During the years 1849–51 the cause of international copyright became inseparable from the Bulwer family. As we have seen, Edward Lytton Bulwer the novelist was directly involved. His eldest brother Henry was a distinguished diplomat, and as British Minister to Washington in 1849, in a unique position to promote an Anglo-American copyright agreement. Bulwer’s only son Robert sailed from Liverpool in October 1850 at the age of eighteen to join his uncle in Washington as an unpaid attaché in the British Legation.¹

Not long after Robert arrived in Washington his father broached the question of copyright.²

I have been working hard lately and much want a holiday, but I fear that is impossible. Alps upon Alps lie before. And I shall have to write much for I fear that I shall not get a shilling from Knebworth [the family estate] this year. . . . Is there any chance, think you, of getting a Copyright for English Authors in America? Pray urge Henry to it. It might make me a rich man.

Robert’s reply was discouraging. It reflected his uncle’s pessimism as well as his own. They both feared that the American reading public had grown so accustomed to the convenience of buying low-priced reprints of English editions that there would be little or no support for any legislation fostering international copyright. Several months went by before Robert raised the subject again.³

The Government is no visible part of the legislative assemblies; they have no direct influence and can bring forward no measure of themselves. Even the
Secretary of State has no seat in Congress. Consequently the only plan to adopt is to prevail upon some Senator or member of the House of Representatives to bring forward the 'bill of International Copyright.' This it would be almost impossible to do because in this country the reading population is very large and the writing population very small; and no man (for here public men are like candidates on a hustings and everything they do or say is done and said to their constituents), no man would peril his popularity by bringing forth so unpopular a measure.

The happy coincidence of uncle and nephew in Washington soon came to an end. In August 1851 Henry found it necessary to return home temporarily because of ill health. In his absence John F. Crampton who was Secretary of the Legation took charge. Early in the new year it became clear that Henry would not be able to resume his post, and so Crampton was formally appointed British Minister.* Crampton was well prepared for his new assignment. He had joined the staff of the legation in Washington in 1845 and following the removal of Sir Richard Pakenham had served for two years as chargé d'affaires until Bulwer arrived. Born in 1805 of a distinguished Anglo-Irish family, he matriculated at Eton and then went to Trinity College, Dublin. His father Sir Philip Crampton was a Baronet and surgeon in Dublin and therefore in a position to assist his son to embark upon a diplomatic career. As British Minister in Washington John Crampton was a congenial bachelor who was well liked by most Americans, and Robert Lytton found him a worthy substitute for his uncle. The only reservation he may have had was whether Crampton would favour his father's cause: securing an Anglo-American copyright agreement.

A curious series of events from an unexpected quarter revived the issue. The impetus came indirectly from Thomas William Charles Moore, a special courier attached to the British Legation in Washington who found himself in a unique position to help. Moore was born in Nova Scotia in 1794 and did not take up residence in the United States until 1817 at the request of his uncle Thomas William Moore, the British Agent for Sailing Packets in New York and Boston. The uncle had lived in America since 1800, staying in British-occupied parts of the United States during the War of 1812. In his position as packet agent he performed a variety of commercial and semi-diplomatic services, and after the war found his business thriving due to the renewal of Anglo-American diplomatic and commercial relations. His need for
extra help induced him to ask his nephew in Nova Scotia to come and join him. The younger Moore agreed. Initially he carried private mail and diplomatic correspondence for the British Legation from Washington to the port of Boston. Eventually he extended his route to parts of Upper and Lower Canada, riding on horseback during the long winter months when the rivers were frozen. As he became known, the diplomatic staff trusted him with more varied tasks. Thus in 1843 he was asked to accompany the newly appointed Governor General of Canada on the long trip from Boston to Kingston.

Because the uncle was unable to remunerate his nephew adequately, he was always on the lookout for other ways in which T. W. C. Moore might augment his resources. It was natural, therefore, to plead for a job as a government mail carrier when the Post Offices of Britain and America concluded a new agreement in 1845. Unfortunately, appointments of this kind were made from Whitehall without consulting the packet agent in America, and so Moore’s candidacy was unsuccessful. A year later his uncle died. T. W. C. Moore then applied to succeed him as a packet agent of the Crown. Again, however, he was disappointed. The best that was eventually arranged was to attach him more closely to the British Legation in Washington as a semi-official courier rather than the more prestigious and remunerative ‘Queen’s Messenger’, and this was his position in 1851 when Sir Henry Bulwer left Washington and Crampton took over as British Minister.6

To supplement his income T. W. C. Moore became involved in expediting certain claims that British subjects wanted to bring against the American Government or private American citizens. Two such cases involving Moore were brought to the attention of the Foreign Office. The first involved a young British subject named Thomas McVaye who was drowned while serving with the American Navy. The United States Treasury informed his mother in Liverpool that she could recover her son’s back wages if they were applied for by an American resident who held a power of attorney from her. Moore agreed to take on this responsibility and collected the money. However, a year later the woman still had not received her money and could get no satisfactory answer from Moore. The second complaint came from James Harnett whose son had died while serving with the American army in the war against Mexico and who was due not only wages but also land options which were guaranteed to all veterans. Moore offered to settle these claims, but later admitted that after receiving the money he had remitted it
to my agent in New York (with other monies) to purchase a bill of exchange, and apparently the agent ‘absconded to California with nearly a thousand dollars in his hands’. As a result of these mishaps Moore was left ‘quite unable to liquidate the debt’, although he expressed his intention to repay the money, including interest, in a year’s time. In the long run, this experience as a claims agent in addition to his job as a semi-official courier proved just the combination needed by those interested in promoting an international copyright treaty.7

Two things seemed to recommend T. W. C. Moore: he was a man of modest finances who was seriously in debt, and since coming to the United States he had had ample opportunity to observe the workings of politics. Taken together these go a long way towards explaining why he became involved in what we would now call influence-peddling. Although no definite proof exists there is evidence that because of his wide circle of acquaintances, a group of American claims agents (who would now be called lobbyists) persuaded Moore to act as an intermediary between them and the British Legation in hopes of persuading the latter to employ them as promoters of British interests in America. First and foremost this meant influencing Congress, and more particularly, expediting the passage of a proposed Reciprocity Treaty which would lower tariffs and facilitate commerce between the United States and Canada. Moore may not have been interested in a ‘kickback’ from these men but it is reasonably certain that he did put them into communication with John F. Crampton who in turn wrote a long letter to Lord Elgin, Governor General of Canada, describing the current state of political morality and revealing for the first time the existence of a formidable group called the Organization.8

A proposition has been made to me with regard to the ‘Reciprocity Bill’ of so extraordinary a nature that used as I am to the ways and means by which things are carried on here, I did not believe it to be serious until I ascertained beyond the possibility of doubt the source from which it came, and the power of those who made it to fulfil their Engagement should we agree to their terms.

The proposition is simple enough, and is this: – that certain persons engage to carry or procure to be carried through both Houses of Congress, during the next session, the Reciprocity bill upon the payment by me to them or their agent of the sum of 20,000 Pounds, to be divided and used by them for the purpose: – twenty or thirty per cent of the same as a sort of retaining fee; – the rest to be paid after the bill shall have finally passed.
I communicate this to you much more with a view of giving you a specimen of the 'style' of Politics at Washington, than with a view to any practical use that could be made of the information. Even if our Government could dispose of such a sum for such a purpose, I am quite aware that I should scarcely succeed in persuading them that I had not been completely humbugged by whoever brought me the proposal. Indeed I was disposed to look upon it myself as mere nonsense until, to my infinite surprise, I found that it was a perfectly practical proposal, and well considered by those who made it. The worst feature of the case however is that it is accompanied by an intimation that a non-compliance with the terms will ensure the opposition of the 'Organization', as it is called, who make the offer, and they are unfortunately quite powerful enough to cause it to be rejected.

I was always aware that a great deal was done in Congress in this way, and thought that something might be done in regard to the Reciprocity Bill by such means, though I imagined at the same time that we should have peculiar difficulties in applying there were it ever thought expedient to have recourse to them. I was therefore little prepared to have the affair proposed to me 'en bloc' with everything foreseen and prepared, and nothing to be supplied but the moving power – but the truth is that what they call 'Organization' has within the last five or six years been brought to such a System that what may be called the outside Congress is more powerful than the Congress itself, and that there is scarcely a measure the passage or obstruction of which is not previously arranged by mutual compact long before it comes before that body and even before the session begins.

It would be very difficult for me in the compass of a letter to explain to you the nature of the 'Organization' which has made the present overture to me a very reason for knowing the proposal to be seriously intended: it would besides oblige me to mention names which I would not like to trust to the accidents or risk of post offices etc.: I will only say that knowing who they are, and what are the means at their disposal, I am fully convinced that they can pass this bill if they choose, and that they can secure its rejection if they choose. Indeed even their inaction would ensure that.

Crampton then went on to describe his conversation with a powerful member of Congress; one who was not a member of the Organization but knew all about it. Although the allusion is veiled, it clearly refers to Senator Stephen A. Douglas of Illinois, head of the so-called 'Young America' faction of the Democratic Party.

In short as things now stand, I fear that we have not the smallest chance of
our getting this question settled by fair means. This has been intimated to me by the only person on whom I have to depend for managing and bringing forward this bill in Congress, in a way which I could not misunderstand, and this makes me anxious to put you in possession of the whole state of the case this early, in order that the Canadian Government may not, under the notion that the recommendation of the Measure in the President's Message at the next Session will ensure its success, be unprepared for what I cannot but think certain, viz. that it will meet this session exactly the same fate as it did on every previous occasion.

The gentleman to whom I allude is the same who had charge of the Reciprocity Bill in Congress last Session: he is the rising man of the rising Party, in the United States, and has by far the best chance of being placed at the head of affairs at the next Presidential Election. At all events as majorities now stand, he is by far the most powerful person in Congress. He is just come to Washington, and I of course took the earliest opportunity of calling upon him, and it was suggested that I should do so by the Parties of whom I have spoken above, in order to see how the land lay with regard to the Reciprocity Bill. We had a very long conversation on the matter, the substance of which it may be interesting to you to know. He began by expressing himself and thought, more strongly than he had ever done before, in favour of the measure, the real advantages of which he set forth in the clearest manner. The next question therefore which arose, was how the Measure was to be got through Congress. He then went into detail into the obstacles which were to be overcome and the means of overcoming them, and in doing so displayed an acuteness and a knowledge of the politics of this Country, which, although I had a high opinion of his talents, surprised me. This is a measure, he said, for or against which there cannot be got up any National or Party feeling. We cannot therefore hope to carry it by a hurrah! It is one which requires great study to understand its advantages or even its bearing on the different Interests of the Country: its supporters are friendly to it, not on any general Principle, but from various local and peculiar considerations; the opposition to it is of the same varied character; the only means of getting it is therefore one which involves great knowledge of men's characters, of their local and personal interests and prejudices — great knowledge of the question in its bearing on each of these interests — great tact in the manner of approaching the subject with different men — and above all great labor in keeping account of the 'ayes and noes' etc. And when we are assured of a majority, keeping it up to the mark at the moment required. I have, he said, carried measures in this way myself, and I know the hard work it requires. With regard to the present
Bill, much as I desire its success, I have too much on my hands to render it possible for me to undertake much of that sort of work. With respect to what you [Crampton] yourself could do, it would no doubt be useful that you should speak to some of our People with regard to certain political bearings of the measure, particularly as regards its bearing on annexation: but your attempting to do more than this would, from your position, do more harm than good. An agent from Canada, particularly if a man of any prominence in the Canadian Government, would also do more harm than good — although if some Gentleman well acquainted with the details of the Question should happen to be at Washington at the time, it would be useful.

This of course brought me straight up to the Question — whom then are we to employ? To whom are we to apply?

This is the difficult part of the business. It is difficult to fix upon one person: — one man may be good to influence a particular set of men, who, if he attempted to act upon another set, would, although he should use the proper arguments, do more harm than good. We then ran over some names — I seemed to find objection to them on some account or other: — but at length, after several minutes leaning his head on his hand in apparently profound reflection, he said there is a man, who, if we could get him to act — with the assistance of some others whom he could command — might do what we want better than any other in the U.S., and who, if he would take up these things in earnest, I think, would ensure our carrying the Bill. He then, to my surprise I confess, though I somewhat previously prepared for it, named the very person from whom the proposal stated at the beginning of my letter was brought to me. Now this man I also know to be the great ‘faiseur’ for the person I was talking to, in his capacity of Candidate for the Presidency and also to be chief mover of the sort of secret ‘organization’ I have mentioned by which almost any measure whatever, unless it happen to have a decided National Character, can be carried. I leave you to draw your own conclusion as to the way things hang together here, but I have even much more direct evidence of the means which are employed to bring about measures in this great Republic.

I fear I have troubled you with rather a long epistle on the subject without any more practical result than a little insight as to the blessing of Democratic Republics and their superior purity.

At the time Crampton sent this lengthy dispatch to Lord Elgin, Robert Lytton was serving as clerk in the British Legation and may well have transcribed the letter for him. Five days later he wrote to his father, mentioning the topic of copyright for the first time in six months and
hinting that there were 'persons in New York who I think likely can give me the best information, as to what can be done or cannot be done'. This was apparently another reference to T. W. C. Moore.

It would be hopeless to get a bill through Congress about International Copyright, unless indeed the authors in England were willing to subscribe among themselves for a certain amount — perhaps ten or twelve thousand pounds — for a sum to buy the American Congress, and then seriously and without joking — but in sad and sober earnest, I think the thing might be done. This however is confidential, and I fear the possibility turned to no practical use. I cannot very well explain my reasons for making this suggestion, in a letter, but you would be amused I think by a peek behind the cowslips of politics here.

Robert's next communique to Bulwer echoed many other of Crampton's points and explained why the seemingly whimsical suggestion in his last letter was now a serious proposition. He said that he realized that the scheme would appear 'humbug and an impossibility', yet in view of the way Americans did things it was a 'perfectly simple and practical proposition'. If his father could raise the requisite funds in England, Robert was confident that a copyright bill 'could be brought forward, carried and passed this next session of Congress'. He then returned to the subject of the Organization.

So powerful and widely spread is this system of 'Organization' that the fate of almost every measure is generally known and settled long before it is brought into the House and before even the session commences. I was at first inclined to consider the whole thing a 'mare's nest' and a 'humbug', but overtures which have lately been made to our Legation by the 'Organization' with reference to other matters, have disclosed beyond the possibility of a doubt the power of those who make these propositions to effect what they undertake and to "burke" any measure they choose.

As to those American authors and publishers who had previously supported international copyright, he said: 'these men can again be brought forward and will answer very well as a cover for the real working of the ring'. Above all, strict secrecy must be maintained or else there was the risk of some Anglo-American diplomatic crisis intruding itself upon the deliberations of Congress 'before the bill is smuggled through'.

Those who knew about the Organization were always careful not to mention any names or reveal its methods, thus the discovery and recon-
struction of what contemporaries intentionally kept secret has provided one of the most intriguing challenges of this research. Details are sometimes lacking, but enough have come to light so that we can fairly accurately surmise what happened. Contrary to Crampton's and Lytton's initial impression, the Organization was comparatively new. Had it existed for several years past, the likelihood was that Sir Henry Bulwer would have made use of it in his efforts to promote the Reciprocity Bill in July 1850. That he was clearly unaware of its existence can be seen from the following private dispatch to the Foreign Secretary, Lord Palmerston.10

With reference to my private letter of the 17th of June relating to the employment of secret service money for the purpose of securing or expediting the passage of the Reciprocity Bill through Congress, I beg to say that I have since my former communication reflected much upon the subject, and made some inquiries. There can I believe be no doubt that members of Congress could be found subject to venal influences and a portion of the press might in the same way be controlled.

But my opinion is against any direct attempts of the kind: - what I should recommend is employing a skillful lawyer accustomed to manage bills in Congress. To give him a good fee and promise him an additional one in case of success. Such a person knows members intimately, has them to supper, their wives visit each other, and a measure having of itself a strong support, is thus considerably facilitated.

I think it might also be advisable to promise the American Consul in New Brunswick a handsome consideration as his testimony will go for something, if the bill passes . . .

I should leave every other matter in the hands of the lawyer employed.

The prima facie evidence suggests that the Organization was less than a year old when it approached T. W. C. Moore. If this is true its power must have come from its membership, not its longevity. From later sources we know that the head of the group was a Tennessee lawyer and claims agent in Washington named Joseph Knox Walker. Fortunately for our purposes one of his few surviving letters reveals the probable genesis of the Organization.

In December 1850 he wrote to William L. Marcy, former Governor of New York State and more recently Secretary of War under President Polk, suggesting that an association be formed to assist American
inventors and patent-holders to sell rights to their discoveries in London at the Great Exhibition of 1851.

The effort of this association would be to present these specimens and patents favorably, have them noticed abroad and in some instances disposed of advantageously – charging them a cash retaining fee and a contingent fee dependent upon the disposal of their patents abroad, etc.

The association would be composed of two types of men: prominent ones like Marcy, R. J. Walker, Judge Mason, and Edmund Burke; and lesser known younger men like Beverley Tucker and Knox Walker himself. If the notion appealed, Marcy was asked whether he would be interested in being one of those sent to London. Robert J. Walker and J. Y. Mason countersigned this proposition, clearly indicating that two key personalities had already been enlisted.

Marcy's initial reaction was favourable, judging by an entry in his diary:

J. K. W. has made me a suggestion to go to the Great world convention at London. I am inclined to accept the invitation provided the arrangements can be made to my satisfaction. I must be assured that all my expenses will be paid.

When Marcy arrived in Washington, D.C., in early January 1851 he set about prosecuting claims before the Government, interspersed with dinner meetings with both Walkers and Beverley Tucker. After one of these he noted, 'met the associates concerning patents. Was placed on the Committee to report outlines of the association. Mr. Ashmun made the sketch.' The patent work abroad did not prove as successful as anticipated, but the men who were involved found that they had another interest in common: many of them acted as claims agents for people seeking land grants or other government dispensations. Knox Walker had been Recorder of land warrants since 1847 and no doubt realized the potential of group pressure on Congress in this area.

One of the reasons why claims agents were necessary was that there was no way a private citizen could directly sue the United States Government to collect damages or recover property. Each such claim had to go through both Houses of Congress either as a separate bill or in disguise as a rider on another measure. Individuals almost invariably had to employ the services of an agent unless they were lucky enough to obtain the sympathy of one of their elected representatives. The latter route
was slow and uncertain at best, whereas it was in the interest of a claims agent to earn his fee. One of their number described his work:\textsuperscript{12}

\textit{I am an agent for the prosecution of claims, arising under existing laws of Congress. I suppose there are some thirty or forty agents resident of this City, besides ex-Members of Congress and others, who visit the seat of Government to represent individuals who live at a distance, before the Departments and Congress.}

An advertisement in a Washington directory by an attorney and counsellor at law further elaborated:\textsuperscript{13}

\begin{quote}
Prosecutes Claims of all kinds against the United States, including Pension, Bounty Land and Land Title Cases, either before Congress or any of the Executive Departments or Bureaus, and likewise Claims of our citizens against Foreign Governments, either before the State Department or Boards of Commissioners established for their adjudication:

Solicits the issuance of Letter Patent for Inventions, from the United States and from Foreign Governments. . . .
\end{quote}

Their fees varied. Some charged a retaining fee regardless of their results, but more commonly they based their charges on a commission or percentage of the amount awarded to their client. Daniel Webster once explained to his son how he arrived at what to ask:\textsuperscript{14}

\begin{quote}
In all former cases of recovery of claims against foreign governments, I have received the commission of five per cent. I have known no smaller charge in general either in the English, Spanish, Danish, or Mexican cases, but as Mr. Dorr paid a good deal of personal attention to this case I should be content to charge only one half the customary commission.
\end{quote}

Other agents charged as much as ten per cent or more, depending upon the size of the claim and the extent to which incidental expenses were advanced by the client. Gradually it became clear to those with vested interests, business or otherwise, that they would have to pay lobbyists if they hoped to get things done. A correspondent from Boston addressed Senator Charles Sumner concerning tariff regulations:\textsuperscript{15}

\begin{quote}
It is reported here that there will be some modification of the Tariff before Congress rises — doubtless to satisfy the important interests of Pennsylvania, meaning doubtless votes. Now the Foreign Importers of New York, have a large fund, out of which they support agents at Washington, to attend to
\end{quote}
their interests and most admirably they are attended to, witness the Tariff of 1846, which if it had been made [by] the Parliament of Great Britain could not have been more favourable to English interests.

The kinds of claims which agents customarily exploited involved compensation for lost property, applications for land, requests for patronage and office, and arranging contracts and subsidies. One of the most notorious subsidy cases was handled in an almost flamboyant manner by Edward Knight Collins, a prominent owner of sailing vessels on the East Coast. He made no secret of his attempts to gain government support for the construction and operation of trans-Atlantic steamships. From his point of view it was a matter of patriotic pride that America should have a steamship service to rival that of Samuel Cunard. With this conviction he enlisted the aid of a number of other people whose interests might be served by such a service, and in 1847 they were successful in securing an annual subsidy of $385,000 from the United States Post Office. To express his appreciation for their help Collins anchored one of his new steamships on the Potomac River and entertained large numbers of government officials, Congressmen, and leading Washingtonians. Later that year his subsidy was increased to $853,000 per annum in further recognition of his services to a grateful nation!\(^{16}\)

Among the claims involving compensation for lost property, one created a scandal which unnerved even the most inveterate congressional manipulators. It was known as the Galphin Claim and part of its impact was that it touched the Zachary Taylor Administration so closely. Like many claims against the United States Government, it went back to Revolutionary times. In 1773 the British Government incurred a debt to the Galphin family. After the War this obligation devolved on the new state of Georgia, and in time was passed on to the Federal Government. By 1830 no action had been taken, and so it was decided to engage a private attorney to prosecute the claim. The value of the original land plus the interest which was accruing must have been a distinct inducement to undertake the task since the agent stood to gain half of the amount recovered. A lawyer named George Crawford was awarded the job, and under his relentless pressure Congress finally authorized the Secretary of the Treasury, R. J. Walker, to pay $43,518 compensation to the Galphins, of which Crawford received $21,401. This amount covered only the value of the land, however. Crawford therefore continued to press the Government for the accumulated interest of $191,352.
Walker balked at this, but his successor, William M. Meredith, with the advice of the Attorney General, acquiesced. Crawford thus received a total of $115,577. When the settlement was made in 1850 Crawford was no longer a lowly claims agent but had risen to be the Secretary of War!17

By far the greatest proportion of a claims agent's time was devoted to settling disputes involving land. The 1840s and 1850s saw an incredible expansion in the territory annexed to the nation. In rapid succession came the acquisition of the Oregon territory, the War with Mexico, the annexation of Texas, and the almost overnight conversion of California from a foreign possession to a State of the Union. These new territories transformed not only the nation's geography but its economy as well. East coast manufacturers had new markets to supply; immigrants needed outfitting on their way westward; steamships were envisioned as links between the Atlantic and the Pacific; an Isthmian Canal was projected. It became difficult for Americans to separate dreams from reality. And behind it all was heavy speculation and intrigue in land.

Military bounties caused many of the problems. Ever since the American Revolution soldiers had been induced to join the army by a promise of land. Depending upon how long they served and in what capacity, they were entitled to warrants which they could redeem either for cash or for acres of unsettled land. It was recognized by some that a profit could be made by selling these warrants for as much as the market would bear. Wall Street eventually stabilized their price, but speculators managed to get around this by purchasing them on the East coast and later disposing of them at much higher prices in the West where the land was located and consequently had meaning and value.

In the 1850s a number of land bills were passed which significantly increased the number of those who qualified for warrants. As one modern scholar quipped, 'not only officers and fighting men but musicians, militiamen, marine clerks or landsmen, wagonmasters and teamsters, chaplains and Indian-fighting volunteers' became eligible. Concurrently more than 61,000,000 acres were added to the national domain as bounty land.18 Located mainly in the states and territories of Iowa, Illinois, Missouri, Wisconsin, Minnesota, Kansas, and Michigan, it was comparable in size to all of New England plus New Jersey, Delaware, and Maryland. Western Senators were hostile to this bounty legislation since many of their constituents were 'squatters' who had no legal claim to the property they had settled on and were therefore in danger of being dispossessed
by the land warrants of Eastern veterans or speculators. Southerners were equally upset by the increased distribution of bounties and put considerable pressure on the Government to limit their sale. New Englanders, on the other hand, welcomed their increase because they stood to gain as a result of their families having served in all the wars since the beginning of the Republic.

The Bounty Law of 1850 tried to curb the obvious abuses. The Secretary of the Interior issued a memorandum directing local communities to insure that:

\[ a \text{ bounty goes to the soldier and not to agents and speculators.} \ldots \text{The policy of this law in all its provisions is to discourage speculation in the claims of soldiers.} \ldots \text{Speculators are therefore admonished that they can acquire no right by purchase which will be recognized by this Department.} \]

However, even before the session of 1850 was finished the advocates of saleable warrants were hard at work trying to suspend the provisions of the new law. They alternately succeeded and failed at this throughout the decade. Only later with the Homestead Act of 1862, was the tradition of military bounties finally jettisoned.

The War with Mexico and the resulting Treaty of Guadelupe Hidalgo spawned countless claims for property compensation. In return for the large amount of land acquired from Mexico, the United States assumed some of the claims which American citizens had upon the Mexican Government. Congress allocated $3,250,000 for this purpose and established a Commission to adjudicate the many claims and disperse the funds. Its most spectacular award went to George A. Gardiner who received $428,750 for the ‘loss’ of his mining interests. The truth was that they weren’t worth anywhere near this amount, and so as soon as Gardiner received the money he skipped the country to evade arrest on charges of gross fraud. Sentenced to ten years in absentia, he ultimately committed suicide. This and similar incidents seriously undermined confidence in the Government’s Claims Commission, and years later those claimants who felt they had been neglected or vastly undercompensated, were allowed to apply to Congress for further redress. However, to do so meant hiring a claims agent, reverting once again to the all too familiar pattern.

The claims against the new State of Texas were even larger and more numerous than those against Mexico. Before becoming a part of the Union, Texas issued its own currency and bonds which were jeopardized
by the Mexican War and annexation. As part of the ‘Compromise of 1850’ the United States Congress agreed to assume the Texas debt up to the amount of ten million dollars. An initial five million was paid by the Treasury, but the Texas legislature decided to use this amount for internal needs rather than settling claims. By January 1852, with $8,330,000 in claims outstanding and only five million still due the Texas legislators decided to scale down all awards, some to receive only 87½ per cent on the dollar, others, 20 per cent. During this period the value of these claims was so uncertain that many people were willing to gamble on their worth. Speculation was rampant, and hordes of agents were being paid to influence members of Congress. Letters from constituents to their Congressmen were common; as, for example, this one to James Buchanan:

_Permit me to ask what you think are the chances of the present or the next Congress redeeming the Texas debt? There has been a great deal of money made by the improvement of notes here, and I have a great inclination to enter into the speculation a few hundreds._

Senator Hannibal Hamlin, who was approached by one of his colleagues with an offer to supply bonds at half the going rate, recalled:

_When the representatives of Texas were trying to induce the government to assume the heavy debt of their State, there was more than one member of Congress who profited financially through unscrupulous lobbyists who offered them Texas bonds at a low figure. One prominent Democrat, [later] identified with the scheme to bribe Kansas to adopt a pro-slavery constitution by offering her land, and who afterwards was an unsuccessful candidate for Vice-President, laid the basis of his private fortune by buying up Texas scrip at this time._

In August 1852 Senator Sam Houston of Texas thought it time to call for an official inquiry and resolved that a Committee be appointed:

_to inquire into abuses, bribery or fraud in the prosecution of claims before Congress, Commissions or Departments, or in passing through Congress bills embracing private, individual or corporate interests or in obtaining or granting contracts, and that said committee have power to send for persons and papers and examine witnesses on oath._

The Committee took more than seven months to collect evidence, during which time Senator Borland replaced Houston as its Chairman.
The resulting report, published in March 1853, thus carried Borland's name. It consumed more than two hundred pages and was a fascinating mixture of self-righteousness and hypocrisy. Although legislators had good reasons to mistrust claims agents, all too often they had come from their own ranks. Only one month before the Borland Report was released Congress had passed legislation to prohibit members of the Government from accepting payment for the prosecution of private claims and bills. The dilemma was clear:

Let once the belief be impressed upon the minds of the people that the justice or the generosity of this government is sold, either directly or through agents, to those who claim it; let it be known to them that, intermediate between them and the government, there is a mercenary political priesthood through whom alone, and by the private payment to whom of a tax in money, in addition to the public tax already paid for the support of the government, the benefits of its legislation or administration can be obtained; let them become convinced that personal interests, and not the general welfare, control its functions; let these signs of degeneration, depravity, and corruption, give form and pressure to popular opinion - what would the government be worth to the people? What good purpose, moral, social, or political, would it be capable of serving? In place of confidence, it would be regarded with distrust. Instead of respect, it would merit contempt. It would not be loved, but hated. And then the people, finding the government a thing apart from themselves, as despotisms are in other countries, and in its operations antagonistical to their true and legitimate interests, would no longer need its services nor tolerate its existence.

Claims agents, acting on their own or in association with each other, came in for particular criticism.

It is shown in this case (which is but an epitome of the results of general observation) that a system of agencies exists; and there is reason to believe that it is extending farther and growing stronger with every succeeding session of Congress, whereby the national legislation is more or less influenced and controlled, (or is held to be so by those interested in its results,) not so much by principles of public justice, or regard for the general welfare, as by considerations of personal interest. And the effect of this, in one respect at least, is the encouragement by public expense, of a class of persons who are not only useless in their vocation to society, making no contribution to its welfare, but who hang like parasites upon its industry, and tend, by their daily practices, to poison the very sources of its prosperity.
Finally, on 24 February 1855, Congress took legislative action to stem the tide of influence-peddling and to unburden Congressional committees of the responsibility to process and evaluate every private claim against the Government. Under ‘An Act to Establish a Court for the Investigation of Claims Against the United States’, the President was empowered to appoint three judges and a solicitor to hear cases and to represent the interest of the Government respectively. Regular sessions began in October 1855 and thereafter all claims had to conform to stipulated procedures. Rather than forcing witnesses to reside in Washington during hearings, written testimony was taken by Commissioners travelling throughout the country and attorneys representing claimants would argue the merits of each case before the court.

Here was the opportunity inadvertently given to former claims agents, and they were not slow to recognize it. Because someone had to represent plaintiffs and prosecute claims before the newly-created court, who could better do the job than those most familiar with the ins-and-outs of the business. Among the attorneys who plead before the court we find the familiar names of Joseph Knox Walker from Tennessee and Robert J. Walker from Washington; also F. P. Stanton who was later to be a partner of both Knox Walker and R. J. Walker. Admittedly there was much less scope for influencing Congress. However, the Court of Claims' jurisdiction was merely advisory and therefore there was always room for agents to intercede before Congress acted on the court's recommendations. Thus, in spite of their province being narrowed, claims agents still carried on. The Civil War years and the ensuing decades amply demonstrate that lobbying was far from over.