although the subject appeared again in Congress.

While some of the members of Congress from 1869 to 1877 advocated a general law to provide for international communication, others during this period wished to provide for foreign communication by granting certain rights to private companies.

After the failure of the Overland Telegraph Company to connect Asia and United States by telegraph, the United States telegraph interests in Asia were overshadowed by a Danish company. By 1870 the Lones were establishing cable lines in China and in 1874 they were granted the right to lay a line to Formosa. The United States co-
operated with the Danes. However by 1875 foreign control or foreign ownership of the telegraph was disapproved of by the Governments of China and Japan. 24

During this time some interest was manifested in telegraphic communication with Asia. Perhaps some of the interest was due to the fact that both Atlantic cables were "in foreign hands" and if the Pacific cable should come under the same management, the United States would be bound by foreign control in regard to telegraphic communication. 25 From March 15, 1869 to August 15, 1876 numerous bills were before Congress which were designed to encourage and facilitate communication between Asia and the United States. 26

In a Naval Act of 1874 the United States Government aided telegraphic communication between Japan and the United States. One provision of this provided that soundings were to be made by the Secretary of Navy between Japan and United States. These soundings were to serve for two purposes - scientific and whether it was practical to lay a cable to Japan. 27

The bill which proposed to encourage and promote telegraphic communication between Asia and America was approved August 15, 1876. By the provisions of this act, certain men were granted the right to land cables upon the Pacific coast of the United States and private, public and national interests were protected. 28
Congress in 1877 passed an act which provided for cable communication with Europe by granting certain powers to a private company. From March 9, 1869 to January 16, 1877, seven bills were presented to Congress which were to encourage telegraphic communication with Europe. The bill which proposed to encourage and promote telegraphic communication with Europe that passed Congress was introduced in the Senate on January 16, 1877 by Senator William Pinkney Whyte of Maryland. The bill was approved February 20, 1877. By the provisions of this act certain men were granted the right to connect the coast of the United States with Europe by cable, and private, public and national interests were provided for. This act was very similar to the act of August 15, 1876. These two acts were the only ones passed by Congress between 1869 and 1877 inclusive that provided for international communication. They applied to private cable companies and not foreign communication in general. This lack of legislative action by the national law-making body, placed the responsibility of international communication on other shoulders.

Mr. Grant was President of the United States from March 1869 to March 1877. His presidential administration covered practically the years of this research in which Congress attempted especially to provide for international communication by a general law. In 1869 Mr. Grant was
unwilling to let a foreign cable land unless a very undesirable monopolistic feature was removed. In his message for December 7, 1875 (seventh annual message) he stated,

"I No line should be allowed to land on the shores of the United States under the concession from another power which does not admit the right of any other line or lines, formed in the United States, to land and freely connect with and operate through its land lines.

"II No line should be allowed to land on the shores of the United States which is not, by treaty stipulation with the government from whose shores it proceeds, or by prohibition in its charter, or otherwise to the satisfaction of this Government, prohibited from consolidating or amalgamating with any other cable telegraph line, or combining therewith for the purpose of regulating and maintaining the cost of telegraphing.

"III All lines should be bound to give precedence in the transmission of the official messages of the governments of the two countries between which it may be laid.

"IV A power should be reserved to the two governments, either conjointly or to each, as regards the messages dispatched from its shores, to fix a limit to the charges to be demanded for the transmission of messages.

"I present this subject to the earnest consideration of Congress."
"In the meantime, and unless Congress otherwise direct, I shall not oppose the landing of any telegraphic cable which complies with and assents to the points above enumerated, but will feel it my duty to prevent the landing of any which does not conform to the first and second points as stated, and which will not stipulate to concede to this Government the precedence in the transmission of its official messages and will not enter into a satisfactory arrangement with regard to its charges." 32

In a letter dated the 2nd of January, 1877 Mr. Fish wrote,

"The President adheres to the views which he expressed to Congress in December, 1875, that no line should be allowed to land on the shores of the United States which is not, by prohibition in its charter, or otherwise to the satisfaction of the Government, prohibited from consolidating or amalgamating with any other cable-telegraph line, or combining therewith for the purpose of regulating and maintaining the cost of telegraphing." 33

Thus between 1860 and 1869 the power of the national government over foreign communication was exercised by Congress. From 1869 to 1876 this power was assumed by the President. In 1876 and 1877 Congress resumed its responsibility to a certain extent.

From March 1877 to January 1, 1878 no acts were passed which concerned foreign communication and in this research nothing was found to indicate that President Hayes did not continue President Grant's policy in regard to international communication during this time. (In 1879
President Hayes granted the right to a foreign company to land a cable upon the coast of the United States on practically the terms stated by President Grant in 1875).\textsuperscript{34}

Therefore at the close of the year 1877, if a company wished to land a cable upon the shores of the United States under national authority, it must either obtain the consent of Congress approved by the President or the approval of the President subject to action by Congress.
CHAPTER IV.

THE GOVERNMENT AND INLAND TELEGRAPHIC COMMUNICATION.

Part 1.

Government Assistance and Regulation.

In 1860, the people in the eastern part of the United States were interested in the western part, of the North American Continent. California and Oregon were progressive states. Russia owned the northwestern part of the continent as far south as the 54°40' Latitude. People were moving from the East to the American Desert of the Middle West.

Communication, that can be delivered quickly and accurately tends to strengthen a nation. Before 1859 communication with the Pacific coast had been difficult and expensive. In 1859 the Pony Express was established from St. Joseph Missouri to California. Communication, with the western frontier, was much easier, but it was still expensive and often many hardships were endured before a message was delivered.

There were some enterprising men who were interested in uniting by telegraphic communication the states of the Pacific coast with the eastern states. There were two reasons why this line should be built. One reason was, that in case of a war the western frontier could be reached more easily and quickly by telegraphic messages than by the
messages that were sent by the Pony Express. The other reason was that it would be one step "towards strengthening the bond of the American Union", by bringing the west and the east closer together through more rapid communication. To build a telegraph line it was necessary to have the consent of Congress as most of it would be constructed in the territories of the United States.

On January 18, 1860, William M. Gwin, a senator from California introduced a bill to facilitate communication between the Atlantic and Pacific by electric telegraph. This bill was referred to the Committee on Post-Offices and Post-Roads. By the provisions of this bill the President was authorized under the President of the United States' direction to contract with Zinas Barmum, John H. Berryhill, Thomas R. Walker, Hiram Sibley, John D. Caxton, Frederick A. Bee, Norman Green and Charles M. Stebbins or their assigns or a majority of them for a telegraph line which was to be used by the Government. This line was to be constructed within two years from July 31, 1860. The Government was to pay $50,000 a year for the use of the line.

In the House of Representatives an amendment was proposed, which provided that the names of the corporators were to be taken out and that they were to advertise for sealed proposals for a period of sixty days. Mr. Burnett, who proposed this amendment believed the provisions of the
bill encouraged a monopoly. He said, "The present lines of telegraph in the country are all under the control and superintendence of six companies, and the men named in this bill are the presidents of those companies." He also stated that, "No other man or set of men can build a line of telegraph from any one of the great cities of this union to another and sustain it," as an agreement had been made among these telegraph companies. This agreement was, that if any other company built a line, they should reduce the tariff of charges to such a point as to destroy the new line. 6

The Senators disapproved of the period of sixty days as proposed by Mr. Burnett. The Legislature of California had passed an act which provided an award for the first two telegraph lines that reached California. Then lines must be completed within eighteen months if they wished to receive the award. The first line to reach California received a bonus of $60,000 and the second line to reach California received a bonus of $40,000. Therefore if a company had to wait sixty days, it would diminish its chance of winning the bonus. 7

Another point on which the House and Senate disagreed was the sum that the Government was to pay a year for the use of the line. The Senate bill proposed that the Government pay $60,000. 8 This was amended by the members of the House of Representatives. Their amendment
provided that the contract was to be awarded "to the lowest responsible bidder or bidders provided" that they did not require a larger sum "from the United States than $40,000." 9

Communication with the western frontier was provided for by the passage of this act on June 16, 1860. Proposals which were to be sealed were to be advertised for by the Secretary of Treasurer under the authority of the President. These proposals were to be received for a period of sixty days, from the date that this act was passed. The company was required to complete the line within two years from July 31, 1860. They were to build the line from same point or points on the west line of the State of Missouri. The route was to be selected by the contractors, but it must connect by telegraph for a period of ten years, the cities of Washington, New Orleans, New York, Charleston, Philadelphia, Boston and other cities in the Atlantic, Southern, and Western States to the city of San Francisco California. The contract was to go to the lowest bidder provided it did not require from the United States Government more than $40,000 a year. The company was granted the right to use during the period of years, the unoccupied public lands of the United States which were necessary for the right of way and stations. However, they were not allowed to use more than one quarter section of land for every fifteen miles. 10 The Government was granted the priority in the use of the lines, and all
other messages were to be sent in the order they were received. The Government provided for its citizens by requiring the line to be kept open at all times and provided that the rate charged should not be more than three dollars for ten words. Congress did not wish to limit its power, so provided that nothing in the act should debar the United States Government from granting similar rights to other parties.\(^\text{11}\)

The provisions of this act showed that the Government was willing to assist an enterprise that would benefit the people, and was also willing to protect its citizens by requiring a private company to meet certain regulations.

During the critical period of the Civil War practically nothing was done that assisted or regulated private telegraph companies. From December 18, 1860 to May 18, 1864, numerous bills were presented to Congress, which were either to supplement or amend the act of June 16, 1860. None of these were discussed or passed.\(^\text{12}\)

In the summer of 1864 there was a demand for increased facilities of telegraphic communication between the Atlantic and Pacific States. Congress on July 2, 1864, authorized a private company, the United States Telegraph Company, to build a line from the Missouri River to San Francisco.\(^\text{13}\) Many of the privileges granted to this company were similar to those that were granted to the company in
1860. In addition to these privileges this company was
granted the right to build its line into the Territory
of Idaho and the State of Oregon. This brought the
telegraph lines of the United States closer to foreign
soil. Therefore Congress granted the right to this com-
pany to connect its lines with any lines that were author-
ized or erected by the Russian or English Government.

This Company had one advantage that the pioneer
company of 1860 did not have. The pioneer company blazed
its own trail across the plains and the mountains. Through
the provision of an act that was passed by Congress in 1862,
the United States Telegraph Company was permitted to build
its line along any railroad as fast as that railroad was
built. However, if there was a disagreement, the telegraph
company had to remove its lines from along the railroad
lines.

In 1865 the telegraph companies that wished aid
from the Government, were companies of the northern central
states. However they did not receive the desired support.

From 1860 to 1866, Government assistance and
Government regulation of the telegraph companies was con-
fined to the western part of the United States. The rea-
sons for this were that the west was a new country and that
the War was fought in the East, and in the East most of the
telegraph lines were under direct control of the Government.
The telegraph bills that Congress passed during the period from 1860 to 1866 were private bills, and the provisions in each case applied only to the company in question. In these bills, however, the privilege granted to the various companies were similar.

The regulations that Congress made did not prevent the growth of telegraph monopolies. As early as 1864, according to Mr. John Conness, Senator from California, the Pacific Press Association had become a closed monopoly. This Association consisted of two San Francisco papers and the Sacramento.17

The conditions in 1866 were no better. Practically all of the telegraph companies had combined and had formed a gigantic monopoly. This monopoly was the Western Union Company. This company did not seemingly charge uniform rates and could probably either raise or lower the rates as it wished to do. The commercial news and the press were perhaps controlled by this company.

Even though the private telegraph companies had gained so much control over the telegraph, another bill was introduced into the Senate in April 1866, which provided for the incorporation of a private company. This company was the National Telegraph Company and its lines were to be built along the postal routes of the United States. The bill was referred to a special committee of five members.18 Mr. Sherman, from this committee, reported a bill, "that
was still a private bill. Senator James Grimes from Iowa moved to amend the bill so that it would apply to all telegraph companies. This amendment was agreed to. The bill passed Congress practically as it was reported from the select committee with the addition of Mr. Grimes' amendment. It was approved by the Senate on June 29, 1866 and by the House of Representatives on July 11, 1866. It was signed by the President July 24, 1866.

This was the first general telegraph bill that Congress had passed. The provisions of this act granted any telegraph company organized or to be organized under the laws of any State, the right to construct, maintain, or operate lines of telegraph through and over any part of the public domain of the United States, along any military or post roads, and over, under, or across the navigable streams of the United States. The companies were required to build their lines so that they would not interfere with the travel on the roads and with the navigation of the streams. The Government was to assist these companies by permitting them to use from the public lands, the stone, timber, and other materials for posts, piers and stations. Further assistance was granted by permitting them to preempt unoccupied public lands to the amount of forty acres for each station, located every fifteen miles. The Government was granted priority in the transmission of its messages.
between the governmental departments and their offices and agents. The rates for the transmission of these messages were to be fixed annually by the Postmaster General. Perhaps the most important provision of this act was the right granted to the United States Government. The Government could purchase all telegraph lines any time after five years from the date of the passage of the act. The appraised value of the lines was to be made by five disinterested persons. Another important provision was that any telegraph company that wished to receive the benefits of this act was required to file with the Postmaster General a written acceptance of the provisions of the act.

The provisions of this act were favorable to the telegraph companies; because they were allowed the use of the public lands; because the only rates that were regulated were the rates for the messages that were sent by the Government, therefore the companies could still continue to charge the public rates that were not uniform; and because competition was still possible, therefore the telegraph company that was the strongest could absorb the weaker companies which was a disadvantage to the people as competition usually resulted in giving the public better service.

The Government did have a restraining power on the telegraph companies. It could purchase the lines, five years from the date that the act was passed. In a period
of five years a telegraph company could develop into a monopoly or into a stronger monopoly, the Western Union Company did the latter. Congress had not settled the telegraph problem.

In the period that is covered by this research no general telegraph bill was passed after July 24, 1866. Although the provisions of this act provided for all telegraph companies, bills, letters, papers and memorials which concerned the aid and regulation of the telegraph, approved in Congress. After 1866, the principal inland telegraphic problem was whether the telegraph companies should be controlled and owned by private companies, whether they should be controlled by the Government and owned by private companies, or whether they should be controlled and owned by the Government. The chapter on Government Ownership versus Private Ownership presents this phase of the subject.
Weather Report.

The importance of the telegraph increased as the years passed. There was the possibility of sending the weather forecasts to the people of the United States. These reports could be sent quickly from one point to another, by telegraph. Sailors could be warned of an approaching storm. Farmers could be told of prevailing weather conditions. These reports would be helpful to the nation. In 1870 the United States became interested in sending by telegraph, the weather reports. On February 9, Congress authorized the Secretary of War to provide for the taking of the meteorological observations at the military stations and other points in the States and Territories. These observations were to be taken, so that notice could be given on the northern lakes and sea coasts by telegraph and **markdown** signals of the approach and force of storms. The Government could require the military telegraph to do this, as they were controlled by the Government. It was necessary, however, to have the co-operation of the private companies as the military lines did not extend to all parts of the United States. Albert J. Myer, Brevet Brigadier General who was the chief-signal officer of the United States, wrote letters to President William Orton of the Western Union Telegraph Company and to General William F. Smith, the President of the International Ocean Telegraph Company in regard to
the transmission of the weather reports. President Orton replied that they were not able to fix the rates. As the Western Union Company had always made it a practice to be the first in extending a liberal use of the lines for every attempted advance in science, they were willing to send the weather reports for a period of four months as a basis for future negotiations. The President of the International Company was also willing to send the messages for four months as a basis for ascertaining the cost.

Until 1872, the agreement that was reached seemed to be satisfactory. During this year President Orton wrote to James A. Garfield, Chairman of the Committee on Appropriations - the House of Representatives. In the letter he objected to the agreement, because the Act of 1866 did not include the kind of work they were asked to do for the signal service, and because the rate fixed by the Postmaster General was inadequate. In this letter he also served notice that the company desired to terminate its arrangements.

The Government still continued to regulate the transmission of the weather signals. In a provision of an act of June 10, 1872, any telegraph company that had accepted the obligations of the act of July 24, 1866 or the joint resolution of February 9, 1870 was required to send these messages. If any company neglected or refused
to send these messages it must forfeit and pay to the United States not less than one hundred dollars nor more than one thousand dollars for each offense.
Aerial Telegraphy.

In the early 70's Congressmen were given an opportunity to assist and regulate telegraphy by encouraging a new invention. Mr. Maholm Loomis, a citizen of Washington D. C., \(^{33}\) claimed to be the discoverer of "the principle of aerial telegraphy." The following is an account of his experiment and the hopes of Mr. Loomis.

He tried his discovery in the Blue Ridge Mountains.

"He flew a kite from one of the highest spurs of the range, using, instead of packthread, a small copper wire, by which he maintained a ground connection. From another spur or peak, 20 miles distant, he caused another kite, similarly connected with the earth, to be sent up. When the two kites had reached a suitable height (being then in an electrical stratum of the atmosphere, as the discoverer explains), it was found practicable to exchange signals between the two, the electric current passing over the interval. Mr. Loomis conceives the bold idea of applying this principle to international telegraphy. He would build a high tower on the loftiest peak of the Rocky Mountains, and on that erect a flag-staff, put up a similar construction on one of the highest peaks of the Alps, attach his electric apparatus to each, and is hopeful of transmitting messages by sufficiently strong currents, between those points, through the theoretically favorable medium of the upper air." \(^{34}\)

This subject was presented to Congress on July 11, 1870 by Representative John A. Bingham, Ohio, who introduced a bill which provided for the incorporation of the Loomis Aerial Telegraph Company. It was referred to the Committee on Commerce. \(^{35}\) Mr. Bingham was a faithful supporter of this bill. He introduced it in the next two sessions of Congress, and each time it was referred to
the Committee on Commerce. Several months after it was last referred to this Committee, the bill was reported back and the Committee asked to be discharged from considering it further. The bill was then sent to the District of Columbia Committee.

When the bill finally received the consideration of Congress, the invention received very little attention. But one representative, Omar D. Conger, was very eloquent in his remarks before the House in 1872. He said "Sir, the time may come when it will be the proudest honor of those gentlemen who now listen with dreamy indifference to the hopes and aspirations of this inventor of the aerial telegraphic system to have had their names coupled with this immortal discovery, by even the empty encouragement of a reluctant affirmative vote. Ay, sir, when the names of the supporters of this bill, like those of the immortal signers of the Declaration, if not 'engrossed on brass' shall at least be encompassed in gilded frames, and adorn alike the halls of science and abodes of wealth." After a period of almost three years this company was provided for by the Government on January 21, 1873. Mahlon Loomis, Alexander Elliot, and William N. Chamberlain, of Washington, District of Columbia, F. N. Ammidon of Boston, and Isaiah Lukens of Delaware were
granted the right to form a corporation. They were given the power to develop and utilize the principles and powers of natural electricity, to be used in telegraphing, generating light, heat and motive power. They could make and operate any machinery run by electricity for any purpose. The company was required to get the consent of a state legislature before it could operate within a state. 40

This company received no material assistance from the Government. It could not operate in a state unless that State granted its approval. However, Congress did grant a great deal of power to the company by allowing them to develop and utilize the principles and powers of natural electricity. If this invention proved unsuccessful or if they wished to, they could develop electricity for heating, light, and motive power. (If they had only known how).
Seizure of Telegrams.

A phase of telegraphy that called for Government regulation was the seizure of telegrams. An article in the Nation for December 21, 1876 on Seizure of Telegrams stated, "There is nothing, however, particularly sacred or inviolable about a telegram any more than there is about a letter; and, provided the order to produce telegrams is given with sufficient particularity as to the date and names of the sender and receiver, then production will always be enforced in ordinary courts; and it must be remembered that, with regard to the power of compelling the production of documents, a committee of Congress is in exactly the same position as a court. The difficulty with regard to telegrams arise from the fact that the original document is always in the hands, not of the receiver of the message, as in the case of a letter, but of the agent who is entrusted to send it." 41

The power of the Government to seize telegrams was tested by Mr. Orton in the House of Representatives and by Mr. William M. Turner in the Senate.

The select committee of the House of Representatives was investigating an election in Louisiana. Mr. Orton refused to appear before this committee. He wrote that he possessed, "no knowledge in respect to any matter confided to you for investigation or in respect to the papers which you seek which would be of any value to you if I were there." 42 The House did not accept his refusal and passed a resolution that required the sergeant-at-arms to bring William Orton before the committee. 43 Mr. Orton appeared before the committee on January 15, 1877. 44 The papers that concerned this case were referred
to the Judiciary Committee. This committee offered a resolution that Mr. Orton should be discharged due to his health at the time and that he did not actually possess the despatches. This resolution was adopted.

A similar case was before the Senate during the same month of this year. It concerned Mr. William L. Turner who was the manager of the Western Union Telegraph Company at Jacksonville, Oregon. He was questioned about the messages that were sent over the wires in Oregon which concerned the presidential election. He refused to answer the questions. He said, "Our knowledge on political subjects and all others, of course, has to be very sacred. It would be a violation of the law of the State to divulge anything that passes over the telegraphic wires and also a violation of the rules of the company." A resolution which provided that Mr. Turner could not be excused from answering the questions because he was an official of the Western Union Company was passed by the Senate.

Mr. John Sherman of Ohio thought the subject of the seizure of telegrams should be considered by the Judiciary committee as a matter for a law. His suggestion was not put into effect. At the close of 1877 Congress had not provided any general means for regulating the seizure of telegrams.
Gross Receipts.

One way by which the Government regulated the telegraph companies was to require a report of their gross receipts. The Government in 1870 made a check on the telegraph companies that had their offices in the city of New York. In the report submitted by the Treasury Department only one company had neglected the matter. This company was the Atlantic and Pacific Company. They had not made their returns regularly from October 1867 to March 1868 but had appeared to give their returns from that time on. The reports of the companies must have been satisfactory after this year, as this subject did not appear in Congress again.
From 1860 to 1877 Congress provided for the building of many railroads. The railroad companies were often granted the right to build telegraph lines in connection with these railroads. Although the word telegraph appeared usually in the title of these railroad bills that were presented to Congress and that were passed by Congress, very little direct legislation was passed which concerned the telegraph lines that were connected with these railroads.

Numerous railroad and telegraph propositions were before Congress during this period, but none of the railroad and telegraph bills that passed Congress were general bills in regard to the telegraph. The most general restriction that the Government placed on the railroad and telegraph companies was that the telegraph companies were not to charge the Government any higher rates than they charged individuals for telegraphic service. This appeared in three acts. These other railroad and telegraph bills provided for the telegraph. One, the Act of 1862 which required the company to transmit despatches at all times, and authorized the railroad companies mentioned in the act to enter into an arrangement with the Pacific Telegraph Company, the Overland Telegraph
Company and the California Telegraph Company so that the line of telegraph from the Missouri River to San Francisco could be moved along the railroad as soon as the railroad was built, if there was a disagreement, the telegraph companies were required to move their lines. By an act that passed Congress July 2, 1864 it was unlawful for a proprietor of the telegraph to refuse the transmission of news and messages to any person. Another act which was passed two years later contained the provision that the company should transmit messages for the Government whenever the Government required the company to do so. Only in seven acts was there definite telegraphic legislation, although other railroad and telegraph bills were passed.
Federal Ownership vs Private Ownership.

The Articles of Confederation granted to Congress, "'the sale and exclusive'" right to establish and regulate "'post-offices from one State to another throughout the United States.'"¹ The framers of the Constitution granted to Congress, the power to establish post-offices and post-roads. The fathers of this Nation probably never dreamed of the telegraph or they would no doubt have definitely placed this conveyance of communication under the control of Congress.

Less than three quarters of a century after the adoption of the Constitution, the first telegraph line was built. Congress granted to L. Morse in 1843, the right to build the first electric telegraph line in the United States. This line was built from Washington, D. C. to Baltimore.² The Government appropriated $30,000 for the building of this line, and $12,000 was furnished for the expenses of operating the line the first year.³

Government ownership of this line was approved by Samuel F. B. Morse, Henry Clay and Post-Master General Johnson. Henry Clay said, "'It is quite manifest it is destined to exert great influence on the business affairs of society. In the hands of private individuals they will be able to monopolize intelligence and perform the greatest operations in commerce and other departments of business. I think such an engine should be exclusively under the control of the government.'"⁴
Because the Government refused to authorize the extension of the service and because of a deficit in the postal finances, the control of this line was surrendered to private hands on March 4, 1847. Thus the development of the telegraph system passed from Government control to private control.

The private telegraph companies were practically unrestrained in their policies. Competition grew less among the companies. One company had been more successful and by different means had gained control of most of the leading telegraph companies. Thus by 1866 most of them had been absorbed by the Western Union Company. Probably this company had extensive control over the press, charged non-uniform rates and rates that were too high for general public use.

Before the telegraph companies consolidated with the Western Union Company in 1866 Mr. Palmer, from the Select Committee on Postal Telegraph, said, "it is stated that the leading companies entered into a 'mutual agreement, by which each company pledged itself, in case competing lines were constructed over any route already occupied, to share the expense of crushing out such rival line, by putting the tolls upon the route at a mere nominal sum, and keeping there so long as the competing line exists.'"
Perhaps the Civil War aided in the development of such a telegraph monopoly. As the Government could not devote much time to a private enterprise during a period of civil strife.

In February of the following year after the close of the war, a resolution was presented to the Senate by Mr. B. Gratz Brown from Missouri. This resolution instructed the Committee on Post Office and Post Roads to inquire into the expediency of authorizing the Post Office Department to construct and operate telegraph lines along the principal mail routes or such routes as were necessary or to contract with lines already established if that were better, and to establish offices at such places as determined upon, and these were to be open at all hours to the public, for the transmission of messages at a fixed minimum rate. Mr. Brown gave reasons for the connection of the telegraph with the Post Office and also gave reasons for not connecting the telegraph with the Post Office Department. Some of the reasons that favored the connection of the telegraph with the Post Office were, uniform rates could be charged throughout the country, cheaper prices would enlarge the business, newspapers monopolies would be broken up, and the Government would save its annual expense by not having to pay for its messages. Two views that he presented that opposed the
connection of the telegraph with the postal system were, that the money invested by individuals in such an enterprise would be much impaired, if not destroyed and that it was always best to leave such matters to spontaneous or individual competition. The resolution was agreed to.

A select committee of the Senate during this year wished to propose a bill that authorized the Postmaster General to contract for the telegraphy of the United States but the Postmaster General thought it was too expensive, therefore the committee proposed a bill which encouraged competition. This bill became the law of July 24, 1866. An important provision of this act permitted the Government to buy the telegraph lines after a period of five years, but there was no provision which prevented the growth of monopolies. The telegraph companies were free to continue a policy of charging high and non-uniform rates.

The company that seemingly profited the most under these conditions was the Western Union Company. By 1870 this company transmitted ninety per cent of all the telegrams and operated ninety three per cent of the miles of wires and stations. Lines were built into all of the states and territories from this company. Through arrangements that had been made between this company and the "cable companies", this company gained control of the connecting lines with the European, Asiatic, and
African continents. The company could influence the press because it could "raise or reduce the rates to any paper." The rates charged the people were not uniform. They varied within a section. The policy of the company was to secure the possession of the lines of all railways, and it had succeeded until it occupied "more than ninety per cent of the railway lines."15

The power of the Western Union Company was so great that in a national crisis it could be used advantageously for the United States if under proper control, but if it should fall into the hands of unscrupulous men, the lines could be used against the United States. The law of 1866 did not prevent monopolies.

Another problem, besides the monopolistic, that the law of 1866 did not settle, was the difficulty of chartering a company. Each company was required to obtain a chart from each state. Each state made its own laws in regard to telegraphing. A general law was needed, so that troubles between or among states could be settled satisfactorily.

The telegraph situation in the United States was different from that on the European continent. In Europe, Switzerland appears to have been the first to have supplied the public with a telegraph system. This country by a federal law of 1852 established a fixed
rate throughout the State irrespective of distance. The telegraph systems had progressed in the continent until by July 5, 1870 every European country had "adopted the telegraph as a part of its postal system", and had reduced the cost of the transmission of despatches within reach "of the humblest of its citizens or subjects." 14 The system of Europe encouraged the sending of social messages. In 1870 ninety-five per cent of the despatches that were sent in the United States were on business while five per cent were sent on social or family matters. In Europe, where the rates were cheaper, two-thirds of the despatches that were sent were social or family matters. 15

An important question in connection with a postal telegraph in the United States was what authority did Congress have to control such communication? Some considered it the privilege of the state to grant a charter to a company, and not the power of Congress to grant a charter. While others could base their reasons for their opinions upon the statement of Chief Justice Marshall, in regard to the Gibbons vs Ogden, that "'Commerce undoubtedly is traffic; but is is something more; it is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches, and is regulated by prescribing rules for carrying on that intercourse.'" 16 Those who approved of this opinion could grant the power to Congress to control the postal telegraph through the
Commerce clause in the Constitution. Senator Zachariah Chandler of Michigan thought that if the telegraphic system was an agent of commerce, Congress had the same control over the telegraph as it had over the collecting and levying of taxes or duties or imports. Mr. Chandler had been informed in 1871, that from three-fourths to four-fifths of the whole business of the system either remotely or directly concerned commercial matters. 17

Another clause of the Constitution on which many claimed that Congress had the power to establish a postal telegraph was the clause which granted the right to Congress to establish Post Offices and Post Roads. The main difference between telegraphic correspondence and ordinary correspondence, according to Mr. Ramsey was in the method of transmission. Surely the same reasons that caused the people to intrust the postal service to the Government applied with equal strength to the telegraph service. 18

Congress could provide for a postal telegraph if the power to establish a postal telegraph came under either one of these clauses, as Congress had the power to make all laws which were necessary and proper to carry out these clauses.

Interest in the telegraph had increased by 1870 due to the success of the postal system in Europe, due,
to the growing power of the Western Union Company, and due to the possibility of purchasing the lines as provided in the act of 1866.

By March 4, 1869 three plans had been presented to Congress which provided in some way for the control of the telegraph by the Government. Mr. Washburne presented one of these plans. He wanted $75,000 with which to build a line between Washington and New York. This line was to be under the control of the Post Office Department and if it proved to be a successful experiment, the building of the line was to be continued. Another plan, which was proposed by Mr. Hall, provided that he build the line and "afterwards worked by the Government." A third plan was that of Mr. Hubbard's, by which a line was to be built by a private company, but the company was to be connected with the Government through an agreement that had been made. The year closed without Congress accepting any of these plans.

The Postal Telegraph was considered by other groups than Congress. According to Mr. Washburne, who spoke in the House of Representatives January 19, 1869, The Middle Men's Convention that met in Cleveland voted down a resolution which favored the union of the postal telegraph with the postal system. However it was reported by the Associated Press that the Western Union
Telegraph Company had placed their lines at the disposal of the members of the convention so that they could telegraph to their families during the session. 20

During the same year The National Typographical Union that met in Albany adopted the following preamble and resolution by a vote of fifty-three yeas and three nays:

"Whereas the Associated Press has virtually decreed that no more newspapers shall be published in the United States, and that those in existence who do not obtain their news through the Associated Press shall be suppressed, thereby lessening the demand for our labor; Therefore,

"Be it resolved, That we, the delegates to the Seventeenth Annual Session of the National Typographical Union held at Albany New York June 7, 1869 do earnestly ask the Congress of the United States (should the postal telegraph bill come up for action at the next session) to give it their favorable consideration, thereby increasing the demand for our labor, equalizing the business interests of the country and destroying one of the worst monopolies in existence."

None of the plans proposed in Congress had been adopted by 1870. Mr. Washburne of Wisconsin, who was very much interested in a postal telegraph, succeeded in getting a special committee appointed to investigate the problem. 22

The following Representatives were appointed on this committee C. C. Washburne, Wisconsin; Henry L. Dawes, Massachusetts; William Lawrence, Ohio; Frank W. Palmer, Iowa; Noah Davis, New York; James B. Beck of Kentucky; and George M. Woodward of Pennsylvania. 23 Mr. Washburne was selected as chairman of the committee. 24
In the following July two bills with accompanying reports were presented by this committee. One bill was reported by Mr. Washburn, which provided for the establishment of postal telegraph lines in the United States. The other bill was given by Representative Palmer, which proposed to establish a postal telegraph system and to incorporate the postal telegraph company.26

Mr. Washburn's plan advocated absolute ownership and control of the telegraph line by the Government.26 His plan was to become effective July 1, 1872. If the companies refused to sell their lines, the Government was to erect new lines. The rates were to be uniform. Twenty-five cents was to be charged for twenty-five words, this included the date, the address and signature, and one cent was charged for each word added to the twenty-five. The rates were to be payable in stamps and were to be affixed to the messages. Street letter-boxes were to be provided for the reception, the messages, and the money-order was to be adapted to the telegraph. The Government was to be granted priority in the transmission of the messages. The Postmaster General was to be authorized to make special rates to the newspapers. The railroad companies were to be granted the use of the government wires and poles for their own business in consideration of transportation or other services. Arrangements were to be made with for-
cign governments or companies for the interchange of international messages. 27 A Bureau of Telegraphs was to be organized in the Post Office Department, and it was desired to secure for the Government the services of competent employees, by providing that promotions should be regular and that removals should be made only for a cause. 28

The bill presented by Mr. Palmer for the select committee was a plan by which the Government controlled the postal telegraph but the work was to be done by a private company. (This was the plan in which Mr. Gardner Hubbard was interested. 29) A plan similar to this was supported in the Senate during this session of Congress by Mr. Ramsey. The bill proposed to establish a telegraph office in connection with each post-office, if this post-office was located in a town where there was a telegraph station. 31 The Postmaster General was to make the contract with the Postal Telegraph Company for a period of ten years. The Company was to agree to extend the system to all telegraph stations, to all cities and villages of three thousand, and to the capital of every State. The Company was granted the right to make contracts with the railroads, but these contracts must meet the approval of the Postmaster General. Also the rates for the press
associations that were contracted with lines beyond the United States boundaries and any company organized for the laying and maintaining of cables between the United States and foreign countries must meet the approval of the Postmaster General. A Commissioner of Telegraph was to be appointed, known as the Fourth Assistant Postmaster General. The rates were to be twenty-five cents for each five hundred miles or any part of five hundred miles, for a message of twenty words or figures or less than twenty words or figures. If ten words or figures or less were added to the twenty words or figures, the charge was one-fifth of the rates. The address, date and signature of the message were counted. After January 1, 1872 the company was to be ready to receive the telegrams as soon as the Postmaster General directed. The Postmaster General was granted the right to purchase the property and rights of the company after it had been organized five years. If the terms could not be agreed upon, a committee should be selected to settle the difficulties.

In the discussion of these two plans, Government ownership refers to absolute control of the telegraph by the Government, while Government control refers to private ownership under the supervision of the Government.

Several opinions of these plans are given:

Mr. Washburn thought Government control at the best would be but an experiment, while the successful
management of telegraph lines by the Government of other countries demonstrated the success of Government ownership. 34

Mr. Hubbard maintained that the principal points of difference between the two plans were, that under the Government ownership the rate was twenty-five cents, and that the Government purchased, constructed and operated the lines, while under the Government control, the average rate was thirty-seven cents and the Postal Telegraph Company constructed, operated and maintained the line. 35

Mr. Cyrus W. Field favored Government ownership. In a letter written in 1870 to Hon. J. C. Washburn, he wrote, "I should regret to see any attempt made by the United States to build competing lines to those now in operation, but I am firmly convinced it would be wise on the part of government to purchase all of the telegraph lines in this country at a fair valuation and combine them with the Post-Office Department, and that this can be done with advantage to the Government and great benefit to the people." 36

In his report for June 30, 1871, Postmaster General Creswell stated, "It is true that a large sum of money will be required for the purchase of the present telegraph lines and their appurtenances. But if this be a difficulty, delay only magnifies it, for, admitting that the Government must at some time become the exclusive proprietor of the telegraphs, it is clear that every year will add to the amount of purchase money it will have to pay. The companies now in existence will extend their operations and new companies will be organized from time to time, all of whom would demand compensation for a surrender of their privileges and property. I therefore deprecate further delay as injurious to the public interests." When President Grant sent this report to Congress, he wrote, "The suggestions of the Postmaster
General for improvements in the department presided over by him are earnestly recommended to your special attention; especially do I recommend favorable consideration of the plan for uniting the telegraphic system of the United States with the Postal System."

Government ownership was opposed by Representative James B. Beck from Kentucky. He thought it would be impossible to control the telegraph lines along the railroads. The lines were extended along the fifty thousand miles of railroad, so that at least two-thirds if not three-fourths of the telegraphic communication was connected with if not directly controlled by the railroad system. Also he knew of no constitutional right that granted the United States the right to acquire and hold real estate within a state. He objected to the centralizing and consolidating spirit which had for a few years pervaded the legislation of Congress, which the Civil War had developed.

The Western Union Company objected to Government Control because a corporation was created and was granted certain privileges and powers, because many expenses were to be assumed by the Post Office Department, because the company in effect was to be exempted from state and municipal taxes, because the law of 1866 would be violated as the Company accepted the provisions of the act "upon the
assumption that a compact was ... entered into between the Government and the Company, (1) that we were not to be interfered with by Congress until the expiration of five years; and, (2) that, thereafter, we were only to be liable to be dispossessed of our property at a valuation to be fixed by arbitrators in whose appointment we should have an equal voice."41

The Committee on Appropriations held an evening session in Washington D. C. on December 17, 1872. The purpose of this meeting was to give a hearing to the representatives of the various telegraph companies of the country on the proposed Postal Telegraph System. President Thurston, of the Pacific and Atlantic Company objected to Governmental control, but he recognized the right of the Government to buy his lines as granted by the Act of 1866.42 President James W. Brown, of the Franklin Telegraph Company reported to the committee "that the managers and stockholders" of the company regarded Governmental control unfavorably.43 Some of the leading men of the company had no objection to the Government taking charge of the telegraph. He said, "We hold our telegraph property the same as we might hold ten bales of cotton; if we get what we think a fair equivalent for it, the Government can have it."44 Mr. E. D. L. Sweet, executive manager of the Atlantic and Pacific Telegraph Company reported that so far as the executive officers and stockholders had expressed themselves they
were of the opinion that the telegraph business could be done satisfactorily by private companies operated by private corporations. The arguments for and against Government ownership and Government control were numerous during the period from 1870 to 1873. Both plans reduced the rates. The Government ownership plan required an annual appropriation and at the beginning forty or fifty million dollars would be needed for the purchasing of the lines, while the other plan did not require an appropriation nor a sum of money. Government ownership was also opposed as it did not require an examination of the employees, and the postmaster was to be used in the telegraph office, who had no knowledge of telegraphy. Government ownership would require from twenty thousand to twenty-five thousand employees, this would increase the power of the political party that was in control, of the Postmaster General and of the Executive. The Government control, according to Mr. Ramsey, prevented the power of control from passing either to the Executive or to the hands of any private party, also under this plan the Government had the privilege to purchase the lines at an appraisal value. Government ownership was still further opposed as the Government had encouraged and protected telegraphs, therefore it should not enter into competition with them.
It seemed difficult to get a bill that would satisfy Congress during the period of 1870 - 1873. Government control or ownership was needed. Each state could continue to charter a telegraph company. There was still the possibility of unscrupulous men getting control of the telegraph lines. The rates of the telegraph by December 1872 were so burdensome and were so high that they often prohibited the sending of messages. 52 The tariffs were based on three geographical divisions, the Eastern Division, the Central and Western Division and the Southern Division. 53 Even though the rates were not uniform and were burdensome, the business of the Western Union Telegraph Company increased from 1868 to 1872 inclusive, eighty per cent, while the expenses increased only twenty-seven per cent, the mileage of wire was increased forty per cent, and the rates were reduced thirty-five per cent. 54 Another reason for Government ownership or Government control was the possibility of using the telegraph as an educational agency. The Government could extend the lines to all parts of the United States, while under private ownership the lines were built mainly to the sections that were profitable.

By 1873 Congress had not passed a bill which provided for Government ownership of the telegraph or Government control of the telegraph. Although the subject had
been investigated, had been reported by committees from both Houses of Congress, and had been approved by prominent men of the period. The failure to pass a bill was perhaps due to the power of the Western Union Company and to the fear that the power of the Federal Government would be increased.

In 1873 Congress gave less attention to Government control or Government ownership of the telegraph. Government ownership of the telegraph was still approved by Postmaster General Creswell. After the Postmaster General's report for this year, Government ownership or Government control of the telegraph appears to have not been discussed by this Department until after 1877.

The two bills that were proposed in 1873 were to provide for the transmission of correspondence by telegraph. One of these was referred to the Committee on Appropriations, the other one was referred to the Committee on Post-Office and Post Roads. On April 2, 1874, the bill referred to the Committee on Post Office and Post Roads was indefinitely postponed. Mr. Alexander Ramsey of Minnesota was directed by the same committee to report a bill which provided for the transmission of correspondence by telegraph. This bill was accompanied by a report. This report was by the same Mr. Ramsey that favored Government control in 1870. In 1873 Mr. Hubbard was still advocating Government control.
According to the report that Mr. Ramsey submitted to the Senate April 2, 1874, the power of the telegraph was "continually" increasing and "rapidly increasing." Telegraph influenced the public "through the press."

Every leading daily paper obtained its despatches from two associations that were allied. They were the New York Associated Press, which collected the news and the Western Union Company which transmitted the news. The commercial news of the World was controlled by the Western Union. The President of the Western Union Telegraph was a trustee of the New York Tribune and the New York Tribune was a member of the Associated Press. However in the previous January Mr. Orton said,

"The Western Union Company has not had for five years any contract with the New York Associated Press, except temporary agreements as to quantities and prices, which run from week to week or month to month. "Therefore the charge that the Western Union Telegraph Company and the New York Associated Press together control the news of the world, and that the former can put a muzzle on the press so that it cannot print anything opposed to the interests or wishes of the Western Union, and in favor of the postal telegraph, is utterly groundless."

According to this report the rates of the Western Union Company were still too much. They were compared with the proposed government control rates. The average rate of the Western Union Company was sixty cents while the rate proposed by the postal telegraph (Government control) was forty cents. This was a reduction of thirty-
three and one-third per cent. The comparison was based on rates from New York to a few other cities.

"The postal-telegraph system," according to Mr. Ramsey, "proposes, by united the telegraph, with the Post-Office, to control its power, to regulate its business, diminish its operating expenses, increase its facilities, reduce the rates, and thus bring it into general use." 64

Although Mr. Ramsey submitted a convincing report, this bill did not come to a vote. One other bill was introduced during this year, which was to provide for a commission upon the subject of postal telegraphy. 65

In 1875 efforts were still made to provide for postal telegraphy but the proposition submitted to Congress placed more control with the private companies, and less control with the Government. Representative Benjamin Butler of Massachusetts presented a bill 66 which provided that the telegraph lines were to be controlled by the Postmaster General only so far as the business of the Government was concerned, and that no preference should be given to any message or cablegrams. 67 This bill did not pass Congress due probably to five representatives lawyers who opposed it. They were E. R. Hoar, Massachusetts; William E. Finch, Ohio; Stephen W. Kellogg, Connecticut; and Jasper Ward, Illinois. 68
In the same session of Congress Senator W. Dorsey of Arkansas introduced a telegraph bill. According to Mr. Dorsey, the provisions of this bill proposed to regulate only the intercourse "among the several states, or with foreign countries." It provided that the rates were to be uniform for the same service and that there was to be no discrimination in rates. Although the requirements of this bill were very liberal, it was not discussed by the Senate.

It seems that those who opposed the bills of previous years because they granted too much power to congress could not object to either of the bills proposed in 1875. While those who advocated Government control or Government ownership could have supported one of these bills rather than have no supervision by the Government.

Active interest by the congressmen in the postal telegraph was almost extinct in 1876.

However this indifference did not exist among the people. During the latter part of this year, in the forty-fourth Congress, which was from December 1876 to March 3, 1877, numerous petitions were sent to Congress. The people placed upon the legislative body of the United States the duty of remedying the existing telegraph conditions. During this period three hundred twenty-eight
petitions were sent. They were from thirty-seven states and territories. The petitions in general asked for cheap telegraphy, or for the purchase by the Government of the telegraph lines, or for the enforcement of the Act of July 24, 1866 which related to the purchase of the telegraph lines by the general Government, or for the incorporation of the telegraph lines with the Postal system.71

These petitions did not bring the desired results. During 1877 nothing else was proposed to Congress that concerned Government ownership or Government control of the telegraph.

The Western Union Company continued to grow. In August 1877, this company and the Atlantic and Pacific Company made an agreement. They arranged to divide and "pool" their "gross earnings", seven-eighths to be kept by the Western Union Company and the remaining one-eighth to go to the Atlantic and Pacific Company. According to the Nation, "This practical consolidation, although technically only a traffic arrangement, may benefit stockholders, but at the expense of the public, who are interested in continuing such a competition as will keep rates low and the companies on their good behavior."72

Only one general telegraph law was passed from 1860 to 1877 inclusive. This was the Act of July 24, 1866. The regulation of this act did not prevent the
growth of a monopoly; it did not provide for the chartering of telegraph companies, and it did not control the rates. Thus at the close of 1877, the telegraph companies were practically unrestrained in their policies. They could continue to charge non-uniform rates, and high rates; and they could continue to control the commercial news and the Press.
CHAPTER I.

Footnotes:


4. Ibid., p. 39.


CHAPTER II.

Footnotes

Part 1.


2. Ibid., p. 482.


6. Ibid., pp. 520, 548, 619.

7. Ibid., p. 510.


9. Ibid., pp. 334, 335.


11. Ibid., p. 12.


13. Ibid., pp. 483-484.


16. Ibid., p. 106.
Part 2.

2. Ibid., p. 717.
3. Ibid., p. 866.
5. Ibid., p. 1497.
CHAPTER III.

Footnotes

Part 1.


11. Ibid., pp. 6 - 7.


17. Oberholtzer, Since the Civil War. vol. I, p. 211.


25. U. S. Stat. at Large. 39 c., 1s., 74: 44.


29. C. G., 40 c., 3 s., 84: 171. S. no. 731.


31. C. G., 40 c., 3 s., 86: 1899.


33. C. G., 41 c., 1 s., 87: 32. S. no. 74.


Part 2.


13. C. G., 38 c., 1 s., 65: 2818.


21. Ibid., p. 3069, 3072.
22. Ibid., p. 3126.
23. Ibid., p. 3316.
24. Ibid., p. 3422.
25. Ibid., p. 3408.
26. Ibid., p. 3482, 3483.
30. Ibid., p. 925.
31. Ibid., p. 930.
32. Ibid., p. 953.
33. Ibid., p. 954.
36. Ibid., p. 727.
38. Ibid., pp. 202, 203, 213.
40. C. G., 40 c., 3?, 85: 1541.
41. Ibid., p. 1482.
42. Ibid., p. 1472.
43. C. G., 40 c., 3 s., 86:1878.
44. Ibid., p. 1879.
45. E. G., 42 c., 2 s., 102: 2651.
Part 3.

1. C. G., 40 c., 3 s., 84: 171.
   Ibid., p. 226.
   Ibid., p. 548.

2. C. G., 40 c., 3 s., 86: 778.

3. C. G., 40 c., 3 s., 86: 1787.

4. C. G., 41 c., 1 s., 87: 47.
   Ibid., p. 47.
   Ibid., p. 63.

5. C. G., 41 c., 1 s., 87: 410.


7. Ibid., p. 659.


9. Ibid., p. 454.


   Ibid., p. 505.
   C. G., 41 c., 2 s., 89: 2395.
   C. G., 41 c., 2 s., 92: 4505.
   C. G., 41 c., 2 s., 95: 4414.
   C. G., 41 c., 3 s., 95: 56.

   Ibid., p. 1857. S. No. 654.
   Ibid., p. 23. S. No. 1088.
   Ibid., p. 116. S. No. 1133.

17. C. G., 41 c., 3 s., 95: 271.


20. Ibid., p. 1904.


22. Ibid., p. 3667.


25. C. G., 42 c., 3 s., 108: 100 appendix.

26. C. G., 41 c., 2 s., 89: 1454. S. No. 117.

27. U. S. Stat. at Large. 44 c., 1 s., 293: 301.


29. C. G., 41 c., 1 s., 87: 32. S. No. 74.


32. A Compilation of the Messages and Papers of the Presidents. 11 volumes. Published by Bureau of National Literature. 1913. vol. VI, p. 4299. (volume VI. Richardson, James D.)


34. Ibid., p. 457.
CHAPTER IV.

Footnotes

Part 1

1. C. G., 36 c., 1 s., 51: 1693.
2. Ibid., p. 1693.
3. C. G., 36 c., 1 s., 50: 494.
4. C. G., 36 c., 1 s., 51: 1292.
5. C. G., 36 c., 1 s., 52: 2323.
7. Ibid., p. 2857.
   Ibid., p. 3039.
8. C. G., 36 c., 1 s., 51: 1292.
9. C. G., 36 c., 1 s., 52: 2323.
11. Ibid., p. 42.
12. C. G., 35 c., 2 s., 54: 121 no number.
   C. G., 36 c., 2 s., 55: 1319 no number.
   C. G., 37 c., 3 s., 61: 144 no number.
   C. G., 38 c., 1 s., 65: 2324. S. No. 280.
15. Ibid., p. 374.
   Resolution of the Legislature of Michigan. Senate. Lis.
   Doc. 39 c., 1 s., 33: 1.
17. C. G., 38 c., 1 s., 66: 3409.
18. C. G., 39 c., 1 s., 70: 1773.
20. Ibid., p. 5427.

21. Ibid., p. 5437.

22. Ibid., pp. 5490, 3787.
C. G., 39 c., 1 s., 77: 4116.


24. Ibid., p. 522.

   Ibid., p. 422. H. R. No. 1639.
   Ibid., p. 664. S. No. 848.
   C. G., 42 c., 2 s., 100: 301. H. R. No. 795.
   C. G., 42 c., 3 s., 107: 1524. S. No. 1629.
   C. R., 43 c., 2 s., 118: 1035. H. R. No. 4575.
   C. R., 44 c., 1 s., 121: 515. S. No. 311.
   Ibid., p. 592. H. R. No. 1550.
   C. G., 38 c., 2 s., 68: 737 Appendix.
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28. Ibid., p. 135.

29. Ibid., p. 136.

30. Ibid., p. 137.

35. C. G., 41 c., 2 s., 93: 5439.
36. C. G., 42 c., 1 s., 98: 76.
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37. C. G., 42 c., 2 s., 104: 3667.
39. Ibid., p. 3668.
42. C. R., 44 c., 2 s., 129: 512.
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44. Ibid., p. 629.
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46. Ibid., p. 753.
47. C. R., 44 c., 2 s., 129: 397, 477.
48. Ibid., p. 447.
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   C. G., 37 c., 2 s., 60: 3093. S. No. 379.
   C. G., 37 c., 3 s., 61: 158. S. No. 455.
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   C. G., 38 c., 1 s., 65: 19 no number.
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50. cont. Ibid., p. 786. S. No. 132.
   Ibid., p. 950. S. No. 152.
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   C. G., 38 c., 1 s., 65: 2426. no number.
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   Misc. Doc. Senate, 39 c., 1 s., No. 52.
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50. cont. Ibid., p. 991. H. R. No. 1117.
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50 cont. Ibid., p. 705. S. No. 853.
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50 cont. Ibid., p. 2963. H. R. No. 1876.
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C. R., 44 c., 2 s., 150: 1052. S. No. 1192.

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  *U. S. Stat. at Large*, 41 c., 2 s., 127: 324.
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  *U. S. Stat. at Large*, 42 c., 2 s., 261: 212.
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Part 2.


5. Ibid., p. 7.

6. Ibid., p. 105.


8. C. G., 39 c., 1 s., 70: 979.


10. Ibid., p. 980.


13. Ibid., pp. 4, 2, 3, 2.


15. Ibid., p. 42.

17. O. G., 42 c., 2 s., 100: 266.


20. C. G., 40 c., 3 s., 84: 466.


22. O. G., 41 c., 2 s., 88: 709.

23. C. G., 41 c., 2 s., 88: 824.


25. C. G., 41 c., 2 s., 93: 5178.

Reference — that a report accompanied Mr. Palmer's bill is on page 5178.


27. Ibid., p. 54.

28. Ibid., p. 55.


30. Report from the Committee on Post Offices and Post Roads to accompany bill S. No. 422. Senate Reports. 41 c., 2 s., 18: 1 - 4.


32. Ibid., p. 16.


35. Ibid., p. 147.

36. Ibid., Appendix 6 p. 69.


38. C. G., 42 c., 2 s., 100: 640.

39. Ibid., p. 644.

40. Memorial of the Western Union Telegraph Company. Senate Misc. Doc. 42 c., 2 s., 86: 5.

41. Ibid., p. 4.


43. Ibid., p. 7.

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45. Ibid., p. 10.

46. Report from Committee on Post Offices and Post Roads to accompany bill S. No. 541. Senate Reports. 42 c., 2 s., 20: 6, 7.

47. Ibid., p. 6.


51. Report from the Committee on Post Offices and Post-Roads to accompany bill S No. 422. Senate Reports.
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56. C. R., 43 c., 1 s., 110: 320.

57. C. R., 43 c., 1 s., 112: 2716.


59. Report to accompany bill S. No. 651. Senate Reports.
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60. Ibid., p. 3.

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65. C. R., 43 c., 1 s., 113: 3331.


67. C. R., 43 c., 2 s., 118: 1419, 1421.

68. Ibid., p. 1426, 1427, 1428, 1429.

69. C. R., 43 c., 2 s., 117: 768.

70. Report to accompany bill S. No. 1201. Senate Reports.
43 c., 2 s., 624: 1.
71. Note. States classified according to the Statistical Bureau of the United States for 1930.

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C. R., 44 c., 2 s., 129 & 130: 860.
C. R., 44 c., 2 s., 130: 1051.
Ibid., p. 1255.
Ibid., p. 1305.

New Hampshire
C. R., 44 c., 2 s., 129: 817.
C. R., 44 c., 2 s., 130: 1546.

Vermont
C. R., 44 c., 2 s., 130: 928.
Ibid., p. 1094.
Ibid., p. 1272.
Ibid., p. 1272.
Ibid., p. 1338.
C. R., 44 c., 2 s., 131: 2253.

Massachusetts
C. R., 44 c., 2 s., 129: 471
Ibid., pp. 525 & 526.
Ibid., p. 613.
Ibid., p. 761.
C. R., 44 c., 2 s., 150: 1122.
Ibid., p. 1229.
Ibid., p. 1376.
Ibid., p. 1376.
Ibid., p. 1546.
Ibid., p. 1546.
C. R., 44 c., 2 s., 131: 1954.

Rhode Island
C. R., 44 c., 2 s., 130: 1073.
C. R., 44 c., 2 s., 131: 2255.

Connecticut
C. R., 44 c., 2 s., 129: 753.
C. R., 44 c., 2 s., 150: 1546.
Ibid., p. 1339.
Ibid., p. 1622.
71 cont. Middle Atlantic States.

New York

C. R., 44 c., 2 s., 129: 438.
Ibid., p. 438.
Ibid., p. 462.
Ibid., p. 471.
Ibid., p. 566.
Ibid., p. 566, s. 631.
Ibid., p. 635.
Ibid., p. 678.
Ibid., p. 709.
Ibid., p. 761.
C. R., 44 c., 2 s., 129 & 130: 860.
C. R., 44 c., 2 s., 130: 1073.
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Ibid., p. 1182.
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C. R., 44 c., 2 s., 131: 2027.
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New Jersey

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C. R., 44 c., 2 s., 130: 1471.
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Pennsylvania

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Ibid., p. 597.
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Ibid., p. 635, s. 631.
Ibid., p. 678.
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71 cont. (Pa. cont.)

_Ibid._, p. 1075.
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_Ibid._, p. 1074.
_Ibid._, p. 1094.
_Ibid._, p. 1229.
_Ibid._, p. 1229.
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_Ibid._, p. 1305.
_Ibid._, p. 1336.
_Ibid._, p. 1471.
_Ibid._, p. 1487.
_Ibid._, p. 1507.
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_Ibid._, p. 1622.
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East North Central States.

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_Ibid._, p. 1622.
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_Ibid._, p. 1121.
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71 cont. Indians.
  Ibid., p. 1255.
  Ibid., p. 1272.
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  C. R., 44 c., 2 s., 131: 1731.
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Illinois.
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West North Central States.

Minnesota.
C. R., 44 c., 2 s., 129: 491.
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Ibid., p. 819.
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Kansas.

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South Atlantic States.

Delaware.

C. R., 44 c., 2 s., 129: 526.
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Virginia.

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71 cont. West Virginia.
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