

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1863.—Ordered to be printed.

Mr. SUMNER made the following

REPORT.

[To accompany bill S. No. 542.]

The Committee on Foreign Relations, to whom was referred the petition of Henry P. Blanchard, praying compensation for services performed as marshal for the consular court at Canton, have had the same under consideration, and report :

That the memorialist was duly appointed and served as United States marshal for the consular court at Canton, in China, established under the act of August 11, 1848, as is shown by the following copy of a letter on file in the Department of State:

UNITED STATES CONSULATE,
Canton, November 26, 1860.

SIR: At the request of Mr. H. P. Blanchard, desiring me to inform the department of the period during which he performed the duties of United States marshal at this port, I have to state that Mr. Blanchard entered upon the duties of United States marshal at this port on the 22d day of February, 1858, and continued to perform the duties appertaining to the said office up to the 30th day of August, 1860, the day on which his successor, Mr. F. H. Haskell, was appointed, and whose appointment was approved by Mr. Ward, the United States minister to China.

Respectfully, I have the honor to be, sir, your most obedient servant,
OLIVER H. PERRY,
United States Consul.

Hon. LEWIS CASS,
Secretary of State.

The memorialist states that he accepted the appointment as marshal for the consular court under the belief that a compensation of one thousand dollars per annum would be paid him for his services. These embraced the perplexing and difficult duties of quelling and settling troubles on shipboard with mutinous crews, arresting runaway sea-

men, adjusting claims of Chinese for damages suffered by them at the hands of drunken American sailors, and procuring the release of kidnapped coolies, who were about being taken from Whampoa in American vessels engaged in that inhuman traffic. For these and other services Mr. Blanchard states that he has never received any remuneration, "either from the United States consul or from fees collected, or in any other manner, or from any source whatever." That these services were faithfully performed is shown by the following letter :

BUREAU OF EQUIPMENT AND CLOTHING,
Washington, D. C., November 17, 1862.

Henry P. Blanchard, esq., was performing the duties of United States marshal of Canton and Whampoa while I was in command of the United States ship Portsmouth in China, and these services were effectually performed.

As Mr. Blanchard has not been able to obtain his pay for these services rendered, I trust that his claim may now receive due attention, and he obtain the usual, or allowed, compensation.

A. H. FOOTE,
Rear Admiral United States Navy.

It appears by a letter from the Department of State that when the act of 1848 was passed it was supposed that the officers of consular courts would be remunerated by fees, and that a subsequent act by which the salaries of the marshals of these courts was fixed at one thousand dollars, in addition to fees, did not go into effect until July 1, 1860.

The claim of the memorialist from the 1st of July, 1860, to the close of his term of service on the 30th of August, 1860, has been paid by a special appropriation made by Congress, that portion of his official duties having been legalized by the act of June 22, 1860. He now asks remuneration for his services from February 22, 1848, to July 1, 1860, at the rate of one thousand dollars per annum, amounting to \$2,354 24, that being the balance due him, as the following statement shows :

Original claim for salary from February 22, 1858, to August 30, 1860.....	\$2,520 00
Amount paid by appropriation from July 1, 1860, to August 30, 1860	165 76
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Leaving due the amount of salary from February 22, 1858, to July 1, 1860	2,354 24
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Claims of a similar nature have heretofore been paid. In the deficiency bill approved May 31, 1854, was an appropriation of \$1,781 74, to "Thomas M. Johnson, for his services at the port of Shanghai, from the 9th December, 1851, to the 15th September, 1853;" and the consular and diplomatic bill approved May 26,

1860, contained an item, passed on the strong recommendation of General Cass, then Secretary of State, by which \$4,760, or so much thereof as might be necessary, was appropriated, "to enable the Secretary of State to defray the cost of the prison-ship at Canton, in China, from the 1st day of January, 1854, to the 1st day of January, 1857, and for compensation of the marshal of the consular court at Canton, from January 1, 1854, to the 15th of December, 1857."

It appears that the memorialist was the successor of Mr. James P. Cook, who was, by the above act, remunerated for his services as "marshal of the consular court at Canton, from January 1, 1854, to the 15th of December, 1857." The rebellion having made it necessary for foreigners to leave Canton, the functions of the consular court were suspended from that time until the February following, when the services of the memorialist commenced. While the predecessor of the memorialist has thus been paid by special legislation, his successor received a salary under the act of June 22, 1860.

When the claim was before the Senate, a few weeks since, it was not denied that in justice and equity the memorialist was entitled to the relief asked for; but it was ruled out of order as an amendment to the deficiency bill, and it was suggested to be a proper case for a private bill. Since then Mr. Blanchard has petitioned for relief.

Your committee, after a full examination of the case, was of the opinion that the facts and the precedents cited show that the memorialist is entitled to relief, and report a bill accordingly, the passage of which they recommend.

