The Life of Lyman Trumbull

Horace White



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THE LIFE OF LYMAN TRUMBULL ***

THE LIFE OF LYMAN TRUMBULL



Lyman Trumbull (signature)

THE LIFE OF LYMAN TRUMBULL

BY

HORACE WHITE



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PREFACE

A few years since, the widow of Lyman Trumbull requested me to write a biography of her husband, who was United States Senator from Illinois during the three senatorial terms 1855-1873, or to recommend some suitable person for the task. It had been a cause of surprise and regret to me that the name of Trumbull had not yet found a place in the swelling flood of biographical literature that embraces the Civil War period. Everybody, North or South, who stood on the same elevation with him, everybody who exercised influence and filled the public eye in equal measure with him, had found his niche in the libraries of the nation, and such place in the hearts of the people as his merits warranted. Trumbull alone had been neglected. I reflected upon the matter and came to the conclusion that, although better writers than myself could be found for this kind of work, no one was likely to be found who had been more intimate with him during his whole senatorial career, or who had warmer sympathy for his aims or higher admiration for his abilities and character. I reflected also that very soon there would be no person living possessing these special qualifications. Accordingly I decided to undertake the work.

Mrs. Trumbull placed in my hands several thousand letters received by Trumbull, and a few written by him, during his public career. All these have been examined by me, and they are now in the Library of Congress. He was not in the habit of keeping copies of letters written by himself unless he deemed them

important, and such copies were generally written out by his own hand, not taken in a copying-press. Other letters written by him have been sought with varying success in the hands of his correspondents, or their heirs, in various parts of the country, but nothing has been found in this way that can be considered of much importance.

During the Reconstruction era I had sustained the policy of Congress in opposition to that of Andrew Johnson, but had revolted at the carpetbaggery and misgovernment which had ensued, and had abhorred the "Ku-Klux" bills and "Force" bills which the Union party for a long time continued to enact or threaten. I was not quite prepared to find, however, upon going over the whole ground again, that I had been wrong from the beginning, and that Andrew Johnson's policy, which was Lincoln's policy, was the true one, and ought never to have been departed from. This is the conclusion to which I have come, after much study, in the evening of a long life. This does not mean that all of the doings and sayings of President Johnson were wise and good, but that I believe him to have been an honest man, a true patriot, and a worthy successor of Lincoln whose Reconstruction policy he followed. Lincoln himself could not have carried that policy into effect without a fight, and many persons familiar with the temper of the time think that even he would have failed. All that we can now affirm is that he was armed with the prestige of victory and the confidence of the North, and hence would have been better prepared than Johnson was for meeting the difficulties that sprang up at the end of the war. It must be admitted, however, that Johnson honestly aimed to carry out that policy, both because it was Lincoln's and because he himself, after careful consideration,

esteemed it sound.

I acknowledge my indebtedness to the *Diary of Gideon Welles*, which I regard as the most important contribution to the history of the period of which it treats that has yet been given to the public. The history of Mr. James Ford Rhodes I have found to be an invaluable guide, as to both facts and judgments of men and things. I am indebted to Professor William A. Dunning, of Columbia University, for valuable suggestions, criticism, and encouragement, as well as for the assistance derived from his admired writings on Reconstruction. Miss Katherine Mayo has lightened my labors greatly by her intelligent and indefatigable search of old letters and newspaper files and by interviews with persons still living. My gratitude is due also to the late William H. Lambert, of Philadelphia, for giving me access to his collection of manuscript correspondence that passed between Lincoln and Trumbull prior to the inauguration of the former as President; also to Dr. William Jayne, of Springfield, Illinois, to Hon. J. H. Roberts, of Chicago, to the wife of Walter Trumbull (now Mrs. L. C. Pardee, of Chicago), and to Mrs. Mary Ingraham Trumbull, of Saybrook Point, Connecticut.

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INTRODUCTION

Events in the year 1854 brought into the field of national politics two members of the bar of southern Illinois who were destined to hold high places in the public councils—Abraham Lincoln and Lyman Trumbull. They were members of opposing parties, Lincoln a Whig, Trumbull a Democrat. Both were supporters of the compromise measures of 1850. These measures had been accepted by the great majority of the people, not as wholly satisfactory, but as preferable to never-ending turmoil on the slavery question. There had been a subsidence of anti-slavery propagandism in the North, following the Free Soil campaign of 1848. Hale and Julian received fewer votes in 1852 than Van Buren and Adams had received in the previous election. Franklin Pierce (Democrat) had been elected President of the United States by so large a majority that the Whig party was practically killed. President Pierce in his first message to Congress had alluded to the quieting of sectional agitation and had said: "That this repose is to suffer no shock during my official term, if I have the power to avert it, those who placed me here may be assured." Doubtless the Civil War would have come, even if Pierce had kept his promise instead of breaking it; for, as Lincoln said a little later: "A house divided against itself cannot stand."

It was not at variance with itself on the slavery

question solely. In fact, the North did not take up arms against slavery when the crisis came. A few men foresaw that a war raging around that institution would somehow and sometime give it its death-blow, but at the beginning the Northern soldiers marched with no intention of that kind. They had an eye single to the preservation of the Union. The uprising which followed the firing upon Fort Sumter was a passionate protest against the insult to the national flag. It betokened a fixed purpose to defend what the flag symbolized, and it was only slowly and hesitatingly that the abolition of slavery was admitted as a factor and potent issue in the Northern mind.

It is true that the South seceded in order to preserve and extend slavery, but it was penetrated with the belief that it had a perfect right to secede—not merely the right of revolution which our ancestors exercised in separating from Great Britain, but a right under the Constitution.

The states under the Confederation, during the Revolutionary period and later, were actually sovereign. The Articles of Confederation declared them to be so. When the Constitution was formed, the habit of state sovereignty was so strong that it was only with the greatest difficulty that its ratification by the requisite number of states could be obtained. John Quincy Adams said that it was "extorted from the grinding necessity of a reluctant people." The instrument itself provided a common tribunal (the Supreme Court) as arbiter for the decision of all disputed questions arising under the Constitution and laws of the United States. But it was not generally supposed that the jurisdiction of the court included the power to extinguish state

sovereignty.[1]

The first division of political parties under the new government was the outgrowth of emotions stirred by the French Revolution. The Republicans of the period, led by Jefferson, were ardent sympathizers with the uprising in France. The Federalists, who counted Washington, Hamilton, and John Adams as their representative men, were opposed to any connection with European strife, or to any fresh embroilment with England, growing out of it. The Alien and Sedition Laws were passed in order to suppress agitation tending to produce such embroilment. Jefferson met these laws with the "Resolutions of '98," which were adopted by the legislatures of Virginia and Kentucky. These resolutions affirmed the right of the separate states to judge of any infraction of the Constitution by the Federal Government and also of the mode and measure of redress—a claim which necessarily included the right to secede from the Union if milder measures failed. The Alien and Sedition Laws expired by their own limitation before any actual test of their validity took place.

The next assertion of the right of the states to nullify the acts of the Federal Government came from a more northern latitude as a consequence of the purchase of Louisiana. This act alarmed the New England States. The Federalists feared lest the acquisition of this vast domain should give the South a perpetual preponderance and control of the Government. Since there was no clause in the Constitution providing for the acquisition of new territory (as President Jefferson himself conceded), they affirmed that the Union was a partnership and

that a new partner could not be taken in without the consent of all the old ones, and that the taking in of a new one without such consent would release the old ones.

Controversy on this theme was superseded a few years later by more acute sources of irritation—the Embargo and War of 1812. These events fell with great severity on the commerce of the Northern States, and led to the passage by the Massachusetts legislature of anti-Embargo resolutions, declaring that "when the national compact is violated and the citizens are oppressed by cruel and unauthorized law, this legislature is bound to interpose its power and wrest from the oppressor his victim." In this doctrine Daniel Webster concurred. In a speech in the House of Representatives, December 9, 1814, on the Conscription Bill, he said:

> The operation of measures thus unconstitutional and illegal ought to be prevented by a resort to other measures which are both constitutional and legal. It will be the solemn duty of the State Governments to protect their own authority over their own militia and to interpose between their own citizens and arbitrary power.... With the same earnestness with which I now exhort you to forbear from these measures I shall exhort them to exercise their unquestionable right of providing for the security of their own liberties.[2]

The anti-Embargo resolutions were followed by the

refusal of both Massachusetts and Connecticut to allow federal officers to take command of their militia and by the call for the Hartford Convention. The latter body recommended to the states represented in it the adoption of measures to protect their citizens against forcible drafts, conscriptions, or impressments not authorized by the Constitution—a phrase which certainly meant that the states were to judge of the constitutionality of the measures referred to. The conclusion of peace with Great Britain put an end to this crisis before it came to blows.

On February 26, 1833, Mr. Calhoun, following the Resolutions of '98, affirmed in the Senate the doctrine that the Government of the United States was a compact, by which the separate states delegated to it certain definite powers, reserving the rest; that whenever the general Government should assume the exercise of powers not so delegated, its acts would be void and of no effect; and that the said Government was not the sole judge of the powers delegated to it, but that, as in all other cases of compact among sovereign parties without any common judge, each had an equal right to judge for itself, as well of the infraction as of the mode and measures of redress. This was the stand which South Carolina took in opposition to the Force Bill of President Jackson's administration.[3]

A state convention of South Carolina was called which passed an ordinance nullifying the tariff law of the United States and declaring that, if any attempt were made to collect customs duties under it by force, that state would consider herself absolved from all allegiance to the Union and would proceed at once to organize a separate government. President

Jackson was determined to exercise force, and would have done so had not Congress, under the lead of Henry Clay, passed a compromise tariff bill which enabled South Carolina to repeal her ordinance and say that she had gained the substantial part of her contention.

Despite the later speeches of Webster, the doctrine of nullification had a new birth in Massachusetts in 1845, the note of discord having been called forth by the proposed admission of Texas into the Union. In that year the legislature passed and the governor approved resolutions declaring that the powers of Congress did not embrace a case of the admission of a foreign state or a foreign territory into the Union by an act of legislation and "such an act would have no binding power whatever on the people of Massachusetts." This was a fresh outcropping of the bitterness which had prevailed in the New England States against the acquisition of Louisiana.

Thus it appears that, although the Constitution did create courts to decide all disputes arising under it, the particularism which previously prevailed continued to exist. Nationalism was an aftergrowth proceeding from the habit into which the people fell of finding their common centre of gravity at Washington City, and of viewing it as the place where the American name and fame were embodied and emblazoned to the world. During the first half-century the North and the South were changing coats from time to time on the subject of state sovereignty, but meanwhile the Constitution itself was working silently and imperceptibly in the North to undermine particularism and to strengthen nationalism. It had accomplished its educational work in the early thirties when it found its complete expression in

Webster's reply to Hayne. But the South believed just as firmly that Hayne was the victor in that contest, as the North believed that Webster was. Hayne's speech was not generally read in the North either then or later. It was not inferior, in the essential qualities of dignity, courtesy, legal lore, and oratorical force, to that of his great antagonist. Webster here met a foeman worthy of his steel.

In the South the pecuniary interests bottomed on slavery offset and neutralized the unifying process that was ripening in the North. The slavery question entered into the debate between Webster and Calhoun in 1833 sufficiently to show that it lay underneath the other questions discussed. Calhoun, in the speech referred to, reproached Forsyth, of Georgia, for dullness in not seeing how state rights and slavery were dovetailed together and how the latter depended on the former.

That African slavery was the most direful curse that ever afflicted any civilized country may now be safely affirmed. It had its beginning in our country in the year 1619 at Jamestown, Virginia, where a Dutch warship short of provisions exchanged fourteen negroes for a supply thereof. Slavery of both Indians and negroes already existed in the West Indies and was regarded with favor by the colonists and their home governments. It began in Massachusetts in 1637 as a consequence of hostilities with the aborigines, the slaves being captives taken in war. They were looked upon by the whites as heathen and were treated according to precedents found in the Old Testament for dealing with the enemies of Jehovah. In order that they might not escape from servitude they were sent to the West Indies to be exchanged for negroes, and this slave trade was not

restricted to captives taken in war, but was applied to any red men who could be safely seized and shipped away.

From these small beginnings slavery spread over all the colonies from Massachusetts to Georgia and lasted in all of them for a century and a half, i.e., until after the close of the Revolutionary War. Then it began to lose ground in the Northern States. Public sentiment turned against it in Massachusetts, but all attempts to abolish it there by act of the legislature failed. Its death-blow was given by a judicial decision in 1783 in a case where a master was prosecuted, convicted, and fined forty shillings for beating a slave.[4]

Public opinion sustained this judgment, although there had been no change in the law since the time when the Pequot Indians were sent by shiploads to the Bermudas to be exchanged for negroes. If masters could not punish their slaves in their discretion,—if slaves had any rights which white men were bound to respect,—slavery was virtually dead. No law could kill it more effectually.

In one way and another the emancipation movement extended southward to and including Pennsylvania in the later years of the eighteenth century. Nearly all the statesmen of the Revolution looked upon the institution with disfavor and desired its extinction. Thomas Jefferson favored gradual emancipation in Virginia, to be coupled with deportation of the emancipated blacks, because he feared trouble if the two races were placed upon an equality in the then slaveholding states. He labored to prevent the extension of slavery into the new territories, and he very nearly succeeded. In the year 1784 he reported

an ordinance in the Congress of the Confederation to organize all the unoccupied territory, both north and south of the Ohio River, in ten subdivisions, in all of which slavery should be forever prohibited, and this ordinance failed of adoption by only one vote. Six states voted in the affirmative. Seven were necessary. Only one representative of New Jersey happened to be present, whereas two was the smallest number that could cast the vote of any state. If one other member from New Jersey had been there, the Jeffersonian ordinance of 1784 would have passed; slavery would have been restricted to the seaboard states which it then occupied, and would never have drawn the sword against the Union, and the Civil War would not have taken place.[5]

After the emancipation movement came to a pause, at the southern border of Pennsylvania, the fact became apparent that there was a dividing line between free states and slave states, and a feeling grew up in both sections that neither of them ought to acquire a preponderance of power and mastery over the other. The slavery question was not concerned with this dispute, but a habit grew up of admitting new states to the Union in pairs, in order to maintain a balance of power in the national Senate. Thus Kentucky and Vermont offset each other, then Tennessee and Ohio, then Louisiana and Indiana, then Mississippi and Illinois.

In 1819, Alabama, a new slave state, was admitted to the Union and there was no new free state to balance it. The Territory of Missouri, in which slavery existed, was applying for admission also. While Congress was considering the Missouri bill, Mr. Tallmadge, of New York, with a view of preserving the balance of power, offered an amendment

providing for the gradual emancipation of slaves in the proposed state, and prohibiting the introduction of additional slaves. This amendment was adopted by the House by a sectional vote, nearly all the Northern members voting for it and the Southern ones against it, but it was rejected by the Senate.

In the following year the Missouri question came up afresh, and Senator Thomas, of Illinois, proposed, as a compromise, that Missouri should be admitted to the Union with slavery, but that in all the remaining territory north of 36 degrees and 30 minutes north latitude, slavery should be forever prohibited. This amendment was adopted in the Senate by 24 to 20, and in the House by 90 to 87. Of the affirmative votes in the House only fourteen were from the North, and nearly all of these fourteen members became so unpopular at home that they lost their seats in the next election. The Missouri Compromise was generally considered a victory for the South, but one great Southerner considered it the death-knell of the Union. Thomas Jefferson was still living, at the age of seventy-seven. He saw what this sectional rift portended, and he wrote to John Holmes, one of his correspondents, under date of April 22, 1820:

> This momentous question, like a fire-bell in the night, awakened me and filled me with terror. I considered it at once as the knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated, and

> every new irritation will mark it deeper and deeper.

Nearly all of the emancipationists, during the decade following the adoption of the Compromise, were in the slaveholding states, since the evil had its seat there. The Colonization Society's headquarters were in Washington City. Its president, Bushrod Washington, was a Virginian, and James Madison, Henry Clay, and John Randolph, leading Southerners, were its active supporters. The only newspaper devoted specially to the cause (the *Genius of Universal Emancipation*), edited by Benjamin Lundy and William Lloyd Garrison, was published in the city of Baltimore. This paper was started in 1829, but it was short-lived. Mr. Garrison soon perceived that colonization, depending upon voluntary emancipation alone, would never bring slavery to an end, since emancipation was doubtful and sporadic, while the natural increase of slaves was certain and vastly greater than their possible deportation. For this reason he began to advocate emancipation without regard to colonization. This policy was so unpopular in Maryland and Virginia that his subscription list fell nearly to zero, and this compelled the discontinuance of the paper and his removal to another sphere of activity. He returned to his native state, Massachusetts, and there started another newspaper, entitled the *Liberator*, in 1831. The first anti-slavery crusade in the North thus had its beginning. It did not take the form of a political party. It was an agitation, an awakening of the public conscience. Its tocsin was immediate emancipation, as opposed to emancipation conditioned upon deportation.

The slaveholders were alarmed by this new

movement at the North. They thought that it aimed to incite slave insurrection. The governor of South Carolina made it the subject of a special message. The legislature of Georgia passed and the governor signed resolutions offering a reward of $5000 to anybody who would bring Mr. Garrison to that state to be tried for sedition. The mayor of Boston was urged by prominent men in the South to suppress the *Liberator*, although the paper was then so obscure at home that the mayor had never seen a copy of it, or even heard of its existence. The fact that there was any organized expression of anti-slavery thought anywhere was first made generally known at the North by the extreme irritation of the South; and when the temper of the latter became known, the vast majority of Northern people sided with their Southern brethren. They were opposed to anything which seemed likely to lead to slave insurrection or to a disruption of the Union. The abolitionist agitation seemed to be a provocation to both. Hence arose anger and mob violence against the abolitionists everywhere. This feeling took the shape of a common understanding not to countenance any discussion of the slavery question in any manner or anywhere. The execution of this tacit agreement fell for the most part into the hands of the disorderly element of society, but disapproval of the Garrisonian crusade was expressed by men of the highest character in the New England States, such as William Ellery Channing and Dr. Francis Wayland. The latter declined to receive the *Liberator*, when it was sent to him gratuitously.

What was going on in the South during the thirties

and forties of the last century? There were varying shades of opinion and mixed motives and fluctuating political currents. In the first place cotton-growing had been made profitable by the invention of the cotton-gin. This machine for separating the seeds from the fibre of the cotton plant caused an industrial revolution in the world, and its moral consequences were no less sweeping. It changed the slaveholder's point of view of the whole slavery question. The previously prevailing idea that slavery was morally wrong, and an evil to both master and slave, gradually gave way to the belief that it was beneficial to both, that it was an agency of civilization and a means of bringing the blessings of Christianity to the benighted African. This change of sentiment in the South, which became very marked in the early thirties, has been ascribed to the bad language of the abolitionists of the North. People said that the prime cause of the trouble was that Garrison and his followers did not speak easy. They were too vociferous. They used language calculated to make Southerners angry and to stir up slave insurrection. But how could anybody draw the line between different tones of voice and different forms of expression? Thomas Jefferson was not a speak-easy. He said that one hour of slavery was fraught with more misery than ages of that which led us to take up arms against Great Britain. If Garrison ever said anything more calculated to incite slaves to insurrection than that, I cannot recall it. On the other hand, Elijah Lovejoy, at Alton, Illinois, was a speak-easy. He did not use any violent language, but he was put to death by a mob for making preparations to publish a newspaper in which slavery should be discussed in a reasonable manner, if there was such a manner.

Nevertheless, the Garrisonian movement was erroneously interpreted at the South as an attempt to incite slave insurrection with the attendant horrors of rapine and bloodshed. There were no John Browns then, and Garrison himself was a non-resistant, but since insurrection was a possible consequence of agitation, the Southern people demanded that the agitation should be put down by force. As that could not be done in any lawful way, and since unlawful means were ineffective, they considered themselves under a constant threat of social upheaval and destruction. The repeated declaration of Northern statesmen that there never would be any outside interference with slavery in the states where it existed, did not have any quieting effect upon them. The fight over the Missouri Compromise had convinced them that the North would prevent, if possible, the extension of slavery to the new territories, and that this meant confining the institution to a given space, where it would be eventually smothered. It might last a long time in its then boundaries, but it would finally reach a limit where its existence would depend upon the forbearance of its enemies. Then the question which perplexed Thomas Jefferson would come up afresh: "What shall be done with the blacks?" Mr. Garrott Brown, of Alabama, a present-day writer of ability and candor, thinks that the underlying question in the minds of the Southern people in the forties and fifties of the last century was not chiefly slavery, but the presence of Africans in large numbers, whether bond or free. This included the slavery question as a dollar-and-cent proposition and something more. Mrs. Fanny Kemble Butler, who lived on a Georgia plantation in the thirties, said that the chief obstacle to emancipation was the fact that every able-bodied

negro could be sold for a thousand dollars in the Charleston market. Both fear and cupidity were actively at work in the Southern mind.

In short, there was already an irrepressible conflict in our land, although nobody had yet used those words. There was a fixed opinion in the North that slavery was an evil which ought not to be extended and enlarged; that the same reasons existed for curtailing it as for stopping the African slave trade. There was a growing opinion in the South that such extension was a vital necessity and that the South in contending for it was contending for existence. The prevailing thought in that quarter was that the Southern people were on the defensive, that they were resisting aggression. In this feeling they were sincere and they gave expression to it in very hot temper.

General W. T. Sherman, who was at the head of an institution of learning for boys in Louisiana in 1859, felt that he was treading on underground fires. In December of that year he wrote to Thomas Ewing, Jr.:

> Negroes in the great numbers that exist here must of necessity be slaves. Theoretical notions of humanity and religion cannot shake the commercial fact that their labor is of great value and cannot be dispensed with. Still, of course, I wish it never had existed, for it does make mischief. No power on earth can restrain opinion elsewhere and these opinions expressed beget a vindictive feeling. The mere dread of

revolt, sedition, or external interference makes men, ordinarily calm, almost mad. I, of course, do not debate the question, and moderate as my views are, I feel that I am suspected, and if I do not actually join in the praises of slavery I may be denounced as an abolitionist.[6]

FOOTNOTES:

[1] Mr. H. C. Lodge, in his *Life of Daniel Webster*, says, touching the debate with Hayne in 1830:

"When the Constitution was adopted by the votes of states at Philadelphia, and accepted by the votes of states in popular conventions, it is safe to say that there was not a man in the country, from Washington and Hamilton, on the one side, to George Clinton and George Mason, on the other, who regarded the new system as anything but an experiment entered upon by the states, and from which each and every state had the right to peaceably withdraw, a right which was very likely to be exercised."

Mr. Gaillard Hunt, author of the *Life of James Madison*, and editor of his writings, has published recently a confidential memorandum dated May 11, 1794, written by John Taylor of Caroline for Mr. Madison's information, giving an account of a long and solemn interview between himself and Rufus King and Oliver Ellsworth, in which the two latter affirmed that, by reason of differences of opinion between the East and the South, as to the scope and functions of government, the

Union could not last long. Therefore they considered it best to have a dissolution at once, by mutual consent, rather than by a less desirable mode. Taylor, on the other hand, thought that the Union should be supported if possible, but if not possible he agreed that an amicable separation was preferable. Madison wrote at the bottom of this paper the words: "The language of K and E probably *in terrorem*," and laid it away so carefully that it never saw the light until the year 1905.

[2] *Letters of Daniel Webster*, edited by C. W. Van Tyne, p. 67. Mr. Van Tyne says that Webster "here advocated a doctrine hardly distinguishable from nullification."

[3] Referring to this speech of Calhoun and to Webster's reply, Mr. Lodge says:

"Whatever the people of the United States understood the Constitution to mean in 1789, there can be no question that a majority in 1833 regarded it as a fundamental law and not a compact,—an opinion which has now become universal. But it was quite another thing to argue that what the Constitution had come to mean was what it meant when it was adopted."

See also Pendleton's *Life of Alexander H. Stephens*, chap. XI.

[4] G. H. Moore's *History of Slavery in Massachusetts*, p. 215.

[5] Jefferson was cut to the heart by this failure. Commenting on an article entitled "États Unis" in the *Encylopédie*, written by M. de Meusnier, referring to his proposed anti-slavery ordinance, he said:

"The voice of a single individual of the State

which was divided, or one of those which were of the negative, would have prevented this abominable crime from spreading itself over the new country. Thus we see the fate of millions unborn hanging on the tongue of one man, and Heaven was silent in that awful moment."

[6] *General W. T. Sherman as College President*, p. 88.

THE LIFE OF LYMAN TRUMBULL

CHAPTER I

ANCESTRY AND EARLY LIFE

The subject of this memoir was born in Colchester,

Connecticut, October 12, 1813. The Trumbull family was the most illustrious in the state, embracing three governors and other distinguished men. All were descendants of John Trumbull (or rather "Trumble"[7]), a cooper by trade, and his wife, Ellenor Chandler, of Newcastle, England, who migrated to Massachusetts in 1639, and settled first in Roxbury and removed to Rowley in the following year. Two sons were born to them in Newcastle-on-Tyne: Beriah, 1637 (died in infancy), and John, 1639.

The latter at the age of thirty-one removed to Suffield, Connecticut. He married and had four sons: John, Joseph, Ammi, and Benoni.

Captain Benoni Trumbull, married to Sarah Drake and settled in Lebanon, Connecticut, had a son, Benjamin, born May 11, 1712.

This Benjamin, married to Mary Brown of Hebron, Connecticut, had a son, Benjamin, born December 19, 1735.

This son was graduated at Yale College in 1759, and studied for the ministry; he was ordained in 1760 at North Haven, Connecticut, where he officiated nearly sixty years, his preaching being interrupted only by the Revolutionary War, in which he served both as soldier and as chaplain. He was the author of the standard colonial history of Connecticut. He was married to Miss Martha Phelps in 1760. They had two sons and five daughters.

The elder son, Benjamin, born in North Haven, September 24, 1769, became a lawyer and married Elizabeth Mather, of Saybrook, Connecticut, March 15, 1800, and settled in Colchester, Connecticut. The

wife was a descendant of Rev. Richard Mather, who migrated from Liverpool, England, to Massachusetts in 1635, and was the father of Increase Mather and grandfather of Cotton Mather, both celebrated in the church history of New England. Eleven children were born to these parents, of whom Lyman was the seventh. This Benjamin Trumbull was a graduate of Yale College, representative in the legislature, judge for the probate districts of East Haddam and Colchester, and died in Henrietta, Jackson County, Michigan, June 14, 1850, aged eighty-one. His wife died October 20, 1828, in her forty-seventh year. Lyman Trumbull was thus in the seventh generation of the Trumbulls in America.[8]

Five brothers and two sisters of Lyman reached maturity. A family of this size could not be supported by the fees earned by a country lawyer in the early part of the nineteenth century. The only other resource available was agriculture. Thus the Trumbull children began life on a farm and drew their nourishment from the soil cultivated by their own labor. It is recorded that, although the father and the grandfather of Lyman were graduates of Yale College, chill penury prevented him from having similar advantages of education. His schooling was obtained at Bacon Academy, in Colchester, which was of high grade, and second only to Yale among the educational institutions of the state. Here the boy Lyman took the lessons in mathematics that were customary in the academies of that period, and became conversant with Virgil and Cicero in Latin and with Xenophon, Homer, and the New Testament in Greek.



**BIRTHPLACE OF LYMAN TRUMBULL,
COLCHESTER, CONN.**

The opportunities to put an end to one's existence are so common to American youth that it is cause for wonder that so many of them reach mature years. Young Trumbull was not lacking in such facilities. The following incident is well authenticated, being narrated in part in his own handwriting:

> When about thirteen years old he was playing ball one cold day in the family yard. The well had a low curbing around it and was covered by a round flat stone with a round hole in the top of it. He ran towards the well for the ball, which he picked up and threw quickly. As he did so his foot slipped on the ice and he went head first down the well. His recollection of the immediate details is vague, but he did not break

> his neck or stun himself on the rocky sides, but appears to have gone down like a diver, and somehow managed to turn in the narrow space and come up head first. The well had an old-fashioned sweep with a bucket on it, which his brothers promptly lowered and he was hoisted out, drenched and cold, but apparently not otherwise injured.

He attended school and worked on the farm until he was eighteen years of age when he earned some money by teaching the district school one year at Portland, Connecticut. At the age of nineteen he taught school one winter in New Jersey, returning to Colchester the following summer. He had established a character for rectitude, industry, modesty, sobriety, and good manners, so that when, in his twentieth year (1833), he decided to go to the state of Georgia to seek employment as a school-teacher, nearly all the people in the village assembled to wish him godspeed on that long journey, which was made by schooner, sailing from the Connecticut River to Charleston, South Carolina. The voyage was tempestuous but safe, and he arrived at Charleston with one hundred dollars in his pocket which his father had given him as a start in life. This money he speedily returned out of his earnings because he thought his father needed it more than himself.

A memorandum made by himself records that "on the evening of the day when he arrived at Charleston a nullification meeting was held in a large warehouse. The building was crowded, so he climbed up on a beam overhead and from that elevated position overlooked a Southern audience and heard

two of the most noted orators in the South, Governor Hayne, and John C. Calhoun, then a United States Senator. He remembers little of the impression they made upon a youth of twenty, except that he thought Hayne an eloquent speaker."

From Charleston he went by railroad (the first one he had ever seen and one of the earliest put in operation in the United States) to a point on the Savannah River opposite Augusta, Georgia, and thence by stage to Milledgeville, which was then the capital of Georgia. From Milledgeville he walked seventy-five miles to Pike County, where he had some hope of finding employment. Being disappointed there he continued his journey on foot to Greenville, Meriwether County, where he had more success even than he had expected, for he obtained a position as principal of the Greenville Academy at a salary of two hundred dollars per year in addition to the fees paid by the pupils. This position he occupied for three years.

While at Greenville he employed his leisure hours reading law in the office of Hiram Warner, judge of the superior court of Georgia, afterwards judge of the supreme court of the state and member of Congress. In this way he acquired the rudiments of the profession. As soon as he had gained sufficient capital to make a start in life elsewhere, he bought a horse, and, in March, 1837, took the trail through the "Cherokee Tract" toward the Northwest. This trail was a pathway formed by driving cattle and swine through the forest from Kentucky and Tennessee to Georgia. Dr. Parks, of Greenville, accompanied Trumbull during a portion of the journey. They traveled unarmed but safely, although Trumbull carried a thousand dollars on his person, the surplus

earnings of his three years in Georgia. For a young man of twenty-four years without a family this was affluence in those days.

Through Kentucky, Trumbull continued his journey without any companion and made his entrance into Illinois at Shawneetown, on the Ohio River, where he presented letters of introduction from his friends in Georgia and was cordially welcomed. After a brief stay at that place he continued his journey to Belleville, St. Clair County, bearing letters of introduction from his Shawneetown friends to Adam W. Snyder and Alfred Cowles, prominent members of the bar at Belleville. Both received him with kindness and encouraged him to make his home there. This he decided to do, but he first made a visit to his parental home in Colchester, going on horseback by way of Jackson, Michigan, near which town three of his older brothers, David, Erastus, and John, had settled as farmers.

Returning to Belleville in August, 1837, he entered the law office of Hon. John Reynolds, ex-governor of the state, who was then a Representative in Congress and was familiarly known as the "Old Ranger." Reynolds held, at one time and another, almost every office that the people of Illinois could bestow, but his fame rests on historical writings composed after he had withdrawn from public life.[9]

For how long a time Trumbull's connection with Governor Reynolds continued, our records do not say, but we know that he had an office of his own in Belleville three years later, and that his younger brother George had joined him as a student and subsequently became his partner.

The practice of the legal profession in those days was

accomplished by "riding on the circuit," usually on horseback, from one county seat to another, following the circuit judge, and trying such cases as could be picked up by practitioners en route, or might be assigned to them by the judge. Court week always brought together a crowd of litigants and spectators, who came in from the surrounding country with their teams and provisions, and often with their wives and children, and who lived in their own covered wagons. The trial of causes was the principal excitement of the year, and the opposing lawyers were "sized up" by juries and audience with a pretty close approach to accuracy. After adjournment for the day, the lawyers, judges, plaintiffs, defendants, and leading citizens mingled together in the country tavern, talked politics, made speeches or listened to them, cracked jokes and told stories till bedtime, and took up the unfinished lawsuit, or a new one, the next day. In short, court week was circus, theatre, concert, and lyceum to the farming population, but still more was it a school of politics, where they formed opinions on public affairs and on the mental calibre of the principal actors therein.

Two letters written by Trumbull in 1837 to his father in Colchester have escaped the ravages of time. Neither envelopes nor stamps existed then. Each letter consisted of four pages folded in such a manner that the central part of the fourth page, which was left blank, received the address on one side and a wafer or a daub of sealing wax on the other. The rate of postage was twenty-five cents per letter, and the writers generally sought to get their money's worth by taking a large sheet of paper and filling all the available space. Prepayment of postage was optional, but the privilege of paying in advance was seldom

availed of, the writers not incurring the risk of losing both letters and money. Irregularity in the mails is noted by Trumbull, who mentions that a letter from Colchester was fifteen days en route, while a newspaper made the same distance in ten.

In a letter dated October 9, 1837, he tells his father that he is already engaged in a law case involving the ownership of a house. If he finds that he can earn his living in the practice of law, he shall like Belleville very much. In the same missive he tells his sister Julia that balls and cotillions are frequent in Belleville, and that he had attended one, but did not dance. It was the first time he had attended a social gathering since he left home in 1833. He adds, "There are more girls here than I was aware of. At the private party I attended, there were about fifteen, all residing in town." The writer was then at the susceptible age of twenty-four.

The other letter gives an account of the Alton riot and the killing of Rev. Elijah P. Lovejoy. This is one of the few contemporary accounts we have of that shocking event. Although he was not an eye-witness of the riot, the facts as stated are substantially correct, and the comments give us a view of the opinions of the writer at the age of twenty-four, touching a subject in which he was destined to play an important part. The letter is subjoined:

> BELLEVILLE, SUNDAY, Nov. 12, 1837.
>
> DEAR FATHER: Since my last to you there has been a mob to put down Abolitionism, in Alton, thirty-five miles northwest of this place, in which two persons were killed and six or seven badly wounded. The

immediate cause of the riot was the attempt by a Mr. Lovejoy to establish at Alton a religious newspaper in which the principles of slavery were sometimes discussed. Mr. Lovejoy was a Presbyterian minister and formerly edited a newspaper in St. Louis, but having published articles in his paper in relation to slavery which were offensive to the people of St. Louis, a mob collected, broke open his office, destroyed his press and type and scattered it through the streets. Immediately after this transaction, which was about a year since, Mr. Lovejoy left St. Louis, and removed to Alton, where he attempted to re-establish his press, but he had not been there long before a mob assembled there also, broke into his office and destroyed his press. In a short time Mr. Lovejoy ordered another press which, soon after its arrival in Alton, was taken from the warehouse (where it was deposited), by a mob, and in like manner destroyed. Again he ordered still another press, which arrived in Alton on the night of the 7th inst., and was safely deposited in a large stone warehouse four or five storeys high.

Previous to the arrival of this press, the citizens of Alton held several public meetings and requested Mr. L.

to desist from attempting to establish his press there, but he refused to do so. Heretofore no resistance had ever been offered to the mob, but on the night of the 8th inst., as it was supposed that another attempt might possibly be made to destroy the press, Mr. L. and some 18 or 20 of his friends armed themselves and remained in the warehouse, where Mr. Gilman, one of the owners of the house, addressed the mob from a window, and urged them to desist, told them that there were several armed men in the house and that they were determined to defend their property. The mob demanded the press, which not being given them, they commenced throwing stones at the house and attempted to get into it. Those from within then fired and killed a man of the name of Bishop. The mob then procured arms, but were unable to get into the house. At last they determined on firing it, to which end, as it was stone, they had to get on the roof, which they did by means of a ladder. The firing during all this time, said to be about an hour, was continued on both sides. Mr. Lovejoy having made his appearance near one of the doors was instantly shot down, receiving four balls at the same moment. Those within agreed to surrender if

their lives would be protected, and soon threw open the doors and fled. Several shots were afterward fired, but no one was seriously injured. The fire was then extinguished and the press taken and destroyed.

So ended this awful catastrophe which, as you may well suppose, has created great excitement through this section of the country. Mr. Lovejoy is said to have been a very worthy man, and both friends and foes bear testimony to the excellence of his private character. Here, the course of the mob is almost universally reprobated, for whatever may have been the sentiments of Mr. Lovejoy, they certainly did not justify the mob taking his life. It is understood here that Mr. L. was never in the habit of publishing articles of an insurrectionary character, but he reasoned against slavery as being sinful, as a moral and political evil.

His death and the manner in which he was slain will make thousands of Abolitionists, and far more than his writings would have made had he published his paper an hundred years. This transaction is looked on here, as not only a disgrace to Alton, but to the whole State. As much as I am opposed to the immediate emancipation of the slaves and to

> the doctrine of Abolitionism, yet I am more opposed to mob violence and outrage, and had I been in Alton, I would have cheerfully marched to the rescue of Mr. Lovejoy and his property.
>
> Yours very affectionately,
>
> LYMAN TRUMBULL.

After three years of riding on the circuit, Trumbull was elected, in 1840, a member of the lower house of the state legislature from St. Clair County. In politics he was a Democrat as was his father before him. This was the twelfth general assembly of the state. Among his fellow members were Abraham Lincoln, E. D. Baker, William A. Richardson, John J. Hardin, John. A. McClernand, William H. Bissell, Thomas Drummond, and Joseph Gillespie, all of whom were destined to higher positions.

Trumbull was now twenty-seven years of age. He soon attracted notice as a debater. His style of speaking was devoid of ornament, but logical, clear-cut, and dignified, and it bore the stamp of sincerity. He had a well-furnished mind, and was never at loss for words. Nor was he ever intimidated by the number or the prestige of his opponents. He possessed calm intellectual courage, and he never declined a challenge to debate; but his manner toward his opponents was always that of a high-bred gentleman.

On the 27th of February, 1841, Stephen A. Douglas, who was Trumbull's senior by six months, resigned the office of secretary of state of Illinois to take a seat on the supreme bench, and Trumbull was

appointed to the vacancy. There had been a great commotion in state politics over this office before Trumbull was appointed to it. Under the constitution of the state, the governor had the right to appoint the secretary, but nothing was said in that instrument about the power of removal. Alexander P. Field had been appointed secretary by Governor Edwards in 1828, and had remained in office under Governors Reynolds and Duncan. Originally a strong Jackson man, he was now a Whig. When Governor Carlin (Democrat) was elected in 1838 he decided to make a new appointment, but Field refused to resign and denied the governor's right to remove him. The State Senate sided with Field by refusing to confirm the new appointee, John A. McClernand. After the adjournment of the legislature, the governor reappointed McClernand, who sued out a writ of *quo warranto* to oust Field. The supreme court, consisting of four members, three of whom were Whigs, decided in favor of Field. The Democrats then determined to reform the judiciary. They passed a bill in the legislature adding five new judges to the supreme bench. "It was," says historian Ford, "confessedly a violent and somewhat revolutionary measure and could never have succeeded except in times of great party excitement." In the mean time Field had retired and the governor had appointed Douglas secretary of state, and Douglas was himself appointed one of the five new members of the supreme court. Accordingly he resigned, after holding the office only two months, and Trumbull was appointed to the vacancy without his own solicitation or desire.

Two letters written by Trumbull in 1842 acquaint us with the fact that his brother Benjamin had removed with his family from Colchester to Springfield and

was performing routine duties in the office of the secretary of state, while Trumbull occupied his own time for the most part in the practice of law before the supreme court. He adds: "I make use of one of the committee rooms in the State House as a sleeping-room, so you see I almost live in the State House, and am the only person who sleeps in it. The court meets here and all the business I do is within the building." Not quite all, for in another letter (November 27, 1842) he confides to his sister Julia that a certain young lady in Springfield was as charming as ever, but that he had not offered her his hand in marriage, and that even if he should do so, it was not certain that she would accept it.

Trumbull had held the office of secretary of state two years when his resignation was requested by Governor Carlin's successor in office, Thomas Ford, author of a *History of Illinois from 1814 to 1847*. In his book Ford tells his reasons for asking Trumbull's resignation. They had formed different opinions respecting an important question of public policy, and Trumbull, although holding a subordinate office, had made a public speech in opposition to the governor's views.[10] Of course he did this on his own responsibility as a citizen and a member of the same party as the governor. He acknowledged the governor's right to remove him, and he made no complaint against the exercise of it.

The question of public policy at issue between Ford and Trumbull related to the State Bank, which had failed in February, 1842, and whose circulating notes, amounting to nearly $3,000,000, had fallen to a discount of fifty cents on the dollar. Acts legalizing the bank's suspension had been passed from time to

time and things had gone from bad to worse. At this juncture a new bill legalizing the suspension for six months longer was prepared by the governor and at his instance was reported favorably by the finance committee of the House. Trumbull opposed this measure, and made a public speech against it. He maintained that it was disgraceful and futile to prolong the life of this bankrupt concern. He demanded that the bank be put in liquidation without further delay.

When Trumbull's resignation as secretary became known, the Democratic party at the state capital was rent in twain. Thirty-two of its most prominent members, including Virgil Hickox, Samuel H. Treat, Ebenezer Peck, Mason Brayman, and Robert Allen, took this occasion to tender him a public dinner in a letter expressing their deep regret at his removal and their desire to show the respect in which they held him for his conduct of the office, and for his social and gentlemanly qualities. A copy of this invitation was sent to the *State Register*, the party organ, for publication. The publishers refused to insert it, on the ground that it "would lead to a controversy out of which no good could possibly arise, and probably much evil to *the cause*." Thereupon the signers of the invitation started a new paper under the watchword "Fiat Justitia, Ruat Cœlum," entitled the *Independent Democrat*, of which Number 1, Volume 1, was a broadside containing the correspondence between Trumbull and the intending diners, together with sarcastic reflections on the time-serving publishers of the *State Register*. Trumbull's reply to the invitation, however, expressed his sincere regret that he had made arrangements, which could not be changed, to depart from Springfield before the time fixed for the dinner. He returned to Belleville and resumed the

practice of his profession.

Charles Dickens was then making his first visit to the United States, and he happened to pass through Belleville while making an excursion from St. Louis to Looking Glass Prairie. His party had arranged beforehand for a noonday meal at Belleville, of which place, as it presented itself to the eye of a stranger in 1842, he gives the following glimpse:

> Belleville was a small collection of wooden houses huddled together in the very heart of the bush and swamp. Many of them had singularly bright doors of red and yellow, for the place had lately been visited by a traveling painter "who got along," as I was told, "by eating his way." The criminal court was sitting and was at that moment trying some criminals for horse-stealing, with whom it would most likely go hard; for live stock of all kinds, being necessarily much exposed in the woods, is held by the community in rather higher value than human life; and for this reason juries generally make a point of finding all men indicted for cattle-stealing, guilty, whether or no. The horses belonging to the bar, the judge and witnesses, were tied to temporary racks set roughly in the road, by which is to be understood a forest path nearly knee-deep in mud and slime.
>
> There was an hotel in this place

> which, like all hotels in America, had its large dining-room for a public table. It was an odd, shambling, low-roofed outhouse, half cow-shed and half kitchen, with a coarse brown canvas tablecloth, and tin sconces stuck against the walls, to hold candles at supper-time. The horseman had gone forward to have coffee and some eatables prepared and they were by this time nearly ready. He had ordered "wheat bread and chicken fixings" in preference to "corn bread and common doings." The latter kind of refection includes only pork and bacon. The former comprehends broiled ham, sausages, veal cutlets, steaks, and such other viands of that nature as may be supposed by a tolerably wide poetical construction "to fix" a chicken comfortably in the digestive organs of any lady or gentleman.[11]

A few months later, Trumbull made another journey to Springfield to be joined in marriage to Miss Julia M. Jayne, a daughter of Dr. Gershom Jayne, a physician of that city—a young lady who had received her education at Monticello Seminary, with whom he passed twenty-five years of unalloyed happiness. The marriage took place on the 21st of June, 1843, and Norman B. Judd served as groomsman. Miss Jayne had served in the capacity of bridesmaid to Mary Todd at her marriage to Abraham Lincoln on the 4th of November preceding.

There was a wedding journey to Trumbull's old home in Connecticut, by steamboat from St. Louis to Wheeling, Virginia, by stage over the mountains to Cumberland, Maryland, and thence by rail via Baltimore, Philadelphia, and New York. After visiting his own family, a journey was made to Mrs. Trumbull's relatives at Stockbridge, Massachusetts, including her great-grandfather, a marvel of industry and longevity, ninety-two years of age, a cooper by trade, who was still making barrels with his own hands. This fact is mentioned in a letter from Trumbull to his father, dated Barry, Michigan, August 20, 1843, at which place he had stopped on his homeward journey to visit his brothers. One page of this letter is given up to glowing accounts of the infant children of these brothers. And here it is fitting to say that all these faded and time-stained epistles to his father and his brothers and sisters, from first to last, are marked by tender consideration and unvarying love and generosity. Not a shadow passed between them.

The return journey from Michigan to Belleville was made by stage-coach. October 12, 1843, Mrs. Trumbull writes to her husband's sisters in Colchester that she has arrived in her new home. "We are boarding in a private family," she says, "have two rooms which Mrs. Blackwell, the landlady, has furnished neatly, and for my part, I am anticipating a very delightful winter. Lyman is now at court, which keeps him very much engaged, and I am left to enjoy myself as best I may until G. comes around this afternoon to play chess with me."

May 4, 1844, the first child was born to Lyman and Julia Trumbull, a son, who took the name of his father, but died in infancy. July 2, 1844, Trumbull

writes to his father that the most disastrous flood ever known, since the settlement of the country by the whites, has devastated the bottom lands of the Mississippi, Missouri, and Illinois Rivers. He also gives an account of the killing of Joseph Smith, the Mormon prophet, who was murdered by a mob in the jail at Carthage, Hancock County, after he had surrendered himself to the civil authorities on promise of a fair trial and protection against violence; and says that he has rented a house which he shall occupy soon, and invites his sister Julia to come to Belleville and make her home in his family.

In 1845, Benjamin Trumbull, Sr., sold his place in Colchester and removed with his two daughters to Henrietta, Michigan, where three of his sons were already settled as farmers. It appears from letters that passed between the families that none of the brothers in Michigan kept horses, the farm work being done by oxen exclusively. The nearest church was in the town of Jackson, but the sisters were not able to attend the services for want of a conveyance. They were prevented by the same difficulty from forming acquaintances in their new habitat. In a letter to his father, dated October 26, Trumbull delicately alludes to the defect in the housekeeping arrangements in Michigan, and says that anything needed to make his father and sisters comfortable and contented, that he can supply, will never be withheld. His brother George writes a few days later offering a contribution of fifty dollars to buy a horse, saying that good ones can be bought in Illinois at that price. George adds: "Our papers say considerable about running Lyman for governor. No time is fixed for the convention yet, and I don't think he has made up his mind whether to be a candidate or not."

The greatest drawback of the Trumbull family at this time, and, indeed, of all the inhabitants roundabout, was sickness. Almost every letter opened tells either of a recovery from a fever, or of sufferings during a recent one, or apprehensions of a new one and from these harassing visitations no one was exempt. In a letter of October 26 we read:

> We have all been sick this fall and this whole region of country has been more sickly than ever before known. George and myself both had attacks of bilious fever early in September which lasted about ten days. Since then Julia has had two attacks, the last of which was quite severe and confined her to the room nearly two weeks. I also have had a severe attack about three weeks since, but it was slight. When I was sick we sent over to St. Louis for Dr. Tiffany, and by some means the news of our sending there, accompanied by a report that I was much worse than was really the case, reached Springfield, and Dr. and Mrs. Jayne came down post haste in about a day and a half. When they got here, I was downstairs. They only staid overnight and started back the next morning. They had heard that I was not expected to live.

In February, 1846, when Trumbull was in his thirty-third year, his friends presented his name to the Democratic State Convention for the office of

governor of the state. A letter to his father gives the details of the balloting in the convention. Six candidates were voted for. On the first ballot he received 56 votes; the next highest candidate, Augustus C. French, had 47; and the third, John Calhoun, had 44. The historian, John Moses, says that "the choice, in accordance with a line of precedents which seemed almost to indicate a settled policy, fell upon him who had achieved least prominence as a party leader, and whose record had been least conspicuous—Augustus C. French."

A letter from Trumbull to his father says that his defeat was due to the influence of Governor Ford, whose first choice was Calhoun, but who turned his following over to French in order to defeat Trumbull. French was elected, and made a respectable governor. Calhoun subsequently went, in an official capacity, to Kansas, where he became noted as the chief ballot-box stuffer of the pro-slavery party in the exciting events of 1856-58.

A letter from Mrs. Trumbull to her father-in-law, May 4, 1846, mentions the birth of a second son (Walter), then two and a half months old. It informs him also that her husband has been nominated for Congress by the Democrats of the First District, the vote in the convention being, Lyman Trumbull, 24; John Dougherty, 5; Robert Smith, 8. The political issues in this campaign are obscure, but the result of the election was again adverse. The supporters of Robert Smith nominated him as a bolting candidate; the Whigs made no nomination, but supported Smith, who was elected.

A letter written by Mrs. Trumbull at Springfield, December 16, 1846, mentions the first election of

Stephen A. Douglas as United States Senator. "A party is to be given in his name," she says, "at the State House on Friday evening under the direction of Messrs. Webster and Hickox. The tickets come in beautiful envelopes, and I understand that Douglas has authorized the gentlemen to expend $50 in music, and directed the most splendid entertainment that was ever prepared in Springfield."

A letter to Benjamin Trumbull, Sr., from his son of the same name, who was cultivating a small farm near Springfield, gives another glimpse of the family health record, saying that "both Lyman and George have had chills and fever two or three days this spring"; also, that "Lyman's child was feeble in consequence of the same malady; and that he [Benjamin] has been sick so much of the time that he could not do his Spring planting without hired help, for which Lyman had generously contributed $20, and offered more."

May 13, 1847, Trumbull writes to his father that he intends to go with his family and make the latter a visit for the purpose of seeing the members of the family in Michigan; also in the hope of escaping the periodical sickness which has afflicted himself and wife and little boy, and almost every one in Belleville, during several seasons past. As this periodical sickness was chills and fever, we may assume that it was due to the prevalence of mosquitoes, of the variety *anopheles*. Half a century was still to pass ere medical science made this discovery, and delivered civilized society from the scourge called "malaria."

The journey to Michigan was made. An account (dated Springfield, August 1, 1847) of the return

journey is interesting by way of contrast with the facilities for traveling existing at the present time.

> We left Cassopolis Monday about ten o'clock and came the first 48 miles, which brought us to within five miles of La Porte. The second night we passed at Battstown 45 miles on the road from La Porte towards Joliet. The third night we passed at Joliet, distance 40 miles. The fourth night we passed at Pontiac, having traveled 60 miles to get to a stopping place, and finding but a poor one at that. The fifth night we were at Bloomington, distance 40 miles. The sixth day we traveled 43 miles and to within 18 miles of this place; the route we came from Cassopolis to Springfield is 294 miles, and from Brother David's about 386 miles. Our expenses for tavern bills from David's to this place were $17.75. Pretty cheap, I think.

Among other items of interest it may be noted that the rate of postage had been reduced to ten cents per letter, but stamps had not yet come into use. The earnings of the Trumbull law firm (Lyman and George) for the year 1847 were $2300.

In 1847, a new constitution was adopted by the state of Illinois which reduced the number of judges of the supreme court from nine to three. The state was divided into three grand divisions, or districts, each to select one member of the court. After the first

election one of the judges was to serve three years, one six years, and one nine years, at a compensation of $1200 per year each. These terms were to be decided by lot, and thereafter the term of each judge should be nine years. Trumbull was elected judge for the first or southern division in 1848. His colleagues, chosen at the same time, were Samuel H. Treat and John D. Caton. He drew the three years' term.

In the year 1849, Trumbull bought a brick house and three acres of ground, with an orchard of fruit-bearing trees, in the town of Alton, Madison County, and removed thither with his family. In announcing this fact to his father the only reason he assigns for his change of residence is that the inhabitants of Alton are mostly from the Eastern States. Its population at that time was about 3000; that of Upper Alton, three miles distant, was 1000. The cost of house and ground, with some additions and improvements, was $2500, all of which was paid in cash out of his savings. Incidentally he remarks that he has never borrowed money, never been in debt, never signed a promissory note, and that he hopes to pass through life without incurring pecuniary liabilities.[12]

From the tone of the letter in which his change of residence is announced, the inference is drawn that Trumbull had abandoned his law practice at Belleville with the expectation of remaining on the bench for an indefinite period. He accepted a reëlection as judge in 1852 for a term of nine years, yet he resigned a year and a half later because the salary was insufficient to support his family. Walter B. Scates was chosen as his successor on the supreme bench. Nearly forty-five years later, Chief Justice Magruder, of the Illinois supreme court, answering

John M. Palmer's address presenting the memorial of the Chicago Bar Association on the life and services of Trumbull, recently deceased, said that no lawyer could read the opinions handed down by the dead statesman when on the bench, "without being satisfied that the writer of them was an able, industrious, and fair-minded judge. All his judicial utterances ... are characterized by clearness of expression, accuracy of statement, and strength of reasoning. They breathe a spirit of reverence for the standard authorities and abound in copious reference to those authorities.... The decisions of the court, when he spoke as its organ, are to-day regarded as among the most reliable of its established precedents."

FOOTNOTES:

[7] Stuart's *Life of Jonathan Trumbull* says that the family name was spelled "Trumble" until 1766, when the second syllable was changed to "bull."

[8] Joseph, the second son of the John above mentioned, who had settled in Suffield, Connecticut, in 1670, removed to Lebanon. He was the father of Jonathan Trumbull (1710-1785), who was governor of Connecticut during the Revolutionary War, and who was the original "Brother Jonathan," to whom General Washington gave that endearing title, which afterwards came to personify the United States as "John Bull" personifies England. (Stuart's *Jonathan Trumbull*, p. 697.) His son Jonathan (1740-1809) was a Representative in Congress, Speaker of the House, Senator of the United States, and Governor of Connecticut. John

Trumbull (1756-1843), another son of "Brother Jonathan," was a distinguished painter of historical scenes and of portraits.

[9] Reynolds wrote a *Pioneer History of Illinois from 1637 to 1818*, and also a larger volume entitled *My Own Times*. The latter is the more important of the two. Although crabbed in style, it is an admirable compendium of the social, political, and personal affairs of Illinois from 1800 to 1850. Taking events at random, in short chapters, without connection, circumlocution, or ornament, he says the first thing that comes into his mind in the fewest possible words, makes mistakes of syntax, but never goes back to correct anything, puts down small things and great, tells about murders and lynchings, about footraces in which he took part, and a hundred other things that are usually omitted in histories, but which throw light on man in the social state, all interspersed with sound and shrewd judgments on public men and events.

[10] The following correspondence passed between them:

> SPRINGfiELD, March 4, 1843.
>
> LYMAN TRUMBULL, ESQ.,
>
> DEAR SIR: It is my desire, in pursuance of the expressed wish of the Democracy, to make a nomination of Secretary of State, and I hope you will enable me to do so without embarrassing myself. I am most

respectfully,

Your obedient servant,

THOMAS FORD.

SPRINGfiELD, March 4, 1843.

TO HIS EXCELLENCY, THOMAS FORD:

SIR,—In reply to your note of this date this moment handed me, I have only to state that I recognize fully your right, at any time, to make a nomination of Secretary of State.

Yours respectfully,

LYMAN TRUMBULL.

[11] *American Notes*, chap. XIII. The reason why horses were more precious than human life was that when the frontier farmer lost his work-team, he faced starvation. Both murder and horse-stealing were then capital offenses, the latter by the court of Judge Lynch.

[12] Mr. Morris St. P. Thomas, a close friend of Trumbull in his latter years, a member of his law office, and administrator of his estate, made the following statement in an interview given at 107 Dearborn Street, Chicago, June 13, 1910: "Judge Trumbull once told me that

he had never in his life given a promissory note. 'But you do not mean,' said I, 'that in every purchase of real estate you ever made you paid cash down!' 'I do mean just that,' the Judge replied. 'I never in my life gave a promissory note.'"

CHAPTER II

SLAVERY IN ILLINOIS

When the territory comprising the state of Illinois passed under control of the United States, negro slavery existed in the French villages situated on the so-called American Bottom, a strip of fertile land extending along the east bank of the Mississippi River from Cahokia on the north to Kaskaskia on the south, embracing the present counties of St. Clair, Monroe, and Randolph. The first European settlements had been made here about 1718, by colonists coming up the great river from Louisiana, under the auspices of John Law's Company of the Indies.

The earlier occupation of the country by French explorers and Jesuit priests from Canada had been in the nature of fur-trading and religious propagandism, rather than permanent colonies, although marriages

had been solemnized in due form between French men and Indian women, and a considerable number of half-breed children had been born. Five hundred negro slaves from Santo Domingo were sent up the river in 1718, to work any gold and silver mines that might be found in the Illinois country. In fact, slavery of red men existed there to some extent, before the Africans arrived, the slaves being captives taken in war.

In 1784-85, Thomas Jefferson induced Rev. James Lemen, of Harper's Ferry, Virginia, to migrate to Illinois in order to organize opposition to slavery in the Northwest Territory and supplied him with money for that purpose. Mr. Lemen came to Illinois in 1786 and settled in what is now Monroe County. He was the founder of the first eight Baptist churches in Illinois, all of which were pledged to oppose the doctrine and practice of slavery. Governor William H. Harrison having forwarded petitions to Congress to allow slavery in the Northwest Territory, Jefferson wrote to Lemen to go, or send an agent, to Indiana, to get petitions signed in opposition to Harrison. Lemen did so. A letter of Lemen, dated Harper's Ferry, December 11, 1782, says that Jefferson then had the purpose to dedicate the Northwest Territory to freedom.[13]

In 1787, Congress passed an ordinance for the government of the territory northwest of the river Ohio which had been ceded to the United States by Virginia. The sixth article of this ordinance prohibited slavery in said territory. Inasmuch as the rights of persons and property had been guaranteed by treaties when this region had passed from France to Great Britain and later to the United States, this article was generally construed as meaning that no

more slaves should be introduced, and that all children born after the passage of the ordinance should be free, but that slaves held there prior to 1787 should continue in bondage.

Immigration was mainly from the Southern States. Some of the immigrants brought slaves with them, and the territorial legislature passed an act in 1812 authorizing the relation of master and slave under other names. It declared that it should be lawful for owners of negroes above fifteen years of age to take them before the clerk of the court of common pleas, and if a negro should agree to serve for a specified term of years, the clerk should record him or her as an "indentured servant." If the negro was under the age of fifteen, the owner might hold him without an agreement till the age of thirty-five if male, or thirty-two if female. Children born of negroes owing service by indenture should serve till the age of thirty if male, and till twenty-eight if female. This was a plain violation of the Ordinance of 1787 and was a glaring fraud in other respects. The negroes generally did not understand what they were agreeing to, and in cases where they did not agree the probable alternative was a sale to somebody in an adjoining slave state, so that they really had no choice. The state constitution, adopted in 1818, prohibited slavery, but recognized the indenture system by providing that male children born of indentured servants should be free at the age of twenty-one and females at the age of eighteen. The upshot of the matter was that there was just enough of the virus of slavery left to keep the caldron bubbling there for two generations after 1787, although the Congress of the Confederation supposed that they had then made an end of it.

This arrangement did not satisfy either the incoming slave-owners or those already domiciled there. Persistent attempts were made while the country was still under territorial government, to procure from Congress a repeal of the sixth article of the Ordinance, but they were defeated chiefly by the opposition of John Randolph, of Roanoke, Virginia. After the state was admitted to the Union, the pro-slavery faction renewed their efforts. They insisted that Illinois had all the rights of the other states, and could lawfully introduce slavery by changing the constitution. They proposed, therefore, to call a new convention for this purpose. To do so would require a two-thirds vote of both branches of the legislature, and a majority vote of the people at the next regular election. A bill for this purpose was passed in the Senate by the requisite majority, but it lacked one vote in the House. To obtain this vote a member who had been elected and confirmed in his seat after a contest, and had occupied it for ten weeks, was unseated, and the contestant previously rejected was put in his place and gave the necessary vote. Reynolds, who was himself a convention man, says that "this outrage was a death-blow to the convention." He continues:

> The convention question gave rise to two years of the most furious and boisterous excitement that ever was visited on Illinois. Men, women, and children entered the arena of party warfare and strife, and families and neighborhoods were so divided and furious and bitter against one another that it seemed a regular civil war might be the result. Many

> personal combats were indulged in on the question, and the whole country seemed to be, at times, ready and willing to resort to physical force to decide the contest. All the means known to man to convey ideas to one another were resorted to and practiced with energy. The press teemed with publications on the subject. The stump orators were invoked, and the pulpit thundered with anathemas against the introduction of slavery. The religious community coupled freedom and Christianity together, which was one of the most powerful levers used in the contest.

At this time all the frontier communities were anxious to gain additions to their population. Immigration was eagerly sought. The arrivals were mostly from the Southern States, the main channels of communication being the converging rivers Ohio, Mississippi, Cumberland, and Tennessee. Many of these brought slaves, and since there was no security for such property in Illinois, they went onward to Missouri. One of the strongest arguments used by the convention party was, that if slavery were permitted, this tide of immigration would pour a stream of wealth into Illinois.

Most of the political leaders and office-holders were convention men, but there were some notable exceptions, among whom were Edward Coles, governor of the state, and Daniel P. Cook, Representative in Congress, the former a native of

Virginia, and the latter of Kentucky. Governor Coles was one of the Virginia abolitionists of early days, who had emancipated his own slaves and given them lands on which to earn their living. The governor gave the entire salary of his term of office ($4000) for the expenses of the anti-convention contest, and his unceasing personal efforts as a speaker and organizer. Mr. Cook was a brilliant lawyer and orator, and the sole Representative of Illinois in Congress, where he was chairman of the Committee on Ways and Means, and where he cast the vote of Illinois for J. Q. Adams for President in 1824. Cook County, which contains the city of Chicago, takes its name from him. He was indefatigable on the side of freedom in this campaign. Another powerful reinforcement was found in the person of Rev. John M. Peck, a Baptist preacher who went through the state like John the Baptist crying in the wilderness. He made impassioned speeches, formed anti-slavery societies, distributed tracts, raised money, held prayer-meetings, addressed Sunday Schools, and organized the religious sentiment of the state for freedom. He was ably seconded by Hooper Warren, editor of the Edwardsville *Spectator*. The election took place August 2, 1824, and the vote was 4972 for the convention, and 6640 against it. In the counties of St. Clair and Randolph, which embraced the bulk of the French population, the vote was almost equally divided—765 for; 790 against.

In 1850, both Henry Clay and Daniel Webster contended that Nature had interposed a law stronger than any law of Congress against the introduction of slavery into the territory north of Texas which we had lately acquired from Mexico. From the foregoing facts, however, it is clear that no law of Nature prevented Illinois from becoming a slaveholding

state, but only the fiercest kind of political fighting and internal resistance. John Reynolds (and there was no better judge) said in 1854: "I never had any doubt that slavery would now exist in Illinois if it had not been prevented by the famous Ordinance" of 1787. The law of human greed would have overcome every other law, including that of Congress, but for the magnificent work of Edward Coles, Daniel P. Cook, John Mason Peck, Hooper Warren, and their coadjutors in 1824.

The snake was scotched, not killed, by this election. There were no more attempts to legalize slavery by political agency, but persevering efforts were made to perpetuate it by judicial decisions resting upon old French law and the Territorial Indenture Act of 1812. Frequent law suits were brought by negroes, who claimed the right of freedom on the ground that their period of indenture had expired, or that they had never signed an indenture, or that they had been born free, or that their masters had brought them into Illinois after the state constitution, which prohibited slavery, had been adopted. In this litigation Trumbull was frequently engaged on the side of the colored people.

In 1842, a colored woman named Sarah Borders, with three children, who was held under the indenture law by one Andrew Borders in Randolph County, escaped and made her way north as far as Peoria County. She and her children were there arrested and confined in a jail as fugitive slaves. They were brought before a justice of the peace, who decided that they were illegally detained and were entitled to their freedom. An appeal was taken by Borders to the county court, which reversed the action of the justice. The case eventually went to the

supreme court, where Lyman Trumbull and Gustave Koerner appeared for the negro woman in December, 1843, and argued that slavery was unlawful in Illinois and had been so ever since the enactment of the Ordinance of 1787. The court decided against them.[14]

Trumbull was not discouraged by the decision in this case. Shortly afterward he appeared before the supreme court again in the case of Jarrot *vs.* Jarrot, in which he won a victory which practically put an end to slavery in the state. Joseph Jarrot, a negro, sued his mistress, Julia Jarrot, for wages, alleging that he had been held in servitude contrary to law. The plaintiff's grandmother had been the slave of a Frenchman in the Illinois country before it passed under the jurisdiction of the United States. His mother and himself had passed by descent to Julia Jarrot, nobody objecting. Fifty-seven years had elapsed since the passage of the Ordinance of 1787 and twenty-six since the adoption of the state constitution, both of which had prohibited slavery in Illinois. The previous decisions in the court of last resort had generally sustained the claims of the owners of slaves held under the French régime and their descendants, and also those held under the so-called indenture system. Now, however, the court swept away the whole basis of slavery in the state, of whatever kind or description, declaring, as Trumbull had previously contended, that the Congress of the Confederation had full power to pass the Ordinance of 1787, that no person born since that date could be held as a slave in Illinois, and that any slave brought into the state by his master, or with the master's consent, since that date became at once free. It followed that such persons could sue and recover wages for labor performed under compulsion, as

Joseph Jarrot did.

This decision, which abolished slavery in Illinois *de facto*, was received with great satisfaction by the substantial and sober-minded citizens. Although the number of aggressive anti-slavery men in the state was small and of out-and-out abolitionists still smaller, there was a widespread belief that the lingering snaky presence of the institution was a menace to the public peace and a blot upon the fair fame of the state, and that it ought to be expunged once for all. The growth of public opinion was undoubtedly potent in the minds of the judges, but the untiring activity of the leading advocates in the cases of Borders, Jarrot, etc., should not be overlooked. On this subject Mr. Dwight Harris, in the book already cited, says:

> The period of greatest struggle and of greatest triumph for the anti-slavery advocates was that from 1840 to 1845. The contest during these five years was serious and stubbornly carried on. It involved talent, ingenuity, determination, and perseverance on both sides. The abolitionists are to be accredited with stirring up considerable interest over the state in some of the cases. Southern sympathizers and the holders of indentured servants in the southern portion of the state were naturally considerably concerned in the decisions of the supreme court. Still there seems to have been no widespread interest or universal

agitation in the state over this contest in the courts. It was carried on chiefly through the benevolence of a comparatively small number of citizens who were actuated by a firm belief in the evils of slavery; while the brunt of the fray fell to a few able and devoted lawyers.

Among these were G. T. M. Davis, of Alton, Nathaniel Niles, of Belleville, Gustave Koerner, of Belleville, and Lyman Trumbull. James H. Collins, a noted abolition lawyer of Chicago, should also be highly praised for his work in the Lovejoy and Willard cases, but to the other men the real victory is to be ascribed. They were the most powerful friends of the negro, and lived where their assistance could be readily secured. They told the negroes repeatedly that they were free, urged them to leave their masters, and fought their cases in the lower courts time and time again, often without fees or remuneration. Chief among them was Lyman Trumbull, whose name should be written large in anti-slavery annals.

He was a lawyer of rare intellectual endowments, and of great ability. He had few equals before the bar in his day. In politics he was an old-time Democrat, with no leanings toward abolitionism, but possessing an

honest desire to see justice done the negro in Illinois. It was a thankless task, in those days of prejudice and bitter partisan feelings, to assume the rôle of defender of the indentured slaves. It was not often unattended with great risk to one's person, as well as to one's reputation and business. But Trumbull did not hesitate to undertake the task, thankless, discouraging, unremunerative as it was, and to his zeal, courage, and perseverance, as well as to his ability, is to be ascribed the ultimate success of the appeal to the supreme court.

This disinterested and able effort, made in all sincerity of purpose, and void of all appearance of self-elevation, rendered him justly popular throughout the State, as well as in the region of his home. The people of his district showed their approval of his work and their confidence in his integrity by electing him judge of the supreme court in 1848, and Congressman from the Eighth District of Illinois by a handsome majority in 1854, when it was well known that he was opposed to the Kansas-Nebraska Bill.

FOOTNOTES:

[13] These facts are detailed in a paper contributed to the Illinois State Historical Society in 1908 by Joseph B. Lemen, of O'Fallon, Illinois.

[14] *Negro Servitude in Illinois*, by N. Dwight Harris, p. 108.

CHAPTER III

FIRST ELECTION AS SENATOR

The repeal of the Missouri Compromise was the cause of Trumbull's return to an active participation in politics. The prime mover in that disastrous adventure was Stephen A. Douglas, who had been Trumbull's predecessor in the office of secretary of state and also one of his predecessors on the supreme bench. He was now a Senator of the United States, and a man of world-wide celebrity. Born at Brandon, Vermont, in 1813, he had lost his father before he was a year old. His mother removed with him to Canandaigua, New York, where he attended an academy and read law to some extent in the office of

a local practitioner. At the age of twenty, he set out for the West to seek his fortune, and he found the beginnings of it at Winchester, Illinois, where he taught school for a living and continued to study law, as Trumbull was doing at the same time at Greenville, Georgia. He was admitted to the bar in 1834. In 1835, he was elected state's attorney. Two years later he was elected a member of the legislature by the Democrats of Morgan County, and resigned the office he then held in order to take the new one. In 1837, he was appointed by President Van Buren register of the land office at Springfield. In the same year he was nominated for Congress in the Springfield district before he had reached the legal age, but was defeated by the Whig candidate, John T. Stuart, by 35 votes in a total poll of 36,742. [15] In 1840, he was appointed secretary of state, and in 1841, elected a judge of the supreme court under the circumstances already mentioned. In 1843, he was elected to the lower house of Congress and was reëlected twice, but before taking his seat the third time he was chosen by the legislature, in 1846, Senator of the United States for the term beginning March 4, 1847, and was reëlected in 1852. In Congress he had taken an active part in the annexation of Texas, in the war with Mexico, in the Oregon Boundary dispute, and in the Land Grant for the Illinois Central Railway. In the Senate he held the position of Chairman of the Committee on Territories.

In the Democratic party he had forged to the front by virtue of boldness in leadership, untiring industry, boundless ambition, and self-confidence, and horse-power. He had a large head surmounted by an abundant mane, which gave him the appearance of a lion prepared to roar or to crush his prey, and not

seldom the resemblance was confirmed when he opened his mouth on the hustings or in the Senate Chamber. As stump orator, senatorial debater, and party manager he never had a superior in this country. Added to these gifts, he had a very attractive personality and a wonderful gift for divining and anticipating the drift of public opinion. The one thing lacking to make him a man "not for an age but for all time," was a moral substratum. He was essentially an opportunist. Although his private life was unstained, he had no conception of morals in politics, and this defect was his undoing as a statesman.

On the 4th of January, 1854, Douglas reported from the Senate Committee on Territories a bill to organize the territory of Nebraska. It provided that said territory, or any portion of it, when admitted as a state or states, should be received into the Union with or without slavery, as their constitution might prescribe at the time of their admission. The Missouri Compromise Act of 1820, which applied to this territory, was not repealed by this provision, and it must have been plain to everybody that if slavery were excluded from the *territory* it would not be there when the people should come together to form a *state*.

Douglas did not at first propose to repeal the Missouri Compromise. He intended to leave the question of slavery untouched. He did not want to reopen the agitation, which had been mostly quieted by the Compromise of 1850; but it soon became evident that if he were willing to leave the question in doubt, others were not. Dixon, of Kentucky, successor of Henry Clay in the Senate and a Whig in politics, offered an amendment to the bill proposing

to repeal the Missouri Compromise outright. Douglas was rather startled when this motion was made. He went to Dixon's seat and begged him to withdraw his amendment, urging that it would reopen the controversies settled by the Compromise of 1850 and delay, if not prevent, the passage of any bill to organize the new territory. Dixon was stubborn. He contended that the Southern people had a right to go into the new territory equally with those of the North, and to take with them anything that was recognized and protected as property in the Southern States. Dixon's motion received immediate and warm support in the South.

Two or three days later, Douglas decided to embody Dixon's amendment in his bill and take the consequences. His amended bill divided the territory in two parts, Kansas and Nebraska. The apparent object of this change was to give the Missourians a chance to make the southernmost one a slave state; but this intention has been controverted by Douglas's friends in recent years, who have brought forward a mass of evidence to show that he had other sufficient reasons for thus dividing the territory and hence that it must not be assumed that he intended that one of them should be a slave state. The evidence consists of a record of efforts put forth by citizens of western Iowa in 1853-54 to secure a future state on the opposite side of the Missouri River homogeneous with themselves, and to promote the building of a Pacific railway from some point near Council Bluffs along the line of the Platte River. These efforts were heartily seconded by Senators Dodge and Jones and Representative Henn, of Iowa. They labored with Douglas and secured his coöperation. So Douglas himself said when he announced the change in the bill dividing the territory into two parts.

Most people at the present day, including myself, would be glad to concur with this view, but we must interpret Douglas's acts not merely by what he said in 1854, but also by what he said and did afterwards. In 1856 he made an unjustifiable assault upon the New England Emigrant Aid Company, for sending settlers to Kansas, as they had a perfect right to do under the terms of the bill; and he apologized for, if he did not actually defend, the Missourian invaders who marched over the border in military array, took possession of the ballot boxes, elected a pro-slavery legislature, and then marched back boasting of their victory. Troubles multiplied in Douglas's pathway rapidly after he introduced his Nebraska Bill, and it is very likely that an equal division of the territory between the North and South seemed to him the safest way out of his difficulties. That was the customary way of settling disputes of this kind. We need not assume, however, that he intended to do more than give the Missourians a chance to make Kansas a slave state if they could, for Douglas was not a pro-slavery man at heart.

Senator Thompson, of Kentucky, once alluded to the division of the territory embraced in the original Nebraska Bill into two territories, Kansas and Nebraska, showing that his understanding was that one should be a free state and the other a slave state, if the South could make it such. He said:

> When the bill was first introduced in 1854 it provided for the organization of but one territory. Whence it came or how it came scarcely anybody knows, but the senator from Illinois (Mr. Douglas) has always had the credit of its

> paternity. I believe he acted patriotically for what he thought best and right. In a short time, however, we found a provision for a division—for two territories—Nebraska, the larger one, to be a free state, and as to Kansas, the smaller one, repealing the Missouri Compromise, we of the South taking our chance for it. That was certainly a beneficial arrangement to the North and the bill was passed in that way.[16]

What were Douglas's reasons for repealing the Missouri Compromise? It was generally assumed that he did it in order to gain the support of the South in the next national convention of the Democratic party. In the absence of any other sufficient motive, this will probably be the verdict of posterity, although he always repelled that charge with heat and indignation. A more important question is whether there would have been any attempt to repeal it if Douglas had not led the way. This may be safely answered in the negative. The Southern Senators did not show any haste to follow Douglas at first. They generally spoke of the measure as a free-will offering of the North, both Douglas and Pierce being Northern men, and both being indispensable to secure its passage. Francis P. Blair, of Missouri, a competent witness, expressed the opinion that a majority of the Southern senators were opposed to the measure at first and were coerced into it by the fear that they would not be sustained at home if they refused an advantage offered to them by the North. [17]

The Nebraska Bill passed the Senate by a majority of 22, and the House by a majority of 13. The Democratic party of the North was cleft in twain, as was shown by the division of their votes in the House: 44 to 43. The bill would have been defeated had not the administration plied the party lash unmercifully, using the official patronage to coerce unwilling members. In this way did President Pierce redeem his pledge to prevent any revival of the slavery agitation during his term of office.

When the bill actually passed there was an explosion in every Northern State. The old parties were rent asunder and a new one began to crystallize around the nucleus which had supported Birney, Van Buren, and Hale in the elections of 1844, 1848, and 1852. Both Abraham Lincoln and Lyman Trumbull were stirred to new activities. Both took the stump in opposition to the Nebraska Bill.

Trumbull was now forty-one years of age. He had gained the confidence of the people among whom he lived to such a degree that his reëlection to the supreme bench in 1852 had been unanimous. He now joined with Gustave Koerner and other Democrats in organizing the Eighth Congressional District in opposition to Douglas and his Nebraska Bill. Although this district had been originally a slaveholding region, it contained a large infusion of German immigration, which had poured into it in the years following the European uprising of 1848. Of the thirty thousand Germans in Illinois in 1850, Reynolds estimated that fully eighteen thousand had settled in St. Clair County. These immigrants had at first attached themselves to the Democratic party, because its name signified government by the people. When, however, it became apparent to them that the

Democratic party was the ally of slavery, they went over to the opposition in shoals, under the lead of Koerner and Hecker. Koerner was at that time lieutenant-governor of the state, and his separation from the party which had elected him made a profound impression on his fellow countrymen. Hecker was a fervid orator and political leader, and later a valiant soldier in the Union army.

The Eighth Congressional District then embraced the counties of Bond, Clinton, Jefferson, Madison, Marion, Monroe, Randolph, St. Clair, and Washington. It was the strongest Democratic district in the state, but political parties had been thrown into such disorder by the Nebraska Bill that no regular nominations for Congress were made by either Whigs or Democrats. Trumbull announced himself as an anti-Nebraska Democratic candidate. He had just recovered from the most severe and protracted illness of his life and was in an enfeebled condition in consequence, but he made a speaking campaign throughout the district, and was elected by 7917 votes against 5306 cast for Philip B. Fouke, who ran independently as a Douglas Democrat. This victory defeated so many of the followers of Douglas who were candidates for the legislature that it became possible to elect a Senator of the United States in opposition to the regular Democracy.

If political honors were awarded according to the rules of *quantum meruit*, Abraham Lincoln would have been chosen Senator as the successor of James Shields at this juncture, since he had contributed more than any other person to the anti-Nebraska victory in the state. He had been out of public life since his retirement from the lower house of Congress in 1848. Since then he had been a country

lawyer with a not very lucrative practice, but a very popular story-teller. He belonged to the Whig party, and had followed Clay and Webster in supporting the Compromise measures of 1850, including the new Fugitive Slave Law, for, although a hater of slavery himself, he believed that the Constitution required the rendition of slaves escaping into the free states. He was startled by the repeal of the Missouri Compromise. Without that awakening, he would doubtless have remained in comparative obscurity. He would have continued riding the circuit in central Illinois, making a scanty living as a lawyer, entertaining tavern loungers with funny stories, and would have passed away unhonored and unsung. He was now aroused to new activity, and when Douglas came to Springfield at the beginning of October to defend his Nebraska Bill on the hustings, Lincoln replied to him in a great speech, one of the world's masterpieces of argumentative power and moral grandeur, which left Douglas's edifice of "Popular Sovereignty" a heap of ruins. This was the first speech made by him that gave a true measure of his qualities. It was the first public occasion that laid a strong hold upon his conscience and stirred the depths of his nature. It was also the first speech of his that the writer of this book, then twenty years of age, ever listened to. The impression made by it has lost nothing by the lapse of time. In Lincoln's complete writings it is styled the Peoria speech of October 16, 1854, as it was delivered at Peoria, after the Springfield debate, and subsequently written out by Lincoln himself for publication in the *Sangamon Journal*. The Peoria speech contained a few passages of rejoinder to Douglas's reply to his Springfield speech. In other respects they were the same.[18]

It was this speech that drew upon Lincoln the eyes of

the scattered elements of opposition to Douglas. These elements were heterogeneous and in part discordant. The dividing line between Whigs and Democrats still ran through every county in the state, but there was a third element, unorganized as yet, known as "Free-Soilers," who traced their lineage back to James G. Birney and the campaign of 1844. These were numerous and active in the northern counties, but south of the latitude of Springfield they dwindled away rapidly. The Free-Soilers served as a nucleus for the crystallization of the Republican party two years later, but in 1854 the older organizations, although much demoralized, were still unbroken. Probably three fourths of the Whigs were opposed to the Nebraska Bill in principle, and half of the remainder were glad to avail themselves of any rift in the Democratic party to get possession of the offices. There was still a substantial fraction of the party, however, which feared any taint of abolitionism and was likely to side with Douglas in the new alignment.

The legislature consisted of one hundred members—twenty-five senators and seventy-five representatives. Twelve of the senators had been elected in 1852 for a four years' term, and thirteen were elected in 1854. Among the former were N. B. Judd, of Chicago, John M. Palmer, of Carlinville, and Burton C. Cook, of Ottawa, three Democrats who had early declared their opposition to the Nebraska Bill. The full Senate was composed of nine Whigs, thirteen regular Democrats, and three anti-Nebraska Democrats. A fourth holding-over senator (Osgood, Democrat) represented a district which had given an anti-Nebraska majority in this election. One of the Whig members (J. L. D. Morrison) of St. Clair County was elected simultaneously with Trumbull, but he was a

man of Southern affiliations and his vote on the senatorial question was doubtful.

At this time there was no law compelling the two branches of a state legislature to unite in an election to fill a vacancy in the Senate of the United States. Accordingly, when one party controlled one branch of the legislature and the opposite party controlled the other, it was not uncommon for the minority to refuse to go into joint convention. This was the case now. In order to secure a joint meeting, it was necessary for at least one Democrat to vote with the anti-Nebraska members. Mr. Osgood did so.

In the House were forty-six anti-Nebraska men of all descriptions and twenty-eight Democrats. One member, Randolph Heath, of the Lawrence and Crawford District, did not vote in the election for Senator at any time. Two members from Madison County, Henry L. Baker and G. T. Allen, had been elected on the anti-Nebraska ticket with Trumbull.

In the chaotic condition of parties it was not to be expected that all the opponents of Douglas would coalesce at once. The Whig party was held together by the hope of reaping large gains from the division of the Democrats on the Nebraska Bill. This was a vain hope, because the Whigs were divided also; but while it existed it fanned the flame of old enmities. Moreover, the anti-Nebraska Democrats in the campaign had claimed that they were the true Democracy and that they were purifying the party in order to preserve and strengthen it. They could not instantly abandon that claim by voting for a Whig for the highest office to be filled.

The two houses met in the Hall of Representatives on February 8, 1855, to choose a Senator. Every inch of

space on the floor and lobby was occupied by members and their political friends, and the gallery was adorned by well-dressed women, including Mrs. Lincoln and Mrs. Matteson, the governor's wife, and her fair daughters. The senatorial election had been the topic of chief concern throughout the state for many months, and now the interest was centred in a single room not more than one hundred feet square. The excitement was intense, for everybody knew the event was fraught with consequences of great pith and moment, far transcending the fate of any individual.

Mr. Lincoln had been designated as the choice of a caucus of about forty-five members, including all the Whigs and most of the Free-Soilers, with their leader, Rev. Owen Lovejoy, brother of the Alton martyr.

When the joint convention had been called to order, General James Shields was nominated by Senator Benjamin Graham, Abraham Lincoln by Representative Stephen T. Logan, and Lyman Trumbull by Senator John M. Palmer. The first vote resulted as follows:

Lincoln	**45**
Shields	**41**
Trumbull	**5**
Scattering	**8**
Total	**99**

Several members of the House who had been elected as anti-Nebraska Democrats voted for Lincoln and a few for Shields. The vote for Trumbull consisted of Senators Palmer, Judd, and Cook and

Representatives Baker and Allen.

On the second vote, Lincoln had 43 and Trumbull 6, and there were no other changes. A third roll-call resulted like the second. Thereupon Judge Logan moved an adjournment, but this was voted down by 42 to 56. On the fourth call, Lincoln's vote fell to 38 and Trumbull's rose to 11. On the sixth, Lincoln lost two more, and Trumbull dropped to 8.

It now became apparent by the commotion on the Democratic side of the chamber that a flank movement was taking place. There had been a rumor on the streets that if the reëlection of Shields was found to be impossible, the Democrats would change to Governor Matteson, under the belief that since he had never committed himself to the Nebraska Bill he would be able, by reason of personal and social attachments, to win the votes of several anti-Nebraska Democrats who had not voted for Shields. This scheme was developed on the seventh call, which resulted as follows:

Matteson	**44**
Lincoln	**38**
Trumbull	**9**
Scattering	**7**
Total	**98**

On the eighth call, Matteson gained two votes, Lincoln fell to 27, and Trumbull received 18. On the ninth and tenth, Matteson had 47, Lincoln dropped to 15, and Trumbull rose to 35.

The excitement deepened, for it was believed that the next vote would be decisive. Matteson wanted

only three of a majority, and the only way to prevent it was to turn Lincoln's fifteen to Trumbull, or Trumbull's thirty-five to Lincoln. Obviously the former was the only safe move, for none of Lincoln's men would go to Matteson in any kind of shuffle, whereas three of Trumbull's men might easily be lost if an attempt were made to transfer them to the Whig leader. Lincoln was the first to see the imminent danger and the first to apply the remedy. In fact he was the only one who could have done so, since the fifteen supporters who still clung to him would never have left him except at his own request. He now besought his friends to vote for Trumbull. Some natural tears were shed by Judge Logan when he yielded to the appeal. He said that the demands of principle were superior to those of personal attachment, and he transferred his vote to Trumbull. All of the remaining fourteen followed his example, and there was a gain of one vote that had been previously cast for Archibald Williams. So the tenth and final roll-call gave Trumbull fifty-one votes, and Matteson forty-seven. One member still voted for Williams and one did not vote at all. Thus the one hundred members of the joint convention were accounted for, and Trumbull became Senator by a majority of one.

This result astounded the Democrats. They were more disappointed by it than they would have been by the election of Lincoln. They regarded Trumbull as an arch traitor. That he and his fellow traitors Palmer, Judd, and Cook should have carried off the great prize was an unexpected dose; but they did not know how bitter it was until Trumbull took his seat in the Senate and opened fire on the Nebraska Bill.

Lincoln took his defeat in good part. Later in the

evening there was a reception given at the house of Mr. Ninian Edwards, whose wife was a sister of Mrs. Lincoln. He had been much interested in Lincoln's success and was greatly surprised to hear, just before the guests began to arrive, that Trumbull had been elected. He and his family were easily reconciled to the result, however, since Mrs. Trumbull had been from girlhood a favorite among them. When she and Trumbull arrived, they were naturally the centre of attraction. Mr. and Mrs. Lincoln came in a little later. The hostess and her daughters greeted them most cordially, saying that they had wished for his success, and that while he must be disappointed, yet he should bear in mind that his principles had won. Mr. Lincoln smiled, moved toward the newly elected Senator, and saying, "Not *too* disappointed to congratulate my friend Trumbull," warmly shook his hand.

Lincoln's account of this election, in a letter to Hon. E. B. Washburne, concludes by saying:

> I regret my defeat moderately, but I am not nervous about it. I could have headed off every combination and been elected had it not been for Matteson's double game—and his defeat now gives me more pleasure than my own gives me pain. On the whole, it was perhaps as well for our general cause that Trumbull is elected. The Nebraska men confess that they hate it worse than anything that could have happened. It is a great consolation to see them worse whipped than I am. I tell them

> it is their own fault—that they had abundant opportunity to choose between him and me, which they declined, and instead forced it on me to decide between him and Matteson.

There is no evidence that Trumbull took any steps whatever to secure his own election in this contest. [19]

If Lincoln had been chosen at this time, his campaign against Douglas for the Senate in 1858 would not have taken place. Consequently he would not have been the cynosure of all eyes in that spectacular contest. It was Douglas's prestige and prowess that drew him into the limelight at that important juncture, and made his nomination as President possible in 1860.

FOOTNOTES:

[15] The Journal of the Illinois State Historical Society for October, 1912, contains an autobiography of Stephen A. Douglas, of fifteen pages, dated September, 1838, which was recently found in his own handwriting by his son, Hon. Robert M. Douglas, of North Carolina. It terminates just before his first campaign for Congress.

[16] *Cong. Globe*, July, 1856, Appendix, p. 712.

[17] Letter to the *Missouri Democrat*, dated March 1, 1856, quoted in P. Ormon Ray's *Repeal of the Missouri Compromise*, p. 232.

[18] Some testimony as to the effect produced upon Douglas himself by this speech was supplied to me long afterwards from a trustworthy quarter in the following letter:—

NEW YORK, Dec. 7, 1908.

MY DEAR MR. WHITE:

In 1891, at his office in Chicago, Mr. W. C. Gowdy told me that Judge Douglas spent the night with him at his house preceding his debate with Mr. Lincoln; that after the evening meal Judge Douglas exhibited considerable restlessness, pacing back and forth upon the floor of the room, evidently with mental preoccupation. The attitude of Judge Douglas was so unusual that Mr. Gowdy felt impelled to address him, and said: "Judge Douglas, you appear to be ill at ease and under some mental agitation; it cannot be that you have any anxiety with reference to the outcome of the debate you are to have with Mr. Lincoln; you cannot have any doubt of your ability to dispose of him."

Whereupon Judge Douglas, stopping abruptly, turned to Mr. Gowdy and said, with

> great emphasis: "Yes, Gowdy, I am troubled over the progress and outcome of this debate. I have known Lincoln for many years, and I have continually met him in debate. I regard him as the most difficult and dangerous opponent that I have ever met and I have serious misgivings as to what may be the result of this joint debate."
>
> These in substance, and almost in exact phraseology, are the words repeated to me by Mr. Gowdy. Faithfully yours,
>
> FRANCIS LYNDE STETSON.

Mr. Gowdy was a state senator in 1854 and his home was at or near Peoria. There was no joint debate between Lincoln and Douglas at or near Gowdy's residence, except that of 1854.

[19] The following manuscript, written by one of Lincoln's supporters who was himself a member of the legislature, was found among the papers of William H. Herndon:

> "In the contest for the United States Senate in the winter of 1854-55 in the Illinois Legislature, nearly all the Whigs and some of the '*anti-Nebraska Democrats*' preferred Mr. Lincoln to any other man. Some of them

(and myself among the number) had been candidates and had been elected by the people for the express purpose of doing all in their power for his election, and a great deal of their time during the session was taken up, both in caucus and out of it, in laboring to unite the anti-Nebraska party on their favorite, but there was from the first, as the result proved, an insuperable obstacle to their success. Four of the anti-Nebraska Democrats had been elected in part by Democrats, and they not only personally preferred Mr. Trumbull, but considered his election necessary to consolidate the union between all those who were opposed to repeal of the Missouri Compromise and to the new policy upon the subject of slavery which Mr. Douglas and his friends were laboring so hard to inaugurate. They insisted that the election of Mr. Trumbull to the Senate would secure thousands of Democratic votes to the anti-Nebraska party who would be driven off by the election of Mr. Lincoln—that the Whig party were nearly a unit in opposition to Mr.

Douglas, so that the election of the favorite candidate of the majority would give no particular strength in that quarter, and they manifested a fixed purpose to vote steadily for Mr. Trumbull and not at all for Mr. Lincoln, and thus compel the friends of Mr. Lincoln to vote for their man to prevent the election of Governor Matteson, who, as was ascertained, could, after the first few ballots, carry enough anti-Nebraska men to elect him. These four men were Judd, of Cook, Palmer, of Macoupin, Cook, of LaSalle, and Baker, of Madison. Allen, of Madison, went with them, but was not inflexible, and would have voted for Lincoln cheerfully, but did not want to separate from his Democratic friends. These men kept aloof from the caucus of both parties during the winter. They would not act with the Democrats from principle, and would not act with the Whigs from policy.

"When the election came off, it was evident, after the first two or three ballots, that Mr. Lincoln could not be elected, and it was feared that if the balloting continued long, Governor Matteson would be

elected. Mr. Lincoln then advised his friends to vote for Mr. Trumbull; they did so, and elected him.

"Mr. Lincoln was very much disappointed, for I think that at that time it was the height of his ambition to get into the United States Senate. He manifested, however, no bitterness towards Mr. Judd or the other anti-Nebraska Democrats, by whom practically he was beaten, but evidently thought that their motives were right. *He told me several times afterwards that the election of Trumbull was the best thing that could have happened.*

"There was a great deal of dissatisfaction throughout the state at the result of the election. The Whigs constituted a vast majority of the anti-Nebraska party. They thought they were entitled to the Senator and that Mr. Lincoln by his contest with Mr. Douglas had caused the victory. Mr. Lincoln, however, generously exonerated Mr. Trumbull and his friends from all blame in the matter. Trumbull's first encounter with Douglas in the Senate filled the people of Illinois with admiration for his

abilities, and the ill-feeling caused by his election gradually faded away.

"SAM C. PARKS."

CHAPTER IV

THE KANSAS WAR

Trumbull took his seat in the Senate at the first session of the Thirty-fourth Congress, December 3, 1855. His credentials were presented by Senator Crittenden, of Kentucky. Senator Cass, of Michigan, presented a protest from certain members of the legislature of Illinois reciting that the constitution of that state made the judges of the supreme and circuit courts ineligible to any other office in the state, or in the United States, during the terms for which they were elected and one year thereafter; affirming that Trumbull was elected judge of the supreme court June 7, 1852, for the term of nine years and entered upon the duties of that office June 24, 1852; that the said term of office would not expire until 1861; and that, therefore, he was not legally elected a Senator of the United States. The papers were eventually referred to the Committee on the Judiciary, but in

the mean time Trumbull was sworn in. Before the question of reference was disposed of, however, Senator Seward contended that no state could fix or define the qualifications of a Senator of the United States. He instanced the case of N. P. Tallmadge, who had been elected a Senator from New York while serving as a member of the legislature of that state, although the constitution of New York disqualified him and all other members from such election. Tallmadge was nevertheless admitted to the Senate and served his full term. Trumbull's right to his seat was decided in accordance with that precedent by a vote of 35 to 8, on the 5th of March, 1856. Senator Douglas did not vote on this question, nor did he take part in the argument on it.

The subject of burning interest in Congress was the condition of affairs in Kansas Territory. When the bill repealing the Missouri Compromise was pending, the opinion had been generally expressed by its supporters that slavery never would or could go into that region. Several Southern Senators and most of the Northern Democrats had held this view. Hunter, of Virginia, considered it utterly hopeless to expect that either Kansas or Nebraska would ever be a slaveholding state. Badger, of North Carolina, said that he had no more idea of seeing a slave population in either of them than he had of seeing it in Massachusetts. Dixon, of Kentucky, held a similar view. Nor is there any reason to doubt the sincerity of these men. Apparently the only Southern Senator who then cherished a different belief was Atchison, of Missouri, whose home was on the border of Kansas and whose opinions were based upon personal knowledge and backed by self-interest.

President Pierce appointed Andrew H. Reeder, of

Pennsylvania, governor of Kansas Territory. Reeder was not unwilling to coöperate with the South in establishing slavery in an orderly way, but was quite unprepared for the tactics which had been planned by others to expedite his movements. He called an election for a delegate in Congress to be held on the 29th of November, 1854. An organized army of Missourians marched over the Kansas border, seized the polling-places, and cast 1749 fraudulent votes for a pro-slavery man named Whitfield. This was a gratuitous and unnecessary act of violence, since the bona-fide settlers from Missouri outnumbered the Free State men and the latter were, as yet, unorganized and unprepared. Governor Reeder confirmed the election and thus gave encouragement to the invaders for their next attempt.

A few immigrants had already gone into the territory from the New England States, moved by the desire of bettering their condition in life. Some of them had been assisted by the Emigrant Aid Company of Worcester, Massachusetts, a society started by Eli Thayer for the purpose of furnishing capital, by loans, to such persons for traveling expenses and for the building of hotels, sawmills, private dwellings, etc. These settlers from the East were as little prepared as Reeder himself for the sudden swoop of Missourians, and although they wrote letters to Northern Congressmen and newspapers protesting against the election of Whitfield as an act of invasion and a barefaced fraud, nothing was done to prevent him from taking his seat.

The next election (for members of the territorial legislature) was fixed for the 30th of March, 1855. What kind of preparations for it had been made in the mean time in Missouri was plainly indicated by

the following letter, dated Brunswick, Missouri, April 20, 1855, published in the New York *Herald*:

> From five to seven thousand men started from Missouri to attend the election, some to remove, but most to return to their families with an intention, if they liked the territory, to make it their permanent home at the earliest moment practicable. But they intended to vote. The Missourians were many of them Douglas men. There were one hundred and fifty voters from this county, one hundred and seventy-five from Howard, one hundred from Cooper. Indeed, every county furnished its quota, and when they set out it looked like an army. They were armed. And as there were no houses in the territory they carried tents. Their mission was a peaceable one—to vote, and to drive down stakes for their future homes.
>
> After the election some 1500 of the voters sent a committee to Mr. Reeder to ascertain if it was his purpose to ratify the election. He answered that it was, and said that the majority at an election must carry the day. But it is not to be denied that the 1500, apprehending that the governor might attempt to play the tyrant, since his conduct had already been insidious and unjust, wore on their hats bunches of

> hemp. They were resolved, if a tyrant attempted to trample on the rights of the sovereign people, to hang him.

It was not conscious brigandage that prompted this movement, but the simplicity of minds tutored on the frontier and fashioned in the environment of slavery. The fifteen hundred Missourians, who gave Governor Reeder to understand that they would hang him on the nearest tree if he did not ratify their invasion of Kansas, had homes, farms, and families. They supported churches and schools of a certain kind and considered themselves qualified to civilize Africans. They were types of the best society that they had any conception of. Far from concealing anything that they had done, they boasted of it openly in their newspaper organ, the *Squatter Sovereign*, which published the following under the date of April 1:

> INDEPENDENCE, MO., March 31, 1855.—Several hundred emigrants from Kansas have just entered our city. They were preceded by the Westport and Independence brass bands. They came in at the west side of the public square and proceeded entirely around it, the bands cheering us with fine music, and the emigrants with good news. Immediately following the bands were about two hundred horsemen in regular order. Following these were one hundred and fifty wagons, carriages, etc. They gave repeated cheers for Kansas and Missouri. They

> report that not an anti-slavery man will be in the Legislature of Kansas. We have made a clean sweep.[20]

This invasion was as needless as the former one, since the Free State men were still in the minority, counting actual settlers only; but the pro-slavery party were determined to leave nothing to chance. Senator Atchison, in a speech at Weston, Missouri, on the 9th of November, 1854, had told his constituents how to secure the prize:

> When you reside in one day's journey of the territory, and when your peace, your quiet, and your property depend upon your action, you can, without an exertion, send five hundred of your young men who will vote in favor of your institution. Should each county in the state of Missouri only do its duty, the question will be decided quietly and peaceably at the ballot-box. If you are defeated, then Missouri and the other Southern States will have shown themselves to be recreant to their interests, and will deserve their fate.[21]

A little later we find him writing letters like the following to a friend in Atlanta, Georgia:

> Let your young men come forth to Missouri and Kansas. Let them come well armed, with money enough to support them for twelve months and determined to see this thing out! I

> do not see how we are to avoid a civil war;—come it will. Twelve months will not elapse before war—civil war of the fiercest kind—will be upon us. We are arming and preparing for it.

Atchison was constantly spurring others to deeds of lawlessness and violence, but he always stopped short of committing any himself. He was probably restrained by the fear of losing influence at Washington. It was by no means certain that President Pierce would tolerate everything. The sad fate of one of the companies recruited in the South for immigration to Kansas is narrated in the following letter, addressed to Senator Trumbull by John C. Underwood, of Culpeper Court House, Virginia:

> Soon after the repeal of the Missouri Compromise in 1854, in the neighborhood of Winchester and Harper's Ferry the project of sending a company of young men to Kansas to make it a slave state was much agitated. Subscriptions for that purpose were asked, and the duty of strengthening our sectional interest of slavery by adding two friendly Senators to your honorable body, was urged with great zeal upon my neighbors. This was long before I had heard of any movement of the New England Aid Co., or of anybody on the part of freedom. It was my understanding at the time that Senator Mason was the main adviser

> in the project. This may not have been the case. The history of this company will not be soon forgotten. Its taking the train on the Baltimore and Ohio R. R. at Harper's Ferry, its exploits in Kansas up to the fall of its leader (Sharrard) at the hands of Jones, the friend of the Democratic Gov. Geary, are all still well remembered. The return of the company with the dead body of their leader, and the blasted hopes of its sanguine originators, was a gloomy day in our beautiful valley, and created a sensation throughout the country.

Another letter among the Trumbull papers deserves a place here, the author of which was Isaac T. Dement, who (writing from Hudson, Illinois, January 10, 1857) says that he was living in Kansas the previous year and had filed his intention on one hundred and sixty acres of land where he had a small store and a dwelling-house:

> On the 3d of September last [he continues] a band of armed men from Missouri came to my place, and after taking what they wanted from the store, burned it and the house, and said that if they could find me they would hang me. They said that they had broken open a post-office and found a letter that I wrote to Lane and Brown asking them to come and help us with a company of Sharpe's rifles (this is a lie); and also

> that I had furnished Lane and Brown's men with provisions (a lie), and that I was a Free State man (that is so).

Mr. Dement hoped that Congress would do something to compensate him for his losses.

Governor Reeder ought to have been prepared for the second invasion. He had had sufficient warning. Unless he was ready to go all lengths with Atchison and Stringfellow, he ought to have declared the entire election invalid and reported the facts to President Pierce. But he did nothing of the kind. He merely rejected the votes of seven election districts where the most notorious frauds had been committed, and declared "duly elected" the persons voted for in others. Eventually the members holding certificates organized as a legislature and admitted the seven who had been rejected by Reeder. The latter took an early opportunity to go to Washington City to make a report to the President in person. He stopped en route at his home in Easton, Pennsylvania, where he made a public speech exposing the frauds in the election and confirming the reports of the Free State settlers. Stringfellow warned him not to come back. In the *Squatter Sovereign* of May 29, 1855, he said:

> From reports received of Reeder he never intends returning to our borders. Should he do so we, without hesitation, say that our people ought to hang him by the neck like a traitorous dog, as he is, so soon as he puts his unhallowed feet upon our shores. Vindicate your

> characters and the territory; and should the ungrateful dog dare to come among us again, hang him to the first rotten tree. A military force to protect the ballot-box! Let President Pierce or Governor Reeder, or any other power, attempt such a course in this, or any portion of the Union, and that day will never be forgotten.

The "Border Ruffian" legislature proceeded to enact the entire slave code of Missouri as laws of Kansas. It was made a criminal offense for anybody to deny that slavery existed in Kansas, or to print anything, or to introduce any printed matter, making such denial. Nobody could hold any office, even that of notary public, who should make such denial. The crime of enticing any slave to leave his master was made punishable with death, or imprisonment for ten years. That of advising slaves, by speaking, writing, or printing, to rebel, was punishable with death.

Reeder was removed from office by President Pierce on the 15th of August, and Wilson Shannon, a former governor of Ohio, was appointed as his successor.

The Free State men held a convention at Topeka in October, 1855, and framed a state constitution, to be submitted to a popular vote, looking to admission to the Union. This was equivalent merely to a petition to Congress, but it was stigmatized as an act of rebellion by the pro-slavery party.

On the 24th of January, 1856, President Pierce sent a special message to Congress on the subject of the disturbance in Kansas. He alluded to the "angry

accusations that illegal votes had been polled," and to the "imputations of fraud and violence"; but he relied upon the fact that the governor had admitted some members and rejected others and that each legislative assembly had undoubted authority to determine, in the last resort, the election and qualification of its own members. Thus a principle intended to apply to a few exceptional cases of dispute was stretched to cover a case where all the seats had been obtained by fraud and usurpation. "For all present purposes," he added feebly, the "legislative body thus constituted and elected was the legitimate assembly of the Territory."

This message was referred to the Senate Committee on Territories. On the 12th of March, Senator Douglas submitted a report from the committee, and Senator Collamer, of Vermont, submitted a minority report. This was the occasion of the first passage-at-arms between Douglas and his new colleague. The report was not merely a general endorsement of President Pierce's contention that it was impossible to go behind the returns of the Kansas election, as certified by Governor Reeder, but it went much further in the same direction, putting all the blame for the disorders on the New England Emigrant Aid Company, and practically justifying the Missourians as a people "protecting their own firesides from the apprehended horrors of servile insurrection and intestine war." Logically, from Douglas's new standpoint, the New Englanders had no right to settle in Kansas at all, if they had the purpose to make it a free state. To this complexion had the doctrine of "popular sovereignty" come in the short space of two years.

Two days after the presentation of this report, Mr.

Trumbull made a three hours' speech upon it without other preparation than a perusal of it in a newspaper; it had not yet been printed by the Senate. This speech was a part of one of the most exciting debates in the annals of Congress. He began with a calm but searching review of the Kansas-Nebraska Act, dwelling first on the failure of the measure to fix any time when the people of a territory should exercise the right of deciding whether they would have slavery or not. He illustrated his point by citing some resolutions adopted by a handful of squatters in Kansas as early as September, 1854, many months before any legislature had been organized or elected, in which it was declared that the squatters aforesaid "would exercise the right of expelling from the territory, or otherwise punishing any individual, or individuals, who may come among us and by act, conspiracy, or other illegal means, entice away our slaves or clandestinely attempt in any way or form to affect our rights of property in the same." These resolutions were passed before any persons had arrived under the auspices, or by the aid, of the New England Emigrant Aid Company; showing that, so far from being aroused to violence by the threatening attitude of that organization, the Missourians were giving notice beforehand that violence would be used upon any intending settlers who might be opposed to the introduction of slavery.

Douglas had wonderful skill in introducing sophisms into a discussion so deftly that his opponent would not be likely to notice them, or would think them not worth answering, and then enlarging upon them and leading the debate away upon a false scent, thus convincing the hearers that, as his opponent was weak in this particular, he was probably weak everywhere. It was Trumbull's forte that he never

failed to detect these tricks and turns and never neglected them, but exposed them instantly, before proceeding on the main line of his argument. It was this faculty that made his coming into the Senate a welcome reinforcement to the Republican side of the chamber.

The report under consideration abounded in these characteristic Douglas pitfalls. It said, for example:

> Although the act of incorporation [of the Emigrant Aid Company] does not distinctly declare that it was formed for the purpose of controlling the domestic institutions of Kansas and forcing it into the Union with a prohibition of slavery in her constitution, *regardless of the rights and wishes of the people as guaranteed by the Constitution of the United States and secured by their organic law*, yet the whole history of the movement, the circumstances in which it had its origin, and the professions and avowals of all engaged in it rendered it certain and undeniable that such was its object.

Here was a double sophistry: First, the implication that, if the Emigrant Aid Company had boldly avowed that its purpose was to control the domestic institutions of Kansas and bring it into the Union as a free state, its heinousness would have been plain to all; second, that the Constitution of the United States, and the organic act of the territory itself, guaranteed the people against such an outrage. But the declared object of the Nebraska Bill was to allow the people to

do this very thing by a majority vote. Mr. Trumbull brought his flail down upon this pair of sophisms with resounding force. In debate with Senator Hale, a few days earlier, Toombs, of Georgia, had had the manliness to say:

> With reference to that portion of the Senator's argument justifying the Emigrant Aid Societies,—whatever may be their policy, whatever may be the tendency of that policy to produce strife,—if they simply aid emigrants from Massachusetts to go to Kansas and to become citizens of that territory, I am prepared to say that they violate no law; and they had a right to do it; and every attempt to prevent them from doing so violated the law and ought not to be sustained.[22]

By way of justifying the Border Ruffians the report said that when the emigrants from New England were going through Missouri, the violence of their language and behavior excited apprehensions that their object was to "abolitionize Kansas as a means of prosecuting a relentless warfare on the institution of slavery within the limits of Missouri."

> What! [said Trumbull,] abolitionize Kansas! It was said on all sides of the Senate Chamber (when the Nebraska bill was pending) that it was never meant to have slavery go into Kansas. What is meant, then, by abolitionizing Kansas? Is it abolitionizing a territory already

> free, and which was never meant to be anything but free, for Free State men to settle in it? I cannot understand the force of such language. But they were to abolitionize Kansas, according to this report, and for what purpose? As a means for prosecuting a relentless warfare on the institution of slavery within the limits of Missouri. Where is the evidence of such a design? I would like to see it. It is not in this report, and if it exists I will go as far as the gentleman to put it down. I will neither tolerate nor countenance by my action here or elsewhere any society which is resorting to means for prosecuting a relentless warfare upon the institution of slavery within the limits of Missouri or any other state. But there is not a particle of evidence of any such intention in the document which professes to set forth the acts of the Emigrant Aid Society, and which is incorporated in this report.[23]

Trumbull next took up the contention of the report that since Governor Reeder had recognized the usurping legislature, he and all other governmental authorities were estopped from inquiring into its validity. No great effort of a trained legal mind was required to overthrow that pretension. Trumbull demolished it thoroughly. After giving a calm and lucid sketch of the existing condition of affairs in the

territory, Trumbull brought his speech to a conclusion. It fills six pages of the *Congressional Globe*.[24]

This was the prelude to a hot debate with Douglas, who immediately took the floor. Trumbull had remarked in the course of his speech that the only political party with which he had ever had any affiliations was the Democratic. Douglas said that he should make a reply to his colleague's speech as soon as it should be printed in the *Globe*, but that he wished to take notice now of the statement that Trumbull claimed to be a Democrat. This, he said, would be considered by every Democrat in Illinois as a libel upon the party.

Senator Crittenden called Douglas to order for using the word "libel," which he said was unparliamentary, being equivalent to the word "lie." Douglas insisted that he had not imputed untruth to his colleague, but had only said that all the Democrats in Illinois would impute it to him when they should read his speech. He then went into a general tirade about "Black Republicans," "Know-Nothings," and "Abolitionists," who, he said, had joined in making Trumbull a Senator, from which it was evident that he was one of the same tribe, and not a Democrat. So far as the people of Illinois were concerned, he said that his colleague did not dare to go before them and take his chances in a general election, for he (Douglas) had met him at Salem, Marion County, in the summer of 1855, and had told him in the presence of thousands of people that, differing as they did, they ought not both to represent the State at the same time. Therefore, he proposed that they should both sign a paper resigning their seats and appeal to the people, "and if I did not beat him now with his Know-

Nothingism, Abolitionism, and all other isms by a majority of twenty thousand votes, he should take the seat without the trouble of a contest."

Neither Trumbull nor Douglas was gifted with the sense of humor, but Trumbull turned the laugh on his antagonist by his comments on the coolness of the proposal that both Senators should resign their seats, which Governor Matteson would have the right to fill immediately, and which the people could in no event fill by a majority vote, since the people did not elect Senators under our system of government. The reason why he did not answer the challenge at Salem was that his colleague did not stay to hear the answer. After he had finished his speech it was very convenient for him to be absent. "He cut immediately for his tavern without waiting to hear me." Trumbull denominated the challenge "a bald clap-trap declamation and nothing else."

Douglas's charges about Know-Nothings and Abolitionists were well calculated to make an impression in southern Illinois; hence Trumbull did not choose to let them go unanswered. His reply was pitched upon a higher plane, however, than his antagonist's tirade. He said:

> In my part of the state there are no Know-Nothing organizations of whose members I have any knowledge. If they exist, they exist secretly. There are no open avowed ones among us. These general charges, as to matters of opinion, amount to but very little. It is altogether probable that the gentleman and myself will differ in

> opinion not only upon this slavery question, but also as to the sentiments of the people of Illinois. The views which I entertain are honest ones; they are the sincere sentiments of my heart. I will not say that the views which he entertains in reference to those matters are not equally honest. I impute no such thing as insincerity to any Senator. Claiming for myself to be honest and sincere, I am willing to award to others the same sincerity that I claim for myself. As to what views other men in Illinois may entertain we may honestly differ. The views of the members of the legislature may be ascertained from their votes on resolutions before them. I do not know how to ascertain them in any other way. As for Abolitionists I do not know one in our state—one who wishes to interfere with slavery in the states. I have not the acquaintance of any of that class. There are thousands who oppose the breaking-down of a compromise set up by our fathers to prevent the extension of slavery, and I know that the gentleman himself once uttered on this floor the sentiment that he did not know a man who wished to extend slavery to a free territory.

Douglas replied at length to Trumbull on the 20th of

March, in his most slippery and misleading style. If it were possible to admire the kind of argument which makes the worse appear the better reason, this speech would take high rank. It may be worth while to give a single sample. Trumbull had said that in his opinion the words of the Missouri Compromise, prohibiting slavery in certain territories "forever," meant until the territory should be admitted into the Union as a state on terms of equality with the other states. Douglas seized upon this as a fatal admission, and asked why, if "forever" meant only a few years, Trumbull and all his allies had been abusing him for repealing the sacred compact.

> If so [he continued], what is meant by all the leaders of that great party, of which he (Trumbull) has become so prominent a member, when they charge me with violating a solemn compact—a compact which they say consecrated that territory to freedom forever? *They* say it was a compact binding forever. *He* says that it was an unfounded assumption, for it was only a law which would become void without even being repealed; it was a mere legislative enactment like any other territorial law, and the word "forever" meant no more than the word "hereafter"—that it would expire by its own limitation. If this assumption be true, it necessarily follows that what he calls the Missouri Compromise was no compact—was not a contract—not even a compromise, the repeal of

> which would involve a breach of faith.[25]

And he continued, ringing the changes on this alleged inconsistency through two entire columns of the *Globe*, as though a compact could not be made respecting a territory as well as for a state, and ignoring the fact that if slaves were prevented from coming into the territory, the material for forming a slave state would not exist when the people should apply for admission to the Union. If the word "forever" had, as Trumbull believed, applied only to the territory, it nevertheless answered all practical purposes forever, by moulding the future state, as the potter moulds the clay.[26]

The remainder of Douglas's speech was founded upon the doings of Governor Reeder, whom he first used to buttress and sustain the bogus legislature in its acts, and then turned upon and rent in pitiable fragments, calling him "your Governor," as though the Republicans and not their opponents had appointed him.

June 9, 1856, the two Senators drifted into debate on the Kansas question again, and Trumbull put to Douglas the question which Lincoln put to him with such momentous consequences in the Freeport debate two years later: whether the people of a territory could lawfully exclude slavery prior to the formation of a state constitution. Trumbull said that the Democratic party was not harmonious on this point. He had heard Brown, of Mississippi, argue on the floor of the Senate that slavery could not be excluded from the territories, while in the formative condition, by the territorial legislature, and he had heard Cass, of Michigan, maintain exactly the

opposite doctrine. He would like to know what his colleague's views were upon that point:

> My colleague [he said] has no sort of difficulty in deciding the constitutional question as to the right of the people of a territory, when they form their constitution, to establish or prohibit slavery. Now will he tell me whether they have the right *before* they form a state constitution?[27]

Douglas did not answer this interrogatory. He insisted that it was purely a judicial question, and that he and all good Democrats were in harmony and would sustain the decision of the highest tribunal when it should be rendered. The Dred Scott case was pending in the Supreme Court, but that fact was not mentioned in the debate. The right of the people of a territory to exclude slavery before arriving at statehood was already the crux of the political situation, but its significance was not generally perceived at that time. That Trumbull had grasped the fact was shown by his concluding remarks in this debate, to wit:

> My colleague says that the persons with whom he is acting are perfectly agreed on the questions at issue. Why, sir, all of them in the South say that they have a right to take their slaves into a territory and to hold them there as such, while all in the North deny it. If that is an agreement, then I do not know what Bedlam would be.

Bedlam came at Charleston four years later. It is worthy of remark that in this debate Douglas held that a negro could bring an action for personal freedom in a territory and have it presented to the Supreme Court of the United States for decision. In the Dred Scott case, subsequently decided, the court held that a negro could not bring an action in a court of the United States.

The Senate debate on Kansas affairs in the first session of the Thirty-fourth Congress was participated in by nearly all the members of the body. The best speech on the Republican side was made by Seward. This was a carefully prepared, farseeing philosophical oration, in which the South was warned that the stars in their courses were fighting against slavery and that the institution took a step toward perdition when it appealed to lawless violence. Sumner's speech, which in its consequences became more celebrated, was sophomorical and vituperative and was not calculated to help the cause that its author espoused; but the assault made upon him by Preston S. Brooks maddened the North and drew attention away from its defects of taste and judgment. Collamer, of Vermont, made a notable speech in addition to his notable minority report from the Committee on Territories. Wilson, of Massachusetts, and Hale, of New Hampshire, received well-earned plaudits for the thoroughness with which they exposed the frauds and violence of the Border Ruffians, and commented on the vacillation and stammering of President Pierce. That Trumbull had the advantage of his wily antagonist must be the conclusion of impartial readers at the present day.

If a newcomer in the Senate to-day should plunge *in*

medias res and deliver a three-hours' speech as soon as he could get the floor, he would probably be made aware of the opinion of his elders that he had been over-hasty. It was not so in the exciting times of the decade before the Civil War. All help was eagerly welcomed. Moreover, Trumbull's constituents would not have tolerated any delay on his part in getting into the thickest of the fight. Any signs of hanging back would have been construed as timidity. The anti-Nebraska Democrats of Illinois required early proof that their Senator was not afraid of the Little Giant, but was his match at cut-and-thrust debate as well as his superior in dignity and moral power. The North rang with the praises of Trumbull, and some persons, whose admiration of Lincoln was unbounded and unchangeable, were heard to say that perhaps Providence had selected the right man for Senator from Illinois. Although Lincoln's personality was more magnetic, Trumbull's intellect was more alert, his diction the more incisive, and his temper was the more combative of the two.

From a mass of letters and newspapers commending Mr. Trumbull on his first appearance on the floor of the Senate, a few are selected for notice.

The New York *Tribune*, March 15, 1856, Washington letter signed "H. G.," p. 4, col. 5:

> Mr. Trumbull's review of Senator Douglas's pro-slavery Kansas report is hailed with enthusiasm, as calculated to do honor to the palmiest days of the Senate. Though three hours long, it commanded full galleries, and the most fixed attention to the close. It was

> searching as well as able, and was at once dignified and convincing.
>
> When Mr. Trumbull closed, Mr. Douglas rose, in bad temper, to complain that the attack had been commenced in his absence, and to ask the Senate to fix a day for his reply. He said Mr. Trumbull had claimed to be a Democrat; but that claim would be considered a libel by the Democracy of Illinois. Here Mr. Crittenden rose to a question of order, and a most exciting passage ensued; the flash of the Kentuckian's eye and the sternness of his bearing were such as are rarely seen in the Senate.

The New York *Daily Times*, Washington letter, dated June 9:

> Douglas was much disconcerted to-day by Senator Trumbull's keen exposure of his Nebraska sophism. He was directly asked if he believed that the people of the territories have the right to exclude slavery before forming a state government, but he refused to give his opinion, saying that it was a question to be determined by the Supreme Court. Trumbull then exposed with great force Douglas's equivocal platform of popular sovereignty, which means one thing at the South and another at the North. The "Little Giant" was

> fairly smoked out.

Charles Sumner writes to E. L. Pierce, March 21:

> Trumbull is a hero, and more than a match for Douglas. Illinois, in sending him, has done much to make me forget that she sent Douglas. You will read the main speech which is able; but you can hardly appreciate the ready courage and power with which he grappled with his colleague and throttled him. We are all proud of his work.

S. P. Chase, Executive Office, Columbus, Ohio, April 14, 1856, writes:

> I have read your speech with great interest. It was timely—exactly at the right moment and its logic and statement are irresistible. How I rejoice that Illinois has sent you to the Senate.

John Johnson, Mount Vernon, Illinois, writes:

> I wish I could express the pleasure that I and many other of your friends feel when we remember that we have such a man as yourself in Congress, who loves liberty and truth and is not ashamed or afraid to speak. Let me say that I thank the Ruler of the Universe that we have got such a man into the Senate of the United States.... Your influence

> will tell on the interests of the nation in years to come.

John H. Bryant, Princeton, writes:

> The expectations of those who elected Mr. Trumbull to the Senate have been fully met by his course in that body, those of Democratic antecedents being satisfied and the Whigs very happily disappointed. For Mr. Lincoln the people have great respect, and great confidence in his ability and integrity. Still the feeling here is that you have filled the place at this particular time better than he could have done.[28]

At this time Trumbull received a letter from one of the Ohio River counties which, by reason of the singularity of its contents as well as of the subsequent distinction of the writer, merits preservation:

> Green B. Raum, Golconda, Pope Co., Feb. 9, '57, wishes Trumbull to find out why he cannot get his pay for taking depositions at the instance of the Secretary of the Interior in a lawsuit involving the freedom of sixty negroes legally manumitted, but still held in slavery in Crawford County, Arkansas. The witnesses whose depositions were taken were living in Pope Co., Ill. Raum advanced $43.25 for witness fees and costs and was engaged one

month in the work, for which he charged $300. This was done in May, 1855, but he had never been paid even the amount that he advanced out of his own pocket.[29]

In April, 1857, Trumbull received an urgent appeal from Cyrus Aldrich, George A. Nourse, and others in Minnesota asking him to come to that territory and make speeches for one month to help the Republicans carry the convention which had been called to frame a state constitution. He responded to this call and took an active part in the campaign, which resulted favorably to the Republican party.

FOOTNOTES:

[20] Edited by B. F. Stringfellow, author of *African Slavery no Evil*, St. Louis, 1854.

[21] Cited in Villard's *John Brown*, p. 94.

[22] *Cong. Globe*, Appendix, 1856. p. 118.

[23] The writer of this book was intimately acquainted with the doings of the Emigrant Aid Societies of the country, having been connected with the National Kansas Committee at Chicago. The emigrants usually went up the Missouri River by rail from St. Louis to Jefferson City and thence by steamboat to Kansas City, Wyandotte, or Leavenworth. They were cautioned to conceal as much as possible their identity and destination, in order to avoid trouble. Such caution was not necessary, however, since the emigrants knew that their own success depended largely upon keeping that avenue of

approach to Kansas open. Later, in the summer of 1856, it was closed, not in consequence of any threatening language or action on the part of the emigrants, but because the Border Ruffians were determined to cut off reinforcements to the Free State men in Kansas. The tide of travel then took the road through Iowa and Nebraska, a longer, more circuitous, and more expensive route.

[24] Appendix, p. 200.

[25] *Cong. Globe*, 34th Congress, Appendix, p. 281.

[26] In this debate Clayton, of Delaware, contended that the word "forever" was meant to apply to any future political body, whether territory or state, occupying the ground embraced in the defined limits. Hence he considered the Missouri Compromise unconstitutional, but he had opposed the Nebraska Bill because he was not willing to reopen the slavery agitation. *Cong. Globe*, 34th Congress, Appendix, p. 777.

[27] *Cong. Globe*, 1856, p. 1371.

[28] John H. Bryant, a man of large influence in central Illinois, brother of William Cullen Bryant.

[29] Green B. Raum, Lawyer, Democrat, brigadier-general in the Union army in the Civil War.

CHAPTER V

THE LECOMPTON FIGHT

In June, 1856, Lincoln wrote to Trumbull urging him to attend the Republican National Convention which had been called to meet in Philadelphia to nominate candidates for President and Vice-President and suggesting that he labor for the nomination of a conservative man for President. Trumbull went accordingly and coöperated with N. B. Judd, Leonard Swett, William B. Archer, and other delegates from Illinois in the proceedings which led up to the futile nominations of Frémont and Dayton. The only part of these proceedings which interests us now is the fact that Abraham Lincoln, who was not a candidate for any place, received one hundred and ten votes for Vice-President. This result was brought about by Mr. William B. Archer, an Illinois Congressman, who conceived the idea of proposing his name only a short time before the voting began, and secured the coöperation of Mr. Allison, of Pennsylvania, to nominate him. Archer wrote to Lincoln that if this bright idea had occurred to him a little earlier he could have obtained a majority of the convention for him. When the news first reached Lincoln at Urbana, Illinois, where he was attending court, he thought that the one hundred and ten votes were cast for Mr. Lincoln, of Massachusetts.

He wrote to Trumbull on the 27th saying, "It would have been easier for us, I think, had we got McLean" (instead of Frémont), but he was not without high hopes of carrying the state. He was confident of electing Bissell for governor at all events. In August, Lincoln wrote again saying that he had just returned

from a speaking tour in Edgar, Coles, and Shelby counties, and that he had found the chief embarrassment in the way of Republican success was the Fillmore ticket. "The great difficulty," he says, "with anti-slavery-extension Fillmore men is that they suppose Fillmore as good as Frémont on that question; and it is a delicate point to argue them out of it, they are so ready to think you are abusing Mr. Fillmore." The Fillmore vote in Illinois was 37,444.

The Republican state ticket, headed by William H. Bissell for governor, was elected, but Buchanan and Breckinridge, the Democratic nominees, received the electoral vote of the state and were successful in the country at large. The defeat of Frémont caused intense disappointment to the Republicans at the time, but it was fortunate for the party and for the country that he was beaten. He was not the man to deal with the grave crisis impending. Disunion was a club already held in reserve to greet any Republican President. Senator Mason, of Virginia, frankly said so to Trumbull in a Senate debate (December 2, 1856), after the election:

> MR. MASON: What I said was this, that if that [Republican] party came into power avowing the purpose that it did avow, it would necessarily result in the dissolution of the Union, whether they desired it or not. It was utterly immaterial who was their President; he might have been a man of straw. I allude to the purposes of the party.
>
> MR. TRUMBULL: Why, sir, neither Colonel Frémont nor any other

> person can be elected President of the United States except in the constitutional mode, and if any individual is elected in the mode prescribed in the Constitution, is that cause for dissolution of the Union? Assuredly not. If it be, the Constitution contains within itself the elements of its own destruction. [30]

Four years passed ere Mr. Mason's prediction was put to the test, and the intervening time was mainly occupied by a continuation of the Kansas strife. The prevailing gloom in the Northern mind was reflected in a letter written by Trumbull to Professor J. B. Turner, of Jacksonville, Illinois, dated Alton, October 19, 1857, from which the following is an extract:

> Our free institutions are undergoing a fearful trial, nothing less, as I can conceive, than a struggle with those now in power, who are attempting to subvert the very basis upon which they rest. Things are now being done in the name of the Constitution which the framers of that instrument took special pains to guard against, and which they did provide against as plainly as human language could do it. The recent use of the army in Kansas, to say nothing of the complicity of the administration with the frauds and outrages which have been committed in that territory, presents as clear a case of

> usurpation as could well be imagined. Whether the people can be waked up to the change which their government is undergoing in time to prevent it, is the question. I believe they can. I will not believe that the free people of this great country will quietly suffer their government, established for the protection of life and liberty, to be changed into a slaveholding oligarchy whose chief object is the spread and perpetuation of negro slavery and the degradation of free white labor.

Soon after the inauguration of Buchanan, Robert J. Walker, of Mississippi, was appointed by him governor of Kansas Territory. Walker was a native of Pennsylvania and a man of good repute. He had been Secretary of the Treasury under President Polk, and was the author of the Tariff of 1846. When he arrived in Kansas steps had already been taken by the territorial legislature for electing members of a constitutional convention with a view to admission to the Union as a state. Governor Walker urged the Free State men to participate in this election, promising them fair treatment and an honest count of votes; but they still feared treachery and violence and fraud in the election returns. Moreover, voters were required to take a test oath that they would support the Constitution as framed. As Walker had assured them that the Constitution would be submitted to a vote of the people, they decided to take no part in framing it, but to vote it down when it should be submitted.

The convention met in the territorial capital, Lecompton. While it was in session a regular election of members of the territorial legislature took place, and Governor Walker had so far won the confidence of the Free State men that they took part in it and elected a majority of the members of both branches. About one month later news came that the constitutional convention had completed its labors and had decided not to submit the constitution itself to a vote of the people, but only the slavery clause. People could vote "For the constitution with slavery," or "For the constitution with no slavery," but in no case should the right of property in slaves already in the territory be questioned, nor should the constitution itself be amended until 1864, and no amendment should be made affecting the rights of property in such slaves.

Senator Douglas was in Chicago when this news arrived. He at once declared to his friends that this scheme had its origin in Buchanan's Cabinet. Governor James W. Geary, Walker's predecessor in office, had vetoed the bill calling the convention, because it contained no clause requiring submission of the constitution to the people; but it had been passed over his veto. He subsequently said, in a published letter, that the committees of the legislature having the matter in charge informed him that their friends in the South did not desire a submission clause. It was proved later that a conspiracy with this aim existed in Buchanan's Cabinet without his knowledge, and that the guiding spirit was Jacob Thompson, of Mississippi, Secretary of the Interior. The chief manager in Kansas was John Calhoun, the president of the convention, who had been designated also as the canvassing officer of the election returns under the submission clause.

Buchanan was not admitted to the secret of the conspiracy until the deed was done. He had committed himself both verbally and in writing to the submission of the whole constitution to the people for ratification or rejection. He had pledged himself in this behalf to Governor Walker, who had pledged himself to the people of Kansas. Walker kept his pledge, but Buchanan broke his. He surrendered to the Cabinet cabal and made the admission of Kansas under the Lecompton Constitution the policy of his administration. It proved to be his ruin, as an earlier breach of promise had been the ruin of Pierce.

Walker exposed and denounced the whole conspiracy and resigned the governorship, the duties of which devolved upon F. P. Stanton, the secretary of the territory, a man of ability and integrity, who had been a member of Congress from Tennessee. Stanton called the legislature in special session. The legislature declared for a clause for or against the constitution as a whole, to be voted on at an election to be held January 4, 1858. Stanton was forthwith removed from office by Buchanan, and John A. Denver was appointed governor to fill Walker's place.

The stand taken by Douglas in reference to the Lecompton Constitution before the meeting of Congress, and the doubts and fears excited thereby in the minds of the leading Republicans of Illinois, are indicated in private letters received by Trumbull in that interval, a few of which are here cited:

E. Peck, Chicago, November 23, 1857, says: Judge Douglas takes the ground openly that the *whole* of the Kansas constitution must be submitted to the people for approval.

C. H. Ray, chief editor of the Chicago *Tribune*, writes that Douglas is just starting for Washington; he says that he sent a man to the *Tribune* office to remonstrate against its course toward him "while he is doing what we all want him to do." Dr. Ray had no faith in him.

N. B. Judd, Chicago, November 24, says that Douglas took pains to get leading Republicans into his room to tell them that he intended to fight the administration on the Kansas issue.

Judd, November 26, writes that Douglas tells his friends that "the whole proceedings in Kansas were concocted by certain members of the Cabinet to ruin him." He does not think that the President desires this, but he cannot well help himself, and the conspirators intend to use Buchanan's name again (for the Presidency).

Lincoln wrote under date, Chicago, Nov. 30, 1857: ... What think you of the probable "rumpus" among the Democracy over the Kansas constitution? I think the Republicans should stand clear of it. In their view both the President and Douglas are wrong; and they should not espouse the cause of either because they may consider the other a little farther wrong of the two. From what I am told here, Douglas tried before leaving to draw off some Republicans on the dodge, and even succeeded in making some impression on one or two.

A. Jonas, Quincy, December 5, is unable to say whether Douglas is sincere in the position he has lately taken. "Should he act right for once on this question, it will be with some selfish motive."

William H. Bissell, governor, Springfield, December

12, thinks Douglas's course is dictated solely by his fears connected with the next senatorial election.

S. A. Hurlbut, Belvidere, December 14, thinks that as between Douglas and the Southern politicians the latter have the advantage in point of logic. "If the Lecompton Constitution prevails, no amount of party discipline will hold more than one third of the Democratic voters in Illinois." He predicts that the next Democratic National Convention will endorse John C. Calhoun's doctrine that slavery exists in the territories by virtue of the Constitution.

Sam Galloway, Columbus, Ohio, December 12, asks: "What means the movement of Douglas? Is it a ruse or a bona-fide patriotic effort? We don't know whether to commend or censure, and we are without any knowledge of the workings of his heart except as indicated in his speeches."

W. H. Herndon, Springfield, December 16, says: "Douglas is more of a man than I took him to be. He has some nerve at least. I do not think he is honest in any particular, yet in this difficulty he is right."

C. H. Ray, Chicago, December 18, asks for Trumbull's views of Douglas's real purposes: "We are almost confounded here by his anomalous position and do not know how to treat him and his overtures to the Republican party. Personally, I am inclined to give him the lash, but I want to do nothing that will damage our cause or hinder the emancipation of Kansas."

John G. Nicolay, Springfield, December 20, has been canvassing the state to procure subscribers for the St. Louis *Democrat*. He had very good success until the "hard times" came. Then he found it necessary to

suspend operations. He says everybody is watching the political developments in Washington, and he thinks that Douglas will be sustained by nearly all his party in Illinois. "The Federal office-holders keep mum and will not of course declare themselves until they are forced to do so."

Samuel C. Parks, Lincoln, Logan County, December 26, says: Douglas is no better now than when he was the undisputed leader of the pro-slavery party. He has done more to undermine the principles upon which this Government was founded than any other man that ever lived.

D. L. Phillips, Anna, Union County, March 2, 1858: "You need not pay any attention to the silly statements of the *Missouri Republican* and other sheets respecting this part of the state being attached to Buchanan. It is simply false. The Democracy here are led by the Allens, Marshall, Logan, Parrish, Kuykendall, Simons, and others, and these are all for Douglas. John Logan is bitter against Buchanan. I think we ought all to be satisfied with the course of things. Let the worst come now. Better far than defer it, for come it will and must."

The first session of the Thirty-fifth Congress began on the 7th of December, 1857. President Buchanan's first message was largely concerned with the affairs of Kansas. He spoke of the framers of the Topeka Constitution as a "revolutionary organization," and said that the Lecompton Constitution was the work of the lawfully constituted authorities. He conceded that the submission clause of the Lecompton instrument fell short of his own intentions and expectations, but insisted that the slavery question was the only matter of dispute and that that was

actually submitted to the popular vote.

Trumbull was the first Senator to expose these unfounded assumptions, and this he did in a brief argument as soon as the reading of the message was finished. He showed, in the first place, that the Topeka Constitution was no whit more "revolutionary" or irregular than the Lecompton one, and one of the authorities whom he cited to sustain his contention was Buchanan himself, who, in a parallel case, had contended that the territorial legislature of Michigan had no authority to call a convention to frame a state constitution, and that any such proceeding was "an act of usurpation." This was not necessarily conclusive as to anybody but Buchanan. Yet in another case cited, that of Arkansas, where a territorial legislature was considering an act for the calling of a convention to frame a state constitution and where the governor had asked instructions from President Jackson as to his duty in the premises, the Attorney-General had held that such an act of the Legislature would be without authority and absolutely void. (This case had been cited by Douglas the previous year, in an argument against the Topeka Constitution.) The only regular proceeding was for Congress to pass an enabling act, on such terms and conditions as it might prescribe, under which the people might form a constitution preparatory to admission to the Union. Any other mode of accomplishing the same result, whether initiated by a popular assembly, as at Topeka, or by the legislature, as at Lecompton, was in the nature of a petition which Congress might respond to favorably, and thus legalize, or not. Neither of these modes of beginning had any higher authority than the other. Therefore, the underpinning of President Buchanan's first argument

was knocked out by two citations of authority which he could not controvert.

His second argument, that the slavery clause in the Lecompton Constitution, the only thing in controversy, was submitted to the popular vote, was easily demolished. The submission clause, said Mr. Trumbull, "amounts simply to giving the free white people of Kansas a right to determine the condition of a few negroes hereafter to be brought into the state, and nothing more; the condition of those now there cannot be touched."

On the following day, Senator Douglas made his speech against the Lecompton Constitution. It had been eagerly expected, and the galleries and floor were crowded. From his own standpoint it was a very strong argument, and was received with vociferous applause, contrary to the rules of the Senate. It left Buchanan with not a rag to cover him. It was the first public speech Douglas had ever made which went counter to the wishes of the Southern people. So when he said,—"I will go as far as any of you to save the party. I have as much heart in the great cause that binds us together as a party as any man living; I will sacrifice anything short of principle and honor for the peace of the party; but if the party will not stand by its principles, its faith, its pledges, I will stand there and abide whatever consequences may result from the position,"—we must believe that he was sincere and must respect him for his courage. But his standpoint was that of one who "did not care whether slavery was voted down or voted up." It represented no high principle; the only right he contended for was the right of the people to decide for themselves whether they would have a particular banking system, or none at all; a Maine liquor law;

or a railroad running this way or that way; and finally whether they would have a slave code or not. Great speeches are not kindled with such short stubble.

One thing hinted at in this speech was that Buchanan had been so frightened by the revolt in the party against the Lecompton Constitution that he had taken steps to have the pro-slavery clause rejected at the coming election, by the very people who had framed it. "I think I have seen enough in the last three days," he said, "to make it certain that it will be *returned out*, no matter how the vote may stand." In a later debate, February 4, Douglas said:

> I made my objection [against the Lecompton Constitution] at a time when the President of the United States told all his friends that he was perfectly sure the pro-slavery clause would be voted down. I did it at a time when all or nearly all the Senators on this floor supposed the pro-slavery clause would be stricken out. I assumed in my speech that it was to be returned out, and that the constitution was to come here with that article rejected.[31]

If Buchanan had that intention he was not able to carry it into effect.

Douglas at this time contemplated an alliance with the Republicans. His state of mind is pictured in a letter written by Henry Wilson to Rev. Theodore Parker, dated Washington, February 28, 1858, of which the following is an extract:[32]

> I say to you in confidence that you are mistaken in regard to Douglas. He is as sure to be with us in the future as Chase, Seward, or Sumner. I leave motives to God, but he is to be with us, and he is to-day of more weight to our cause than any ten men in the country. I know men and I know their power, and I know that Douglas will go for crushing the Slave Power to atoms. To use his own words to several of our friends *this day* in a three-hours' consultation: "We must grind this administration to powder; we must punish every man who supports this crime, and *we must prostrate forever the Slave Power*, which uses Presidents and dishonors and disgraces them."

Similar testimony is found in the Trumbull correspondence, to wit:

> Jesse K. Dubois, state Auditor, Springfield, March 22, 1858, says he has a letter from Ray, of the Chicago *Tribune*, who says that Sheahan, of the *Times*, who has just returned to Washington, says that (1) Lecompton will be defeated; (2) that the Republicans shall have all the majority they like in the next Illinois legislature, to favor which he wants to unite with us in all doubtful counties or rather help us by running Douglas legislative tickets

"(N. B. I do not see the point of this)"; (3) he concedes us the Senator, and says Douglas is willing to go into private life for a brief period, but protests that we must not sacrifice their Congressmen who run again on the Lecompton issue, if any one of them desires to go back; (4) they will run candidates for Congress in every district, but without hope of electing one in the four northern districts "(N. B. I should think this is an easy matter)"; (5) Douglas is willing to retire, and if he beats Lecompton, to take his chances by and by; (6) Douglas and his friends have had a caucus in Washington and they agree so to shape matters, if possible, with Republican aid, as to return to the next Congress an unbroken phalanx of anti-Lecompton men, and break down the administration by making it harmless at home and abroad; (7) the fight is to the death, *à l'outrance*, and cannot be discontinued, no matter what comes up. Ray seems to think Sheahan is honest in what he says, and has no doubt that he speaks for Douglas.

A. Jonas, Quincy, April 11, says that letters have been received from Chicago and Springfield implying that a coalition is forming between a portion of the Republican party on the one hand and Douglas and his

followers on the other. He protests strongly against any such coalition and declares it can never be carried into effect. "To suppose that the Republicans of this District can under any circumstances be induced to support such a political demagogue and trickster as Isaac N. Morris is to believe them capable of worshiping Satan or submitting to the dictation of the slave oligarchy."

W. H. Herndon, Springfield, April 12, has just returned from the East. He speaks of Greeley's "puffs" of Douglas, which he regards as demoralizing to the Republicans of Illinois. "I heard Greeley handled quite roughly by the candidate for lieutenant-governor of Wisconsin, a very intelligent German. He spoke to Greeley in my presence and said that Wisconsin stood by Illinois and was not for sale."

E. Peck, Chicago, April 15: "Dr. Brainard has had a talk with Dr. Ray, the substance of which was that we should consent to run Douglas as our candidate for the House of Representatives from this district. What does this mean? Can Brainard have any authority to make such a proposition? Ray has been advising with me, and we are both in the clouds. I requested permission to write to you for your opinion before

> any opinions were expressed here. Mr. Colfax may be able to tell you something of the opinions of Douglas. I am shy in believing, and more shy in confiding, ... yet Ray believes that Brainard was authorized by Douglas to make the proposition."
>
> N. B. Judd, Chicago, April 19, says that if the Lecompton Bill is passed, Douglas is laid on the shelf. The Buchanan party in Chicago is of no consequence, "great cry and little wool." We shall have to fight the Democratic party as a unit. "How Douglas is to be the Democratic party in Illinois and the ally of the Republicans outside of the state is a problem which those, who are arranging with him, ought to know how to work out."

Overtures to the Republicans of Illinois did not come from Douglas only. Here is one of a different hue:

> George T. Brown, Alton, February 24, urges the appointment of J. E. Starr (Buchanan Democrat) as postmaster at Alton. "Slidell opened the way for you to talk to him and you can easily do so. The Administration is very desirous that you should not oppose their appointments, and will give you anything."

The foregoing letter betokens a sudden change of mind in administration circles at Washington, as is evidenced by the following communication which Trumbull had received from one of his constituents a few weeks earlier:

> B. Werner, Caseyville, January 4, refers to a former letter enclosing a petition for the establishment of a post-office at Caseyville. Hearing nothing of the matter, he went to see Mr. Armstrong, the postmaster at St. Louis, narrated the facts, and asked whether any order had been received by him respecting it. "He asked me to whom I had sent the petition. I told him to you. He replied if I had sent the petition to Robert Smith (Dem. M.C.) the matter would have been attended to, but as Mr. Trumbull was a Black Republican, the department would not pay any attention to it."

On the 2d of February, 1858, President Buchanan sent a special message to Congress with a copy of the Lecompton Constitution, and recommended that Kansas be admitted to the Union as a state under it. In this message he made reference to the Dred Scott decision, which had been pronounced by the Supreme Court in the previous March. On this point the message said:

> It has been solemnly adjudged by the highest tribunal known to our laws that slavery exists in Kansas by virtue of the Constitution of the

> United States. Kansas is, therefore, at this moment as much a slave state as Georgia, or South Carolina.

Trumbull made a speech on the special message as soon as the reading of it was finished by the secretary. He reviewed the action of Governor Walker, which, in the beginning, had been avowedly taken with the view of creating and promoting a Free State Democratic party in Kansas, to which end he had made use of the soldiers placed at his disposal by the President. That this was an act of usurpation was conclusively shown by Trumbull, although Walker claimed that it had served the desirable purpose of preventing an armed collision between the contending factions. Trumbull then touched upon the Dred Scott case and maintained that the Supreme Court had likewise usurped authority by pronouncing an opinion on a case not before it. The court had virtually dismissed the case for want of jurisdiction. It had decided that Dred Scott was not a citizen and had no right to bring this action. There was no longer any case before the judges who so held. "Their opinions," said Trumbull, "are worth just as much as, and no more than, the opinions of any other gentlemen equally respectable in the country." Consequently, President Buchanan's assertion that Kansas was then as much a slave state as Georgia or South Carolina was unfounded and preposterous. Seward, Fessenden, and the Republican Senators generally held to this doctrine, but Senator Benjamin, of Louisiana, replied with considerable force that it was competent for the court to decide on what grounds it would give its decision, and that it did, in so many words, elect to decide the question of slavery in the territories, which was the principal

question raised by the counsel of Dred Scott. That the decision had an aim different from the settlement of Dred Scott's claim, and that this aim was political, is now sufficiently established. It is also established that Dred Scott never took any steps consciously to secure freedom, but that the action was brought in his name by some speculating lawyers in St. Louis to secure damages or wages from the widow of Scott's master, Dr. Emerson.[33] One additional fact is supplied by a letter in the Trumbull correspondence, showing how the money was collected to pay the plaintiff's court costs.

> G. Bailey, Washington, May 12, 1857, writes, that when the case of Dred Scott was first brought to the notice of Montgomery Blair, he applied to him (Bailey) to know what to do. Blair said he would freely give his services without charge if Bailey would see to the necessary expenses of the case. Not having an opportunity to confer with friends, Bailey replied that he would become responsible. He had no doubt the necessary money could be raised. On this assurance he proceeded, the case was tried, and the result was before the country. Mr. Blair had just rendered the bill of costs: $63.18 for writ of error and $91.50 for printing briefs; total, $154.68. "May I be so bold, my dear sir, as to ask you to contribute two dollars toward the payment of this bill. I am now writing to seventy-five

> of the Rep. Members of the late Congress, and if they will answer me promptly, each enclosing the quota named, I can discharge the bill by myself paying a double share."
>
> *Mem.*: $2 sent by Trumbull June 20th, '57.

The debate in the Senate on the Lecompton Bill continued till March 23. The best speech on the Republican side was made by Fessenden, of Maine, than whom a more consummate debater or more knightly character and presence has not graced the Senate chamber in my time, if ever. On the administration side the laboring oar was taken by Toombs, who spoke with more truculence than he had shown in the Thirty-fourth Congress. Jefferson Davis, who had been returned to the Senate after serving as Secretary of War under Pierce, bore himself in this debate with decorum and moderation.

The Lecompton Bill passed the Senate, but was disagreed to by the House, and a conference committee was appointed which adopted a bill proposed by Congressman English, of Indiana, which offered a large bonus of lands to Kansas, for schools, for a university, and for public buildings, if she would vote to come into the Union under the Lecompton Constitution now. If she would not so vote, she should not have the lands and should not come into the Union until she should have a population sufficient to elect one member of Congress on the ratio prescribed by law. The form of submission to a popular vote was to be: "Proposition accepted," or "Proposition rejected." If there was a majority of acceptances, the territory should be

admitted as a state at once. Senator Seward and Representative Howard, Republican members of the conference committee, dissented from the report. This bill passed the House.

Douglas made a dignified speech against the English Bill, showing that it was in the nature of a bribe to the people to vote in a particular way. Although he did not think that the bribe would prevail, he could not accept the principle. The bill nevertheless passed on the last day of April, and on the 2d of August the English proposition was voted down by the people of Kansas by an overwhelming majority. The Lecompton Constitution thus disappeared from sublunary affairs, and John Calhoun disappeared from Kansas as soon as steps were taken to look into the returns of previous elections canvassed by him.

The opinion of a man of high position on the attitude of President Buchanan toward Lecomptonism is found in another letter to Trumbull:

> J. D. Caton, chief justice of the supreme court of Illinois, Ottawa, March 6, 1858, does not think all the Presidents and all the Cabinets and all the Congresses and all the supreme courts and all the slaveholders on earth, with all the constitutions that could be drawn, could ever make Kansas a slave state. "No, there has been no such expectation, and I do not believe desire on the part of the present administration to make it a slave state, but as he [Buchanan] had already been pestered to death with

it, he resolved to make it a state as soon as possible, and thus being rid of it, let them fight it out as they liked. In this mood the Southern members of the Cabinet found him when the news came of that Lecompton Constitution being framed, and he committed himself, thinking, no doubt, that Douglas would be hot for it and that there would be no general opposition in his own party to it.... You say that the slave trade will be established in every state in the Union in five years if the Democratic party retains power! As Butterfield told the Universalist preacher, who was proving that all men would be saved, 'We hope for better things.'"

FOOTNOTES:

[30] *Cong. Globe*, vol. 42, p. 16.

[31] *Cong. Globe*, 85th Cong., 1st Sess., p. 571.

[32] Lincoln and Herndon, by Joseph Fort Newton, p. 148.

[33] Frederick Trevor Hill in *Harper's Magazine*, July, 1907.

CHAPTER VI

THE CAMPAIGN OF 1858 AND THE JOHN BROWN RAID

The events described in the preceding chapter left Senator Douglas still the towering figure in national politics. Although he had contributed but a small part of the votes in the Senate and House by which the Lecompton Bill had been defeated, he had furnished an indispensable part. He had humbled the Buchanan administration. He had delivered Kansas from the grasp of the Border Ruffians. What he might do for freedom in the future, if properly encouraged, loomed large in the imagination of the Eastern Republicans. Greeley, Seward, Banks, Bowles, Burlingame, Henry Wilson, and scores of lesser lights were quoted as desiring to see him returned to the Senate by Republican votes. Some were even willing to support him for the Presidency.

The Republicans of Illinois did not share this enthusiasm. Not only had they fixed upon Lincoln as their choice for Senator, but they felt that they could not trust Douglas. He still said that he cared not whether slavery was voted down or voted up. That was the very thing they did care about. Could they assume that, after being reëlected by their votes and made their standard-bearer, he would be a new man, different from the one he had been before? And if he remained of the same opinions as before, what would become of the Republican party? Who could answer for the demoralizing effects of taking him for a leader? The views of the party leaders in Illinois are set forth at considerable length in letters received by

Senator Trumbull, the first one from Lincoln himself:

> BLOOMINGTON, December 28, 1857.
>
> HON. LYMAN TRUMBULL,
>
> DEAR SIR: What does the New York *Tribune* mean by its constant eulogizing and admiring and magnifying Douglas? Does it, in this, speak the sentiments of the Republicans at Washington? Have they concluded that the Republican cause generally can be best promoted by sacrificing us here in Illinois? If so, we would like to know it soon; it will save us a great deal of labor to surrender at once.
>
> As yet I have heard of no Republican here going over to Douglas, but if the *Tribune* continues to din his praises into the ears of its five or ten thousand readers in Illinois, it is more than can be hoped that all will stand firm. I am not complaining, I only wish for a fair understanding. Please write me at Springfield.
>
> Your obt. servant,
>
> A. LINCOLN.

C. H. Ray, Chicago, March 9, 1858, protests against any trading with Douglas on the basis of reëlecting him to the Senate by Republican votes. The Republicans of Illinois are unanimous for Lincoln and

will not swerve from that purpose. Thinks that Douglas is coming to the Republican camp and that the disposal of him will be a difficult problem unless he will be content with a place in the Cabinet of the next Republican President.

J. K. Dubois, Springfield, April 8, says that Hatch (secretary of state) and himself were in Chicago a few days since. Found every man there firm and true —Judd, Peck, Ray, Scripps, W. H. Brown, etc. Herndon has just come home; says that Wilson, Banks, Greeley, etc., are for returning Douglas to the Senate. "God forbid! Are our friends crazy?"

J. M. Palmer, Carlinville, May 25:

> We feel here that we have fought a strenuous and well-maintained battle with Douglas, backed up by the whole strength of the Federal patronage, and have won some prospect of overthrowing him and placing Illinois permanently in the ranks of the party of progress, whether called Republican or by some other name, and now, by a "Wall street operation," Lincoln, to whom we are all under great obligations, and all our men who have borne the heat and burden of the day, are to be kicked to one side and we are to throw up our caps for Judge Douglas, and he very coolly tells us all the time that we are Abolitionists and negro worshipers and that he accepts our votes as a favor to us! Messrs. Greeley, Seward,

Burlingame, etc., are presumed to be able to estimate themselves properly, and if they fix only that value on themselves, no one has a right to complain, but if I vote for Douglas under such circumstances, may I be ——. I don't swear, but you may fill this blank as you please. Yet I have no personal feelings against Douglas.... Lincoln and his friends were under no obligation to us in that controversy [of 1855]. We had, though but five, refused to vote for him under circumstances that we thought, at the time, furnished good reason for our refusal. We elected an anti-Nebraska Democrat to the Senate, by his aid most magnanimously rendered, and that result placed us, through you, on the highest possible ground in the new party. If you had not been elected, we should have been a baffled faction at the tail of an alien organization. We have, as a consequence, an anti-Nebraska Democrat for governor, and our men are the bone and sinew of the new organization, though we are in a minority. In all these results Lincoln has contributed his efforts and the Whig element have coöperated. For myself, therefore, I am unalterably determined to do all that I can to elect Lincoln to the Senate. *I* cannot elect him, but I can give him and all

> his friends conclusive proof that I am animated by honor and good faith, and will stand up for his election until the Republican party, including himself and his personal friends, say we have done enough. Hence no arrangement that looks to the election of Douglas by Republican votes, that does not meet the approval of Lincoln and his friends, can meet my approval.

The chief difficulty was that Douglas had never established for himself a character for stability. People did not know what they could depend upon in dealing with him. Other questions than Lecompton would soon come up, as to which his course would be uncertain. Who could say whether he would look northward or southward for the Presidency two years hence?

Douglas knew that he need not look in either direction unless he could first secure his reëlection to the Senate. Bear-like, tied to a stake, he must fight the course. His campaign against Lincoln for the senatorship does not properly appertain to the Life of Trumbull, although the latter took an active part in it. The author's recollections and memoranda of that campaign were contributed to another publication. [34] He recalls with pity the weary but undaunted look, after nearly four months of incessant travel and speaking, of the Little Giant, whose health was already much impaired. A letter from Fessenden to Trumbull, dated November 16, 1856, spoke of him as "a dying man in almost every sense, unless he mends speedily—of which, I take it, there is little hope." In

the Senate debates from 1855 on, he often spoke of his bad health, and in one instance he got out of a sick-bed to vote on the Lecompton Bill. The campaign of 1858 was a severe drain on his remaining strength, but in manner and mien he gave no sign of the waste and exhaustion within.

The Trumbull papers contain some contemporary notes on the campaign of 1858. The Buchanan Democrats in Illinois gave themselves the high-sounding title of the National Democracy. By the Douglas men they were called "Danites," a name borrowed from the literature of Mormondom. Traces of this sect are found in the following letters:

> D. L. Phillips, Anna, Union County, February 16, 1858, says that Hon. John Dougherty will start in a few days for Washington to console the President and look for an office for himself. (He obtained the Marshalship of southern Illinois.)
>
> W. H. Herndon, Springfield, July 8:
>
> Mr. Lincoln was here a moment ago and told me that he had just seen Col. Dougherty and had a conversation with him. He told Lincoln that the National Democracy intended to run in every county and district, a National Democrat for each and every office. Lincoln replied, "If you do this the thing is settled." ... Lincoln is very certain as to Miller's and Bateman's election (on the state ticket), but is gloomy and rather uncertain about his own

success.

Lincoln's own thoughts respecting the Danites are set forth incidentally in the following letter:

SPRINGfiELD, June 23, 1858.

HON. LYMAN TRUMBULL,

MY DEAR SIR: Your letter of the 16th reached me only yesterday. We had already seen by telegraph a report of Douglas's onslaught upon everybody but himself. I have this morning seen the Washington *Union*, in which I think the Judge is rather worsted in regard to the onslaught.

In relation to the charge of an alliance between the Republicans and the Buchanan men in the state, if being rather pleased to see a division in the ranks of Democracy, and not doing anything to prevent it, be such an alliance, then there is such an alliance. At least, that is true of me. But if it be intended to charge that there is any alliance by which there is to be any concession of principle on either side, or furnishing of sinews, or partition of offices, or swapping of votes to any extent, or the doing of anything, great or small, on the one side for a consideration expressed or implied on the other, no such thing is true so far as I know or believe.

> Before this reaches you, you will have seen the proceedings of our Republican State Convention. It was really a grand affair and was in all respects all that our friends could desire.
>
> The resolution in effect nominating me for Senator was passed more for the object of closing down upon the everlasting croaking about Wentworth than anything else. The signs look reasonably well. Our state ticket, I think, will be elected without much difficulty. But with the advantages they have of us, we shall be hard run to carry the legislature. We shall greet your return home with great pleasure.
>
> Yours very truly,
>
> A. LINCOLN.

The only counties in the state in which the Danites showed any vitality were Union County in the south and Bureau County in the north. They polled only 5079 votes in the whole state.

The influence of the Eastern Republicans, who were inclined to support Douglas at the beginning of the campaign, and especially that of the New York *Tribune*, is noted by Judd and Herndon.

N. B. Judd, Chicago, July 16:

> We have lost some Republicans in

> this region.... You may attribute it to the course of the New York *Tribune*, which has tended to loosen party ties and induce old Whigs to look upon D.'s return to the Senate as rather desirable. You ought to come to Illinois as soon as you can by way of New York and straighten out the newspapers there. Even the *Evening Post* compares Douglas to Silas Wright. Bah!

W. H. Herndon, Springfield, July 22:

> There were some Republicans here—more than we had any idea of—who had been silently influenced by Greeley, and who intended to go for Douglas or not take sides against him. His speech here aroused the old fires and now they are his enemies. Has received a letter from Greeley in which he says: "Now, Herndon, I am going to do all I reasonably can to elect Lincoln."

N. B. Judd, Chicago, December 26 (after the election), says:

> Horace Greeley has been here lecturing and doing what mischief he could. He took Tom Dyer [Democrat, ex-mayor] into his confidence and told him all the party secrets that he knew, such as that we had been East and endeavored to get money for the canvass and that we

> failed, etc.;—a beautiful chap he is, to be entrusted with the interests of a party. Lecturing is a mere pretense. He is running around to our small towns with that pretense, but really to head off the defection from his paper. It is being stopped by hundreds.

A. Jonas, Quincy, same date:

> H. Greeley delivered a lecture before our lyceum last evening—a large crowd to hear him. John Wood, Browning, myself, and others talked to him very freely about the course of the *Tribune* in the late campaign. He acknowledged we were right.

The Douglas men elected a majority of the legislature, but did not have a majority, or even a plurality, of the popular vote. So it appears from a letter to Trumbull, the existence of which the author himself had forgotten.

> Horace White, Chicago, January 10, 1859, sends a table of votes cast for members of the legislature in the election of 1858, showing a plurality of 4191 for Republican candidates for the House of Representatives.
>
> W. H. Herndon, Springfield, says that Lincoln was defeated in the counties of Sangamon, Morgan, Madison, Logan, and Mason—a group of counties within a radius of

eighty miles from the capital. They were men from Kentucky, Tennessee, and Virginia mainly, old-line Whigs, timid, but generally good men, supporters of Fillmore in the election of 1856. "These men must be reached in the coming election of 1860. Otherwise Trumbull will be beaten also."

SPRINGfiELD, January 29,1859.

HON. LYMAN TRUMBULL,

DEAR SIR: I have just received your late speech in pamphlet form, sent me by yourself. I had seen and read it before in a newspaper and I really think it a capital one. When you can find leisure, write me your present impression of Douglas's movements.

Our friends here from different parts of the state, in and out of the legislature, are united, resolute, and determined, and I think it almost certain that we shall be far better organized in 1860 than ever before.

We shall get no just apportionment (of legislative districts) and the best we can do—if we can do that—is to prevent one being made worse than the present.

Yours as ever,

A. LINCOLN.

A letter from Lincoln following the campaign of 1858, is appended as showing the cordial relations existing between himself and Trumbull. The latter had written to him from Washington under date January 29, 1859, saying that John Wentworth had written an article, intended for publication in the Chicago *Journal* (but which the editor of that paper had refused to print), imputing bad faith toward Lincoln on the part of N. B. Judd, B. C. Cook, and others, including Trumbull, in the last senatorial campaign. Trumbull had received a copy of this article, and as its object was to create enmity between friends, and as it would probably be published somewhere, he wished to assure Lincoln that the statements and insinuations contained in it were wholly false. To this Lincoln replied as follows:

> SPRINGfiELD, February 3, 1859.
>
> HON. L. TRUMBULL,
>
> MY DEAR SIR: Yours of the 29th is received. The article mentioned by you, prepared for the Chicago *Journal*, I have not seen; nor do I wish to see it, though I heard of it a month or more ago. Any effort to put enmity between you and me is as idle as the wind. I do not for a moment doubt that you, Judd, Cook, Palmer, and the Republicans generally coming from the old Democratic ranks, were as sincerely anxious for my success in the late contest as myself, and I beg to assure you beyond all possible cavil that you can scarcely be more anxious to

> be sustained two years hence than I am that you shall be sustained. I cannot conceive it possible for me to be a rival of yours or to take sides against you in favor of any rival. Nor do I think there is much danger of the old Democratic and Whig elements of our party breaking into opposing factions. They certainly shall not if I can prevent it.
>
> Yours as ever,
>
> A. LINCOLN.

Twenty days after this letter was penned, there was a debate in the Senate which was an echo of the Illinois campaign, which must have been extremely interesting to both Lincoln and Trumbull. In a debate with Douglas in 1856, as already noted, Trumbull had asked him whether, under his doctrine of popular sovereignty, the people could prohibit slavery in a territory before they came to form a state constitution. He replied that that was a judicial question to be settled by the courts, and that all good Democrats would bow to the decision of the Supreme Court whenever it should be made. At Freeport, in the campaign of 1858, Lincoln put the same question to him in a slightly different form.

On the 23d of February, 1859, there was a Senate debate on this question, in which Douglas contended that the Democratic party, by supporting General Cass in 1848, had endorsed the same opinion that he (Douglas) had maintained at Freeport, since Cass, in his so-called "Nicholson Letter," had affirmed the doctrine of squatter sovereignty as to slavery in the

territories. Douglas now contended that every Southern state that gave its electoral vote to Cass, including Mississippi, was committed to the doctrine that the people of a territory could lawfully exclude slavery while still in a territorial condition. Jefferson Davis replied:

> The State of Mississippi voted [in 1848] under the belief that that letter meant no more than that when the territory became a state, it had authority to decide that question.... If it had been known that the venerable candidate then of the Democratic party, and now Secretary of State, held the opinion which he so frankly avowed at a subsequent period on the floor of the Senate, I tell you, sir [addressing Douglas], he would have had no more chance to get the vote of Mississippi than you with your opinions would have to-day.[35]

On the 2d of February, 1860, Davis introduced a series of resolutions in the Senate of a political character evidently intended to head off Douglas at the coming Charleston Convention; or, failing that, to pave the way for the withdrawal of the delegates of the cotton-growing states. The fourth resolution was directed against the Douglas doctrine of unfriendly legislation, thus:

> *Resolved*, That neither Congress nor a territorial legislature, whether by direct legislation or legislation of

> indirect and unfriendly nature, possesses the power to annul or impair the constitutional right of any citizen of the United States to take his slave property into the common territories; but it is the duty of the Federal Government there to afford for that, as for other species of property, the needful protection; and if experience should at any time prove that the judiciary does not possess power to insure adequate protection, it will then become the duty of Congress to supply such deficiency.

The Senate debate between Douglas and his Southern antagonists was resumed in May, after the explosion of the Charleston Convention. Douglas made a two days' speech (May 15 and 16) occupying four hours each day, but did not mention the subject of unfriendly legislation, or show how a territorial legislature could nullify or circumvent the Dred Scott decision. He was answered by Benjamin, of Louisiana, in a speech which made a sensation throughout the country, and in which the doctrine of unfriendly legislation was mauled to tatters. Benjamin was the first Southern statesman to make his bow to the rising fame of Lincoln. After examining the Freeport debate, he said:

> We accuse him [Douglas] for this, to-wit: that, having bargained with us upon a point upon which we were at issue, that it should be considered a judicial question; that he would abide the decision; that he would act

> under the decision and consider it a doctrine of the party; that, having said that to us here in the Senate, he went home, and under the stress of a local election his knees gave way; his whole person trembled. His adversary stood upon principle and was beaten, and lo, he is the candidate of a mighty party for Presidency of the United States. The Senator from Illinois faltered; he got the prize for which he faltered, but lo, the prize of his ambition slips from his grasp, because of the faltering which he paid as the price of the ignoble prize—ignoble under the circumstances under which he obtained it.[36]

There are scores of letters in Trumbull's correspondence calling for copies of Benjamin's speech, yet it had no effect in Illinois, the Danite vote being smaller in 1860 than it had been in 1858. Probably it had influence in the National Democratic Convention at Charleston, from which the delegates from ten Southern States seceded in whole or part when the Douglas platform was adopted. This split was followed by an adjournment to Baltimore, where a second split took place, Douglas being nominated by one faction and Breckinridge, of Kentucky, by the other.

Fifty years have passed since John Brown, with twenty-one men, seized the Government armory and

arsenal at Harper's Ferry (October 16, 1859), in an attempt to abolish slavery in the United States. As sinews of war, he had about four thousand dollars, or dollars' worth of material of one kind and another. With such resources he expected to do something which the Government itself, with more than a million trained soldiers, five hundred warships, and three billions of dollars, accomplished with difficulty at the end of a four years' war, during which no negro insurrection, large or small, took place. One might think that the scheme itself was evidence of insanity. But to prove Brown insane on this ground alone, we must convict also the persons who plotted and coöperated with him and who furnished him money and arms, knowing what he intended to do with them. Some of these were men of high intelligence who are still living without strait-jackets, and it is not conceivable that they aided and abetted him without first estimating, as well as they were able, the chances of success. Yet Brown refused to allow his counsel to put in a plea of insanity on his trial, saying that he was no more insane then than he had been all his life, which was probably true. If he was not insane at the time of the Pottawatomie massacre, he was a murderer who forfeited his own life five times in one night by taking that number of lives of his fellow men in cold blood.

I saw and talked with Brown perhaps half a dozen times at Chicago during his journeys to and from Kansas. He impressed me then as a religious zealot of the Old Testament type, believing in the plenary inspiration of the Scriptures and in himself as a competent interpreter thereof. But the text "Vengeance is mine, saith the Lord, I will repay," never engaged his attention. He was oppressed with no doubts about anything, least of all about his own

mission in the world. His mission was to bring slavery to an end, but that was a subject that he did not talk about. He was a man of few words, and was extremely reticent about his plans, even those of ordinary movements in daily life. He had a square jaw, clean-shaven, and an air of calmness and self-confidence, which attracted weaker intellects and gave him mastery over them. He had steel-gray eyes, and steel-gray hair, close-cropped, that stood stiff on his head like wool cards, giving him an aspect of invincibleness. When he applied to the National Kansas Committee for the arms in their possession after the Kansas war was ended, he was asked by Mr. H. B. Hurd, the secretary, what use he intended to make of them. He refused to answer, and his request was accordingly denied. The arms were voted back to the Massachusetts men who had contributed them originally. Brown obtained an order for them from the owners.

The Thirty-sixth Congress met on the 5th of December, 1859. The first business introduced in the Senate was a resolution from Mason, of Virginia, calling for the appointment of a committee to inquire into the facts attending John Brown's invasion and seizure of the arsenal at Harper's Ferry. Trumbull offered an amendment proposing that a similar inquiry be made in regard to the seizure in December, 1855, of the United States Arsenal at Liberty, Missouri, and the pillage thereof by a band of Missourians, who were marching to capture and control the ballot-boxes in Kansas. On the following day Trumbull made a brief speech in support of his amendment, in the course of which he commented on the Harper's Ferry affair in words which have never faded from the memory of the present writer. Nobody during the intervening half-century has

summed up the moral and legal aspects of the John Brown raid more truly or more forcibly. He said:

> I hope this investigation will be thorough and complete. I believe it will do good by disabusing the public mind, in that portion of the Union which feels most sensitive upon this subject, of the idea that the outbreak at Harper's Ferry received any countenance or support from any considerable number of persons in any portion of this Union. No man who is not prepared to subvert the Constitution, destroy the Government, and resolve society into its original elements, can justify such an act. No matter what evils, either real or imaginary, may exist in the body politic, if each individual, or every set of twenty individuals, out of more than twenty millions of people, is to be permitted, in his own way and in defiance of the laws of the land, to undertake to correct those evils, there is not a government on the face of the earth that could last a day. And it seems to me, sir, that those persons who reason only from abstract principles and believe themselves justifiable on all occasions, and in every form, in combating evil wherever it exists, forget that the right which they claim for themselves exists equally

> in every other person. All governments, the best which have been devised, encroach necessarily more or less on the individual rights of man and to that extent may be regarded as evils. Shall we, therefore, destroy Government, dissolve society, destroy regulated and constitutional liberty, and inaugurate in its stead anarchy—a condition of things in which every man shall be permitted to follow the instincts of his own passions, or prejudices, or feelings, and where there will be no protection to the physically weak against the encroachments of the strong? Till we are prepared to inaugurate such a state as this, no man can justify the deeds done at Harper's Ferry. In regard to the misguided man who led the insurgents on that occasion, I have no remarks to make. He has already expiated upon the gallows the crime which he committed against the laws of his country; and to answer for his errors, or his virtues, whatever they may have been, he has gone fearlessly and willingly before that Judge who cannot err; there let him rest.

The debate continued several days and took a pretty wide range, the leading Senators on both sides taking part in it. Trumbull bore the brunt of it on the Republican side, and was cross-examined in

courteous but searching terms by Yulee, of Florida, Chesnut, of South Carolina, and Clay, of Alabama, who conceived that the teachings of the Republican party tended to produce such characters as John Brown. Trumbull answered all their queries promptly, fully, and satisfactorily to his political friends, if not to his questioners. Nothing in his senatorial career brought him more cordial letters of approval than this debate. One such came from Lincoln:

> SPRINGfiELD, December 25, 1859.
>
> HON. LYMAN TRUMBULL,
>
> DEAR SIR: I have carefully read your speech, and I judge that, by the interruptions, it came out a much better speech than you expected to make when you began. It really is an excellent one, many of the points being most admirably made.
>
> I was in the inside of the post-office last evening when a mail came bringing a considerable number of your documents, and the postmaster said to me: "These will be put in the boxes, and half will never be called for. If Trumbull would send them to me, I would distribute a hundred where he will get ten distributed this way." I said: "Shall I write this to Trumbull?" He replied: "If you choose you may." I believe he was sincere, but you will judge of that for yourself.

Yours as ever,

A. LINCOLN.

The next in chronological order of the letters of Lincoln to Trumbull is the following:

SPRINGfiELD, March 16, 1860.

HON. L. TRUMBULL,

MY DEAR SIR: When I first saw by the dispatches that Douglas had run from the Senate while you were speaking, I did not quite understand it; but seeing by the report that you were cramming down his throat that infernal stereotyped lie of his about "negro equality," the thing became plain.

Another matter; our friend Delahay wants to be one of the Senators from Kansas. Certainly it is not for outsiders to obtrude their interference. Delahay has suffered a great deal in our cause and been very faithful to it, as I understand. He writes me that some of the members of the Kansas legislature have written you in a way that your simple answer might help him. I wish you would consider whether you cannot assist that far, without impropriety. I know it is a delicate matter; and I do not wish to press you beyond your own judgment.

Yours as ever,

A. Lincoln.[37]

FOOTNOTES:

[34] Herndon-Weik. *Life of Lincoln*, 2d edition, vol. II, chap. IV.

[35] When Lincoln, at the Freeport debate, asked Douglas whether the people of a territory could in any lawful way exclude slavery from their limits prior to the formation of a state constitution, Douglas replied that Lincoln had heard him answer that question "a hundred times from every stump in Illinois." He certainly had answered it more than once, and his answer had been published without attracting attention or comment either North or South. On the 16th of July, 1858, six weeks before the Freeport joint debate, he spoke at Bloomington, and there announced and affirmed the doctrine of "unfriendly legislation" as a means of excluding slavery from the territories. Lincoln was one of the persons present when this speech was delivered. On the next day, Douglas spoke at Springfield and repeated what he had said at Bloomington. Both of these speeches were published in the Illinois *State Register* of July 19, yet the fact was not perceived, either by Lincoln himself, or by any of the lynx-eyed editors and astute political friends who labored to prevent him from asking Douglas the momentous question. Nor did the Southern leaders seem to be aware of Douglas's views on this question until they learned it from the Freeport debate.

[36] *Cong. Globe*, 36th Cong., 1st Sess., p. 2241.

[37] The manuscript of the foregoing letter is

in the Lambert collection of Lincolniana. The two following which relate also to Delahay's senatorial aspirations, are in the collection of Jesse W. Weik, of Greencastle, Ind.:

> SPRINGfiELD, October 17, 1859.
>
> DEAR DELAHAY: Your letter requesting me to drop a line in your favor to Gen. Lane was duly received. I have thought it over, and concluded it is not the best way. Any open attempt on my part would injure you; and if the object merely be to assure Gen. Lane of my friendship for you, show him the letter herewith enclosed. I never saw him, or corresponded with him; so that a letter directly from me to him, would run a great hazard of doing harm to both you and me.
>
> As to the pecuniary matter, about which you formerly wrote me, I again appealed to our friend Turner by letter, but he never answered. I can but repeat to you that I am so pressed myself, as to be unable to assist you, unless I could get it from him.
>
> Yours as ever,

(Enclosure) A. LINCOLN.

SPRINGfiELD, October 17, 1859.

M. W. DELAHAY, ESQ.,

My dear Sir: I hear your name mentioned for one of the seats in the U.S. Senate from your new state. I certainly would be gratified with your success; and if there was any proper way for me to give you a lift, I would certainly do it. But, as it is, I can only wish you well. It would be improper for me to interfere; and if I were to attempt it, it would do you harm.

Your friend, as ever,

A. LINCOLN.

P.S. Is not the election news glorious?

We shall hear of Delahay again.

CHAPTER VII

THE ELECTION OF LINCOLN—SECESSION

The nomination of Lincoln for President by the Republican National Convention in 1860 was a rather impromptu affair. In the years preceding 1858 he had not been accounted a party leader of importance in national politics. The Republican party was still inchoate. Seward and Chase were its foremost men. Next to them in rank were Sumner, Fessenden, Hale, Collamer, Wade, Banks, and Sherman. Lincoln was not counted even in the second rank until after the joint debates with Douglas. Attention was riveted upon him because his antagonist was the most noted man of the time. After the contest of 1858 was ended, although ended in defeat, Lincoln was certainly elevated in public estimation to a good place in the second rank of party leadership. It was not until the beginning of 1860, however, that certain persons in Illinois began to think of him as a possible nominee for the Presidency. Lincoln did not think of himself in that light until the month of March, about ten weeks before the convention met. His estimate of his own chances was sufficiently modest, and even that was shared by few. After the event his nomination was seen to have been a natural consequence of preëxisting facts. Seward was the logical candidate of the party if, upon a comparison of views, it were believed that he could be elected. One third of the delegates of Illinois desired his nomination and intended to vote for him after a few complimentary votes for Lincoln.

There were some indispensable states, however,

which, many people believed, Seward could not carry. In Pennsylvania, Indiana, New Jersey, Connecticut, and Rhode Island he was accounted too radical for the temper of the electors. Illinois was reckoned by Trumbull and other experienced politicians as doubtful if Seward should be the standard-bearer. A conservative candidate of good repute, and sufficiently well known to the public, seemed to be a desideratum. Nobody had as yet thought of seeking a *radical* candidate, who was generally reputed to be a *conservative*. Bates, of Missouri, and McLean, of Ohio, were the men most talked about by those who hesitated to take Seward. McLean was a judge of the Supreme Court appointed by President Jackson. He had been Postmaster-General under Monroe and John Quincy Adams, and was now seventy-five years of age. Trumbull considered him the safest candidate, for vote-getting purposes, as regarded Illinois, if Lincoln were not nominated. In a letter dated April 7, Lincoln had said that "if McLean were ten years younger he would be our best candidate." Bates was regarded by both Lincoln and Trumbull as a fairly good candidate, but Trumbull had been advised by Koerner, the most influential German in Illinois, that Bates could not command the German vote. Koerner had said also (in a letter dated March 15) that he had made himself acquainted with the contents of more than fifty German Republican newspapers in the United States and had found that they were nearly unanimous for Seward, or Frémont, as first choice, but that they would cordially support Lincoln or Chase.

On the 24th of April, Trumbull wrote to Lincoln in reference to the Chicago nomination. He said that his own impression was that, as between Lincoln and Seward, the latter would have the larger number of

delegates and would be likely to succeed; and that this was the prevailing belief in Washington, even among those who did not want Seward nominated. He was also of the opinion that Seward could not be elected if nominated. The Congressmen from the doubtful states were generally of that opinion, and his own correspondence from central and southern Illinois pointed the same way. The next question was whether the nomination of Seward could be prevented. It was Trumbull's opinion that McLean was the only man who could succeed in the convention as against Seward, and he could do so only as a compromise candidate, beginning with a few votes, but being the second choice of a sufficient number to outvote Seward in the end. As to Lincoln's chances he said:

> Now I wish you to understand that I am for you first and foremost, and want our state to send not only delegates instructed in your favor, but your friends, who will stand by you and nominate you if possible, never faltering unless you yourself shall so advise.

In conclusion he asked Lincoln's opinion about McLean. Lincoln replied in the following letter:

> SPRINGfiELD, April 29, 1860.
>
> Hon. L. Trumbull,
>
> My dear Sir: Yours of the 24th was duly received, and I have postponed answering it, hoping by the result at Charleston, to know who is to lead

our adversaries, before writing. But Charleston hangs fire, and I wait no longer.

As you request, I will be entirely frank. The taste *is* in my mouth a little; and this, no doubt, disqualifies me, to some extent, to form correct opinions. You may confidently rely, however, that by no advice or consent of mine shall my pretensions be pressed to the point of endangering our common cause.

Now as to my opinion about the chances of others in Illinois, I think neither Seward nor Bates can carry Illinois if Douglas shall be on the track; and that either of them can, if he shall not be. I rather think McLean could carry it, with Douglas on or off. In other words, I think McLean is stronger in Illinois, taking all sections of it, than either Seward or Bates, and I think Seward the weakest of the three. I hear no objection to McLean, except his age, but that objection seems to occur to every one, and it is possible it might leave him no stronger than the others. By the way, if we should nominate him, how should we save ourselves the chance of filling his vacancy in the court? Have him hold on up to the moment of his inauguration? Would that course be no drawback upon us in the

canvass?

Recurring to Illinois, we want something quite as much as, and which is harder to get than, the electoral vote,—the legislature,—and it is exactly on this point that Seward's nomination would be hard on us. Suppose he should gain us a thousand votes in Winnebago, it would not compensate for the loss of fifty in Edgar.

A word now for your own special benefit. You better write no letter which can be distorted into opposition, or *quasi*-opposition, to me. There are men on the constant watch for such things, out of which to prejudice my peculiar friends against you. While I have no more suspicion of you than I have of my best friend living, I am kept in a constant struggle against questions of this sort. I have hesitated some to write this paragraph, lest you should suspect I do it for my own benefit and not for yours, but on reflection I conclude you will not suspect me. Let no eye but your own see this—not that there is anything wrong or even ungenerous in it, but it would be misconstrued.

Your friend as ever,

A. LINCOLN.

What happened in the Chicago Convention was widely different from the conjectures of these writers, but the result seemed entirely reasonable after it was reached. Lincoln was as radical as Seward—subsequent events proved him to be more so—but his tone and temper had been more conservative, more sedative, more sympathetic toward "our Southern brethren," as he often called them. He had never endorsed the "higher-law doctrine," with which Seward's name was associated; he believed that the South was entitled, under the Constitution, to an efficient Fugitive Slave Law; he had never incurred the enmity, as Seward had, of the Fillmore men, or of the American party.

These facts, coupled with some personal contact and neighborliness, early attracted the conservative delegates of Indiana. Seward, with his "irrepressible conflict" speech, had been too strong a dose for them, but they were quite willing to take Lincoln, whose phrase, "the house divided against itself," had preceded the irrepressible conflict speech by some months. The example of Indiana bore immediate fruit in other quarters, and especially in Pennsylvania. Curtin, the nominee for governor, was early convinced that Seward could not carry that state, but that Lincoln could. Curtin and Henry S. Lane, the nominee for governor of Indiana, became active torch-bearers for Lincoln.

When those states pronounced for Lincoln, the men of Vermont (the most radical of the New England States), who had been waiting and watching in the Babel of discord for some solid and assured fact, voting meantime for Collamer, turned to Lincoln and gave him their entire vote. Vermont's example was more important than her numerical strength, for it

disclosed the inmost thoughts of a group of intelligent, high-principled men, who were moved by an unselfish purpose and a solemn responsibility. Lincoln had now become the cynosure of the conservatives with a first-class radical endorsement to boot, and he deserved both distinctions. His nomination followed on the third ballot.

Dr. William Jayne, Springfield, May 20, wrote to Trumbull:

> The National Convention is over and Lincoln is our standard-bearer, much (I doubt not) to his own surprise; I know to the surprise of his friends. They went to Chicago fearful that Seward would be nominated, and ready to unite on any other man, but anxious and zealous for Lincoln. Pennsylvania could agree on no man of her own heartily. Ohio was for Chase and Wade. Indiana was united on Lincoln. That fact made an impression on the New England States. Seward's friends were quite confident after the balloting commenced. Now, if Douglas is not nominated, we will carry the state by thousands. If D. is nominated, we will carry the state, but we will have a hard fight to do it.

Out of a large mass of letters in the Trumbull correspondence touching the nomination of Lincoln, a half-dozen are selected as examples.

Richard Yates, Jacksonville, May 24,

1860, says the Chicago nominations were received with delight, and there is every indication of success in Illinois.

John Tillson, Quincy, May 28, writes that the nominations are highly acceptable here to every one except the Douglas men, who have just found out that Mr. Seward is the purest, ablest, and most consistent statesman of the age.

J. A. Mills, Atlanta, Logan County, June 4: "I have never seen such enthusiasm, at least since 1840, as is now manifested for Lincoln. Scores of Democrats are coming over to us."

B. Lewis, Jacksonville, June 6: "The Charleston Convention has struck the Democratic party with paralysis wherever Douglas was popular as their leader (and that was pretty much all over the free states), and we have now such an opportunity to make an impression as I never saw before.... We are actually making conversions here every day. The fact tells the whole story. In 1858 I anxiously desired to hear of one occasionally, at least as a sign, but I could never hear of a single one. Now it is all gloriously changed."

W. H. Herndon, Springfield, June 14: "Lincoln is well and doing well. Has hundreds of letters daily. Many

> visitors every hour from all sections. He is bored, *bored badly*. Good gracious! I would not have his place and be bored as he is. I could not endure it."
>
> H. G. McPike, Alton, June 29: "We have distributed a large number of speeches as you are aware, the most effective, I think, under all the circumstances, is that of Carl Schurz."

In reply to letters of Trumbull, of which no copies were kept by him, Lincoln wrote the following:

> SPRINGfiELD, May 26, 1860.
>
> HON. L. TRUMBULL,
>
> MY DEAR SIR: I have received your letter since the nomination, for which I sincerely thank you. As you say, if we cannot get our state up now, I do not see when we can. The nominations start well here, and everywhere else as far as I have heard. We may have a back-set yet. Give my respects to the Republican Senators, and especially to Mr. Hamlin, Mr. Seward, Gen. Cameron, and Mr. Wade. Also to your good wife. Write again, and do not write so short letters as I do.
>
> Your friend as ever,

A. LINCOLN.

SPRINGfiELD, ILL., June 5, 1860.

HON. L. TRUMBULL,

MY DEAR SIR: Yours of May 31, inclosing Judge R.'s[38] letter is received. I see by the papers this morning, that Mr. Fillmore refused to go with us. What do the New Yorkers at Washington think of this? Governor Reeder was here last evening, direct from Pennsylvania. He is entirely confident of that state and of the general result. I do not remember to have heard Gen. Cameron's opinion of Penn. Weed was here and saw us, but he showed no signs whatever of the intriguer. He asked for nothing and said N. Y. is safe without conditions.

Remembering that Peter denied his Lord with an oath, after most solemnly protesting that he never would, I will not swear I will make no committals, but I do not think I will.

Write me often. I look with great interest for your letters now.

Yours as ever,

A. LINCOLN.

Notwithstanding the brilliant opening of the

campaign, the contest in Illinois was a very stiff one. Dr. Jayne's forecast was confirmed by the result. Lincoln's plurality over Douglas in the state was 11,946, and his majority over all was 4629. Dr. Jayne was himself elected State Senator in the district composed of Sangamon and Morgan counties. The Republican State Committee made extraordinary efforts to carry this district, as they believed that the reëlection of Senator Trumbull would depend upon it. They obtained five thousand dollars as a special fund from New York for this purpose. Jayne was elected by a majority of seven votes, but Douglas received a plurality of one hundred and three over Lincoln in the same district. By the election of Jayne, the Republicans secured a majority of one in the State Senate. This insured the holding of a joint convention of the legislature, at which Trumbull was reëlected Senator.

At Springfield, Illinois, November 20, 1860, there was a grand celebration of the election of Lincoln and Hamlin, at which speeches were made by Trumbull, Palmer, and Yates. Lincoln had been urged to say something at this meeting that would tend to quiet the rising surges of disunion at the South, but he thought that the time for him to speak had not yet come. He wished to let his record speak for him, and to see whether the commotion in the slaveholding states would increase or subside. Meanwhile he desired that the influence of this public meeting at his home should be peaceful and not irritating. To this end he wrote the following words, handed them to Trumbull and asked him to make them a part of his speech:

> I have labored in and for the Republican organization with entire

confidence that, whenever it shall be in power, each and all of the states will be left in as complete control of their own affairs respectively, and at as perfect liberty to choose and employ their own means of protecting property and preserving peace and order within their respective limits, as they have ever been under any administration. Those who have voted for Mr. Lincoln have expected and still expect this; and they would not have voted for him had they expected otherwise.

I regard it as extremely fortunate for the peace of the whole country that this point, upon which the Republicans have been so long and so persistently misrepresented, is now brought to a practical test and placed beyond the possibility of a doubt. Disunionists *per se* are now in hot haste to get out of the Union, because they perceive they cannot much longer maintain an apprehension among the Southern people that their homes and firesides and their lives are to be endangered by the action of the Federal Government. With such "Now or never" is the maxim. I am rather glad of the military preparations in the South. It will enable the people the more easily to suppress any

> uprisings there, which those misrepresentations of purpose may have encouraged.

These words were incorporated in Mr. Trumbull's speech and were printed in the newspapers, and the manuscript in Lincoln's handwriting is still preserved. [39]

But Mr. Lincoln's record neither hastened nor retarded the secession of the Southern States. The words he had previously spoken or written were as completely disregarded by the promoters of disunion as were those uttered now by Trumbull.

Jefferson Davis was not one of the hot-heads of secession. His speech in the Senate on January 10, 1861, reads like that of a man who sincerely regretted the step that South Carolina had taken, and deprecated that which Mississippi was about to take, although he justified it afterward, but he believed that the coercion of South Carolina would be the death-knell of the Union. His remedy for the existing menace was not to reinforce the garrison at Fort Sumter, but to withdraw it altogether, as a preliminary step to negotiations with the seceding state. Yet he did not say what terms South Carolina would agree to, or that she would agree to any. That Lincoln was in no mood to offer terms to South Carolina or to any seceding states which did not say what would satisfy them, was made emphatic in a letter from Dr. William Jayne to Trumbull, dated Springfield, January 28, saying that Governor Yates had received telegraph dispatches from the governors of Ohio and Indiana, asking whether Illinois would appoint peace commissioners in response to a call sent out by the governor of

Virginia to meet at Washington on the 4th of February. "Lincoln," he continued, "advised Yates not to take any action at present. He said he would rather be hanged by the neck till he was dead on the steps of the Capitol than buy or beg a peaceful inauguration."

The following letters from Lincoln throw light on his attitude toward a compromise at a somewhat earlier stage:

Private and Confidential

SPRINGFIELD, ILL., December 10, 1860.

HON. L. TRUMBULL,

MY DEAR SIR: Let there be no compromise on the question of *extending* slavery. If there be, all our labor is lost, and ere long must be done over again. The dangerous ground—that into which some of our friends have a hankering to run—is Pop. Sov. Have none of it. Stand firm. The tug has to come; and better now than any time hereafter.

Yours as ever,

A. LINCOLN.

Confidential

SPRINGFIELD, ILL., December 17, 1860.

HON. L. TRUMBULL,

MY DEAR SIR: Yours enclosing Mr. Wade's letter, which I herewith return, is received. If any of our friends do prove false and fix up a compromise on the territorial question, I am for fighting again—that is all. It is but a repetition for me to say I am for an honest enforcement of the Constitution—the fugitive slave clause included.

Mr. Gilmore of N. C. wrote me, and I answered confidentially, enclosing my letter to Gov. Corwin to be delivered or not as he might deem prudent. I now enclose you a copy of it.

Yours as ever,

A. LINCOLN.

Confidential

SPRINGfiELD, ILL., December 21, 1860.

HON. LYMAN TRUMBULL,

MY DEAR SIR: Thurlow Weed was with me nearly all day yesterday, and left last night with three short resolutions which I drew up, and which, or the substance of which, I think, would do much good if introduced and unanimously

supported by our friends. They do not touch the territorial question. Mr. Weed goes to Washington with them; and says that he will first of all confer with you and Mr. Hamlin. I think it would be best for Mr. Seward to introduce them, and Mr. Weed will let him know that I think so. Show this to Mr. Hamlin, but beyond him do not let my name be known in the matter.

Yours as ever,

A. LINCOLN.

The first of the three resolutions named was to amend the Constitution by providing that no future amendment should be made giving Congress the power to interfere with slavery in the states where it existed by law. The second was for a law of Congress providing that fugitive slaves captured should have a jury trial. The third recommended that the Northern States should "review" their personal liberty laws.

SPRINGfiELD, ILL., December 24, 1860.

HON. LYMAN TRUMBULL,

MY DEAR SIR: I expect to be able to offer Mr. Blair a place in the Cabinet, but I cannot as yet be committed on the matter to any extent whatever.

Dispatches have come here two days in succession that the forts in South

> Carolina will be surrendered by order, or consent, at least, of the President. I can scarcely believe this, but if it prove true, I will, if our friends in Washington concur, announce publicly at once that they are to be retaken after the inauguration. This will give the Union men a rallying cry, and preparations will proceed somewhat on this side as well as on the other.
>
> Yours as ever,
>
> A. LINCOLN.

Trumbull's own opinions about compromise were set forth in a correspondence with E. C. Larned, an eminent lawyer of Chicago. Under date January 7, Larned sent him a series of resolutions written by himself which were passed at a great Union meeting composed of Republicans and Democrats in Metropolitan Hall. One of these resolutions suggested "great concessions" to the South without specifying what they should be. Larned asked Trumbull to read them and advise him whether they met his approval. Trumbull replied under date January 16, at considerable length, saying:

> In the present condition of things it is not advisable, in my opinion, for Republicans to concede or talk of conceding anything. The people of most of the Southern States are mad and in no condition to listen to reasonable propositions. They persist in misrepresenting the Republicans

> and many of them are resolved on breaking up the Government before they will consider what guarantees they want. To make or propose concessions to such a people, only displays the weakness of the Government. A Union which can be destroyed at the will of any one state is hardly worth preserving. The first question to be determined is whether we have a Government capable of maintaining itself against a state rebellion. When that question is effectually settled and the Republicans are installed in power, I would willingly concede almost anything, not involving principle, for the purpose of overcoming what I regard the misapprehension and prejudice of the South, but to propose concessions in advance of obtaining power looks to me very much like a confession in advance that the principles on which we carried the election are impracticable and wrong. Had the Republican party from the start as one man refused to entertain or talk compromises and concessions, and given it to be understood that the Union was to be maintained and the laws enforced at all hazards, I do not believe secession would ever have obtained the strength it now has.

The pages of the *Congressional Globe* of 1860-61

make the two most intensely interesting volumes in our country's history. They embrace the last words that the North and South had to say to each other before the doors of the temple of Janus were thrown open to the Civil War. As the moment of parting approached, the language became plainer, and its most marked characteristic was not anger, not hatred between disputants, but failure to understand each other. It was as though the men on either side were looking at an object through glasses of different color, or arguing in different languages, or worshiping different gods. Typical of the disputants were Davis and Trumbull, men of equally strong convictions and high breeding, and moved equally by love of country as they understood that term. Davis made three speeches, two of which were on the general subject of debate, and one his farewell to the Senate. The first, singularly enough, was called out by a resolution offered by a fellow Southerner and Democrat, Green, of Missouri (December 10, 1860), who proposed that there should be an armed police force provided by Federal authority to guard, where necessary, the boundary line between the slaveholding and the non-slaveholding states, to preserve the peace, prevent invasions, and execute the Fugitive Slave Law. This scheme Davis considered a quack remedy, and he declared that he could not give it his support because it looked to the employment of force to bring about a condition of security which ought to exist without force. The present want of security, he contended, could not be cured by an armed patrol, but only by a change of sentiment in the majority section of the Union toward the minority section. Upon this test he argued in a dispassionate way for a considerable space, ending in these words:

This Union is dear to me as a Union of fraternal states. It would lose its value to me if I had to regard it as a Union held together by physical force. I would be happy to know that every state now felt that fraternity which made this Union possible; and if that evidence could go out, if evidence satisfactory to the people of the South could be given, that *that* feeling existed in the hearts of the Northern people, you might burn your statute books and we would cling to the Union still. But it is because of their conviction that hostility and not fraternity now exists in the hearts of the Northern people, that they are looking to their reserved rights and to their independent powers for their own protection. If there be any good, then, which we can do, it is by sending evidence to them of that which I fear does not exist—the purpose in your constituents to fulfill in the spirit of justice and fraternity all their constitutional obligations. If you can submit to them that evidence, I feel confidence that with the evidence that aggression is henceforth to cease, will terminate all the measures for defense. Upon you of the majority section it depends to restore peace and perpetuate the Union of equal states; upon us of the minority section rests

> the duty to maintain our equality and community rights; and the means in one case or the other must be such as each can control.[40]

This was the explicit confirmation of what Lincoln had said, in his Cooper Institute speech a year earlier, was the chief difficulty of the North: "We must not only let them (the South) alone, but we must somehow convince them that we do let them alone."

The best speech made on the Republican side of the chamber during this momentous session of Congress was made by Trumbull on the night of March 2. It was a speech adverse to the Crittenden Compromise, and was a reply to Crittenden's final speech in support of it. This measure was a joint resolution proposing certain amendments to the Constitution, the first of which proposed to apply the old Missouri Compromise line, of 36° 30' north latitude, to all the remaining territory of the United States, so that in all territory north of it, then owned or thereafter acquired, slavery should be prohibited, and that in all south of it, then owned or thereafter acquired, slavery should be recognized as existing, and that the right of property in slaves there should be protected by Federal law. It was offered on the 18th of December, 1860, and debated till the 2d of March following, when it was defeated by yeas 19, nays 20, all the Republicans voting against it except Seward, who did not vote and was not paired.[41]

Just before the vote was taken, Crittenden tried to amend his measure by striking out the words "hereafter acquired" as to the territory south of 36° 30', which he said was giving great offense in some

parts of the North. This was not in the measure as originally proposed by him, but he had accepted it as an amendment offered by his colleague, Senator Powell. It was then too late to amend except by unanimous consent, and Hunter, of Virginia, objected. In this last debate, Mason drew attention to the minimum demands of Virginia as expressed by her legislature. These were the Crittenden Compromise, including territory "hereafter acquired," and the right of slaveholders to pass with their slaves through the free states with protection to their slave property in transit. Mason intimated pretty plainly that even this would not satisfy him, for which he received some castigation at the hands of Douglas. The latter was a steady supporter of the Crittenden Compromise, but he maintained throughout the debate that no cause for disunion would exist, even if the measure were defeated, and that none would exist if the Federal Government should attempt to compel a state or any number of states to obey the Federal law.

Simultaneously with the rejection of the Crittenden Compromise, the Senate, by a two-thirds majority, passed a joint resolution to amend the Constitution by adding to it the following article:

> Article XIII. No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any state, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said state.

This was a resolution introduced by Corwin, of Ohio.

It had already passed the House by a two-thirds majority, but it fell into the limbo of forgotten things before sunrise of the 4th of March.

During this crisis Trumbull was receiving hundreds of letters from his constituents, nearly all exhorting him to stand firm. The only ones counseling compromise were from the commercial classes in Chicago, and of these there were fewer than might have been expected in view of the threatened danger to trade and industry. The dwellers in the small towns and on the farms were almost unanimously opposed to the Crittenden Compromise. A few letters are here cited from representative men in their respective localities:

> A. B. Barrett (Mount Vernon, January 5) has taken pains to gather the opinions of Republicans in his neighborhood in reference to the secession movement and finds them, without a single exception, in favor of enforcing the laws and opposed to any concession on the part of Congress which would recognize slavery as right in principle, or as a national institution.
>
> J. H. Smith (Bushnell, January 7) contends that the Chicago platform was a contract between the Republican voters and the men elected to office by them, and the voters expect them to live up to it, to the very letter. "If the South wants to fight let them pitch in as soon as they please; we would rather fight

than allow slavery to go into any more territory." Encloses resolutions to this purport passed by a public meeting of citizens of his town.

A. C. Harding (Monmouth, January 12) is pained to hear a rumor that some Republicans in Washington are considering a bill to make a slave state south of 36° 30', thus sanctioning a slave code by Congress. Any concessions that shall violate the pledges of the Republican party will instantly turn the guns of our truest friends upon those who thus give strength to the Southern rebels. Neither Adams nor Seward nor Lincoln can for a moment escape the fatal consequences if they yield their principles at the threat of disunion.

Wait Talcott (Rockford, January 17) has just finished reading Seward's speech. It leads him to fear that yielding to the South, and calling a national convention under their threat, will embolden them, whenever the result of an election does not suit them, to insist that the victors shall take the place of the vanquished.

G. Koerner (Belleville, January 21): The Democratic Convention at Springfield has done some mischief by inflaming the lower order of the

Democracy and confirming them in their seditious views. On the other hand, it has disgusted the better class of Democrats. It was a sort of indignation meeting of all the disappointed candidates, office-seekers, and losers of bets. A few Republicans are giving way under the pressure, but upon the whole the party stands firm. "Has secession culminated or is worse to come? I am prepared for the application of force. In fact, a collision is inevitable. Why ought not we to test our Government instead of leaving it to our children?"

H. G. McPike (Alton, January 24): "Our people believe the Constitution to be good enough. Let it alone. A compromise of any principle dissolves the Republican party, takes the great moral heart out of it, and will in so far bring ruin on the Government."

J. M. Sturtevant, president of Illinois College (Jacksonville, January 30), protests against the tone of Mr. Seward's speech. Says that the solid phalanx of thoughtful, conscientious, earnest, religious men who form the backbone of the Republican party will never follow Mr. Seward, or any other man, in the direction in which he seems to be leading. "We want the Constitution as it is, the Union as

the Fathers framed it, and the Chicago platform. And we will support no man and no party that surrenders these or any portion of them."

Grant Goodrich (Chicago, January 31) is convinced by his intercourse with the mass of Republicans, and with many Democrats, that any concessions by which additional rights are given to slavery will end the Republican party. There will be a division of the Republicans; a new party will arise, which will include the entire German element and which will be as hostile to the "Union-saving" Republicans as to the Democrats, and much more intolerant to their former allies.

E. Peck (Springfield, February 1) says that the proposition to send commissioners to Washington was passed by the legislature as a matter of necessity, because, if the Republicans had not taken the lead, the Democrats would have done so, and would have obtained the help of a sufficient number of weak-kneed Republicans to make a majority. Mr. Lincoln would have preferred that commissioners be not appointed.

W. H. Herndon (Springfield, February 9): "Are our Republican friends going to concede away

> dignity, Constitution, Union, laws, and justice? If they do, I am their enemy now and forever. I may not have much influence, but I will help tear down the Republican party and erect another in its stead. Before I would buy the South, by compromises and concessions, to get what is the people's due, I would die, rot, and be forgotten, willingly."
>
> Samuel C. Parks (Lincoln, Logan County, February 11) is opposed to the Crittenden Compromise, because the integrity of the Republican party and the salvation of the country require that this grand drama of secession, disunion, and treason be played out entirely. Either slavery or freedom must rule this country, or there must be a final separation of the free and the slave states. No compromise will do any permanent good. On the contrary, if the territorial question is compromised now, it will but postpone, aggravate, and prolong the contest. Considers it mean and cowardly to leave to our children a great national trouble that we might settle ourselves.

January 2, 1861, Trumbull wrote to Governor Yates advising that some steps be taken in the way of military preparations, saying:

> The impression is very general here

that Buchanan has waked up at last to the sense of his condition and will make an effort to enforce the laws and protect the public property. That this was his determination two days ago, I have the best reasons for knowing, but he is so feeble, vacillating, and irresolute, that I fear he will not act efficiently; and some even say that he has again fallen into the hands of the disunionists. This I cannot believe. If he does his duty with tolerable efficiency, even at this late day, there will be no serious difficulty. The states which resolved themselves out of the Union would be coming back before many months. But if he continues to side with the disunionists, we cannot avoid serious trouble, for in that event I think the traitors would be encouraged to attempt to take possession here, and most of the public property and munitions of war would be placed in the hands of the disunionists before the 4th of March. In view of the present condition of affairs and the uncertainty as to the future, I think it no more than prudent that our state should be making some preparations to organize its military, or get up volunteer companies, so as to be ready to come to the support of the Constitution and the laws if the occasion should require. I think that

> there will be no occasion for troops here, and that the inauguration will probably take place. But take place it must, and at Washington, even though a hundred thousand men have to come here to effect it. The Government is a failure unless this is done.

Governor Yates's reply, if any, is not found in the Trumbull papers, but a letter from him dated Springfield, January 22, says that Frank P. Blair, Jr., had just arrived from St. Louis with information that the secessionists in Missouri had formed a plot to seize the United States Arsenal at St. Louis, which was the only depot of arms west of Pittsburg. If this should be attempted, Yates said it would lead to serious complications and perhaps a collision between Illinois and Missouri, since it could not be permitted that this great arsenal, intended for the use of the entire West, should fall into the hands of enemies of the Union. He asked Trumbull to see General Scott at once and insist that something be done which would obviate the necessity of action on the part of the state of Illinois.

Some letters from Mrs. Trumbull to her son Walter, who was on a warship in foreign parts during the month of January, 1861, supply a few items of interest.

January 21 she says:

> The Senators of Mississippi, Alabama, and Florida yesterday took formal leave of the Senate. The speech of Clay, of Alabama, was

very ugly, but that of Davis was pathetic, and even Republican ladies were moved to tears. Gov. Pickens of S. C. sent for $300 due him as Minister to Russia, and the Treasurer sent him a draft on the sub-treasury at Charleston which the Rebels had seized.

January 24:

Called at Dr. Sunderland's[42] yesterday. He said that in talking with a disunionist a few days ago he asked what the South demanded and what would satisfy them. He replied that the North must be uneducated, or educated differently; their sentiments must be changed, and it can't be done in this generation.

Just before starting home, Toombs's coachman, strange to say, deserted his kind master for a trip on the Underground Railroad, greatly to the disgust of Mrs. Toombs. She was met by Mrs. Judge McLean, who said to her, "Mrs. Toombs, are you going to leave us?" "Yes," she replied, "I am glad enough to go; here I am riding in a hack!" It was very hard, very disgusting, and Mrs. McLean, instead of trying to hunt up her fugitive for her, told her that when the South had all seceded, they would have Canada right on their borders, and where one now escaped, there would

then be a hundred.

January 26:

> The city begins to present a warlike appearance. Two companies are stationed quite near us on E St. and others are placed in Judiciary Square near the Capitol, and at the President's, about 700 in all. A company of light artillery arrived yesterday morning, soon after which cannonading was heard, volley after volley. I supposed the thunder of the cannon was meant to convey wholesome instruction to the revolutionists, but I learned this evening that it was a salute for Kansas, which is now a state. Thirty-four guns were fired. I understood that some of the ladies at the National Hotel were so alarmed that they began to pack their trunks so as to retreat promptly with all their luggage. I believe that Gen. Scott intends to have more troops here, but the O. P. F.[43] countermands most of his orders. The Cabinet find him very troublesome even now; he still listens to Slidell and others.
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> A set of compromisers came here a few days since from New York with a string of resolutions and explained them to Senator King, hoping he would endorse them. Mr. King read

> them and handed them back silently. Said the spokesman: "I trust they meet your approval, they are good resolutions; you approve them, do you not, Mr. King?" He answered in his good-humored, laughing way, but withal very firmly: "I would resign my seat first and I think I would rather die." The same men went to your father urging him to support them, and stated that New York would not defend the public property within her limits unless Congress adopted some such action. Your father told them that if that was to be the course of New York, we might as well know it now as ever, and refused to have anything to do with their resolutions.

In the same letter she writes:

> Mrs. McLean called yesterday. She said they dined at the White House once while the President was making up his mind whether or not to recall Major Anderson. The judge took the President aside to make some inquiries about the Major. Buchanan replied that he had exceeded his instructions and must be recalled. The Judge raised his hand with vehemence, almost in the President's face, and asserted with emphasis: "You dare not do it, sir, you dare not do it." And he did not.

Probably this is the only instance on record where a Judge of the Supreme Court shook his fist in the face of the President after dining with him at the White House. It is not improbable that the vehemence of the venerable Judge was one of the potent reasons deterring Buchanan from ordering Anderson to return from Fort Sumter to Fort Moultrie.[44]

TRUMBULL'S SPEECH AGAINST THE CRITTENDEN COMPROMISE

[In the Senate, March 2, 1861.]

MR. TRUMBULL. Mr. President, the long public service of the Senator from Kentucky, his acknowledged patriotism and devotion to the Union, give great importance to whatever he says; and in all he has said in favor of the Union and its preservation, and the maintenance of the Constitution, I most heartily concur. No man shall exceed me in devotion to the Constitution and the Union. But, while this is so, what the Senator says of those of us who disagree with him as to the mode of preserving the Union and maintaining the peace of the country is well calculated, in consequence of the position he occupies, to mislead and prejudice the public mind as to our true position. Does he expect, or can he expect, that compromises will be made and concessions yielded when he talks of the great party of this country, constituting a majority

of its people, as being wedded to a dogma set up above the Constitution; when he talks of us as usurping all the territories, as ostracizing all the people of the South, and denying them their rights? Is that the way to obtain compromises? Instead of turning his denunciation upon those who violate the Constitution and trample the flag of the country in the dust, he turns to us and talks to us of usurpations, of our dogmas; tells us that for a straw we are willing to dissolve the Union and involve the country in blood. Why are not these appeals made and these rebukes administered to the men who are involving the country in blood? If it is a straw for us to yield, is it anything more than a straw for them to demand? If it is a trifle for us to concede, is it any larger than a trifle which the South demands, and to obtain which it is willing to destroy this Union, which he has so beautifully and so highly eulogized?

Sir, I have heard this charge against the people of the North, of a desire to usurp the whole of the common territories, till I am tired of the accusation. It has been made and refuted ten thousand times. Not a man in the North denies to every citizen of the South the same right in a territory that he claims for himself.

And who are the people of the South? Slaveholders? Not one white citizen in twenty of the population in the South owns a slave. The nineteen twentieths of the non-slaveholding population of the South are forgotten, while the one twentieth is spoken of as "the South." The man who owns a slave in the South has just as much right in the territory as a man in the North who owns no slave. If the Southerner cannot take his negro slave to the territory, neither can the Northern man.

Again, sir, the Senator talks of the rights of the States to the common territories. The territories do not belong to the States; they are the property of the General Government; and the state of Kentucky has no more right in a territory than has the city of Washington, or any county in the state of Maryland. As a state, Kentucky has no right in a territory, nor has Illinois; but the territories belong to the Federal government, and are disposed of to the citizens of the United States, without regard to locality.

But, sir, I propose to inquire what it is that has brought the country to its present condition; what it is that has occasioned this disruption, this revolution in a portion of the

country. Many years ago an attempt was made in the state of South Carolina to disrupt this Government, at that time on account of the revenue system. It failed. The disunionists of 1832 were put down by General Jackson; and from that day to this there have been secessionists *per se*, men who have been struggling continuously and persistently to propagate their doctrine wherever they could find followers; and, I am sorry to say, they seem to have impressed the public mind of the South, to a great extent, with their notions. In 1850, the effort to break up the Government was renewed. It was then settled by what were known as the compromise measures of that year. The great men of that day—Clay, Webster, Cass, and others—took part in that settlement, and it was then supposed that the settlement would be permanent. The controversy of 1850 was not in regard to a tariff, but in regard to the negro question; the very question which General Jackson had prophesied, in the nullification times, would be the one upon which the next attempt would be made to destroy the Government. After a long struggle, the compromise measures of 1850 were passed. Quiet was given to the country; all parties

in all sections of the country acquiesced in the settlement then made. Resolutions were offered in this body denouncing any person who should attempt again to introduce the question of slavery into Congress. Speeches were made, in which Senators declared that they would never again speak upon the subject in the Congress of the United States. It was said that the slavery question was forever removed from the halls of Congress, and we then supposed that the country would continue quiet on this exciting subject. But, sir, in 1854, notwithstanding the pledges which had been given in 1850, notwithstanding the quiet of the country, when no man was agitating the slavery question; when no petitions came from the states, counties, cities, or towns, from villages or individuals, asking a disturbance of former compromises; when all was quiet, of a sudden a proposition was sprung in this chamber to unsettle the very questions which had been put to rest by the compromises of 1850. A proposition was then introduced to repeal one of the compromises which had been recognized by the acts of 1850; for the Missouri Compromise, which excluded slavery from Kansas and Nebraska,

was, by reference, directly and in express terms, reaffirmed by the compromises of 1850. But, sir, in the beginning of 1854, that fatal proposition was introduced and embodied in the Kansas-Nebraska Act, which declared that the eighth section of the act for the admission of Missouri into the Union, which had passed in 1820, and which excluded slavery from Kansas and Nebraska, should be repealed, it being declared to be "the true intent and meaning of the act not to introduce slavery into any state or territory, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States"—a little stump speech, as Colonel Benton denominated it, introduced into the body of the bill, which has since become as familiar to all the children of the land, from its frequent repetition, as Mother Goose's stories. That was the fatal act which brought about the agitation of the slavery question; and on the repeal of the Missouri Compromise followed the disturbances in the settlement of Kansas. That act led to civil war in Kansas, to the burning of towns, to the invasion from Missouri, to all the

horrors and anarchy which reigned in that ill-fated territory for several years, all of which is too fresh in the recollection of the American people to require repetition. And, sir, from that day to this, the doctrine which it is pretended was enunciated in 1854 in the Kansas-Nebraska Act, of non-intervention, of popular sovereignty, for it is known under various names, has been preached all over the country, until in the election of 1860, it was repudiated and scouted, North and South, by a majority of the people in every state in the Union; and even at this session, it has been thrust in here upon almost every occasion, as the grand panacea that was to give peace to the country; whereas it was the very thing which gave rise to all the difficulties. The disunionists per se have seized hold of the disturbances growing out of the slavery question, all occasioned by this fatal step in 1854, to inflame the public mind of the South, and bring about the state of things which now exists.

But, sir, the Union survived the disunion movement of 1832; it survived the excitement upon the slavery question in 1850; it survived the disturbances in Kansas in 1855 and 1856, consequent upon the repeal of the Missouri Compromise.

It survived them all without an actual attempt at disruption, until we came down to 1860, and Abraham Lincoln was elected President; and even now, notwithstanding the dissatisfaction at his election in some portions of the country, and all the previous troubles, the laws to-day would have had force in every part of the Union, and secession would have been checked in its very origin, had the Government done its duty and not acted in complicity with the men who had resolved to destroy it.

The secession movement, then, dates back several years. It received an impetus in 1850; another in 1854; and in 1860, by the connivance and the assistance of the Government itself, it acquired the strength which it now has. What has been the policy of the expiring administration? Its Cabinet officers boasting of their complicity with the men who were plotting the destruction of the Government; openly proclaiming in the face of the world that they had used their official power, while members of the Cabinet, and sworn to protect and preserve the Government, to furnish the means for its destruction; openly acknowledging before the world that they had used the power which their positions gave them to discredit the

Government, and also to furnish arms and munitions of war to the men who were conspiring together to assault its fortifications, and seize its property; openly boasting that they had taken care, during their public service, to see that the arms of the Federal Government were placed in convenient positions for the use of those who designed to employ them for its destruction. More than this, members, while serving in the other branch of Congress, go to the Executive of the United States, and tell him, "Sir, we are taking steps in South Carolina to break up this Government; you have forts and fortifications there; they are but poorly manned; now if you will leave them in the condition they are until the state of South Carolina gets ready to take possession, we will wait until that time before we seize them"; and the Executive of the nation asks that the treasonable proposition be put in writing, and files it away. Why, sir, is there another capital on the face of the globe, to which men could come from state or province, and inform the executive head that they were about to take steps to seize the public property belonging to the Government, and warn the Executive to leave it in its insecure and undefended state until they should

be prepared to take possession, and they be permitted to depart? Is there another capital on the face of the globe where commissioners coming to the Executive under these circumstances would not have been arrested on the spot for treason? But your Government, if it did not directly promise not to arm its forts, certainly took no steps to protect its public property; and this went on, until a gallant officer who was in command of less than a hundred men in the harbor of Charleston, acting upon his own responsibility, thought proper to throw his little force into a fort where he could protect himself; and then it was that these insurgents, rebelling against the Government, demanded that he should be withdrawn, and the Executive then was forced to take position. Then his Cabinet officers who had been in conspiracy with the plotters of treason, then the Chief Magistrate himself was forced to take position. He must openly withdraw his forces, and surrender the public property he was sworn to protect, openly violate the oath he had taken to support the Constitution of the United States, and execute the laws, and take side with traitors; or else he must leave Major Anderson where he was. Exposed to public view, brought to

this dilemma, I am glad to say that even then, at that late day, the President of the United States concluded to take sides for the Union; that even he came out, though feebly it was, on the part of the United States, and his Secretary of War retired from his Cabinet, not in disgrace, so far as its executive head was concerned, for he parted pleasantly with the President of the United States, but he retired because the President would not carry out the policy which he understood to have been agreed upon, which was to leave the fortifications in a position that Carolina might take them whenever she thought proper.

But, sir, notwithstanding this, the Executive of the nation, disregarding the advice of the Lieutenant-General who commands the armies of the United States, and who had warned him months before of the movements which were taking place to seize the public property at the South, still leaves the property unprotected; and the insurgents go on in some of the states, before even passing ordinances of secession, and continue to seize the public property; to capture the troops of the United States; to take possession of the forts; to fire into its vessels; to take down its flag; until they have at this time in their possession

fortifications which have cost the Government more than $5,000,000, and which mount more than a thousand guns.

All this has been done without any effort on the part of the Government to protect the public property; and this is the reason that secession has made the head it has. Why, sir, let me ask, is it that the United States to-day has possession of Fort Sumter? Can you tell me why is Fort Sumter in possession of the United States? Because there are a hundred soldiers in it—for no other reason. Why is Fort Moultrie in possession of the insurgents? Because there were no men there to protect it; and it is now matter of history that, had the Executive done his duty, and placed a hundred men in Fort Moultrie, a hundred in Castle Pinckney, and a hundred in Fort Sumter, Charleston Harbor to-day would have been open, and your revenues would have been collected there, as elsewhere throughout the United States.

Will it be said that Carolina would have attacked those forts, thus garrisoned? She does not attack a hundred men in Fort Sumter. It is a wonder that she does not. The little, feeble garrison there is well calculated to invite attack; but this thing of secession, under the policy

of the Administration, has been made a holiday affair in the South. This great Government, one of the most powerful on the face of the globe, is falling to pieces just from its own imbecility.

MR. WIGFALL. Mr. President—

THE PRESIDING OFFICER (MR. BRIGHT). Does the Senator from Illinois yield the floor?

MR. TRUMBULL. I have some further observations to make. I will yield for a single question; not for a speech.

MR. WIGFALL. For a single question. I do not wish to interrupt the Senator if it is not agreeable to him. I desire to ask a single question.

MR. TRUMBULL. I have no objection to the question.

MR. WIGFALL. I understand the Senator to object to the course that the present outgoing Administration has pursued in reference to the forts. I know the Senator's candor, directness of purpose, fairness, and boldness of statement; and I desire to know whether the succeeding Administration will pursue the same peace policy of leaving the forts in the possession of the seceding states, or whether they will attempt to recapture them?

MR. TRUMBULL. The Senator will find out my opinions on this subject before I conclude. The opinions of the incoming Administration, I trust, he will learn to-morrow from the eastern front of the capitol.

MR. WIGFALL. I trust we shall, sir.

MR. TRUMBULL. I speak for myself, without knowing what may be said in the inaugural of to-morrow; but I apprehend that the Senator will learn to-morrow that we have a Government; and that will be the beginning of the maintenance of the Union.

MR. WIGFALL. I hope we may.

MR. TRUMBULL. While the forts in the South were left thus unprotected, and to be seized by the first comers, where was your army? Scattered beyond reach, and sent to the frontiers, so as not to be made available when it was wanted. And where was your navy? The navy of the United States, when it was known that the secession movement was on foot, was sent to distant seas, until there was not at the command of the Secretary of the Navy a single vessel, except one carrying two guns, that could enter Charleston Harbor —a small vessel destined, I believe, to take supplies to the African squadron, which carried two guns.

Does anybody suppose this was accidental? If it were a question of fact to be tried before an intelligent jury in any part of Christendom, does any one doubt that the Secretary of War and the Secretary of the Navy would both be convicted of having purposely, and by design, removed the army and navy out of reach, in order that the forts might be seized, and that the secession movement might progress? And how has it been from that day to this? Irresolution and indecision on the part of the Executive—one day sending a vessel with troops to Charleston, and the next countermanding the order; and the Senator from Texas, with a taste which I cannot admire, spoke in terms of derision of his country's flag, when it returned in disgrace —"struck in the face," I think, was his expression—from Charleston Harbor. I admit it was disgraceful; but I am sorry it should have afforded the Senator from Texas, a member of the Senate of the United States, as the eloquent Senator from Kentucky said he was, any pleasure that such a transaction should have occurred.

This, then, briefly, is the reason that this secession movement has acquired the strength it has. It is because this Government has either

favored it, or refused to do anything to check it. Notwithstanding the mistake of 1854, the country would have survived it all, had we had a Government to take care of and preserve it.

Now, sir, what are the remedies that are proposed for the present condition of things, and what have they been from the beginning? They have been propositions of compromise; and Senators have spoken of peace, and of the horrors of civil war; and gentlemen who have contended for the right of the people of the territories to regulate their own affairs, and who have been horrified at the idea of a geographical line dividing free states from slave states, free territory from slave territory, and who have proclaimed that the great principle upon which the Revolution was fought was that of the right of the people to govern themselves, and that it was monstrous doctrine for Congress to interfere in any way with its own territories, come forward here with propositions to divide the country on a geographical line; and not only that, but to establish slavery south of the line; and they call this the Missouri Compromise! The proposition known as the "Crittenden Proposition" is no more like the Missouri Compromise

than is the Government of Turkey like that of the United States. The Missouri Compromise was a law declaring that in all the territory which we had acquired from Louisiana, north of a certain line of latitude, slavery or involuntary servitude should never exist. But it said nothing about the establishment of slavery south of that line. It was a compromise made in order to admit Missouri into the Union as a slave state, in 1820. That was the consideration for the exclusion of slavery from all the country north of 36° 30'. Now, sir, I have no objection to the restoration of the Missouri Compromise as it stood in 1854, when the Kansas-Nebraska Bill passed; and I have drawn up—and I intend to offer it at the proper time as an amendment to some of these propositions—a clause declaring that so much of the fourteenth section of the act to organize the territories of Nebraska and Kansas, approved the 30th of May, 1854, as repeals the Missouri Compromise, and contains the little stump speech, shall be repealed, and that we may hear no more of it, I trust, forever.

Since its authors have repudiated it, and have come forward with a proposition to establish not the Missouri Compromise, but to establish a geographical line running

through the territory which we now have, establishing slavery south of it, and prohibiting it north, and providing that, in the territory we may hereafter acquire, slavery shall be established south of that line, I suppose we shall hear no more about leaving the people "perfectly free to regulate their own affairs in their own way"! The proposition known as the "Crittenden Compromise" declares not only that, "in the territory south of the said line of latitude, slavery of the African race is hereby recognized as existing, and shall not be interfered with by Congress"; but it provides further, that, in the territory we shall hereafter acquire south of that line, slavery shall be recognized, and not interfered with by Congress; but "shall be protected as property by all the departments of the territorial government during its continuance"; so that, if we make acquisitions on the south of territories now free, and where, by the laws of the land, the footsteps of slavery have never been, the moment we acquire jurisdiction over them, the moment the stars and stripes of the Republic float over those free territories, they carry with them African slavery, established beyond the power of Congress, and beyond the power of any territorial legislature, or of the people, to keep

it out; and we are told that this is the Missouri Compromise! We are told that slavery now exists in New Mexico; and I was sorry to find even my friend from Oregon [Mr. Baker] ready to vote for this proposition, which establishes slavery. Why, sir, suppose slavery does exist in New Mexico; are you for putting a clause into your Constitution that the people of New Mexico shall not drive it out?

But, sir, unlike the Senator from Oregon, I will never agree to put into the Constitution of the country a clause establishing or making perpetual slavery anywhere. No, sir; no human being shall ever be made a slave by my vote. No foot of God's soil shall ever be dedicated to African slavery by my act—never, sir. I will not interfere with it where I have no authority by the Constitution to interfere; but I never will consent, the people of the great Northwest, numbering more in white population than all your Southern States together, never will consent by their act to establish African slavery anywhere. Why, sir, the seven free states of the Northwest, at the late presidential election, cast three hundred thousand more votes

than all the fifteen Southern States together. Senators talk about the North and the South, and speak of having two Presidents, a Northern President and a Southern President, as if we had no such country as the Northwest, more populous with freemen than all the South. The people of the South and the people of the East both will, by and by, learn, if they have not already learned, that we have a country, and a great and growing country, in the Northwest; a free country—made free, too, by the act of Virginia herself. I do not propose to discuss the House Resolution. I have said on any and all proper occasions, and am willing to say at any time, to our brethren of the South, we have no disposition, and never had any, and have no power, if we had the disposition, to interfere with your domestic institutions.

I think, then, sir, that none of these compromises will amount to anything; but still I am willing to do this, and I think if there is any difficulty it may be settled in this way: three of the states of this Union, the state of Kentucky, the state of New Jersey, and the State of Illinois, have called upon Congress to call a convention of all the states for the purpose of proposing amendments to the Constitution. I

do not think the Constitution needs amendment. In my judgment, the Constitution as it is, is worthy to be lived up to and supported. I doubt if we shall better it; but out of deference to those states, one of which is my own state, I am willing to vote for the resolution which has been introduced into this body recommending to the various states to take into consideration this proposition of calling a convention, in order to make such amendments as may be deemed necessary by the states themselves to this instrument. So far, I am willing to go. Would it not have been better for the seceding states to have done that? Why did they not propose, instead of attempting hastily to break up the Government and seizing its public property, to call a convention, in the constitutional form, of the various states, and if the Federal Constitution needed amendment, amend it in that way. No such proposition came from them; but Kentucky has made the proposition for a convention, and I am willing to meet her in the spirit in which it is made, and am ready, for one, and would be glad if we could all unitedly pass the resolution suggesting to the states to call a convention to make any and all amendments to the Constitution

which the exigencies of the times may require.

The Senator from Texas wants to know how we are going to preserve the Union; how we are going to stop the states from seceding? And our Southern friends sometimes ask us to give them something to stand upon in the South. The best political foundation ever laid by mortal man upon which to plant your foot is the Constitution. Take the old Constitution as your fathers made it, and go to the people on that; rally them around it, and not suffer it to be kicked about, rolled in the dust, spit upon, and their efforts to be wasted in vain efforts to amend it. Why, sir, has that old instrument ceased to be of any value? These gentlemen who are talking about amending it, and talking about guarantees as a condition to remain in the Union, claim to be *par excellence* the Union men. Why, sir, I conceive I am a much better Union man than they. I am for the Union under the Constitution as it is. I am willing, however, that a convention should be called out of deference to those who may wish to alter it; but I am not one of those who declare that unless this provision is made, and unless this guarantee is given, I will unite to destroy the Union, and cease to observe the Constitution as

it is.

Sir, the Southern States have been arming. The Senator from Virginia [Mr. Mason] told us the other day that his state had appropriated $1,500,000 to arm its citizens. For what? To arm its citizens to fight against this Government; and then tell us that, to a man, they will fight against this Government, if it undertakes to enforce its laws, which they call coercion, the coercion of a State! Why, sir, a government that has not the power of coercing obedience to its laws is no government at all. The very idea of a law without a sanction is an absurdity. A government is not worth having that has not power to enforce its laws. If the Senator from Texas wants to know my opinion, I tell him yes, I am for enforcing the laws. Do you mean by that you are going to march an army to coerce a state? No, sir; and I do not mean the people of this country to be misled by this confusion of terms about coercing a state. The Constitution of the United States operates upon individuals; the laws operate upon individuals; and whenever individuals make themselves amenable to the laws, I would punish them according to the laws. We may not always be able to do this. Why, sir, we have a criminal

code, and laws punishing larceny and murder and arson and robbery and all these crimes; and yet murder is committed, larcenies and robberies are committed, and the culprits are not always punished and brought to justice. We may not be able, in all instances, to punish those who conspire against the Government. So far as it can be done, I am for executing the laws; and I am for coercion. I am for settling, in the first place, the question whether we have a government before making compromises which leave us as powerless as before.

Sir, if my friend from Kentucky would employ some of that eloquence of his which he uses in appealing to Republicans—and talking about compromise—in defense of the Constitution as it is, and in favor of maintaining the laws and the Government, we should see a very different state of things in the country. If, instead of coming forward with compromises, instead of asking guarantees, he had put the fault where it belongs; if he called upon the Government to do its duty; if, instead of blaming the North for not making concessions where there is nothing to concede, and not making compromises where there was nothing to compromise about,

he had appealed to the South, which was in rebellion against the Government, and painted before them, as only he could do it, the hideousness of the crimes they were committing, and called upon them to return to their allegiance, and upon the Government to enforce its authority, we would have a very different state of things in this country to-day from what now exists.

This, in my judgment, is the way to preserve the Union; and I do not expect civil war to follow from it. You have only to put the Government in a position to make itself respected, and it will command respect. As I said before, five hundred troops in Charleston would unquestionably have kept that port open; and if you will arm the Government with sufficient authority to maintain its laws and give us an honest Executive, I think you will find the spread of secession soon checked; it will no longer be a holiday affair. But while we submit to the disgrace which is heaped upon us by those seceding states, while the President of the United States says, "You have no right to secede; but if you want to, you may, we cannot help it," you may expect secession to spread.

Why, sir, the resolutions of the legislature of the state of New York, which were passed early in the session, tendering to the Federal Government all the resources of the state in money and men to maintain the Government, had a most salutary effect when it was heard here. I saw the effect of it at once. It was the first blow at secession. Let the people of the North understand that their services are required to maintain this Union, and let them make known to the people of the South, to the Government, and to the country, that the Union shall be maintained; and the object is accomplished. Then you will find Union men in the South. But while this secession fever was spreading, and the Union men of the South had no support from their Government, it is no wonder that state after state undertook to withdraw from a confederacy which manifested no disposition to maintain itself.

My remedy for existing difficulties is, to clothe the Government with sufficient power to maintain itself; and when that is done, and you have an Executive with the disposition to maintain the authority of the Government, I do not believe that a gun need be fired to stop the further spread of secession. I believe, sir, after the new Administration goes

into operation, and the people of the South see, by its acts, that it is resolved to maintain its authority, and, at the same time, to make no encroachments whatever upon the rights of the people of the South, the desire to secede will subside. When the people of the Southern States, on the 5th of March, this year, and on the 5th of March, 1862, shall find that, after a year has transpired under a Republican administration, they are just as safe in all their rights, just as little interfered with in regard to their domestic institutions, as under any former Administration, they will have no disposition to inaugurate civil war and commence an attack upon the Federal Government.

Why, sir, some Senators talk about the Federal Government making war. Who proposes it? The Southern people affect to abhor civil war, when they, themselves, have commenced it. Inhabitants of the six seceding states have begun the war. What is war? Is firing into your vessels war? Is investing your forts war? Is seizing your arsenals war? They have done it all, and more; and then have the effrontery to say to the United States, "Do not defend yourselves; do not protect your Government; let it fall to pieces; let us do as we please, or else you will

have war." The highwayman meets you on the street, demands your purse, and tells you to deliver it up, or you will have a fight. You can always escape a fight by submission. If in the right—and which is far better than to submit to degradation —you can often escape collision by being prepared to meet it. The moment the highwayman discovers your preparation and ability to meet him, he flees away. Let the Government be prepared, and we shall have no collision.

I cannot think the people of this country in the loyal states would causelessly inaugurate civil war by attacking the Government; and I regard all the states as loyal, which have not undertaken to secede. I regard Kentucky and Tennessee and Missouri as loyal states, just as much so as Illinois. Why, sir, I live right upon the borders of Missouri, and I know that the people across the river were, last fall, just as good Union men as they were in Illinois. They never thought of secession until the thing was started in South Carolina, and until some persons here in Congress began to talk about guarantees, instead of coming out for the Constitution and the Union as they are. When Senators began to introduce propositions demanding guarantees as a condition of

continuing in the Union, the real true Union men, in many instances, took sides with them, and thus became, in fact, only conditional Unionists. I am happy to say that they are getting over it, not only in Missouri, but they are already cured of it in Tennessee, and I trust in all the other states save those which, in their hurry, and with inconsiderate zeal, have already taken measures, as far as they could, to dissolve their connection with the Government. Sir, I cannot think it possible that this great Government is to go out without a struggle—a Government which has been blessed so highly, and prospered so greatly. What occasion is there for breaking it up? Are we not the happiest people in the world? Do we not enjoy personal liberty and religious freedom? What is it that the people of these Southern States would have? Does anybody propose to interfere with their domestic institutions? Nobody. Does anybody deny their equal rights in the territories? Nobody. Why, sir, look at our condition. We are one of the great nations of the world. At the peace of 1783, we had, I think, something like three million population; we have now more than thirty million. At that time we had thirteen states; now we have thirty-four states; and our territories have

spread out until they extend across the continent. The boundaries of the Republic embrace to-day a greater extent of country than was contained within the Roman Empire in the days of its greatest extent, or within the empire of Alexander when he was said to have conquered the world.

Sir, I cannot believe that this mad and insane attempt to break up such a Government is to succeed. If my voice could reach them, I would call upon my Southern brethren to pause, to reflect, to consider if this Republican party has yet done them any wrong. What complaints have they to make against us? We have never wielded the power of Government—not for a day. Have you of the South suffered any wrong at the hands of the Federal Government? If you have, you inflicted it yourselves. We have not done it. Is it the apprehension that you are going to suffer wrong at our hands? We tell you that we intend no such thing. Will you, then, break up such a government as this, on the apprehension that we are all hypocrites and deceivers, and do not mean what we say? Wait, I beseech you, until the Government is put into operation under this new administration; wait until you hear the inaugural from the President-

> elect; and, I doubt not, it will breathe as well a spirit of conciliation and kindness towards the South as towards the North. While I trust it will disclose a resolute purpose to maintain the Government, I doubt not it will also declare, in unequivocal terms, that no encroachments shall be made upon the constitutional rights of any state while he who delivers it remains in power.

FOOTNOTES:

[38] Presumably Judge Read, of Pennsylvania.

[39] MS. in the collection of the late Major W. H. Lambert, Philadelphia.

[40] *Cong. Globe*, 1860-61, p. 30.

[41] Trumbull's speech on the Crittenden Compromise, which was impromptu and was delivered about midnight, is printed as an appendix to this chapter.

[42] Pastor of the First Presbyterian Church.

[43] "Old Public Functionary"—a name that Buchanan in one of his messages had given to himself.

[44] Jefferson Davis says, in his *Rise and Fall of the Confederate States*, that Buchanan told him that "he thought it not impossible that his homeward route would be lighted by burning effigies of himself and that on reaching his home he would find it a heap of ashes."

CHAPTER VIII

CABINET-MAKING—THE DEATH OF DOUGLAS

During all this storm and stress the President-elect was at home struggling with office-seekers. They came in swarms from all points of the compass, and in the greatest numbers from Illinois. Judging from the Trumbull papers alone it is safe to say that Illinois could have filled every office in the national Blue Book without satisfying half the demands. Every considerable town had several candidates for its own post-office, and the applicants were generally men who had real claims by reason of party service and personal character for the positions which they sought. But there were exceptions, and Trumbull brought trouble on his own head many times by taking part in the mêlée. Yet there seemed to be no way of escape, even if he had wished to stand aloof. The day of civil service reform had not yet dawned. Time has kindly dropped its veil over those struggles except as relates to Lincoln's Cabinet. The selection of the Cabinet will be considered chronologically so far as the Trumbull papers throw light on it.

On his journey to Washington for the coming session of Congress, Trumbull stopped a few days in New York. While there he received a call from three gentlemen, who were a sub-committee of a larger number who had been chosen, by the opponents of the Weed overlordship in New York politics, to call upon Lincoln and remonstrate against the appointment of Seward as a member of his Cabinet. The three men were William C. Bryant, William Curtis Noyes, and A. Mann, Jr. They said that finding

it impracticable to see Lincoln, they had decided to call upon Trumbull and ask him to present their views to the President-elect. Although Trumbull disclaimed any peculiar knowledge or influence in respect of Cabinet appointments, they proceeded to make their wishes known. They said that a division had taken place in the Republican party of New York, growing out of corruption at Albany during the last session of the legislature, in which many Republicans were implicated; that so strong was the feeling against certain transactions there, that but for the presidential election the Republicans would have lost the state in November; and that unless the transactions were repudiated by the coming legislature the party would be beaten next year. They did not connect Governor Seward personally with these transactions, but said that several of his particular and most intimate friends, whom they named, were implicated, and that if he went into the Cabinet he would draw them after him.

Trumbull suggested to them that if Governor Seward went into the Cabinet, as many people considered to be his due, it did not necessarily follow that he would control the patronage of New York. Mr. Mann, however, thought that this would be inevitable. He and Mr. Bryant and Mr. Noyes expressed the opinion that Seward did not desire to go into the Cabinet unless he could control the patronage and thus serve his friends. They said they had no name to propose as a New York member of the Cabinet, but they did not want the load of the Albany plunderers put upon them, and that if it were so the party in New York would be ruined.

The purport of this interview was communicated by Trumbull to Lincoln by letter dated Washington,

December 2, 1860. Lincoln replied as follows:

Private

SPRINGfiELD, ILL., Dec. 8, 1860.

HON. LYMAN TRUMBULL.

MY DEAR SIR: Yours of the 2nd is received. I regret exceedingly the anxiety of our friends in New York, of whom you write; but it seems to me the sentiment in that State which sent a united delegation to Chicago in favor of Gov. Seward ought not and must not be snubbed, as it would be, by the omission to offer Gov. S. a place in the Cabinet. *I will myself take care of the question of "corrupt jobs"* and see that justice is done to all our friends of whom you wrote, as well as others.

I have written to Mr. Hamlin on this very subject of Gov. S. and requested him to consult fully with you. He will show you my note and enclosures to him; and then please act as therein requested.

Yours as ever,

A. LINCOLN.

The enclosures were a formal tender of the office of Secretary of State to Seward and a private letter to him urging his acceptance of the appointment. The

note to Hamlin requested that if he and Trumbull concurred in the step, the letters should be handed to Seward. They were promptly delivered.

As matters stood at that time it was certainly due to Seward that a place in the Cabinet should be offered to him and that it should be the foremost place. He was still the intellectual premier of the party and nobody could impair his influence but himself. The principal scheme at Albany, to which Bryant and his colleagues alluded, was a "gridiron" street railroad bill for New York City, for which Weed was the political engineer.

Trumbull saw Horace Greeley at this time. The latter would not recommend taking a Cabinet officer from New York at all, but he did suggest giving the mission to France to John C. Frémont. If this advice had been followed, and Frémont had been kept out of the country, Lincoln would have been spared one of the most terrible thorns in the side of his Administration; but fate ordained otherwise, for when Cameron was taken into the Cabinet it became necessary to provide a place for Dayton, and Paris was chosen for that purpose.

The Cameron affair was the greatest embarrassment that Lincoln had to deal with before his inauguration. It was a fact of evil omen that David Davis, one of the delegates of Illinois to the Chicago Convention, assuming to speak by authority, made promises that Simon Cameron, of Pennsylvania, and Caleb Smith, of Indiana, should have places in the Cabinet if Lincoln were elected. In so doing, Davis went counter to the only instructions he had ever received from Lincoln on that subject. The day before the nomination was made, the editor of the

Springfield *Journal* arrived at the rooms of the Illinois delegation with a copy of the *Missouri Democrat*, in which Lincoln had marked three passages and made some of his own comments on the margin. Then he added, in words underscored: "Make no contracts that will bind me." Herndon says that this paper was read aloud to Davis, Judd, Logan, and himself. Davis then argued that Lincoln, being at Springfield, could not judge of the necessities of the situation in Chicago, and, acting upon that view of the case, went ahead with his negotiations with the men of Pennsylvania and Indiana, and made the promises as above stated.[45]

Gideon Welles, in his book on Lincoln and Seward, says there was but one member of the Cabinet appointed "on the special urgent recommendation and advice of Seward and his friends, but that gentleman was soon, with Seward's approval, transferred to Hyperborean regions in a way and for reasons never publicly made known." That man was Cameron.

The implication here is that Simon Cameron was appointed a member of Lincoln's Cabinet in consequence of Seward's influence, and at his desire. That Seward and Weed labored for Cameron's appointment, and that Weed had private reasons for doing so, is true, but the controlling factor was something of earlier date. David Davis had left his comfortable home at Bloomington and gone to Springfield to redeem his convention pledges. He camped alongside of Lincoln and laid siege to him. He had a very strong case *prima facie*. He had not only worked for Lincoln with all his might, but he had paid three hundred dollars out of his own pocket

for the rent of the Lincoln headquarters during the convention. This seems like a small sum now, but it was three times as much as Lincoln himself could have paid then for any political purpose. Moreover, Davis had actually succeeded in what he had undertaken.[46]

A. K. McClure says, in his book on "Lincoln and Men of War Times" (p. 139), that the men who immediately represented Cameron on that occasion (John P. Sanderson and Alexander Cummings) really had little influence with the Pennsylvania delegation, and that the change of votes from Cameron to Lincoln was not due to this barter.

Nicolay and Hay say that after the election Lincoln invited Cameron to come to Springfield, but they produce no evidence to that effect. On the other hand, Gideon Welles, quoting from an interview with Fogg, of New Hampshire (a first-rate authority), says that Cameron tried to get an invitation to Springfield, but that Lincoln would not give it; that a little later Cameron invited Leonard Swett to his home at Lochiel, Pennsylvania, and that while there Swett took upon himself to extend such an invitation in Lincoln's name, and that Lincoln, although surprised, was obliged to acquiesce in what Swett had done.[47] Swett, it may be remarked, was the *Fidus Achates* of David Davis at all times.

Cameron came to Springfield with a troop of followers, and the result was that, on the 31st of December, Lincoln handed him a brief note saying that he intended to nominate him for Secretary of the Treasury, or Secretary of War, at the proper time.

Almost immediately thereafter he received a shock from A. K. McClure in the form of a telegram saying

that the appointment of Cameron would split the party in Pennsylvania and do irreparable harm to the new Administration. He invited McClure to come to Springfield and give him the particular reasons, but McClure does not tell us what the reasons were. Evidently they were graver and deeper than a mere faction fight in the party, or a question whether Cameron or Curtin should have the disposal of the patronage. They included personal as well as political delinquencies, but McClure declined to put them in writing.

After hearing them, Lincoln wrote another letter to Cameron dated January 3, 1861, asking him to decline the appointment that had been previously tendered to him, and to do so at once by telegraph. Cameron did not decline. Consequently Lincoln repeated the request ten days later, January 13.

In the mean time Trumbull, having learned that a place in the Cabinet—probably the Treasury—had been offered to Cameron, wrote a letter to Lincoln, dated January 3, advising him not to appoint him. To this letter Lincoln wrote the following reply:

> *Very Confidential*
>
> SPRINGfiELD, ILL., Jan. 7, 1861.
>
> HON. LYMAN TRUMBULL,
>
> MY DEAR SIR: Yours of the 3d is just received.... Gen. C. has not been offered the Treasury and I think will not be. It seems to me not only highly proper but a *necessity* that Gov. Chase shall take that place. His

> ability, firmness, and purity of character produce this propriety; and that he alone can reconcile Mr. Bryant and his class to the appointment of Gov. S. to the State Department produces the necessity. But then comes the danger that the protectionists of Pennsylvania will be dissatisfied; and to clear this difficulty Gen. C. must be brought to coöperate. He would readily do this for the War Department. But then comes the fierce opposition to his having any Department, threatening even to send charges into the Senate to procure his rejection by that body. Now, what I would most like, and what I think he should prefer too, under the circumstances, would be to retain his place in the Senate, and if that place has been promised to another let that other take a respectable and reasonably lucrative place abroad. Also, let Gen. C.'s friends be, with entire fairness, cared for in Pennsylvania and elsewhere. I may mention before closing that besides the very fixed opposition to Gen. C. he is more amply recommended for a place in the Cabinet than any other man....
>
> Yours as ever,
>
> A. LINCOLN.

It is easy to read two facts between these lines: first,

that although Lincoln had written a letter four days earlier withdrawing his offer to Cameron, some influence had intervened to cause new hesitations; second, that Lincoln knew that Cameron ought not to be taken into the Cabinet at all, and that he was now seeking some way to buy him off. The cause of the new hesitation was that David Davis was clinging to him like a burr. The last observation in the letter to Trumbull, that Cameron was more amply recommended for a place in the Cabinet than any other man, points to the activity of Seward and Weed in Cameron's behalf, of which Welles gives details in the interview with Fogg above mentioned.

Before Lincoln's letter of the 7th reached Trumbull, the latter wrote the following, giving his objections to Cameron more in detail:

> WASHINGTON, Jan. 10, 1861.
>
> HON. A. LINCOLN,
>
> MY DEAR SIR: My last to you was written in a hurry—in the midst of business in the Senate, and I have not a precise recollection of its terms —but I desire now to write you a little more fully in regard to this Cameron movement, and in doing so, I have no other desire than the success of our Administration. Cameron is very generally regarded as a trading, unscrupulous politician. He has not the confidence of our best men. He is a great manager and by his schemes has for the moment created an apparent public

sentiment in Penna. in his favor. Many of the persons who are most strenuously urging his appointment are doubtless doing it in anticipation of a compensation. It is rather an ungracious matter to interfere to oppose his selection and hence those who believe him unfit and unworthy of the place [Copy illegible] seems to me he is totally unfit for the Treasury Department. You may perhaps ask, how, if these things are true, does he have so many friends, and such, to support him, and such representative men. I am surprised at it, but the world is full of great examples of men succeeding for a time by intrigue and management. Report says that C. secured Wilmot in his favor by assurances of support for the Senate, and then secured Cowan by abandoning W. at the last. The men who make the charges against Cameron are not all, I am sure, either his personal enemies, or governed by prejudice. Another very serious objection to Cameron is his connection with Gov. Seward. The Governor is a man who acts through others and men believe that Cameron would be his instrument in the Cabinet. It is my decided conviction that C.'s selection would be a great mistake and it is a pity he is [Copy illegible] Gov. Seward's appointment is acquiesced in by all

> our friends. Some wish it were not so, but regard it rather as a necessity, and are not disposed to complain. There is a very general desire here to have Gov. Chase go into the Cabinet and in that wish I most heartily concur. In my judgment you had better put Chase in the Cabinet and leave Cameron out, even at the risk of a rupture with the latter, but I am satisfied he can be got along with. He is an exacting man, but in the end will put up with what he can get. He cannot get along in hostility to you, and when treated fairly, and as he ought to be, will acquiesce. This letter is, of course, strictly confidential.
>
> There is a reaction here and the danger of an attack on Washington is, I think, over.
>
> Very truly your friend,
>
> LYMAN TRUMBULL.

The newspapers soon got hold of the fact that a place in the Cabinet had been offered to Cameron. They did not learn that he had been asked to decline it. Letters began to reach Trumbull urging him to use his influence to prevent such a calamity. For example:

> James H. Van Alen, New York, January 8, says honest men of all parties were shocked by the rumor

of Cameron's appointment to the Treasury. This evening Judge Hogeboom and Mr. Opdycke leave for Springfield and Messrs. D. D. Field and Barney for Washington to make their urgent protest against the act. Says he has written to Lincoln and forwarded extracts from congressional documents in relation to Simon Cameron's actions as commissioner to settle the claims of the half-breed Winnebago Indians. Refers to the *Congressional Globe*, 25th Congress, 3d Session, p. 194.

E. Peck, Springfield, January 10, says all the Chicago members of the legislature took such steps as they could to prevent the appointment of Cameron, believing him not to be a proper man for any place in the Cabinet. If he goes in, it will not be as the head of the Treasury Department. Understands that Chase was offered the Treasury, but did not accept.

C. H. Ray, Springfield, January 16, thinks that the Cameron business should be brought to a halt by some decisive action among the Republicans in Senate and House. Says Lincoln sees the error into which he has fallen, and would, most likely, be glad to recede; but, except a dozen letters, he hears only from the Cameron and Weed gang.

> E. Peck, Springfield, February 1, says David Davis is quite "huffy" because of the objections raised to Cameron and because Smith, of Indiana, is not at once admitted to the Cabinet.
>
> William Butler (state treasurer), Springfield, February 7, says that last evening he had a confidential conversation with Lincoln, who told him that the appointment of Cameron, or his intimation to Cameron that he would offer him a place in the Cabinet, had given him more trouble than anything else that he had yet encountered. He had made up his mind that after reaching Washington he would first send for Cameron and say to him that he intended to submit the question of his appointment to the Republican Senators; that he should call them together for consultation, but would leave Cameron out, as the question to be considered would be solely in reference to him; and that he (Lincoln) wished to deal frankly and for the good of the party. Butler thinks it would be disastrous to Cameron to go into the Cabinet under such circumstances.

Norman B. Judd, of Chicago, was also expecting a place in the Cabinet. He was a lawyer by profession and general attorney of the Chicago and Rock Island Railroad. He had been a member of the State Senate, where he contributed largely to Trumbull's first

election to the United States Senate, after which he had been devoted to Trumbull's political interests and no less to Lincoln's. He was chairman of the Republican State Committee and a member of the National Committee. He had been a delegate-at-large to the Chicago Convention, where he had worked untiringly and effectively for Lincoln's nomination. He was not a man of ideas, but was fertile in expedients. In politics he was a "trimmer," sly, cat-like, and mysterious, and thus he came to be considered more farseeing then he really was; but he was jovial, companionable, and popular with the boys who looked after the primaries and the nominating conventions. Both as a legislator and a party manager his reputation was good, but his qualities were those of the politician rather than of the statesman. He was certainly the equal of Caleb Smith and the superior of Cameron. If he had been taken into the Cabinet, he would not have been ejected without assignable reasons nine months later. It was known immediately after the November election that he expected a Cabinet position and that Trumbull favored him.

January 3, 1861, Judd wrote to Trumbull that he had heard no word from Lincoln, but he had heard indirectly from Butler (state treasurer) that Lincoln "never had a truer friend than myself and there was no one in whom he placed greater confidence; still circumstances embarrassed him about a Cabinet appointment." Judd understood this to mean that he would not be appointed and he took it very much to heart. Doubtless the circumstance that most embarrassed Lincoln was the same that operated in Cameron's case. David Davis was insisting that his pledge to the Indiana delegates should be made good.

January 6, Lincoln made an early call on Gustave Koerner at his hotel in Springfield, before the latter was out of bed. Koerner gives the following account of it in his "Memoirs":[48]

> I unbolted the door and in came Mr. Lincoln. "I want to see you and Judd. Where is his room?" I gave him the number, and presently he returned with Judd while I was dressing.
>
> "I am in a quandary," he said; "Pennsylvania is entitled to a Cabinet office. But whom shall I appoint?" "Not Cameron," Judd and myself spoke up simultaneously. "But whom else?" We suggested Reeder or Wilmot. "Oh," said he, "they have no show. There have been delegation after delegation from Pennsylvania, hundreds of letters and the cry is Cameron, Cameron. Besides, you know I have already fixed on Chase, Seward, and Bates, my competitors at the convention. The Pennsylvania people say if you leave out Cameron you disgrace him. Is there not something in that?" I said, "Cameron cannot be trusted. He has the reputation of being a tricky and corrupt politician." "I know, I know," said Lincoln; "but can I get along if that State should oppose my administration?" He was very much distressed. We told him he would greatly regret his appointment. Our

> interview ended in a protest on the part of Judd and myself against the appointment.

January 7, Trumbull wrote to Lincoln advising him to give a Cabinet appointment to some person who could stand in a nearer and more confidential relation to him than that which grew out of political affinity, adding that he (Lincoln) knew whether Judd was the kind of man who would meet such requirements, and enclosing a written recommendation of Judd for such a position, signed by himself and Senators Grimes, Chandler, Wade, Wilkinson, Durkee, Harlan, and Doolittle. These, he said, were the only persons to whom the paper had been shown and the only ones aware of its existence.

Let it be said in passing that this was bad advice. Any man going into the Cabinet as a more confidential friend of the President than the others would have had all the others for his enemies.

January 10, William Jayne and Ebenezer Peck (both members of the state legislature) expressed the opinion that Judd would be appointed. Evidently the Trumbull letter and enclosure had, for the time being, produced the intended effect. Jayne said that Davis and Yates were opposed to Judd, but that Butler and Judge Logan favored him.

February 17, Judd wrote from Buffalo, New York, where he was accompanying Lincoln on his journey to Washington, saying that he believed the Treasury would be offered again to Chase, and if so he must accept, although it might cause another "irrepressible conflict." He said nothing about his own prospects. [49]

Evidently Lincoln had not yet decided to take Cameron into the Cabinet, but after he arrived in Washington the influence of Seward and Weed, which Dr. Ray had prefigured in a letter to Trumbull, prevailed upon him to do so. This was the opinion of Montgomery Blair, a high-minded man and an acute observer, expressed to Gideon Welles in these words:

> Cameron had got into the War Department by the contrivance and cunning of Seward who used him and other corruptionists as he pleased with the assistance of Thurlow Weed; that Seward had tried to get Cameron into the Treasury, but was unable to quite accomplish that, and, after a hard underground quarrel against Chase, it ended in the loss of Cameron, who went over to Chase and left Seward. [50]

When Cameron and Smith were appointed, the Berlin Mission was given to Judd, as a salve to his wound. Gustave Koerner had been "slated" in the newspapers for the Berlin Mission, although he had not applied for it. A telegram had been sent out from Springfield to the effect that that place had been reserved for him, and he erroneously supposed that it had been done with Lincoln's consent. It had been published far and wide in America and Europe without contradiction. Koerner's friends on both sides of the water had written congratulatory letters to him, and everybody seemed to think that the thing was done, and wisely done. Some of his clients had notified him that, having observed in the newspapers that he was going abroad for a few years, they had engaged other

counsel to attend to their law business. At this very time Koerner was laboring for Judd's appointment as member of the Cabinet.

The same telegram that announced failure in this attempt announced that Judd had been designated as Minister to Prussia and had accepted. Koerner felt humiliated, and he now applied for some other foreign mission which might be awarded to the German element of the party—preferably that of Switzerland; but it was now too late. The other places had all been spoken for. At a later period he was appointed Minister to Spain.

On the 9th of January, 1861, Trumbull was reëlected Senator of the United States by the legislature of Illinois, by 54 votes against 46 for S. S. Marshall (Democrat). His nomination in the Republican caucus was without opposition.

At the beginning of the special session of Congress called by President Lincoln for July 4, 1861, Trumbull was appointed by his fellow Senators Chairman of the Committee on the Judiciary, which place he occupied during the succeeding twelve years.

The first duty he was called to perform was to announce the death of his colleague, Stephen A. Douglas. Douglas had placed himself at Lincoln's service in all efforts to uphold the Constitution and enforce the laws against the disunionists. He returned from Washington early in April and got in touch with his constituents, ready to act promptly as events might turn out. It turned out that the Confederates struck the first blow in the Civil War by bombarding Fort Sumter. This was the signal for Douglas's last and greatest political and oratorical

effort. The state legislature, then in session, invited him to address them on the present crisis, and he responded on the 25th of April in a speech which made Illinois solid for the Union. The writer was one of the listeners to that speech and he cannot conceive that any orator of ancient or modern times could have surpassed it. Douglas seized upon his hearers with a kind of titanic grasp and held them captive, enthralled, spellbound for an immortal hour. He was the only man who could have saved southern Illinois from the danger of an internecine war. The southern counties followed him now as faithfully and as unanimously as they had followed him in previous years, and sent their sons into the field to fight for the Union as numerously and bravely as those of any other section of the state or of the country. Douglas had only a few more days to live. He was now forty-eight years of age, but if he had survived forty-eight more he could never have surpassed that eloquence or exceeded that service to the nation, for he never could have found another like occasion for the use of his astounding powers.

He died at Chicago, June 3, 1861. Trumbull's eulogy was solemn, sincere, pathetic, and impressive—a model of good taste in every way. He retracted nothing, but, ignoring past differences, he gave an abounding and heartfelt tribute of praise to the dead statesman for his matchless service to his country in the hour of her greatest need. He concluded with these words:

> On the 17th day of June last, all that remained of our departed brother was interred near the city of Chicago, on the shore of Lake Michigan, whose pure waters, often

lashed into fury by contending elements, are a fitting memento of the stormy and boisterous political tumults through which the great popular orator so often passed. There the people, whose idol he was, will erect a monument to his memory; and there, in the soil of the state which so long without interruption, and never to a greater extent than at the moment of his death, gave him her confidence, let his remains repose so long as free government shall last and the Constitution he loved so well endure.

FOOTNOTES:

[45] *Life of Lincoln*, by Herndon-Weik, 2d edition, III, 172, 181.

[46] David Davis's habit of coercing Lincoln was once complained of by Lincoln himself, as related in a letter (now in the possession of Jesse W. Weik) of Henry C. Whitney to Wm. H. Herndon. Whitney says:

"On March 5, 1861, I saw Lincoln and requested him to appoint Jim Somers of Champaign to a small clerkship. Lincoln was very impatient and said abruptly: 'There is Davis, with that way of making a man do a thing whether he wants to or not, who has forced me to appoint Archy Williams judge in Kansas right off and John Jones to a place in the State Department; and I have got a bushel of despatches from Kansas wanting to know if

I'm going to fill up all the offices from Illinois.'"

[47] *Diary of Gideon Welles*, II, 390.

[48] Vol. II, p. 114.

[49] Fogg of New Hampshire says: "Mrs. Lincoln has the credit of excluding Judd, of Chicago, from the Cabinet,"—which is not unlikely. *Diary of Gideon Welles.*

[50] *Diary of Gideon Welles*, I, 126.

CHAPTER IX

FORT SUMTER

Mrs. Trumbull did not accompany her husband to Washington at the special session of Congress July 4, 1861. A few letters written to her by him have been preserved. One of these revives the memory of an affair which caused intense indignation throughout the loyal states.

On the day when it was decided in Cabinet meeting to send supplies to Major Anderson in Fort Sumter, a newspaper correspondent named Harvey, a native of South Carolina, sent a telegram to Governor Pickens at Charleston notifying him of the fact. Harvey was

the only newspaper man in Washington who had the news. He did not put his own name on the telegram, but signed it "A Friend." He was afterward appointed, at Secretary Seward's instance, as Minister to Portugal, although he was so obscure in the political world that the other Washington correspondents had to unearth and identify him to the public. It was said that he had once been the editor of the Philadelphia *North American*. After he had departed for his mission, there had been a seizure of telegrams by the Government and this anonymous one to Governor Pickens was found. The receiving-clerk testified that it had been sent by Harvey. The Republicans in Congress, and especially the Senators who had voted to confirm him, were boiling with indignation. A committee of the latter was appointed to call upon the President and request him to recall Harvey. A letter of Trumbull to his wife (July 14) says:

> The Republicans in caucus appointed a committee to express to him their want of confidence in Harvey, Minister to Portugal. Mr. Lincoln and Mr. Seward informed the committee that they were aware of the worst dispatch to Governor Pickens before he left the country, but not before he received the appointment, and they did not think from their conversation with Harvey that he had any criminal intent, and requested the committee to report the facts to the caucus, Mr. Lincoln saying that he would like to know whether Senators were as dissatisfied when they came to know

> all the facts. The caucus will meet to-morrow and I do not believe will be satisfied with the explanation.

The inside history of this telegram was made public long afterward. Shortly before Seward took office as Secretary of State there came to Washington City three commissioners from Montgomery, Alabama, whose purpose was to negotiate terms of peaceful separation of the Confederate States of America from the United States, or to report to their own Government the refusal of the latter to enter into such negotiation. These men were Martin J. Crawford, John Forsyth, and A. B. Roman. They arrived in Washington on the 27th of February, four days after Lincoln's arrival and one week before his inauguration. They did not make their errand known until after the inauguration. They then communicated with Seward, by an intermediary, the nature of their mission, and the latter replied verbally that it was the intention of the new Administration to settle the dispute in an amicable manner. On the 15th of March, Seward assured the Confederate envoys that Sumter would be evacuated before a letter from them could reach Montgomery—that is, within five days. The negotiations were protracted till a decision had been reached, contrary to Seward's desires and promises, to send a fleet with provisions to relieve the garrison at Fort Sumter. Then Seward gave this fact to Harvey, knowing that he would transmit it to Governor Pickens and that the probable effect would be to defeat the scheme of relieving the garrison. This he evidently desired. He had already secretly detached the steamer Powhatan, an indispensable part of the Sumter fleet, and sent it on a useless expedition to Pensacola Harbor.

Gideon Welles's account of the Harvey affair is as follows:

> Soon after President Lincoln had formed the resolution to attempt the relief of Sumter, and whilst it was yet a secret, a young man connected with the telegraph office in Washington, with whom I was acquainted, a native of the same town with myself, brought to me successively two telegrams conveying to the rebel authorities information of the purposes and decisions of the Administration. One of these telegrams was from Mr. Harvey, a newspaper correspondent, who was soon after, and with a full knowledge of his having communicated to the rebels the movements of the Government, appointed Minister to Lisbon. I had, on receiving these copies, handed them to the President. Mr. Blair, who had also obtained a copy of one, perhaps both, of these telegrams from another source, likewise informed him of the treachery. The subject was once or twice alluded to in Cabinet without eliciting any action, and when the nomination of Mr. Harvey to the Portuguese Mission was announced —a nomination made without the knowledge of any member of the Cabinet but the Secretary of State

> and made at his special request—there was general disapprobation except by the President (who avoided the expression of any opinion) and by Mr. Seward. The latter defended and justified the selection, which he admitted was recommended by himself, but the President was silent in regard to it. [51]

Trumbull says in his letter that Lincoln and Seward told the committee that they did not know that Harvey had sent the dispatch before he received the appointment. Welles says that both of them knew it beforehand, and that it was a matter of Cabinet discussion in which Lincoln, however, took no part. How are we to explain this contradiction? It was impossible for Lincoln to utter an untruth, but if we may credit Gideon Welles, *passim*, it was not impossible for Seward to do so and for Lincoln to remain silent while he did so, as he remained silent while the Cabinet were discussing the appointment of Harvey. If Seward, at the meeting of which Trumbull wrote, in this private letter to his wife, took the lead in the conversation, as was his habit, and said that there was no knowledge of Harvey's telegram to Governor Pickens until after Harvey had been appointed as minister, and Lincoln said nothing to the contrary, he would naturally have assumed that Seward spoke for both.

There is reason to believe that Seward had previously prevailed upon the President to agree to surrender Fort Sumter, as a means of preventing the secession of Virginia. Evidence of this fact is supplied by the following entry in the diary of John Hay,

under date October 22, 1861:

> At Seward's to-night the President talked about Secession, Compromise, and other such. He spoke of a Committee of Southern pseudo-unionists coming to him before inauguration for guarantees, etc. *He promised to evacuate Sumter if they would break up their Convention without any row, or nonsense.* They demurred. Subsequently he renewed proposition to Summers, but without any result. The President was most anxious to prevent bloodshed.[52]

Hay here speaks of two offers made by Lincoln to evacuate Sumter, one before his inauguration and one after. Both were made on condition that a certain convention should be adjourned. This was the convention of Virginia, which had been called to consider the question of secession. It had met in Richmond on the 18th of February, while Lincoln was *en route* for Washington. As Lincoln arrived in Washington on the 23d of February, the first offer must have been made in the interval between that day and the 4th of March.

The History of Nicolay and Hay does not mention the first offer. It speaks of the second one as a matter about which the facts are in dispute, the disputants being John Minor Botts and J. B. Baldwin. Botts was an ex-member of Congress from Virginia and a strong Union man. Baldwin was a member of the Virginia Convention and a Union man. He had come to Washington in response to an invitation which Lincoln had sent, on or about the 20th of March, to

George W. Summers, who was likewise a member of the convention. Summers was not able to come at the time when the invitation reached him, and he deputed Baldwin to go in his place.

After the war ended, Botts wrote a book entitled "The Great Rebellion," in which he gave the following account of an interview he had had with President Lincoln on Sunday, April 7, 1861 (two days after Baldwin had had his interview):

> About this time Mr. Lincoln sent a messenger to Richmond, inviting a distinguished member of the Union party to come immediately to Washington, and if he could not come himself, to send some other prominent Union man, as he wanted to see him on business of the first importance. The gentleman thus addressed, Mr. Summers, did not go, but sent another, Mr. J. B. Baldwin, who had distinguished himself by his zeal in the Union cause during the session of the convention; but this gentleman was slow in getting to Washington, and did not reach there for something like a week after the time he was expected. He reached Washington on Friday, the 5th of April, and, on calling on Mr. Lincoln, the following conversation in substance took place, as I learned from Mr. Lincoln himself. After expressing some regret that he had not come sooner, Mr. Lincoln said, "My object in desiring the presence

of Mr. Summers, or some other influential and leading member of the Union party in your convention, was to submit a proposition by which I think the peace of the country can be preserved; but I fear you are almost too late. However, I will make it yet.

"This afternoon," he said, "a fleet is to sail from the harbor of New York for Charleston; your convention has been in session for nearly two months, and you have done nothing but hold and shake the rod over my head. You have just taken a vote, by which it appears you have a majority of two to one against secession. Now, so great is my desire to preserve the peace of the country, and to save the border states to the Union, that if you gentlemen of the Union party will adjourn without passing an ordinance of secession, I will telegraph at once to New York, arrest the sailing of the fleet, and take the responsibility of EVACUATING FORT SUMTER!"

The proposition was declined. On the following Sunday night I was with Mr. Lincoln, and the greater part of the time alone, when Mr. Lincoln related the above facts to me. I inquired, "Well, Mr. Lincoln, what reply did Mr. Baldwin make?" "Oh," said he, throwing up his hands,

> "he wouldn't listen to it at all; scarcely treated me with civility; asked me what I meant by an adjournment; was it an adjournment *sine die*?" "Of course," said Mr. Lincoln, "I don't want you to adjourn, and, after I have evacuated the fort, meet again to adopt an ordinance of secession." I then said, "Mr. Lincoln, will you authorize *me* to make that proposition? For I will start to-morrow morning, and have a meeting of the Union men to-morrow night, who, I have no doubt, will gladly accept it." To which he replied, "It's too late, now; the fleet sailed on Friday evening."

In 1866, the Reconstruction Committee of Congress got an inkling of this interview between Lincoln and Baldwin, called Baldwin as a witness, and questioned him about it. He testified that he had an interview with the President at the date mentioned, but denied that Lincoln had offered to evacuate Fort Sumter if the Virginia Convention would adjourn *sine die*. Thereupon Botts collected and published a mass of collateral evidence to show that Baldwin had testified falsely.

Botts says in his book that he had confirmatory letters from Governor Peirpoint, General Millson, of Virginia, Dr. Stone, of Washington, Hon. Garrett Davis (Senator from Kentucky), Robert A. Gray, of Rockingham (brother-in-law to Baldwin), Campbell Tarr, of Wheeling, and three others, to whom Lincoln made the statement regarding his interview with

Baldwin, in almost the same language in which he made it to Botts himself. Botts quotes from two letters written to him by John F. Lewis in 1866, in which the latter says that Baldwin acknowledged to him (Lewis) that Lincoln did offer to evacuate Fort Sumter on the condition named. There are persons now living to whom Lewis made the same statement, verbally.

There is another piece of evidence, supplied by Rev. R. L. Dabney in the Southern Historical Society Papers, in a communication entitled "Colonel Baldwin's Interview with Mr. Lincoln." This purports to give the writer's recollections of an interview with Baldwin in March, 1865, at Petersburg, while the siege of that place was going on. Baldwin said that Secretary Seward sent Allan B. Magruder as a messenger to Mr. Janney, president of the Virginia Convention, urging that one of the Union members come to Washington to confer with Lincoln. Baldwin was called out of the convention by Summers on the 3d of April to see Magruder, and the latter said that Seward had authorized him to say that Fort Sumter would be evacuated on Friday of the ensuing week. The gentlemen consulted urged Baldwin to go to Washington, and he consented and did go promptly. Seward accompanied him to the White House and Lincoln took him upstairs into his bedroom and locked the door. Lincoln "took a seat on the edge of the bed, spitting from time to time on the carpet." The two entered into a long dispute about the right of secession. Baldwin insisted that coercion would lead to war, in which case Virginia would join in behalf of the seceded states.

> Lincoln's native good sense [the narrative proceeds], with Baldwin's

> evident sincerity, seemed now to open his eyes to the truth. He slid off the edge of the bed and began to stalk in his awkward manner across the chamber in great excitement and perplexity. He clutched his shaggy hair as though he would jerk out handfuls by the roots. He frowned and contorted his features, exclaiming, "I ought to have known this sooner; you are too late, sir, *too late*. Why did you not come here four days ago and tell me all this?" Colonel Baldwin replied: "Why, Mr. President, you did not ask our advice."

The foregoing narrative involves the supposition that Lincoln, in the midst of preparations for sending a fleet to Fort Sumter, dispatched a messenger to Richmond to bring a man to Washington to discuss with him the abstract question of the right of a state to secede, and that, having procured the presence of such a person, he took him into a bedroom, locked the door, and had the debate with him, taking care that nobody else should hear a syllable of it. Not a word about Fort Sumter, although Magruder, the messenger, had said that it would be evacuated on the following Friday! Yet the Rev. Mr. Dabney did not see the incongruity of the situation.

Nicolay and Hay say that Lincoln did not make any offer to Baldwin to evacuate Sumter, but did tell him what he had intended to say to Summers, if the latter had come to Washington at the right time.[53]

Douglas in combating the Rebels, in contrast to the

futile diplomacy of Seward:

A marvelous incident is related in Welles's Diary immediately after his narrative of the Harvey affair. It describes the activity and earnestness of Stephen A.

> Two days preceding the attack on Sumter, I met Senator Douglas in front of the Treasury Building. He was in a carriage with Mrs. Douglas, driving rapidly up the street. When he saw me he checked his driver, jumped from the carriage, and came to me on the sidewalk, and in a very earnest and emphatic manner said the rebels were determined on war and were about to make an assault on Sumter. He thought immediate and decisive measures should be taken; considered it a mistake that there had not already been more energetic action; said the dilatory proceedings of the Government would bring on a terrible civil war; that the whole South was united and in earnest. Although he had differed with the Administration on important questions and would never be in accord with some of its members on measures and principles that were fundamental, yet he had no fellowship with traitors or disunionists. He was for the Union and would stand by the Administration and all others in its

> defense, regardless of party. [Welles proposed that they should step into the State Department and consult with Seward.] The look of mingled astonishment and incredulity which came over him I can never forget. "Then you," he said, "have faith in Seward! Have you made yourself acquainted with what has been going on here all winter? Seward has had an understanding with these men. If he has influence with them, why don't he use it?"

Douglas considered it a waste of time and effort to talk to Seward, considered him a dead weight and drag on the Administration; said that Lincoln was honest and meant to do right, but was benumbed by Seward; but finally yielded to Welles's desire that they should go into Seward's office, in front of which they were standing. They went in and Douglas told Seward what he had told Welles, that the rebels were determined on war and were about to make an assault on Sumter, and that the Administration ought not to delay another minute, but should make instant preparations for war. All the reply they got from Seward was that there were many rash and reckless men at Charleston and that if they were determined to assault Sumter he did not know how they were to be prevented from doing so.

Seward's aims were patriotic but futile. He wished to save the Union without bloodshed, but the steps which he took were almost suicidal. What the country then needed was a jettison of compromises, and a resolution of doubts. Providence supplied these. The bombardment of Sumter accomplished the

object as nothing else could have done. Nothing could have been contrived so sure to awaken the volcanic forces that ended in the destruction of slavery as the spectacle in Charleston Harbor.

FOOTNOTES:

[51] *Diary of Gideon Welles*, I, 32.

[52] *Letters and Diaries of John Hay*, 1, 47.

[53] Nicolay and Hay, III, 428. Probably the entry in Hay's Diary had been forgotten when the History was written, twenty-five years later.

CHAPTER X

BULL RUN—THE CONFISCATION ACT

In company with other Senators, Trumbull went to the battle of Bull Run, July 21, 1861. His experience there he communicated to his wife, first by a brief telegram, and afterwards by letter. The telegram was suppressed by the authorities in charge of the telegraph office, who substituted one of their own in place of it and appended his name to it. The letter follows:

WASHINGTON, July 22nd, 1861.

We started over into Virginia about

9 o'clock A.M., and drove to Centreville, which is a high commanding position and a village of perhaps fifty houses. Bull Run, where the battle occurred, is South about 3 miles and the creek on the main road, looking West, is about 4-1/2 miles distant. The country is timbered for perhaps a mile West of the creek, between which and Centreville there are a good many cleared fields. At Centreville, Grimes and I got saddles and rode horseback down the main road towards the creek about three miles toward a hospital where were some few wounded soldiers and a few prisoners who had been sent back. This was about half-past three o'clock P.M. Here we met with Col. Vandever of Iowa, who gave us a very clear account of the battle. He had been with Gen. McDowell and Gen. Hunter, who with the strongest part of the army, had gone early in the morning a few miles north of the main road and crossed the creek to take the enemy in the flank. His division had very serious fighting, but had driven the enemy back and taken three of his batteries. At the hospital we were about one and a half miles from Generals Tyler and Schenck, Col. Sherman, etc., who were down the road in the woods and out of sight, with several

regiments and a number of guns. Their troops, Vandever told us, were a good deal demoralized, and he feared an attack from the South towards Bull Run where the battle of a few days ago was fought. About this time a battery, apparently not more than a mile and a half distant and from the South, fired on the battery where Sherman and Schenck were. The firing was not rapid. On the hill at Centreville we could see quite beyond the timber of the creek off towards Manassas and see the smoke and hear the report of the artillery, but not very rapid as I thought. This we observed before leaving Centreville, and were told it was our main army driving the enemy back, but slowly and with great difficulty.

While at the hospital McDougall of California came up from the neighborhood of Gen. Schenck and said he was going back towards Centreville to a convenient place where he could get water and take lunch. As Grimes and myself had got separated from Messrs. Wade and Chandler and Brown, who had with them our supplies, we concluded to go back with McD. and partake with him. We returned on the road towards Centreville and turned up towards a house fifty or a hundred yards from the road, where we

quietly took our lunch, the firing continuing about as before. Just as we were putting away the things we heard a great noise, and looking up towards the road saw it filled with wagons, horsemen and footmen in full run towards Centreville. We immediately mounted our horses and galloped to the road, by which time it was crowded, hundreds being in advance on the way to Centreville and two guns of the Sherman battery having already passed in full retreat. We kept on with the crowd, not knowing what else to do. On the way to Centreville many soldiers threw away their guns, knapsacks, etc. Gov. Grimes and I each picked up a gun. I soon came up to Senator Lane of Indiana, and the gun being heavy to carry and he better able to manage it, I gave it to him. Efforts were made to rally the men by civilians and others on their way to Centreville, but all to no purpose. Literally, three could have chased ten thousand. All this stampede was occasioned, as I understand, by a charge of not exceeding two hundred cavalry upon Schenck's column down in the woods, which, instead of repulsing as they could easily have done (having before become disordered and having lost some of their officers), broke and ran, communicating the panic to

everybody they met. The rebel cavalry, or about one hundred of them, charged up past the hospital where we had been and took there some prisoners, as I am told, and released those we had. It was the most shameful rout you can conceive of. I suppose two thousand soldiers came rushing into Centreville in this disorganized condition. The cavalry which made the charge I did not see, but suppose they disappeared in double-quick time, not dreaming that they had put a whole division to flight. Several guns were left down in the woods, though I believe two were brought off. What became of Schenck I do not know. Tyler, I understand, was at Centreville when I got back there. Whether other portions of our army were shamefully routed just at the close of the day, after we had really won the battle, it seems impossible for me to learn, though I was told that McDowell was at Centreville when we were there and that his column had also been driven back. If this be so it is a terrible defeat. At Centreville there was a reserve of 8000 or 10,000 men under Col. Miles who had not been in the action and they were formed in line of battle when we left there, but the enemy did not, I presume, advance to that point last night, as we heard

no firing. We fed our horses at Centreville and left there at six o'clock last evening. Came on to Fairfax Court House, where we got supper, and leaving there at ten o'clock reached home at half-past two this morning, having had a sad day and witnessed scenes I hope never to see again. Not very many baggage wagons, perhaps not more than fifty, were advanced beyond Centreville. From them the horses were mostly unhitched and the wagons left standing in the road when the stampede took place. This side of Centreville there were a great many wagons, and the alarm if possible was greater than on the other. Thousands of shovels were thrown out upon the road, also axes, boxes of provisions, etc. In some instances wagons were upset to get them out of the road, and the road was full of four-horse wagons retreating as fast as possible, and also of flying soldiers who could not be made to stop at Centreville. The officers stopped the wagons and a good many of the retreating soldiers by putting a file of men across the road and not allowing them to pass. In this way all the teams were stopped, but a good many stragglers climbed the fences and got by. I fear that a great, and, of course, a terrible slaughter has overtaken the

> Union forces—God's ways are inscrutable. I am dreadfully disappointed and mortified.

Copy of telegram sent to Mrs. Lyman Trumbull, July 22, 1861:

> The battle resulted unfavorably to our cause.
>
> LYMAN T.

When received by Mrs. Trumbull, it read:

> I came from near the battlefield last night. It was a desperately bloody fight.

The only bill of importance passed at the July session of Congress at Trumbull's instance was one to declare free all slaves who might be employed by their owners, or with their owners' consent, on any military or naval work against the Government, and who might fall into our hands. It was called a Confiscation Act, but it did not confiscate any other than slave property. It was an entering wedge, however, for complete emancipation which came by successive steps later.

At the beginning of the regular session (December, 1861), I was sent to Washington City as correspondent of the Chicago *Tribune*, and was, for the first time, brought into close relations with Trumbull. He had rented a house on G Street, near the Post-Office Department.

Very few Senators at that period kept house in Washington. At Mrs. Shipman's boarding-house on

Seventh Street, lived Senators Fessenden, Grimes, Foot, and Representatives Morrill, of Vermont, and Washburne, of Illinois; and there I also found quarters. As this was only a block distant from the Trumbulls', and as I had received a cordial welcome from them, I was soon on terms of intimacy with the family. Mr. Trumbull was then forty-eight-years of age, five feet ten and one half inches in height, straight as an arrow, weighing one hundred and sixty-seven pounds, of faultless physique, in perfect health, and in manners a cultivated gentleman. Mrs. Trumbull was thirty-seven years old, of winning features, gracious manners, and noble presence. Five children had been born to them, all sons. Walter, fifteen years of age, the eldest then living, had recently returned from an ocean voyage on the warship Vandalia, under Commander S. Phillips Lee. A more attractive family group, or one more charming in a social way or more kindly affectioned one to another, I have never known. Civilization could show no finer type.

The Thirty-seventh Congress met in a state of great depression. Disaster had befallen the armies of the Union, but the defeat at Bull Run was not so disheartening as the subsequent inaction both east and west. McClellan on the Potomac had done nothing but organize and parade. Frémont on the Mississippi had done worse than nothing. He had surrounded himself with a gang of thieves whose plundering threatened to bankrupt the treasury, and when he saw exposure threatening he issued a military order emancipating slaves, the revocation of which by the President very nearly upset the Government. The popular demand for a blow at slavery as the cause of the rebellion had increased in proportion as the military operations had been

disappointing. Lincoln believed that the time had not yet come for using that weapon. He revoked Frémont's order. He thereby saved Kentucky to the Union, and he still held emancipation in reserve for a later day; but he incurred the risk of alienating the radical element of the Republican party—an honest, fiery, valiant, indispensable wing of the forces supporting the Union. The explosion which took place in this division of the party was almost but not quite fatal. Many letters received by Trumbull at this juncture were angry and some mournful in the extreme. The following written by Mr. M. Carey Lea, of Philadelphia, touches upon a danger threatening the national finances, in consequence of this episode:

> PHILADELPHIA, Nov. 1, 1861.
>
> DEAR SIR: The ability of our Government to carry on this war depends upon its being able to continue to obtain the enormous amounts of money requisite. Of late, within a week or so, an alarming falling off in the bond subscriptions has taken place. Now it is upon these private subscriptions that the ability of the banks to continue to lend the Government money depends, and unless a change takes place they will be unable to take the fifty millions remaining of the one hundred and fifty millions loan. A member of the committee informed me lately that the banks had positively declined to pledge themselves before the 1st of December, notwithstanding Mr. Chase's desire that they should do

so.

This sudden diminution of subscriptions arises from the course taken by some of our friends in the West. Even suppose that Gen. Frémont is treated unfairly by the Government (and I think he is fairly termed incapable)—but suppose there should be injustice done him—you might disapprove it, but the moment there is any serious idea of *resisting* the act of the President, *this* war is ended. For the bare suggestion of such a thing has almost stopped subscriptions, and the serious discussion, much more the attempt, would instantly put an end to them.

I beg to remind you that in what I say I have no prejudice against Frémont. I voted for him and have always concurred in opinions with the Republican party, but we have now reached a point where, if we look to *men* and not to *principles*, we are shipwrecked. Frémont is not more anti-slavery in his views than Lincoln and Seward, and if he were in their place would adopt the same cautious policy. The state of affairs must be my excuse for intruding upon you these views. We *all* have *all* at stake and such a crisis leads those to speak who are ordinarily silent. I remain, my dear Sir,

Yours respectfully,

M. CAREY LEA.

To this weighty communication Trumbull made the following reply:

WASHINGTON, Nov. 5th, 1861.

MY DEAR SIR: Thanks for your kind letter just received. I was not aware of a disposition in the West to resist the act of the President in regard to Gen. Frémont; though I was aware that there was very great dissatisfaction in that part of the country at the want of enterprise and energy on that part of our Grand Army of the Potomac. We are fighting to sustain constitutional government and regulated liberty, and, of course, to set up any military leader in opposition to the constituted authorities would be utterly destructive of the very purpose for which the people of the loyal states are now so liberally contributing their blood and treasure, and could only be justified in case those charged with the administration of affairs were betraying their trusts or had shown themselves utterly incompetent and unable to maintain the Government. In my opinion this rebellion ought to and might have been crushed before

this.

I have entire confidence in the integrity and patriotism of the President. He means well and in ordinary times would have made one of the best of Presidents, but he lacks confidence in himself and the *will* necessary in this great emergency, and he is most miserably surrounded. Now that Gen. Scott has retired, I hope for more activity and should confidently expect it did I not know that there is still remaining an influence almost if not quite controlling, which I fear is looking more to some grand diplomatic move for the settlement of our troubles than to the strengthening of our arms. It is only by making this war terrible to traitors that our difficulties can be permanently settled. War means desolation, and they who have brought it on must be made to feel all its horrors, and our armies must go forth using all the means which God and nature have put in their hands to put down this wicked rebellion. This in the end will be done, and if our armies are vigorously and actively led will soon give us peace. I trust that Gen. McClellan will now drive the enemy from the vicinity of the Capital—that he has the means to do it, I have no doubt. If the case were reversed and the South had our means and our

> arms and men, and we theirs, they would before this have driven us to the St. Lawrence. If our army should go into winter quarters with the Capital besieged, I very much fear the result would be a recognition of the Confederates by foreign Governments, the demoralization of our own people, and of course an inability to raise either men or money another season. Such must not be. Action, action is what we want and must have. God grant that McClellan may prove equal to the emergency.
>
> Yours very truly,
>
> LYMAN TRUMBULL.

The "influence almost if not quite controlling" meant Seward. Secretary Cameron went to St. Louis to investigate Frémont and found him guilty. Two months later he followed Frémont's example.[54] In his report as Secretary of War he inserted an argument in favor of the emancipation and arming of slaves. This he sent to the newspapers in advance of its delivery to the President and without his knowledge. The latter discovered it in time to expunge the objectionable part and to prevent its delivery to Congress, but not soon enough to recall it from the press. The expunged part was published by some of the newspapers that had received it and was reproduced in the *Congressional Globe* (December 12), by Representative Eliot, of Massachusetts.

The next man to take upon himself the responsibility

of declaring the nation's policy on this momentous question was General David Hunter, who then held sway over a small strip of ground on the coast of South Carolina. In the month of May, 1862, he issued an order granting freedom to all slaves in South Carolina, Georgia, and Florida. Hunter's order was promptly revoked by the President.

Trumbull had been the pioneer, at the July session, in the way of legislation for freeing the slaves. On the first day of the regular session he took another step forward, by introducing a bill for the confiscation of the property of the rebels and for giving freedom to persons held as slaves by them. This came to be known as the Confiscation Act.

On the 5th of December, 1861, he reported the bill from the Committee on the Judiciary and made a brief speech on it. It provided that all the property, real and personal, situated within the limits of the United States, belonging to persons who should bear arms against the Government, or give aid and comfort to those in rebellion, which persons should not be reachable by the ordinary process of law, should be forfeited and confiscated to the United States and that the forfeiture should take immediate effect; and that the slaves of all such persons should be free. Also that no slaves escaping from servitude should be delivered up unless the person claiming them should prove that he had been at all times loyal to the Government. Also that no officer in the military or naval service should assume to decide whether a claim made by a master to an escaping slave was valid or not.

This bill was the *pièce de résistance* of senatorial debate for the whole session. Its confiscatory features

were attacked on the 4th of March by Senator Cowan, in a speech of great force. Cowan was a new Senator from Pennsylvania, a Republican of conservative leanings, and a great debater. He opposed the bill on grounds of both constitutionality and expediency. On the 24th of April, Collamer, of Vermont, expressed the sound opinions that private property could not be confiscated except by judicial process, and that even if it could be done it would be bad policy, since it would tend to prolong the war and would constitute a barrier against future peace.

The Confederate Government had led the way by passing a law (May 21, 1861) sequestrating all debts due to Northern individuals or corporations and authorizing the payment of the same to the Confederate Treasury. The whole subject was extremely complex. "There was commonly," says a recent writer in the *American Historical Review*, "a failure in the debates to discriminate between a general confiscation of property within the jurisdiction of the confiscating government and the treatment accorded by victorious armies to private property found within the limits of military occupation. Thus the general rule exempting private property on land from the sort of capture property must suffer at sea, was erroneously appealed to as an inhibition upon the right of judicial confiscation. That a military capture on land analogous to prize at sea was not regarded as a legitimate war measure was so obvious and well recognized a principle that it would hardly require a continual reaffirmation. It was a very different matter, however, so far as the law and practice of nations was concerned, for a belligerent to attack through its courts whatever enemy's property might be available within its limits."[55]

Collamer offered an amendment to strike out the first section of the bill and insert a clause providing that every person adjudged guilty of the crime of treason should suffer death, or, at the discretion of the court, be imprisoned not less than five years and fined not less than ten thousand dollars, which fine should be levied on any property, real or personal, of which he might be possessed. The fine was to be in lieu of confiscation. The aim of the amendment was to substitute due process of law in place of legislative forfeiture. Various other amendments were offered. On the 6th of May, the Senate voted by 24 to 14 to refer the bill and amendments to a select committee of nine. The House, which had been waiting for the Senate bill, decided on the 14th of May to take up a measure of its own, which it passed on the 26th. The select committee of the Senate framed a measure regarding the emancipation of escaping slaves. This and the House bill were sent to a conference committee, which reported the bill which became a law July 17, 1862.

This was not the end of it, however. Provision had been made in the bill for the forfeiture, by judicial process, of the property, both real and personal, of rebels, regardless of the clause of the Constitution which declares that "no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted." No such exception was made in the bill. The President considered it unconstitutional in this particular, and he wrote a short message giving his reasons for withholding his approval of the measure. A rumor of his intention reached Senator Fessenden, who called at the White House to inquire whether it was true. He had a frank conversation with the President, the result of which was that both houses passed a joint

resolution providing that no punishment or proceedings under the Confiscation Act should be so construed as to work a forfeiture of the real estate of the offender beyond his natural life. Lincoln's intended veto of the Confiscation Bill is printed on page 3406 of the *Congressional Globe*. Touching confiscation in general he expressed the golden opinion that "the severest justice may not always be the best policy." But he would not have vetoed the bill on grounds of expediency merely. The forfeiture of real estate in perpetuity was the insuperable objection in his mind. And he here seems to me to have been entirely right. Yet Trumbull had the support of Judge Harris, Seward's successor in the Senate, than whom nobody stood higher as a lawyer at that day.

The President then signed both the bill and the joint resolution. The Confiscation Act remained, however, practically a dead letter, except as to the freeing of the slaves. In the latter particular it was the first great step toward complete emancipation, since it took effect upon slaves within our lines, who could be reached and made free *de facto*. It provided that all slaves of persons who should be thereafter engaged in rebellion, escaping and taking refuge in the lines of the Union forces, and all such slaves found in places captured by such forces, should be declared free; that no slaves escaping should be delivered up unless the owner should swear that he had not aided the rebellion; that no officer of the United States should assume to decide on the validity of the claim of any person to an escaping slave; that the President should be authorized to employ negroes for the suppression of the rebellion in any capacity he saw fit; and that he might colonize negroes with their own consent and the consent of

the foreign Government receiving them.

According to a report of the Solicitor of the Treasury dated Dec. 27, 1867, the total proceeds of confiscation actually paid into the Treasury up to that time amounted to the insignificant sum of $129,680.

The enforcement of the confiscation act was placed under the charge of the Attorney-General. Practically, however, it was performed by officers of the army, so far as it was enforced at all. General Lew Wallace, while in command of the Middle Department at Baltimore, in 1864, issued two orders declaring his intention to confiscate the property of certain persons who were either serving in the rebel army or giving aid to the Confederate cause. These orders, which were published in the newspapers, came to the notice of Attorney-General Bates, who at once wrote to Wallace to remind him that the execution of the confiscation act devolved upon the Attorney-General, and that he (Bates) had not given any orders which would warrant the Commander of the Middle Department in seizing private property, and requesting him to withdraw the orders. Wallace replied that his construction of the law differed from that of the Attorney-General and that he should execute it according to his own understanding of it. Thereupon Bates took the orders, and the correspondence, to the President and declared his intention to resign his office if his functions were usurped by military men in the field, or by the War Department. Lincoln took the papers, and directed Secretary Stanton to require Wallace to withdraw the two orders and to desist from confiscation altogether. This was done by Stanton, but the orders were never publicly withdrawn although action under them was

discontinued.

FOOTNOTES:

[54] Gideon Welles quotes Montgomery Blair as saying in conversation (September 12, 1862): "Bedeviled with the belief that he might be a candidate for the Presidency, Cameron was beguiled and led to mount the nigger hobby, alarmed the President with his notions, and at the right moment (B. says) he plainly and promptly told the President he ought to get rid of C. at once, that he was not fit to remain in the Cabinet, and was incompetent to manage the War Department, which he had undertaken to run by the aid of Tom A. Scott, a corrupt lobby jobber from Philadelphia." (*Diary*, I, 127.)

[55] Article on "Some Legal Aspects of the Confiscation Acts of the Civil War," by J. G. Randall. *Am. Hist. Review*, October, 1912.

CHAPTER XI

THE EXPULSION OF CAMERON

Early in the year 1862, it was found that the national

credit was sinking in consequence of frauds in the War Department. A Committee on Government Contracts was appointed by the House, and the first man to fall under its censure was Alexander Cummings, one of the two Pennsylvania politicians with whom David Davis had made his bargain for votes at the Chicago convention.

The War Department was represented at New York by General Wool with a suitable staff, Major Eaton being the commissary. There was also a Union Defense Committee consisting of eminent citizens who had volunteered to serve the Government in whatever capacity they might be needed. Nevertheless, Secretary Cameron placed a fund of two million dollars in the hands of General Dix, Mr. Opdycke, and Mr. Blatchford, to be disbursed by E. D. Morgan and Alexander Cummings, or either of them, for the purpose of forwarding troops and supplies to Washington. As E. D. Morgan was Governor of the State and was busy at Albany, this arrangement would be likely to devolve most of the purchases on Cummings alone. Cameron wrote on April 2, to Cummings:

> The Department needs at this moment an intelligent, experienced, and energetic man on whom it can rely, to assist in pushing forward troops, munitions, and supplies. I am aware that your private affairs may demand your time. I am sure your patriotism will induce you to aid me even at some loss to yourself.

Major Eaton, the army commissary, distinctly informed Cummings that his services were not

needed in the purchase of supplies. Nevertheless, Cummings drew $160,000 out of the two-million fund and proceeded to disburse the same. He first appointed a certain Captain Comstock to charter or purchase vessels. Captain Comstock went to Brooklyn, accompanied by a friend, and inspected a steamer appropriately named the Catiline, which he found could be bought for $18,000. Before he made his report to Cummings, the friend who accompanied him suggested to another friend named John E. Develin that there was a chance to make some money "by good management." Comstock at the same time assured Colonel D. D. Tompkins, of the Quartermaster's Department, that the ship was worth $50,000. Comstock testified that he was sent for by Thurlow Weed to come to the Astor House at the outbreak of the troubles, and that Weed stated to him that he (Weed) was an agent of the Government to send troops and munitions of war to Washington by way of the Chesapeake, and that he wished to charter vessels for that purpose. Afterwards Cummings called upon Comstock and showed him the same authority that Weed had shown.

The Catiline was bought by Develin for $18,000. The seller of the ship testified that he received, as security for the purchase money, four notes of $4500 each executed by Thurlow Weed, John E. Develin, G. C. Davidson, and O. B. Matteson. Matteson had been a member of a previous Congress from Utica, New York, but had been expelled from the House. The Catiline was chartered for the Government at the rate of $10,000 per month for three months, with an agreement that if she were lost in the service the owners should be paid $50,000. The title to the Catiline was, for convenience, placed in the name of a Mr. Stetson.

Cummings was examined by the Committee on Government Contracts. He testified that he had formerly been the publisher of the Philadelphia *Evening Bulletin*, and later publisher of the New York *World*, and that he had resided in the latter city about eighteen months; his family still residing in Philadelphia. The purchases made by him to be shipped on the Catiline consisted mainly of groceries and provisions, including twenty-five casks of Scotch ale, and twenty-five casks of London porter; but he testified that he did not see any of the articles bought, nor did he have any knowledge of their quality, nor did he see any of them put on board the ship. The purchases, he said, were made from the firm of E. Corning & Co., of Albany, through a member of the firm named Davidson, whom Cummings met at the Astor House. Cummings assumed that Davidson was a member of the firm because Davidson told him so; he had no other evidence of the fact. He assumed also that Corning & Co. were dealers in provisions, but had no absolute knowledge on that point.[56] He supposed that the goods were shipped from Albany to be loaded on the Catiline, but did not know that such was the fact. All these details he left to his clerk, James Humphrey, who had been recommended as clerk by Thurlow Weed. Cummings testified that he did not know Humphrey before; did not know whether he had ever been in business in Albany or in New York; took him on Weed's recommendation; made no bargain with him as to salary; did not know where he could be found now. Bought a lot of hard bread from a house in Boston. Questioned to whom he made payment for this bread, he answered: "Directly to the party selling it, I suppose." "By you?" "By my clerk, I suppose." Did not recollect who first suggested the purchase of

bread. Had no directions from the Government to purchase any particular articles. Bought a quantity of straw hats and linen pantaloons, thinking they would be needed by the troops in warm weather. Did not personally know that any of the goods had been loaded on the steamer or by whom they should have been so loaded. The cargo was certified by Cummings to Cameron as shipped for the Government. Mr. Barney, Collector of the Port, refused to give a clearance to the Catiline to sail. Mr. Stetson, the owner, produced a letter from Thurlow Weed requesting a clearance, but Barney still refused. Finally General Wool gave a "pass" on which the Catiline sailed without a clearance. General Wool revoked the pass on the following day, but the ship had already departed.[57]

The report says: "The Committee have no occasion to call in question the integrity of Mr. Cummings." We must infer, therefore, that he was chosen by Cameron to disburse Government money in this emergency because he was an extraordinary simpleton, and likely to be guided by Thurlow Weed in buying army supplies from a hardware firm in Albany, and an unknown Boston house that furnished hard bread.

Congressman Van Wyck of New York, a member of the Committee, said that Mr. Weed's absence from home had prevented an examination into the nature and extent of his agency in the matter of the Catiline. [58] At the time when Weed's testimony was wanted he was in Europe acting as a volunteer diplomat "assisting to counteract the machinations of the agents of treason against the United States in that quarter," as appears by a letter of Secretary Seward to Minister Adams, dated November 7, 1861.

The Committee on Government Contracts were unable to determine whether the cargo of the Catiline was a private speculation or a *bona-fide* purchase for the Government. The character of the goods purchased and the mode of purchase pointed to the former conclusion. Scotch ale and London porter were not embraced in any list of authorized rations, nor were straw hats and linen pantaloons included in quartermaster's stores. Congressman Van Wyck conjectured that it was a private speculation until Collector Barney refused to grant a clearance, and that then it was turned over to the Government. Mr. Stetson, who applied for the clearance, first told the Collector that the ship was loaded with flour and provisions belonging to several of his friends. When he called the second time he testified that the cargo consisted of supplies for the troops. The ship was destroyed by fire before the three months' charter expired.

On the 13th of January, Henry L. Dawes, of Massachusetts, another member of the committee, alluded to certain purchases of cavalry horses, saying:

> A regiment of cavalry has just reached Louisville one thousand strong, and a board of army officers has condemned four hundred and eighty-five of the one thousand horses as utterly worthless. The man who examined those horses declared, upon his oath, that there is not one of them worth twenty dollars. They are blind, spavined, ring-boned, with the heaves, with the glanders, and with every disease

that horseflesh is heir to. Those four hundred and eighty-five horses cost the Government, before they were mustered into the service, $58,200, and it cost the Government to transport them from Pennsylvania to Louisville, $10,000 more before they were condemned and cast off.

There are, sir, eighty-three regiments of cavalry one thousand strong now in or roundabout the army. It costs $250,000 to put one of those regiments upon its feet before it marches a step. Twenty millions of dollars have thus far been expended upon these cavalry regiments before they left the encampments in which they were gathered and mustered into the service. They have come here and then some of them have been sent back to Elmira; they have been sent back to Annapolis; they have been sent here and they have been sent there to spend the winter; and many of the horses that were sent back have been tied to posts and to trees within the District of Columbia and there left to starve to death. A guide can take you around the District of Columbia to-day to hundreds of carcasses of horses chained to trees where they have pined away, living on bark and limbs till they starve and die; and the Committee for the District of Columbia have been compelled to

> call for legislation here to prevent the city wherein we are assembled from becoming an equine Golgotha. [59]

Horse contracts of this sort had been so plentiful that Government officials had gone about the streets of Washington with their pockets full of them. Some of these contracts had been used to pay Cameron's political debts and to cure old political feuds, and banquets had been given with the proceeds, "where the hatchet of political animosity," said Dawes, "was buried in the grave of public confidence and the national credit was crucified between malefactors."

Dawes said also that there was "indubitable evidence that somebody has plundered the public treasury well-nigh in a single year as much as the entire current yearly expenses of the Government which the people hurled from power because of its corruption"—meaning Buchanan's Administration. [60]

In the Senate on the 14th, Trumbull, quoting from the testimony of the House Committee, said that Hall's carbines, originally owned by the Government, but condemned and sold as useless at about $2 each, were purchased back for the Government, in April or May, at $15 each. In June, the Government sold them again at $3.50 each. Afterwards in August, they were purchased by an agent of the Government at $12.50 each and turned over to the Government at $22 each, and the Committee of the House was then trying to prevent this last payment from being made, and eventually succeeded in doing so. The beneficiary in this case was one Simon Stevens, not a relative of Thaddeus Stevens, but a protégé of his,

and an occupant of his law office. He operated through General Frémont, not through Cameron.

"Sir," said Dawes, "amid all these things is it strange that the public treasury trembles and staggers like a strong man with a great burden upon him? Sir, the man beneath an exhausted receiver gasping for breath is not more helpless to-day than is the treasury of this Government beneath the exhausting process to which it is subjected."

Somewhat later Congressman Van Wyck showed, among other things, that Thurlow Weed, by the favor of Cameron, had established himself between the Government and the powder manufacturers in such a way as to pocket a commission of five per cent on purchases of ammunition.[61]

The committee visited severe censure on Thomas A. Scott, for acting as Assistant Secretary of War, while holding the office of vice-president of the Pennsylvania Central Railroad. Scott said that he ceased to draw salary from the railroad when he became Assistant Secretary, but that he had retained his railroad connection because he considered it of more value to himself than the other position. The committee considered it highly improper for him to hold the power to award large Government contracts for transportation and to fix prices therefor while he had personal railroad interests, and while Secretary Cameron, to whom he owed his appointment, was interested in the Northern Central Railroad. The latter was commonly called "Cameron's road." An order had been issued by Scott, without consultation with the Quartermaster-General of the army, fixing the rates to be paid for the transportation of troops, baggage, and supplies. The Quartermaster-General

testified that Scott's order as to prices was addressed to one of his own subordinates and that he first saw it in the hands of that subordinate. He construed it, however, as an order from his superior officer and therefore as governing himself. Officers of other railroads testified that the rates fixed by Scott were much too high considering the magnitude and kind of work to be done. Thus, the rate for transporting troops was fixed at two cents per mile per man, whether carried in passenger cars or in box cars, and whether taken as single passengers or by regiments.

Nicolay and Hay tell us that Cameron's departure from the Cabinet was in consequence of his disagreement with the President as to that part of his report relating to the arming of slaves; that although nothing more was said by either himself or Lincoln on that subject, "each of them realized that the circumstance had created a situation of difficulty and embarrassment which could not be indefinitely prolonged." Cameron, they say, began to signify his weariness of the onerous labors of the War Department, and hinted to the President that he would prefer the less responsible duties of a foreign mission. To outsiders this affair seemed to have completely blown over when, on January 11, 1862, Lincoln wrote the following short note:

> MY DEAR SIR: As you have more than once expressed a desire for a change of position, I can now gratify you consistently with my view of the public interest. I, therefore, propose nominating you to the Senate next Monday as Minister to Russia.
>
> Very sincerely your friend,

A. LINCOLN.

The real facts were given to the world by A. K. McClure somewhat later in his book on "Lincoln and Men of War-Time." He says that Cameron's dismissal was due to the severe strain put upon the national credit, which led to the severest criticisms of all manner of public profligacy, culminating in a formal appeal to the President from leading financial men of the country for an immediate change of the Secretary of War; that Lincoln's letter of dismissal was sent to Cameron by the hand of Secretary Chase, and that it was extremely curt, being almost, if not quite, literally as follows: "I have this day nominated Hon. Edwin M. Stanton to be Secretary of War and you to be Minister Plenipotentiary to Russia"; that Cameron in great agitation brought this missive to the room of Thomas A. Scott, Assistant Secretary of War, where Mr. McClure happened to be dining and showed it to them; that he wept bitterly, and said that it meant his personal degradation and political ruin. Scott and McClure volunteered to see Lincoln and ask him to withdraw the offensive letter and to permit Cameron to antedate a letter of resignation, to which Lincoln consented. "The letter conveyed by Chase was recalled; a new correspondence was prepared, and a month later given to the public."[62]

McClure palliates Cameron's conduct by saying that "contracts had to be made with such haste as to forbid the exercise of sound discretion in obtaining what the country needed; and Cameron, with his peculiar political surroundings and a horde of partisans clamoring for spoils, was compelled either to reject the confident expectation of his friends or to submit to imminent peril from the grossest abuse of

his delegated authority." This is another way of saying that he was compelled either to pay his political debts out of his own pocket, or give his henchmen access to the public treasury, and that he chose the latter alternative.

The House of Representatives passed a resolution of censure upon Cameron for investing Alexander Cummings with the control of large sums of the public money and authorizing him to purchase military supplies without restriction when the services of competent public officers were available. A few days later the President sent to the House a special message, assuming for himself and the entire Cabinet the responsibility for adopting that irregular mode of procuring supplies in the then existing emergency, a message which, when read in the light of Cummings's testimony, adds nothing to Lincoln's fame.

There was a struggle in executive session of the Senate, lasting four days, over the confirmation of Cameron as Minister to Russia. Trumbull took the lead in opposition. He considered it an immoral act, like giving to an unfaithful servant a "character" and exposing society to new malfeasance at his hands. He believed and said that the new office conferred upon him would serve simply as whitewash to enable him to recover his seat in the Senate, and that that was the reason why he wanted the mission to Russia.

Sumner, the Chairman of the Committee on Foreign Relations, had been much impressed by Cameron's anti-slavery zeal. As soon as the nomination came in, he moved that it be confirmed unanimously and without reference to any committee, which was the usual custom in cases where ex-Senators of good

repute were nominated to office. Objection being made, the nomination went over. This was the day on which Dawes made his speech in the House. Sumner saw the speech, called Cameron's attention to it, and asked what answer should be made to such accusations. Cameron replied that he had never made a contract for any kind of army supplies since he had been Secretary of War, but had left all such business to the heads of bureaus charged with such duties, and had never interfered with them. On the 15th he put this statement in writing and addressed it to Vice-President Hamlin:—

> I take this occasion to state that I have myself not made a single contract for any purpose whatever, having always interpreted the laws of Congress as contemplating that the heads of bureaus, who are experienced and able officers of the regular army, shall make all contracts for supplies for the branches of the service under their care respectively.
>
> So far I have not found any occasion to interfere with them in the discharge of this portion of their responsible duties.
>
> I have the honor to be, respectfully, your obedient servant,
>
> SIMON CAMERON.
>
> HON. H. HAMLIN,
> President of the Senate of the United States.

In reply Dawes produced documents to show that there were then outstanding contracts, made by Cameron himself, for 1,836,900 muskets and rifles, and for only 64,000 by the Chief of Ordnance, the officer charged with that duty, and that on the very day when the letter to Hamlin was written, Cameron made a contract, against the advice of the Chief of Ordnance, for an unlimited number of swords and sabres—all that a certain Philadelphia firm could produce in a given time. This was done after he had resigned and before his successor, Stanton, had been sworn in.[63]

Cameron was confirmed as Minister to Russia on the 17th, by a vote of 28 to 14. The Republican Senators who voted against confirmation were Foster, Grimes, Hale, Harlan, Trumbull, and Wilkinson. Trumbull handed me this list of names for publication, saying that all of them desired to have it published.

Cameron remained abroad until time and more exciting events had cast a kindly shadow on his record. He then came home and a few years later was reëlected to the Senate. When the attack was made on his dear friend Sumner, which ended in displacing him from the chairmanship of the Committee on Foreign Relations, which he had held ten years, Cameron retreated to a Committee room, as to a cyclone cellar, where he remained until the deed was done, leaving Trumbull, Schurz, and Wilson to fight the battle for his dear friend. Then he returned and sat down in the chair thus made vacant. He subsequently explained that he did so because his name was the next one to Sumner's on the committee list.[64]

FOOTNOTES:

[56] E. Corning & Co., of Albany, were dealers in stoves and hardware.

[57] House Report no. 2, 37th Congress, 2d Session, p. 390. Cummings reappears in Welles's *Diary*, near the close of Andrew Johnson's Administration, as a favored candidate for the office of Commissioner of Internal Revenue. The report of the Committee on Government Contracts had been forgotten or only vaguely remembered. Welles had a dim recollection that Cummings had a spotted record, and he warned Johnson against him. Seward indorsed him, however; said he was "a capital man for the place—no better could be found." (*Diary of Gideon Wells*, III, 414.)

[58] *Cong. Globe*, February, 1862, p. 710.

[59] *Cong. Globe*, January. 1862, p. 208.

[60] *Cong. Globe*, April, 1862, p. 1841.

[61] *Cong. Globe*, February, 1862, p. 712.

[62] *Lincoln and Men of War Time*, p. 165.

[63] Dawes, *Cong. Globe*, April, 1862, p. 1841.

[64] *Congressional Record*, 43d Cong., 1st Sess., p. 3434.

CHAPTER XII

ARBITRARY ARRESTS

The jaunty manner in which Secretary Seward administered the laws respecting the liberty of the citizen in the earlier years of the war is treated by John Hay with a humorous touch under date October 22, 1861:

> To-day Deputy Marshal came and asked what he should do with process to be served on Porter in contempt business. I took him over to Seward and Seward said: "The President instructs you that the *habeas corpus* is suspended in this city at present, and forbids you to serve any process upon any officer here." Turning to me: "That is what the President says, is it not, Mr. Hay?" "Precisely his words," I replied; and the thing was done.[65]

Prior to the assembling of Congress in July, 1861, the President had given to General Winfield Scott authority in writing to suspend the privilege of the writ of *habeas corpus* at any point on the line of the movement of troops between Philadelphia and Washington City. Without other authority Seward began to issue orders for the arrest and imprisonment of persons suspected of disloyal acts or designs, not only on the line between Philadelphia and Washington City, but in all parts of the country.

When the special session of Congress began, Senator

Wilson, Chairman of the Committee on Military Affairs, introduced a joint resolution to declare these and other acts of the President "legal and valid to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States." The clause of the Constitution which says that the privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it, does not say in what mode, or by what authority, it may be suspended.

Straightway there were differences of opinion as to the lodgment of the power to suspend, whether it was in the executive or in the legislative branch of the Government. Other differences cropped up as to the phraseology of the Wilson Resolution and its legal intendment. It might be construed as an affirmance by Congress that the President's act suspending the writ was lawful at the time when he did it, or, on the other hand, that it became lawful only after Congress had so voted, and hence was unlawful before. These diversities of opinion were very tenaciously held by different members of the Senate and House, of equal standing in the legal profession. The result was that Wilson's joint resolution was debated at great length, but did not pass. Instead of it an amendment was added to one of the military bills declaring that all acts, proclamations, and orders of the President after the 4th of March, 1861, respecting the army and navy, should stand approved and legalized as if they had had the previous express authority of Congress; and the bill was passed as amended. This was understood to be a mere makeshift for the time being.

The general question was again brought to the attention of Congress by Trumbull, December 12, 1861, when he introduced in the Senate the following resolution:

> Resolved, that the Secretary of State be directed to inform the Senate whether, in the loyal states of the Union, any person or persons have been arrested by orders from him or his department; and if so, under what law said arrests have been made and said persons imprisoned.

When this resolution came up for consideration (December 16), Senator Dixon, of Connecticut, objected strongly to it. He thought that it was unnecessary and unwise, and that it could result in nothing advantageous to the cause of the Union. Some of the persons referred to, he said, had been arrested in his own state. They had manifested their treasonable purposes by attempting to institute a series of peace meetings, so-called, by which they hoped to debauch the public mind under false pretense of restoring peaceful relations between the North and the South. The Secretary of State had put a sudden stop to their treasonable designs by arresting and imprisoning one or more of them. He contended that the Secretary had done precisely the right thing, at precisely the right time, and had nipped treason in Connecticut in the bud. The only criticism which loyal citizens had to make of his doings was that he had not arrested a greater number. If there had been any error on the part of the Executive, it had been on the side of lenity and indulgence. He, Dixon, would not vote for an inquiry into the legality of such arrests because they found

their justification in the dire necessity of the time.

Trumbull asked how the Senator knew that the persons arrested were traitors. Who was to decide that question? If people were to be arrested and imprisoned indefinitely, without any charges filed against them, without examination, without an opportunity to reply, at the click of the telegraph, in localities where the courts were open, far from the theatre of war, such acts were the very essence of despotism. The only purpose of making the inquiry was to regulate these proceedings by law. If additional legislation was necessary to put down treason or punish rebel sympathizers in Connecticut, or in any other loyal state, he (Trumbull) was ready to give it, but he was not willing to sanction lawlessness on the part of public officials on the plea of necessity. He denied the necessity. The principle contended for by the Senator from Connecticut would justify mobs, riots, anarchy. He understood that some of the parties arrested had been discharged without trial and he asked if Mr. Dixon justified that. Then the following ensued:

> MR. DIXON. I do.
>
> MR. TRUMBULL. Then the Senator justifies putting innocent men in prison. Else why were they discharged? I take it that was the reason for their discharge. I have heard of such cases.
>
> MR. DIXON. They ought to be discharged, then.
>
> MR. TRUMBULL. They ought to be discharged, and they ought to be

arrested, too. An innocent man ought to be arrested, put into prison, and by and by discharged. Sir, that is not my idea of individual or constitutional liberty. I am engaged, and the people whom I represent are engaged, in the maintenance of the Constitution and the rights of the citizens under it. We are fighting for the Government as our fathers made it. The Constitution is broad enough to put down this rebellion without any violations of it. I do not apprehend that the present Executive of the United States will assume despotic powers. He is the last man to do it. I know that his whole heart is engaged in endeavoring to crush this rebellion, and I know that he would be the last man to overturn the Constitution in doing it. But, sir, we may not always have the same person at the head of our affairs. We may have a man of very different character, and what we are doing to-day will become a precedent upon which he will act. Suppose that when the trouble existed in Kansas, a few years ago, the then President of the United States had thought proper to arrest the Senator or myself, and send him or me to prison without examination, without opportunity to answer, because in his opinion we were dangerous to the peace of the

> country, and the necessity justified it. What would the Senator have thought of such action?

The debate lasted the whole day. Senators Hale, Fessenden, Kennedy, and Pearce, of Maryland, supported the resolution. Senators Wilson, of Massachusetts, and Browning, of Illinois, opposed it.

Read in the light of the present day the arguments of the opposition are extremely flimsy. They said in effect: "We know that our rulers mean well; if we ask them any questions, we shall cast a doubt upon their acts and then the wicked will be encouraged in their wrongdoing, and treason will multiply in the land." It was Trumbull's opinion that arbitrary arrests were causing division and dissension among the loyal people of the North, and were thus doing more harm than good, even from the standpoint of their apologists. Democratic conventions censured them. That of Indiana, for example, resolved:

> That the total disregard of the writ of *habeas corpus* by the authorities over us and the seizure and imprisonment of the citizens of the loyal states where the judiciary is in full operation, without warrant of law and without assigning any cause, or giving the party arrested any opportunity of defense, are flagrant violations of the Constitution, and most alarming acts of usurpation of power, which should receive the stern rebuke of every lover of his country, and of

> every man who prizes the security and blessings of life, liberty, and property.

At the close of the debate, Senator Doolittle moved to refer the resolutions to the Committee on the Judiciary, in order to have a report on the question whether the right to suspend the writ of *habeas corpus* appertains to the President or to Congress. This motion was opposed by Trumbull, but it prevailed by a vote of 25 to 17, and the subject was shelved for six months.

The question upon which Senator Doolittle wanted information had already been decided, so far as one eminent jurist could decide it, in the case of John Merryman, a citizen of Maryland, who was arrested at his home in the middle of the night on the 25th of May, 1861. He applied to Chief Justice Taney for a writ directing General Cadwalader, the commandant of Fort McHenry, to produce him in court, on the ground that he had been arrested contrary to the Constitution and laws of the United States. He stated that he had been taken from his bed at midnight by an armed force pretending to act under military orders from some person to him unknown.

The Chief Justice issued his writ and General Cadwalader sent his regrets by Colonel Lee, saying that the prisoner was charged with various acts of treason and that the arrest was made by order of General Keim, who was not within the limits of his command. He said further that he was authorized by the President of the United States to suspend the writ of *habeas corpus* for the public safety. He requested that further action be postponed until he could receive additional instructions from the President.

Judge Taney thereupon issued an attachment against General Cadwalader for disobedience to the high writ of the court. The next day United States Marshal Bonifant certified that he sent in his name from the outer gate of the fort, which he was not permitted to enter, and that the messenger returned with the reply that there was no answer to his card, and that he was thereupon unable to serve the writ. The Chief Justice then read from manuscript as follows:

> 1. The President, under the Constitution and laws of the United States, cannot suspend the privilege of the writ of *habeas corpus*, nor authorize any military officer to do so.
>
> 2. A military officer has no right to arrest and detain a person not subject to the rules and articles of war, for an offense against the laws of the United States, except in aid of the judicial authority and subject to its control, and if the party is arrested by the military, it is the duty of the officer to deliver him over immediately to the civil authority to be dealt with according to law.

The Chief Justice then remarked orally that if the party named in the attachment were before the court he should fine and imprison him, but that it was useless to attempt to enforce his legal authority, and he should, therefore, call upon the President of the United States to perform his constitutional duty and enforce the process of the court.

July 8, 1862, the House, after a brief debate, passed a bill reported by its Judiciary Committee directing the Secretaries of State and of War to report to the judges of the courts of the United States the names of all persons held as political prisoners, residing in the jurisdiction of said judges, and providing for their prompt release unless the grand jury should find indictments against them during the first term of court thereafter. The bill also authorized the President, during any recess of Congress, to suspend the privilege of the writ of *habeas corpus* throughout the United States, or any part thereof, in cases of rebellion, or invasion, where the public safety might require it, until the meeting of Congress. Mr. Bingham, of Ohio, who reported the bill, explained that the committee did not attempt to decide whether the right to suspend the writ of *habeas corpus* was vested in the executive or in the legislative branch of the Government. That was a matter of dispute, and the bill was intended to settle doubts, not theoretically but practically. If the right belonged to the Executive under the Constitution the passage of the bill would do no harm; if it belonged to Congress the bill would enable the President to exercise it legally. A motion to lay the bill on the table was negatived by a vote of 29 to 89, after which it was passed without a division.

July 15, Trumbull reported this bill from the Judiciary Committee of the Senate with a recommendation that it pass. It was opposed vigorously by Wilson, of Massachusetts, who called it a general jail delivery for the benefit of traitors. He moved to strike out all of it except the section which authorized the President to suspend the privilege of the writ of *habeas corpus*. This motion was rejected

by a majority of one, but the session came to an end on the following day without a final vote on the passage of the bill.

In the meantime President Lincoln had seen fit to transfer the license of making arbitrary arrests from the Secretary of State to the Secretary of War. The change was no betterment, however, for, where Seward had previously chastised the suspected ones with whips, Stanton now chastised them with scorpions. Arbitrary arrests became more numerous and arbitrary than before. A special bureau was created for them under charge of an officer styled the Provost Marshal of the War Department.

In the ensuing political campaign the Democrats made the greatest possible use of the issue thus presented, and they showed large gains in the congressional elections in the autumn of 1862. They carried New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, and Wisconsin. Horatio Seymour was elected governor of the Empire State, and William A. Richardson (Democrat) was chosen by the legislature of Illinois as Senator in place of Browning, who was filling the vacancy caused by the death of Senator Douglas. It is impossible to say how much influence the arbitrary arrests had in producing these results, but it is certain that the Republican leaders were alarmed. Stanton fell into a panic. The general jail delivery apprehended by Wilson took place by a stroke of Stanton's pen on the 22d of November, without waiting for the final vote on Trumbull's bill, and Wilson himself voted for the bill.

In the House, Thaddeus Stevens introduced a bill to indemnify the President and all persons acting under his authority for arrests and imprisonments

previously made. This was passed under the previous question, December 8, unfairly and without debate.

When Congress reassembled in December, Trumbull called up the House bill and offered a substitute for it. He held that under the Constitution Congress must authorize and regulate the suspension of the writ of *habeas corpus*. He would not, however, limit the exercise of the executive power to the time of meeting of the next Congress, as the House bill provided. His substitute proposed that the suspension of the writ should be left to the discretion of the President as to time and place during the continuance of the rebellion, but that political prisoners should not be held indefinitely without knowing the charges against them. The second section provided that lists of all prisoners of this class in the loyal states should be furnished, within twenty days, to the courts of the respective districts and laid before the grand juries with a statement of the charges against them, and if no indictments should be found against them during that term of court they should be discharged upon taking an oath of allegiance to the United States, and (if required by the judge) giving a bond for good behavior. Future arrests for political offenses were to be regulated in like manner. Collamer moved to strike out the second section, but failed by two votes.

Republican resistance to this measure now ceased and the rôle of opposition was taken up by the Democrats. Powell, of Kentucky, contended that the power to suspend the writ of *habeas corpus* was lodged in Congress exclusively and could not be delegated to the President. He raised the objection also that there was no definition of the phrase "political offenses." Trumbull agreed to strike out

that phrase altogether, in which case the President would have the power to suspend the writ for all offenses, and could determine for himself which ones were political and which were non-political. As to the right of Congress to delegate its own powers to the President in analogous cases, he cited the power to borrow money, the power to grant letters of marque and reprisal, and the power to call forth the militia, all of which were lodged in Congress, but which Congress never exercised directly, but only by delegating its powers to the Executive.

Senator Carlile, of Virginia, held that the writ of *habeas corpus* ought never to be suspended in places where the courts were open. Trumbull replied that if it were not suspended in those places it could never be suspended at all, for if there were no courts open, the writ itself could not be issued. Yet the Constitution clearly contemplated the necessity of suspending it in certain conditions where it actually existed.

February 23, 1863, Trumbull's substitute was agreed to by yeas 25, nays 12, and the bill was passed by 24 to 13. All of the negative votes, except two, were cast by Democrats.

February 27, the Senate took up the Stevens House bill to indemnify the President and adopted a substitute proposed by Trumbull. The substitute was not adopted by the House, but a conference was asked for and agreed to by the Senate. The conferees decided to consolidate into one act the Indemnity Bill and the *Habeas Corpus* Bill, which was still pending between the two houses. The report of the Conference Committee was presented to the Senate by Trumbull on March 2, one day before the end of

the Thirty-seventh Congress.

Except the financial bills, this was the most important measure of the session, and the one about which the most heat had been engendered. On the 24th of September, 1862, the President had proclaimed martial law throughout the nation as to persons discouraging enlistments or resisting the Conscription Act and had suspended the writ of *habeas corpus* as to such persons. On the 1st of January following, he had issued the Emancipation Proclamation, of which he had given preliminary notice one hundred days before. These measures were extremely distasteful to the Democrats and especially so to those of the border slave states. The pending measure was intended to condone all former arbitrary arrests and to sanction an indefinite number in the future, although providing for speedy trials.

When the report was presented, Powell, of Kentucky, moved to postpone it till the following day. Trumbull would not agree to any postponement unless there was an understanding on both sides that a vote should be taken within a limited time. It was finally agreed between himself and Bayard, of Delaware, that it should be postponed until seven o'clock in the evening, with the understanding that there should be no filibustering on the measure. The postponement was to be for debate and discussion only. "So far as I know, or can learn, or believe," said Bayard, "it is delay for no other purpose." Powell was present when this colloquy took place and he neither affirmed nor denied. Trumbull took it to be an agreement between the two political parties.

The debate began with a speech from Senator Wall

(Democrat), of New Jersey, who held the floor till midnight, when Saulsbury, of Delaware, moved that the Senate adjourn. The motion was negatived by 5 to 31. Powell moved that the bill be laid upon the table. This was negatived without a division. Then Powell began a speech against the bill. At 12.40 A.M., Richardson moved that the Senate adjourn; negatived by 5 to 30. Powell continued his speech and became involved in a running debate with Cowan, of Pennsylvania, who took the floor after Powell had finished and made a speech, apparently unpremeditated, but nevertheless a great speech, going to the foundation of things and showing that the Administration must be sustained in this crisis, since otherwise the fabric of self-government in the United States would perish. He did not say that he approved of, or condoned, arbitrary arrests in the loyal states. All his implications were to the contrary, but he insisted that those who would save the country and ward off chaos and anarchy could not pause now to contend with each other on the issue whether the President had the right to suspend the writ of *habeas corpus* or whether Congress had it. He said that he observed signs, on the Democratic side, of filibustering against the bill, and he thought that such tactics were unjustifiable and highly dangerous. His argument carried the greater force because of his habitual conservatism. While it did not, perhaps, change any votes, it probably dampened the resistance of the Northern Democrats to the bill.

When Cowan had concluded, Powell took the floor to reply. At 1.53 A.M., Bayard interrupted him with a motion to adjourn, which was negatived by 4 to 35. Powell resumed his speech and made a much longer one than his first, at the end of which he moved an adjournment, negatived by 4 to 32. Then Bayard

made a long speech against the bill. He finished at 5 o'clock and Powell made another motion to adjourn, which was negatived, 4 to 18, no quorum voting.

Some confusion followed the disclosure of the absence of a quorum. Several motions were made and withdrawn, and finally Fessenden called for the yeas and nays on Powell's motion to adjourn. In the mean time a quorum had been drummed up and the roll-call showed 4 yeas to 33 nays. There was considerable noise and confusion on the floor when the result was announced and the presiding officer (Pomeroy, of Kansas) said quickly:

> The question is on concurring in the report of the Committee of Conference. Those in favor of concurring in the report will say "aye"; those opposed, "no." The ayes have it. It is a vote. The report is concurred in.

Trumbull instantly moved to take up a bill from the House relating to public grounds in Washington City, and his motion was agreed to. Then Powell wanted to go on with the Indemnity Bill and was informed by Grimes that it had already passed. He denied that it had passed and called for the yeas and nays. Trumbull claimed the floor and his claim was sustained by the chair. Powell called it a piece of "jockeying." After some further recrimination the Senate adjourned.

On reassembling, the question whether the bill had passed or not was again taken up. The Senate Journal showed that it had passed, and the question arose on a motion to correct the Journal. In the

debate which ensued it was proved that the presiding officer did actually put the motion in the words quoted above; that, of the four Democrats who voted on the last roll-call, none heard it; that the Democrats were in fact filibustering against the bill, or at all events that Powell was doing so, for he avowed that he had intended to defeat it by any means in his power. On the other hand, there is no doubt that the passage of the bill was accomplished by the sharp practice of Pomeroy; but it was *damnum absque injuria*, snap judgment being no worse than filibustering. Moreover, there is evidence that of the thirteen Democratic Senators, only four or five were really determined to kill the bill at all hazards. All except that number absented themselves from the night session, while all or nearly all the Republicans remained in their places.

The Conference Report was concurred in on the 2d of March and the bill was approved by the President on the following day. We may infer, therefore, that the power to suspend the writ of *habeas corpus* resides in the legislative branch of the Government, of which the President is a part, and that Congress may delegate its powers to the President and prescribe conditions and limitations to its exercise.

No legislation more wholesome was enacted during the war period. No act of the period was more precise and lucid and less equivocal in its terms. Yet within two months it was grossly violated by the banishment of Clement L. Vallandigham, an ex-member of Congress from Ohio.

Vallandigham was the incarnation of Copperheadism. I heard his speech of January 14, 1863, in the House, in which he discharged all the

pro-slavery virus that he had been collecting from his boyhood days. As a public speaker he had no attractions, but rather, as it seemed to me, the tone and front of a fallen angel defying the Almighty. There was neither humor nor persuasion nor conciliation in his make-up. He was cold as ice and hard as iron. Although born and bred in a free state, he avowed himself a pro-slavery man. In the speech referred to he took two hours to prove the following propositions: (1) That the Southern Confederacy never could be conquered; (2) that the Union never could be restored by war; (3) that it could be restored by peace; (4) that whatever else might happen, African slavery would be "fifty-fold stronger" at the end of the war than it had been at the beginning.

General Ambrose E. Burnside, after his defeat at Fredericksburg, had been sent to take command of the Department of the Ohio. Vallandigham was now seeking the nomination of his party for governor of Ohio, and his chances of success were not flattering until Burnside caused him to be arrested for alleged treasonable utterances in a speech delivered at the town of Mount Vernon on the 1st day of May, 1863. He was taken out of his bed at Dayton in the night and carried to Cincinnati, put in a military prison, tried by a military commission, found guilty, and sentenced to close confinement in Fort Warren during the continuance of the war. President Lincoln commuted his sentence to banishment to the Southern Confederacy. He was accordingly sent across the army lines and handed over to his supposed friends, who did not, however, receive him with any touching marks of affection.

Under the Act of Congress approved March 3, 1863,

it was the duty of the Secretary of War within twenty days to report the arrest of Vallandigham to the judge of the United States District Court for southern Ohio, with a statement of the charges against him, in order that they might be laid before the grand jury, and if an indictment were found against him, to bring him to trial; and if no indictment were found during that term of court, to discharge him from confinement. Any officer, civil or military, holding a prisoner in contravention of that act was guilty of a misdemeanor and liable to a fine of not less than five hundred dollars and to imprisonment in the common jail not less than six months. Accordingly, all the proceedings in the case of Vallandigham subsequent to his arrest were unwarranted and lawless. The arrest itself was, perhaps, permissible under the act, because the President had the right to suspend the writ of *habeas corpus*. When Vallandigham applied for the writ, Judge Leavitt refused it on that ground. The refusal of the writ, however, did not justify the later proceedings.

The military trial of Vallandigham and his subsequent banishment led to vehement protests from Northern Democrats, which, in the light of the present day, seem not unreasonable. President Lincoln replied at great length and on the whole successfully to one such protest which came from a committee of citizens of New York, of which Erastus Corning was chairman. He did not fare so well in a later controversy with a committee of the Ohio Democratic State Convention, who visited the Executive Mansion and submitted their protest in writing under date of June 26. In this communication they covered the same ground as the New York men and added these words:

> And finally, the charge and the specifications on which Mr. Vallandigham was tried entitled him to a trial before the civil tribunals according to the express provisions of the late acts of Congress approved by yourself July 17, 1862, and March 3, 1863.

Mr. Lincoln replied to everything in the protest of the Ohio men except this paragraph. His failure to reply on this point gave them the opportunity to retort that his answer was "a mere evasion of the grave questions involved." This is the only instance in Mr. Lincoln's controversial writings, so far as I can discover, where such a retort seems justified. The correspondence is published in Appleton's Annual Cyclopædia, 1863.

The New York *Tribune* deprecated, in no querulous tone, but in moderate and dignified language, the entire proceedings in Vallandigham's case, and deemed them not helpful to the cause of the Union, but the contrary.

Vallandigham was not the kind of man to win public sympathy, even for his misfortunes. Moreover, his transference to the society that he was supposed to be most fond of (as an alternative to close confinement in Fort Warren) had a flavor of jocularity that dulled the edge of criticism; but his strength in his own party was vastly augmented by these proceedings. He was nominated for governor by acclamation, and would probably have been elected had not the victories at Gettysburg and Vicksburg, two months later, withdrawn attention from him, inspired the Unionists with new

enthusiasm, and correspondingly depressed their opponents.

Burnside, finding himself sustained by his superiors in doctoring Copperheadism in Ohio, enlarged the scope of his practice. On the 1st of June he issued an order forbidding the circulation of the New York *World* in his department and stopping the publication of the Chicago *Times*. Brigadier-General Ammen was charged with the execution of the latter order. On the following day, Ammen notified Wilbur F. Storey, the editor of the *Times*, that he would not be allowed to issue his paper on the 3d of June. Storey appealed to the United States District Court for protection. Shortly after midnight Judge Drummond issued a writ directing the military authorities to take no further steps under Burnside's order to suppress the *Times* until the application for a permanent writ of injunction could be heard in open court. The judge said:

> I may be pardoned for saying that personally and officially I desire to give every aid and assistance in my power to the Government and the Administration in restoring the Union, but I have always wished to treat the Government as a government of law and a government of the Constitution, and not a government of mere physical force. I personally have contended and shall always contend for the right of free discussion and the right of commenting under the law and under the Constitution upon the acts of the officers of the Government.

Notwithstanding the order of the judge, a body of troops broke into the office of the *Times* at half-past three o'clock in the morning, after nearly the whole edition had been printed, and took possession of the establishment. When daylight came there was great excitement in Chicago. Although the *Times* was a Copperhead sheet of an obnoxious type, many loyal citizens were convinced that Burnside's order would produce vastly more harm than good to the Union cause. A meeting was hastily called at the circuit court room, at which Senator Trumbull and Congressman I. N. Arnold were present. Hon. William B. Ogden, ex-mayor, president of the Chicago and Northwestern Railway, a Republican in politics, offered for adoption a resolution requesting President Lincoln to suspend or rescind Burnside's order suppressing the *Times*. The resolution was adopted unanimously by the meeting and a petition to that effect was drawn up, signed, and sent around town for additional signatures. It was then telegraphed to the President, and Trumbull and Arnold sent an additional telegram asking that it might receive his prompt attention.

Outside of the room, however, the utmost contrariety of opinion existed. The streets were filled with heated disputants, and there was danger of rioting throughout the day following the suppression of the newspaper. In the evening of June 3, a great meeting of persons opposed to Burnside's order was held in the Court-House Square, which was addressed by General Singleton, Moses M. Strong, of Wisconsin, B. G. Caulfield, and E. G. Asay, Democrats, and by Senator Trumbull and Wirt Dexter, Republicans.

In the mean time Judge Drummond was hearing the arguments of Storey's lawyers on the question of

making permanent the injunction that had already been disobeyed. While the proceedings were going on, a telegram came from Burnside to Ammen, dated Lexington, Kentucky, June 4, saying that his order for the suppression of the Chicago *Times* had been revoked by order of the President of the United States. The soldiers were accordingly withdrawn and Mr. Storey resumed possession of his property.

The Chicago *Evening Journal* published the following outline of Trumbull's speech on this event:

> The point of Judge Trumbull's speech was to show the importance of adhering to the Constitution and laws in all measures adopted for the suppression of the rebellion. He contended that they furnished ample provisions for dealing with traitors in our midst; that the Administration and its friends were weakened by resort to measures of doubtful authority against rebel sympathizers where the law furnished adequate remedies; that while no one questioned the authority of military commanders in the field and within their lines where the civil authorities were overborne, to exercise supreme authority, the right to do this in the loyal portions of the country, where the judicial tribunals were in full operation, was very questionable. He held that by its exercise in such localities the enemies of the country were given a great advantage, by alleging that their constitutional

> rights and privileges were arbitrarily interfered with. He insisted that the Constitution and laws were supreme in war as well as in peace, and that the denial of this proposition was an acknowledgment that the people were incapable of self-government—an admission that constitutional liberty and the rights of the citizen, guaranteed by fundamental laws, were of no value except in peaceful times, so that in tumultuous times personal liberty regulated by law, to establish which the Anglo-Saxon race had been contending for centuries, must give way to the discretion of any man who might happen at the time to be at the head of the Government; that this, the American people are not prepared to admit, nor was it necessary they should; that the right of free speech and a free election should never be surrendered; but that this freedom did not imply the right, in time of civil war, to give aid and comfort to the enemies of the country, either directly or indirectly, against which the laws made ample provision.

The legislature of Illinois was then in session and both houses passed resolutions condemning the action of the military authorities in suppressing the Chicago *Times*.[66]

FOOTNOTES:

[65] *Letters and Diaries*, I, 47.

[66] The New York *Tribune*, June 6, said: "We trust the great majority of considerate and loyal citizens share the relief and satisfaction we feel in view of the President's course in revoking the order of General Burnside which directs the suppression of the Chicago *Times*. And we further trust that the zealous and impulsive minority, who would have had General Burnside's order sustained, will, on calm reflection, realize and admit that the President has taken the wiser and safer course. We cannot reconcile the decision of the Executive in this case with his action in regard to Vallandigham. Journalists have no special license to commit treason, and Vallandigham's sympathy with the rebels was neither more audacious nor more mischievous than that of the *Times*. Yet it is better to be inconsistently right than consistently wrong—better to be right to-day, though wrong yesterday, than to be wrong both days alike."

CHAPTER XIII

INCIDENTS OF THE YEARS 1863 AND 1864

James W. White, of New York City, writes, March 6, to ask Trumbull, as a member of the Seward Committee, whether it is a fact that President Lincoln had knowledge of the dispatches written by Secretary Seward to Minister Adams, dated April 10, 1861, and July 5, 1862, before they were sent, and whether he approved the same.

This refers to an event which very nearly upset President Lincoln's Cabinet in the beginning of 1863. Secretary Seward had entered the Cabinet under strong suspicions of lukewarmness toward the war policy of the President, which suspicions were shared by the Republican Senators generally. Consequently they were prepared to believe that the want of success which attended the Union arms was due to a lack of earnestness at headquarters, and that the man who paralyzed Lincoln was the Secretary of State. While this feeling was rankling in many bosoms, and especially among those who had considered the Executive remiss in dealing with the slavery question, the official correspondence of the State Department of the preceding year came from the press, containing, among other letters, one from Seward to Minister Adams dated July 5, 1862, with the following words:

> It seems as if the extreme advocates of African slavery and its most vehement opponents were acting in concert together to precipitate a servile war—the former by making the most desperate attempts to overthrow the Federal Union, the latter by demanding an edict of universal emancipation as a lawful and necessary, if not, as they say,

> the only legitimate way of saving the Union.

Probably this was a private note, which got into the published volume by mistake, but it was oil on the flames in 1863, and it became public simultaneously with the news of General Burnside's defeat at Fredericksburg. These were among the darkest hours of the war. The Republican Senators thought that the rebellion would never be put down unless Seward were forced out of the Cabinet and that now was the time to act. A caucus was held and a committee appointed, of which Senator Collamer was chairman, to visit the President and express the opinion that Mr. Seward had lost the confidence of Congress and the country, and that his resignation was necessary to a successful prosecution of the war. Trumbull was one of the members of the committee.

Seward's unlucky letter, which formed the occasion of Judge White's communication to Trumbull, was written shortly before Lincoln's preliminary proclamation of emancipation as to slaves in the rebel states was published. Senator Sumner took the letter to the President and asked if he had ever given his sanction to it. He replied that he had never seen it before. The newspapers got hold of this fact and made it hot for Seward. The New York *Times*, however, denied, apparently by authority, that Seward had ever sent any dispatch to a foreign minister without first submitting it to the President and getting his approval of it. Such a denial would be technically correct if this letter were a private communication, not intended for the public archives. Judge White, in a public letter, maintained that Seward never had submitted this letter to his chief,

thus raising a question of veracity with the *Times*. So he wrote the foregoing letter to Trumbull hoping to find a backer in him. Trumbull replied in the following terms:

> Pressing engagements and an indisposition to become involved in the controversy to which your letter of the 6th alludes must be my apology for not sooner replying to your inquiries. The want of harmony, not to say the antagonism, between some of the dispatches referred to and the avowed policy of the President would seem to afford sufficient evidence to a discerning public that both could not have emanated from the same mind. In view, therefore, of the manner in which the information in my possession was obtained, and not perceiving at this time that the public good would be subserved by any disclosure I could make, I must be excused for not undertaking to furnish extraneous evidence in the matter.

The accusations of the senatorial committee against Seward were summarized by Lincoln truthfully and with a touch of humor. "While they seemed to believe in my honesty," he said, "they also appeared to think that whenever I had in me any good purpose Seward contrived to suck it out unperceived." Seward was no more to blame for the ill success of the Union armies than any other member of the Cabinet. The

inefficiency in our armies, according to Gideon Welles, resided in the President's chief military adviser, General Halleck. However that may have been, it is well that the errand of the Republican Senators to the White House proved fruitless, since, if successful, it might have created a precedent which would have upset our form of government.

G. Koerner, Minister to Spain, writes from Madrid, March 22, 1863, that he is very much discouraged about the prospects of the war. He trusts more to the exhaustion of the South than to the victories of the North.

> My situation, under the circumstances, has been a very unpleasant one. For days and weeks I have avoided meetings and reunions where I would have had to answer questions, often meant in a very friendly manner, but still embarrassing to me. My family has also lived very retired, for the additional reason that we are not able to return the many hospitalities to which we are invited constantly. We have the greatest trouble in the world to live here in the most modest manner within our means. We forego many, very many, of the comforts we were accustomed to at home.

From Columbus, Georgia, October 26, 1863, Alfred Iverson (former Senator), trusting that the difficulties in which the two sections are involved may not have extinguished the feelings of courtesy and humanity

in the hearts of individual gentlemen, writes, at the instance of an anxious mother, to make inquiries in reference to Charles G. Flournoy, supposed to have been captured with other Confederate soldiers by General Grant's forces in the vicinity of Vicksburg, and to be confined in a military prison at Alton, Illinois.

Walter B. Scates (former judge of the supreme court of Illinois, Democrat, now serving as assistant adjutant-general in the Thirteenth Army Corps) writes from New Orleans, November 14, 1863, that he is thoroughly convinced of the propriety and necessity of destroying slavery as a means of ending this most wicked war and preventing a recurrence of a like misfortune; is ready to take an active part in the organization of colored regiments, that they may assist in maintaining the Government and winning their own freedom.

From Topeka, Kansas, November 16, John T. Morton remonstrates against the appointment of M. W. Delahay as judge of the United States District Court, because he is utterly incompetent. Says he gave up the practice of his profession in Illinois because he was so ignorant that nobody would employ him. O. M. Hatch confirms Morton; says the appointment is unfit to be made; has known Delahay personally for twenty years. Jesse K. Dubois and D. L. Phillips confirm Hatch.

Jackson Grimshaw writes from Quincy, December 3:

> Will the Senate confirm that miserable man Delahay for Judge in Kansas? The appointment is disgraceful to the President, who

> knew Delahay and all his faults, but the disgrace to the Administration will be greater if the Senate confirms him. He is no lawyer, could not try a case properly even in a Justice's court and has no character. Mr. Buchanan in his worst days never made so disgraceful an appointment to the bench.

Herndon relates that Delahay's expenses to the Chicago nominating convention, as an expected delegate from Kansas, were promised by Lincoln. He was not a delegate and never had the remotest chance of being one, but he came as a "hustler" and Lincoln paid his expenses all the same. He was nevertheless appointed judge, was impeached by Congress in 1872 under charges of incompetency, corruption, and drunkenness on and off the bench, and resigned while the impeachment committee was taking testimony.

Major-General John M. Palmer writes from Chattanooga, December 18, 1863:

> The Illinois troops (now voters) are beginning to talk about the Presidency. Mr. Lincoln is by far the strongest man with the army, and no combination could be made which would impair his strength with this army unless, perhaps, Grant's candidacy would. The people of Tennessee would now vote for Lincoln, it is thought by many. Andy Johnson is understood to be a Presidential aspirant by most people

> in this state. He is not as popular as I once thought he was, though if he will exert himself to do so he can be Governor, or Senator, when the state is reorganized. He is understood to favor emancipation, and the people are prepared for it, but I fear personal questions will complicate the matter. The truth is all these Southern politicians are behind the times sadly. There is nothing practical about them. Now, when the whole social and political fabric is broken up, new foundations might be laid for institutions which would in their effects within twenty years compensate the State for all its losses, heavy as they are. But not much will be done, I fear, because the politicians don't seem to know what is required. One fourth of the people are destitute, and yet the leaders have not humanity and energy enough to induce them to organize for mutual assistance. There are farms enough in middle Tennessee deserted by their rebel owners to give temporary homes to thousands, and yet no one will take the responsibility of putting them in possession, but the leaders quietly suffer the poor to wander homeless all over the country.

Colonel Fred Hecker writes from Lookout Valley, Tennessee, December 21:

Again we are encamped in Lookout Valley after heavy fighting and marching from November 22 to December 16, stopping a victorious march at the gates of Knoxville, returning with barefooted, ragged men, but cheerful hearts. This was more than a fight. It was a wild chase after an enemy making no stand, leaving everywhere in our hands, muskets, cannon, ammunition, provisions, stores, etc., and large numbers of prisoners. These, as well as the populations, were unanimous in declaring that the people of the South are tired of the war and rebellion and are in earnest in the desire for peace and order. I conversed much with men of different positions in life, education, and political parties, from the enraged secessionist to the unwavering Union man just returning from his hiding-place, and I am fully convinced that most of the work is done. A great many had no idea what war was till both armies, passing over the country, had taught them the lesson, and there is such a prevailing union feeling in North Carolina, northern Alabama, and Georgia, as I have ascertained in a hundred conversations with men of that section of the country, that the result of the next campaign is not the least doubtful. You remember

> what I told you about General Grant at a time when this excellent man was pursued by malice and slander. I feel greatly satisfied that his enemies are now forced to do him justice. The battle of Chattanooga, with all its great consequences, was a masterpiece of planning and manœuvring, and every man of us is proud to have been an actor in this ever memorable action. Revolution and war sift men and consume reputations with the voracity of Kronos, and it is good that it is so.

From Chattanooga, January 24, 1864, Major-General John M. Palmer writes:

> I saw Grant yesterday and had a conversation with him. Peace-at-any-price men would have a hard bargain in him as their candidate. He is a soldier and, of course, regards negroes at their value as military materials. He has just enough sentiment and humanity about him to make him a careful general, and he esteems men, black or white, as too valuable to be wasted. He does not desire to be a candidate for the Presidency; prefers his present theatre of service to any other. Nor will the officers of the army willingly give him up. He has no enemies, and it is very difficult to understand how he can have any. He

> is honest, brave, frank, and modest. Is perfectly willing that his subordinates shall win all the reputation and glory possible; will help them when he can, with the most unselfish earnestness. He demands no adulation, and gives credit for every honest effort, and if efforts are unsuccessful he has the sense, and the sense of justice, to understand the reasons for failure and to attach to them their proper importance. Nobody is jealous of Grant and he is jealous of no one. He is not a great man. He is precisely equal to his situation. His success has been wonderful and must be attributed, I think, to his fine common sense and the faculty he possesses in a wonderful degree of making himself understood. I do not think he will be anybody's candidate for the Presidency this time, but after that his stock will be at a premium for anything he wants. Mr. Lincoln is popular with the army, and will, as far as the soldiers can vote, beat anything the Copperheads can start. No civilian or mere book-making general can get votes in the army against him.

J. K. Dubois, Springfield, January 30, says:

> We are receiving daily old regiments who are reënlisting and are sent home on furlough for thirty days to

> see their friends and recruit. This is very damaging to the Copperhead crew of our state. They swear and groan over this fact, for they have preached and affirmed that the soldiers were held in subjection by their officers, and that as soon as their time was up they would show their officers and the President that they would have nothing more to do with this Abolition crusade. And so when these same men's time will have expired, commencing next June, they say to rebels both front and rear: "We were at the beginning of this fight and we intend also to be at the end." All honor to these brave and loyal men.

Israel B. Bigelow, Brownsville, Texas, May 5, 1864, says that before the war it was commonly said that soil and climate would regulate slavery.

> In theory this was right if slavery was right, and whether right or wrong, slavery is declining, and with my very hearty concurrence—to my own astonishment. No man ever regarded a Massachusetts Abolitionist with greater abhorrence than myself, and yet I have subscribed to Mr. Lincoln's ironclad oath. Time works wondrous changes in men's feelings, and there are thousands of slaveholders in this state who, two years ago, cursed Mr. Lincoln and his Government, who

> are now willing to have their slaves freed if the war can be brought to an end.

We now come upon the first evidence of any difference, of a personal kind, existing between Senator Trumbull and President Lincoln. Opposing views on questions of public policy, such as the Confiscation Bill and arbitrary arrests, have already been noted. A difference of another kind is disclosed in a letter from N. B. Judd, Minister to Prussia. Judd had returned to his post after a visit to this country. He wrote to Trumbull under date, Berlin, January, 1864:

> When I last saw you your conviction was that L. would be reëlected. I tell you combinations can't prevent it. Events possibly may. But until some event occurs, is it wise or prudent to give an impression of hostility for no earthly good? Usually your judgment controls your feelings. Don't let the case be reversed now. Although a severe thinker you are not constitutionally a croaker. Excuse the freedom of my writing. I have given you proofs that I am no holiday friend of yours.

The next piece of evidence found is a letter from Trumbull himself to H. G. McPike, of Alton, Illinois, one of the few letters of which he kept a copy in his own handwriting:

> WASHINGTON, Feb. 6, 1864.

> The feeling for Mr. Lincoln's reëlection *seems* to be very general, but much of it I discover is only on the surface. You would be surprised, in talking with public men we meet here, to find how few, when you come to get at their real sentiments, are for Mr. Lincoln's reëlection. There is a distrust and fear that he is too undecided and inefficient to put down the rebellion. You need not be surprised if a reaction sets in before the nomination, in favor of some man supposed to possess more energy and less inclination to trust our brave boys in the hands and under the leadership of generals who have no heart in the war. The opposition to Mr. L. may not show itself at all, but if it ever breaks out there will be more of it than now appears. Congress will do its duty, and it is not improbable we may pass a resolution to amend the Constitution so as to abolish slavery forever throughout the United States.

The third scrap is a letter from Governor Yates to Trumbull dated Springfield, February 26, to whom, perhaps, McPike showed Trumbull's letter quoted above. Yates writes:

> As you are a Senator from *Illinois*, the state of Mr. Lincoln, please be cautious as to your course till I see you. I have such strong regard for

> you personally that I do not wish either enemies or friends on our side, who would like to supplant you, to get any undue advantage over you.

Trumbull believed there was a lack of efficiency in the use made, by the executive branch of the Government, of the means placed at its disposal for putting down the rebellion. That such was his opinion was made clear by his participation in the anti-Seward movements of the previous year. Whether the opinion was justified or not, it was so generally entertained in Washington that if the nomination had rested in the hands of the Senators and Representatives in Congress, Lincoln would have had very few votes in the Baltimore Convention. Albert G. Riddle describes a scene in the White House in February, 1864, illustrative of public sentiment in Washington at that time. The reception room of the Executive Mansion was filled with persons, most of whom were inveighing against Lincoln, who was not present. The one most loud and bitter against the President was Henry Wilson, of Massachusetts. His assaults were so amazing that Riddle cautioned him to choose some other place than the Executive Mansion for uttering them; advised him to make his speeches in the Senate, or get himself elected to the coming National Union Convention and then denounce Lincoln, where his words might have some effect. Wilson replied that he knew the people were for Lincoln and that nothing could prevent his renomination.[67]

The opposition was based wholly upon charges of inefficiency and lack of earnestness and vigor in the prosecution of the war. But the feeling, both among

the people at home and the soldiers in the field, was so overwhelmingly for Lincoln, that when the delegates came together in convention the opposition in Congress was silenced. After the nominations of both parties had been made, however, the previous distrust reappeared on a larger scale and became so pronounced that Lincoln himself thought that he was about to be defeated and took steps to turn the Government over to McClellan practically before the constitutional period for his own retirement.[68] If Lincoln himself was in despair, other persons who shared his gloom might be excused.

The radicals who were opposed to Lincoln held a convention in the city of Cleveland on the 31st of May, 1864, and nominated General John C. Frémont for President and General John Cochrane for Vice-President. Among the leaders in this movement were B. Gratz Brown, of Missouri, Wendell Phillips, of Massachusetts, and Rev. George B. Cheever, of New York. They had the sympathy of Ben Wade, of Ohio, and Henry Winter Davis, of Maryland, and they reckoned upon the support of many radical Germans of the fiery type, perhaps sufficiently numerous to turn the votes of some important Western States. On the 21st of September, Frémont withdrew as a candidate and on the 23d the President asked for the resignation of Montgomery Blair as Postmaster-General, which the latter immediately gave. The simultaneous retirement of Frémont and Blair, who were known to be enemies to each other, led to a suspicion that there was some connection between the two events. The account given by Nicolay and Hay conveys no hint of this, but is confused and self-contradictory. Evidence is available to indicate that Frémont made his retirement conditional upon the removal of Blair from the Cabinet, and that Lincoln,

although reluctant to lose Blair from his official family, deemed it a necessity to get the third ticket out of the presidential contest, for public reasons.[69]

In the Senatorial contest of 1867 the false accusation was made that Trumbull had refused to make speeches in favor of Lincoln's reëlection; whereas he was the leading speaker at the great Union Mass Meeting at Springfield on the 5th of October, 1864, which was addressed by Doolittle, Yates, and Logan also. His correspondence shows that he spoke at several other places during that month.

But speech-making did not gain the victory in the election of 1864. That fight was won by General Sherman at Atlanta, aided by General Sheridan in the Valley of Virginia, and by Admiral Farragut at Mobile.

FOOTNOTES:

[67] Riddle's *Recollections of War-Time*, p. 267.

[68] Nicolay & Hay, ix, 251.

[69] A letter dated August 9, 1910, in my possession, from Mr. Gist Blair, son of Montgomery Blair, says: "I have always understood that my father retired from Mr. Lincoln's Cabinet in order to secure the withdrawal of Frémont as a candidate against Mr. Lincoln. There are letters which I cannot now put my hand on, which indicate that Mr. Lincoln continued to consult my father practically the same as if he were a member of the Cabinet, up to the time of Mr. Lincoln's death."

CHAPTER XIV

THE THIRTEENTH AMENDMENT TO THE CONSTITUTION

Donn Piatt, meeting William H. Seward on the street on the morning immediately after the issuing of the preliminary proclamation of emancipation, complimented him for his share in the act, whereupon the following colloquy ensued:

"Yes," said Seward, "we have let off a puff of wind over an accomplished fact."

"What do you mean, Mr. Seward?"

"I mean that the emancipation proclamation was uttered in the first gun fired at Sumter and we have been the last to hear it. As it is, we show our sympathy with slavery by emancipating slaves where we cannot reach them and holding them in bondage where we can set them free."[70]

Seward did not say this in a censorious spirit, but what he did say was true. The proclamation applied only to states and parts of states under rebel control. It did not emancipate any slaves within the emancipator's reach. Whether it freed anybody anywhere was a matter of dispute. What its legal effect would be after the war should cease, no one could say. Moreover, if the President had legal authority to issue the proclamation, then he, or a successor in office, could revoke it.

The Constitution had not given to the Federal Government power to emancipate slaves. The proclamation did not purport to rest upon any

constitutional power, but upon war powers solely. But war powers last only while war lasts, and when it comes to an end, all sorts of people have all sorts of opinions as to the validity of acts done under them.

Public opinion at the time was keenly alive to doubts regarding the President's powers in this particular. Congress was flooded with petitions calling for action to confirm and validate the proclamation, but the way was beset with difficulties. Should the Constitution be amended, or would an act of Congress suffice? If the Constitution should be amended, should it abolish slavery everywhere or only in the places designated by the President? Should loyal slave-owners be compensated, as Lincoln desired? What were the chances of getting such an amendment ratified by three fourths of the states? And for this purpose should the rebel states be counted as still in the Union? If so, the requisite number might not be obtained.

The first resolution offered in Congress for such an amendment of the Constitution was proposed in the House on the 14th of December, 1863, by Representative James F. Wilson of Iowa, in these words:

> SECTION 1. Slavery being incompatible with a free government is forever prohibited in the United States; and involuntary servitude shall be permitted only as a punishment for crime.
>
> SECTION 2. Congress shall have power to enforce the foregoing section by appropriate legislation.

On the 13th of January, 1864, Senator Henderson, of Missouri, offered a resolution to amend the Constitution by adding thereto the following article:

> Slavery or involuntary servitude, except as a punishment for crime, shall not exist in the United States.

These resolutions were referred to the Judiciary Committees of the respective houses.

On the 10th of February, Trumbull reported the Henderson Resolution from the Committee on the Judiciary, with an amendment in the nature of a substitute in the following terms:

> ARTICLE XIII
>
> SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.
>
> SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

The phraseology followed pretty closely that of the Ordinance of 1787. Trumbull adopted it because it was among the household words of the nation. To become effective as a part of the Constitution, this article required the votes of two thirds of each branch of Congress and ratification by the legislatures of three fourths of the States.

Presenting the resolution to the Senate, Trumbull said that nobody could doubt that the conflict then raging, and all the desolation and death consequent thereon, had their origin in the institution of slavery; that even those who contended that the trouble was due to the agitators and abolitionists of the North must admit that if there were no slavery there would be no abolitionists. So also it must be admitted that if there had been no slavery there would have been no secession and no civil war. All the strife that had ever afflicted the nation, or all that could be considered menacing to the country's peace, had had its source in that institution. Various laws had been passed by Congress to give freedom to slaves of rebel owners and even these laws had not been executed properly. The President of the United States had issued a preliminary proclamation in September, 1862, and a final one in January, 1863, declaring all slaves under rebel control free, but not those under our control. The legal effect of such a proclamation had been a matter of dispute. Some persons held that the President had the constitutional power to issue it and that all the slaves designated were free, or would become so whenever the rebellion should be crushed; while others contended that it had no effect either *de jure* or *de facto*. It was the duty of the lawmaking power to put an end to this uncertainty by some act more comprehensive than any that had yet been adopted. Would a mere act of Congress suffice? It had been an axiom of all parties from the beginning of the Government that Congress had no authority to interfere with slavery in the states where it existed. We had authority, of course, to put down the enemies of the country and the right to slay them in battle; we had authority to confiscate their property; but did that give us authority to slay the friends of

the Union, to confiscate their property, or to free their slaves? In his opinion the only conclusive and irrepealable way to make an end of slavery was by an amendment of the Constitution, and the only practical question remaining was whether the resolution recommended by the committee could secure a two-thirds vote in Congress and the concurrence of three fourths of the states. There were thirty-five states, including those in rebellion, and two territories about to become states. Presumably the affirmative votes of twenty-eight states would be required for ratification.

In this speech Trumbull gave public expression to his feelings regarding the feeble prosecution of the war to which he had given private expression in the letters to friends referred to in the preceding chapter. He said:

> I trust that within a year, in less time than it will take to make this constitutional amendment effective, our armies will have put to flight the rebel armies. I think it ought to have been done long ago. Hundreds of millions of treasure and a hundred thousand lives would have been saved had the power of this republic been concentrated under one mind and hurled in masses upon the main rebel armies. This is what our patriotic soldiers have wanted and what I trust is now soon to be done. But instead of looking back and mourning over the errors of the past, let us remember them only for the lessons they teach for the future.

> Forgetting the things which are past, let us press forward to the accomplishment of what is before. We have at last placed at the head of our armies a man in whom the country has confidence, a man who has won victories wherever he has been, and I trust that his mind is to be permitted, uninterfered with, to unite our forces, never before so formidable as to-day, in one or two grand armies, and hurl them upon the rebel force.[71]

The feeling here expressed by Trumbull was the prevailing sentiment at Washington at that time, even in President Lincoln's Cabinet. Both Gideon Welles and Edward Bates shared it. Welles wrote:

> In this whole summer's campaign I have been unable to see or hear or obtain evidence of power or will or talent or originality on the part of General Halleck. He has suggested nothing, decided nothing, done nothing but scold and smoke and scratch his elbows. Is it possible that the energies of a nation should be wasted by the incapacity of such a man?

When Welles said to the President that he had observed the "inertness if not incapacity of the General-in-Chief, and had hoped that he [the President] who had better and more correct views would issue peremptory orders," Lincoln replied that it was better that he, who was not a military man,

should defer to Halleck, rather than Halleck to him.

Additional light is thrown by an entry in Hay's "Diaries"[72] under date April 28, 1864, where Lincoln says:

> When it was proposed to station Halleck in general command, he insisted, to use his own language, on the appointment of a General-in-Chief who should be held responsible for results. We appointed him, and all went well enough until after Pope's defeat, when he broke down,—nerve and pluck all gone,—and has ever since evaded all possible responsibility, little more, since that, than a first-rate clerk.

General Francis V. Greene, reviewing the war as a whole, says that

> If Lincoln had placed Grant in command of the Western armies in July, 1862, when Halleck was made General-in-Chief, instead of in October, 1863, it would have probably shortened the war by a year.[73]

This opinion is concurred in by General Grenville M. Dodge, one of the surviving major-generals of the Civil War,[74] and I imagine that it will not be disputed by any military man at the present day. These citations show that the opinions held by Trumbull, as to the inefficiency of the directing force of the Union armies, up to the time when Grant was

called to take command at Washington, were not those of a mere fault-finder and backbiter.

A notable speech in favor of the anti-slavery amendment was made by Henderson, of Missouri, who was himself a slave-owner. The most impressive speech made in either branch of Congress, however, was that of Senator Reverdy Johnson, of Maryland. The fact that he represented a slaveholding State could not fail to add force to any argument he might make in support of the measure, but the argument itself, both in its moral and its legal aspects, was of surpassing merit. It deserves a high place in the annals of senatorial eloquence.

The constitutional amendment was under debate in the Senate until the 8th of April, 1864, when it was passed by a vote of 38 to 6. The negative votes were the two from Delaware, two from Kentucky, and those of Hendricks, of Indiana, and McDougall, of California. It then went to the House, where it was under consideration till the 15th of June, when it failed of passage by a vote of 93 to 65, not two thirds. The Democrats generally voted in the negative. A second attempt to pass it was made in the House on February 1, 1865, this time successfully, the yeas being 119 and the nays, 56. There was an extraordinary scene in the House when the final vote was taken. It is described by George W. Julian, in his "Recollections" (page 250), thus:

> The time for the momentous vote had now come, and no language could describe the solemnity and impressiveness of the spectacle pending the roll-call. The success of the measure had been considered

> very doubtful, and depended upon certain negotiations, the result of which was not fully assured, and the particulars of which never reached the public.[75] The anxiety and suspense during the balloting produced a deathly stillness, but when it became certainly known that the measure had prevailed, the cheering in the densely packed hall and galleries surpassed all precedent and beggared all description. Members joined in the general shouting, which was kept up for several minutes, many embracing each other, and others completely surrendering themselves to their tears of joy....

The ratification of the amendment was announced by the Secretary of State on the 18th of December, 1865. Three states, South Carolina, Alabama, and Florida, when they ratified it, passed resolutions expressing their understanding that the second section did not authorize Congress to legislate on the political status or civil relations of the negroes, but merely to confirm and protect their freedom. On November 1, 1865, Governor Perry, of South Carolina, wrote to President Johnson, saying that his state had abolished slavery in all good faith and never would wish to restore it again, but that his people feared that the second section might be construed to give Congress local power over legislation respecting negroes and white men in the state of freedom. To this letter Secretary Seward replied that the second section was "really restraining

in its effect instead of enlarging the powers of Congress." By this he meant that it restrained Congress to the single subject of slavery. It did not give citizenship or civil rights to the freedmen. The legislature of South Carolina accordingly ratified the amendment on the 13th of November, and put on record the letter of Seward as the official interpretation of this clause by the Federal Executive. Alabama did substantially the same on the 2d of December and Florida on the 28th of December. Seward's interpretation of the second section of the amendment turned out to be correct, but many years of doubt and gloom were to pass before a decision upon it was reached in the Supreme Court.

From what has gone before it appears doubtful whether President Lincoln's proclamation of emancipation freed any slaves legally. Its immediate value was not so much in its effect upon the blacks as upon the whites. It liberated millions of the latter from bondage to a false philosophy and a monstrous social creed and made possible and necessary the adoption of the Thirteenth Amendment. To Senator Trumbull belongs the distinction of having traced its lines and this is his title to immortality.

FOOTNOTES:

[70] *Memories of Men who Saved the Union*, by Donn Piatt, p. 150.

[71] *Cong. Globe*, 1863-64, part 2, p. 1314.

[72] Vol. I, p. 187.

[73] *Scribner's Magazine*, July, 1909.

[74] In a letter to the writer.

[75] The particulars referred to by Julian were subsequently made public by Mr. A. G. Riddle in his *Recollections of War-Time*, p. 325. Two Democrats were induced to vote in the affirmative and one other to be absent when the vote was taken. One of them was induced to vote right by the promise of an office for his brother; another was facing an election contest in the coming Congress where his own seat was claimed by a Republican opponent. The Democrat was promised favorable consideration by the Republicans before the testimony in the case was examined. The third was counsel for a railroad against whose interests a bill was about to be reported in the Senate, which bill was in the control of Charles Sumner. The bill would not be reported, or not reported soon, if the Congressman should be absent when the vote was taken. These arrangements, Riddle says, were negotiated by James M. Ashley, of Ohio, in whose hands the Republicans of the House had deposited their honor for the time being. If the three Democrats had voted in the negative, the result would have been 117 to 59, one less than the necessary two thirds. But that would only have delayed the adoption of the

amendment till the next Congress.

CHAPTER XV

RECONSTRUCTION

The next event of world-wide concern was the assassination of President Lincoln, which took place April 14, 1865. It does not come within the scope of this work, except as it finds expression or comment in the Trumbull papers. One such, found in a letter of Norman B. Judd, Minister to Prussia, dated Berlin, May 7, ought to be preserved.

> At the present moment he [Lincoln] is deified in Europe. History shows no similar outburst of grief and indignation. Crowned heads and statesmen, parliaments and corporate bodies, literary institutions and the people, all vie in pronouncing the eulogy. The entire press of Europe has for the last ten days been filled with nothing else. We have had a very impressive and imposing funeral service. Kings, Representatives, Ministers, and the

> Diplomatic Corps were amongst the number present. The people assembled to three times the capacity of the church. I told my colleagues to come without uniform. —Something new under the sun at this Court of Uniforms.

When the work of Reconstruction began, two opposing ideas came in conflict with each other respecting the status of the seceding states. One was that the act of secession annihilated the State Governments and put the inhabitants and their belongings in the condition of newly acquired territories, subject in all things to the conquering power. This opinion was held by Charles Sumner and Thaddeus Stevens. The other view was that every act of secession was null and void; that state sovereignty was suspended but not extinguished in the Confederacy; and that when the rebellion was crushed, it became the duty of the General Government to recognize the loyal men in each state, as the rightful nucleus of sovereignty, to assist them to set the state Governments going again; in harmony, however, with accomplished facts, including the abolishment of slavery.

The latter view had been adopted by President Lincoln in a proclamation issued simultaneously with his annual message to Congress December 8, 1863. This proclamation declared that whenever the voters of any seceding state, not less in number than one tenth of those who had voted in the presidential election of 1860, should reëstablish a loyal State Government, it should be recognized as the true Government of the state. The qualifications of voters should be those existing in the state immediately

before secession, "excluding all others," but it was provided that all previous proclamations of the President and all acts of Congress in reference to slavery should be held inviolable. It was explained that the question of admitting to seats in Congress any persons who might be elected by such states as members would rest with the respective houses exclusively. It was added that while this plan of Reconstruction was favored by the President he did not mean that no other would be acceptable.

In pursuance of the proclamation an election was held in February, 1864, in that portion of Louisiana controlled by the Union army under command of General Banks, at which election 11,411 votes were cast—the whole vote of the state had usually been about 40,000. At this election, Michael Hahn had been chosen governor and he was inaugurated as such on the 4th of March, with impressive ceremonies, "in the presence of more than 50,000 people," as General Banks announced. Writing to Governor Hahn under date, March 13, 1864, Lincoln said:

> Now you are about to have a convention which, among other things, will probably define the elective franchise. I barely suggest for your private consideration whether some of the colored people may not be let in, as, for instance, the very intelligent and especially those who have fought gallantly in our ranks. They will probably help, in some trying time to come, to keep the jewel of liberty in the family of freedom. But this is only a

> suggestion, not to the public but to you alone.

A constitutional convention of Louisiana was elected March 28, 1864; it assembled April 6; adopted a free state constitution July 22, which was ratified by popular vote September 5. Under this constitution a legislature was elected by which two Senators were chosen to represent the state at Washington. Their credentials were referred to the Committee on the Judiciary, and on the 8th of January, 1865, Trumbull called at the White House to consult with Lincoln respecting their admission. One of the consequences of the interview was the unanimous agreement of the Judiciary Committee in favor of a joint resolution recognizing the Government of which Michael Hahn was the head. This resolution was reported by Trumbull on the 23d of February. Sumner objected to it because the constitution did not grant negro suffrage, and he avowed the intention of using all parliamentary means to defeat it. In this endeavor he had the coöperation of Senators Chandler and Wade and of most of the Democrats. The latter opposed the resolution because the constitution was not the work of the majority of the white people of the state. On the 24th, there was a debate of some bitterness between Sumner and Doolittle. The latter contended that the vote of Louisiana was needed to ratify the Thirteenth Amendment of the Federal Constitution. To this Sumner replied that the so-called state of Louisiana was a shadow, that no such state existed, and that its ratification would be worthless if obtained. In this contention he was sustained by Garrett Davis, of Kentucky.

There were only seven working days remaining of the Thirty-eighth Congress, and Sumner managed to

stave off the vote, although there was a large majority in favor of the resolution, as was shown by roll-calls on various motions. There was a sharp passage-at-arms between Trumbull and Sumner, which made a breach between them for a considerable time.

On the 11th of April, five days before his assassination, Lincoln delivered a carefully prepared address from the balcony of the White House in response to a greeting of citizens who had assembled to welcome him on his return from Richmond after the surrender of that city. He embraced the occasion to call attention again to the question of Reconstruction which was now becoming momentous. He referred to the plan which he had recommended in his annual message of December, 1863, and said that it had received the approval of every member of his Cabinet (which then included Chase and Blair). It had not been objected to by any professed emancipationist until after the news reached Washington that the people of Louisiana were about to take action in accordance with it. Then the question had been raised whether the seceded states were in the Union or out of it. He did not consider that question a material one, but rather a pernicious abstraction, having only the mischievous effect of dividing loyal men. The question now uppermost was how to get the seceded states again into their proper practical relations with the Union. "Let us all join," he said, "in doing the acts necessary to restoring the proper practical relations between these states and the Union, and each forever after innocently indulge his own opinion whether, in doing the acts, he brought the states from without into the Union, or only gave them proper assistance, they never having been out." The question was not

whether the Louisiana Government as reconstructed was quite all that was desirable, but whether it was wiser to take it and help to improve it, or to reject and disperse it. "Concede that the new Government of Louisiana is only, to what it should be, as the egg is to the fowl, we shall sooner have the fowl by hatching the egg than by smashing it." He concluded by saying that his remarks would apply generally to other states, but that there were peculiarities pertaining to each state, and important and sudden changes occurring in the same state, so that no exclusive and inflexible plan could safely be prescribed as to details. Therefore, he held himself free to make some new announcement to the people of the South when satisfied that such action would be proper.

This was, in a political sense, his last will and testament. No other communication from him to his countrymen was more fraught with wisdom and patriotism. It received the prompt endorsement of William Lloyd Garrison, who defended it when attacked by Professor Newman, of London University.[76] Garrison held not only that Lincoln had no right to interfere with the voting laws of the states, but that it would be bad policy to do so; for if negro suffrage were imposed upon the South against the will of the people, then, "as soon as the State was organized and left to manage its own affairs, the white population, with their superior intelligence, wealth, and power, would unquestionably alter the franchise in accordance with their prejudices and exclude those thus summarily brought to the polls."

Garrison saw further than Sumner, but nobody at the North then imagined the tremendous consequences that were to follow the upsetting of Lincoln's plan. If

Trumbull's resolution had passed, it would have served as a precedent for all the seceding states, in which case most of the misery of the next fifteen years in the South, including the carpet-bag governments and the Ku-Klux-Klan, would have been avoided.

President Johnson at first had been rather more radical than the majority of his party as to the measure of punishment to be visited upon the leaders of the rebellion. He had several times talked about "making treason odious," and had said that traitors should take back seats in the work of Reconstruction, and had used language which implied that some of the more prominent Confederates ought to be tried and executed for treason. He had a sharp difference with General Grant as to the inclusion of General Lee in that category, Grant insisting that no officer or soldier who had observed the terms of capitulation at Appomattox could be rightfully molested.[77]

But this feeling of animosity on Johnson's part gradually passed away. In an authorized interview with George L. Stearns, October 3, 1865, on the subject of Reconstruction, and again in an interview with Frederick Douglass and others, February 7, 1866, on the suffrage question, he said nothing about making treason odious, but declared himself opposed to unrestricted negro suffrage because he believed it would lead to a war of races—a war between the non-slaveholding class (the poor whites) and the negroes. The former hated and despised the latter, and this feeling he thought would be intensified if the suffrage were granted to the negroes.

"The query comes up," said Johnson in his colloquy with Douglass, "whether these two races, situated as

they were before, without preparation, without time for the slightest improvement, whether the one should be turned loose upon the other, and be thrown together at the ballot-box with this enmity and hate existing between them. The question comes up right there, whether we don't commence a war of races. I think I understand this thing, and especially is this the case when you force it upon a people without their consent."

Johnson had adopted not only Lincoln's plan of Reconstruction, but his Cabinet also. At its first meeting, April 16, the unfinished project for the establishment of civil government in Virginia, drafted by Secretary Stanton at Lincoln's instance, was presented but not acted on. At a subsequent meeting, May 8, it was considered and adopted, and was promulgated as an Executive Order on the following day. It recognized Francis M. Peirpoint, who had been nominal governor in Lincoln's time, as actual governor, and declared that in order to guarantee to the state of Virginia a republican form of government and to afford the advantage and security of domestic laws, and the full and complete restoration of peace, he would be aided by the Government of the United States in the measures he might take to accomplish those ends.

A loyal State Government of considerable scope and solidity, formed by Johnson himself as military governor, already existed in Tennessee. This was now recognized by the President as an accomplished fact. W. G. Brownlow had been elected governor, and a legislature had been constituted, which had passed a franchise act that limited the voting privilege to whites and excluded rebels of a certain grade. The Lincoln State Government of Louisiana and a similar

one in Arkansas were allowed to stand.

On the 29th of May, the President issued an Executive Order appointing W. W. Holden provisional governor of North Carolina, and prescribing certain duties to be performed by him; among others that of calling a convention to be chosen by the loyal people of the state for the purpose of altering or amending the state constitution, and forming a government fit to be recognized and defended by the Government of the United States. Following the precedent made by Lincoln in the Louisiana case, the qualifications of voters at the election of delegates to the convention were fixed and declared to be those "prescribed by the constitution and laws of North Carolina in force immediately before the 20th day of May, 1861, the date of the so-called ordinance of secession," excepting, however, certain classes of whites. Similar orders followed in rapid succession for reorganizing Mississippi, Georgia, Texas, Alabama, South Carolina, and Florida, the last one bearing date July 13, 1865. Before the form of the order was adopted, a vote had been taken in the Cabinet on the question whether negroes should be allowed to vote in the election of Delegates. Of the six members present, three had voted in the affirmative and three in the negative. Seward was not present, being still confined to his bed by the wounds inflicted on him the night when Lincoln was assassinated. The President then took the matter in his own hands, and at the next meeting of the Cabinet read the North Carolina order and none of the members offered any objection to it.

Thus Reconstruction had been mapped out, so far as the executive branch of the Government was

concerned, before the Thirty-ninth Congress assembled.

Together with the order for Reconstruction in North Carolina, the President issued a proclamation of amnesty for all persons who had participated in the rebellion, excepting, however, certain specified classes of offenders. This proclamation bore the same date, and was published simultaneously with the North Carolina order; but the newspapers of the day, while commenting upon and generally approving, made little account of the fact that negroes were excluded from voting at the election for delegates. The New York *Tribune* of May 30 merely said: "Of course no blacks can vote." The New York *Times* made mention of the same fact.

The New York *Evening Post* of the same date, however, after pointing out that only white men and taxpayers could vote in the coming election in North Carolina, said:

> Unless, in the process of the reorganization, we build upon the principle laid down in the Declaration of Independence, that all men are created free and equal, there is no assurance that the different elements of which our social and political state is composed will subsist in harmony and tranquil coöperation. In that direction lies our way to political safety. If we attempt to build upon any foundation of inequality between races and castes, we shall find a condition of things prevailing similar

> to that which has been the source of so many calamities to Ireland.

The first blast against Andrew Johnson was sounded by Wendell Phillips at the New England Anti-Slavery Convention, Boston, May 31, on a resolution offered by himself affirming that

> The reconstruction of the rebel states without negro suffrage is a practical surrender to the Confederacy and will make the anti-slavery proclamation of the late President, and even the expected amendment of the Constitution utterly inefficient for the freedom and protection of the negro.

This resolution was supported by Phillips in a spirit of blind fury. Every life and every dollar that had been spent by the North had been stolen, he contended, if this policy should prevail, and "there was but one way in which the people could still hold the helm of affairs, and that was by a repudiation of the entire war debt!" Such a party would have his voice and vote until God called him home. "Better, far better, would it have been for Grant to have surrendered to Lee, than for Johnson to have surrendered to North Carolina."

The New York *Tribune*, June 2, took notice of Phillips, and, after adverting to his intemperate attacks on Salmon P. Chase and Abraham Lincoln in the past, turned to his "like delicate attentions" to Mr. Lincoln's successor.

> President Johnson [it said] believes

> in, and favors, the extension of the elective franchise to blacks, but since he holds that no state has gone out, or could go out, of the Union, he believes that the Southern state constitutions stand as before, and that the right of suffrage stands as before until legally changed. We do not insist [it continued] that this is the true doctrine—we do not admit an *unqualified* right in the enfranchised people of any state to do as they will with the residue. Yet we insist that President Johnson's view is one that a true man may honestly, conscientiously hold—may hold it without being a hypocrite, a demagogue, or a tool of the slave power. And we think few considerate persons will deny that it is greatly desirable, *if* the desired reparation in the *status* of the freedmen can be achieved *through* the several states rather than over them—that it would be more stable, less grudging, more real, if thus accomplished. In fact, we should prefer waiting a year or two, or accepting a limited enfranchisement, to a full recognition of the Equal Rights of Man by virtue only of a presidential edict, or order from the War Department, or even an act of Congress.

The New York *Times*, June 21, concurred, saying:

> It is an open question whether the Government should or should not attempt to secure suffrage to the Southern blacks; the best men may differ about it.

It scored Wendell Phillips for advocating repudiation of the national debt as a cure for any other evil whatsoever.

> When Mr. Phillips says that if the Government and the people do not accept his doctrine, he will turn scoundrel and join a party of scoundrels, he does his doctrine the very worst injury possible.

Meanwhile there was a witches' caldron boiling in the South. The Confederate States had been impoverished by the war. Their labor system had been overturned under circumstances and in a mode that no other people had ever experienced. The negroes knew nothing of the responsibilities of freedom. They could not understand the meaning of a contract. The ex-slaves, when hired for a specified time, might abandon their work the next day or the next week, and return the following day or week and run the risk of being flogged or shot, either for going away or for coming back. The ex-masters, knowing only one way of getting work out of the negro,—that of compulsion,—contended and believed that there was no other way, or none that would serve the purpose during *their* lifetime; and since the crops of the present year could not wait for the milder teachings of education and reason, they adopted the only means that would secure immediate results. The

planters, or the majority of them, were still further crippled by having no money to pay wages. All of their money had become filthy rags by the downfall of the Confederacy. The only alternative was hiring labor on shares. This was an embarrassment that the Northern men (carpet-baggers) who went to the South directly after the war did not suffer from. Some of these, tempted by the high price of cotton and the low price of land, hired or bought plantations, and they had the pick of the labor market because they could pay cash. Their example was a fresh irritation to the impecunious native planter, who, in losing the Confederacy, had lost everything except the clothes he stood in, which were much the worse for wear.

If there was to be a crop of cotton, or of anything, in 1865, the laboring population must be kept in some kind of order. Work days must be continuous, and not alternative with hunting and fishing days and play days. The planters looked to their legislatures in this emergency, and the legislatures enacted laws as near to the old slave codes as the condition of emancipation would allow,—if not nearer. These enactments began to reach the North before the Thirty-ninth Congress assembled. They were accompanied by tales of cruelty and outrage committed upon the freedmen, and of disloyal utterances and threats on the part of the unreconciled whites, male and female, who had been deprived of every weapon except their tongues. Little account was made of the need of time in which to become reconciled to these changes and to acquire admiration for those who had brought them about.

Among letters which reached Trumbull was one from Colonel J. W. Shaffer, of the Union Army, dated New

Orleans, December 25, 1865, who gave the following account of what he had observed along the Gulf Coast:

> I have been to Mobile, spent a week there, have traveled around in this state, talked much with friend and enemy, and I unhesitatingly say that our President has been going too fast. I am told by all Union men that after the surrender of the rebel armies the men returned perfectly quiet, came to Southern and Northern Union men, saying, "We don't know what is expected of us by the Government, but one thing is certain, we are tired of war and desire above all things to return to the quiet pursuits of life and try to mend our fortune as best we can, and cultivate a friendly feeling with all parts of the country once more; now tell us how to do this." Soon, however, to their surprise they found that the control of everything was to be again put in their hands, and at once they became insolent, abused the Government openly, and openly declared that Union men and Yankees must leave as soon as the military is withdrawn. Had they been given to understand that the Government was going to continue to govern and control, and that Union men alone would be trusted with the management of affairs,

> these people would have been entirely satisfied, glad to escape with their lives, and would at once have adapted themselves to circumstances. Now they are drunk with power, ruling and abusing every loyal man, white and black.

Per contra, Dr. C. H. Ray wrote, under date September 29, 1865, on the subject of Reconstruction:

> What are our Republican papers thinking of when they make war upon the President as they are now doing? I see that there is hardly one to stand up in his defense, and that he will be fought out of our ranks into the arms of the Democracy. I do not see that he is so guilty as he is said to be, and for one I cannot join the cry against him. What do his assailants expect—to carry the country on the Massachusetts idea of negro suffrage, female suffrage, confiscation, and hanging? If so, they will drive all moderate men out of the party and the remainder straight to perdition.

Only five Northern States at this time allowed negroes to vote at elections, and one of these (New York) required a property qualification from blacks but not from whites. The state of Illinois had an unrepealed black code similar to that of Kentucky, and had added to it, as lately as 1853, a law for imprisoning any black or mulatto person brought

into, or coming into, the state, for the purpose of residing there, whether free or otherwise. Some litigation for the enforcement of this act was begun in Cass County in 1863, while the Civil War was in progress.[78]

FOOTNOTES:

[76] *Life of Garrison*, by his sons, IV, 123.

[77] Grant's testimony before the House Committee on the Judiciary, July 18, 1867. McPherson, p. 303.

[78] *Journal* of the Illinois State Historical Society, vol. IV, no. 4.

CHAPTER XVI

ANDREW JOHNSON'S FIRST MESSAGE

Said the New York *Times*, December 6, 1865:

> Probably no executive document was ever awaited with greater interest than the message transmitted to Congress yesterday. It is safe to say that none ever gave

> greater satisfaction when received. Its views on the most momentous subjects, domestic and foreign, that ever concerned the nation, are full of wisdom, and are conveyed with great force and dignity.

The original manuscript of the message thus eulogized was discovered nearly half a century later by Professor Dunning, of Columbia University, in the handwriting of George Bancroft, among the Johnson papers in the Library of Congress.

It remains a document creditable alike to the man who composed it and to the one who made it his own by sending it as an official communication to Congress. It breathed the spirit of peace and harmony, of justice tempered with mercy, of human kindness and helpfulness, of self-abnegation and self-restraint, all couched in the tone of high statesmanship. It adhered, however, to the opinion previously expressed by the President, that the Executive had no right to extend the suffrage to persons to whom it had not been granted by state authority.

A discriminating yet warm eulogium of the message was pronounced by the New York *Nation*, which was then in the sixth month of its existence. It had criticized the President's Reconstruction acts as too hasty. Two or three months' time it considered too short to reconcile whites and blacks and teach them to respect each other's rights. Nevertheless, taken for all in all, the message was one which every American might read with pride.

> We do not know [it continued]

> where to look in any other part of the globe, for a statesman whom we could fix upon as likely to seize the points of so great a question, and state them with so much clearness and breadth, as this Tennessee tailor who was toiling for his daily bread in the humblest of employments when the chiefs of all other countries were reaping every advantage which school, college, and social position could furnish. Those who tremble over the future of democracy may well take heart again when men like Lincoln and Johnson can at any great crisis be drawn from the poorest ranks of society, and have the destinies of the nation placed in their hands with the free assurance that their very errors will be better and wiser than the skill and wisdom of kings and nobles. For if the President were to commit to-morrow every mistake or sin which his worst enemies have ever feared, his plan of Reconstruction would still remain the brightest example of humanity, self-restraint, and sagacity ever witnessed—something to which the history of no other country offers any approach, and which it is safe to say none but a democratic society would be capable of carrying out.

The statesmanship of George Bancroft did not govern

very long. The irony of fate decreed that within two months of the time when such words as the foregoing were uttered by the most competent critics in the land, the President of whom they were spoken should be in bitter strife with the majority of his own party, and within two years be facing trial by impeachment.

Andrew Johnson was born of a fighting race and in a region of fighters. He shared the poverty and ignorance of the mountaineers of East Tennessee. Hard labor was his portion in youth and early manhood. He was a tailor by trade.[79] He could read, but could not write until he was married, when the latter accomplishment was imparted to him by his wife. With this kind of start he became, like Abraham Lincoln, and in much the same way and facing the same difficulties, a public speaker, and acquired by steady practice the faculty of making his meaning clear to the commonest understanding. When he found himself in the Senate of the United States, shortly before the outbreak of secession, he had few if any superiors as a debater in that body, and the Union had not a more unflinching defender, North or South. Alexander H. Stephens, a competent judge, considered Johnson's speech against secession the best one made in the Senate during the whole controversy. Secretary Seward, who accompanied him in his "swing around the circle" in 1866, said that he was then the best stump speaker in the country. Certainly the speech with which he began that tour at New York on the 29th of August was a great one. It fills five pages of McPherson's "History of Reconstruction." It was extemporaneous, but faultless in manner and matter; it was charged with the spirit of patriotism, and it will bear comparison with anything in the annals of American polemics. If

he had made no other speech in that campaign the results might have been far different, and the Union party which elected him might have avoided the breach which soon became remediless.

The first blow leading to this breach was struck by Sumner in the Senate, December 19, 1865, when he referred to a message of the President, of the previous day, on the condition of the South, as a "whitewashing message" akin to that of President Pierce on the affairs of Kansas. When Reverdy Johnson deprecated such an assault on the President of the United States, Sumner replied that it was "no assault at all," but after two other Senators (Doolittle and Dixon) had said that it was the same as accusing the President of falsifying, he replied that he did not so intend it, but he did not withdraw or modify it.

Certain acts of Southern legislatures on the subjects of apprenticeship, vagrancy, domicile, wages, patrols, idleness, disobedience of orders, and violation of contracts on the part of laborers were early brought to the attention of the Thirty-ninth Congress. Many of these acts betokened an intention on the part of the lawmakers to reduce the freedmen to a state of serfdom or peonage. The Virginia legislature, for example, passed a vagrancy act, the ultimate effect of which, Major-General Terry said, would be to "reduce the freedmen to a condition of servitude worse than that from which they had been emancipated—a condition which will be slavery in all but its name." Whereupon the general, being in command of the military department, issued an order dated January 26, 1866, that "no magistrate, civil officer, or other person, shall, in any way or manner, apply or attempt to apply, the provisions of said statute to any colored person in this department."

President Johnson refused to interfere with General Terry's order when it was brought to his attention.

On the 13th of December, Senator Wilson, of Massachusetts, introduced a bill to declare invalid all acts, ordinances, rules, and regulations in the states lately in insurrection, in which any inequality of civil rights was established between persons on account of color, race, or previous condition of servitude. The Natick cobbler was as keen and fluent a debater as the Knoxville tailor. He had a Yankee drawl in his pronunciation which detracted from the real merits of his argument, and so it came to pass that, contrary to the usual fate of extempore speaking, his speeches read better than they sounded. His speech in support of his measure on the 21st of December was in his best style. It was devoid of passion or invective. He cherished no ill-feeling toward any person, high or low, who had been engaged in the rebellion. He did not seek or desire to punish anybody. Least of all did he desire to raise an issue with the President. He wanted only peace, order, friendship, and brotherhood between North and South, as soon as possible; but there could be no peace with these statutes staring us in the face. Therefore, he demanded that they be swept into oblivion with the slave codes that had preceded them.

Wilson desired an immediate vote on his bill. Senator Sherman thought that it ought to be referred to a committee and postponed until the anti-slavery amendment of the Constitution should be officially proclaimed. Trumbull concurred with Sherman. He said:

> I do not rise, sir, with a view of discussing the bill under

consideration: it is one relating to questions of a very grave character, and ought not to pass without due consideration. The Senator from Massachusetts tells us that it has been submitted to distinguished lawyers, and they all conceded its propriety, and nobody disputes the power of Congress to pass it. Doubtless that was their opinion and is the opinion of the Senator from Massachusetts. Perhaps it would be my opinion upon investigation. I will not undertake to say, at this time, what the powers of the Congress of the United States may be over the people in the lately rebellious states.

There was a time between the suppression of the rebellion and the institution of any kind of government in those states when it was absolutely necessary that some power or other to prevent anarchy should have control. The Senator from Delaware, and I believe the Senator from Maryland, said the rebellion was over, but at the time that the rebellion ceased there was no organized government whatever in most of the rebel states; and was the Government of the United States to withdraw its forces and leave the people in a state of anarchy for the time being? Surely not. As a consequence of the rebellion and of the authority clearly vested in the

Government of the United States to put down the rebellion, in my judgment the Government had the right, in the absence of any local governments, to control and govern the people till state organizations could be set up by the people which should be recognized by the Federal Government as loyal and true to the Constitution. It must be so. It is a necessity of the condition of things.

But, sir, I do not propose at this time to discuss this bill. It is one, I think, of too much importance to be passed without a reference to some committee. The bill does not go far enough, if what we have been told to-day in regard to the treatment of freedmen in the Southern States is true. The bill, perhaps, also may be premature in the sense stated by the Senator from Ohio. We have not yet the official information of the adoption of the constitutional amendment. That that amendment will be adopted, there is very little question; until it is adopted there may be some question (I do not say how the right is) as to the authority of Congress to pass such a bill as this, but after the adoption of the constitutional amendment there can be none.

The second clause of that amendment was inserted for some

> purpose, and I would like to know of the Senator from Delaware for what purpose? Sir, for the purpose, and none other, of preventing state legislatures from enslaving, under any pretense, those whom the first clause declared should be free. It was inserted expressly for the purpose of conferring upon Congress authority by appropriate legislation to carry the first section into effect. What is the first section? It declares that throughout the United States and all places within their jurisdiction neither slavery nor involuntary servitude shall exist; and then the second section declares that Congress shall have authority by appropriate legislation to carry this provision into effect. What that "appropriate legislation" is, is for Congress to determine, and nobody else.

Mr. Saulsbury here interrupted, saying, "I wish to ask the honorable Senator a question, with his consent, first answering his own. He asks me for what purpose that second section was introduced. I do not know; I had nothing to do with it. And now I wish to ask the honorable Senator whether, when it was before this body for adoption, he avowed in his advocacy of it that it was meant for such purposes as are now claimed."

Then the following colloquy ensued:

MR. TRUMBULL. I never understood it in any other way.

MR. SAULSBURY. Did you state it to the Senate?

MR. TRUMBULL. I do not know that I stated it to the Senate. I might as well have stated to the Senator from Delaware that the clause which declared that Slavery should not exist anywhere within the United States means that slavery should not exist within the United States! I could make it no plainer by repetition or illustration than the statement itself makes it. I reported from the Judiciary Committee the second section of the constitutional amendment for the very purpose of conferring upon Congress authority to see that the first section was carried out in good faith, and for none other; and I hold that under that second section Congress will have the authority, when the constitutional amendment is adopted, not only to pass the bill of the Senator from Massachusetts, but a bill that will be much more efficient to protect the freedman in his rights. We may, if deemed advisable, continue the Freedmen's Bureau, clothe it with additional powers, and if necessary back it up with a military force, to see that the rights of the men made free by the

first clause of the constitutional amendment are protected. And, sir, when the constitutional amendment shall have been adopted, if the information from the South be that the men whose liberties are secured by it are deprived of the privilege to go and come when they please, to buy and sell when they please, to make contracts and enforce contracts, I give notice that, if no one else does, I shall introduce a bill and urge its passage through Congress that will secure to those men every one of these rights: they would not be freemen without them. It is idle to say that a man is free who cannot go and come at pleasure, who cannot buy and sell, who cannot enforce his rights. These are rights which the first clause of the constitutional amendment meant to secure to all; and to prevent the very cavil which the Senator from Delaware suggests to-day, that Congress would not have power to secure them, the second section of the amendment was added.

There were some persons who thought it was unnecessary to add the second clause. It was said by some that wherever a power was conferred upon Congress there was also conferred authority to pass the necessary laws to carry that power into effect, under the general clause

in the Constitution of the United States which declares that Congress shall have authority to pass all laws necessary and proper for carrying into execution any of the powers conferred by the Constitution. I think Congress would have had the power, even without the second clause, to pass all laws necessary to give effect to the provision making all persons free; but it was intended to put it beyond cavil and dispute, and that was the object of the second clause, and I cannot conceive how any other construction can be put upon it.

Now, sir, I trust that this bill may be referred, because I think that a bill of this character should not pass without deliberate consideration and without going to some of the committees of the Senate. But the object which is had in view by this bill I heartily sympathize with, and when the constitutional amendment is adopted I trust we may pass a bill, if the action of the people in the Southern States should make it necessary, that will be much more sweeping and efficient than the bill under consideration. I will not sit down, however, without expressing the hope that no such legislation may be necessary. I trust that the people of the South, who in their state constitutions have declared

> that slavery shall no more exist among them, will by their own legislation make that provision effective. I trust there may be a feeling among them in harmony with the feeling throughout the country, and which shall not only abolish slavery in name, but in fact, and that the legislation of the slave states in after years may be as effective to elevate, enlighten, and improve the African as it has been in past years to enslave and degrade him.[80]

On the 18th of December the adoption of the anti-slavery amendment was officially announced. On the same day the President sent to the Senate two reports on the condition of affairs, and the state of opinion, in the South,—a very brief one from Lieutenant-General Grant and a much longer one from Major-General Carl Schurz. The former was an incidental result of a three weeks' tour of inspection for military purposes.

General Grant had spent one day in Raleigh, North Carolina, two days in Charleston, South Carolina, and one day each in Savannah and Augusta, Georgia. The substance of his report was that he did not think it practicable to withdraw the military at present; that the citizens of the Southern States were anxious to return to self-government within the Union as soon as possible; that they were in earnest in wishing to do what they supposed was required of them by the Government and not humiliating to them as citizens.

> I am satisfied [he said] that the mass of thinking men of the South accept the present situation of affairs in good faith. The questions which have heretofore divided the sentiment of the people of the two sections—slavery and state rights, or the right of a state to secede from the Union—they regard as having been settled forever by the highest tribunal—arms—that man can resort to. I was pleased to learn from the leading men whom I met that they not only accepted the decision arrived at as final, but, now that the smoke of battle has cleared away and time has been given for reflection, that this decision has been a fortunate one for the whole country, they receiving like benefits from it with those who opposed them in the field and in council.

He alluded to a belief widely spread among the freedmen that the lands of their former owners were to be divided, in part at least, among them and that this belief was seriously interfering with their willingness to make labor contracts for the ensuing year. Then he added:

> In some instances, I am sorry to say, the freedman's mind does not seem to be disabused of the idea that a freedman has the right to live without care or provision for the future. The effect of the belief in the

> division of lands is idleness and accumulation in camps, towns, and cities. In such cases, I think, it will be found that vice and disease will tend to the extermination or great reduction of the colored race. It cannot be expected that the opinions held by men at the South for years can be changed in a day; and, therefore, the freedmen require for a few years not only laws to protect them, but the fostering care of those who will give them good counsel and on whom they can rely.

General Schurz's investigation had been made at the special request of the President. He had spent three months in South Carolina, Georgia, Alabama, Mississippi, and Louisiana. The President, when appointing him, had said that his own policy of Reconstruction was merely experimental and subject to change if it did not lead to satisfactory results. Schurz says in his "Reminiscences?"[81] that when he returned to Washington from his journey he had much difficulty in procuring an interview with the President; that the latter received him coldly and did not ask him for the results of his investigation; and that when he (Schurz) said that he intended to write a report, the President said that he need not take that trouble on his account. Schurz was convinced that the President wished to suppress his testimony and he resolved that he should not do so. He accordingly wrote the report and sent it in, with the accompanying documents, and let his friends in the Senate know that he had done so. On the 12th of December the Senate, on Sumner's motion, called for

the report. The President did not respond immediately. In the mean time he had had a conversation with General Grant whose views were for the most part in accord with his own, and he asked the latter to communicate the information he had gained during his Southern tour in order to make it a part of his reply to the Senate Resolution. The reply occupies only one page and a half of McPherson's "Reconstruction." Schurz's consists of forty-four printed pages of text and fifty-eight pages of appendix; Schurz considered this the best paper he had ever written on a public matter, and there can be no doubt that it had great influence in Congress and on the Republican party. Yet the brief report of Grant was the sounder of the two. Indeed, Schurz himself in his later years had doubts as to the validity of his own conclusions.[82]

Schurz's conclusions may be summarized thus:

> If nothing were necessary but to restore the machinery of government in the states lately in rebellion in point of form, the movements made to that end by the people of the South might be considered satisfactory. But if it is required that the Southern people should also accommodate themselves to the result of the war in point of spirit, those movements fall far short of what must be insisted upon....
>
> The emancipation of the slaves is submitted to only in so far as chattel slavery in the old form could not be kept up. But although the freedman

is no longer considered the property of the individual master, he is considered the slave of society, and all independent state legislation will share the tendency to make him such. The ordinances abolishing slavery, passed by the conventions under pressure of circumstances, will not be looked upon as barring the establishment of a new form of servitude.

Practical attempts on the part of the Southern people to deprive the negro of his rights as a freeman may result in bloody collisions, and will certainly plunge Southern society into restless fluctuations and anarchical confusion. Such evils can be prevented only by continuing the control of the National Government in the states lately in rebellion until free labor is fully developed and firmly established, and the advantages and blessings of the new order of things have disclosed themselves. This desirable result will be hastened by a firm declaration, on the part of the Government, that national control in the South will not cease until such results are secured....

The solution of the problem would be very much facilitated by enabling all the loyal and free-labor elements in the South to exercise a healthy

> influence upon legislation. It will hardly be possible to secure the freedman against oppressive class legislation and private persecution, unless he be endowed with a certain measure of political power.

It is fitting to notice here a letter written by Hon. J. L. M. Curry, of Alabama, to Senator Doolittle and read by him in the Senate on April 6, 1866.

> I was [said Mr. Curry] a secessionist, for a while a member of the Confederate Congress, and afterward in the army, on the staff of generals, or in command of a regiment. It would be merest affectation to pretend that I was not somewhat prominent as a secessionist.... Having laid the predicate for my competency, I desire to aver, as a gentleman, and a Christian, I hope, that with large personal intercourse with the people and those who are suspected of rebel intentions, I never heard (of course, since the surrender) of any conspiracy or movement or society or purpose, secret or public, present or prospective, to overthrow the United States Government, to resist its authority, to *reënslave the negroes*, or in any manner to disturb the relations that now exist between the Southern States as constituent elements of the Federal Government and that Government, until I read of

> such intentions recently in Northern newspapers. With perfect certainty as to the truth of my affirmation, I can state that there is not a sane or sober man in Alabama who believes or expects that African slavery will be reëstablished. As unalterable facts, the people accept the abolition of slavery, the extinction of the right of secession, and the supremacy of the Federal Government. It is as idle, a thousand times more so, to speak of another contemplated resistance to Federal authority as to anticipate the overthrow of the British Government by the Fenians.[83]

Mr. Curry's words were true, but at the time when they were written the weight of testimony available at Washington and in the North generally was of a contrary sort, and Mr. Curry counted for no more at the national capital than any other disarmed secessionist. At a later period he became known to the North as one of the great benefactors of his time and country, especially noted for his labors in educating and upbuilding both races in the Southern States.[84]

FOOTNOTES:

[79] "For a man who had 'come from the people,' as he was fond of saying, and whose heart was always with the poor and distressed, Andrew Johnson was one of the neatest men in his dress and person I have ever known. During his three years in Nashville, in

particular, he dressed in black broadcloth frock-coat and waistcoat and black doeskin trousers, and wore a silk hat. This had been his attire for thirty years, and for most of that time, whether as governor of Tennessee, member of Congress, or United States Senator, he had made all of his own clothes." (Benjamin C. Truman, Secretary to Andrew Johnson, in *Century Magazine*, January, 1913.)

[80] *Cong. Globe*, 1865-66, I, 42, 43.

[81] Vol. III, p. 202.

[82] "It gives me some satisfaction now to say that none of those statements of fact have ever been effectually controverted. I cannot speak with the same assurance of my conclusions and recommendations, for they were matters not of knowledge but of judgment. And we stood at that time face to face with a situation bristling with problems so complicated and puzzling that every proposed solution based upon assumptions ever so just, and supported by reasoning apparently ever so logical, was liable to turn out in practice apparently more mischievous than any other. In a great measure this has actually come to pass.... I am far from saying that somebody else might not have performed the task much better than I did. But I do think that this report is the best paper I have ever written on a public matter. The weakest part of it is that referring to negro suffrage—not as if the argument, as far as it goes, were wrong, but as it leaves out of consideration several aspects of the matter, the great importance of which has since become apparent." (*Reminiscences*, III, 204, 209.)

[83] *Cong. Globe*, 1865-66, p. 1808.

[84] See *Biography of J. L. M. Curry*, by

Alderman and Gordon, New York, 1911.

CHAPTER XVII

THE FREEDMEN'S BUREAU AND CIVIL RIGHTS BILLS

On January 5, 1866, Trumbull introduced two measures which engrossed public attention during the next three months and enlarged the parting of the ways between Congress and the President. These were the Freedmen's Bureau Bill and the Civil Rights Bill. The former was a measure to continue in force and amend an act of Congress already in operation, but which would expire by limitation one year after the end of the war, and which had been passed to provide for needy and homeless whites, as well as blacks. It embraced also the temporary disposition of abandoned lands. Under its operation General Sherman had assigned some thousands of acres of abandoned land to freedmen for the purpose of giving them employment and enabling them to earn their own living, and they were in actual possession. Of course, the title to such lands would revert to the former owners, whenever military rule should come to an end. The Freedmen's Bureau Bill provided that in places where the ordinary course of judicial

proceedings had been interrupted by the rebellion, and where any of the civil rights enjoyed by white persons were denied to other persons by reason of race, color, or previous condition of servitude, the latter should be under military protection and jurisdiction, which should be exercised by the Commissioner of the Freedmen's Bureau under orders of the President of the United States, and that any person, who, under color of any state or local law or custom, should infringe such rights, should be punished by fine or imprisonment or both. The courts authorized to hear and decide such cases were to consist of the officers and agents of the Bureau, without jury trial and without appeal; but this jurisdiction should not exist in any state after it should have been restored to its constitutional relations to the Union.

The last-mentioned feature of the bill brought up the question whether Congress had power under the Constitution in time of peace to pass laws for the ordinary administration of justice in the states. Senator Hendricks, of Indiana, had doubts on that point. In a debate on the 19th of January, 1866, he said:

> My judgment is that under the second section of the [thirteenth] constitutional amendment we may pass such a law as will secure the freedom declared in the first section, but that we cannot go beyond that limitation.[85]

To this Trumbull replied:

> If the construction put by the

Senator from Indiana upon the amendment be the true one, and we have merely taken from the master the power to control the slave and left him at the mercy of the state to be deprived of his civil rights, the trumpet of freedom that we have been blowing throughout the land has given an uncertain sound, and the promised freedom is a delusion. Such was not the intention of Congress, which proposed the Constitutional amendment itself. With the destruction of slavery necessarily follows the destruction of the incidents of slavery. When slavery was abolished slave codes in its support were abolished also.

Those laws that prevented the colored man going from home, that did not allow him to buy or to sell, or to make contracts; that did not allow him to own property; that did not allow him to enforce rights; that did not allow him to be educated, were all badges of servitude made in the interest of slavery and as a part of slavery. They never would have been thought of or enacted anywhere but for slavery, and when slavery falls they fall also. The policy of the States where slavery has existed has been to legislate in its interest; and out of deference to slavery, which was tolerated by the Constitution of the United States,

even some of the non-slaveholding states passed laws abridging the rights of the colored man which were restraints upon liberty. When slavery goes, all this system of legislation, devised in the interest of slavery and for the purpose of degrading the colored race, of keeping the negro in ignorance, of blotting out from his very soul the light of reason, if that were possible, that he might not think, but know only, like the ox, to labor, goes with it.

Now, when slavery no longer exists, the policy of the Government is to legislate in the interest of freedom. Now, our laws are to be enacted with a view to educate, improve, enlighten, and Christianize the negro; to make him an independent man; to teach him to think and to reason; to improve that principle which the Great Author of all has implanted in every human breast, which is susceptible of the highest cultivation, and destined to go on enlarging and expanding through the endless ages of eternity.

If in order to prevent slavery Congress deem it necessary to declare null and void all laws which

will not permit the colored man to contract, which will not permit him to testify, which will not permit him to buy and sell, and to go where he pleases, it has the power to do so, and not only the power, but it becomes its duty to do so. That is what is provided to be done by this bill. Its provisions are temporary; but there is another bill on your table, somewhat akin to this, which is intended to be permanent, to extend to all parts of the country, and to protect persons of all races in equal civil rights.

I hope that the people of the rebellious states themselves will conform to the existing condition of things. I do not expect them to change all their opinions and prejudices. I do not expect them to rejoice that they have been discomfited. But they acknowledge that the war is over; they agree that they can no longer contend in arms against the Government; they say they are willing to submit to its authority; they say in their state conventions that slavery shall no more exist among them. With the abolition of slavery should go all the badges of servitude which have been enacted for its maintenance and

> support. Let them all be abolished. Let the people of the rebellious states now be as zealous and as active in the passage of laws and the inauguration of measures to elevate, develop, and improve the negro, as they have hitherto been to enslave and degrade him. Let them do justice and deal fairly with loyal Union men in their midst, and henceforth be themselves loyal, and this Congress will not have adjourned till the states whose inhabitants have been engaged in the rebellion will be restored to their former position in the Union, and we shall all be moving on in harmony together.[86]

In short, Trumbull held that it was for Congress to decide what rights might be established and enforced by federal law, in addition to that of emancipation. That this was to be a troublesome question was shown a little later by a colloquy between Trumbull and Henderson. The latter was of the opinion that the only sure way to protect the freedmen was to give them the right to vote. Trumbull thought that, for the present purpose of providing them with food, clothing, and shelter, Dr. Townsend's Sarsaparilla or any other patent medicine, would be as effectual as the right of suffrage.[87] Sumner, a little later, thought that the right to serve on juries and to hold office was among the essential securities of freedom, and Thaddeus Stevens thought that land-ownership also was necessary. What could be done under the second clause of the Thirteenth Amendment was the

question, either expressed or implied, underlying the whole controversy on Reconstruction during the next ten years.

It was commonly believed that the President would approve the Freedmen's Bureau Bill; hence, when a veto message came, on the 19th of February, it was received with consternation by the Republicans in Congress. He held that the bill was both unconstitutional and inexpedient. It had been passed in the Senate by yeas 37, nays 10, every Republican voting for it and every Democrat against it. There were three absentees when the vote was taken: Cowan and Willey, Republicans, and Nesmith, Democrat. There was ample margin here for passing the bill over the veto, if the Republicans could hold together, but when the second vote was taken, February 20, the yeas were 30, and the nays 18, not two thirds. So the bill failed. Eight Republicans, Cowan, Dixon, Doolittle, Morgan, Norton, Stewart, Van Winkle, and Willey, had sided with the President. There were two absentees: Foot (Rep.), of Vermont, and Wright (Dem.), of New Jersey, both sick.

The question of negro suffrage had not yet become acute in public discussions. The state of public opinion in the North was fairly set forth by Dr. C. H. Ray in a private letter to Trumbull dated Chicago, February 7, thus:

> If he [Johnson] will agree to your bill giving the freedmen the civil rights that the whites enjoy, and if he halts at that, and war is made on him because he will not go to the extent of negro suffrage, he will beat

> all who assail him. The party may be split, the Government may go out of Republican hands; but Andy Johnson will be cock-of-the-walk. The people, so far as I understand, are of the opinion that the war for the Union is over.... And as for the negro, they think that when he has the rights which your bill will give him, he must be contented to look upon the elective franchise as a something to be earned by giving evidence of his fitness therefor.

The excitement caused by the veto of the Freedmen's Bureau Bill was still further intensified by a struggle on a side issue, in which Trumbull took the leading part, and which involved the seat of the Democratic Senator Stockton, of New Jersey. He had been chosen by the Legislature of his state in joint meeting on March 15, 1865. The Democrats had a majority of five in the legislature, but had been unable, at first, to agree upon a candidate. Accordingly, the joint meeting, by a vote of 41 to 40, adopted a rule that any person receiving a plurality of the votes cast for Senator should be declared elected. In pursuance of this rule, a vote was taken by roll-call and John P. Stockton received 40 votes, John C. Ten Eyck received 37 votes, and there were 4 scattering, the total number being 81. Stockton was accordingly declared elected without objection, and the joint meeting adjourned *sine die*.

When Congress assembled in December, Stockton's certificate of election, in due form, was presented and he was sworn in. A protest, however, had been signed by all the Republican members of the New

Jersey legislature and this was presented by Senator Cowan by request. It affirmed that Stockton had not received the votes of a majority of the members, as required by a law of the state. The protest and credentials were referred to the Committee on the Judiciary, which consisted of five Republicans (Trumbull, Harris, Clark, Poland, and Stewart) and one Democrat (Hendricks).

Trumbull, in behalf of the committee, reported that Stockton was duly elected and entitled to the seat. All the members concurred except Clark, of New Hampshire. Regarding the law of the state, which required a majority to elect, the report said that the state constitution denominated and recognized the two houses, either in joint session, or separately, as "The Legislature"; that the legislature, in either capacity, had the right to make its own rules; and that since a majority had voted for the plurality rule the subsequent action taken in pursuance of it was the act of the majority. There was room for an honest difference of opinion, since the enactment of a law required action by the two houses separately and a submission of the same to the governor. On this point, however, Trumbull quoted from "Story on the Constitution" to the effect that, since the governor had nothing to do with the choice of Senators, he was eliminated from consideration in any and all steps leading thereto.

It happened at this time that one Republican Senator, Foot, of Vermont, and one Democrat, Wright, of New Jersey, were absent by reason of serious illness. Wright had gone to his home in Newark for treatment, but, before going, had paired with Morrill, of Maine, on the question of his colleague's contested election. When the debate was drawing to a close,

severe pressure was put upon Morrill by his radical friends in the Senate to declare his pair off, and to vote against Stockton. When the vote was taken, on concurring in the report of the Judiciary Committee, the yeas were 21 and the nays 20. Stockton himself had not voted. Twelve of the affirmative votes were Republicans. Before the result was announced, Senator Morrill, who had withheld his vote, asked the Secretary to call his name, and then voted in the negative, making a tie. Then Senator Stockton said that Morrill had been paired with his colleague on this question, and that Wright had told him before he went away that he would not go home at all without first obtaining a pair on this question. Under such circumstances he (Stockton) felt at liberty to vote in his own behalf. So he directed the Secretary to call his name and he voted in the affirmative. Morrill admitted that the pair had been made, but said that when it was made he had not contemplated that it would run so long (seven weeks), and that he therefore felt at liberty to vote. He added, with apparent satisfaction, that his vote did not change the result. This was true, but Stockton's vote did change it to his own disadvantage.

The result was announced; yeas 22, nays 21. If Stockton had not voted, the result would have been a tie, and he would have held his seat. His opponents had exhausted their resources and there was no parliamentary way of trying the case over again. By casting a vote in his own case he gave them a weapon with which to renew the fight.

When the Senate reassembled, Sumner moved that the journal be corrected by striking out Stockton's name from the vote last taken, on the ground that he had no right to vote in his own case. The subject was

thus brought up again, and the result was a reconsideration of the vote of the previous day. Trumbull concurred in the view that the question before the Senate was judicial in its nature and that, therefore, Stockton could not vote when his own seat was in question.

On the last day of the debate a telegram was received from Senator Wright requesting a postponement of the vote till the following day, saying that he would then be in his seat or would not ask further delay. His request was supported by Reverdy Johnson in a pathetic appeal to the fraternal feeling and gentlemanly instincts of Senators; but Clark, who led the opposition, objected strenuously to any postponement, although two postponements had been previously granted on account of his own illness.

On the motion to postpone till the following day the vote was, yeas 21, nays 22. Senator Dixon, a Republican supporter of Stockton, had fallen sick and was absent. Senator Stewart, another Republican supporter, was absent when the vote was taken, although he had been in the Senate Chamber earlier in the day; he had dodged. All the members of the Judiciary Committee, who had signed the original report in favor of Stockton, voted for him to the last, except Stewart. If he and Dixon had been present, the final vote would have been postponed, and in all probability Stockton would have retained his seat, although Morgan, of New York, who had voted for postponement, changed on the very last vote, which was against Stockton, 20 to 23.

An impartial reader of the whole debate, in the calm atmosphere of the present day, will be apt to

conclude that partisan zeal rather than judicial fairness was the deciding factor in Stockton's case, and that the heat developed in the contest was due to a desire on the part of the majority to gain a two-thirds vote in order to overcome the President's vetoes.

Consideration of the Civil Rights Bill began on the 29th of January, on an amendment proposed by Trumbull which provided that all persons of African descent born in the United States should be citizens thereof, and there should be no discrimination in civil rights or immunities among the inhabitants of any state or territory on account of race, color, or previous condition of slavery. The question was not merely whether this provision was just, but whether Congress had power under the Constitution to pass laws for the ordinary administration of justice in the states. On this point Trumbull said:

> Under the constitutional amendment which we have now adopted, and which declares that slavery shall no longer exist, and which authorizes Congress by appropriate legislation to carry this provision into effect, I hold that we have a right to pass any law which, in our judgment, is deemed appropriate, and which will accomplish the end in view, secure freedom to all people in the United States. The various state laws to which I have referred,—and there are many others,—although they do

not make a man an absolute slave, yet deprive him of the rights of a freeman; and it is perhaps difficult to draw the precise line, to say where freedom ceases and slavery begins, but a law that does not allow a colored person to go from one county to another is certainly a law in derogation of the rights of a freeman. A law that does not allow a colored person to hold property, does not allow him to teach, does not allow him to preach, is certainly a law in violation of the rights of a freeman, and being so may properly be declared void.

Without going elaborately into this question, as my design was to state rather than to argue the grounds upon which I place this bill, I will only add on this branch of the subject that the clause of the Constitution, under which we are called to act, in my judgment vests Congress with the discretion of selecting that "appropriate legislation" which it is believed will best accomplish the end and prevent slavery.

Then, sir, the only question is, will this bill be effective to accomplish the object, for the first section will amount to nothing more than the declaration in the Constitution itself unless we have the machinery to

carry it into effect. A law is good for nothing without a penalty, without a sanction to it, and that is to be found in the other sections of the bill. The second section provides:

"That any person, who under color of any law, statute, ordinance, regulation, or custom, shall subject or cause to be subjected any inhabitant of any state or territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding $1000, or imprisonment not exceeding one year, or both, in the discretion of the court."

This is the valuable section of the bill so far as protecting the rights of freedmen is concerned. That they are entitled to be free we know. Being entitled to be free under the Constitution, that we have a right to enact such legislation as will make

> them free, we believe; and that can only be done by punishing those who undertake to deny them their freedom. When it comes to be understood in all parts of the United States that any person who shall deprive another of any right, or subject him to any punishment in consequence of his color or race, will expose himself to fine and imprisonment, I think all such acts will soon cease.[88]

Senator Saulsbury, of Delaware, contended that the Thirteenth Amendment of the Constitution had given no power to Congress to confer upon free negroes rights and privileges which had not been conceded to them by the states where they resided. He said that in Maryland about one half of the colored population were free before the Thirteenth Amendment was adopted, that in Delaware the free negroes largely outnumbered the slaves, and that in Kentucky the free negroes were a large part of the population. All that the Thirteenth Amendment did was to put the slave population on the same footing on which the free negroes already stood. Congress had no power to legislate on the status of free negroes in the several states before the Civil War. But the powers of Congress in this respect had not been enlarged by anything in the Thirteenth Amendment. That amendment had merely said that the condition of slavery—the condition in which one man belongs to another, which gives that other a right to appropriate the profits of his labor to his own use and to control his person—should no longer exist. Those who voted for the amendment might have contemplated a larger

exercise of power by Congress than mere emancipation, but they did not avow it on the floor of the Senate when the measure was pending. He continued:

> The honorable Senator from Illinois has avowed that he does not propose by this bill to confer any political power. I have no doubt the Senator is perfectly honest in that declaration, and that he personally does not mean to give any political power, for instance, the right of voting, not only to the freedmen, but to the whole race of negroes; but the intention of the Senator in framing this bill will not govern its construction, and I have not the least doubt that, should it be enacted and become a law, it will receive very generally, if not universally, the construction that it does confer a right of voting in the states; and why do I say so? Says the Senator, "It confers no political power; I do not mean that." The question is not what the Senator means, but what is the legitimate meaning and import of the terms employed in the bill. Its words are, "That there shall be no discrimination in civil rights or immunities." What are civil rights? What are the rights which you, I, or any citizen of this country enjoy? What is the basis, the foundation of them all? They are divisible into two

classes; one, those rights which we derive from nature, and the other those rights which we derive from government. I will admit that you may divide and subdivide the rights which you derive from government into different classifications; you may call some, for the sake of convenience and more definiteness of meaning, political; you may call others civil.

What is property? It has been judicially decided that the elective franchise is property. Leaving out the question of voting, however, as a question of property, is it not true that, under our republican form and system of government, the ballot is one of the means by which property is secured? Your bill gives to these persons every security for the protection of person and property which a white man has. What is one means and a very important means of securing the rights of person and property? It is a voice in the Government which makes the laws regulating and governing the right of property. Under our system of government—mark you, I do not say that it is so under all governments—one of the strongest and most efficient means for the security of

> person and property is a participation in the selection of those who make the laws. It was therefore that I thought that the honorable Senator when he framed this bill meant to give to these persons the right of voting; and I should still think so but for his personal disclaimer of any such object.

Senator Van Winkle (Unionist), of West Virginia, contended that negroes were not citizens of the United States and could not be made such by act of Congress, or by anything short of constitutional amendment. He was opposed to the introduction of inferior races into the ranks of citizenship, but if the Constitution should be changed in the mode provided for its amendment so as to introduce negroes, Indians, Chinese, and other alien races to citizenship, he would endeavor to do his whole duty toward them by recognizing them as citizens in every respect.

Senator Cowan held that the second clause of the Thirteenth Amendment of the Constitution was limited to the breaking of the bond by which the negro slave was held by his master. It was not intended to revolutionize all the laws of the various states. The bill under consideration would not only repeal statutes of Pennsylvania, but would subject the judges of her courts to criminal prosecution, for enforcing her own laws. He (Cowan) was willing to vote for an amendment of the Constitution giving Congress the power to secure to all men of every race, color, and condition their natural rights to life,

liberty, and property, but the bill under consideration was an attempt to do, without any power, that which it was very questionable whether we ought to do, even if we had the power. Cowan concluded by arguing that Congress ought not to enact laws affecting the Southern States so radically, when they were not represented in Congress.

Senator Howard, of Michigan, supported the bill in a speech of great force from the humanitarian point of view, but did not dwell upon the constitutional question, except to affirm that he, as a member of the Judiciary Committee which had reported the Thirteenth Amendment, had intended, by the second clause thereof, to empower Congress to enact such measures as the pending Civil Rights Bill.

Garrett Davis, of Kentucky, contended that negroes could not be made citizens of the United States under the power granted to Congress to pass naturalization laws, since naturalization applied only to foreigners. Negroes born in this country were not foreigners.

Trumbull replied that free negroes were citizens under the fourth article of the Confederation, prior to the adoption of the Constitution and that an attempt to exclude them from citizenship on the 25th of June, 1778, received only two votes in the Congress of the Confederation. He quoted a decision of Judge Gaston, of North Carolina, that free negroes born in that state were citizens of the state and that slaves manumitted there became citizens by the fact of manumission.

Reverdy Johnson held that it was as competent for Congress to strike out the word "white" from our naturalization law as it had been for a former Congress to insert that word. In that case a negro

migrating from Africa to the United States might be made a citizen exactly like an immigrant from Europe.

Garrett Davis denied this, saying:

> This is a government and a political organization by white people. It is a principle of that Government and that organization, before and below the Constitution, that nobody but white people are or can be parties to it.

The colloquy between Senators Johnson and Davis continued until the latter affirmed that the making of negroes citizens by any process whatsoever was "revolutionary," as destructive to our Government as would be a bill establishing a monarchy, or declaring that the President should hold office for life.[89]

The debate continued till February 2, Senators Guthrie, Hendricks, and Cowan opposing the bill and Trumbull, Fessenden, and Wilson supporting it. The vote was then taken and resulted, yeas 33, nays 12, absent 5. It went to the House, where it encountered unexpected opposition from Bingham, of Ohio, a radical Republican, who said:

> Now what does this bill propose? To reform the whole civil and criminal code of every State Government by declaring that there shall be no discrimination between citizens on account of race or color in civil rights, or in the penalties prescribed by their laws. I humbly bow before

the majesty of justice, as I bow before the majesty of that God whose attribute it is, and therefore declare that there should be no such inequality or discrimination even in the penalties for crime, but what power have you to correct it? That is the question. You further say that in the courts of justice of the several states there shall, as to the qualifications of witnesses, be no discrimination on account of race or color. I agree that as to persons who appreciate the obligation of an oath —and no others should be permitted to testify—there should be no such discrimination. But whence do you derive power to cure it by congressional enactment? There should be no discrimination among citizens of the United States, in the several states, of like sex, age, and condition, in regard to the franchises of office. But such a discrimination does exist in nearly every state. How do you propose to cure all this? By a congressional enactment? How? Not by saying in so many words (which would be the bold and direct way of meeting this issue) that every discrimination of this kind, whether existing in state constitution or state law, is hereby abolished. You propose to make it a penal offence for the judges of the states to obey the constitution and laws of their

> states, and for their obedience thereto to punish them by fine and imprisonment as felons. I deny your power to do this. You cannot make an official act done under color of law and without criminal intent and from a sense of duty, a crime.[90]

The only Republican member of the House, from the non-slaveholding states, who sided with Bingham, was Raymond, of New York. The House passed the bill by yeas 111, nays 38.

On the 27th of March, the President returned the bill to the Senate without his approval. He vetoed it on grounds of inexpediency and unconstitutionality. His arguments were substantially the same as those of Senators Saulsbury and Cowan.

Trumbull replied to the veto message in a speech of great power which occupies five pages of the *Congressional Globe*. He took up and answered the President's objections *seriatim*. These details need not now be repeated. There was one of a personal character, however, which calls for notice. He said that he had endeavored to meet the President's wishes in the preparation of both the bills, and had called upon him twice and had given him copies of them before they were introduced and asked his coöperation in order to make them satisfactory. In short, he had done everything possible to avoid a conflict between the executive and legislative branches of the Government, and since he had been assured that the President's aims, like his own, were in the direction of peace and concord, he was amazed when they were vetoed. At the conclusion of his speech he referred briefly to the constitutional

objection to the bill saying:

> If the bill now before us, which goes no further than to secure civil rights to the freedmen, cannot be passed, then the constitutional amendment proclaiming freedom to all the inhabitants of the land is a cheat and a delusion.

The floor and galleries of the Senate Chamber were crowded during the delivery of the speech and the roll-call followed immediately, resulting: yeas 33, nays 15, more than two thirds. The closing scene was thus described in a Washington letter to the *Nation*, April 12:

> After three days of extremely ardent debate signalized by a speech of singular cogency and power from Senator Trumbull, the father of the bill, the vote was reached about 7 o'clock on Friday evening. When the end of the roll was reached and Vice-President Foster announced the result, nearly the whole Senate and auditory were carried off their feet and joined in a tumultuous outburst of cheering such as was never heard within those walls before.

The veto of the Civil Rights Bill and the struggle over its passage the second time precipitated the exciting contest at the polls in the autumn of 1866. In that campaign Trumbull held the foremost position in the Republican column. Whether it was possible to avoid

the conflict we cannot now say. It was most desirable that the party in power should march all one way, and hence that the President should respond to the friendly overtures of the leaders in Congress. When he found that he could not approve the two bills that the Senator had placed in his hands for examination, he ought to have sent for him and pointed out his objections and at all events expressed regret that he could not concur with him in the particulars where they disagreed. Then there might have been mutual concessions leading to harmony. In any event, there would have been no sting left behind, no hard feeling, no sense of injury, and perhaps no rupture in the party. That was not Johnson's way. He lacked *savoir faire*. He was combative by nature. He not only made personal enemies unnecessarily, but he alienated thousands who wished to be his friends.[91] "Many persons," says a not unfriendly critic, "whose feelings were proof against the appeals made on behalf of the freedmen and loyalists were carried over to the side of Congress by sheer disgust at Johnson's performances. The alienation, by the President, of this essentially thoughtful and conservative element of the Northern voters was as disastrous and inexcusable as the alienation of those moderate men in Congress whom he had repelled by his narrow and obstinate policy in regard to the Freedmen's Bureau and Civil Rights Bills. It was again demonstrated that Andrew Johnson was not a statesman of national size in such a crisis as existed in 1866."[92]

On the other hand, it must be admitted that Johnson was within his constitutional right in vetoing the bills without previously consulting anybody in Congress.

The Civil Rights Act came before the Circuit Court of the United States twice, soon after it was enacted, and in both instances was held to be constitutional. The circuit courts were then presided over by Justices of the Supreme Court. In the case of United States *v.* Rhodes, Seventh Circuit, District of Kentucky, 1866, before Justice Swayne, the act was pronounced constitutional in all its provisions, and held to be an appropriate method of exercising the power conferred on Congress by the Thirteenth Amendment.

The other case was the Matter of Turner, Fourth Circuit, Maryland, October Term, 1867, before Chief Justice Chase. This case was submitted to the court without argument. The Chief Justice expressed regret that it was not accompanied by arguments of counsel, but he decided that the act was constitutional and that it applied to all conditions prohibited by it, whether originating in transactions before, or since, its enactment.[93]

If either of these cases had been taken to the Supreme Court on appeal, at that time, the Civil Rights Act of 1866 would doubtless have been upheld by that body; yet in October, 1882, the court held by unanimous vote that none of the latest amendments of the Constitution (the Thirteenth, Fourteenth, and Fifteenth) did more than put prohibition on the action of the states. No state should have slavery; no state should make any law to abridge the privileges and immunities of citizens of the United States; no state should deny the right of voting by reason of race, color, or previous condition of servitude. The power of Congress to go into the states to enforce the criminal law against individuals

had not been granted in any of these amendments. It could not be affirmed that the second section of the Thirteenth Amendment gave power to Congress to legislate for the states as to other matters than actual slavery. But the Civil Rights Act applied to all the states—to those where slavery had never existed as well as to those where it had been recently abolished.[94]

The act which the court in October, 1882, pronounced unconstitutional was the Anti-Ku-Klux Act of 1871. Trumbull himself spoke and voted against that act believing it to be unconstitutional, as we shall see later. He drew the line somewhere between the two acts. The judges participating in the decision in the Harris case were Chief Justice Waite and Associate Justices Miller, Bradley, Woods, Gray, Field, Harlan, Matthews, and Blatchford.

One year later the court held that the Equal Rights Act of March 1, 1875, which gave to all persons full and equal enjoyment of accommodations and privileges of inns, public conveyances, theatres, and other places of public amusement, common schools and public institutions of learning or benevolence supported in whole or in part by general taxation, was unconstitutional. The Supreme Court still consisted of the Justices above named.[95] It held that the Thirteenth Amendment of the Constitution related only to slavery and its incidents and that the Fourteenth Amendment was merely prohibitory on the states; that is, that it did not confer additional powers upon Congress, but merely forbade discriminating acts on the part of the states. The opinion of the court was delivered by Justice Bradley. The only dissenting opinion was given by Justice Harlan, of Kentucky, who held that the

Thirteenth Amendment of the Constitution was not restricted to the prohibition of slavery, but that it conferred upon Congress the power to make freedom effectual to the former victims of slavery. He said:

> The Thirteenth Amendment, it is conceded, did something more than to prohibit slavery as an institution resting upon distinctions of race and upheld by positive law. My brethren admit that it established and decreed universal civil freedom throughout the United States. But did the freedom thus established involve nothing more than the exemption from actual slavery? Was nothing more intended than to forbid one man from owning another as property? Was it the purpose of the nation simply to destroy the institution and then remit the race, theretofore held in bondage, to the several states for such protection in their civil rights, necessarily growing out of freedom, as those states in their discretion might choose to provide? Were the states, against whose protest the institution was destroyed, to be left free, so far as national interference was concerned, to make or allow discriminations against that race, as such, in the enjoyment of those fundamental rights which by universal concession inhere in a state of freedom? Had the Thirteenth Amendment stopped

> with the sweeping declaration in its first section against the existence of slavery and involuntary servitude, except for crime, Congress would have had the power by implication, according to the doctrines of Prigg *v.* Commonwealth of Pennsylvania, repeated in Strauder *v.* West Virginia, to protect the freedom established and consequently to secure the enjoyment of such civil rights as were fundamental in freedom. That it can exert its authority to that extent is made clear, and was intended to be made clear, by the express grant of such power contained in the second section of the Amendment.

The question whether the Civil Rights Act of 1866 was or was not constitutional never came squarely before the Supreme Court on a test case, but, as we have seen, other acts analogous to it did come before that tribunal in such a way that the authority of the court must be construed as adverse to it. My own thought is that the dissenting opinion of Mr. Justice Harlan above quoted is worth more than all the other literature on this subject that the books contain.

The autumn elections of 1866 returned a larger majority in Congress against President Johnson than had been there before. The result in Illinois was the reëlection of Trumbull as Senator by the unanimous vote of the Republican legislative caucus, although there were three major-generals of the victorious Union army (Palmer, Oglesby, and Logan) competing for that position, all of whom reached it later.

Trumbull sustained Johnson until the latter vetoed the Civil Rights Bill. He believed that the freedom of the emancipated blacks was put in peril by this action of the President, and he gave all of his energies to the task of passing the bill over the veto and sustaining it before the people. In this he was successful, but the avalanche of public opinion thus started did not stop with the defeat of Johnson in the election of 1866. It carried the control of the Union party out of the hands of the conservatives and gave the reins of leadership to Sumner, Stevens, and the radical wing. Trumbull followed this lead till the impeachment of Johnson took place, when he halted and saved Johnson at the expense of his own popularity, and he never regretted that he had done so.

A distant echo of the Civil Rights controversy reached the Illinois Senator from the state of Georgia, where he had been a school-teacher thirty years earlier. The correspondence is introduced here as a corrective, in some part, of the erroneous opinion that Trumbull was a man of cold and unfeeling nature:

> MORGAN [Ga.], May 17th [1866].
>
> HON. LYMAN TRUMBULL:
>
> DEAR SIR: Truth seems strange, but, stranger still appears the fact, that after a lapse of thirty years, I should offer you a feeble acknowledgment of the gratitude, and high respect I have ever cherished for you. It was my good fortune to enjoy, in Greenville, for nearly three years,

the advantage of your profound teachings; and, in later life, when adverse circumstances compel me to impart those lessons, and the hallowed influence of that instruction, to others, I award to you the full meed of praise. You cannot imagine the satisfaction I experience, when my eye turns to the many eloquent addresses you deliver before Congress; but as there lurks beneath the most beautiful rose, thorns that inflict deep wounds, so your avowed animosity to us casts a gloom over those delightful emotions. Is there no delightful thrill of association still lingering in your bosom, when memory reverts to your sojourn among us? Is there no period in that long space, around which fond retrospection can joyfully flutter her wings, and crush out the large drops of gall that have been distilled into your cup? I think you, and you alone, have the power and influence to arrest the mighty tide that threatens to overwhelm us. Can you not forget our past delinquencies, to which, I confess, we have been too prone, and remember only the little good you discovered? I often make special inquiries after you, and was much interested in an account given by an old Southern member. As I had still in my mind's eye your tall and erect

form, my surprise was great, indeed, to be told that your form was not so straight, and that you used spectacles. I have failed in the proper place to mention my name, "Fannie Lowe," the most mischievous girl of the school. I married a gentleman from Mobile, who lived eight years after the union. He fell a victim to cholera, fourteen years since, during its prevalence in New Orleans. It was my great misfortune to lose my daughter, just as the flower began to expand and promise hope and comfort for my old age. In conclusion, I will be delighted to hear from you, and by all means send me your photograph. My kindest regards to your dear ones, and accept the warmest wishes of

MRS. F. C. GARY.

MORGAN, CALHOUN CY., GEORGIA.

UNITED STATES SENATE CHAMBER,
WASHINGTON, June 27, 1866.

MY DEAR MRS. GARY: I was truly grateful to receive yours of the 17th ult., and to know that after the lapse of thirty years I was not forgotten by those who were my pupils. I remember many of them well, and for all have ever cherished the kindest of feelings and the best of wishes. It pains me, however, to

think that you and probably most of those about you, including those once my scholars, should so misunderstand me and Northern sentiments generally. How can you, my dear child,—excuse the expression, for it is only as a school-girl I remember Fannie Lowe,—how can you, I repeat, accuse me of entertaining feelings of "animosity" and of the bitterness of "gall" towards you or the South?... Towards the great mass of those engaged in the rebellion the North feels no animosity. We believe they were induced to take up arms against the Government from mistaken views of Northern sentiment brought about by ambitious and wicked leaders, and those political leaders we do want, at least, to exclude from political power, if nothing more, till loyal men are protected and loyalty is respected in the rebellious districts. It is in the power of the Southern people to have reconstruction at once, and the restoration of civil government, complete, if they will only put their state organizations in loyal hands, elect none but loyal men to office, and see that those who were true to the Union, during the war, of all classes, are protected in their rights. I ask you, in all candor, till the disloyal of the South

are willing to do this, ought they to complain if they are subjected to military control? I enclose you, as requested, a couple of photographs, which you will hardly recognize as of the young man whom you knew thirty years ago. The one without a beard was taken three or four years since; the other, this year. My family consists of a wife and three boys, the eldest twenty years of age.

Please remember me to any who once knew me at Greenville, for all of whom I cherish a pleasant remembrance; and believe me your sincere friend,

LYMAN TRUMBULL.

FOOTNOTES:

[85] *Cong. Globe*, 1866, p. 319.

[86] *Cong. Globe*, 1866, p. 322.

[87] *Cong. Globe*, 1866, pp. 745-46.

[88] *Cong. Globe*, 1866, p. 475.

[89] *Cong. Globe*, 1866, p. 530.

[90] *Cong. Globe*, 1866, p. 1293.

[91] "Doolittle tells me he wrote the President a letter on the morning of the 22d of February, knowing there was to be a gathering which would call at the White House, entreating him not to address the crowd. But, said D., he did speak and his speech lost him two hundred

thousand votes." (*Diary of Gideon Welles*, II, 647.)

[92] W. A. Dunning, *Reconstruction*, p. 82.

[93] Both of these cases are reported in the first volume of Abbott's Circuit Court Reports.

[94] United States *v.* Harris, 106 U.S. 629.

[95] Civil Rights Cases, 109 U.S. 3.

CHAPTER XVIII

THE FOURTEENTH AMENDMENT

While the events in the preceding chapter were transpiring, a joint committee on Reconstruction were making an inquiry into the condition of the ex-Confederate States in order to determine whether they or any of them were entitled to immediate representation in Congress. It consisted of Senators Fessenden, Grimes, Harris, Howard, Williams, and Johnson, and Representatives Stevens, Washburne, of Illinois, Morrill, of Vermont, Bingham, Conkling, Boutwell, Blow, Rogers, and Grider. Senator Reverdy Johnson and Representatives Rogers and Grider were Democrats. All the others were Republicans. There was a preponderance of conservatives on the

committee. Senator Fessenden was the chairman, and his selection for the place marked him as *princeps senatus* in the estimation of his colleagues.

While the Civil Rights Bill was pending in the House, we have seen that Bingham, of Ohio, made a speech against it and voted against it, holding it to be unconstitutional. He had supported the Freedmen's Bureau Bill because it applied only to states in the inchoate condition which then existed. It was to be inoperative in any state, when restored to its constitutional relations with the Union. The Civil Rights Bill, on the other hand, was to apply to the whole country, North and South, without limit as to time, and to affect the civil and criminal code of every State Government. He held that there was no constitutional warrant for this, either in the Thirteenth Amendment or elsewhere. In order to cure the supposed defect, Bingham proposed to the Reconstruction Committee a new constitutional amendment in these words:

> The Congress shall have power to make all laws which shall be necessary and proper to secure to the citizens of each state all privileges and immunities of citizens in the several states, and to all persons in the several states equal protection in the rights of life, liberty, and property.

This was agreed to by the committee, but before it was reported to the House, Stevens presented a series of amendments consisting of five sections which had been prepared by Robert Dale Owen, a distinguished publicist, who was not a member of the Congress.

This series had met Stevens's approval, and after some delay and some changes it was adopted by the committee. Bingham then withdrew his own proposed amendment and offered the following in place of it, which was adopted as section one:

> No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

The difference between this provision and the first one proposed by Bingham was the whole difference between giving Congress power to pass laws for the administration of justice in the states and merely prohibiting the states from making discriminations between citizens. There was no definition of citizenship in the amendment as reported by the joint committee. Apparently they relied upon the Civil Rights Act, which had been passed over the President's veto, to supply that definition, but shortly before the final vote was taken in the Senate, Howard, who had charge of the measure in the temporary illness of Fessenden, proposed the following words to be placed at the beginning of the first section.

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state

wherein they reside.

The reason for adopting this clause was to validate the corresponding part of the Civil Rights Act and put it beyond repeal, in the event that the Republicans should at some future time lose control of Congress.

In addition to the first section, as shown above, the amendment provided that Representatives should be apportioned among the several states according to population, but that when the right to vote was denied in any state to any of the male inhabitants who were twenty-one years of age and citizens of the United States, except for rebellion or other crime, the representation of such state in Congress and the Electoral College should be proportionately reduced. Also that no person should hold any office under the United States or any state who, having previously taken an oath to support the Constitution of the United States, had engaged in insurrection or rebellion against the same, but that Congress might, by a two-thirds vote, remove such disability. Also that the validity of the public debt of the United States should not be questioned, but that no debt incurred in aid of insurrection or rebellion should ever be paid by the United States or any state. The concluding section provided that Congress should have power to enforce by appropriate legislation the provisions of the article.

The Fourteenth Amendment passed the Senate June 8, by 33 to 11, and the House June 13, by 138 to 36. Sumner had opposed it bitterly in debate because it dodged, as he said, the question of negro suffrage; but when the vote was taken he recorded himself in the affirmative.

The report of the committee giving the reasons for their action was submitted on the 18th of June. It held that the seceding states, having withdrawn from Congress and levied war against the United States, could be restored to their former places only by permission of the constitutional power against which they had rebelled acting through all the coördinate branches of the Government and not by the executive department alone.

> If the President [it said] may, at his will and under his own authority, whether as military commander, or chief executive, qualify persons to appoint Senators and elect Representatives, and empower others to elect and appoint them, he thereby practically controls the organization of the legislative department. The constitutional form of government is thereby practically destroyed, and its powers absorbed by the Executive. And while your committee do not for a moment impute to the President any such design, but cheerfully concede to him the most patriotic motives, they cannot but look with alarm upon a precedent so fraught with danger to the Republic.

This conclusion was logical but misleading. The danger to the Republic lay not in the absorption of powers by the Executive, but in the prolongation of chaos, in dethroning intelligence, and arming ignorance in the desolated districts of the South.[96]

Stevens also reported a bill "to provide for restoring the states lately in insurrection to their full political rights." It recited that whenever the Fourteenth Amendment should become a part of the Constitution, and any state lately in insurrection should have ratified it and conformed itself thereto, its duly elected Senators and Representatives would be admissible to seats in Congress. This bill was not acted on, but lay on the table of each house awaiting the action of the Southern States on the proposed amendment.

On July 23, the two houses adopted a preamble and joint resolution admitting Tennessee to her former relations to the Union. The preamble recited that that state had ratified the Thirteenth and Fourteenth Amendments to the Constitution. There were only four negative votes on the Tennessee bill: Brown and Sumner, Republicans, and Buckalew and McDougall, Democrats. The President signed the bill, but he added a brief message explaining that his reason for doing so was that he desired to remove every cause of further delay, whether real or imaginary, to the admission of the Representatives of Tennessee, but he affirmed that Congress could not rightfully make the passage of such a law a condition precedent to such admission in the case of Tennessee, or of any other state.

The next event of importance in the controversy over Reconstruction was the National Union Convention held in Philadelphia on the 14th of August. It was composed of delegates from all the states and territories, North and South, who sustained the President's policy and acquiesced in the results of the war, including the abolition of slavery. This came to be known as the "Arm-in-Arm Convention" as the

procession leading to the platform was headed by two delegates, one from Massachusetts and one from South Carolina, walking together with their arms joined. The signers of the call embraced the names of A. W. Randall, ex-governor of Wisconsin, Senators Cowan, Doolittle, Fowler, Norton, Dixon, Nesmith, and Hendricks, and ex-senator Browning, then Secretary of the Interior. The convention itself was eminently respectable in point of numbers and character. It was presided over by Senator Doolittle, and the chairman of its Committee on Resolutions was Senator Cowan. The resolutions adopted were ten in number and were faultless in principle and in expression. They were conveyed to the President by a committee of seventy-two persons. The effect of this dignified movement was offset and neutralized in large part by one paragraph of the President's reply to the presentation speech, namely:

> We have witnessed in one department of the Government every endeavor to prevent the restoration of peace, harmony, and union. We have seen hanging upon the verge of the Government, as it were, a body called, or which assumed to be, the Congress of the United States, while in fact it is a Congress of only a part of the states. We have seen this Congress pretend to be for the Union when its every step and act tended to perpetuate disunion and make the disruption of the states inevitable. Instead of promoting reconciliation and harmony its legislation has partaken of the character of

> penalties, retaliation, and revenge. This has been the course and policy of your Government.

This impeachment of the legality of Congress was followed by a battle in the political field, which raged with increasing fury during the whole remainder of Johnson's term of office and projected itself into the two terms of President Grant and the beginning of that of President Hayes, embracing the episodes of the impeachment trial and the Liberal Republican movement of 1872. All of this turmoil, and the suffering which it brought upon the South, would, probably, have been avoided if Lincoln, with his strong hold upon the loyal sentiment of the country and his readiness to conciliate opponents, without surrendering principle, had not been assassinated. They became possible if not inevitable when the presidential chair was taken, in a time of crisis, by a man of combative temper, without prestige in the North, and devoid of tact although of good intentions and undoubted patriotism.

The Southern States refused to agree to the Fourteenth Amendment. To them the insuperable objection was the clause excluding from the office-holding class those who had taken an oath to support the Constitution of the United States and had afterwards engaged in insurrection against the same. The common people refused to accept better terms than were accorded to their leaders. This was true chivalry and is not to be condemned, but the consequence was an increase of the power of the radicals in the North. It disabled conservatives like Fessenden, Trumbull, and Grimes in Congress, John A. Andrew, Henry Ward Beecher, and William C.

Bryant, influential in other walks in life, from making effective resistance to the measures of Sumner and Stevens. If the Fourteenth Amendment had been ratified by any of the other ex-Confederate States, such states would have been admitted at once as Tennessee was. Both Wade and Howard, hot radicals as they were, refused to go with Sumner when he insisted that further conditions should be exacted. When he offered an amendment looking to negro suffrage, Howard said that the Joint Committee on Reconstruction had maturely considered that question and had carefully abstained from interfering with "that very sacred right"—the right of each state to regulate the suffrage within its own limits. He argued that it was inexpedient in a party point of view to do so, and predicted that if the rebel states were coerced to adopt negro suffrage by an act of Congress, or by constitutional amendment, they would rid themselves of it after gaining admission.[97]

FOOTNOTES:

[96] Trumbull did not take an active part in the framing of the Fourteenth Amendment. A minute and unbiased history of it has been written by Horace Edgar Flack, Ph.D., and published by the Johns Hopkins Press, Baltimore, 1908. It is impossible to resist the conclusion of this writer, that partisanship was a potent factor in the framing and adoption of it.

[97] *Cong. Globe*, February 15, 1867, p. 1381.

CHAPTER XIX

CROSSING THE RUBICON

On the 17th of December, 1866, the Supreme Court rendered its decision in the Milligan case, which had reached that tribunal on a certificate of disagreement between the two judges of the United States Circuit Court for Indiana. Milligan, a citizen, not in the military or naval service, had been arrested in October, 1864, by General A. P. Hovey, commanding the military district of Indiana, for alleged treasonable acts, had been tried by a military commission, found guilty, and sentenced to be hanged on the 19th day of May, 1865. He petitioned the court for a discharge from custody under the terms of the Habeas Corpus Act passed by Congress March 3, 1863. He affirmed that, since his arrest, there had been a session of the grand jury in his district and that it had adjourned without finding an indictment against him. The act of Congress provided that the names of all civilians arrested by the military authorities in places where the courts were open should be reported to the judges within twenty days after their arrest, and that if they were not indicted at the first term of court thereafter they should be set at liberty.

This question had been pretty thoroughly thrashed out in the Vallandigham case, but it had been imperfectly understood; President Lincoln had gone

astray in that labyrinth, and judges on the bench had differed from each other in their interpretation of an unambiguous statute. The most commonly accepted opinion was that the act of 1863 was not applicable to Copperheads, or, if it was, that it ought not to be obeyed.

The Supreme Court was unanimous in the opinion that Milligan must be discharged, since the law was plain and unequivocal, but there was a division among the nine judges of the court as to the power to try persons not in the military service, by military commission. Five judges held that Congress could not abolish trial by jury in places where the courts were open and the course of justice unimpeded. Four judges maintained that Congress might authorize military commissions to try civilians in certain cases where the civil courts were open and freely exercising their functions, although Congress had not actually done so. The five judges constituting the majority were Davis (who wrote the opinion of the court), Clifford, Nelson, Grier, and Field. The four who dissented from the argument, but not from the judgment, were Chief Justice Chase (who wrote the minority opinion), and Judges Wayne, Swayne, and Miller. Davis's opinion is not surpassed in argumentative power or in literary expression by anything in the annals of that great tribunal.

The logical consequences of the decision were tremendous, or would have been, if the public mind had been in a condition to appreciate its gravity. Not only did it follow logically that the trial and execution of Booth's fellow conspirators, Payne, Atzerodt, Herold, and Mrs. Surratt, were, in contemplation of law, no better than lynching, but that Andrew Johnson's endeavor to put an end to

government by military commissions, as soon as possible, was right, and that the contrary design, by whomsoever held, was wrong.

The radicals in Congress, however, were only angered by the decision. They were not in the least disconcerted by it, but the court itself was very much so. If it had been necessary to pass a law reorganizing the court, in order to reap the fruits of the victory won in the recent elections, a majority could have been obtained for it.

Under date of January 8, 1867, the "Diary of Gideon Welles" tells us that there was a Cabinet meeting at which the President said that he wished to obtain the views of each member on the subject, already mooted, of dismantling states and throwing them into a territorial condition. A colloquy ensued which is reported as follows:

> Seward was evidently taken by surprise. Said he had avoided expressing himself on these questions; did not think it judicious to anticipate them; that storms were never so furious as they threatened; but as the subject had been brought up, he would say that never, under any circumstances, could he be brought to admit that a sovereign state had been destroyed, or could be reduced to a territorial condition.
>
> McCulloch was equally decided, that the states could not be converted into territories.
>
> Stanton said he had communicated

his views to no man. Here, in the Cabinet, he had assented to and cordially approved of every step which had been taken, to reorganize the governments of the states which had rebelled, and saw no cause to change or depart from it. Stevens's proposition he had not seen, and did not care to, for it was one of those schemes which would end in noise and smoke. He had conversed with but one Senator, Mr. Sumner, and that was one year ago, when Sumner said he disapproved of the policy of the Administration and intended to upset it. He had never since conversed with Sumner nor any one else. He did not concur in Mr. Sumner's views, nor did he think a state would or could be remanded to a territorial condition.

I stated my concurrence in the opinions which had been expressed by the Secretary of War, and that I held Congress had no power to take from a state its reserved rights and sovereignty, or to impose terms on one state which were not imposed on all states.

Stanbery said he was clear and unqualifiedly against the whole talk and theory of territorializing the states. Congress could not dismantle them. It had not the power, and on that point he would say that it was

> never expedient to do or attempt to do that which we had not the power to do.
>
> Browning declared that no state could be cut down or extinguished. Congress could make and admit states, but could not destroy or extinguish them after they were made.[98]

This extract is rather astounding for what it tells us of Stanton's position. Simultaneously, or nearly so, Congress passed an act virtually making the General of the Army independent of the President, and prohibiting the President from assigning him to duty elsewhere than in Washington City without the consent of the Senate, except at his own request. Congressman Boutwell, of Massachusetts, tells us that this provision was privately suggested to him by Stanton and that he (Boutwell) wrote it down at the War Department as dictated by Stanton, and took it to Thaddeus Stevens who incorporated it in an appropriation bill.[99]

If the radicals were elated by the result of the elections, the conservatives were correspondingly depressed. It was no longer possible to prevent Stevens and Sumner from taking the lead, which they did forthwith. They crossed the Rubicon with the whole army. The Reconstruction policy initiated by Lincoln was now for the first time definitely abandoned by the Union party. In the month of February, Stevens carried through the House a bill declaring that there were no legal governments in the ten rebel states, and providing that the existing governments should be superseded by the military

authority. It provided for no termination of such military government. Amendments were added by the Senate providing for constitutional conventions in those states, to be elected by the male citizens twenty-one years old and upward, of whatever race or color, except those disfranchised for participation in rebellion. It was provided further that when the constitutions so framed should contain clauses giving the elective franchise to all persons entitled to vote in the election for delegates, and when the constitutions should be ratified by a majority of the people, and when such constitutions should have been submitted to and approved by Congress, and when the states should have ratified the Fourteenth Amendment and it should have been adopted, then the states so reorganized should be entitled to representation in Congress, provided that no persons disfranchised by the Fourteenth Amendment should vote at the election or be eligible to membership of the conventions. The clause making negro suffrage a permanent condition of Reconstruction was adopted in a senatorial caucus on the motion of Sumner by a majority of two, after it had been rejected almost unanimously by the Senate committee to which it had been referred.[100]

Trumbull, Fessenden, and Sherman voted against Sumner's motion, but after it became the policy of the party they supported it. And here they made a mistake, for this was the act which placed the governments of ten states in the hands of the most ignorant portion of the community and disfranchised the most intelligent, entailing the direful consequences of the succeeding ten years.

The road which the dominant party had now taken was, however, taken conscientiously. Congress and

the Northern people sincerely believed that slavery would be reëstablished in some form unless the negroes had the right to vote and the assurance that their votes would be counted, and that, in that case, the war would have to be fought over again. Of course, party spirit and the greed of office had a place among the impelling motives at Washington, but these considerations would not have availed had not the opinion been deep-seated that a Democratic victory won by the votes of the solid South and a minority of the North would endanger the Union.

Senator Cullom, of Illinois, who was then a member of the House, said, forty-four years later, that "the motive of the opposition to the Johnson plan of Reconstruction was a firm conviction that its success would wreck the Republican party and, by restoring the Democracy to power, bring back Southern supremacy and Northern vassalage."[101]

Montgomery Blair apprehended another revolution or rebellion and said that there might be two opposing governments organized in Washington. Maynard, of Tennessee, a stanch loyalist, believed that Senators and Representatives from all the states would soon make their appearance at the national capital and that those from the rebel states would join with the Democratic members from the loyal states, constitute a majority, organize, repeal the test oath, and have things their own way. Welles, while recording these opinions, held the sounder one that the South was too exhausted and the Northern Democrats too timid for such a step.[102]

The Reconstruction Bill passed both houses on the 20th day of February, 1867, was vetoed by the President on the 2d of March, and was repassed on

the same day by more than two-thirds majority in each house, Trumbull voting in the affirmative.

It was followed by a supplementary bill even more drastic, providing for a registration of voters, and requiring each person, before he could be registered, to take an oath that he had not been disfranchised for participation in any rebellion, or civil war, against the United States, and had never held any legislative, executive, or judicial office and afterwards engaged in rebellion against the United States, or given aid or comfort to the enemies thereof. The President was not slow to perceive the monstrosity of these provisions. In his veto message he dwelt on the absurdity of expecting every man to know whether he had been disfranchised or not, and what acts amounted to "participation" or fell short of it, and what constituted the giving of aid and comfort to the enemies of the United States. With genuine pathos he added:

> When I contemplate the millions of our fellow citizens of the South with no alternative left but to impose upon themselves this fearful and untried experiment of complete negro enfranchisement, and white disfranchisement (it may be) almost as complete, or submit indefinitely to the rigor of martial law without a single attribute of freemen, deprived of all the sacred guaranties of our Federal Constitution, and threatened with even worse wrongs, if any worse are possible, it seems to me their condition is the most deplorable to which any people can

be reduced.

This bill was passed over the veto on the 23d of March, Trumbull voting in the affirmative. These votes, however, did not prevent him from publishing in the Chicago *Advance* of September 5, the same year, a carefully written article denying the power of Congress to regulate the suffrage in the states, concluding with the following paragraphs:

> If the views expressed are correct, it follows that there are but two ways of securing impartial suffrage throughout the Union. One is, for the states themselves to adopt it, which is being done by some already; and now that the subject is being agitated and its justice being made apparent, it is to be hoped it will soon commend itself to all: the other is, by an amendment to the Constitution of the United States, adopting impartial suffrage throughout the Union, which to become effective must be ratified by three fourths of the States.

Amendments of the constitutions of Ohio, Kansas, and Minnesota for that purpose were then pending, but they were all voted down by the people in October and November, 1867.

Congress continued to pass supplementary Reconstruction measures at short intervals. One such authorized the commanders of the military districts to suspend or remove any persons holding any office,

civil or military, in their districts and appoint other persons to fill their places and exercise their functions subject to the disapproval of the General of the Army of the United States. It was declared to be the duty of the commanders aforesaid to remove from office all persons disloyal to the United States and all who should seek to hinder, delay, or obstruct the administration of the Reconstruction Acts. Section eight of this act made members of boards of registration removable in like manner. Section eleven provided that "all the provisions of this act, and of the acts to which it is supplementary, should be construed liberally." This bill was vetoed by the President July 19, 1867, and was passed over the veto by both houses the same day. Still another supplementary act was passed on the 11th of March, 1868, relating to the election of members of Congress in the rebel states.

Under this harness of militarism constitutional conventions were held and constitutions adopted by all of said states, except Texas and Mississippi, during the year 1868, and all the rest of them were admitted to the Union except Virginia, subject, however, to the condition that their constitutions should never be amended, or changed, so as to deprive any citizen, or class of citizens, of the right to vote, except as a punishment for crimes of the grade of felonies at common law.

Delays having occurred in the course of procedure in Virginia, Mississippi, and Texas, there was opportunity to apply new conditions to their readmission and this chance was eagerly seized by the radicals. Trumbull, on the 13th of January, 1870, reported from the Judiciary Committee a simple resolution reciting that Virginia, having complied

with all the requirements, was entitled to representation in Congress. This was amended on motion of Drake, of Missouri, by a proviso that it should never be lawful for the state to deprive any citizen of the United States, on account of race, color, or previous condition of servitude, of the right to hold office. Trumbull said in the debate on this proposition that Congress had no authority to enact it and that it would not be binding on the state. Yet it was adopted by a majority of one vote, 30 to 29. Wilson then moved as an amendment that the state constitution should never be so changed as to deprive any citizen or class of citizens of school privileges, and this was adopted by 31 to 29, Trumbull in the negative. In addition to these a long section was added prescribing a new form of oath to be taken by all state officers and members of the legislature, which was adopted by 45 to 16, Trumbull voting no. In the final vote on the Bill, however, he voted in the affirmative. The same conditions were applied to Mississippi and Texas.

In the debate on the Virginia Bill there was a passage-at-arms between Trumbull and Sumner which came near to overstepping parliamentary rules on both sides and which caused widespread newspaper comment. It was generally believed that a rupture had taken place between them which would never be healed; yet a year later, when the decree went forth (presumably from the White House) that Sumner must be deposed from the chairmanship of the Committee on Foreign Relations, Trumbull was one of his strongest supporters in the fight which ensued.

Following close after the reconstruction of Virginia came the re-reconstruction of Georgia. That state

ratified her *post-bellum* constitution on the 11th of May, 1868, and elected Rufus P. Bullock, governor. He represented the radicals, but the conservatives at the same time carried the state legislature. A few negroes had been elected as members, and these were expelled on the ground that the right to hold office had not been conferred upon them by the new constitution. The supreme court of the state a few months later decided that since the rights of citizenship and of voting had been conferred upon them, the right to hold office belonged to them also unless expressly denied. In addition to unseating the blacks, the conservatives had admitted certain members who could not take the oath prescribed in the Fourteenth Amendment of the Constitution. Governor Bullock needed a legislature different from the one which had been elected, in order to accomplish certain ends which he had in view, and he seized upon these irregularities as a means of overturning the majority. He then raised an outcry, which he knew would stir the north,—that the blacks in Georgia were still terrorized by the Ku-Klux Klans.

President Grant soon thereafter recommended that Congress take Georgia again in hand. This was done promptly. An act was passed directing Governor Bullock to call the legislature together and directing the legislature to reorganize itself in accordance with the oaths of office heretofore prescribed, including that of the Fourteenth Amendment; to exclude all persons who could not lawfully take those oaths and to admit all who had been expelled on account of color; also requiring Georgia to ratify the Fifteenth Amendment before her Representatives and Senators should be admitted to seats in Congress. The seventh section of the act authorized Governor Bullock to call for the services of the army and navy of the United

States to enforce the provisions of the act. Under this authority, exercised by General Terry, twenty-four conservatives were expelled from the legislature and their places were filled by radicals, and the negroes formerly excluded were returned to their places. Even this did not satisfy Bullock. He went to Washington with a troop of carpet-baggers and a pocketful of money and railroad bonds and persuaded General Butler, who was chairman of the House Committee on Reconstruction, to bring in a bill for the restoration of Georgia similar to that of Virginia, with a proviso extending for two years the term of office of the present legislature, which would otherwise expire in November, 1870. Butler reported such a bill from his committee, but Bingham, of Ohio, offered an amendment to require a new election of the legislature at the time fixed in the state constitution, and this amendment was agreed to, in spite of Butler's opposition, by 115 to 71.

The Georgia Bill was the subject of an exciting battle in the Senate where Trumbull supported the Bingham proviso against the efforts of Morton, Howard, Drake, Stewart, Sumner, Wilson, and all of the new Senators from the South, two of whom (those of Texas) were hastily admitted in time to vote on the Georgia question. The first vote was on the motion of Williams, of Oregon, to prolong the life of the existing legislature till November, 1872. One effect of so doing would be to save a seat in the United States Senate for a man who had been elected unlawfully. The vacancy would occur on March 4, 1871, and could be lawfully filled only by the legislature chosen next preceding that date.

Williams's motion was voted down April 14, by a majority of one. On the 19th of the same month,

Trumbull made one of the great speeches of his public career, filling twelve columns of the *Congressional Globe*, on the Georgia question, demolishing the Bullock case and stirring public opinion strongly. The struggle was protracted till July 8, when the bill passed, as Trumbull desired, with the Bingham proviso.

An editorial in the *Nation* of May 26, 1870, tells, in brief compass, what took place while the Georgia Bill was the matter of chief concern in the Senate:

> Our readers may remember that when Mr. Trumbull, some weeks ago, made his severe summing up of the "Georgia difficulty," he hinted in very plain terms that the patriots of the Bullock faction had been guilty of both corruption and intimidation in trying to get their "Reconstruction" bill through, installing them in office for two years. By many people this charge was ascribed partly to Mr. Trumbull's hatred of the black man, and partly to his hostility to the pure and good of all colors, and doubtless some asked themselves, as they asked themselves when the Traitor Ross refused to give up his chair to Senator Revels, for the sake of the dramatic unities: "What else can we expect of a man who voted No on the Eleventh Article?"
>
> [A committee of the Senate, appointed to look into the matter,

had taken a mass of testimony and submitted a report.] Their finding is —and we blush to write it—that Bullock and his friends have been for a long time in Washington, complaining of the Ku-Klux Klan, and asking fresh guarantees for "the persecuted Unionists" of Georgia; that somehow or other, while there, they have had a great deal of money and railroad bonds, which they seemed to have no particular use for, themselves; that they tried unsuccessfully to purchase the votes of Senators Carpenter and Tipton against the Bingham amendments; that harrowing reports of "outrages" in Georgia were actually prepared to order, like boots or dinners, furnished to them and paid for; that the writing of threatening letters to Senators was procured in the same manner; that $4000 was paid to that good and great man, Colonel Forney, of the Washington *Chronicle*, for "advertising and printing speeches and documents," the Colonel's editorial denunciations of the opponents of the Georgia Bill, we suppose, being thrown into the bargain. The Washington correspondent of the Boston *Advertiser*—a wicked fellow—adds that some of the witnesses when first examined "were very loath to tell what they knew, and indulged in the

tallest kind of lying." The report of the committee is unanimous.

The result of this exposé probably will be that the Georgia question will at last, after a year's delay, filled with this lying and intrigue and corruption, be settled at the outset, by handing the State Government back to the electors on the same terms as Virginia, and letting the "Bullock faction" go home and find some means of gaining an honest livelihood.... We cannot pass from this affair, however, without bearing hearty testimony to the services which Mr. Trumbull has, by his attitude in it from the very beginning, rendered to truth, justice, good government, and civilization. He has made every honest man, North and South, his debtor, not for being able, for this he cannot help, but for being bold, and hitting hard. "By Time," says Hosea Biglow, "I du like a man that ain't afeared!"

FOOTNOTES:

[98] *Diary of Gideon Welles*, III, 10-12.

[99] Boutwell, *Reminiscences*, II, 108.

[100] This was the second time that Sumner had shunted the nation in the direction he desired it to go; the first time was when he filibustered the Louisiana Bill to death at the end of the Thirty-ninth Congress. Edward L. Pierce, his biographer and eulogist, writing in the early nineties, says rather dubiously: "For weal or woe, whether it was well or not for the black race and the country, it is to Sumner's credit or discredit as a statesman that suffrage, irrespective of race or color, became fixed and universal in the American system." (*Memoir and Letters*, I, 228.)

[101] *Fifty Years of Public Service*, by Shelby M. Cullom, p. 146.

[102] *Diary of Gideon Welles*, II, 484.

CHAPTER XX

IMPEACHMENT

Early in 1867, Congress passed an act, originating in the Senate, to prevent the President from removing, without the consent of the Senate, any office-holders whose appointment required confirmation by that body. In its inception it was not intended to include members of the Cabinet, but merely to protect postmasters, collectors, and other appointees of that grade, whom the President, in his stump speech at St. Louis, had declared his intention to "kick out." Accordingly a clause was inserted excluding Cabinet officers from the operation of the measure.

When the bill came before the House, a motion was made to strike out this exception, and it was at first negatived by a majority of four. Subsequently the motion was renewed and carried, but the Senate refused to concur. The differences between the two houses were referred to a committee of conference of which Sherman was a member. He had been extremely resolute heretofore in opposing the attempt to include members of the Cabinet, because he held that no gentleman would be willing to remain a member after receiving an intimation from his chief that his services were no longer desired. To this Senator Hendricks replied that it was not a question of getting rid of a *gentleman*, but of a man of different stamp, who might be in the Cabinet and desire to stay in. "The very person who ought to be turned out," he said, "is the very person who will stay in." The Conference Committee reported the following proviso, which was adopted by both houses:

> That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney-General

> shall hold their offices respectively for and during the term of the President by whom they may have been appointed and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

Senator Doolittle, who opposed the bill *in toto*, pointed out that it did not accomplish what it aimed at: that is, it did not prevent the President from removing the Secretary of War. He showed that Stanton had never been appointed by Johnson at all. He was merely holding office by sufferance. The term of the President by whom he was appointed had expired and the "one month thereafter" had also expired; therefore, the proviso reported by the Conference Committee was futile to protect him.

Sherman replied that the proviso was not intended to apply to a particular case or to the present President, and that Doolittle's interpretation of the phrase as not protecting Stanton in office was the true interpretation. He added that if he supposed that Stanton, or any other Cabinet officer, was so wanting in manhood and honor as to hold his office after receiving an intimation that his services were no longer desired, he (Sherman) would consent to his removal at any time. This declaration committed Sherman in advance to a definite opinion as to the President's right to remove Stanton whenever he pleased.

The bill passed with the clause above quoted, all the Republican Senators present voting for it except Van Winkle and Willey, of West Virginia. Trumbull was recorded in the affirmative.

At the first Cabinet meeting of February 26, the bill was considered, and all the members thought that it ought to be vetoed. "Stanton was very emphatic," says Welles, "and seemed glad of an opportunity to be in accord with his colleagues." (He had previously given his sanction to the Stevens Reconstruction Bill in opposition to his colleagues.) The President said he would be glad if Stanton would prepare a veto or make suggestions for one. Stanton pleaded want of time. The President then turned to Seward, who said that he would undertake it if Stanton would help him. This was agreed to, and the veto (based on the ground of unconstitutionality) was prepared and submitted by them at the Cabinet meeting of March 1. Stanton must have been aware of the colloquy between Sherman and Doolittle in which his name was mentioned, and he probably agreed with them in the opinion that he was not protected by the Tenure-of-Office Act. If he had thought differently he would hardly have favored the veto, or joined with Seward in writing it. The veto message was sent in on March 2, 1867, and the bill was passed by two thirds of both houses the same day.

Few persons at the present time believe that there was any substantial ground for the impeachment of Andrew Johnson. The unsparing condemnation of history has been visited upon the whole proceeding, and the commonly received opinion now is that if the Senate had voted him guilty as charged in the articles of impeachment a precedent would have been made whereby the Republic would have been exposed to grave dangers. Trumbull was one of the so-called "Seven Traitors" who prevented that catastrophe.

The first session of the Fortieth Congress began on

March 4, 1867. The radical wing of the Republican party had been muttering about impeachment even earlier, and a resolution had been passed by the House on the 7th of January preceding, authorizing the Judiciary Committee to inquire into the official conduct of the President and to report whether he had been guilty of acts designed or calculated to "overthrow, subvert, or corrupt the Government of the United States, or any department or office thereof." On the 28th of February, the committee reported that it had examined a large number of witnesses and collected many documents, but had not been able to reach a conclusion and that it would not feel justified in making a final report upon so important a matter in the expiring hours of this Congress, even if it had been able to make an affirmative one. On the 29th of March following, the committee was instructed to continue its investigation.

It accordingly continued its work and voted on the 1st of June, by 5 to 4, that there was no evidence that would warrant impeachment; but at the earnest solicitation of the minority it kept the case open during the recess which Congress took from July to November. In this interval one member of the committee changed his vote and this change made the committee stand 5 to 4 in favor of impeachment. The report of the committee was presented by Boutwell, of Massachusetts, November 25, accompanied by a resolution that Andrew Johnson, President of the United States, be impeached for high crimes and misdemeanors. James F. Wilson, of Iowa, chairman of the committee, submitted a minority report adverse to impeachment, and the House on the 7th of December sustained Wilson and rejected the majority report by a vote of 57 to 108. Among

those voting against impeachment were Allison, Bingham, Blaine, Dawes, Poland, Spalding, and Washburne, of Illinois. On the other side were Thaddeus Stevens, B. F. Butler, and John A. Logan. On the 5th of August, the President sent to Stanton a note of three lines saying that his resignation as Secretary of War would be accepted. Stanton replied on the same day declining to resign before the next meeting of Congress. The President thereupon decided to remove him regardless of consequences, but he felt the necessity of finding somebody to take the office who would be acceptable to the country. His choice fell upon General Grant, who was perhaps the only person whose appointment under the circumstances would not have caused a disturbance. No plausible objection could be raised against him in any quarter, not even by Stanton himself. Grant reluctantly consented to accept the place. Accordingly one week after Stanton had refused to resign, the President suspended him and appointed Grant Secretary *ad interim* and so notified Stanton. The latter had undoubtedly made plans for retaining the office in defiance of the President and was chagrined to find that a man had been appointed whom he could not resist. Although a few months earlier he had advised the President that the Tenure-of-Office Law was unconstitutional and had assisted in writing the message vetoing it on that ground, he now denied the President's power to suspend him without the consent of the Senate, but said that he yielded to superior force. He then surrendered his office to Grant. Although the usual expressions of confidence and esteem were exchanged between himself and his successor, a residue of asperity remained in the breast of the retiring Secretary, who felt that the head of the army ought not to have

enabled the President to get the better of him. But as a matter of fact Grant did not want the office. He accepted it only because he feared that trouble might follow from the appointment of somebody less familiar than himself with conditions prevailing in the South.

On the 13th of January, 1868, the Senate, having considered the reasons assigned by the President for the suspension of Stanton from office, non-concurred in the same and sent notice to this effect to the President and to Grant. The latter considered his functions as Secretary *ad interim* terminated from the moment of receipt of the notice and so notified the President, at the same time locking the door of his room and handing the key to the person in charge of the Adjutant-General's office in the same building.

Under the terms of the Tenure-of-Office Law, Stanton returned and resumed his former place.

On the 27th of January, a motion was made by Mr. Spalding in the House of Representatives that the Committee on Reconstruction be authorized to inquire what combinations had been made to obstruct the due execution of law and to report what action, if any, was necessary in consequence thereof. This resolution was adopted by a vote of 99 to 31. A few days later, on the motion of Thaddeus Stevens the evidence taken by the Committee on the Judiciary on the impeachment question was referred to the Committee on Reconstruction. Certain correspondence that had passed between General Grant and President Johnson relating to the retirement of the former from the War Office was also sent to the same committee.

The correspondence between General Grant and the

President here referred to gives a fresh illustration of Andrew Johnson's want of tact in dealing with men and events. He first made an accusation that Grant had failed to keep a promise that he had previously given that "if you [Grant] should conclude that it would be your duty to surrender the department to Mr. Stanton, upon action in his favor by the Senate, you were to return the office to me, *prior to a decision by the Senate*, in order that if I desired to do so I might designate somebody to succeed you." This letter was dated January 31, 1868. Grant replied (February 3) denying that he had made any such promise, and saying that the President in making this accusation had sought to involve him in a resistance to law and thus to destroy his character before the country. Several other letters followed, including one from each member of the Cabinet, who was present when the matter was talked of between the two principals, all confirming the President's statements. The letters of Browning and Seward, however, tended to show that the President's desire was to make up a case for the Supreme Court, to decide whether he had a right under the Constitution to remove a Cabinet officer or not, and that he supposed that Grant had promised to coöperate with him to promote that end; but that whatever Grant might have promised, the sudden action of the Senate led him to believe that he could not delay his retirement without subjecting himself to the chance of fine and imprisonment under the Tenure-of-Office Law.[103]

The quarrel between Johnson and Grant did not, however, help the impeachers, who were voted down in the Committee on Reconstruction, February 13, by 6 to 3, Stevens being in the minority.

Stanton was now in a position of great embarrassment, being a member of the Cabinet by appointment of the Senate, but unable to attend Cabinet meetings. He was endowed with sufficient assurance for most purposes, but not enough to go to the White House and take a seat among gentlemen who would have looked upon him as an intruder and a spy. Johnson was advised by General Sherman and others to leave him severely alone.[104]

If this advice had been followed, Stanton would have been exposed to ridicule ere long and the Senate could not have helped him to ward it off. But Johnson came to his rescue by making a fresh attempt to oust him. Eight days after Thaddeus Stevens's impeachment resolution had been voted down, two to one, in his own committee, the President sent a note to Edwin M. Stanton saying that he had removed him from the office of Secretary of War and appointed Lorenzo Thomas, the Adjutant-General of the Army, as Secretary of War *ad interim*. The new appointee immediately presented himself at the War Office and showing his authority demanded possession, which Stanton refused to yield.

The tables were instantly turned. Stanton was no longer looked upon as holding an office with nothing to do except to draw his salary, but as a champion of the people defending them against a law-breaking President. Grant had warned Johnson months before that the public looked upon the Tenure-of-Office Law as constitutional until pronounced otherwise by the courts, and that although an astute lawyer might explain it differently the common people would "give it the effect intended by its framers," that is, to protect Stanton.[105]

This was sound advice. The revulsion in the public mind was electrical in suddenness and strength. The House of Representatives, which, on the 7th of December, by nearly two to one had rejected an impeachment resolution recommended by its Judiciary Committee, now (February 24) adopted the same resolution by 128 to 47. Every Republican member who was present, including James F. Wilson, voted in the affirmative. A committee of seven was appointed to prepare articles of impeachment and present them to the Senate. Nine such articles were reported to the House on the 2d of March and two additional ones on the following day, all of which were agreed to, and seven members of the House were appointed as managers to conduct the impeachment, namely: John A. Bingham, George S. Boutwell, James F. Wilson, Benjamin F. Butler, Thomas Williams, John A. Logan, and Thaddeus Stevens.

The trial began on the 5th of March, Chief Justice Chase presiding. The President was represented by Henry Stanbery, Benjamin R. Curtis, William S. Groesbeck, William M. Evarts, and Thomas A. R. Nelson. The House managers were overmatched in point of legal ability by the President's counsel, and still more by the facts in the case. The first eight articles of impeachment were based upon the President's attempt to remove Stanton and appoint Thomas as Secretary of War *ad interim*, but inasmuch as Senator Sherman had publicly declared that Stanton, being an appointee of Lincoln, was not protected by the Tenure-of-Office Law, and that he ought to be removed anyhow if he refused to resign at the President's request, it was deemed best by the impeachers to divide the offense into two parts. So the first article related only to the removal of Stanton

and the second only to the appointment of Thomas. This, it was believed, would enable Sherman to vote not guilty on the first, but guilty on the second. He could vote that the President had a perfect right to remove his Secretary of War, but no right to fill the vacancy, and that any attempt on his part to do so would be a high misdemeanor, punishable by impeachment and removal from office. And so it turned out as regarded Sherman's vote, and also that of Senator Howe, of Wisconsin, who shared Sherman's view that Stanton was not protected by the law.

The ninth article charged the President with having a conversation with General Emory, who commanded the military department of Washington, and saying to him that that portion of the Army Appropriation Act, which provided that all orders relating to military affairs should be issued through the General of the Army, or the officer next in rank, and not otherwise, was unconstitutional, thus seeking to induce said Emory to violate the provisions of said act.

The tenth article recited that Andrew Johnson did at certain times and places make and "deliver with a loud voice certain intemperate, inflammatory, and scandalous harangues and did therein utter loud threats and bitter menaces as well against Congress as the laws of the United States duly enacted thereby, amid the cries, jeers, and laughter of the multitudes then assembled." Extracts from the speeches were embodied in this article, "by means whereof the said Andrew Johnson has brought the high office of President of the United States into contempt, ridicule, and disgrace, to the great scandal of all good citizens, whereby said Andrew Johnson,

President of the United States, did commit, and was then and there guilty of, a high misdemeanor in office." This article was the production of General Butler.

The eleventh article embraced the charge of seeking to prevent Stanton from resuming his office as Secretary of War, but not that of removing him from it (this to accommodate Sherman and Howe), and a *mélange* of all the charges in the preceding articles, ending with a charge that the President had in various ways attempted to prevent the execution of the Reconstruction Acts of Congress. Thaddeus Stevens considered it the only one of the series that was bomb-proof, but the Chief Justice ruled that the Stanton matter was the only thing of substance in it, the residue being mere objurgation. The answer filed by the President's counsel set forth:

First, that the Tenure-of-Office Law, in so far as it sought to prevent the President from removing a member of his Cabinet, was unconstitutional; that such was the opinion of each member of his Cabinet, including Stanton, and that Stanton among others advised him to veto it;

Second, that even if the law were in harmony with the Constitution the Secretary of War was not included in its prohibitions, since the term for which he was appointed had expired before the President sought to remove him;

Third, that it seemed desirable, in view of the foregoing facts, to secure a judicial determination of all doubts respecting the rights and powers of the parties concerned, from the tribunal created for that purpose; and to this end he had taken the steps complained of, and that he had committed no

intentional violation of law.

In answer to the eleventh article, the defendant said that the matters contained therein, except the charge of preventing the return of Stanton to the office of Secretary of War, did not allege the commission or omission of any act whatever whereby issue could be joined or answer made. As to the Stanton matter, his answer was already given in the answer to the first article.

There were two theories rife in the Senate and in the country, respecting this trial. One was that impeachment was a judicial proceeding where charges of treason, bribery, or other high crimes or misdemeanors were to be alleged and proved; the Senators sitting as judges, hearing testimony and argument, and voting guilty or not guilty. This opinion was generally accepted at first, both in and out of Congress, and was the correct one. The other was that impeachment was a political proceeding which the whole people were as competent to decide as the Senate. This was the view taken by Charles Sumner and avowed by him in his written opinion while sitting as one of the sworn judges to vote guilty or not guilty, and it came to be the opinion prevailing in the Republican party generally before the case was ended. According to this view it was a question for the people to decide in their character as an unsworn "multitudinous jury." No method of arriving at, or of recording, their verdict was suggested or deemed necessary. To a person holding this view the trial itself was logically a waste of time, since a decision could have been reached without a scrap of testimony, or a single speech, on either side.

The trial lasted from the 5th of March to the 16th of

May, and the heat and fury of the contest both in and out of Congress became more intense from day to day. The impeachers lost ground in the estimation of the sober-minded and reflecting classes by their intemperate language, by their frantic efforts to bring outside pressure to bear upon Senators, and especially by their refusal to admit testimony offered to show that the President's intent was not to defy the law, but to get a judicial decision as to what the law was. The Chief Justice ruled that testimony to prove intent was admissible, and Senator Sherman asked to have it admitted, but it was excluded by a majority vote. Testimony to prove that Stanton advised the President that the Tenure-of-Office Law was unconstitutional and that he aided in writing the veto message was excluded by the same vote. Gideon Welles, under date April 18,[106] says that Sumner, who had previously moved to admit all testimony offered, absented himself when it was proposed to call the Cabinet officers as witnesses. Monday, May 11, the case was closed and the Senate retired for deliberation. The session was secret, but the views of Senators, so far as expressed, leaked out. "Grimes boldly denounced all the articles," says Welles, "and the whole proceeding. Of course he received the indignant censure of all radicals; but Trumbull and Fessenden, who followed later, came in for even more violent denunciation and more wrathful abuse."

The vote was not taken until the 16th, and the intervening time was employed by the impeachers in bringing influence to bear upon Senators who had not definitely declared how they would vote. There were 54 votes in all; two thirds were required to convict. There were 12 Democrats, counting Dixon, Doolittle, and Norton, who had been elected as Republicans, but had been classed as Democrats

since they had taken part in the Philadelphia Convention of August, 1866. If seven Republicans should join the twelve in voting not guilty, the President would be acquitted. Three had declared in the conference of Monday, the 11th, for acquittal, and they were men who could not be swerved by persuasion or threats after they had made up their minds. If four more should join with the three, impeachment would fail. Welles names as doubtful to the last Senators Anthony and Sprague, of Rhode Island, Van Winkle and Willey, of West Virginia, Frelinghuysen, of New Jersey, Morgan, of New York, Corbett, of Oregon, Cole, of California, Fowler, of Tennessee, Henderson, of Missouri, and Ross, of Kansas. He adds, May 14:

> The doubtful men do not avow themselves, which, I think, is favorable to the President, and the impeachers display distrust and weakness. Still their efforts are unceasing and almost superhuman. But some of the more considerate journals, such as the New York *Evening Post*, Chicago *Tribune*, etc., rebuke the violent. The thinking and reflecting portion of the country, even Republicans, show symptoms of revolt against the conspiracy.[107]

The article in the New York *Evening Post* of May 14, two days before the first vote was taken, is a column long. It can only be summarized here.

> So long as the court sat, it says, decency forbade the discussion of the issue elsewhere. It characterizes

the articles of impeachment in groups and severally, and says Article XI "reads like a jest, in charging solemn official acts of 1868 as done in pursuance of an extreme and excited declaration, made to a crowd, in a political speech almost two years before...." Impertinent issues were constantly pressed upon the court from without. The New York *Tribune* demanded conviction and removal for breaking the Tenure-of-Office Act, because, it said, the President was guilty of drunkenness, adultery, treason, and murder. The investigation is of a sudden changed in its nature by the advocates of conviction and becomes a matter of politics, and no longer a judicial concern. Senator Wilson leads off by violating an absolutely fundamental principle of the life and law of every free people, i.e., the principle that an accused man shall have the benefit of a doubt, and be believed innocent until proved guilty. Wilson says: "I shall give the benefit of whatever doubts have arisen to perplex and embarrass me to my country rather than to the Chief Magistrate." ... Here was a plain confession that to obtain conviction a "first principle of public law must be sacrificed; that one prominent judge, at least, would condemn the accused, however

> conscientiously, from other than judicial motives." It describes graphically the pressure brought to bear upon the court and its shameless character, and quotes from the New York *Tribune's* flagrant attack upon Grimes, Trumbull, and Fessenden, "three of the most honored statesmen and tried patriots in the land." "Thus," it says, "a prominent party organ tries to instigate the passions of the multitude to drive the court to the judgment it desires."

"In a meeting of the Republican Campaign Club on Tuesday evening," it continues, "Charles S. Spencer said that 'as a man of peace and one obedient to the laws, he would advise Senator Trumbull not to show himself on the streets in Chicago during the session of the National Republican Convention, for he feared that the representatives of an indignant people would hang him to the most convenient lamp-post.' And the meeting adopted and ordered to be sent to our Senators in Congress, a resolution, 'that any Senator of the United States elected by the votes of Union Republicans, who at this time blenches and betrays, is infamous, and should be dishonored and execrated while this free Government endures.'"

The following is from the Chicago *Tribune*, May 14, 1868:

> IMPEACHMENT
>
> ... The man who demands that each Republican Senator shall blindly

vote for conviction upon each article is a madman or a knave. Why a Senator, or any number of Senators, should be at liberty to vote as conscience dictates on any of the articles, provided there be a conviction on some one of them, and not be at liberty to vote conscientiously unless a conviction be secured, is only to be explained upon the theory that the President is expected to be convicted no matter whether Senators think he has been guilty or not. We have protested, and do now protest, against the degradation and prostitution of the Republican party to an exercise of power so revolting that the people will be justified in hurling it from place at the first opportunity. We protest against any warfare by the party or any portion of it against any Senator who may, upon the final vote, feel constrained to vote against conviction upon one, several, or even all of the articles. A conviction by a free and deliberate judgment of an honest court is the only conviction that should ever take place on impeachment; a conviction under any other circumstances will be a fatal error. To denounce such Senators as corrupt, to assail them with contumely and upbraid them with treachery for failing to understand the law in the same light

> as their assailants, would be unfortunate folly, to call it by the mildest term; and to attempt to drive these Senators out of the party for refusing to commit perjury, as they regard it, would cause a reaction that might prove fatal not only to the supremacy of the Republican party, but to its very existence. Those rash papers which have undertaken to ostracise Senators—men like Trumbull, Sherman, Fessenden, Grimes, Howe, Henderson, Frelinghuysen, Fowler, and others—are but aiding the Copperheads in the dismemberment of our party.

From the *Nation*, May 14, 1868.

> ... Can any party afford to treat its leading men as a part of the Republican press has been treating leading Republicans during the last few weeks? Senators of the highest character, who, in being simply honest and in having a mind of their own, render more service to the country than fifty thousand of the windy blatherskites who assail them, have been abused like pickpockets, simply because they chose to think. We have, during the last week, heard language applied to Mr. Fessenden and Mr. Trumbull, for instance, which was fit only for a compound of Benedict Arnold and

> John Morrissey, and all their colleagues have been warned beforehand, that if they pleaded their oaths as an excuse for differing from anybody who happened to edit a newspaper, they would be held up to execration as knaves and hypocrites. Now, the class of men who are most needed in our politics just now are high-minded, independent men, with their hands clean and souls of their own. Their errors of judgment are worth bearing with for the sake of their character. Yet this class is becoming smaller and smaller, falling more and more into disrepute. The class of roaring, corrupt, ignorant demagogues, who are always on "the right side" with regard to all party measures, grows apace; and, if we are not greatly mistaken, if the Republican party does not make short work with them before long, they will make short work of it....

When it became known that Grimes, Trumbull, and Fessenden would vote not guilty, the pressure from outside was redoubled upon others who had been reckoned doubtful, and especially upon Henderson, Fowler, and Ross.

Even the General Conference of the Methodist Episcopal Church, then in session at Chicago, was called upon to lend a hand, and a motion was made on the 13th of May for an hour of prayer in aid of impeachment. An aged delegate moved to lay that

proposal on the table, saying:

> My understanding is that impeachment is a judicial proceeding and that Senators are acting under an oath. *Are we to pray to the Almighty that they may violate their oaths?*

The motion to lay on the table prevailed. On the following day, however, Bishop Simpson offered a new preamble and resolution, omitting any expression of opinion that Senators ought to vote for conviction, but reciting that "painful rumors are in circulation that, partly by unworthy jealousies and partly by corrupt influences, pecuniary and otherwise, most actively employed, efforts were being made to influence Senators improperly, and to prevent them from performing their high duty"; therefore, an hour should be set apart in the following day for prayer to beseech God "to save our Senators from error." This cunningly drawn resolution was adopted without opposition. It was supposed to have been aimed at Senator Willey, of West Virginia, rather than at the Throne of Grace.

Under the rules adopted for the trial each Senator was allowed to file a written opinion. That of Trumbull was the first one in the list. Among other things he said:

> To do impartial justice in all things appertaining to the present trial, according to the Constitution and laws, is the duty imposed on each Senator by the position he holds and

> the oath he has taken, and he who falters in the discharge of that duty, either from personal or party considerations, is unworthy his position, and merits the scorn and contempt of all just men.
>
> The question to be decided is not whether Andrew Johnson is a proper person to fill the presidential office, nor whether it is fit that he should remain in it, nor, indeed, whether he has violated the Constitution and laws in other respects than those alleged against him. As well might any other fifty-four persons take upon themselves by violence to rid the country of Andrew Johnson, because they believed him a bad man, as to call upon the fifty-four Senators, in violation of their sworn duty, to convict and depose him for any other causes than those alleged in the articles of impeachment. As well might any citizen take the law into his own hands and become its executioner as to ask the Senate to convict, outside of the case made. To sanction such a principle would be destructive of all law and all liberty worth the name, since liberty unregulated by law is but another name for anarchy.

He then took up the articles of impeachment *seriatim* and showed that they all hinged upon the removal of Stanton and the *ad interim* appointment of Thomas.

> But even if a different construction could be put upon the law [he continued], I could never consent to convict the Chief Magistrate of a high misdemeanor and remove him from office for a misconstruction of what must be admitted to be a doubtful statute, and particularly when the misconstruction was the same put upon it by the authors of the law at the time of its passage.

As to the charge that he (Trumbull) had already voted that the President had no authority to remove Stanton, he said:

> Importance is sought to be given to the passage by the Senate, before impeachment articles were found by the House of Representatives, of the following resolutions: "Resolved by the Senate of the United States, That under the Constitution and laws of the United States the President has no power to remove the Secretary of War and designate any other officer to perform the duties of that office *ad interim*" as if Senators, sitting as a court on the trial of the President for high crimes and misdemeanors, would feel bound or influenced in any degree by a resolution introduced and hastily passed before adjournment on the very day the orders to Stanton and Thomas were issued. Let him who would be

> governed by such considerations in passing on the guilt or innocence of the accused, and not by the law and the facts as they have been developed in the trial, shelter himself under such a resolution. I am sure no honest man could.

He concluded with these words:

> Once set the example of impeaching a President for what, when the excitement of the hour shall have subsided, will be regarded as insufficient cause, and no future President will be safe who happens to differ with a majority of the House and two thirds of the Senate on any measure deemed by them important, particularly if of a political character. Blinded by partisan zeal, with such an example before them they will not scruple to remove out of the way any obstacle to the accomplishment of their purpose, and what then becomes of the checks and balances of the Constitution so carefully devised and so vital to its perpetuity? They are all gone. In view of the consequences likely to flow from this day's proceedings, should they result in conviction on what my judgment tells me are insufficient charges and proofs, I tremble for the future of my country. I cannot be an instrument to produce such a result, and at the

> hazard of the ties even of friendship and affection, till calmer times shall do justice to my motives, no alternative is left me but the inflexible discharge of duty.

Gideon Welles, under date May 16, says:

> Willey, after being badgered and disciplined to decide against his judgment, at a late hour last night agreed to vote for the eleventh article, which was one reason for reversing the order and making it the first.... Bishop Simpson, a high priest of the Methodists and a sectarian politician of great shrewdness and ability, had brought his clerical and church influence to bear upon Willey through Harlan, the Methodist elder and organ in the Senate.[108]

So the managers vaulted over ten articles and began the roll-call on the last of the series. The vote resulted: guilty, 35; not guilty, 19. One less than two thirds had voted not guilty; so the President was acquitted on an article, the gravamen of which was the President's attempt to prevent Stanton from returning to office after the Senate had non-concurred in his removal. Sherman, Howe, and Willey had voted guilty on this article, but Henderson, Fowler, Ross, and Van Winkle had voted not guilty.

The impeachers were stunned, and before they could collect their thoughts, the Chief Justice, in pursuance

of a rule previously adopted, directed that the vote should now be taken on the first article. He was interrupted by a motion to adjourn, which he ruled out of order. An appeal from the decision was taken and sustained by a majority vote, and the Senate sitting as a court of impeachment adjourned for ten days. The utmost efforts and direst threats were brought to bear upon Senator Ross because he was believed to be weak and defenseless, but he remained firm. When the court reassembled on the 26th of May, the first article of impeachment, the one which charged the President with the high misdemeanor of removing Stanton from office, was jettisoned altogether, and votes were taken on the second and third articles, relating to the appointment of Thomas as Secretary *ad interim*. On both of these articles the result was identical in number and personnel with that on the eleventh article. Impeachment had failed. The court then adjourned *sine die*.

The opposition to impeachment had some latent strength that was never officially disclosed. Sprague, of Rhode Island, and Willey, of West Virginia, attended the meetings of the Republican anti-impeachers and said they would vote not guilty if their votes should be needed.[109] The President was assured that Morgan would do the same.[110]

On the same day, Edwin M. Stanton wrote a note to the President saying that inasmuch as impeachment had failed he had relinquished the War Department and had left the contents thereof in charge of the senior Assistant Adjutant-General. He then retired to his own home broken in health by hard labor and clouded in reputation by his retention of a place in the Cabinet in defiance of his chief. Not even success

in maintaining his position could excuse such an act. Failure made it a glaring misdemeanor. An attempt has been made to shift the responsibility for his action to the shoulders of Sumner and his other backers in the Senate, who advised him to "stick." Undoubtedly they did so advise, and undoubtedly they believed, and persuaded him to believe, that it was a patriotic duty to commit a glaring breach of good manners and to persist in it for months; but the responsibility for such an act could not be assumed by other persons. Moreover, if it was a breach of the Constitution for the Senate to forbid the President to choose his own cabinet, as Stanton himself had affirmed, it was a breach of the Constitution for him to coöperate with the Senate in doing so.

> The glory of the trial [says Mr. Rhodes][111] was the action of the seven recusant Senators.... The average Senator who hesitated finally gave his voice with the majority, but these seven, in conscientiousness and delicacy of moral fibre, were above any average, and in refusing to sacrifice their ideas of justice to a popular demand, which in this case was neither insincere nor unenlightened, they showed a degree of courage than which we know none higher. Hard as was their immediate future they have received their meed from posterity, their monument in the admiring tribute of all who know how firm they stood in an hour of supreme trial.

In this comment there is now general concurrence. Even Ross has been immortalized by his resolute adherence to what he believed to be right. His trial was the hardest of all, because on the one hand he had no accumulated reputation to fall back upon, and on the other hand he had the most radical state in the Union to deal with. Moreover, he was desperately poor, his only property being a starving country newspaper. Ill-luck followed him after his term expired. A cyclone struck the town of Coffeyville, Kansas, and scattered the contents of his newspaper office over the adjacent prairie. Among the Trumbull papers is an appeal from the local relief committee for help to start Ross's newspaper again, and a donation from Trumbull of two hundred dollars for this purpose. Some forty years later, Ross died in New Mexico, old and poor. He had been a soldier in the Civil War. Congress by a special act voted him a pension, before his death. This was a solace on the brink of the grave and a tribute to his fidelity to principle in a trying hour. It was recognized as such and applauded by the press of the country without a discordant note. In the award of credit for adherence to convictions of duty in the trial of Andrew Johnson, three other Senators have been for the most part overlooked, namely, James Dixon, of Connecticut, James R. Doolittle, of Wisconsin, and Daniel S. Norton, of Minnesota. All of these were elected as Republicans and all of them walked in the fiery furnace along with the Seven, or rather preceded them thither. The reason why they have been neglected by the muse of history is that they started two years earlier. They went to the Philadelphia Arm-in-Arm Convention and thus became classified as Democrats. Edgar Cowan, of Pennsylvania, did likewise. His term expired,

however, before impeachment reached the acute stage. Dixon and Doolittle had served through Lincoln's entire term. They approved of his Reconstruction policy and simply adhered to it after Johnson came in. They received a larger share of contumely as turn-coats and outcasts than the Seven, because they began to earn that distinction earlier. Doolittle accepted political martyrdom without a murmur. The legislature of Wisconsin passed resolutions denouncing his support of President Johnson and his policy and demanded his resignation as a Senator, and these resolutions were presented to the Senate by his colleague, Timothy O. Howe, and were answered by Doolittle on the floor of the Senate in a manly way. If there are laurels to be distributed at this late day, he and his three allies are entitled to "a far more exceeding and eternal weight of glory."

Trumbull received his quota of abuse and vilification for his vote against impeachment from small-minded newspapers and local politicians. To these it seemed an infernal shame that he had still five years to serve in the Senate before they could turn him out. The only reply he ever made in writing, so far as I know, was in a letter dated May 20 to Gustave Koerner, which the latter caused to be published in the Belleville *Advocate*, reiterating in brief the views expressed in his opinion as a member of the court.

Fessenden's unexpired term was shorter than Trumbull's. He was read out of the party rather prematurely. In the autumn following his vote on impeachment, George H. Pendleton, of Ohio, made his appearance as a stump speaker in Maine supporting the Democratic policy of "paying the bonds in greenbacks." This was a new issue in the

East, and a rather puzzling one everywhere. Pendleton had been a candidate for the presidency in the national convention on that platform, but had fallen somewhat short of a nomination. Fessenden was the only man within reach able to meet him and expose his fallacies on the stump. The party was in danger of losing the state. It was obliged to call for the Senator's help. He responded favorably, took the field and routed the Greenbackers completely. This was his last victory. He had been in poor health for some years. Overwork and over-anxiety as chairman of the Finance Committee during the War, and later as Secretary of the Treasury, had told upon a feeble frame. He died September 2, 1869, and with him passed away the most clairvoyant mind, joined to the most sterling character, that the state of Maine ever contributed to the national councils. Whether, if his life and health had been spared, he could have been reëlected to the Senate, is doubtful. Gideon Welles was informed that he had not a friend in the Maine legislature. When his death was announced in the Senate, Trumbull said of him:

> As a debater engaged in the current business of legislation the Senate has not had his equal in my time. No man could detect a sophistry or perceive a scheme or a job quicker than he, and none possessed the power to expose it more effectually. He was a practical, matter-of-fact man utterly abhorring all show, pretension, and humbug.... But I did not rise so much to speak of the great abilities and noble traits of character which have made Mr.

Fessenden's death to be felt as a national calamity, as of the personal loss which I myself feel at his departure. Only three others are now left who were here when I came to the Senate, and there is but one who came with me. There has been no one here since I came to whom I oftener went for counsel and whose opinions I have been accustomed more to respect than those of our departed friend. There were occasions during our fourteen years of service together when we differed about minor matters and had controversies, for the time unpleasant, but I never lost my respect for him, nor do I believe that he ever did for me. He was my friend more closely, perhaps, the last year or two than ever before. Like other Senators I shall miss him in the daily transactions of this chamber, and perhaps more than any other shall miss him as the one person from whom I most frequently sought advice. I am not one of those, however, who believe that constitutional liberty, our free institutions, or the progress of the age depend upon any one individual. When the great and good Lincoln was stricken down, I did not believe that the Government would fail, or liberty perish. Though his loss may have subjected the country to many

> trials it would not otherwise have had, still our Government stands and liberty survives. Another has taken Mr. Fessenden's place; others will soon occupy ours, to discharge their duties better, perhaps, than we have done, and he among us to-day will be fortunate, indeed, if, when his work on earth is done, he shall leave behind him a life so pure and useful, a reputation so unsullied, a patriotism so ardent, and a statesmanship so conspicuous as William Pitt Fessenden.[112]

Grimes had a stroke of paralysis while the impeachment trial was in progress, and it was feared that he could not be in his seat when the time for voting came, but he rallied sufficiently to be carried into the Senate Chamber and to rise upon his feet when his name was called. When he learned the nature of his malady he announced that he would not be a candidate for reëlection. Thus he was taken out of the reach of party vengeance, but though as pure as ice, he did not escape calumny.

John B. Henderson died while this book was passing through the press. He was the only one of the Seven Traitors whom the Republican party publicly and formally forgave. He lost his seat in the Senate as he expected, and he retired to private life as a lawyer in the city of St. Louis. Twelve years passed. Two presidential lustrums of Grant and one of Hayes had erased from the hearts of men the burning sensations of impeachment. In 1884, a convention assembled in Chicago to nominate a candidate of the Republican party for the presidency. I happened to be there. On

the second day of its sitting, the Committee on Permanent Organization reported the name of John B. Henderson, of Missouri, for permanent chairman. The assembled multitude knew at once the significance of the nomination and gave cheer after cheer of applause and approval. It was the signal that all was forgiven on both sides. Which side most needed forgiveness was not asked.

In August, 1868, all the sorrows of Trumbull's public life were submerged and belittled by a domestic affliction. His wife, Julia Jayne Trumbull, died on the 16th of that month, at her home in Washington City, in the forty-fifth year of her age, and was buried in the cemetery of her native place, Springfield, Illinois. She was the mother of six children, all boys, three of whom were living at the time of her death.

FOOTNOTES:

[103] On the 3d of August, 1868, shortly after his acquittal, Johnson wrote a letter to Benjamin C. Truman, his former secretary, which gives his estimate of Grant and throws some new light on the politics of the time. There is nothing to show which of the Blairs was referred to as giving him advice as to the make-up of his Cabinet, but it was probably Montgomery. He says:

"I may have erred in not carrying out Mr. Blair's request by putting into my Cabinet Morton, Andrew, and Greeley. I do not say I should have done so had I my career to go over again, for it would have been hard to have put out Seward and Welles, who had served satisfactorily under the greatest man of

all. Morton would have been a tower of strength, however, and so would Andrew. No senator would have dared to vote for impeachment with those two men in my Cabinet. Grant was untrue. He meant well for the first two years, and much that I did that was denounced was through his advice. He was the strongest man of all in the support of my policy for a long while and did the best he could for nearly two years in strengthening my hands against the adversaries of constitutional government. But Grant saw the radical handwriting on the wall and heeded it. I did not see it, or, if seeing it, did not heed it. Grant did the proper thing to save Grant, but it pretty nearly ruined me. I might have done the same thing under the same circumstances. At any rate, most men would.... Grant had come out of the war the greatest of all. It is true that the rebels were on their last legs and that the Southern ports were pretty effectually blockaded, and that Grant was furnished with all the men that were needed, or could be spared, after he took command of the Army of the Potomac. But Grant helped more than any one else to bring about this condition. His great victories at Donelson, Vicksburg, and Missionary Ridge all contributed to Appomattox." (*Century Magazine*, January, 1913.)

[104] Rhodes, *History of the United States*, VI, 104.

[105] McPherson, *Reconstruction*, p. 307.

[106] *Diary of Gideon Welles*, III, 335.

[107] *Diary of Gideon Welles*, III, 355.

[108] *Diary of Gideon Welles*, III, 358.

[109] This fact is mentioned in Dunning's

Reconstruction, p. 107, on the authority of ex-senator Henderson. The latter verbally made the same statement to me.

[110] *Century Magazine*, January, 1913.

[111] *History of the United States*, VI, 156.

[112] *Cong. Globe*, 1869, p. 113.

CHAPTER XXI

THE McCARDLE CASE—GRANT'S CABINET —THE FIFTEENTH AMENDMENT

In November, 1867, General Ord, commanding the military district of Mississippi, arrested and imprisoned an editor named W. H. McCardle, for alleged libelous and incendiary publications. McCardle applied to the United States Circuit Court for a writ of *habeas corpus* under the same act of Congress which Milligan had successfully invoked. The writ was granted, a hearing was had, and the prisoner was remanded to the custody of the military authorities. McCardle took an appeal to the Supreme Court. The Attorney-General of the United States, Mr. Henry Stanbery, decided not to appear in the case. General Grant was at this time Secretary of War *ad interim*, and Stanbery notified him of the pending

case and suggested to him the propriety of employing counsel to represent the military authorities having McCardle in custody. As this was a case involving the validity of the Reconstruction laws of Congress, General Grant took steps to defend, and addressed a letter to Senator Trumbull, dated January 8, 1868, saying: "This Department desires to engage your professional services, for that object." Trumbull replied on the 11th, accepting the employment, and saying that he should desire to have other counsel associated with him. A few days later he secured the assistance of Matt. H. Carpenter, of Wisconsin. A brief was prepared, and both Trumbull and Carpenter made oral arguments. McCardle was represented by Jeremiah S. Black.

Trumbull's argument was made on the 4th of March. He contended that the court had no jurisdiction, and that, therefore, the appeal should be dismissed. The legislation of Congress on the subject was as follows: The Act of 1789, establishing the judiciary, did not give the right of appeal to the Supreme Court in *habeas corpus* cases. It was omitted in order to avoid lumbering the docket of the highest tribunal with petty details. On the 5th of February, 1867, Congress passed an act granting the right of appeal to the Supreme Court in such cases, in order to protect negroes and white Unionists in the South. The last clause of the act was in these words:

> This act shall not apply to the case of any person who is or may be held in the custody of the military authorities of the United States *charged with any military offense*, or with having aided or abetted

> rebellion against the Government of the United States prior to the passage of this act.

It was Trumbull's contention that McCardle fell within this exception, and hence that the right of appeal, so far as he was concerned, did not exist.

Congress was in trepidation as to the outcome of the case and was resolved to take no chances on it. Various legislative remedies were proposed. One was to require a unanimous vote of the Supreme Court to pronounce any act of Congress unconstitutional and void. A bill requiring a two-thirds vote of the court in such cases actually passed the House on the 13th of January by yeas 116, nays 39, but it was never considered by the Senate. The end was accomplished, however, in a different way. The Senate had passed a bill of only one section, reported by Williams, of Oregon, from the Committee on Finance, to amend the code of judicial procedure in revenue cases. The House attached to this bill another section repealing so much of the Act of February 5, 1867, as authorized an appeal to the Supreme Court in the class of cases therein named, and withdrawing from the Supreme Court jurisdiction as to appeals already taken. This bill passed the House March 13, 1868, without a division. It was taken up in the Senate on the motion of Senator Williams and passed by a vote of 32 to 6 the same day, although Senators Buckalew and Hendricks asked for an explanation of its meaning, which was not given to them.

Although Buckalew and Hendricks did not have time to find out the nature of this bill, Andrew Johnson did. In due time he returned it to the Senate with a

veto message, exposing it as a measure to deprive citizens of their rights under existing law and to arrest proceedings already in course of judicial determination. On this veto there was a debate in the Senate beginning on March 25, 1868, in which the Democrats, led by Hendricks, had decidedly the best of it. The supporters of the bill had very little to say for themselves. Trumbull contended that the bill did not affect any case then pending in the court, but in this debate he was worsted by Doolittle, who showed that it applied to the McCardle case. Trumbull and Carpenter had argued that the Supreme Court had no jurisdiction, since military cases were not appealable under the Act of February 5, 1867. The court had ruled against them because McCardle was arrested, not for a military, but for a civil offense. It still remained to be determined whether the court below had jurisdiction. Trumbull was confident that the Supreme Court would hold that the lower court had no such jurisdiction, in which case the appeal would fail and the bill vetoed by the President would be nugatory as to McCardle. Doolittle in reply showed that the bill did cut off McCardle's rights as an appellant, and the Supreme Court so held in the month of December following, when it dismissed the petition expressly on the ground that its jurisdiction had been withdrawn by the Act of March 27, 1868. The bill was passed over the veto on that date, by 33 to 9 in the Senate and by 115 to 34 in the House. It was partisan legislation. The Republicans drew a long breath after its passage because they had apprehended another Milligan decision, undermining, perhaps, the whole fabric of Congressional Reconstruction. Had not the court been deterred by the critical condition of public affairs, it might with perfect propriety have retained

its jurisdiction and decided in favor of McCardle, since the Act of March 27 was glaringly unjust as to him. But the judges were intimidated by the awful pother o'er their heads and were glad of an excuse to drop McCardle.

It was not so easy to drop Trumbull, however. He was both Senator and retained counsel in this case. Therefore he ought not to have used the former position to help his own side in the litigation. The bill did not originate with him, or his committee, but he voted for it twice, although his vote was not needed. There was a two-thirds majority without him. True, he maintained that the bill did not apply to McCardle, but most of the Senators who took part in the debate held that it did. In a case of doubt involving the rights of a litigant, he ought to have refrained from voting.

Eventually he received $10,000 as compensation for legal services in this and one other case in which he had been retained by the War Department. The amount was fixed by Stanton, and was paid in part by him and in part by Secretary Rawlins after Grant became President. Somewhat later this payment became a subject of criticism in hostile newspapers; and inasmuch as the McCardle case had been tried during Johnson's Administration, it was hastily assumed that it had had some shady connection with Trumbull's vote of not guilty in the impeachment case. When it became evident that the opponents of Johnson were the ones who had employed him and fixed the amount to be paid, the accusers said that his action was contrary to law and that he ought not to have taken any pay at all for legal services to the Government while he was a Senator. This charge was made by Chandler, of Michigan, on the floor of the

Senate, and it led to a sharp debate, in which Chandler was called to order by the Vice-President for using unparliamentary language.

There was a law, enacted in 1808, prohibiting executive officers of the Government from making contracts with members of Congress, and prohibiting the latter from receiving payment therefor. This law did not apply in terms to legal services, and the presumption was that it did not apply to them in spirit, since there were precedents for such employment of members of Congress as late as 1864, when Roscoe Conkling, then a member of the House from New York, had been employed by the War Department and had been paid for the service rendered.

Chandler, in the debate, quoted an opinion of Attorney-General Wirt, given in 1828, to the effect that although the circumstances attending the passage of the Act of 1808 showed that Congress was then legislating on contracts for carrying the mails and for the purchase of supplies and not for legal services, yet, in his belief, the law was broad enough to include such services. An opinion of an Attorney-General, however, was not binding on Senators.

Trumbull replied that the law had been settled differently as to legal services, and that the only prohibition then in force was against Congressmen practicing for compensation in the Court of Claims or before the executive departments. In this contention he could hardly fail to be correct, since all such laws later than 1861 had emanated from, or had passed through, the committee of which he was chairman. The governing statute was the act of June 11, 1864, introduced by Senator Wade, in 1863. As originally

drawn, it prohibited Congressmen from practicing for or against the Government before any court, or department; but the word "court" was stricken out while it was pending in the Senate, and this was good evidence to show what the intention of Congress was.

Although the payment was certainly legal, it would have been better for Trumbull if he had not taken it. Whenever he came before the people for public preferment thereafter, the Chandler accusation was brought against him afresh and it required a new refutation.

After the impeachment fiasco was ended, the nomination of Grant for President by the Republican party was inevitable—not because he was a Republican, but because he was the only man whom the party could certainly elect. Until he quarreled with Andrew Johnson, nobody knew which side he favored. Indeed, the Democrats, until that time, had looked hopefully to him as a possible candidate for themselves.

The convention which nominated him was confronted by the fact that Congress had imposed negro suffrage on the South, while some of the largest Northern States had not yet adopted it, but had flatly refused to do so. The platform committee, therefore, reported, and the convention adopted, a resolution declaring:

> The guaranty by Congress of equal suffrage to all loyal men at the South was demanded by every

> consideration of public safety, of gratitude, and of justice, and must be maintained, but the question of suffrage in all the loyal states properly belongs to the people of those states.

Grant was nominated unanimously May 20, 1868, and Schuyler Colfax was nominated as Vice-President. The Democrats nominated Horatio Seymour for President and Frank P. Blair for Vice-president. In the election, Grant and Colfax received 214 electoral votes and Seymour and Blair 80.

Grant's first Cabinet was a conglomerate which stupefied the politicians. For Secretary of State he named Elihu B. Washburne, of Illinois. Washburne had represented the Galena District in Congress continuously and creditably for twelve years, and was just entering upon a new term. He was a fellow townsman of Grant when the war broke out and had recommended him to Governor Yates as a military helper, and from that time onward had been his stanch and unwavering supporter. When Grant fell into disfavor after the battle of Shiloh, and almost everybody in Washington was clamoring against him, Washburne fairly roared on the other side, and contended not only that he ought to be retained in his place, but that he ought to be promoted to Halleck's place in command of all the Western armies —and here he was right. His personal relations with the General had been so close and his services so conspicuous that there was a general expectation that he would have a place in the Cabinet; but nobody supposed that it would be the Department of State, for which he was wholly unfitted. Although a man of ability, tenacity, and long experience in

public affairs, he was impulsive, headstrong, combative, and unbalanced. The Department of State was regarded then as the premier position, where equipoise was the chief requisite, and this quality Washburne lacked.

Grant had chosen James F. Wilson, of Iowa, as Secretary of State and Wilson had accepted the appointment. He had been a leading member of the House and chairman of its Judiciary Committee, and had been consulted by Grant on the most important matters connected with his duties as Secretary of War *ad interim*, including his correspondence with Andrew Johnson after he had resigned that office. Wilson had declined a reëlection to Congress because he wished to retire from public life, and he accepted the appointment offered by Grant with reluctance and only at the urgent solicitation of the latter.

Washburne had been promised the office of Minister to France. When he knew that Wilson was to be appointed Secretary of State, he went to Grant and asked that the appointment of Secretary might be conferred upon himself temporarily so as to give him prestige in his office as Minister. Grant saw no objection to this, but he asked Wilson's permission first. Wilson did not relish the proposition, but he consented, on condition that Washburne should not take any action as Secretary, either in the way of appointments to office or the announcement of policies. As soon as Washburne had been confirmed by the Senate, he began to make appointments and announce policies, and Grant did not immediately call him to order. Wilson accordingly notified Grant that as the conditions had been broken he would not now accept the office. Grant then compelled

Washburne to resign. But meanwhile Wilson had gone to New York en route to his home in Iowa, and a messenger (A. D. Richardson) was sent after him by Grant to urge him to change his mind; he declined to do so, in terms, however, which preserved their friendship unimpaired.[113]

"Who ever heard before of a man nominated Secretary of State merely as a compliment?" was Fessenden's comment on the Washburne episode.

Wilson afterward served a term in the United States Senate. He was a good lawyer, a man of sound judgment, of probity and stability of character, and would have filled the office of Secretary of State creditably if not brilliantly. When Grant found that Wilson's purpose to withdraw could not be changed he offered the place to Hamilton Fish, who accepted it.

Grant's mishaps in filling the Treasury Department were quite as droll as the foregoing. He first sent in the name of Alexander T. Stewart, the great dry-goods merchant of New York, as Secretary. Stewart was a Scotch-Irishman who had migrated as a young man, and had taken up the vocation of a school-teacher in his adopted country. Of his start in life he was very proud. He kept a well-thumbed copy of the New Testament in Greek on the centre table of his hospitable mansion, which he was fond of exhibiting to his guests as one of the tools of trade with which he began his career in America. Pedagogy, however, did not detain him long. He had brought some capital from the old country and he turned his attention to silks and muslins, and by diligence, skill, and integrity had reached the foremost place in the nation as a merchant, before the outbreak of the

Civil War. His wholesale business was chiefly with the South, and this part of it was suddenly obliterated in 1861. Yet he recovered his leadership in dry goods before the war ended, and was then rated as third in the list of rich men in the United States, the names of Astor and Vanderbilt only being placed higher.

Nobody knew, at the time when he was named for a place in the Cabinet, what political party he belonged to or favored. His most intimate friend and counselor was Henry Hilton, a Democratic ex-judge, potent in Tammany Hall. That fact, however, implied no political bias on the part of Stewart. Hilton was his watch-dog at the place where the local taxing and blackmailing power lay. Nor did Grant have any political aims or thought in selecting Stewart for the portfolio of the Treasury. He chose him because great wealth appealed strongly to the imagination of one who had had severe struggles with poverty, and because he reasoned that a man who had been very successful in his private business would necessarily know how to manage the public business. Both Sumner and Gideon Welles said that Stewart had made a gift of considerable amount to Grant.

The nomination of Stewart was scoffed at by nearly everybody in Washington, but it was well received by the press and no Senator dared to vote against it. It was presently discovered, however, that he could not legally hold the office, as he was disqualified by a law of 1789, which provided that nobody engaged in trade or commerce, nor any owner of a seagoing vessel, nor any dealer in public lands or in public securities, should be eligible. Stewart had not been a candidate for the position, or for any position, but when it was offered to him, he thought he would like

to have it, and to this end he proposed to retire temporarily from trade and commerce, and put his business in the hands of trustees for charitable use, in order to meet the requirements of law. The President also requested Congress to change the law so that he might be qualified. Congress, however, did not think it desirable to trim the law to fit a particular case, and Stewart did not raise his bid. After a week's delay the President sent in the name of George S. Boutwell, of Massachusetts, for Secretary of the Treasury, and he entered upon the duties of the office with general satisfaction.

When the name of Adolph Borie was announced for Secretary of the Navy, everybody began to ask, Who is Borie? Even Admiral Farragut had never heard of him. The answer came that he was a rich man in Philadelphia who had entertained General Grant handsomely on some occasion when he was temporarily in that city. Sumner said in his speech of May 31, 1872, that he also had made a gift to Grant. He retained the position of Secretary only three months. He then resigned and recommended George M. Robeson, a lawyer of New Jersey, as his successor, and the latter was appointed. Robeson was as little known as Borie had been before he was appointed, but he was not the same kind of nonentity.

John A. J. Cresswell, of Maryland, who became Postmaster-General, had been a member of Congress. If there was not much to be said for him, there was nothing at all to be said against him.

John A. Rawlins, Grant's chief-of-staff during the war, a man of high character and ability, chose himself for Secretary of War, and communicated his

preference to his chief through General James H. Wilson, who was on terms of intimacy with both parties. Grant received the communication favorably and sent the name of Rawlins to the Senate and here he made no mistake. But Rawlins lived less than a year after his appointment.

The two remaining members of the Cabinet, General Jacob D. Cox, of Ohio, Secretary of the Interior, and E. R. Hoar, of Massachusetts, Attorney-General, were ideal selections. The former had been governor of his state and had served with distinguished valor and efficiency in the Civil War. The latter was a man of sparkling wit and conversational powers, which, however, did not outshine his solid qualities of mind and character. Both these men came early into collision with the "spoils system," which afflicted the whole of Grant's administration with ever-increasing virulence. Both of them fought a losing battle with it, as did George William Curtis, who essayed, in a humbler capacity, to grapple with it. All three were retired, or retired voluntarily, before the end of Grant's first term.

The plank in the Republican platform forcing negro suffrage upon the South, but leaving it optional with the Northern States, was too brazen to be long maintained. Moreover, there was danger lest this right of the negroes should be taken from them after the Southern States should have recovered the right to amend their own constitutions. These things absorbed the attention of the Fortieth Congress during the last month of its existence.

On January 30, 1869, the House passed an

amendment to the Constitution by more than two-thirds majority in these words:

> The right of any citizen of the United States to vote shall not be denied or abridged by the United States or any state by reason of race, color, or previous condition of slavery of any citizen or class of citizens of the United States.

In the Senate, Vickers, of Maryland, moved to amend by providing that the right to vote should not be denied because of participation in the rebellion. This was rejected by 21 to 32, but it received the votes of eleven Republicans, among whom were Grimes, Harlan, Trumbull, and Wilson. Wilson, of Massachusetts, moved to add the words "nativity, property, education, or creed" to the words "race or color," and this was adopted by 31 to 27, Trumbull voting in the negative. The House rejected the amendment by 37 to 133 and sent it back to the Senate, which, by a vote of 33 to 24, receded from its amendment. The vote was then taken on concurring in the House Resolution as originally presented, and it failed by 31 to 27, not two thirds.

The Senate then took up a resolution that had been previously reported by the Committee on the Judiciary which was similar in terms to the one originally passed by the House, except that it added the words "and hold office" after the word "vote." The resolution was passed by 35 to 11 and sent to the House. Logan, of Illinois, moved to strike out the words "and hold office." This was defeated. Bingham, of Ohio, moved to insert the words "nativity, property, or creed," after the word "color." This was

adopted by 92 to 71, and the resolution passed by 140 to 37. The Senate disagreed to both of the House amendments. The measure then went to a Conference Committee consisting of Senators Stewart, Conkling, and Edmunds, and Representatives Boutwell, Bingham, and Logan, who reported in favor of Logan's amendment and against Bingham's, and in this shape the resolution passed both houses by the requisite majorities. If the word "nativity" had been retained the Southern States could not have disfranchised the negroes by means of the "Grandfather Clause," as some of them did. Morton, of Indiana, predicted that the South would find means of circumventing the clause if the prohibitions were limited to race, color, and servitude. When Morton came to Washington as Senator he was bitterly opposed to negro suffrage. He was now so hot for it that he shared the leadership of the radicals with Sumner.

The Fifteenth Amendment as finally passed by Congress, February 26, 1869, was in these words:

> ARTICLE XV
>
> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.
>
> SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

It was declared ratified by the legislatures of twenty-

nine states on March 30, 1870. Ohio at first rejected, but later ratified it. New York at first ratified, but later reconsidered and rejected it.

FOOTNOTES:

[113] Mr. Wilson communicated these facts to me at the time of their occurrence, and the correctness of this narrative has been confirmed by Major-General Grenville M. Dodge, who was then in close communication with both parties.

CHAPTER XXII

CAUSES OF DISCONTENT

It looks at this distance as though the Republican party was "going to the dogs"—which, I think, is as it should be. Like all parties that have an undisturbed power for a long time, it has become corrupt, and I believe that it is to-day the [most] corrupt and debauched political party that has ever existed.... I have made up my mind that when I

> return home I will no longer vote the Republican ticket, whatever else I may do.

So wrote James W. Grimes to Trumbull under date of Heidelberg, July 1, 1870. Grimes had had a stroke of paralysis while the impeachment trial was going on, but had rallied sufficiently to be carried into the Senate to vote not guilty on every article on which a vote was taken, and to give his reasons for doing so. He shortly afterwards resigned his seat, announced his retirement from public life, and went to Europe with his family. He was a native of the Granite State, a man of granite mould, of unblemished character, undaunted courage, keen discernment, and untiring industry. In Newspaper Row he was styled "Grimes the Sturdy"—a title bestowed upon him by Adams Sherman Hill, then on the Washington staff of the New York *Tribune*, and later Professor of Rhetoric in Harvard University.

Grimes's estimate of the Republican party in 1870 was widely shared. Reconstruction, measured by the results of five years, was a failure, being a confused medley of ignorant negro voters, disfranchised whites, disreputable carpet-baggers, and corrupt legislatures. The civil service was honeycombed with whiskey rings, custom-house frauds, assessments on office-holders, nepotism, and general uncleanness. President Grant had transferred his army headquarters to the White House. When he wanted to have anything done in which he felt a deep interest, he chose an aide-de-camp for the purpose instead of a civilian, and he never dreamed that anybody would be surprised or vexed when he sent Major Babcock to San Domingo to negotiate a treaty for the purchase of that country for the sum of

$1,500,000, without the knowledge of the Secretary of State or any member of the Cabinet. He called at Sumner's house to secure his support for the ratification of the treaty, found him dining with John W. Forney and Ben Perley Poore, and had a hasty talk with him about a treaty concerning San Domingo, no details being mentioned. He addressed Sumner as chairman of the Judiciary Committee, to which he supposed it would be referred, and hoped Sumner would approve of the treaty. Sumner replied that he was an Administration man and that he would give very careful and candid consideration to anything which the President desired.

This was the beginning of an Iliad of woes. Grant understood Sumner's answer as a promise to support the treaty, whereas Sumner meant no more than his words signified, that he would consider it on its merits, but in a friendly spirit. It was not his custom to promise to support treaties before seeing them. When he came to consider this one, he found that he could not support it. Not only was Sumner's judgment adverse, but that of the press and other organs of public opinion was decidedly so. The treaty was rejected by a tie vote (two thirds being required to ratify). Grant put all the blame of rejection on Sumner. He thought that the latter had broken a promise and intentionally deceived him. He marked Sumner for destruction, and determined to have the treaty ratified in spite of him, if possible. A commission of investigation had been authorized by Congress, after the rejection of the treaty, to visit San Domingo, and report upon the advisability of the purchase. This was by way of letting the President down easy rather than with any serious purpose of carrying out his wishes. The commission consisted of Benjamin F. Wade, Andrew D. White, and Samuel G.

Howe. While it was at work steps were taken to reorganize the Senate Committee on Foreign Relations.

Who prompted that movement was never divulged, but the attempt and its failure were narrated somewhat later by Senator Tipton, of Nebraska, in open Senate, without contradiction. Tipton said that at the beginning of the Third Session of the Forty-first Congress, a motion was made in the Republican Senate Caucus to depose Sumner from the chairmanship of the committee and to remove Schurz, of Missouri, and Patterson, of New Hampshire, from membership altogether.[114] All three had voted against San Domingo. The motion had been negatived at that time, but the purpose had not been abandoned.

The second vote on deposing Sumner took place in the Senate March 10, 1871, on a report made by Senator Howe, of Wisconsin, from the Republican Caucus, for the assignment of committees for the First Session of the Forty-second Congress. The Committee on Foreign Relations, as reported, had the name of Cameron as Chairman, and Sumner was not even a member of it. Then a debate began on the unusual step taken by the caucus committee in deposing Sumner, without his own consent, from a place which he had held acceptably during all the time that the Republicans had controlled the Senate. Wilson, Schurz, Logan, Tipton, and Trumbull spoke against the action of the Caucus Committee. Trumbull said:

> I am not the special friend of the Senator from Massachusetts. He and I, during our long course of service

here, have had occasion to differ, and differ, I am sorry to say, unpleasantly. But, sir, that will not prevent me from trying to do justice to the Senator from Massachusetts. I stood by him when he was stricken down in his seat by a hostile party, by the powers of slavery. I stand by him to-day when the blow comes, not from those who would perpetuate slavery and make a slave of every man that was for freedom, but comes from those who have been brought into power as much through the instrumentality of the Senator from Massachusetts as of any other individual in the country.

But, sir, this question has been brought before us, and what shall we do? I tried to avoid it. I have appealed to my associates and I have said to them: "We are very much divided;" I say to them now: "We are very much divided." A few votes one way or the other constitute the majority in the Republican party; now is it desirable, is it best, to force such a change with such an opposition as has manifested itself here? What is to be gained by it? I will not undertake to warn the Republican party of the consequences.... I would that this debate had not occurred, that we could have paused at the outset when we saw this difference of

> opinion, and that there could have been some concession even to those in the minority which would have avoided this state of things.

Senator Sherman deprecated the action of the majority. He regarded the change "unjustifiable, impolitic, and unnecessary," yet he offered Sumner advice, like that of a doctor to a child respecting a dose of castor oil—to throw his head back and take it off quick, because it would do him good, thus:

> Therefore, while I feel bound to utter my opinion that this is an unwise proceeding, made without sufficient cause, yet in my judgment it ought not to be debated here. It is settled; and if my honorable friend from Massachusetts, the senior senator in this body, wishes to add another good work in his services to his country, in his services to the Republican party, he cannot do better than rise in his place and say that, if for any reason, whether sufficient or insufficient, a majority of his political associates think it better for him to retire from this position, he yields gracefully to their wish; and I tell him that a new chaplet will crown his brow, and when his memoirs are written this will be regarded as one of the proudest opportunities of his life. [115]

Tipton let the cat out of the bag again by reading

from some notes he had made of the proceedings of the caucus of the previous day. He said that Senator Howe in the caucus had defended the action of the committee in displacing Sumner, on the ground that the Committee on Foreign Relations was not in harmony with the Senate on the subject of San Domingo, and that in order to correct this disagreement a change was necessary; whereas Mr. Howe, and all the others who were for displacing Sumner, now contended that San Domingo had nothing to do with it. Tipton begged leave to say also that Howe was wrong in his contention that the Committee on Foreign Relations was not in harmony with the Senate, the vote on the treaty having been 28 to 28 (a tie vote operated as a negative). In other words, the Senate had sustained the committee, and there was no disagreement to be rectified.

Thereupon Sherman called Tipton to order for divulging the secrets of the caucus, and Tipton replied that he had read all the proceedings of the caucus in the morning papers, including the names of the Senators in the call of the yeas and nays, 26 to 21, and that there was only one error in the whole report and that a trifling one. Sherman retorted that perhaps Tipton had furnished the report to the newspapers, but the latter denied it. Sherman then insisted that the newspaper report carried no weight unless confirmed by a Senator. He made the charge also that Tipton had been guilty of divulging the vote on the treaty, taken in executive session. To this charge Tipton could make no defense, but he contended that it had done no harm. The discussion was continued till a late hour, the report of the Caucus Committee being supported in debate chiefly by Edmunds and Morton. The latter affirmed that San Domingo did not enter into the question of

displacing Sumner now—implying that it might have been the bone of contention earlier. Morton's statement was technically true. The original disagreement between Sumner and the President had been so overlaid with fresh material that it was now relatively unimportant. Moreover, the Senate had no intention of ratifying the annexation treaty even if the Benjamin Wade Commission should so recommend—as it did. Morton himself had no such intention.

I happened to be in Washington at this juncture and was dining with the late Senator Allison (then a member of the House), on the evening before the report was presented. He informed me of the posture of affairs, said that Sumner was to be deposed, and that Senator Howe had been designated to report a resolution to that effect. He regarded the situation as fraught with peril to the Republican party. I suggested that he and I should call upon Senator Howe and endeavor to prevent or perhaps delay the proposed step. Allison assented. So we went to Howe's apartments, found him at home and alone, and we labored with him till past midnight, seeking in a friendly way to change his purpose, but without avail. He could not be moved. While we were returning, Allison said that Grant must have played his last trump to break the custom of the majority in the Senate, never to displace a member without his own consent. After the deed was done, I called upon Sumner and had a conversation with him on the subject. He said that the most puzzling thing to him was the part taken by Senator Anthony, of Rhode Island, in the affair. Anthony was chairman of the caucus. He appointed the Committee on Committees. Anthony was his friend, a very close friend. He ought to have known beforehand the purposes of the

majority, especially since an attempt to displace him had been made at the previous session. Was Anthony himself deceived, or was he a party to the transaction? That was the puzzling question.

When the vote was taken on Howe's report, it was adopted by a large majority. The dissentients withheld their votes, as they did not choose to bolt the decision of the caucus when bolting could accomplish nothing. The result was a fresh grievance added to the growing stock of discontent.

The President's first blow at Sumner had been the removal of his friend Motley from the position of Minister to England. A request for Motley's resignation was sent on July 1, 1870, but he did not comply with it. In the mean time the position was offered to Trumbull in the following letter:[116]

> DEPARTMENT OF STATE,
> WASHINGTON,
>
> *Confidential.*
>
> GARRISONS, August 5th, 1870.
>
> MY DEAR JUDGE,
>
> The President desires me to ask if it will be agreeable to you to accept the Mission to London; if so, he is desirous of securing to the country the value of your important service and your experience and ability. I hope most sincerely that it will meet your views to accept this Mission, now more than before important. The events now happening and

threatening in Europe require the presence in London of a representative of ability, of firmness, of learning, and of calm self-possession—and your exceptional possession of these requisites has led to the very strong desire of the President and myself that you would undertake the duties of the position. I do not know that we are on the eve of the settlement of our questions with Great Britain, but there are reasons to justify the hope that *very important* questions may be adjusted within the term of whoever may succeed Mr. Motley. The complications of European politics are favorable and add to the evident desire of the British Ministry to dispose of all questions between the two countries. Can you come here and pass a day with me? I can tell more than I can write. I sincerely hope that you can give a favorable answer; for reasons which you will understand the President desires that this communication be considered *confidential*, at least for the present. Please let me have your answer as soon as you conveniently can.

Very faithfully yours,

HON. LYMAN TRUMBULL, HAMILTON FISH.
U.S. SENATOR,
KINGSTON, ULSTER CO., N. Y.

No written answer to this letter has been found. A verbal one was given at the interview which Mr. Fish invited. Trumbull declined the appointment because he preferred to remain a Senator rather than to be a diplomat. Probably he became acquainted at this time with Secretary Fish's intention to move for a settlement of our differences with Great Britain: for in a speech made at Chicago on the 2d of November following, on "Coming Issues," he discussed the subject of our claims against that country at considerable length. In this speech he maintained that we could justly ask for payment of the losses sustained by the depredations of the Alabama and other British-built cruisers, and that we had a still deeper grievance, although one not computable in dollars and cents, growing out of the demand made upon us for the surrender of the rebel envoys, Mason and Slidell, who were captured on board the steamship Trent at the beginning of the Civil War. He showed by the established rules of international law, affirmed by British precedents and practice, that persons, papers, and materials in the enemy's service were alike contraband and subject to capture in neutral vessels on the high seas.[117]

Another "coming issue" referred to in this speech was the endeavor to break up and abolish the iniquitous system by which the appointment of thirty-five thousand officers and clerks of the National Government was made part of the patronage of politicians; and to carry out the principles of civil service reform in which these appointments should be made after competitive examinations so as to secure officers of "the highest fitness, honesty, and capacity." In his argument in favor of this reform he instanced the experience of General J. D. Cox, Secretary of the Interior, who had found it necessary

to resign his office because he could not purge his own department of spoilsmen and incompetents foisted upon him by Senators and Representatives. Cox's resignation had caused intense indignation when the reasons for it leaked out. President Grant had pledged himself to the reform of the civil service and had appointed a competent commission to carry on the work, and was really desirous that it should succeed, but he was not willing to fight for it. So when Congressmen fought against it he yielded and put the blame upon them. And the last state of it was worse than the first. "No point in Trumbull's speech," says the newspaper account of it, "was more significant than his endorsement of Secretary Cox's civil service reform, and the enthusiastic cheering with which the large audience unanimously greeted this endorsement."

Attorney-General Hoar had retired from public life some months earlier and for much the same reason. He had made several selections to fill vacancies on the bench of the Circuit Court with an eye single to the character and legal attainments of the judges, and had thereby incurred the enmity of most of the Republican Senators, who wanted to dictate the appointments. It happened at this time that the President was trying to win support for the San Domingo Treaty, and he found, or supposed, that the votes of certain carpet-bag Senators could be obtained if he would give them a member of the Cabinet. In order to create a vacancy he nominated Attorney-General Hoar as a justice of the Supreme Court. The nomination was referred to the Judiciary Committee of the Senate, consisting of Trumbull, Edmunds, Conkling, Carpenter, Stewart, Rice (of Arkansas), and Thurman. Six of these voted against Hoar. The only affirmative vote was that of

Trumbull.[118]

After Hoar was rejected, the President asked for his resignation as Attorney-General without assigning any reason therefor, and when it was handed to him he appointed an obscure but respectable lawyer from Georgia of the name of Akerman as Attorney-General, to please the carpet-baggers; but this move did not secure a sufficient number of votes to ratify the treaty, nor was it ever ratified.

FOOTNOTES:

[114] *Cong. Globe*, March 10, 1871, p. 48.

[115] *Cong. Globe*, 1871, p. 51.

[116] E. L. Pierce, in his *Life of Sumner*, says that the position was first offered to Frelinghuysen, of New Jersey, and that he was confirmed by the Senate on the last day of the session. Evidently he did not accept it.

[117] Mr. Charles F. Adams has shown in a recent essay that the British Ministry were perfectly aware that the capture of Mason and Slidell was justifiable by British custom and precedent, but that public opinion was so inflamed on the subject that they were swept off their feet, and could not have faced Parliament an hour if they had not demanded the surrender of the prisoners. On the other hand, our practice and precedents were directly opposite. The American doctrine was "free ships make free goods" and *a fortiori* free persons, but so inflamed was public opinion on this side of the water that the British demand for the surrender of the prisoners would have been refused even at the risk of war, if we had

not had one war on hand already. Both nations "flopped" simultaneously. *The Trent Affair—an Historical Retrospect.* By Charles Francis Adams. Boston, 1912.

[118] Washington letter in the *Nation*, January 6, 1870.

CHAPTER XXIII

THE LIBERAL REPUBLICANS

The Liberal Republican movement of 1872 took its start in Missouri. During the war between the states, Missouri had been a prey to a real civil war, in which much blood had been spilled, and where churches, communities, and particular families had been torn asunder. In the agricultural districts and small towns, which were nine tenths of the whole, nobody, whether Secessionist, or Unionist, or neutral, could feel certain, when he went to bed, whether he should sleep till morning, or be awakened after midnight by a guerilla raid or a burning roof. The contending forces were not unequally divided. The Confederates were the stronger half in wealth and influence, although not in numbers, but the proximity of the Federal armies and their actual occupation of the soil gave a preponderance to the Unionists and strangled

secession in its infancy. When the war came to an end, all the heart-burning that it had engendered was still raging. Not only were the Republicans in power, but the most radical of them had control within the party. Lincoln was not sufficiently advanced for them. They had refused to vote for his renomination in the Convention of 1864.

In the state constitution, adopted in 1865, disfranchisement and test oaths abounded. In the succeeding four years there had been a gradual slackening of recrimination and intestine strife; and a line of cleavage broke in the Republican ranks in 1869 which resulted in the election of General Carl Schurz as United States Senator, on the issue of reënfranchisement of the ex-rebels. The leader of the "party of eternal hate," as it was styled by its opponents, was Charles D. Drake, his colleague in the Senate. The seat taken by Schurz was that formerly held by John B. Henderson, who had lost it by his vote against impeachment.

Schurz was a torch-bearer wherever he went, and his entry into the Senate gave a new impetus to the party of peace and amnesty not only in his own state, but throughout the country. In the autumn of 1870 a battle royal was fought in Missouri, beginning in the Republican state convention, which was split on the issue of reënfranchisement. The Liberals, under the lead of Schurz, nominated a full state ticket with B. Gratz Brown for governor. The radicals nominated Joseph McClurg for governor and a full ticket. The Democrats made no nominations, but supported the Liberal nominees. The election resulted in a sweeping victory for the Liberals. The platform on which Brown was chosen declared that the time had come "for removing all disqualifications from the

disfranchised people of Missouri and conferring equal political rights and privileges on all classes." The other platform favored reënfranchisement "as soon as it could be done with safety to the state."

Both sections adopted a resolution saying: "We are opposed to any system of taxation which will tend to the creation of monopolies and benefit one industry at the expense of another." This was interpreted by the *Missouri Democrat*, the leading Republican newspaper of the state, as an anti-tariff deliverance. Its editor, Colonel William M. Grosvenor, was a party organizer of keen intelligence and tireless activity, as effective in his own field as Schurz was in his. He was a free-trader, and he gave the first impulse which brought the revenue reformers of that period as a distinctive element into the Liberal movement. The only organization then existing which offered any resistance to the demands of the protected classes was the New York Free-Trade League, of which Mahlon Sands was secretary. On the 10th of November, Sands sent out an invitation to persons whom he took to be like-minded with himself, including Carl Schurz, David A. Wells, Jacob D. Cox, William Cullen Bryant, E. L. Godkin, Charles F. Adams, Jr., General Brinkerhoff, Edward Atkinson, and others to a conference to be held in New York on the 22d of that month. The declared object of this meeting was "to determine whether an effort may not, with advantage, be made to control the new House of Representatives by a union of Western Revenue Reform Republicans with Democrats." The meeting took place at the date mentioned and received the following notice in the *Nation* of December 1:

> There has been a good deal of

activity among the Revenue reformers during the week. On the 23d ult. they held a private meeting in this city, which was attended by Mr. D. A. Wells, Mr. George Walker, Mr. Horace White, of the Chicago *Tribune*, Mr. Bryant, Mr. Bowles, of the Springfield *Republican*, and others, and at which, after a good deal of talk, the conclusion was reached that things were looking very well; that the legislative debates of the coming winter would, under the influence of the late elections, probably do a great deal to educate the public and prepare the monopolists and jobbers for what is certainly coming; and that the question of civil service reform was closely connected with that of the reform of the revenue, and ought to be discussed and pushed with it; and it was resolved finally to charge a committee with the work of looking after the interest of both in a general way during the winter, with power to make arrangements for the calling of a national convention in the spring, in case the course of Congress proved unsatisfactory. The usual distribution of "British gold" did not take place, it must be confessed to the regret of all present. Indeed, the desire for it, and as much of it as possible, was avowed with the greatest effrontery. The

> open display of such feelings at a reform meeting was a curious sign of the times. Why the British should have cut off the supply was not explained, but we presume they were unable to withstand the repeated exposures in the *Tribune*, which have doubtless made Minister Thornton wince a little.

The Speaker of the House, James G. Blaine, got wind of the Sands circular and sought an interview with myself, coming to Chicago for that purpose. He said that he recognized the drift of public sentiment on the tariff question, that he desired to avert anything like a split in the Republican ranks, and that he intended to give the tariff reformers a majority of the Committee on Ways and Means in the new Congress. He submitted that they could not gain more than that by a fight, and that it was the part of wisdom to be satisfied with that. He said that he would allow us to name two Republican members who, in conjunction with the Democrats, would constitute a majority. I reported this fact to the members of the New York Conference and it was agreed that no other steps should be taken in reference to the organization of the House. G. A. Finkelnburg, of Missouri, and H. C. Burchard, of Illinois, were selected as our preference for membership of the committee. The names were communicated to Blaine and they were appointed by him. He even went beyond his promise by prompting his friends on the floor to favor tariff reform. Eugene Hale, of Maine, was especially zealous in this behalf. He introduced a bill to make salt free of duty, and accepted an amendment putting coal in the same category and

advocated it with earnestness and ability and carried it through the House, but it was strangled in the Senate. Dawes, of Massachusetts, a protectionist, was made chairman, but the majority of the committee was against him. Protection, at that time, meant the highest rate of duty on imports that anybody desired, and free trade meant any opposition to protection as thus interpreted. These definitions are not wholly obsolete at the present day.

In the eyes of President Grant the Liberal movement in Missouri was something in the nature of a new rebellion, and most of the Republican politicians shared his views. The necessity of keeping the party in power by fair means or foul had become a kind of religious tenet. The spectre of a solid South and a divided North had been terrifying from the start. What would happen if the example of Missouri should overspread all of the reconstructed states? Seymour had carried New York and New Jersey in the last election. The solid South added to these would have made him President of the United States. No wonder that such Senators as Morton, Chandler, Conkling, and the Southern carpet-baggers, at the opening of Congress in December, 1870, gave a chilling reception to all who had taken part in the Liberal campaign of Missouri, or who sympathized with it. Anything in the nature of investigation of frauds, or of reform in the civil service, was frowned upon by them. All who favored such steps were accused of seeking to split the party and build a new one upon its ruins. This was a false accusation. The Administration could have averted the coming revolt by removing its causes. The *Nation* of December 8, 1870, said with truth:

> What has been taken for a desire or

> design to found a new party has been simply a design to make the old party attend to the proper business of the party in power, by legislating for the necessities of the time. There is a strong disposition on the part of the old hacks not to do this, but to go on infusing "economy and efficiency in the collection of the revenue," and nothing would please them better than that those who are not satisfied with this should take themselves off and try to establish a little concern of their own, and give no further trouble. We believe the intention of the malcontents, however, is, and always has been, to stay where they are and give all the trouble they can. Whenever the time comes to establish a new party, it will make its appearance, whether anybody charges himself with the special work of getting it up or not.

Among the sources of discontent disfranchisement was the most pressing, since it was believed to be the chief cause of the shocking conditions in the South. Other things could wait. This was the "house-on-fire"; it must be put out at once. The Liberals said that universal amnesty with impartial suffrage was the true cure. The ruling powers at Washington maintained that the Southern whites were still rebellious and that a new law, backed by adequate military power, was needed to deal with the Ku-Klux Klans, which were terrorizing the blacks in order to

prevent them from voting. The President sent a special message of twenty lines to Congress on March 23, calling attention to this condition of affairs and recommending some action, he did not say what. The brevity and indecision of it betokened reluctance on his part to send any message at all. Congress, however, took the subject in earnest and passed the Ku-Klux Bill of 1871, which authorized suspension of the writ of *habeas corpus* and the employment of military force in dealing with the Ku-Klux outrages. Trumbull and Schurz opposed the bill by speech and by vote, the former on the ground of unconstitutionality, the latter chiefly on the ground of impolicy, although he also considered it unconstitutional. Trumbull contended that the Constitution never contemplated that the ordinary administration of criminal law in the states should be in the hands of the Federal Government and that the Fourteenth Amendment did not change the lodgment of that power from the state to the federal authorities. He did not make a set speech on the bill, but in an impromptu debate he said:

> Show me that it is necessary to exercise any power belonging to the Government of the United States in order to maintain its authority and I am ready to put it forth. But, sir, I am not willing to undertake to enter the states for the purpose of punishing individual offences against their authority committed by one citizen against another. We, in my judgment, have no constitutional authority to do that. When this Government was formed, the general

> rights of person and property were left to be protected by the states and there they are left to-day. Whenever the rights that are conferred by the Constitution of the United States on the Federal Government are infringed upon by the states, we should afford a remedy.... If the Federal Government takes to itself the entire protection of the individual in his rights of person and property what is the need of the State Governments? It would be a change in our form of Government and an unwise one, in my judgment, because I believe that the rights of the people, the liberties of the people, the rights of the individual, are safest among the people themselves, and not in a central government extending over a vast region of country. I think that the nearer you can bring the administration of justice between man and man to the people themselves, the safer the people will be in their rights of person and property.[119]

He objected also to the clause of the bill authorizing the President to suspend the writ of *habeas corpus*, as in conflict with the clause of the Constitution which limits suspension to cases of invasion or rebellion where the public safety requires it. There was no present invasion to justify it and no rebellion in the proper definition of that term. He quoted authorities

showing that rebellion meant an armed uprising against the Government, such as existed in 1861 and continued till the end of the war. No such condition existed now.

Schurz's speech, delivered on the 14th of April, was a masterpiece of political philosophy, not inferior to anything in the orations of Edmund Burke. It was a plea for the abrogation of all political disabilities. It occupies three pages of the *Congressional Globe*. Among other things he said:

> On the whole, sir, let us not indulge in the delusion that we can eradicate all the disorders that exist in the South by means of laws and by the application of penal statutes. Laws are apt to be especially inefficacious when their constitutionality is, with a show of reason, doubted, and when they have the smell of partisanship about them; and however pure your intentions may be (and I know they are), in that light a law like this, unless greatly modified, will appear suspicious. If we want to produce enduring effects there, our remedies must go to the root of the evil; and in order to do that, they must operate upon public sentiment in the South. I admit that in that respect the principal thing cannot be done by us: it must be done by the Southern people themselves. But at any rate, we can in a great measure facilitate it.[120]

Edmunds and Carpenter, of the Judiciary Committee, held that the Fourteenth Amendment of the Constitution gave power to the federal authorities to enforce the ordinary criminal law as between persons in the states. Some years later a case, arising under this Ku-Klux Law in Tennessee, reached the Supreme Court, where it was pronounced unconstitutional and void. The court held that the three latest amendments of the Constitution prohibited the states from discriminating against citizens on account of race or color, but did not change the administration of the criminal law in the states. That jurisdiction remained with the states exclusively. Here Trumbull's position was sustained almost in his own words.[121]

While the Ku-Klux Act was doing its work in South Carolina under suspension of the *habeas corpus*, the Senate on December 20, 1871, took up a bill which had passed the House by more than two-thirds majority to remove the legal and political disabilities imposed by the Fourteenth Amendment, except in a few cases. Sumner moved as an amendment a bill which he had previously offered as a separate measure, that all citizens, without distinction of race or color, should have equal rights in steamboats, railway cars, hotels, theatres, churches, jury service, common schools, colleges, and cemeteries, whether under federal or State authority. Trumbull, and the two Senators from South Carolina, besought him not to encumber the Amnesty Bill, which required a two-thirds vote, with the Equal Rights Bill which required only a majority, since they believed that both could be passed separately, but that if his bill were tacked upon the Amnesty Bill, both would fail. Sumner insisted upon his amendment, and a vote was taken on it, February 9, resulting in a tie (Trumbull and

Schurz voting in the negative), whereupon the Vice-President (Colfax) voted in the affirmative. The Sumner amendment having been adopted, all the Democrats turned against the bill and it was lost by 33 to 19, not two thirds.

A second attempt, beginning in the House, had the same result. When the bill was taken up in the Senate Sumner again moved his Equal Rights Bill as an amendment, and it was again adopted by the casting vote of the Vice-President, and then the whole was lost by 32 to 22.

In the mean time the Liberal Republican Convention had met at Cincinnati and adopted a platform very emphatic on the subject of amnesty. A sudden change came over the spirit of the regulars. The Amnesty Bill was reintroduced in the House by General Butler, May 13, and passed the same day without debate. It was taken up in the Senate, May 21. Sumner's Equal Rights Bill, when offered in a modified form as an amendment, was rejected by 11 to 81, and the bill was passed the same day by 38 to 2, the negatives being Sumner and Nye.

FOOTNOTES:

[119] *Cong. Globe*, 1871, pp. 578-79.

[120] *Cong. Globe*, 1871, p. 688.

[121] United States *v.* Harris, 106 U.S. 629.

CHAPTER XXIV

GRANT'S ADMINISTRATION

The demerits of the first Grant Administration were the principal cause of the Liberal uprising of 1872. They were enumerated in detail by Charles Sumner in open Senate, on May 31 of that year. They need not be reiterated here. I have no inclination to rake over the ashes of a dead controversy or to detract from the fame of one who rendered inestimable service to the nation in its greatest crisis, without which all other service might have been unavailing. At the same time, the thread of this narrative requires some notice of the stings planted in the minds of sensitive persons, who were not seeking office, by the man who was then the nation's head.

Grant's shortcomings in civil station were such as might have been expected from one who was suddenly charged with vast responsibilities without his own solicitation or desire and without any previous experience or training for them. His most striking characteristic was tenacity. Whether on the right track or on the wrong, he was deaf and blind to obstacles and opposition, because there was resistance to be overcome. This quality was reflected in his determination "never to desert a friend under fire"—a maxim more generous than wise, fitter for the field than for the forum, and which in his last days brought misfortunes to his own door which were lamented by everybody.

The Republican politicians nominated him for President, not because they deemed him qualified for

the position, but because of his military renown. He was elected at a time when military habits and modes of thought were the worst possible equipment for the solution of political problems. Nevertheless, he rendered great service on two occasions—in the settlement of the Alabama Claims and by vetoing the Currency Inflation Bill. In both these cases he was much indebted to Hamilton Fish, his Secretary of State, but the credit is justly his own and the fame thereof will outlast all the scandals that arose from his confidence in, and association with, such characters as Orville Babcock, John McDonald, Ben Butler, W. W. Belknap, and Tom Murphy.

The rottenness of the New York Custom-House was a crying evil before Grant became President, and its flavor was not improved by the appointment of Murphy as its chief officer. It was crammed with men who "had to be taken care of," whose work was not needed by the Government, and who were incompetent even if it had been needed—small politicians, district leaders and "heelers," who were useful in carrying primaries and getting delegates elected to conventions. A Joint Committee on Retrenchment, organized as early as 1866 and kept alive by every subsequent Congress, had been investigating frauds and abuses in various quarters. Its chairman, Senator Patterson, of New Hampshire, made a report early in 1871 containing many interesting disclosures.

On December 11, Senator Conkling offered a resolution directing the Committee on Military Affairs to inquire into the defalcation of an army paymaster named Hodge. Trumbull moved as an amendment that the Joint Committee on Retrenchment be reconstituted and instructed to

make a general investigation of the waste and loss of money in the public service. A debate sprang up on the proposed amendment, which continued for a week and aroused keen interest throughout the country. Wilson, the chairman of the Military Committee, sustained the amendment, saying that the Hodge case did not appertain to military matters, but to finance, to the handling of public money. Sumner took the same view. Chandler objected to a joint committee with power to investigate all the executive departments. He preferred to have each department investigated by a separate committee, if it needed investigation. In the course of the debate extracts were read from the Patterson Report, together with the testimony of witnesses. Weighers in the custom-house testified that men were sent to them by the collector as assistants for whom there was no work to do. They were simply put on the pay-roll and did nothing but draw their salaries. In the weighers' department alone $50,000 per year was thus squandered. Collector Murphy was quoted as saying, in answer to a remonstrance about unnecessary help in the custom-house, "There were certain people who had to be taken care of: it was well known that they had to be taken care of, and nobody in the party would say anything about his taking care of them, and he would do it."[122]

Trumbull said that he did not denounce officers of the Government indiscriminately. He merely wished to have some system introduced by which appointments should be made with regard to the fitness of the appointees and the need of their services. As the debate enlarged, a line of cleavage was disclosed among Senators similar to that which occurred on the deposition of Sumner; Morton, Conkling, Chandler, Edmunds, and Sherman

opposing, and Schurz, Sumner, Logan, Tipton, and Wilson supporting, the Trumbull amendment. Finally the Republican Senatorial Caucus took the matter in hand and adopted a substitute to the Trumbull Resolution, which was offered in the Senate by Anthony and adopted by 29 to 18. It provided for a select committee to investigate only such subjects as the Senate should designate.

One of the things stumbled on by the Patterson Committee was the "general order" system in the New York Custom-House, which led up to the Leet and Stocking scandal, one of the most exasperating incidents of the Grant régime. Leet had been a member of General Grant's staff. The Patterson Committee found that he was enjoying the rank and pay of a colonel in the army, and also of a clerk in the War Department, and was receiving an additional income, estimated at $50,000 per year, for the warehousing of imported goods in New York, without the expenditure of any labor or capital of his own and without even his personal presence in New York, he being a resident of Washington City. All goods arriving by the Cunard and Bremen lines were sent by the collector's order to the Leet and Stocking warehouse, and were required to pay one month's storage whether they remained there a month or only a day, the cost being not less than $1.50 per package. This "general order" system had been devised before the Republican party came into power. It was flourishing in 1862.[123] Collector Grinnell, Grant's first appointee to that position, found it in force when he came into office. Before it was devised the arriving goods had been stored temporarily in warehouses belonging to the steamship companies, adjacent to the docks, without cost to the owners.

When the Patterson Committee made this discovery they reported the facts personally to the Secretary of the Treasury (Boutwell), who appointed a board of three officers of the department to make an independent investigation. This board made a report sustaining the findings of the Patterson Committee. Boutwell thereupon wrote to Collector Murphy, who had succeeded Grinnell as collector, advising him to discontinue the "general order" system altogether and go back to the old system, no good reasons for the former change, but many objections to it, having been found. Months passed after Boutwell's letter was sent, but the "general order" system was still flourishing and the coffers of Leet and Stocking were still receiving an income, at least double that of the President of the United States, as a reward for putting an obstruction in the pathway of lawful commerce. A. T. Stewart, Grant's first choice for Secretary of the Treasury, testified that the "general order" system was a damage to honest traffic and a general nuisance. William E. Dodge testified that he had been compelled by it to curtail his imports at New York and to use other ports of entry to avoid the delays and exactions of the "general order" system.

The indifference of the only man higher up than Secretary Boutwell—the only man who had power to remove Collector Murphy or to choke off Leet—was incomprehensible. Schurz made comments on the case which the Administration Senators could not answer and dared not leave unanswered. On the 18th of December, Conkling introduced a resolution directing the Committee on Investigation and Retrenchment to make an inquiry into the Leet and Stocking scandal. This resolution was preceded by a preamble quoting the words of Schurz as a reason for

making the inquiry, in the following form:

> Whereas it has been declared in the Senate that at the port of New York there exists and is maintained by officers of the United States under the name of the "General Order business" a monstrous abuse fraudulent in character, and whereas the following statement has been made by a Senator: "It was intimated by some of the witnesses that Mr. Leet, who pockets the enormous profits arising from that business, had some connection with the White House; but General Porter was examined, Mr. Leet himself was examined, and they both testified that it was not so, and, counting the number of witnesses, we have no right to form a different conclusion. But the fact remains that this scandalous system of robbery is sustained—is sustained against the voice of the merchants of New York —is sustained against the judgment and the voice of the Secretary of the Treasury himself. I ask you how is it sustained? Where and what is the mysterious power that sustains it? The conclusion is inevitable that it is stronger than decent respect for public opinion, nay, a power stronger than the Secretary of the Treasury himself":
>
> Therefore resolved, that the

> Committee of Investigation and Retrenchment be instructed to inquire into the matter fully and at large, and particularly whether any collusion or improper connection with said business exists on the part of any officer of the United States, and that said committee further inquire whether any person holding office in the custom-house at New York has been detected or is known or believed by his superior officer to have been guilty of bribery or of taking bribes or of other crime or misdemeanor, and said committee is hereby empowered to send for persons and papers.

The Committee of Investigation and Retrenchment had not been appointed when Conkling offered this resolution. It had been agreed upon in the Republican Caucus, but had not been reported to the Senate. Senator Anthony immediately reported the names: Buckingham (Connecticut), Pratt (Indiana), Howe (Wisconsin), Harlan (Iowa), Stewart (Nevada), Pool (North Carolina), Bayard (Delaware). Sumner expressed mild surprise that no Senator who had favored an investigation of the New York Custom-House, or of frauds in general, was a member of the committee, unless Bayard (Democrat) might be counted as such. He quoted from Jefferson's "Manual of Parliamentary Law" to show that the proper course was to give the leading place in such a committee to the prime mover of it, who was, in this case, undoubtedly Trumbull, but that nobody who had shown any interest in the matter to be investigated,

not even the Senator from New Hampshire (Patterson), whose investigation of the previous session had uncovered the alleged frauds, and whose familiarity with the case would be most useful now, had any place on it. Anthony contended that inasmuch as all the Senators had voted to raise the Committee, the vote having been unanimous, all the requirements of parliamentary law were satisfied by the appointment of the seven Senators named, or any other seven. Thurman, of Ohio, thought that Anthony was "sticking in the bark" and not reaching the sound wood of the tree. Considerable time was spent in the debate on the composition of the committee, but in the end the list reported by Anthony was adopted, as was Conkling's resolution, with its bulky preamble. The preamble was doubtless intended to convince Grant that Schurz (not Conkling) made the investigation necessary. The committee went to work early in 1872 and eventually furnished a solution of the Leet and Stocking mystery.

Leet learned in 1868, soon after Grant's election, that he intended to appoint Moses H. Grinnell collector of the port of New York. He procured from Grant a letter of introduction to Grinnell, but Grant cautioned him, when he gave it, not to use it for the purpose of getting an office. When Leet handed the letter to Grinnell he remarked to him that he (Grinnell) was to be appointed collector of the port. Grinnell had not received any intimation of the fact before, and he inferred that Leet had been designated by the President to inform him of it. He asked Leet what he could do for him, and Leet replied that he wanted the "general order" business of the custom-house. Grinnell thought that this also was a message from the President, and he arranged as soon as

possible to give Leet a portion of it. Leet farmed out this portion to a man named Bixby for $5000 per year, plus one half of all the profits in excess of $10,000. Then he went back to Washington and resumed his place as a clerk in the War Department; but he complained bitterly to Grinnell that his share in the "general order" business was not large enough, and he told Grinnell that he would be removed from office if he did not give him the whole of it. After much threatening, Grinnell did give him the whole of it, but he was removed, nevertheless, after holding the office about one year, and Murphy was appointed collector in his place. Murphy kept the "general order" business in the hands of Leet and Stocking until March, 1872, when the committee made its report. On the 14th of March, the newspapers announced that Murphy had been removed as collector and General Arthur appointed in his place, that the "general order" business had been radically reformed, and that Leet and Stocking had disappeared from history. In making this announcement the *Nation* called the attention of the editor of *Harper's Weekly* (George William Curtis), who was still a little deaf to the shortcomings of the Administration, to some things hard to understand.

> When the President [it said] became aware that Leet had abused his confidence, disregarded his wishes, made false representations as to his influence over him, and concealed his doings from him,—facts which were revealed by the repeated complaints of prominent merchants and by Leet's appearance in public as owner of the "plum," and finally by a

> congressional investigation,—he took no notice of them whatever. So far as we know he gave no sign of displeasure, paid no attention to the complaints against him, and let him go on for nearly two years preying on the commerce of the port, till a second congressional investigation, obtained with great difficulty, and the savage assaults of the press on the eve of an election, made the change we have just witnessed imperatively necessary. It has been the custom of the friends of the Administration hitherto, whenever charges of this kind are brought up, instead of answering them, to tell you that they endear the President more than ever to the American people; that his renomination is a sure thing, etc.; and that Horace Greeley is a friend of Hank Smith. Now is this satisfactory? Let us have a candid answer, without allusions to cigars, or fast horses, or investments, or summer vacations, Hank Smith, or Horace Greeley.

No dollar of the Leet and Stocking "plum" ever reached President Grant or any member of his family. We are left to conjecture what were his reasons for allowing the scandal to continue so long after the facts became known. Judging his course here by his second term, we are forced to conclude that his combativeness was aroused by the criticisms of Schurz, Trumbull, and others, which he

interpreted as marks of personal hostility to himself. In fact, his senatorial supporters so interpreted them in public discussions. He probably upheld Leet for the same reasons that he shielded Babcock in the greater scandal of the St. Louis Whiskey Ring in 1876.[124] It was a mistake, however, to suppose (if he did suppose) that Trumbull was moved by any personal hostility. An interview with the latter, dated December 3, 1871, published in the Louisville *Courier-Journal*,[125] shows that he was still on friendly terms with the President. His interlocutor began by asking him if he would consent to the use of his name as a conservative candidate for the Presidency against General Grant, to which the "Illinois statesman replied with more than usual emphasis, 'No sir, I would not.'"

Then the following conversation ensued:

> Why not?
>
> For many reasons. In the first place, I am satisfied where I am. I consider a seat in the Senate of the United States a position in which I can be more useful than in any other, and I believe it to be as honorable as any under the Government if its duties be efficiently and properly discharged. In the next place, I do not agree with the programme which has been marked out by those who refuse to support the candidacy of the President for reëlection. I am conscious of the need for many reforms, and I am daily striving to accomplish them. But I do not

believe that a revolution of parties would be salutary. I do not believe that either the people of the North or of the South are ready to profit by such a change.

And why not?

Because the people of the South have really accepted nothing, and are not willing to coöperate with the Liberals of the North in settling the practical relations of society on a sure and generous basis. I know that the South has much to complain of. But so have the Liberal Republicans. It is not the rebel element, perhaps, but the nature of things, that the South should not realize the complete overthrow of the old order and the necessity for a complete change of the domestic policy. I believe that the defeat of General Grant would involve a reaction at the South whose consequences would be even worse than the present state of affairs.

Don't you think General Grant meditates the permanent usurpation of the Executive office?

No, I do not. My opinion is that General Grant is, in the main, a conservative man. He has made mistakes. But I cannot say they justify his removal.

> What are your personal relations?
>
> Very friendly. I have opposed some of his measures, but I have no personal feeling, and, indeed, this is one of the reasons why it is disagreeable to have my name mentioned in the connection you name.

The interview closed with the writer's assurance that the views of Senator Sumner coincided with those of Trumbull. A Washington letter in the *Nation* of December 28 said:

> From what I see and hear, the conviction is forced upon me that there will be no lead given by men like Trumbull voluntarily. They may be forced by the Administration party into opposition, but they will go reluctantly and timidly.

Among the letters received by Trumbull at this time was the following from a man of high repute and influence in Ohio:

> COLUMBUS, December 15, 1871.
>
> You may remember me sufficiently to know who I am and my position in Ohio. My special object in this writing is to congratulate you for your proper and patriotic position on the Retrenchment Resolution. Messrs. Morton, Sherman *et al*, are grievously mistaken as to the state of

public sentiment in regard to the Administration and the President. I am bold to say that outside of the Grand Army of the Republic and the office-holders (an *imperium in imperio*), more than one half of the Republicans are intensely dissatisfied with General Grant. His indecent interference in Missouri and Louisiana, his disgusting nepotism, his indefensible course in regard to San Domingo, and his recent complimentary letter to Collector Murphy have produced the conviction that he is intellectually and morally unqualified for his present position. He will hear deep and alarming thunder before the Kalends of November, 1872.

Go forward with your associates, Schurz, Sumner, Patterson, and Tipton, in your exposure of the faults and frauds of the Administration, and the best class of Republicans will honor your magnanimity and patriotism. I know General Grant personally. I have not asked him for any favor. As Senatorial Elector I traversed the state, and advocated the Republican principles and policy, but I have the pleasant consciousness and delightful remembrance that I never eulogized General Grant nor recommended him as suitable for the place. As long as he is under the

special superintendence of Morton, Chandler, and Cameron, he must necessarily deteriorate, as none of them has ever been suspected of having any profound sense of right or wrong.

Confidentially yours,

SAM'L GALLOWAY.

HON. LYMAN TRUMBULL, U.S.S.

FOOTNOTES:

[122] *Cong. Globe*, 1871, p. 51.

[123] See House report No. 50, 37th Congress, 3d session, page 38.

[124] Rhodes, *History of the United States*, VII, 182-89.

[125] This interview was reprinted in the New York *Times* of December 6. It is corroborated in sentiment by the Trumbull manuscripts of that date, but it was probably not intended for publication. It purports to be a conversation between Trumbull and an ex-Senator.

CHAPTER XXV

THE CINCINNATI CONVENTION

The Liberal Republicans of Missouri held a state convention at Jefferson City, January 24, 1872. They adopted a platform which affirmed the sovereignty of the Union, emancipation, equality of rights, enfranchisement, complete amnesty, tariff reform, civil service reform, local self-government, and

impartial suffrage. They also called a national mass convention to meet at Cincinnati on the first Monday in May.

This call was at once endorsed by General J. D. Cox, George Hoadley, Stanley Matthews, and J. B. Stallo, four of the most eminent citizens of Ohio, the first of whom had been a member of President Grant's Cabinet. Mr. Matthews, in an interview, expressed the hope that the Democrats would join in nominating a candidate for the presidency of the type of Charles Francis Adams, William S. Groesbeck, Lyman Trumbull, or Salmon P. Chase.

The movement spread like wildfire. Groups of Republicans, eminent in character and in public service in all the states, proclaimed their adhesion to it and declared their intention to participate in the convention. It had also the active support of the Springfield *Republican*, the Cincinnati *Commercial*, and the Chicago *Tribune*, and the sympathy of the New York *Evening Post*, the *Nation*, and the New York *Tribune*. Democratic sympathy was manifested early and found expression in the columns of the Louisville *Courier-Journal*, whose editor, Henry Watterson, took a keen interest in the preliminaries of the Cincinnati meeting and whose coöperation was gladly welcomed. The New York *World*, edited by Manton Marble, gave passive support to the movement by advising Democrats to conform to present facts and not seek to revive or sustain the dead issues of the war and Reconstruction.

Under date, New Orleans, April 23, Marble wrote to Schurz:

> It is due to you that I should say, before you go to Cincinnati, that in

> my clear judgment the nomination of Charles Francis Adams would defeat the reëlection of Grant. It has always been obvious that Mr. Adams would be among the best of Presidents. He has been growing, during the last few months, to be the best of candidates. I could not name another so safe to win. Adams and Palmer would be a quite perfect ticket.—This is founded on careful consideration.

August Belmont, of New York, the most influential Democrat in that state not holding any public office, took an active part, both by correspondence and by personal solicitation, in the endeavor to secure the nomination by the Cincinnati Convention of a candidate whom the Democrats could support, and to induce the latter to abstain from making a separate nomination. From Vincennes, Indiana, April 23, he wrote to Schurz that, after having seen many prominent men of both parties, he had found the Cincinnati movement even stronger with them, and the people, than he had anticipated. He added:

> Everybody looks for the action of your convention, and if you make a good *national* platform denouncing the abuses and corruption of the Executive, the military despotism of the South, the centralization of power and the subordination of the civil power to the military rule, and declare boldly for general amnesty and a revenue tariff, you will find every Democrat throughout the land

> ready to vote for your candidate, provided you name one whom our convention can endorse.... I found in the West and in New York an overwhelming desire for Charles F. Adams. Adams is the strongest and least vulnerable man; he will draw more votes from Grant than will any other candidate. The whole Democratic party will follow him.

There was a full delegation from Pennsylvania, composed of honorable men, who were not office-seekers. The meeting which appointed them was presided over by Colonel A. K. McClure, who announced, when taking the chair, that inasmuch as the Cincinnati Convention was a mass meeting, the persons attending it would not be entangled in the usual political machinery. The movement was on the lines of the Republican party; it was a movement of Republicans by necessity, who did not mean to be bound by the Government party as it then stood. General William B. Thomas said that he and other gentlemen had issued the call for this meeting to send a delegation to Cincinnati. He was engaged in work looking to the annihilation of the Republican party. He had helped to build up that party, but now he was free to say that it was the most corrupt party on the face of the earth. He was opposed to any candidate to be nominated by the coming Philadelphia Convention; Grant, or any other man. Colonel McClure said that the plain English of the whole thing was rebellion against the party and the bringing of it to the dignity of a revolution. Five years ago there might have been a necessity for the exercise of military power in the South, but not now.

The South, to his mind, had been more desolated since the close of the war than before.

The Pennsylvanians had fifty-six votes in the convention. On the first roll-call they cast all of them for Governor A. G. Curtin. On all subsequent ones they gave a plurality for Adams.[126]

Numerous letters reached Trumbull before the call for the Cincinnati Convention was issued suggesting that he be a candidate for the presidency in opposition to Grant. One of these, dated Roslyn, Long Island, November 30, 1871, was from John H. Bryant, brother of William Cullen Bryant, who said that both himself and his brother desired to see him elected President and that if he should be a candidate he could count on the support of the *Evening Post*.

Silas L. Bryan, of Salem, Illinois, the father of William Jennings Bryan, wrote under date, December 19, 1871, that he considered Trumbull the Providential man for the present crisis and that if he would consent to be a candidate for the highest office he (Bryan) would take steps to promote that desirable end. To this letter Trumbull replied that to be talked about for the presidency impaired the influence he might otherwise have to promote the reforms which he labored to bring about. He did not, however, refuse Judge Bryan's offer of assistance.

Joseph Brown, Mayor of St. Louis, wrote that he would rather see Trumbull nominated for the presidency than any other man of either party. To this letter Trumbull made a reply similar to that given to Judge Bryan.

Walter B. Scates, ex-judge of the supreme court of Illinois, wrote: "You saved the Republican party in the impeachment trial and I now hope you may save the country from corruption, pillage, high tax, class legislation, and central despotism."

Jesse K. Dubois, auditor of Illinois, perhaps the most sagacious and experienced politician in the state, wrote, after signing the call for the Cincinnati Convention: "With you as our candidate I would wager we carry this state anywhere from 30,000 to 50,000 majority as against Grant."

On February 23, Trumbull made a speech in the Senate defending the Missouri Convention's platform against the objections of Senator Morton, who had stigmatized it as a Democratic movement, because that party in Connecticut had endorsed it in their state convention. In this speech Trumbull took up each resolution in the platform and showed that it was either in accord with Republican doctrine as affirmed in the national platforms of the party, or had been commended by President Grant in official messages to Congress. On the subject of civil service reform, to promote which Grant had appointed the George William Curtis Commission, he said:

> The great evil of our civil service system grows out of the manner of making appointments and renewals and the use which is made of the patronage, treating it as mere party spoils. Often the patronage is used for purposes not rising to the dignity of even party purposes, but by certain individuals for individual and personal ends. It would be bad

> enough if the patronage were used as mere spoils for party, but it is infinitely worse than that under our present system.
>
> The Senator from Indiana, in his speech the other day, undertook to create the impression that I was opposed to civil service reform. Why, sir, I offered the very bill in this body which became a law under which the Civil Service Commission was organized. I introduced bills here years ago in favor of a reform in the civil service and especially to break up the running of members of Congress to the departments begging for offices. In my judgment there is nothing more disreputable, or which interferes more with the proper discharge of public duty, than this hanging around the skirts of power begging for offices for friends.

The growth of the Cincinnati movement was signalized by a meeting at the Cooper Union in New York City on the evening of April 12, of which the *Nation* said: "We believe that it was the most densely packed meeting which ever met there. All approach within fifty yards of the entrance was next to impossible in the early part of the evening, so great was the crowd in the street." Both Trumbull and Schurz spoke here to enthusiastic hearers.

Among the letters received by Trumbull prior to the convention the most thoughtful and weighty was the following written by Governor John M. Palmer, of

Illinois:

> SPRINGfiELD, April 13, 1872.
>
> I have felt considerable apprehension in regard to the Cincinnati movement for the reason that I have doubted the ability of men of the right stamp to control the action of the proposed convention, and I have believed that it would be better to endure the abuses and weaknesses and follies of Grant's Administration for another four years than to crystallize them by the mistake of making a bad nomination of his successor. Grant is an evil that we can endure if we retain the right to point out his faults in principle and practice, but if some ancient Federalist should be elected to succeed him what is now usurpation would be accepted by the people as the proper theory of the government. But if the Cincinnati Convention nominates a statesman I will support him, and you if you are selected as the candidate.
>
> JOHN M. PALMER.

Among the names mentioned as desirable candidates that of Charles Francis Adams was the most prominent. After him came Lyman Trumbull, Horace Greeley, David Davis, B. Gratz Brown, and Andrew G. Curtin. Adams had been Minister to Great Britain during the war, and was now one of the arbitrators

of the Geneva Tribunal under the Alabama Claims Treaty. He had written a letter to David A. Wells which showed that he did not desire the nomination, was perfectly indifferent to it, but that if it were given to him without pledges of any kind he would not refuse. He said among other things:

> If the call upon me were an unequivocal one based upon confidence in my character earned in public life, and a belief that I would carry out in practice the principles I professed, then indeed would come a test of my courage in an emergency; but if I am to be negotiated for, and have assurances given that I am honest, you will be so kind as to draw me out of that crowd.

This phrase was interpreted erroneously by some as an expression of contempt for "that crowd," but, of course, it was not so intended. The letter was not written for publication. Not only did Mr. Adams not seek the nomination, but his son, Charles Francis, Jr., refused to go to the convention, or to invite any of his Boston friends to go.

Greeley was an anti-slavery leader, founder of the New York *Tribune*, book-writer, lecturer, foremost journalist in the country, distinguished both for intellectual power and personal eccentricity. Davis was a member of the Supreme Court of the United States, by Lincoln's appointment. Brown was governor of Missouri, and next to Schurz the most prominent leader of the Liberal movement. Curtin had been the war governor of Pennsylvania and was

a man of high ability and unblemished character. The name of Sumner had been frequently mentioned as one suitable for the presidency, but he had not yet given his adhesion to the Liberal movement.

The New York *Herald* of May 1 tells what I thought of the outlook when I first arrived in Cincinnati, thus:

> CINCINNATI, April 27, 1872.—Mr. Horace White, who arrived this morning, says that the Liberal movement has as yet only penetrated the crust of public sentiment and that the masses of the people are waiting in a half-curious way to see what will be done here before they will make up their minds.

Trumbull did not authorize the presentation of his name to the convention until one week before its meeting. Then a qualified acquiescence came in a letter to myself, dated Washington, April 24, saying:

> I do not think I ought to be nominated unless there is a *decided* feeling among those who assemble, and are outside of rings and bargains, that I would be stronger than any one else. Unless this is the feeling, I think it would not be wise to present my name at all.... D. A. Wells has enclosed me a letter written on the 20th by John Van Buren, Governor Hoffman's

secretary, which he thinks undoubtedly represents the feelings of the Hoffman wing of the New York Democracy. In this letter Van Buren says the convention must not touch the question of free trade, that the persons pushing this question are not unanimous on the question, and that a non-committal resolution would do harm in both directions. Grosvenor is very strenuous about having such a resolution as will commit the convention distinctly to revenue reform, and I fear will be a little unreasonable about it. I had thought that a resolution might be adopted which would assert the principle without being offensive to anybody; perhaps something like the resolution adopted by the last Illinois State Convention. Free-traders and protectionists differ more about the application of principles than the principles themselves in their efforts. Wells and other reformers of the East will be reasonable on this question. Van Buren further says in his letter: "One thing rely upon—you need do nothing at Cincinnati except with reference to drawing Republicans into the movement. Disregard the Democrats. The movement of that side will take care of itself. There will be no cheating nor holding back on their side. They will go over in

bulk and with a will."

My reply to this letter, written immediately after the adjournment of the convention, was the following:

> My judgment was from the beginning of our arrival here that you could not be nominated, but I did not tell anybody so. Dr. Jayne and Governor Koerner thought you could be; and their judgment, I thought, should be set before mine. So I held my tongue and did what I could. If I had taken the responsibility of withdrawing your name as suggested by your letter, I should never have had any standing in Illinois again—certainly not among your friends.

As this convention did not consist of delegates chosen by primary meetings, any person of Republican antecedents or attachments was permitted to attend and take part in it. To bring order out of chaos it was necessary for the men of each state to come together and choose a number corresponding to its population to cast its votes on all questions arising, including the nomination of candidates. In states which presented more than one candidate, as in Illinois, there was some difficulty in making the proper division as between Davis and Trumbull; but all such troubles were adjusted before the hour for assembling arrived. The streets of Cincinnati had never beheld a more orderly, single-minded, public-spirited crowd. At least four fifths had come together at their own expense for no other purpose than the general good. There was, however,

a small minority of office-seekers among them. The movement in its inception was altogether free from that class, but when it began to assume formidable proportions and seemed not unlikely to sweep the country, it attracted a certain number of professional politicians, including a few estrays from the South.

The office-seeking fraternity were mostly supporters of Davis, whose appearance as a candidate for the presidency was extremely offensive to the original promoters of the movement. As a judge of the Supreme Court his incursion into the field of politics, unheralded, but not unprecedented, was an indecorum. Moreover, his supporters had not been early movers in the ranks of reform, and their sincerity was doubted. They were extremely active, however, after the movement had gained headway, and they were able to divide the vote of Illinois into two equal parts (21 to 21), so that Trumbull's strength in the convention was seriously impaired. Davis's chances were early demolished by the editorial fraternity, who, at a dinner at Murat Halstead's house, resolved that they would not support him if nominated, and caused that fact to be made known.

Greeley's candidacy had not been taken seriously by the editors at Halstead's dinner-party. As an individual he was generally liked by them and his ability and honesty were held in the highest esteem; but he was looked upon as too eccentric and picturesque to find much support in such a sober-minded convention as ours. Adams and Trumbull were the only men supposed by us to be within the sphere of nomination, and the chances of Adams were deemed the better of the two. We had yet to learn that there are occasions and crowds where

personal oddity and a flash of genius under an old white hat are more potent than high ancestry or approved statesmanship, or both those qualifications joined together.

Before nominations were made, a platform was to be framed and adopted. There were three main issues to be considered: Universal amnesty, civil service reform, and tariff reform. On the first and second there was no difference of opinion. Without them the Cincinnati movement would never have taken place; the convention would never have been called. As to the third, there was a difference of opinion which divided the convention and the Committee on Resolutions in the middle, and it soon became known that "there was no common ground on which the protectionists and revenue reformers could stand." So wrote E. L. Godkin from the convention hall to the *Nation*. He continued:

> The Committee on Resolutions, after sitting up a whole night, were compelled to accept the compromise which he [Greeley] proposed—the reference of the whole matter to the people in the congressional districts. It is right to add that the sentiment of the convention was overwhelmingly in favor of this course. There is a touch of absurdity about it, it is true, but it is at least frank and honest, and at all events nothing else was possible. Even such outspoken free-traders as Judge Hoadley, of this city, were compelled to concur in this disposition of the question.

As chairman of the Committee on Resolutions, and a free-trader, I can confirm all that Godkin wrote, and add that the committee considered the expediency of reporting to the convention their inability to agree and asking to be discharged. This plan was rejected lest it should cause a bolting movement, on an issue which was rated only third in importance among those which had brought us together. It was decided that tariff reform could wait, while the pacification of the South and the reform of the civil service could not.

Thursday night, May 2, I had gone to bed at the Burnet House when I was aroused by a loud knock on my door and a voice outside which I recognized as that of Grosvenor exclaiming: "Get up! Blair and Brown are here from St. Louis." Without waiting for an answer he went on knocking at other doors in the corridor and giving the same warning, but no other explanation. I arose, dressed myself, and went down to the rotunda of the hotel, where I found some of the supporters of Trumbull and of Adams who were trying to discover why the arrival of Frank Blair and Gratz Brown should produce a commotion in a convention of more than seven hundred, of which Blair and Brown were not members. Blair was then the Democratic Senator from Missouri. The two newcomers were not visible. They had obtained a room and had called into it some of the Missouri delegation and would not admit any uninvited persons. Presently Grosvenor returned and told us that Brown intended to withdraw as a candidate for the presidency and turn his forces over to Greeley, and himself take the Vice-Presidency. Grosvenor considered this a dangerous combination and said that steps should be taken to checkmate it at once.

The Adams and Trumbull men here collected remained till about two o'clock trying to learn more about the expected *coup*, but as nothing further could be obtained they retired one by one to uneasy slumber. Grosvenor maintained to the last that great mischief was impending, but could not suggest any way to meet it.

On the following day voting began, and the first roll-call showed Adams in the lead with 205 votes; Greeley had 147, Trumbull 110, Brown 95, Davis 92-1/2, Curtin 62, Chase 2-1/2. Carl Schurz, who was permanent chairman of the convention and a supporter of Adams, then rose and with some signs of embarrassment said that a gentleman who had received a large number of votes desired to make a statement, whereupon he invited the Hon. B. Gratz Brown to come to the platform. Brown advanced to the front, and after thanking his friends for their support said that he had decided to withdraw his name and that he desired the nomination of Horace Greeley as the man most likely to win in the coming election. There was great applause among the supporters of Greeley, but the immediate result did not answer their expectations. Brown could not control even the Missouri delegation. The first vote of the Missouri men had been 30 for Brown. The second was, Trumbull 16, Greeley 10, Adams 4.

All the votes are shown in the following table:

Roll-Call	Adams	Greeley	Trumbull	Davis	Chase
First	205	147	110	92-1/2	2-1/2
Second	243	245	148	81	
Third	264	258	156	44	

Fourth	**279**	**251**	**141**	**51**	
Fifth	**309**	**258**	**91**	**30**	**25**
Sixth	**324**	**332**	**19**	**6**	**32**

Although Greeley's plurality on the sixth roll-call was small, his gain over the fifth was large, being 74 votes, that of Adams being only 15. This was a signal to all who wished to be on the winning side to take shelter under the old white hat. Changes were made before the result was announced which gave Greeley 482 to 187 for Adams. Then Greeley was declared nominated. The nomination of Gratz Brown for Vice-President followed without much opposition.

The supporters of Adams and of Trumbull were stunned. The first impulse of their leaders, and especially of Schurz, was to put on sackcloth, and go into retirement. Prompt decision, however, was necessary to the editors of daily newspapers. Other persons could go home and take days or weeks to think the matter over, but those who, at Halstead's table, had decided against David Davis, must needs make another prompt decision before the next paper went to press. They decided to support Greeley, because they had honestly led their readers to an honest belief that the Cincinnati movement was for the best interests of the Republic; and they deemed it unfair to turn against it on account of personal vexation against a man whose candidacy had been tolerated through the whole proceedings. That Greeley was an unbalanced man we all knew. That he was liable to go off at a tangent and that his self-esteem and self-confidence might put him beyond the reach of good counsel in affairs of great pith and moment, was the unexpressed thought of most of us.

But we knew that his aims were patriotic, and we reflected that some risks are taken at every presidential election. Greeley had not yet been proved an unsafe President, and that was more than could be said for Grant. In fact, Grant's second term proved to be worse than his first.

Schurz was more distressed by the "Gratz Brown trick," as it was commonly called, than by anything else. This had the appearance of a brazen political swap executed in the light of day, by which the presidency and the vice-presidency were disposed of as so much merchandise. He did not, however, in his thoughts connect Greeley with the trade. It was physically impossible that the latter could have been a party to it, if there was a trade. Nevertheless he considered the German vote lost beyond recall by the bad look of it.[127] My own belief is that Blair and Brown were jealous of Schurz's power in Missouri; that they feared he would become omnipotent there, dominating both parties, if Adams should be elected President; and that the only way to head him off was to beat Adams. They chose Greeley for this purpose, not because they had any bargain with, or fondness for, him, but because he was the next strongest man in the convention.

The engineers of the Liberal Republican movement went their several ways. Those who held tariff reform of more importance than all other issues abjured Greeley at once. E. L. Godkin and William Cullen Bryant declared war against him because they considered him dangerous and unfit. The following correspondence which took place between Bryant and Trumbull was illustrative of the feelings of many others:

THE EVENING POST,
41 NASSAU STREET, COR. LIBERTY,
NEW YORK, May 8th, 1872.

MY DEAR SIR,

It has been said that you will support the nomination of Mr. Greeley for President. I have no right to speak of any course which you may take in politics in any but respectful terms, but I may perhaps take the liberty of saying that if you give that man your countenance, some of your best friends here will deeply regret it. We who know Mr. Greeley know that his administration, should he be elected, cannot be otherwise than shamefully corrupt. His associates are of the worst sort and the worst abuses of the present Administration are likely to be even caricatured under his. His election would be a severe blow to the cause of revenue reform. The cause of civil service reform would be hopeless with him for President, for Reuben E. Fenton, his guide and counselor, and the other wretches by whom Greeley is surrounded, will never give up the patronage by which they expect to hold their power. As to other public measures there is no abuse or extravagance into which that man, through the infirmity of his judgment, may not be betrayed. It is wonderful how

little, in some of his vagaries, the scruples which would influence other men of no exemplary integrity, restrain him. But I need not dwell upon these matters—they are all set forth in the *Evening Post* which you sometimes see. What I have written, is written in the most profound respect for your public character, and because of that respect. If you conclude to support Mr. Greeley, I shall, of course, infer that you do so because you do not know him.

Yours truly,
HON. L. TRUMBULL.
W. C. BRYANT.

UNITED STATES SENATE CHAMBER,
WASHINGTON, May 10, 1872.

WM. C. BRYANT, Esq.,

MY DEAR SIR,—Your kind and frank letter is before me. I wish I could see something better than to support Mr. Greeley, but I do not. Personally, I know but little of him, but in common with most people supposed he was an honest but confiding man, who was often imposed upon by those about him. This would be a great fault in a President, I admit, but with proper surroundings could be guarded against, and almost anything would be an improvement on what we have. One of the

greatest evils of our time is party despotism and intolerance. Greeley's nomination is a bomb-shell which seems likely to blow up both parties. This will be an immense gain. Most of the corruptions in government are made possible through party tyranny. Members of the Senate are daily coerced into voting contrary to their convictions through party pressure. A notable instance of this was the vote on the impeachment of Johnson, and matters in this respect have not improved since. If by Greeley's election we could break up the present corrupt organizations, it would enable the people at the end of four years to elect a President with a view to his fitness instead of having one put upon them by a vote of political bummers acting in the name of party.

Having favored the Cincinnati movement and Greeley having received the nomination, I see no course left but to try to elect him, and endeavor to surround him, as far as possible, with honest men. Greeley had a good deal of strength among the people and was strong in the convention outside of bargain or arrangement. Many voted for him as their first choice, and in Illinois I feel confident he is a stronger candidate than Adams would have been.

Sumner, although urged by many of his warmest friends both before and after the convention, including Frank Bird, Samuel Bowles, and Greeley himself (through Whitelaw Reid), to declare his position, did not break silence until May 31, when he made his great speech against Grant. The speech remains a true catalogue of the shortcomings of Grant as a civil administrator up to that time. All his sins of omission and of commission were there set forth in orderly array, together with the proofs. Sumner thus spared future historians a deal of trouble in searching the records, but the speech was not very effective in the way of changing votes. Sumner sometimes mistook himself for a modern Cicero impeaching Verres. He piled up the agony in the fashion customary in the pleadings of the ancient forum. He overlooked the signal services rendered by Grant before he held any civil office. He did not make allowance for the transition of a tanner's clerk, earning fifty dollars a month and having a family to support, first to the command of half a million soldiers in war time, and then to the presidency of the United States in time of peace, all within the period of eight years. The mistakes naturally arising from such crude beginnings, when meeting gigantic responsibilities in quick succession, ought to have excited pathos as well as censure. By giving due consideration to Grant's whole career, he would have secured a better hearing for the part of it which he wished to impress upon the public mind.

Even now Sumner did not advise anybody to vote for Greeley. His omission to do so was at once construed as an argument favorable to Grant. It was said that the dangers involved in Greeley's eccentricities were

so much greater than anything that Grant had done, or could do, that Grant's worst enemy (Sumner) would not advise people to vote for him. Not until the 29th of July did the Massachusetts Senator publicly speak for Greeley, and then only in a letter to some colored voters who had asked his advice. It was then too late to exert much influence. It is doubtful if even the colored men who had sought his advice gave any heed to it. Probably the reason why Sumner did not speak earlier was that he hesitated to break from his abolitionist friends, Garrison, Phillips, and others, who had besought him not to join the Democrats. When he did finally join the forces supporting Greeley, his old friend Garrison turned upon him and chastised him severely in a series of open letters, which Sumner declined to read.

FOOTNOTES:

[126] Chicago *Times*, April 22.

[127] Frank W. Bird, of Boston, who went to Cincinnati as an anti-Adams delegate, wrote to Charles Sumner on May 7: "Don't believe a word about the trade, in any discreditable sense, between Blair and Brown on the one part and the Greeley men on the other. Undoubtedly Blair wanted to head off Schurz, and equally truly an arrangement was made, or an understanding reached, on Thursday night, in a certain contingency to unite a portion of the Brown and Greeley forces: but, except perhaps in the motives of the leading negotiators on one side, there was nothing unusual in the affair, nothing that is not usually—indeed, almost necessarily—done in such conventions; nothing that was not contemplated and even proposed by the

Adams men." (Sumner papers in Harvard University Library.)

CHAPTER XXVI

THE GREELEY CAMPAIGN

My own feelings immediately after the nomination were set forth in a telegram to the Chicago *Tribune* published in its issue of May 4. The chief part was in these words:

> CINCINNATI, May 3.—The nomination of Mr. Greeley was accomplished by the people against the judgment and strenuous efforts of politicians, using the latter word in its larger and higher sense. The Gratz Brown performance has given the whole affair the appearance of a put-up job, but it was merely a lucky guess. The Blairs and Browns do not like Schurz. To defeat a candidate who was likely to be on confidential terms with Schurz, as either Adams or Trumbull would have been, was the thing nearest to their hearts, and

for this purpose Brown made his appearance here. His speech in the Convention fell like dish-water on the whole assemblage, and, being followed by the transfer of the Missouri votes to Trumbull, instead of Greeley, showed that he had no influence in his own delegation. The changes from Brown to Greeley were few and far between, and in a short time the convention only remembered that Brown had been a candidate once and was so no longer. But the personal popularity of Greeley was more than a match for the intellectual strength of Trumbull and the moral gravity of Adams. He was stealing votes from both of them all the time. When the Illinois delegation at last perceived that the heart of the convention was carrying away the head, and retired for consultation, the surprising fact was developed that fifteen of their own number preferred Greeley to any candidate not from their own state. The supporters of Adams, while entertaining the most cordial feeling for the friends of Trumbull, think that if the latter had come over to Adams's corner the result would have been different. I do not think so. If the Illinois vote could have been cast solid for Adams at an earlier stage, the result might have been different: but there was no time

> when Adams could have got more than the twenty-seven votes which were finally cast for him. The contingency of having to divide between Adams and Greeley had never been considered, and, therefore, no time had been allowed to compare views. The vote of the state being thus divided, its weight was lost for any purpose of influencing other votes. Then gush and hurrah swept everything down, and, almost before a vote of Illinois had been recorded by the secretary, the dispatches came rushing to the telegraph instruments that Greeley was nominated. For a moment, the wiser heads in the convention were stunned, though everybody tried to look perfectly contented. Of all the things that could possibly happen, this was the one thing which everybody supposed could not happen. Not even the Greeley men themselves thought it could happen. The only able politician who seemed to be really for Greeley was Waldo Hutchins, of New York, and even his sincerity was questioned by Greeley's backbone friends as long as the Davis movement was regarded as still alive.

How the news was received by Trumbull was told by the New York *Herald's* Washington dispatch of May 3:

... The scene in the Senate, when the news was received, was one of complacent dignity, such as only the members of that body could arrange, even if they had studied to prepare themselves for an art tableau. Mr. Fenton was the recipient of the dispatches, and his chair was consequently surrounded by a crowd of the less dignified Senators, who could not wait to have the telegrams passed around. Trumbull was the most undisturbed of all those on the floor. His equanimity astonished his friends as well as the numerous strangers in the galleries, who watched closely for indications of excitement in his parchment-like face. In truth, he seemed to get the news rather by some occult process of induction, if he got it at all, than by the course usual to ordinary men. Other members smiled, made comments, exchanged opinions and preserved their dignity with customary success; but he alone asserted an immobility of demeanor that will last for all time, in the memory of its witnesses, as a remarkable instance of self-possession. At last, when every one else had delivered himself of some criticism he remarked to those in his immediate vicinity: "If the country can stand the first outburst of mirth the nomination will call forth, it may

prove a strong ticket."

Carl Schurz was slow in reaching a decision to support the ticket. His first endeavor was to induce Greeley, in a friendly way, to decline the nomination, by showing him the sombre aspects of the campaign ahead. In a letter dated May 18, he told Greeley that the dissatisfaction of an influential part of the Liberal Republican forces was such that a meeting had been called to consider the question of putting another ticket in the field before the Democrats should hold their convention. Other discouraging features were presented and the letter concluded with these words:

> I have, from the beginning, made it a point to tell you with entire candor how I feel and what I think about this business, and now if the developments of the campaign should be such as to disappoint your hopes, it shall not be my fault if you are deceived about the real state of things.

To this Greeley replied on the 20th, saying that his advices warranted him in predicting that New York would give 50,000 majority for the Cincinnati ticket, and that New England and the South would be nearly solid for it, while in Pennsylvania and the Northwest the chances were at least even. He ended by saying: "I shall accept unconditionally."

The meeting foreshadowed in Schurz's letter to Greeley took place at the Fifth Avenue Hotel on the 20th of June. It was composed mainly of persons who had participated in the Cincinnati Convention

and had been greatly disappointed by Mr. Greeley's nomination. William Cullen Bryant presided, but fell asleep in the chair soon after the proceedings began. The first speech was made by Trumbull, who said that his mind was made up to support the Cincinnati ticket. He thought that Greeley had gained strength during the first month of the campaign and that the chances of his election were good. He could see no reason for nominating another ticket. That would simply be playing into the hands of the supporters of Grant.

Schurz's position, as reported by the *Nation*, was this:

> That he, more than any other man, was chagrined by the result of Cincinnati; that he does not consider Mr. Greeley a reformer, and has no expectations of any reforms at his hands, and will say so on the stump; that he believes him "to be surrounded by bad men"; that he (Mr. Schurz), however, is so satisfied of the necessity of defeating Grant and dissolving existing party organizations, that he is ready to use any instrument for the purpose, and will, therefore, support Greeley in the modified and guarded manner indicated above. He looks forward, with a hopefulness bordering on enthusiasm, to the good things which will grow out of the confusion following on Greeley's election, and is deeply touched by the Southern eagerness for Greeley.

A private letter from E. L. Godkin to Schurz, dated Lenox, Massachusetts, June 28, gives reasons for deprecating the course that the latter had decided to take in the campaign.

> He has considered Schurz's words about Greeley; would be most glad could he see any way to join in supporting Greeley, Schurz being the one man in American politics who inspires Godkin with some hope concerning them. He maturely considered what he could and would do when Greeley was first nominated. In view of his own share in bringing public feeling to the point of creating the convention, he would have stood by Greeley if possible; saw no chance to do so and sees none now; is satisfied he can have nothing to do with Greeley. If Greeley gave pledges, and broke them, "*as I believe he would*," it would be no consolation to Godkin that an opposition would thereby be raised up. He went through all this with Grant, who gave far better guarantees than Greeley offers, "and he made fine promises and broke them, and good appointments and reversed them, and I have in consequence been three years in opposition." Cannot afford to repeat this. "Greeley would have to change his whole nature, at the age of 62, in order not to deceive and betray

> you," and when he has done so it will be too late to atone for having backed him by turning against him, which would then merely discredit one's judgment, and invite suspicion of some personal disappointment. Moreover, the small band of political reformers will have fallen into disrepute and become ridiculous and the country will be worse off than before. Feels that Schurz is sacrificing the future in taking Greeley on any terms....

Parke Godwin was even more bitter against Greeley. He wrote to Schurz under date May 28:

> "... I have so strong a sense of Greeley's utter unfitness for the presidency that I cannot well express it. The man is a charlatan from top to bottom, and the smallest kind of a charlatan,—for no other motive than a weak and puerile vanity. His success in politics would be the success of whoever is most wrong in theory and most corrupt in practice." All the most corrupt spoilsmen of either side are either with him now or preparing to go to him. It is the first of duties to expose him and his factitious reputation. Grant and his crew are bad,—but hardly so bad as Greeley and his would be. Besides, Grant, though in very bad hands, has his clutches full: Greeley's set would be newcomers.

The regular Republican Convention met at Philadelphia, June 5, and nominated General Grant for President by unanimous vote. The names of Henry Wilson, Schuyler Colfax, and several others were presented for Vice-President. On the first roll-call Wilson had 361 votes and Colfax 306, and there were 66 for other candidates. Before the result was announced, 38 votes from Southern States were changed to Wilson, giving him 399, a majority of the whole number cast. This decision was brought about by the wish of Grant himself, communicated to General Grenville M. Dodge before the convention met. Grant had no liking for Colfax.[128]

The platform of the convention laid stress on the imperative duty of "suppression of violent and treasonable organizations in certain lately rebellious regions and for the protection of the ballot-box." This meant the stern execution of the Ku-Klux Law, under suspension of the writ of *habeas corpus*, which was already in progress. The remainder of the platform was either "pointing with pride" at past achievements, or clap-trap of various kinds, including a promise to take good care of capital and labor, so as to secure "the largest opportunities and a just share of the mutual profits of these two great servants of civilization."

The Democratic National Convention met at Baltimore, July 9, and adopted both the platform and the candidates of the Cincinnati Convention. This involved a complete reversal of the party's principles as declared in its last previous platform, but it was not inconsistent with inexorable facts. There was nothing else to be done unless the party was determined still to battle against the result of the Civil War. It was inevitable, however, that there

should be a remnant of the party that would never vote for Greeley—the man who above all others had gored them most savagely in the fights of a quarter of a century. The dissentients called and held a convention at Louisville, September 3, where they nominated Charles O'Conor of New York for President and John Quincy Adams for Vice-President, both of whom declined. Other attempts to put a third ticket in the field came to nothing. The recalcitrants either voted for Grant or abstained from voting altogether.

Trumbull took an active part in the campaign, speaking to large crowds and almost incessantly in Maine, New York, Pennsylvania, Ohio, Michigan, Indiana, and Illinois. His first speech was made at Springfield, Illinois, June 26, a synopsis of which will serve to indicate the views which he advocated.

> He said that he was glad to explain to Illinoisans the position he had felt it his duty to take on many points. It was now more than seventeen years that he had represented the state in Washington. In that time the principles on which the Republican party was formed had all been settled. Nothing remained but the machinery, which had fallen into the hands of those who sought to use it for merely selfish ends. During his service he had sometimes not acted according to the views of all his constituents, but he had not failed to follow his own sense of duty and right. Within the last ten years many abuses had crept into the

Government and numerous defalcations had occurred, perhaps the most noted being that of Hodge, paymaster, in the office of the Paymaster-General, "whose defalcations, occurring right under the eye of the Government, amounted to more than $400,000." An investigating committee had reported to a previous Congress great abuses in the New York Custom-House—bribery and demoralization. At the beginning of the recent session he [Trumbull] had introduced a resolution for a joint committee of investigation, with power to send for persons and papers; introduced it in good faith to unearth frauds, if existent, and to correct them, without design of injuring the party. "I was simple-minded enough to believe that the Republican party, ... with which I had been identified for so many years, would be lifted in public estimation ... if it had the virtue and the honesty to expose, even among its own members, wrong, corruptions, and fraud if fraud existed, and to apply the proper corrective. And I was very much astonished when that proposition was met by gentlemen in the Senate who constitute what, for brevity's sake, I may denominate a Senatorial Ring, denouncing me as unfaithful to

the Republican party and as throwing dirt upon it by offering a resolution to inquire into the conduct of public officers."

The public indignation aroused by this forced the Senatorial Ring to action. "A party caucus of Republican Senators was called, and a scheme devised to change the character of the resolution, and to organize and pack the committee, which, instead of going forth to uncover and expose corruption, should go forth to conceal and cover it up. The proposition for the joint committee of the two houses, with power to send for persons and papers, was voted down, and in its place a resolution was passed creating a committee of the Senate alone. The members of the committee were selected in a party caucus, and not a single Republican Senator who had originally favored the investigation was placed upon the committee. This was contrary to parliamentary law, and contrary to the plainest principles of common sense, if the object was to discover abuses, and contrary to that ordinary rule which says that a child must not be put to a nurse who cares not for it. This investigation was placed in the hands of the parties to be investigated...." Even this committee, going to New York, could not,

however, shut their eyes to the enormous abuses there. But they did give public notice that any merchants who had paid bribe money to customs officials would be prosecuted to the extent of the law, thereby securing the non-appearance of any such merchant as a witness. They acted as if sent to investigate merchants, not officials.... And the Senate Ring would allow no measure to be considered tending to rectify these abuses, wanting to keep the spoils to carry next fall's elections. A bill from the House was referred to the Judiciary committee, which had a majority of Ring members,—a bill to inaugurate reforms and to protect merchants from plunder. Although it was before the committee two months it was never reported to the Senate. "I made two motions in the Senate to have the committee discharged and to bring the bill before the Senate, that it might receive its attention, but they were voted down under party drill."

"Let me tell you of another committee of investigation, raised in the House of Representatives, and packed also by an obsequious and partisan Speaker,—a committee, a majority of which consisted of the friends of the Secretary of the Navy whose conduct was about to be investigated. I want to tell you what

that committee did, and I think you will be astonished when I state the fact that a committee of members of the House of Representatives could have been found, who were so blinded by party zeal, so full of bigotry or cowardice that they could not see, or were afraid to expose, violations of the law on the part of political associates. This committee was raised on the motion of Governor Blair, of Michigan, a high-minded, independent, and able Republican.... At his [Blair's] instance, a committee was raised to inquire into certain transactions in the Navy Department, presided over by Secretary Robeson.... Among many of the things that the committee was instructed to inquire into ... was a claim for building certain vessels for the Government of the United States during the war. I have the precise figures here, giving the exact amounts which the Government contracted to pay for the construction of the three vessels, Tecumseh, Mahopac, and Manhattan. The contract was made in 1862, and the Government agreed to pay a contractor of the name of Secor $1,380,000 for the construction of these three vessels. After the contract was made, the Government desired some changes in the plans of the vessels, and a

board of naval officers was appointed to superintend them and to certify bills for extra work, which they did to the amount of more than $500,000. The vessels were furnished, the contract price paid—the sum due for the extra work was paid, and it was all settled and closed in the Navy Department in 1865. But these contractors, who had received more than $1,900,000 for building the vessels and the extra work, came to Congress by petition, and complained that they still had not received as much as they ought, because they said that they were delayed in their contracts by the action of the Government; that while thus delayed the price of labor and of materials advanced, and they had met with great loss, and they, therefore, asked Congress to allow them something more. Congress, in 1867, passed a law directing the Secretary of the Navy to look into this matter and report to the next session. The Secretary appointed a board of Naval officers, who made the investigation, and reported to Congress that these Secors ought to be allowed $115,000 more (I use round numbers)—$115,000 in addition to what they had already received, and put into the law these words, 'which shall be in full discharge of all claims against the

United States on account of the vessels upon which the Board made the allowance as per this report.' Now, do any of you, does any lawyer, ... know how to write a stronger clause than that to end this claim? If you do, I do not.... The Secors, in 1868, received the $115,000 and gave their receipt.... Would you believe it possible that the Secretary of the Navy would, after that, pay anything more?... Mr. Robeson, in 1870, ... on his own motion, without any act of Congress authorizing it, proceeds to reinvestigate this claim, and without coming to Congress at all pays over to these gentlemen $93,000 more. Well, that is not the worst of it. He might just as well have paid them $93,000,000. The Congress of the United States never appropriated any money to pay this $93,000, but the Secretary of the Navy took the money appropriated for other purposes and other years and paid it out of that. This is bad enough.... But when this packed committee came to examine this transaction, a majority of its members reported that the transactions only involved a mere difference of opinion as to the construction of the law, and, in their opinion, the Secretary had construed it rightly. And Mr. Robeson, instead of being rebuked, is commended by

the committee, and is continued in office. It is due to the chairman of the committee—Governor Blair, of Michigan, and one of his associates —the committee consisted of five members—to say that they dissented from the majority report, and held that the transaction was not only without authority of law, but in direct violation of it....

"I was never a party man to the extent of being willing to serve the party against my country and if, to-day, I am acting with the Liberal Republican party, if I have denounced these transactions at the hazard of being myself denounced, it was done in good faith on my part, for the purpose of correcting abuses, and appealing from a party tyranny established by a Senatorial Ring to the honest, intelligent, upright citizens of the country, who are bound by no such shackles as will compel them to cover up fraud and iniquity in any party...."

He mentioned the encroachments of the Federal Government, as in the attempt to destroy the privilege of the writ of *habeas corpus* in the last session of Congress, as a bill virtually placing the elections of the Southern States under the direction of the President. If the people have become so far indifferent to their

> rights as to permit the President to suspend the writ of *habeas corpus* at will, and to control and supervise their elections, their liberties are gone, and "they have only to wait until a man sufficiently ambitious reaches the Presidency, for him to grasp and maintain absolute powers."

The speech was two hours long, and concluded with this tribute to Greeley:

> ... Mr. Greeley [he said] is a man of the highest character and intelligence. No man in the land is better acquainted with the public men of the country than he. He is a man of purity of character, of strict honesty, who would not look upon corruption and official delinquency with the least degree of allowance. You may rely upon that and upon his bringing about him the ablest men of the land to form a strong and able Administration, because he knows who the able men are, and could have no other motive than to make his Administration a success, as he will not seek a reëlection. I am not in the habit of saying much about individuals, but I think I may say to you that you may trust Horace Greeley for an honest administration of the Government, and that is what the people of the country want. You may trust him above almost all other

> men in this land for bringing about that state of good feeling between the North and the South, so essential to the peace and prosperity of the nation.

The campaign started with considerable éclat among the ranks of Greeley's supporters and corresponding depression on the other side. Carl Schurz, who took the laboring oar, at first with reluctance bordering on gloom, gathered confidence as he progressed in his stumping tour. Enthusiasm for the old white hat seemed to be no figment of imagination, but a living reality. All eyes were fixed upon North Carolina which had an election for state officers on the 1st of August, and which the Liberals expected to win. The early returns seemed to justify their confidence, but there was a change when the western mountain districts were heard from. The supporters of Grant carried the state by about 2000 majority. This wound was not so deep as a well nor so wide as a church door, but it answered one purpose. It ended the "old white hat" enthusiasm and turned attention to the more sober and solid aspects of the campaign. That Greeley was an unbalanced character, that he was lacking in steadiness, in mental equipoise and ability to look at both sides of any question where his feelings were strongly enlisted, it was easy to show by many examples in his brilliant career. His occasional controversies with Lincoln during the war, in which he was invariably worsted, were now reproduced with effect by the orators on the Grant side, and the old white hat and coat and the Flintwinch neck-tie were savagely pictured by Tom Nast in *Harper's Weekly*. There were satirical persons who said that Greeley took as much pains to make

himself a harlequin as another might take to make himself a dandy.

The attacks were not without effect upon people who had never seen Greeley face to face. To his immediate friends in New York it seemed necessary that he should show himself to the public so that people might know he was a man of solid parts, of statesmanlike proportions and brain power. He was persuaded to make a series of speeches in Indiana, Ohio, and Pennsylvania in the month of September, as those states were likely to have a decisive influence on the country in their local elections, which took place in October. Accordingly he took the stump, beginning at Jeffersonville, Indiana, and moving eastward. His speeches surprised both friends and enemies by their high tone, argumentative force, good temper, and versatility and vigor of expression. The main point which he sought to enforce was the need of restored peace and brotherhood in all the land. No pleading could be more persuasive or more touching. No doubt can exist of the sincerity with which it was uttered.

It was somewhat droll that in the last speech of the series he was confronted by a speaker on the Grant side at Easton, Pennsylvania, September 28, who predicted that if Greeley were elected all the furnace fires in the Lehigh Valley would be put out and their working-people thrown upon the almshouses. This to the stoutest champion of the protective tariff then living! He was not, however, struck dumb by the prospect of the early impoverishment of the iron workers. He said:

> A recent speaker of the opposition has asserted that if I were made

> President all the furnace fires in the Lehigh Valley would presently be put out. This seems incredible. All men know I am a protectionist; but that I would not veto any bill fairly passed by the Congress of the United States modifying or changing the tariff is certainly true. I do not believe in government by selfish rings, but I believe just as little in government by the one-man power. I don't believe in government by vetoes. The veto power of the President is not given him to enable him to reject every bill for which he would have refused to vote if a member of Congress, but only to be employed in certain great emergencies where corruption or recklessness has passed a measure through Congress which would not stand the test of inquiry. I tell you, friends, I believe in legislation by Congress, not by Presidents, and I should myself approve and sign a bill which had a fair majority in Congress, although in my judgment it was not accordant with public policy—with the wisest policy.

Although Greeley's stumping tour raised him in the public estimation, it is doubtful if it gained him any votes. It was now too late. People's minds were made up and nothing could change them, not even the Crédit-Mobilier scandal. General Grant was not concerned in this scandal, but a number of his most

distinguished supporters, the very pillars of the Republican party, beginning with Vice-President Colfax, were named as guilty of taking bribes to influence their votes in Congress for the Union Pacific Railroad. This accusation was not made public until September, and then by accident. Most of the persons accused made denial, and since no investigation could be had until the next session of Congress (a month later than the election), nobody was bound to give credence to an unproved charge. The general answer of the supporters of Grant was that they would not withhold their votes from him even if the charge were true. Nor could they be blamed for so saying. If the persons accused were really guilty, they would be punished in due time, or at all events exposed, and exposure would itself be punishment. It is needless to go into the details of the Crédit-Mobilier scandal here. It was investigated by an able and impartial committee of the House, and all the guilty ones were visited with such punishment as Congress could legally inflict.

Of the three October states, Pennsylvania and Ohio gave large Republican majorities and Indiana a small majority for Hendricks (Democrat) for governor. This was decisive of the general result in November. Greeley and Brown were overwhelmingly defeated. The only states that gave them majorities were Georgia, Kentucky, Maryland, Missouri, Tennessee, and Texas, having altogether 66 electoral votes. The others gave Grant and Wilson a total of 272 electoral votes. The state of New York, which Greeley, in his letter to Schurz, had claimed by 50,000, gave 53,000 majority against him.

I have always held the opinion that either Adams or Trumbull could have been elected if nominated at

Cincinnati. I think also that Adams was the stronger of the two, because he had incurred no personal ill-will during the twelve years of war and Reconstruction and because the minds of the Democratic leaders who had encouraged the Liberal movement were eagerly expecting him. There would have been no bolting movement in that quarter. The Germans also were enthusiastic for Adams, and although they would have supported Trumbull willingly, there would have been perhaps a trifle less of cordiality for him. Neither of the two was gifted with personal "magnetism," but either of them had as much of that quality as Grant had, or as the public then desired. The voters were not then in search of the sympathetic virtues. There was a yearning for some cold-blooded, masterful man to go through the temple of freedom with a scourge of small cords driving out the grafters and money-changers. Adams was qualified for this rôle. He was also the man of whom the Republican leaders had the gravest fears as an opposing candidate.

The campaign and its result killed poor Greeley. The election took place on the 5th of November. On the 10th he wrote a letter of two lines marked "private forever" to Carl Schurz, saying:

> I wish I could say with what an agony of emotion I subscribe myself, gratefully yours, Horace Greeley.

He then took to his bed and his friends became alarmed. Frequent bulletins were published in the *Tribune* showing that he was a victim of insomnia, from which, the paper said, he had been a sufferer, more or less, at former periods of his life. He died on the 29th. His wife had died one month earlier,

October 30. History says that he died of a broken heart.[129]

That Greeley had been eager for public office from an early period was shown by his famous letter withdrawing himself as junior partner from the firm of Seward, Weed, and Greeley. When the Cincinnati nomination came to him his fondest dreams seemed to be on the eve of fulfillment. Now all such dreams had vanished, a political party of noble aspirations had foundered on him as the hidden rock, his self-esteem had received an annihilating blow, and his beloved *Tribune*, the labor of his lifetime, was supposed to be ruined pecuniarily. Whatever his faults may have been, he received his punishment for them in this world. He was only sixty-two years of age, of sound constitution and good habits, and had never used liquor or tobacco. He ought to, and probably would, have lived twenty years longer if he had put away ambition and contented himself with the repute and influence he had fairly earned. He was the most influential editor of his time and country, but as a political writer E. L. Godkin was his superior, and in fact Godkin, in the columns of the *Nation*, contributed more than any other writer, perhaps more than any other person, to his overthrow.

The state election of Louisiana in 1872 had resulted in a disputed return for governor and legislature. One set of returns showed a majority for John McEnery, the conservative candidate. Another set showed a majority for William P. Kellogg, Republican. The sitting governor, Warmoth,

controlled the returning board and he favored McEnery. A former returning board headed by one Lynch had been dissolved by an act of the legislature. To this defunct board the supporters of Kellogg appealed. The Lynch Board, without any actual returns before them, declared Kellogg elected. They then procured an order from Judge Durell, of the United States Circuit Court at New Orleans, to the United States Marshal, Packard, who had a small military force at his command, to seize the State House. This was done and the act was approved by President Grant. An appeal to him from the better class of citizens of New Orleans was rejected. The excitement in Congress growing out of this usurpation was intense, even among Republicans. The Senate Committee on Privileges and Elections was ordered to make an investigation, which it did, and it reported, through Senator Carpenter on the 20th of February, that the action of Judge Durell was illegal and that all steps taken in pursuance of it were void. It recommended a new election and reported a bill for holding it; but Senator Morton, who made a minority report, prevented it from coming to a vote. Trumbull, who was also a member of the committee, made a report more drastic than that of Carpenter and supported his own view by a speech delivered on the 15th of February.

> Here you have [he said] an order sent from the city of Washington on the 3d day of December, which was before Judge Durell issued his order to seize the State House and organize a legislature, and directing that nobody should take part in the organization except such persons as

> were returned as members by what was known as the Lynch Board, a board which the committee, in their report drawn by the Senator from Wisconsin, say had been abolished by an act of the legislature, and had not a single official return before it. It undertook to canvass returns without having any returns to canvass. On forged affidavits, hearsay, and newspaper reports and verbal statements, the Lynch Returning Board, consisting of four men, without legal existence as a returning board, got together and without one official return, or other legitimate evidence before them, undertook to say who should constitute the Legislature of Louisiana.[130]

This was Trumbull's last speech in the Senate and was one of his best, but other influences prevailed with Grant.[131]

Thus Kellogg and his crew became the masters of Louisiana, and four years later became the deciding factor in the Hayes-Tilden presidential contest.

FOOTNOTES:

[128] This fact was given to me by General Dodge, in writing.

[129] John Bigelow's Diary, under date Nov. 28, 1872, contains the following entry:

"Greeley is now in a madhouse, and before morning will probably be dead—so Swinton tells me to-day; and Reid, whom I saw to-day, confirms these apprehensions." *Retrospections of an Active Life*, v, 91.

[130] *Cong. Globe*, 1873, p. 1744.

[131] Rhodes thinks that the influence which prevailed with Grant in this instance was that of Morton. (*History of the United States*, VII, 111.)

CHAPTER XXVII

LATER YEARS

The defeat of the Liberal Republicans terminated Trumbull's official career. His senatorial term expired on the 3d of March, 1873. The regular Republicans carried the legislature of Illinois, and Richard J. Oglesby was elected Senator in his stead. He was now sixty years of age and he resumed the practice of his profession in the city of Chicago, which had been his place of residence during the greater part of his senatorial service. His law firm at the beginning was Trumbull, Church & Trumbull, the second member being Mr. Firman Church and the third Mr. Perry Trumbull, a son of the ex-Senator. Mr. William

J. Bryan soon afterward became a student in the office. Various changes took place in the Trumbull law firm. Mr. Church removed to California, and his place was taken by Mr. Henry S. Robbins, and the firm became Trumbull, Robbins, Willetts & Trumbull. Mr. Hempstead Washburne, son of Hon. Elihu B. Washburne, became a member of the firm later. Trumbull's reputation, talents, and experience soon gave him a place in the front rank of his profession, which he maintained till the end of his long life. I shall not attempt to follow the details of his career at the bar except as they touch upon public questions. The first affair of this kind was the Hayes-Tilden disputed election of 1876.

The second Grant Administration was more lamentable than the first in respect of military rule, turbulence, and bloodshed in the South and corruption in the civil service in the North. These evils became so glaring and intolerable that the Republican party suffered a disastrous defeat in the congressional elections of 1874, and failed to secure a majority of the popular vote in the presidential election of 1876. The opposing candidates in this contest were Hayes (Republican) and Tilden (Democrat). One hundred and eighty-five electoral votes were necessary to a choice. The undisputed returns gave Tilden 184 and Hayes 166. Those of Florida, Louisiana, and South Carolina were in dispute. It was necessary that Hayes should have all of them in order to be the next President. All of these states were under military control, and the returning boards who had the power of canvassing the votes, and the governors who had the power of certifying the result to Congress, were Republicans.

The excitement in the country when this condition

became known was extreme. No confidence was placed in the character of the Southern returning boards. That of Louisiana consisted of three knaves and one fool,[132] and the governor of the state was W. P. Kellogg, who had acquired the office by the acts of usurpation described in the preceding chapter. It was seen at once that unless some respectable tribunal could be devised to decide between the conflicting claims the country might drift into a new civil war. The first thing to be done was to endeavor to secure a fair count of the ballots cast in the disputed states. To this end a certain number of "visiting statesmen" were chosen by the heads of their respective political parties to go to the scene of the contest and watch all the steps taken by the canvassers of the votes. President Grant appointed those of the Republican party and Abram S. Hewitt, chairman of the National Democratic Committee, appointed the others. Trumbull had voted for Tilden in the election, and he was chosen by Hewitt as one of ten visiting statesmen for Louisiana. Senator Sherman, of Ohio, was one of the Republican visitors. Congress passed a law on the 29th of January, 1877, to create an Electoral Commission, consisting of five Senators, five Representatives, and five judges of the Supreme Court, to take all the evidence in regard to the disputed elections and to render a decision thereon by a majority vote of the fifteen members. Four of the five judges of the Supreme Court were named in the act of Congress. They were Miller and Swayne, Republicans, and Clifford and Field, Democrats, and the act provided that these four should choose the fifth. It was the general expectation that they would choose David Davis as the fifth member, as he was commonly classed as an Independent, since he had

been a candidate in the Cincinnati Convention, which nominated Greeley. But, on the very day when the Electoral Commission Bill passed, Davis was elected by the legislature of Illinois as Senator of the United States, to succeed Logan whose term was expiring. Davis accepted the senatorship and declined to serve as the fifth judge. Thereupon Bradley was chosen in his stead.

Trumbull was chosen as one of the counsel on the Tilden side to argue the Louisiana case. On the 14th of February he appeared before the Commission and offered to show that the votes certified by the commissioners of election in the voting precincts of Louisiana to the supervisors of registration, who were the officers legally appointed to receive the same, showed a majority varying from six to nine thousand for the Tilden electors; that the returning board did not receive from any poll, voting place, or parish, and did not have before them, any statement, as required by law, of any riot, tumult, act of violence, intimidation, armed disturbance, bribery, or corrupt influence tending to prevent a free, fair, peaceable vote; that the supervisors of registration, without any such statements of violence or intimidation, omitted to include in the returns of election, or to make any mention of the same, votes amounting to a majority of 2267 against W. P. Kellogg, one of the Hayes electors; that the votes cast on the 7th of November, 1876, had never been compiled or canvassed; that the votes had never been opened by the governor in the presence of the other state officers required by law to be present, nor in the presence of any of them; that the law of Louisiana required that both political parties should be represented on the returning board, but that all the members, four in number, were Republicans, and

that although there was one vacancy on the board they refused to fill it by choosing anybody; that the returning board employed as clerks and assistants four persons, whose names were given, all of whom were then under indictment for crime, to whom was committed the task of compiling and canvassing the returns, and that none but Republicans were to be present; and that all the decisions of the returning board were made in secret session.

> Not to detain you [said Trumbull] as to this Government in Louisiana, I will only say that it is not a republican government, for it is a matter that I think this Commission should take official knowledge of, that the pretended officers in the state of Louisiana are upheld by military power alone. They could not maintain themselves an hour but for military support. Is that government republican which rests upon military power for support? A republican government is a government of the people, for the people, and by the people: but the Government in Louisiana has been nothing but a military despotism for the last four years, and it could not stand a day if the people were not overborne by military power.

His speech was about two hours long, and he was followed by Carpenter and Campbell on the same side. The leading argument on the Hayes side was made by Mr. E. W. Stoughton, of New York, who

contended that neither the Commission nor Congress itself could go behind the official returns certified by the governor of the state of Louisiana, and that the recognition of Kellogg as governor by the President of the United States was conclusive evidence of the fact that he was the person empowered to act in that capacity.

By a vote of eight to seven the Commission decided in favor of Stoughton's contention, and the same rule was applied to all the other disputed returns, and by this ruling the presidential office was awarded to Rutherford B. Hayes.

Under the circumstances then existing, and with the characters then holding office in Louisiana, it is obvious that the latter had power to throw out an unlimited number of Tilden votes if necessary to make a majority for Hayes. It is not obvious that the supporters of Tilden had power to intimidate an unlimited number of negroes; the number of the latter was slightly less than the number of whites in the State, and it was known that some of the negroes had joined the conservative party. Moreover, the Kellogg government was shamefully illegal, even as measured by the standards then enforced upon the South. It is fair to presume, therefore, that Tilden was justly entitled to the electoral votes of Louisiana. That is my belief although I voted for Hayes.

It does not follow, however, that the decision of the Electoral Commission was wrong. That body was bound to consider the remote as well as the immediate consequences of its acts. It was engaged in making a precedent to be followed in similar disputes thereafter, if such should arise. If Congress, or any commission acting by its authority, should

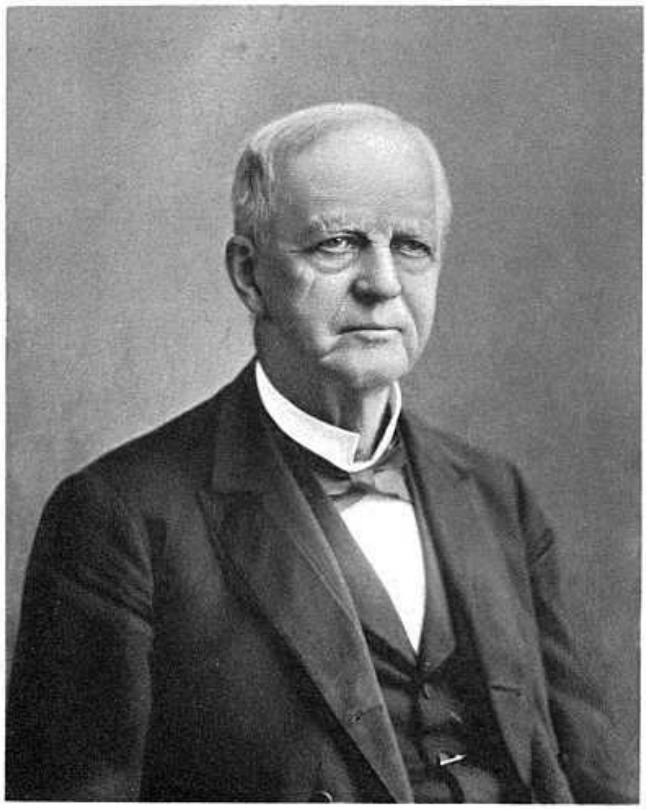
assume the functions of a returning board for all the states in future presidential elections, what limit could be set to their investigations, or to the passions agitating the country while the same were in progress? In short, the Electoral Commission was sitting not to do justice between man and man, but to save the Republic. Even if it made a mistake in the exercise of its discretion, the mistake was pardonable.

On the 3d of November, 1877, the subject of this memoir was married to Miss Mary Ingraham, of Saybrook Point, Connecticut. The lady's mother was his first cousin. Two daughters were born of this union, both of whom died in infancy.

In 1880, when the next presidential campaign, that of Garfield and Hancock, opened, the Democrats of Illinois nominated Trumbull for governor of the State, without his own solicitation or desire. He was now sixty-seven years of age, with powers of body and mind unimpaired. In accepting the nomination he gave a brief account of his political life extending over a period of nearly forty years. He acknowledged that he had made mistakes, but said he had never given a vote or performed an act in his official capacity which he did not at the time believe was for his country's good. He made a vigorous campaign, but the traces left of it in the newspapers contain nothing that need be recalled now. The Republican majority in the state was between thirty and forty

thousand. The Republicans nominated Shelby M. Cullom for Governor and he was elected.

The World's Columbian Exposition took place at Chicago in the year 1893. During one of my visits to it I had the pleasure of dining with Mr. and Mrs. Trumbull at their home on Lake Avenue. The only other guest was William J. Bryan, whom I had not met before. The leading issue in politics then was the free coinage of silver at the ratio of sixteen to one. Mr. Bryan was an enthusiastic free-silver man and a firm believer in the early triumph of that doctrine. Trumbull was inclined to the same belief, although less confident of its success. We had an animated but friendly discussion of that question. President Cleveland had just called a special session of Congress to repeal the Silver Purchasing Act then in force, which was not a free-coinage law. I ventured to predict to my table companions that the purchasing law would be repealed and that no free-coinage law would be enacted in place of it, either then or later. None of us imagined that three years from that time Mr. Bryan himself would be the nominee of the Democratic party for President of the United States, on that issue. Trumbull's geniality and cordiality at this meeting were a joy to his guests. Our conversation, ranging over a period of nearly forty years, filled two delightful hours. He was then eighty years of age, but in vigor of mind and body I did not notice any change in him. We parted, not knowing that we should not meet again.



Aet. 80

Trumbull's next appearance on the public stage was in the case of Eugene V. Debs, who is still with us as a perpetual candidate of the Socialistic party for President. In 1894 he was president of an organization of railway employees known as the American Railway Union. In the month of May a dispute arose between the Pullman Palace Car Company and its employees in reference to the rate of wages, which resulted in a strike. Debs and his

fellow officers of the Railway Union, for the purpose of compelling the Pullman Company to yield to the demands of their employees, issued an order to the railway companies that they should cease hauling Pullman cars, and, if they should not so cease, that the trainmen, switchmen, and others working on the railways aforesaid should strike also. As a consequence of this order twenty-two railroads were "tied up." All passengers trains composed in part of Pullman cars were brought to a standstill. Riots broke out in the streets of Chicago. An injunction was issued against Debs by Judge Woods, of the United States Circuit Court. Governor Altgelt, of Illinois, was called upon to restore order in the city, but before he did so President Cleveland, having been officially informed that the movement of the mails was obstructed by violence in the streets of Chicago, ordered a small body of troops to that city to break the blockade. This they accomplished without delay and without bloodshed. In the mean time Debs and his associates were put under arrest for violating the injunction of the court. Debs employed Mr. Clarence Darrow as his attorney, and Darrow applied for a writ of *habeas corpus*, which was refused. Darrow appealed to the Supreme Court of the United States and engaged Lyman Trumbull and S. S. Gregory as associate counsel. The appeal was argued by Trumbull at the October Term in Washington City. Trumbull had volunteered his service and refused a fee, accepting only his traveling expenses. The court rejected the petition for a writ of *habeas corpus* and affirmed the jurisdiction of the circuit court.

Both President Cleveland and the court were sustained by public opinion in this disposition of Debs. On the 6th of October, a large meeting was

held at Central Music Hall in Chicago to consider the recent exciting events. It was addressed by Trumbull and Henry D. Lloyd. Trumbull's speech was published in the newspapers and in pamphlet form as a Populist campaign document. It was extremely effective from the Populist point of view, and was not, on the whole, more radical than the so-called Progressive platform of the present day. While expressing decided opinions on the subject of "judicial usurpation" (referring to the Debs case without mentioning it), he exhorted his hearers to seek a remedy by the action of Congress. "It is to be hoped," he said, "that Congress when it meets will put some check upon federal judges in assuming control of railroads and issuing blanket injunctions and punishing people for contempt of their assumed authority. If Congress does not do it, I trust the people will see to it that representatives are chosen hereafter who will." The recall of judges, as a remedy for unpopular decisions, had not yet been discovered.

The testimony of persons who were present at this meeting is that Trumbull showed no abatement of his powers as a speaker, and that the audience "went wild with enthusiasm."

In the month of December following, the leaders of the People's party in Chicago, ten in number, requested Trumbull to prepare a declaration of principles to be presented by them for consideration at a national conference of their party to meet at St. Louis on the 28th. This paper was drawn up and delivered to them in his own handwriting a few days before the meeting and was published in the *Chicago Times* of December 27, in the following words:

1. Resolved, That human

brotherhood and equality of rights are cardinal principles of true democracy.

2. Resolved, That, forgetting all past political differences, we unite in the common purpose to rescue the Government from the control of monopolists and concentrated wealth, to limit their powers of perpetuation by curtailing their privileges, and to secure the rights of free speech, a free press, free labor, and trial by jury—all rules, regulations, and judicial dicta in derogation of either of which are arbitrary, unconstitutional, and not to be tolerated by a free people.

3. We endorse the resolution adopted by the National Republican Convention of 1860, which was incorporated by President Lincoln in his inaugural address, as follows: "That the maintenance inviolate of the rights of the states, and especially of the right of each state to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the endurance of our political fabric depends, and we denounce the lawless invasion by armed force of the soil of any state or territory, no matter under what pretext, as among the gravest of crimes."

4. Resolved, That the power given Congress by the Constitution to provide for calling forth the militia to execute the laws of the Union, to suppress insurrections, to repel invasions, does not warrant the Government in making use of a standing army in aiding monopolies in the oppression of their employees. When freemen unsheathe the sword it should be to strike for liberty, not for despotism, or to uphold privileged monopolies in the oppression of the poor.

5. Resolved, That to check the rapid absorption of the wealth of the country and its perpetuation in a few hands we demand the enactment of laws limiting the amount of property to be acquired by devise or inheritance.

6. Resolved, That we denounce the issue of interest-bearing bonds by the Government in times of peace, to be paid for, in part at least, by gold drawn from the Treasury, which results in the Government's paying interest on its own money.

7. Resolved, That we demand that Congress perform the constitutional duty to coin money, regulate the value thereof and of foreign coin by the enactment of laws for the free coinage of silver with that of gold at

the ratio of 16 to 1.

8. Resolved, That monopolies affecting the public interest should be owned and operated by the Government in the interest of the people; all employees of the same to be governed by civil service rules, and no one to be employed or displaced on account of politics.

9. Resolved, That we inscribe on our banner, "Down with monopolies and millionaire control! Up with the rights of man and the masses!" And under this banner we march to the polls and to victory.

These resolutions were conveyed to the St. Louis meeting by Henry D. Lloyd and F. J. Schulte and were adopted by the conference without alteration.

FOOTNOTES:

[132] Rhodes, *History of the United States*, VII, 231.

CHAPTER XXVIII

CONCLUSION

On the 22d of March, 1896, Trumbull made an argument before the Supreme Court at Washington City. On the 11th of April, although ailing from an unknown malady, he went to Belleville to attend the funeral of his old and faithful friend, Gustave Koerner, and to make a brief address over the remains. This journey was made against the advice of his physician. At the conclusion of his remarks he became ill at his hotel in Belleville. There was a consultation of physicians, who reached the conclusion that he would be able to go home if he should go at once. He decided not to delay, and he reached home on the morning of April 13. Here another consultation of physicians took place at which a surgical operation was decided upon. This led to the discovery of an internal tumor which, in their judgment, could not be removed without causing immediate death. He lingered till the 5th of June. Before his death he made a calm and careful adjustment of his business affairs and gave to his children and grandchildren keepsakes that he had for years preserved for them. He passed away at the age of eighty-two years, seven months, and twelve days. His funeral, which was largely attended, took place from his house, No. 4008 Lake Avenue, and his remains were interred in Oakwoods Cemetery.

There was a meeting of the Bar Association of Chicago to prepare a memorial on his life and services. On this occasion Hon. Thomas A. Moran, former judge of the appellate court, said:

At the end of his career in the United States Senate, Judge Trumbull became a member of the Chicago Bar. He was thereafter continuously, and up to the time of his death, engaged in the active and laborious practice of his profession. The great place that he had held in the councils of the nation, the influence that he had exerted upon national legislation, and the esteem in which he was held by the lawyers and the statesmen of the country, entitled him to a lofty mien; but as is well known to us all who had the privilege of his acquaintance at the bar, while his demeanor was grave it was also modest, and his manner was marked by a gentleness that was most grateful to everybody with whom he came in contact. His sincerity and honesty in the presentation of his case, his respectful demeanor to any court in which he was engaged in a legal contest, constituted him a model that the lawyers of our bar might well imitate. He was in practice at the bar forty-four years after he ceased to be a judge of the supreme court of this state.... He was preëminently the grand old man of this country. In his intercourse with his fellow citizens he was a quiet, sincere, frank, honest American gentleman. Lyman Trumbull was one

of the very great men of the nation.

Eulogistic remarks were made also by Senator John M. Palmer, ex-Senator James R. Doolittle, and Judge Henry W. Blodgett. Mr. Doolittle said that of the sixty-six members of the United States Senate who were there when Secession began, only four were then living. They were Harlan, of Iowa, Rice, of Minnesota, Clingman, of North Carolina, and himself (Doolittle).

Trumbull's forte was that of a political debater well grounded in the law. Here he stood in the very front rank, both as a Senator addressing his equals and as an orator on the hustings. He was always ready to discuss the questions which he was required to face. He had a logical mind, and the ability to think quickly and to choose the right words to express his ideas. He never wasted words in ornament or display. He never lost his balance when addressing the Senate, or a public audience. He had perfect self-possession. He never stood in awe of any other debater or hesitated to reply promptly to question or challenge. Nor did he ever lose his dignity in debate. Once he came near to calling Sumner a falsifier, when the latter had described him as recreant to the principles of human liberty; but he restrained himself in time to avoid an infraction of the rules of the Senate. And he afterwards came to the defense of Sumner when the latter was deposed, by his more subservient colleagues, from the chairmanship of the Committee on Foreign Relations. On this occasion Sumner came forward holding out both hands, and with tears in his eyes thanked him for his generosity.

His rare forensic gifts would have been unavailing without confidence in the justice of his cause, and a

clear conscience which shone in his face and pervaded him through and through. Although not endowed with oratorical graces he grasped the attention of his audience at once, and he never failed to convince his hearers that he had an eye single to the public good. It was hard for him to separate himself from the Republican party in 1871-72, but he considered it a duty that he owed to the country to expose the rottenness then pervading the national administration. He did not have General Grant in mind when he moved the investigation of custom-house frauds in New York. He did not aim at him directly or indirectly, but at the system which had grown up before his election. Grant's mental make-up was such that he considered any fault-finding with federal office-holders a reproach to himself, as the head of the Government, and accordingly braced himself against it; and this habit grew on him through the whole eight years of his presidency. Yet Trumbull uttered no reproach against him during the campaign of 1872, or later.

It was commonly said that Trumbull's nature was cold and unsympathetic. This was a mannerism merely. He did not carry his heart upon his sleeve for daws to peck at, but he was an affectionate husband and father and grandfather, most generous to his parents, brothers, and sisters, and one of the most unselfish men I ever knew. His poor constituents, who were often stranded in Washington, needing help to get home, seldom applied to him for assistance in vain, and this kind of drain was pretty severe during his whole senatorial service. He was fond of little children. He was often seen playing croquet with his own and others in Washington City. Mr. Morris St. P. Thomas, a member of the Chicago

Bar who shared Trumbull's office during his later years, says that he never knew a warmer-hearted man than Trumbull. He was kindness and consideration itself to the people in his office. He was never cross or short, and every young man there always felt that he could go into the judge's room whenever he liked, and sit down and tell him his troubles. Once it devolved upon Mr. Thomas to engage a stenographer for the office. Of the several applicants the best was an unprepossessing, hump-backed girl. "I told the judge about her—that she was the ablest applicant, but very unprepossessing in appearance." "Why," said he, at once, "that's the very reason to take her, poor girl!" And they kept her for years.[133]

In short, he was a high-minded, kind-hearted, courteous gentleman, without ostentation and without guile. In business affairs he was punctual, accurate, and spotless. He never borrowed money, never bought anything that he could not pay cash for, never gave a promissory note in his life, not even in the purchase of real estate where deferred payments are customary. The best blood of New England coursed in his veins and he never dishonored it, in either private or public life.

It is perhaps too early to assign to Trumbull his proper place in the roll of statesmen of the Civil War period. Those who come after us and can look back one hundred years, instead of fifty, will doubtless have a better perspective and a clearer vision than those who lived with the actors of that momentous struggle. Some things, however, we may be sure of. One is that the man who drew the Thirteenth Amendment of the Constitution, abolishing slavery in the United States and all places under the

jurisdiction thereof, will never be forgotten as long as the love of liberty survives in this land. Not that the Thirteenth Amendment would not have been passed and incorporated in our system even if Lyman Trumbull had not been a Senator, or if he had never been born. It was a consequence of the taking-up of arms against the Union in 1861 that slavery should come to an end somehow. All that Lincoln did, all that Trumbull did, all that Congress did, was to seize the occasion to give direction to certain irresistible forces then called into existence for blessing or cursing mankind. There were different ways of bringing slavery to an end. That of constitutional amendment was the best of all because it removed the subject-matter from the field of dispute at once and forever. Lincoln paved the way for it. He prepared the public mind for it by his two proclamations of emancipation. Trumbull and Congress and the state legislatures did the rest.

It may be fairly said that Trumbull took the lead in putting an end to arbitrary arrests in the loyal states where the courts of justice were open, and in prescribing the process of the suspension of the writ of *habeas corpus*. This was a difficult problem to handle and it cost Trumbull some popularity, since the loyal spirit of the North was very touchy on the subject of Copperheads and easily inflamed against anybody who was accused of sympathy with them. The law finally passed seems now to be altogether just, and well suited to be put in practice again if occasion for it should arise.

Trumbull's place as one of the "Seven Traitors" who voted not guilty on the impeachment of Andrew Johnson is now universally considered a proud position, and I think that that of his neighbor and

friend, James R. Doolittle, of Wisconsin, who earned the title of traitor a year or two earlier, is entitled to a place in the same Valhalla. Both are deserving of monuments at the hands of their respective states.

The reader of these pages cannot fail to discern a marked change in Trumbull's course on Reconstruction about midway of the struggle on that issue. Gideon Welles said, under date January 16, 1867, "He [Trumbull] has changed his principles within a year.[134] The facts are that he agreed with Lincoln's plan of Reconstruction, embodied it in the Louisiana Bill, reported it favorably from the Judiciary Committee, tried to pass it in the closing days of the Thirty-eighth Congress, but was prevented by the filibustering tactics of Sumner. After Johnson became President he adhered to that plan until Johnson vetoed the Freedmen's Bureau and Civil Rights Bills. He then believed that Johnson had betrayed the cause for which the nation had fought through a four years' war and that the freedom of the blacks would be endangered if Johnson were sustained by the loyal states. He accordingly went with his party, but with misgivings, halting now and then, putting blocks in the way of the radicals here and there. He ceased to be the leader of the Senate as he had hitherto been, on this class of questions, and he became a reluctant follower. When Sumner became angry and charged him in 1870 with betrayal of the cause of freedom, he hotly affirmed that he had voted for every measure for the equal rights of the freedmen that Congress had passed, including the three constitutional amendments. The truth was that he had put obstacles in the way of several measures that Sumner deemed indispensable, until it became plain that the Republican party was determined to pass

them and that further resistance would be useless. Then he gave his assent to them. This course he pursued until the Anti-Ku-Klux Bill was agreed to, by the Judiciary Committee, in 1871. Against this measure he voted in the committee and in the Senate. He held it to be unconstitutional, and he used against it the same arguments in substance that Bingham had used in the House against the Civil Rights Bill; and both he and Bingham were right. Trumbull did not change his principles, but he made an error in common with his party and he corrected it as soon as he became convinced that it was an error. I am open to the same criticism."

Among interviews with men of note published in the Chicago press concerning the deceased was one with Mr. Joseph Medill, not a friendly critic but a political seer of the first class, who thought that Trumbull might have been President of the United States if he had voted, in the impeachment case, to convict Andrew Johnson.

> If he had remained true to his party [said Mr. Medill], Judge Trumbull, I believe, would have died with his name in the roll of Presidents of the United States. I have always thought that he could have been the successor of Grant. He stood so high in the estimation of his party and the nation that nothing was beyond his reach. Grant, of course, came before everybody, but Trumbull was next, a man of great ability, undoubted integrity, and stainless reputation, pure as the driven snow and nearly as cold. He could have been

> President instead of Hayes, or Garfield, or Harrison.[1]

Following the interview with Mr. Medill is one with Mr. Henry S. Robbins, a member of Trumbull's law firm from 1883 until 1890. Mr. Robbins did not find Trumbull a cold man.

> All the time we were together [said Mr. Robbins] I never heard him speak a cross word to a clerk in the office. Among children he was a child again. He and his little grandson, the child of Walter Trumbull, who died several years ago, were inseparable companions when the grandfather was at home. They played together and talked together like two little boys. All the children in the neighborhood where he lived were wont to come to him with their little troubles and always found him one who could enter into fullest sympathy with them. Judge Trumbull had no worldliness. He seemed to practice law as a mission, not as a vocation by which to make money. With his reputation and his ability combined he might have died a millionaire. It always gave him a pang to charge a fee, and when he fixed the charge it was usually about half what a modern lawyer would charge.[1]

Another partner, Mr. William N. Horner, said:

> I came here from Belleville where Judge Trumbull formerly lived, and people down there—some of them at least—used to think that he was a cold man. I never found him so. I remember the first day we moved into these offices and while we were getting settled, Judge Trumbull worked harder than any of us. He was more solicitous for our comfort than he was for his own. He was always trying to do something for the comfort of others. He had all the gentleness and sweetness of disposition and patience of a woman.[135]

Mr. C. S. Darrow, who had charge of the Debs case in which Trumbull volunteered his services, said that

> the socialistic trend of the venerable statesman's opinions in his later years sprang from his deep sympathies with all unfortunates; that sympathy that made him an anti-slavery Democrat in his early years, and afterwards a Republican. He became convinced that the poor who toil for a living in this world were not getting a fair chance. His heart was with them.[136]

A letter to myself from the widow of Walter Trumbull, who died in 1891, says:

> After my husband died, I, with my two boys, lived with Judge Trumbull

> until his death; and I wish I could tell you how beautiful that home life was. He was so devoted to his family, so sweet and tender and thoughtful for us all. Others never realized this and often thought him cold. He was so great a man and yet so gentle and simple in his ways that little children clung to him.

Among the papers left by Trumbull was the following estimate of the character and career of Abraham Lincoln. It was addressed to his son Walter Trumbull and is here published for the first time:

> MY DEAR SON: I have often been requested to give my estimate of Mr. Lincoln's life and character. His death at the close of a great civil war in which the Government of which he was the head had been successful, and the manner of his taking off, were not favorable to a candid and impartial review of his character. The temper of the public mind at that time would not tolerate anything but praise of the martyred President, and even now it is questionable whether the truthful history of his life by Mr. Herndon, his lifelong friend, and law partner for twenty years, will be received with favor. As I could not give any other than a truthful narration of Mr. Lincoln's character, as he was known to me, I have hitherto declined to write anything for the

public concerning him. Having known him at different times as a political adversary and a political friend, my opportunities for judging his public life and character were from different standpoints. We were members of the Illinois House of Representatives in 1840. He was a Whig and I a Democrat, but we had no controversies, political or otherwise. Indeed, Mr. Lincoln took very little part in the legislation of that session. It was the period when, as related by Mr. Herndon, he was engaged in love affairs which some of his friends feared had well-nigh unsettled his mental faculties. I recall but one speech he made during the session. In that he told a story which convulsed the House to the great discomfiture of the member at whom it was aimed. Mr. Lincoln was regarded at that time by his political friends as among their shrewdest and ablest leaders, and by his political adversaries as a formidable opponent. Contemporary with him in the legislature of 1840 were Edward D. Baker, William A. Richardson, William H. Bissell, Thomas Drummond, John J. Hardin, John A. McClernand, Ebenezer Peck, and others whose subsequent careers in the national councils, on the field of battle, and in civil life have shed lustre on their country's history. It is

no mean praise to say of Mr. Lincoln that among this galaxy of young men convened at the capital of Illinois in 1840, to whom may be added Stephen A. Douglas, although not then a member of the legislature, he stood in the front rank.

As a lawyer Mr. Lincoln was painstaking, discriminating, and accurate. He mastered his cases, and had a most happy and fascinating way of presenting them. He was logical, fair, and candid. It was said of him by one of the most eminent judges who ever presided in Illinois, that after Mr. Lincoln had opened a case he [the judge] fully understood both sides of it. Some of Mr. Lincoln's contemporaries at the bar were more learned, and better lawyers, but no one managed a case, which he had time to thoroughly study and understand, more adroitly. The breaking-up of the Whig and Democratic parties in 1854, growing out of the repeal of the Missouri Compromise, and the opening of the territory to slavery, threw Mr. Lincoln and myself together politically. We were both opposed to the spread of slavery, and from the foundation of the Republican party till his death we were in political accord. I do not claim to have been his confidant, and doubt if any man ever had his entire confidence. He

was secretive, and communicated no more of his own thoughts and purposes than he thought would subserve the ends he had in view. He had the faculty of gaining the confidence of others by apparently giving them his own, and in that way attached to himself many friends. I saw much of him after we became political associates, and can truthfully say that he never misled me by word or deed. He was truthful, compassionate, and kind, but he was one of the shrewdest men I ever knew. To use a common expression he was "as cunning as a fox." He was a good judge of men, their motives, and purposes, and knew how to wield them to his own advantage. He was not aggressive. Ever ready to take advantage of the public current, he did not attempt to lead it. He did not promulgate the article of war enacted by Congress forbidding army and navy officers from employing their forces to return slaves to their masters, under penalty of dismissal from the service, till more than six months after its passage. It was more than nine months after the enactment of a law by Congress declaring free all slaves of rebels captured, or coming within the Union lines, or found in any place occupied by rebel forces and afterwards occupied by the

forces of the Union, that he issued the proclamation declaring free the slaves then within the rebel lines, all of whom, belonging to persons in rebellion, were made free by the act of Congress as soon as the Union forces occupied the country, and till then the proclamation could not be enforced. When applied to by a friend, just previous to the meeting of the convention at Baltimore which nominated him for a second term, to indicate what resolutions or policy he desired the convention to adopt, he declined to suggest any. These and many other illustrations might be given to show that Mr. Lincoln was a follower and not a leader in public affairs. Without attempting to form or create public sentiment, he waited till he saw whither it tended, and then was astute to take advantage of it. Some of Mr. Lincoln's admirers, instead of regarding his want of system, hesitancy, and irresolution as defects in his character, seek to make them the subject of praise, as in the end the rebellion was suppressed, and slavery abolished, during his administration, ignoring the fact that a man of more positive character, prompt and systematic action, might have accomplished the same result in half the time, and with half the loss of blood and treasure.

Mr. Lincoln was by no means the unsophisticated, artless man many took him to be. Mr. Swett, a lifelong friend and admirer, writing to Mr. Herndon, says: "One great public mistake of his character, as generally received and acquiesced in, is that he is considered by the people of this country as a frank, guileless, and unsophisticated man. There never was a greater mistake. Beneath a smooth surface of candor, and apparent declaration of all his thoughts and feelings, he exercised the most exalted tact, and the widest discrimination.... In dealing with men he was a trimmer, and such a trimmer as the world has never seen."[137]

Herndon in his "Lincoln," at page 471, says: "He had a way of pretending to assure his visitor that in the choice of his advisers he was free to act as his judgment dictated, although David Davis, acting as his manager at the Chicago Convention, had negotiated with the Pennsylvania and Indiana delegations, and assigned places in the Cabinet to Simon Cameron and Caleb Smith, besides making other arrangements which Mr. Lincoln was expected to satisfy."

Another popular mistake is to suppose Mr. Lincoln free from

ambition. A more ardent seeker after office never existed. From the time when, at the age of twenty-three, he announced himself a candidate for the legislature from Sangamon County, till his death, he was almost constantly either in office, or struggling to obtain one. Sometimes defeated and often successful, he never abandoned the desire for office till he had reached the presidency the second time. Swett says, "He was much more eager for it [a second nomination] than for the first," and such was known to his intimate friends to be the fact, though his manner to the public would have indicated that he was indifferent to a second nomination. When first a candidate for the presidency Mr. Herndon tells us, "He wrote to influential party workers everywhere," promising money to defray the expenses of delegates to the convention favoring his nomination.

While ardently devoted to the Union, Mr. Lincoln had no well-defined plan for saving it, but suffered things to drift, watching to take advantage of events as they occurred. He was a judge of men and knew how to use them to advantage. He brought into his Cabinet some of the ablest men in the nation, and left to them the management of their

respective departments. This country never had an abler head of the Treasury Department than Salmon P. Chase. To his skillful management of the finances the country was indebted for the means to carry on the war of the rebellion, and bring it to a successful issue. For the distinguished ability with which the State and War Departments were managed during the rebellion the country is greatly indebted to Mr. Seward and Mr. Stanton. Other members of Mr. Lincoln's Cabinet were men of great executive ability. Lincoln was unmethodical and without executive ability, but he selected advisers who possessed these qualities in an eminent degree.

To sum up his character, it may be said that as a man he was honest, pure, kind-hearted, and sympathetic; as a lawyer, clear-headed, astute, and successful; as a politician, ambitious, shrewd, and farseeing; as a public speaker, incisive, clear, and convincing, often eloquent, clothing his thoughts in the most beautiful and attractive language, a logical reasoner, and yet most unmethodical in all his ways; as President during a great civil war he lacked executive ability, and that resolution and prompt action essential to bring it to a speedy and successful close; but he was a philanthropist and a patriot,

> ardently devoted to the Union and the equality and freedom of all men. He presided over the nation in the most critical period of its history, and lived long enough to see the rebellion subdued, and a whole race lifted from slavery to freedom. The fact that he was at the head of the nation when these great results were accomplished, and of his most cruel assassination, before there was time to fully appreciate the great work that had been done during his administration, will forever endear him to the American people, and hand his name down to posterity as among the best, if not the greatest, of mankind.

Another manuscript, addressed to Mrs. Gershom Jayne, the mother of the first Mrs. Trumbull, in answer to a communication from her, gives Trumbull's views on religion:

> CHICAGO, Apr. 22, 1877.
>
> DEAR MOTHER: I scarcely know how to reply to your texts of Scripture and your solicitude for me. If the fervent prayers of the righteous avail, it would seem as if yours and those of my departed Julia should have their influence, and I sometimes feel as if the spirit of my dear Julia was even now not far away. That I am not what I should be is too true: I feel it and I know it,

> and yet I trust the influence and prayers of those who have loved me have not been entirely thrown away. I have abundant reason to be thankful to our Heavenly Father for his protection and ten thousand kindnesses to me which I know I have not deserved. How often when the way was dark before me has an unseen hand carried me safely through! And yet, whilst ever ready to acknowledge my own imperfection and impotence, I suppose I know nothing of, or at best see but as through a glass dimly, that change of heart of which the converted speak, and which comes of a faith it has not been given me to possess. I certainly hope through the Saviour's interposition for a happy hereafter, but at the same time am obliged to confess that the way is to me dark and mysterious, and by no means as discernible as it appears to some others. I rejoice that they can see it clearly and wish that I could too....
>
> Affectionately yours,
> LYMAN TRUMBULL.

Three sons of Lyman Trumbull reached mature years: Walter, Perry, and Henry. The latter died unmarried, January 20, 1895.

Walter, the eldest, was married September, 1876, to Miss Hannah Mather Slater. Three sons were born of

this union. The first of these, Lyman Trumbull, Jr., died in infancy. The second, Walter S., was born in 1879, married Miss Marjorie Skinner, of Hartford, Connecticut, in 1905, and now resides in New York City. The third, Charles L., born in 1884, married in 1910 Miss Lucy Proctor, of Peoria, Illinois, and now resides in Chicago. Walter Trumbull died October 25, 1891.

Perry Trumbull was married to Mary Caroline Peck, daughter of Ebenezer Peck, judge of the United States Court of Claims, in 1879. Four children were born to them: (1) Julia Wright, married to H. Thompson Frazer, M.D., now resides at Asheville, North Carolina; (2) Edward A., married Anna Whitby, and resides at Seattle, Washington; (3) Charles P., married, resides at Las Vegas, New Mexico; (4) Selden, resides in Chicago. Perry Trumbull died December 10, 1902.

Mrs. Mary Ingraham Trumbull, widow of Lyman Trumbull, resides at Saybrook Point, Connecticut.

THE END

FOOTNOTES:

[133] Interview, June 13, 1910.

[134] *Diary of Gideon Welles*, III, 21.

[135] Chicago *Times*, June 26, 1896.

[136] Chicago *Times*, June 26, 1896.

[137] Herndon's *Life of Lincoln*, 537, 538.

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