RUTHERFORD B. HAYES AND THE RESTORATION OF HOME RULE
TO FLORIDA, SOUTH CAROLINA, AND LOUISIANA

by

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CHAPTER I

THE CONDITION OF THE UNITED STATES
IN 1876

The social, political, governmental, and economic condition of the United States in 1876 was far from satisfactory. Hard times, discontent, and dissatisfaction were the order of the day. That this dissatisfaction existed throughout the country was evidenced by several facts. First, in 1872 there began the spread of the Grange, which was a movement of farmers against corporations, especially the railroads. By the end of 1873 the Grange had penetrated all but four states. Secondly, in 1872 the dissatisfaction of many influential members of the Republican Party was expressed openly by a convention held in Cincinnati in opposition to the regular Republican Party. This group was supported by such men as Lyman Trumbull, Carl Schurz, Stanley Matthews, Charles Francis Adams, Horace White, editor of the Chicago Tribune, Murat Halstead, editor of the Cincinnati Commercial.

1. J. W. Burgess. The Administration of President Hayes, p. 3.
2. S. J. Buck. The Agrarian Crusade, p. 27.
Governor Curtin of Pennsylvania, Horace Greeley, editor of the New York Tribune, Samuel Bowles, editor of the Springfield Republican, Henry Wadderson, editor of the Louisville Courier-Journal. However, this Liberal group failed because it nominated Horace Greeley, "the one least suited to lead the party to victory".

By 1874 dissatisfaction in the United States was further brought to notice, for in the fall elections the Democrats gained control of the House of Representatives and reduced the Republican majority in the Senate. The Democrats even carried such Republican states as Ohio, Indiana, New York, Pennsylvania, and Massachusetts. In fact, in the elections of 1874, twenty-three states out of thirty-five gave Democratic majorities.

In 1874, also, was made plain the fact that the condition of the South was a constant source of irritation, and that the thinking men of the North were beginning to demand the complete cessation of Federal interference in the domestic affairs of the South. The reaction of the North to the continued interference in the government of

5. Buck, op. cit., p. 17.
the Southern states may well be indicated by a recital of the events in connection with the state elections in Louisiana in 1874. In that year the Southern white Democrats, or Conservatives as they were called, had a majority of twenty-nine in a House of Representatives of 111 members. But the returning board, an instrument of the Republican Governor Kellogg and U.S. Marshal Packard, found that fifty-three Republicans and fifty-three Conservatives had been elected, while as to five seats they made no decision at all. When the legislature met, the five Conservatives, which the returning board had refused to act upon, were expelled by General de Tobriand and his soldiers. General Sheridan, who was in New Orleans at the time, telegraphed Grant there would be no trouble if the leaders of the Conservative Party were declared banditti and handed over to the military. When the news of the ejection of members of the Louisiana legislature by Tobriand and Sheridan's dispatches were published, a great roar of indignation arose in the North.

New York held a large indignation meeting in Cooper Institute where William Cullen Bryant, an old Republican, and others denounced the action of the soldiers and Grant.

for upholding them. In Boston a similar meeting was held in Faneuil Hall. In the Senate Carl Schurz, a Republican, deplored the overriding of civil liberties. Said Mr. Schurz:

... All these things have alarmed me and it seems not me alone. In all parts of the country the press is giving voice to the same feeling and what I learn by private information convinces me that the press is by no means exaggerating the alarm of the people. On all sides you can hear the question asked, "If this can be done in Louisiana, and if such things be sustained by Congress, how long will it be before it can be done in Massachusetts and Ohio? How long before the constitutional rights of all the states and the self-government of all the people may be trampled under foot? How long before a general of the Army may sit in the chair you occupy, sir, to decide contested election cases for the purpose of manufacturing a majority in the Senate? How long before a soldier may stalk into the House of Representatives and pointing to the Speaker's mace say, 'Take away that bauble.'"

The New York Nation classed the conduct in Louisiana as "the most outrageous subversion of parliamentary government by military force yet attempted in this country." In the cabinet both Fish and Bristow denounced Sheridan's conduct.

However, though dissatisfaction in the United States in 1876 was evident, it seems necessary to review the

13. Oberholtzer, op. cit., p. 3.
sources leading to the feeling of unrest. In general, the contributory factors were the condition in the South, the economic condition of the country as a whole, and the administration of the national government.

In the South the results of the Reconstruction program had been most unfortunate. State governments were administered by adventurers from the North chosen by the Negro electorate and supported by the Federal army. The corruption of government and the degradation of society resulting from the elevation to positions of legislators, administrators, and teachers of those who at that time were fitted only for menial work were appalling. The natural leaders were disfranchised, poverty-striken, and discouraged by defeat. "The political society (of the South) was debased into a means of revenge, theft, and debauchery."

The fact that three Southern states - South Carolina, Louisiana, and Florida - in 1876 had not yet escaped from Negro carpet-bag rule enforced by Federal bayonets made the Southern white people feel that such domination might be restored elsewhere. The feeling of the South against

14. Burgess, op. cit., p. 3.
15. Ibid., p. 5.
16. Ibid., p. 8. The remaining Southern states had secured local home rule as follows: Alabama 1875, Arkansas 1874, Georgia, 1872, Mississippi 1875, North Carolina 1870, Tennessee 1867, Texas 1873, Virginia 1870.
the North seemed more bitter in 1876 than in 1866, and it looked as if a new revolt were imminent.

The fundamental cause of the failure of Republican government in the South was the character of the new ruling class, which was composed chiefly of ignorant Negroes led by unscrupulous whites. The governors and leading officials of the states were either "scalawags, narrow and vindictive men, or carpet-baggers, half of whom were flagrantly dishonest and all of whom were unscrupulous in politics." Governor Moses of South Carolina was bribed several times and, once, according to his own statement, received $15,000 for his vote as speaker of the House of Representatives. Governor Stearns of Florida was charged with stealing government supplies from the Negroes, and it is notorious that Governors Warmoth and Kellogg of Louisiana retired with large fortunes. Governors Scott and Moses pardoned 1,036 criminals, some of whom were men of the worst character who had committed the worst possible crimes.

In South Carolina the Negro population far outnumbered the whites and it was the former who, under the

19. Ibid., p. 224.
20. Ibid.
direction of dishonest white adventurers, controlled the
government of the state. The ignorance of the Negroes in South Carolina was appalling. Rhodes estimated that of the 84,475 Negro voters 70,830 could neither read nor write.

Governor Chamberlain, a Republican governor of South Carolina, admitted the ignorance of the Negro Republicans and stated flatly that "the race was used as a tool by heartless partisan leaders." Reviewing Reconstruction in South Carolina, this same ex-governor wrote twenty-four years later:

If there is any interest still attaching to the writer's own view, he is quite ready now to say that he feels sure there was no possibility of securing good government in South Carolina through Republican influence. ... That party could not, for want of materials, even when aided by the Democratic minority, have given pure or competent administration. The vast preponderance of ignorance and incapacity in that party aside from downright dishonesty made it impossible.

The love of the ignorant Negro for extravagant display was capitalized upon by carpet-baggers in the furnishing of the state capitol; $1,660 was paid for two hundred imported Chinese spittoons; clocks at $480 each and chandeliers at $650 were bought; $750 was paid for

24. Ibid., p. 482.
French mirrors in the speaker's room; the private lodgings of Negro members were furnished with Brussels and Wilton carpets, mirrors, and sofas. In four years over $200,000 was paid for furniture actually worth $17,715. Vicious as well as thieving practices were allowed, and even paid for by the state. A bar was set up in a room of the State House and the private supplies of wines and liquors for some members of the legislature were included in appropriation bills. The state even paid the expenses of a house of ill fame kept by a colored woman in Columbia.

The effect of such a vicious and dishonest government was soon seen in heavier taxes, increase of bonded debt, and depression of property values. The taxable value of property of South Carolina in 1860, exclusive of the slaves, was $316,000,000 and the annual taxes were $392,000. In 1871 the taxable property was worth $184,000,000 (a loss of $132,000,000) and the taxes were $2,000,000 (an increase of $1,608,000). The state debt of $7,000,000 in 1868 had become $29,000,000 in 1871 and was still rising.

In Louisiana the situation was similar to that in South Carolina. Corruption was unblushing, for

26. Ibid., p. 145.
legislation was openly bought and sold. "In the rotunda of the St. Charles Hotel, New Orleans, a more frequent inquiry than 'What's cotton?' was 'How are negro votes selling today?"" Often Negro legislators had a fixed price. For example, $600 would buy a senator.

The same condition of ignorance existed in Louisiana among the Negroes as in South Carolina. George F. Hoar, a Republican member of the committee sent by Congress to investigate the election of 1874 in Louisiana, said, "In the state 78,524 out of 87,121" Negro voters could not read nor write. Paul L. Haworth in his book, The Hayes-Tilden Disputed Presidential Election of 1876, states that the Negroes in Louisiana were less intelligent than those in other slave states, and that many of them had been persons of desperate or criminal character who in punishment had been "sold down the river." Yet these were the citizens who governed Louisiana, and such government it was! Not government at all, but the grossest misgovernment. There were

alteration and erasure of warrants, forgery of names, unauthorized and illegal issues of warrants, and drawing of mileage by legislative committees for tours of inspection which were never made. There were all sorts

32. Haworth, op. cit., p. 82.
of fraud and embezzlement in the different parishes. ... There were corrupt district attorneys and judges; and illiterate negro juries trying intricate cases of commercial law. A man openly charged with theft was elected parish judge. ... Another whom the U.S. Supreme Court had alleged guilty of fraud...was appointed Chief Justice of the Supreme Court of Louisiana by the governor and permitted to retain his place by the legislature.33

The corrupt government in Louisiana resulted in an increase of state expenses of 500 per cent, with a correspondingly increased tax rate of 800 per cent. However, there was no increase in property values; quite the reverse - with a decrease in value of 50 to 75 per cent. Rhodes in his History of the United States says that mis-government amounted almost to confiscation. He cites the example of an estate in New Orleans worth $1,000,000 in 1867 and yielding a net revenue of 7 per cent which did not bring enough five years later to pay the taxes, insurance, and usual repairs.

Florida was a mean prize in comparison with some of the other Southern states which fell a prey to Negro carpet-bag rule, for its assessed valuation was only about $11,000,000. Upon this eleven million, however, fell the heavy claw of the carpet-bagger. The Negro members of

34. Fleming, op. cit., p. 231.
the Florida legislature, thinking they should have some of
the loot which their carpet-bag masters were getting, went
so far as to appoint what was known as a "smelling com-
mittee" to locate the plunder and to secure a share.
Whether they got any of the loot is problematical, but
at any rate the running expenses of the government in-
creased 200 per cent and property values fell 45 per cent.
The total state debt under Republican rule from 1868-1876,
a period of eight years, increased 900 per cent.

The only resource left to the white men of the South
to free themselves from the yoke of corruption was the
organization of secret societies which employed intimidi-
tation and violence. The so-called Ku Klux conspiracy and
kindred movements had as their purposes the suppression
of the Negro vote and the frightening of the Negroes from
vagrancy and crime and attempts at social equality with
the whites. This was necessary for the preservation of
Southern civilization. In South Carolina, for instance,
the militia was composed almost entirely of Negroes and
white people were forbidden to keep arms. The most trust-
worthy men of South Carolina and even a reputable

38. Ibid., p. 231.
and Public Law, LIII, p. 679.
40. Burgess, op. cit., p. 7.
Republican state official, Judge Carpenter, stated that combinations such as the Ku Klux were defensive in their nature, that the wholesale pardoning of criminals by the governors and the vagrancy of the Negroes had filled the country

with desperadoes who made life, property, and female honor unsure; that as the militia was composed of the friends of these fiends, and the state government itself would not protect the white citizens, it was absolutely necessary for the white people to create some means of united action in self defense and to take the law into their own hands.41

That the carpet-bag governors often exaggerated disorderly conditions in the South to secure Federal aid in holding their offices can not be doubted. In Louisiana, for example, outside of the Colfax affair in 1873 where fifty-nine Negroes and two white men were killed and the Coushatta affair in 1874 where a few Negroes and whites were killed, including six Republican office holders, most of the murders from 1870 to 1876 were not political in their origin. A great proportion of them were of Negroes by Negroes, mainly on account of jealousy in their relations with their women.43

The unsatisfactory conditions in South Carolina, Louisiana, and Florida in 1876 under the still dominant

42. Ibid., p. 245.
43. Rhodes, op. cit., p. 126.
carpet-bag administrations, and the feeling of apprehension and unrest in the other Southern sections due to the situation in those three states, made clear that the time had come for a permanent solution of the Southern political problem. State governments sustained or bolstered by Federal bayonets could not go on forever.

The second factor contributing to the unsettled conditions in the United States in 1876 was the financial situation. In 1873 there had occurred a disastrous financial panic whose effects lasted well into 1878. The influences which served to bring on the panic were the waste and impoverishment contingent upon the prosecution of the Civil War, the immense destruction of property by the great Chicago fire in 1871 amounting to $200,000,000, and by the fire in Boston in 1872 amounting to $73,000,000, the excessive railroad building, and the state of the country's circulating medium.

It is the opinion of the eminent American historian, James Ford Rhodes, that the paramount cause of the panic of 1873 was excessive railroad building. Dr. Rhodes gives the following statistics on railroad building: from 1865-1868, 2000 miles were built; in 1869, 4955; in

44. Williams, op. cit., p. 416.
45. Rhodes, op. cit., p. 52.
46. Ibid., pp. 47-50.
1870, 5690; in 1871, 7670; in 1873, 6167 - making over 24,000 miles in four years. Since there was not sufficient capital in the country to finance the construction of these railroads, the builders had to borrow money and, theoretically, this was to be obtained from the sale of bonds. Jay Cooke and Company, Fisk and Hatch, and Kenyon, Cox and Company were the leading brokers in financing railroad building. These companies advanced money for the work of construction and when a sufficient mileage had been built to warrant an issue of bonds, they prepared and sold them to investors. However, there was no government control of the railways; charters were granted to favored persons who could exploit them to their personal advantage; stocks and bonds could be floated at will with no check on over-issue. Dividends were declared with no regard for earnings. Vast areas of public land, and even the bonds of states and municipalities, were given to the railroads. In the West railways were built far outstripping the population and not being able to bring in returns for years. Had time and money not been lacking, the Western roads,

47. Rhodes, op. cit., p. 37.
48. Ibid., p. 39.
49. Burgess, The Administration of President Hayes, p. 22.
particularly the Northern Pacific, might have become lucrative enterprises. The fact remained, however, that Jay Cooke and Company and other bankers as well had overreached the possibilities of their capital.

When the news of the Jay Cooke failure on September 18, 1873, became known, the stock exchange was seized with frenzy. On the following day the banking house of Fisk and Hatch and eighteen other firms failed. There ensued almost at once a veritable paralysis in the industrial regions of Pennsylvania, western New York, and the Middle West. Demoralizing effects of the panic spread rapidly from Wall Street to all parts of the nation. Bankruptcies increased yearly to a maximum of 10,478 in 1878. The mercantile failures of 1873 and the three years following were $775,000,000; railway defaults up to January 1, 1876 were $779,000,000. The five years 1873-1878 are a sad story of declining markets, exhaustion of capital, depression of property values, constant bankruptcies, idle mills and factories, unemployment, reduction of wages, strikes, lockouts, and despair.

Though the period immediately before 1873, from

52. Ibid., p. 43.
53. Ibid., p. 46.
55. Rhodes, op. cit., p. 53.
1870-1873, was one of prosperity for commercial and manufacturing interests, it was one of depression for the farmers. The years following the Civil War had witnessed tremendous expansion in the production of staple crops; but as crop acreage and production increased, prices went down, and farmers all over the country found it difficult to make a living. The farmers were generally in the power of their creditors, for they commonly bought their supplies on credit or mortgaged their crops in advance.

The panic of 1873 fell with special severity on the farmers, for at the very time when they found it most difficult to make a profit on their produce, their creditors became insistent for payment. When mortgages fell due, it was almost impossible to renew them. It was difficult to get even short-term loans running from seed time to harvest. For all their misfortunes the farmers were inclined to blame the corporations, and especially the railroads.

By 1873 the government had actually given about thirty-five million acres to railroads and had promised to give the Pacific roads about 145 million acres more. The

57. Ibid., p. 21.
farmers resented the fact that the railroads owned so much desirable land, and that they should hold it for speculative purposes or for high prices. Moreover, when the railroads were merged or when they passed into receivership, the shares held by farmers often were wiped out or were reduced greatly in value. Often railroad stock had been so "watered" that high freight rates were necessary to permit the payment of dividends. Thus the farmers might find themselves without their railroad stock, with mortgages on their land, and with an increased tax burden because their townships had also invested funds in railroad stock.

However, when the farmers sought political redress for their grievances, they discovered they had little influence in Congress or in state legislatures. Consequently, their dissatisfaction increased and they began to organize themselves as a class to promote their welfare.

The monetary situation also in 1876 was far from satisfactory. The national debt was nearly $3,000,000,000, plus an irredeemable paper currency of $400,000,000. The law of 1873 suspending coinage of silver dollars

60. Burgess, The Administration of President Hayes, p. 23.
virtually made coin to mean gold coin, as had been the case since 1853. Between 1853-1873 the silver dollar had been driven out of circulation, which made the gold dollar the United States standard of money. In 1873 when Congress passed the act ordering no more silver dollars to be coined for domestic use, the discoveries of new silver mines in the West began the depreciation of the value of silver as compared with gold. Now a large party formed which demanded the free coinage of silver as legal tender, and the payment with such silver coins of all indebtedness requiring coin payment. The greenback and free silver adherents argued that silver had always been coin in the United States until 1873 when it was demonetized in the unjust interest of the creditor class. They pointed out that the laborer and the salaried man received their wages in greenbacks, while the bond holders received their interest in gold coin, and they demanded that there should be one and the same currency for all. The free coinage of silver legal tender money at the legal ration between gold and silver prevailing in 1873, they argued, would bring about this common currency.

62. Ibid.
64. Ibid., p. 27.
This reasoning was so universally accepted by the majority of the masses that they denounced as an "inhuman plutocrat" anyone who did not accept these ideas. The Republican Party was accused of favoring privilege, and that party lost heavily in the elections of 1874. However, the Republicans, before they lost control of the national government, hurried through Congress the resumption of specie payments at the beginning of 1875. This meant the redemption of the paper currency in coin on presentation at the United States Treasury after January 1, 1879. This act did not affect the silver question, which was taken up by a succeeding Congress. The greenback party was never strong enough to put through its program of "cheap money," though it did have candidates in the presidential election of 1876.

The financial situation of the United States and the Southern problem of government which did much to create dissatisfaction with the prevailing conditions of the country in 1876, were joined by a third factor - the veniality, or at least the generally-believed veniality of the Republican Party and the Republican administration.

65. Burgess, The Administration of President Hayes, p. 27.
67. Burgess, The Administration of President Hayes, p. 28.
68. Oberholtzer, op. cit., p. 272.
The abuses of patronage and the vast increase of the civil service wholly dominated by favoritism and partisan politics had begun to awaken popular indignation and to quicken the demand for radical reform in the administration of the Federal Government. The Grant administration had become thought of also as too much enveloped in the atmosphere of personal government.

A series of scandals further aggravated the prevailing discontent and disgust of the people. Not all these scandals will be mentioned, but one has been selected for each of the four years preceding and including the year 1876.

The first scandal is the Credit Mobilier of 1872. The Credit Mobilier was a company formed to construct new railroads. In promoting railroad construction it had been customary to issue small amounts of stock to a few favored individuals. These insiders then formed a separate construction company which built the road, paying themselves from the proceeds of a bond issue based on the physical property of the line. Such bonds became readily salable, the insiders made a quick profit on construction, and, as stockholders, managed the railroad in their own interest after the bondholders had built the road for

70. Williams: op. cit., p. 416.
them. The Union Pacific paid the Credit Mobilier for construction in government subsidy bonds, land grant bonds, and first mortgage income bonds of the Union Pacific as well as in railroad stock. The scandal arose over the fact that the amount paid greatly exceeded the cost of building. The profit ranged from 25 to 200 percent. Another ground for scandal was the charge that the Union Pacific "ring" used Credit Mobilier stock to bribe Congressmen and other public officials. The scapegoat was Oakes Ames who had a seat in Congress. Because of his government position and since he was the leading director of the Union Pacific and Credit Mobilier, he became the chief target for criticism and was publicly censured by Congress. Among other members of Congress whose names were connected with the Credit Mobilier were James Brooks, James W. Patterson, Schuyler Colfax, James A. Garfield, Henry Wilson, H.L. Dawes, and William D. Kelley.

In 1873 occurred the scandal called the "Salary Grab" or the "Back Pay Steal" which created much irritation in the country. In that year just before the close of the session, Congress voted to raise salaries of its members.

72. Ibid.
members to $5,000 and made the act apply to present incumbents whose terms were about to expire. To take two years' back pay was the equivalent of Congress putting into its own pockets a million and a half dollars.

The third scandal was revealed by a committee in the House in 1874. This scandal, known as the "Sanborn Contracts," involved the actions of J.D. Sanborn in connection with the collection of debts due the government. He had been assigned a commission of 50 per cent for collecting debts amounting to $413,500. He had given a large part of the receipts to the Butler leaders in Massachusetts, and, as Butler was one of the leaders of the group which assumed to lead and protect Grant, the incident had a serious effect on Grant's prestige.

In the following year, 1875, occurred the scandal known as the "Whisky Ring." An investigation made by Secretary of the Treasury Bristow showed that a ring existed in St. Louis composed of government officials who permitted distillers, for a consideration, to escape taxes in large amounts. This ring had made powerful friends in Washington; it was even alleged that Babcock,

74. Ibid., p. 2179.
Grant's private secretary, was implicated. Babcock, however, was acquitted on technicalities, though there was evidence he had received large sums of money. Grant took Babcock back as his private secretary and, though he later resigned, Grant's confidence in him remained unshaken. The American people were amazed at this exhibition on the part of their President.

In 1876 a scandal came to light which involved a member of the Cabinet. At that time it was discovered that the Indian agent at Fort Sill had for several years been paying $12,000 annually to one Marsh, who had turned over half of this sum to Mrs. Belknap, wife of the Secretary of War. After her death, payments were made directly to Belknap. The money given to Marsh and thus divided was virtually a bribe to get Marsh to abandon an attempt to be appointed to the agency. This revelation led Belknap to resign in the hope of escaping impeachment, and Grant accepted the resignation "with great regret." Congress went on with the impeachment, but the Senate dismissed the case since Belknap was no longer in office. Grant was criticized severely for accepting Belknap's resignation and thus permitting the guilty to

escape punishment.

The political, economic, and social situation of the United States in 1876 has been indicated as a period of dissatisfaction brought on by many factors, but in the main by three: (1) the Southern problem of dissatisfaction and unrest caused by the Republican policy of Reconstruction after the Civil War; (2) the financial depression resulting in a severe five-year panic which affected both business and agriculture; (3) the administration of President Grant which was made obnoxious through corruption and partisanship. That this unrest had profound effects upon the country will be noted further in the discussion of the political conventions and the presidential election of 1876.

CHAPTER II

THE POLITICAL CONVENTIONS OF 1876

For the first time since 1860 the Republican nominee for President in 1876 was not a foregone conclusion. Mr. Lincoln's second nomination may be said to have been so ordered by the people before the meeting of the convention that all the delegates had to do was formally approve it. The sentiment of the party four years later had crystallized upon General Grant, and in the following convention of 1872, General Grant's second nomination was so provided for beforehand that in the convention he received every vote on the first ballot. The availability of Grant for a third term was kept up until December of 1875, when the House of Representatives passed a resolution by a vote of 233 to 18 to the effect that any effort of departing from the precedent established by Washington and other Presidents after their second term "would be unwise, unpatriotic, and fraught with peril to our free institutions."

1. New York Tribune, June 20, 1876.
2. Congressional Record, 44th Cong., 1st Ses., p. 228.
Left prominently in the field then were James G. Blaine of Maine, Roscoe Conkling of New York, Benjamin H. Bristow of Kentucky, and Oliver P. Morton of Indiana.

In addition there were some "favorite sons," among whom were John F. Hartranft of Pennsylvania, Marshall Jewell of Connecticut, and Rutherford B. Hayes of Ohio. The "boom" for Hayes was begun publicly by Senator Sherman in a letter written to a member of the Ohio Senate, January 21, 1876, in which Mr. Sherman urged that Ohio should give Governor Hayes a united delegation instructed to support him at the convention. A significant sentence in the letter was expressed in these words:

He (Governor Hayes) is fortunately free from the personal enmities and antagonisms that would weaken some of his competitors, and he is unblemished in name, character, or conduct.

That the race for the Republican nomination was open may be indicated by Hayes himself who said in his diary of April 14, 1875: "Several suggest that ... I will stand well for the Presidency next year. How wild! What a queer lot we are becoming! Nobody is out of reach of that mania."

"That mania," however, was carefully nurtured, and

6. Ibid., p. 383.
the leading Republican aspirants to the nomination took pains actively to advance their interests in every possible way. Morton and Bristow succeeded in securing Cincinnati as against Chicago for the convention city because each considered that area near the nucleus of his strength, whereas Chicago was regarded as friendly to Mr. Blaine.

Of all the candidates, however, James G. Blaine was the most favored. Not until the early spring of 1876 did events take a turn that would indicate a possibility of his having difficulty in securing the nomination. At that time, April 24, Blaine found it necessary to present evidence in the House of Representatives that he had not received $64,000 from the Union Pacific Railroad in return for securing legislation favorable to that company. Blaine did admit, however, that he had bought bonds of the Little Rock and Fort Smith Railroad. The subsequent investigation into the purported railway bond scandal by the Judiciary Committee of the House unearthed such startling information from the testimony of a certain James Mulligan, a former bookkeeper of Warren Fisher, one of the Union Pacific promoters, that Blaine felt compelled again to defend himself in the House. On June 5,

1876, Blaine read with running comments the so-called "Mulligan Letters." These letters, fifteen in all, written by Blaine, represented a correspondence which covered a period from 1862-1873. The letters had been in the possession of Mulligan who had intended to use them in the House in his testimony regarding the railroad transactions of Fisher, Caldwell (another railroad promoter), and Blaine. However, Blaine had forcibly secured the letters from Mulligan and kept them in his possession, but since the public was aware of their existence, he was forced to read them in order to allay the suspicion and distrust of their contents.

After the reading of the letters was completed, Blaine immediately attacked the Judiciary Committee for not producing dispatches from Josiah Caldwell. These dispatches purported to exonerate Blaine from the charge of receiving railroad bonds for securing a land grant for the Arkansas Railroad. The Judiciary Committee was thereupon forced to defend itself and, in so doing, later presented evidence that the telegrams sent by Caldwell from London followed the instructions of a certain "A.P. Robinson" of Washington as to the text and meaning.

There were various reactions to the "Mulligan Letters." The New York Tribune stated that Blaine explained the letters fully and went on to remark: "Four days ago Mr. Blaine had 300 delegates at his back...and if he was the strongest candidate a week ago, he is stronger now."

On the other hand, the Nation expressed the opinion that the letters showed Blaine to be deeply involved in railroads always in need of legislation, while one or two look more like direct corruption than anything else. The letters... (of) June 29, 1869, and October indicate that the renewal of the land grant to the state of Arkansas for the Little Rock road was secured through Blaine's influence and that immediately afterward he was "let into" the road. ... His first statement, that he invested in the securities as he might in any others, is completely exploded. In fact, the letters are a very damaging exposure.

12. "Blaine and Mulligan Letters." Nation, XXII-XXIII, p. 356. The letters mentioned are found in Congressional Record, 44th Cong., 1st. Ses., p. 3606. They are as follows:

Augusta, June 29, 1869

My Dear Mr. Fisher:
I thank you for the article from Mr. Lewis. It is good in itself, and will do good. He writes like a man of large intelligence and comprehension.
Your offer to admit me to a participation in the new railroad enterprise is in every respect as generous as I could expect or desire. I thank you very sincerely for it, and in this connection I wish to make a suggestion of a somewhat selfish character. It is this: You spoke of Mr. Caldwell disposing of a share of his interest to me. If he really designs to do so, I wish he would make the proposition definite, so that I could know just what to depend on. Perhaps if he waits till the full development of the enterprise he might grow reluctant to part
In a subsequent issue the Nation remarked that "in not one of the speeches of letters of his (Blaine's) friends are the charges examined or explained, or, in fact, treated as of any consequence whatever."

12 (cont.) with the share; and I do not by this mean any distrust of him.

I do not feel that I shall prove a dead-head in the enterprise if I once embark in it. I see various channels in which I know I can be useful.

Very hastily and sincerely your friend,

J.G. Blaine

Mr. Fisher
India Street, Boston

Augusta Maine, Oct. 4, 1869

My Dear Sir:

I spoke to you a short time ago about a point of interest to your railroad company that occurred at the last session of Congress.

It was on the last night of the session when the bill renewing the land grant to the State of Arkansas for the Little Rock road was reached, and Julian of Indiana, chairman of the Public Lands Committee, and, by right, entitled to the floor, attempted to put on the bill, as an amendment, the Fremont El Paso scheme — a scheme probably well known to Mr. Caldwell. The House was thin and the lobby in the Fremont interest had the thing all set up, and Julian's amendment was likely to prevail if brought to a vote. Roots and the other members from Arkansas who were doing their best for their own bill (to which there seemed no objection) were in despair, for it was well known that the Senate was hostile to the Fremont scheme and if the Arkansas bill had gone back to the Senate with Julian's amendment the whole thing would have gone on the table and slept the sleep of death.

In this dilemma Roots came to me to know what on earth he could do under the rules; for he said it was vital to his constituents that the bill should pass. I told him that Julian's amendment was entirely out of order, because not germane; but he had not sufficient confidence in his knowledge of the rules to make the point, but he said General Logan was opposed to the Fremont scheme, and would probably make the
Meanwhile another significant event had occurred to the detriment of Blaine; namely, the Fifth Avenue Conference. This Conference consisted of about 200 liberal Republicans under the leadership of Carl Schurz who met

12 (cont.) point. I could not do otherwise than sustain it; and so the bill was freed from the mischievous amendment moved by Julian, and at once passed without objection.

At that time I had never seen Mr. Caldwell, but you can tell him that, without knowing it, I did him a great favor.

Sincerely yours,

W. Fisher, Jr., Esq.
24 India Street
Boston

Augusta, October 4, 1869

My Dear Mr. Fisher:

Find enclosed contracts of the parties named in my letter of yesterday. The remaining contracts will be completed as rapidly as circumstances will permit.

I enclose a part of the Congressional Globe of April 9, containing the point to which I referred at some length in my previous letter of today. You will find it of interest to read it over and see what a narrow escape your bill made on that last night of the session. Of course, it was my plain duty to make the ruling when the point was once raised. If the Arkansas men had not, however, happened to come to me when at their wit's end and in despair, the bill would undoubtedly have been lost, or at least postponed for a year. I thought the point would interest both you and Caldwell though occurring before either of you engaged in the enterprise.

I beg you to understand that I thoroughly appreciate the courtesy with which you have treated me in this railroad matter; but your conduct toward me in business matters has always been marked by unbounded liberality in past years, and of course I have naturally come to expect the same of you now. You urge me to make as much as I can fairly out of the arrangement into which we have entered. It is natural that I should do my utmost to this end. I am bothered only by one thing, and that is definite and expressed arrangement with Mr. Caldwell. I am anxious to
in New York City, May 15, 1876, and indicated that they
would not accept a candidate like Blaine, Conkling, or
Morton, and would support only a genuine reformer. The
New York Tribune regarded this Conference as "an organized
threat held over both conventions warning each to put up
men whom the country can trust and to advocate principles
not incompatible with the national honor."

Added also to Blaine's handicaps were the enmities
of two influential men, Conkling and Bristow, and a per­
sonal misfortune in the guise of an illness, all of which
will be discussed. The enmity of Roscoe Conkling may be
said to have begun as far back as 1866 and to have
crystallized definitely as a result of a speech made
against him in the House by Blaine. Conkling had made
charges of corruption against Provost Marshal General Fry
in connection with the recruiting frauds in New York.

12 (cont.) acquire the interest he has promised me, but
I do not get a definite understanding with him as I
have with you.

I shall be in Boston in a few days and shall then
have an opportunity to talk the matter over fully
with you. I am disposed to think that whatever I do
with Mr. Caldwell must really be done through you.

Kind regards to Mrs. Fisher.

Sincerely,

W.F. Fisher, Jr., Esq.

J.G. Blaine

13. "Blaine and Mulligan Letters." Nation,
    XXII-XXIII, p. 388.
However, through Blaine's activities, Conkling was linked with the scandal and was alleged to have received additional money as a special judge advocate while he was serving in Congress. Conkling expressed in the House his opinion of Blaine thus: "I do not wish to have anything to do with the member from Maine, not even so much as to yield him the floor."

However, Blaine did secure the floor, and he proceeded to make a speech certainly not of the type to promote friendly relations. Said Blaine:

As to the gentleman's cruel sarcasm, I hope he will not be too severe. The contempt of that large-minded gentleman is so wilting; his haughty disdain, his grandiloquent swell, his majestic, supereminent over-powering, turkey-gobbler strut has been so crushing to myself and all the members of this House that I know it was an act of the greatest temerity for me to venture upon a controversy with him. But, sir, I know who is responsible for all this. I know that within the last five weeks, as members of the House will recollect, an extra strut has characterized the gentleman's bearing. It is not his fault. It is the fault of another. That gifted and satirical writer, Theodore Tilton, of the New York Independent, spent some weeks recently in this city. His letters published in that paper embraced, with many serious statements, a little jocose satire, a part of which was the statement that the mantle of the late Winter Davis had fallen upon the member from New York. The gentleman took it seriously and it has given his strut additional

15. New York Tribune, April 18, 1876.
17. Ibid., p. 2298.
pomposity. The resemblance is great. It is striking. Hyperion to a satyr, Thersites to Hercules, mud to marble, dunghill to diamond, a singed cat to a Bengal tiger, a whining puppy to a roaring lion. Shade of the mighty Davis, forgive the almost profanation of that jocose satire.18

The enmity of Conkling was to hurt Blaine for the former was General Grant's favorite Senator in 1876, and he (Conkling) controlled the New York delegation to the Republican Convention. Furthermore, it was generally conceded that Mr. Conkling was the President's choice for the succession and that Grant would do everything that his position enabled him to do to secure that succession.

The enmity of the other influential man, Benjamin H. Bristow, may be said to have been the result of events connected with Blaine's illness of June 11, 1876. Prior to that time, however, there were indications that all was not well between the two men. Mr. Blaine seems to have believed that the bitter public attacks upon him were instigated by Bristow. Indeed, some of the Kentucky newspapers had been especially bitter. The fact that

Bristow had a special interview with Blaine on June 10 in order to deny his responsibility regarding the offensive stories against Mr. Blaine indicates there was some ground for the public rumors about the unfriendly relations between the two men.

On Sunday, June 11, however, occurred an event which was to have far-reaching results. This event was the sudden illness of Mr. Blaine who was stricken with sunstroke on his way to church. Not only did this sudden attack of illness play into the hands of Blaine's opponents who claimed him to be physically and mentally incapable of leading the Republican Party, but it also led to the complete alienation of Bristow and his friends. George F. Hoar, Congressman from Massachusetts and delegate to the Republican National Convention of 1876, stated that when news of Blaine's illness reached Bristow, he and a friend went together to Mr. Blaine's house.

An occurrence took place there which satisfied them both that the feeling against Bristow on the part of Mr. Blaine and his near friends was exceedingly strong and implacable. The story was immediately telegraphed in cipher to Mr. Bristow's principal manager at Cincinnati from whom I had it a day or two before committing it to paper.

24. Ibid.
25. Ibid.
The facts were communicated by him in confidence to members of the Kentucky delegation.26

Though Mr. Hoar did not explain the "occurrence," it may be surmised from a report of the *New York Tribune*.

During the day he (Blaine) was visited by nearly all the noted people in the city. Secretary Bristow was the first to call, but owing probably to the excitement of the moment he was not admitted. Among those who called subsequently and were admitted were Secretaries Fish, Robeson, and Chandler, Postmaster-General Jewell, General Garfield, Fernando Wood, Senator Allison, several foreign ministers, and many ladies.27

The fact that Bristow's visit to Blaine was not accepted, when others were, filled the Secretary of the Treasury with a feeling of personal affront and renewed the feeling of antagonism between the two men which had existed previously.

Though Blaine was regarded as one of the leading Republican contenders for the presidential nomination of his party, he had a strong rival in Bristow. For of all the outstanding Republicans, it was Bristow who was looked upon as the one real reformer of the Grant administration. Bristow, as Secretary of the Treasury, had not hesitated to secure the conviction for fraud of

personal friends of President Grant. He had conducted the warfare against the Whisky Ring and had even dared bring about the indictment and trial of the President's private secretary, Orville E. Babcock. Because of his activity in the direction of reform, however, Mr. Bristow had gained the ill-will of President Grant and of the official coterie. In addition, Bristow's unfriendly relations with Blaine proved a disadvantage. However, the Reform Club of New York declared for Bristow.

The last of the leading candidates for the Republican nomination to the presidency was Senator Oliver P. Morton who was not looked upon favorably by the reformers.

Thus even before the Republican Convention opened in Cincinnati, it appeared that the nominations would be hotly contested and fought out on the basis of personal animosities and hatreds. There was Blaine against Conkling and Morton and vice versa. There was Bristow against Blaine, Conkling, and Morton and vice versa. Then those who were against a common enemy, as Conkling and Morton were against Blaine, seemed also to be against each other. No wonder then that the Convention and its outcome were eagerly awaited by the people.

At last on June 14, 1876, the Republican National Convention assembled in Cincinnati. The meetings were held in a large hall which was built in 1869 for the National Saengerfest. The New York Tribune presented an interesting description of the Convention as follows:

The (meeting) hall spreads like a great barn over four acres, its architecture that of an ambitious and disappointed railroad depot, its decorations those of a country barbecue on a four-acre scale, its rafters innocent of any tint except that of age, and its roof an unsightly maze of beams and rafters.

... The gathering was an instructive one from the character and bearing of many of its members. A lesson in American politics not easily forgotten was to be learned from contrasts in the men seated in this hall. You might trace the whole history of the Republican party through all the eras of abolition, war, reconstruction, the carpet-baggers, Grantism, and the Liberal revolt. There were not a few picturesque figures in the gathering and not a few strange and interesting histories. Run your eye over New-York (sic) and you may see Curtis's cultured face not far from the typical custom-house delegate Henry Highland Garnett, with his coal black skin, sits (sic) next to Judge Robertson, and hear such solid New Yorkers as A.A. Low, Marshall O. Roberts, and George Opdyke. Near them in the Massachusetts delegation are the Hoar brothers, the one rugged and stubborn, the other keen and alert, with a questioning way with his forefinger. Lowell, the poet, listens to General Logan and does not smile. Dr. Loring is there with his suppressed ambitions in full play under an ample and respectable waistcoat.

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Take a sudden turn to the Arkansas representatives. There is Chief-Justice "Poker Jack" whose judgments were such as to make the judicial grieve, who kept about 24 packs in the sleeves of his robes of office and had wax on his judicial fingernails; and Clayton with his empty sleeve and his pirate physiognomy; and Governor Brooks, who first was counted out and then was counted in, and always suited his politics beforehand to his changed situation.

In Ohio there is the veteran Benjamin Wade, who missed being President of the United States by a single senatorial vote and named a cabinet which was never formed, and ex-Governor Noyes, one of the most popular of Buckeyes, who bears his certificate of honorable service in his lame leg. In the front row from Maine are the two inseparable Blaine managers - Congressmen Frye and Hale, who have themselves so much of the Blaine vim and snap that they have infused the whole Blaine following with it. Behind them is John L. Stevens, Mr. Blaine's partner in newspaper ownership and in the political engineering of the State of Maine, one of the two having been at the head of the Republican State Convention ever since the formation of the party.

In Alabama there is Senator George E. Spencer, the livery-stable graduate, still faithful to all the traditions of his Alma Mater, and Ananias Hays, the original dealer in blood-red Southern fiction, and the man who got up the celebrated corner in "outrages." In the Illinois section there is Robert J. Ingersoll, considered one of the greatest of Western orators, and the free thinker who coined the phrase, "An honest God is the noblest work of man."

... In Louisiana there is Mr. Pinchback, always clamorous at the doors of the Senate; Packard, hung round with memories of intimidation, Legislatures and Gatling guns; Kellogg, the weak but tyrannical ruler of an unhappy people. In Mississippi, Adelbert Ames, who resigned to avoid impeachment, and Alcorn, his old-time enemy, one of the few native
Southern Senators, with Senator Bruce, a handsome and dignified mulatto, between them. In Vermont Luke P. Poland appears with his silver hair and whiskers and his ostentatious blue coat and brass buttons, who saved Arkansas to law and order by a courageous report in Congress.

From Utah there is ex-Chief Justice McKean, who sought to overthrow polygamy by usurpation, and was himself overthrown; from Pennsylvania the new Secretary of War, a genteel, inoffensive-looking young man, with no external signs of Cameron morals or manners, as also Mackey, Mann, and Kemble, and C.J. Dickey, who rattled around in the seat of Thaddeus Stevens in the House; from the District of Columbia ex-Governor Shepherd and Fred Douglass. No words could do justice to such a neighborhood as that. From South Carolina there are R.B. Elliott, a negro educated abroad and one of the ablest of the race, which is represented by nearly 50 delegates; Governor Chamberlain, who has lived down the suspicions created by his associations with the rings in South Carolina; F.F. Patterson, the statesman who packed his carpet-bag in Pennsylvania and was made Senator in South Carolina; Rainey, another able colored man, and, at the head of the alternates Whittemore who was expelled from Congress for traffic in cadet-ships.33

On the first day of the Convention, under the direction of Edward McPherson acting as chairman, all the business required by the rules as preliminary to balloting for the nominees of the Republican Party was transacted. One unusual occurrence was a speech given by Mrs. Sarah J. Spencer of Washington on "Woman Suffrage," which was greeted with great applause. Then the platform was

presented by General Hawley of Connecticut, and it was unanimously adopted. The platform declared the United States a nation; considered the pacification of the South a sacred duty; demanded a continuous and steady progress toward specie payments; demanded civil service reform, abolition of polygamy, and the protection of equal rights and the preservation of the rights of American labor; recommended a constitutional amendment forbidding appropriations to sectarian schools; thanked General Grant for his public services; and said that the efforts for women suffrage were worthy of consideration.

Finally candidates were presented for the nomination of President. Stephen W. Kellogg nominated Marshall Jewell; Richard W. Thompson, Oliver P. Morton; General Harlan, Benjamin H. Bristow; Robert J. Ingersoll, James G. Blaine; Stewart L. Woodford, Senator Conkling; ex-Governor Noyes, Rutherford B. Hayes; and Mr. Bartholomew, Governor Hartranft. The applause given Blaine and Bristow exceeded that bestowed on any other of the candidates.

In fact, the great sensation of the day was the nomination of Blaine. The New York Tribune reported the scene as follows:

34. New York Tribune, June 16, 1876.
When Secretary Husted let slip in his clear resounding voice, the short, sharp monosyllable "Maine," it was like tinder to a powder magazine. Words cannot adequately describe the tornado of cheering that followed. The whole great crowd went mad up from the galleries on either side, up from the gallery at the back and the great amphitheater at the front. All over the floor, delegates, alternates and lookers-on, there was one great uprising at the name of Maine. There was no resisting such enthusiasm. Men joined in it who had no sympathy with it. There was nothing of the machine about it. It was an outburst of genuine popular feeling such as no machine could counterfeit or emulate. Robert J. Ingersoll of Illinois, who appeared first in behalf of Mr. Blaine, meanwhile loomed up on the platform. His first sentence and its reception showed his mastery over the crowd. "Massachusetts is satisfied with the loyalty of Benjamin H. Bristow. So am I; but when Massachusetts says that the candidate who is to be nominated here may not carry that State, I say that I am not satisfied with the loyalty of Massachusetts." There followed another storm nearly equal to the first.

(Later) when (Ingersoll spoke of Blaine) whose personal reputation is as spotless as a star and who does not carry a certificate of character from a Confederate "Congress," there was another attack of Blaine emotional insanity. 35

Then Ingersoll continued his nominating speech, which has been regarded as one of the most famous in the history of conventions.

Like an armed warrior, like a plumed knight, he (Blaine) had marched down the halls of the American Congress and threw his shining lance full and fair against the brazen foreheads of the defamers of his country and the maligners of his honor...

Thereupon the Convention was on its feet, hats and handkerchiefs were waved, and men shouted and cheered.

In fact, according to Paul L. Haworth in his exhaustive study of the political situation of 1876, the approval for Blaine was running so high at the conclusion of Ingersoll's speech that his opponents deemed it wise to seek an adjournment. This would probably not have been agreed upon had not a certain Robert W. Mackay cut off the gas supply lighting the building.

The fact that there was difficulty in the lighting facilities is attested to by the New York Tribune which reported that the "convention was obliged to adjourn owing to inability to light the Exposition Building."

Blaine himself had this to say:

The speeches, as a whole, were pointed and inspiring. Under their stimulating influence the Convention was eager to begin the balloting, but the gathering shades of evening compelled an adjournment to the next day.

37. Oberholtzer, op. cit., p. 266.
38. Haworth, op. cit., p. 22.
The next day, June 15, the balloting began. The first two ballots were largely complimentary to the candidates and varied scarcely at all with Mr. Blaine leading Morton, Bristow, and Conkling in the order named. On the third ballot, four of Mr. Blaine’s friends attacked the Cameron power in the Pennsylvania delegation by asserting their right to vote as their individual preferences led them and not in obedience to the instructions of the State Convention. The fourth ballot gave Mr. Blaine practically the same vote as before.

However, on the fifth ballot, according to the New York Tribune, it was disclosed that Governor Hayes was the central figure of most of the combinations against Mr. Blaine.

When Governor Howard of Michigan hobbled forward on his crutches and said in as firm and loud a voice as his age would let him that there was one man who had defeated three Democratic aspirants for the Presidency — Allen G. Thurman, George H. Pendleton, and William Allen — who seemed to have a habit of defeating distinguished Democrats and that Michigan therefore cast her whole 22 votes for Rutherford B. Hayes, there was something electric in the way... the great audience caught at the name.41

However, at the end of the ballot, Blaine, though still ahead, did not have the 378 votes necessary for the nomination.

41. New York Tribune, June 20, 1876.
42. Ibid.
On the sixth ballot Blaine gained 18 votes and Hayes 9. The count stood Blaine 308, Hayes 113, Bristow 111.

At the end of the sixth ballot it had become clear that the opponents of Blaine must unite on a candidate if they expected to succeed. It was not to be expected that Conkling, a bitter enemy of Blaine, and Cameron, a Grant machine-politician, would throw the votes of New York and Pennsylvania to the candidate from Maine. The Kentucky delegation held a hurried consultation and determined to vote unanimously for Hayes. That action was followed by the other states which had opposed Blaine. Thus on the final ballot Hayes had 384 votes and Blaine 351.

George F. Hoar believed that if Kentucky had cast her 24 votes for Blaine, he would have been nominated. Said Mr. Hoar:

I was told by the close friend of Bristow, of whom I have spoken (companion of Bristow's on the visit to Blaine's house on the occasion of the latter's illness) and I have no doubt he is right, that the Kentucky Republicans had felt very kindly toward Blaine and their action was determined by the knowledge of the transaction I have just related (Bristow's visit to Blaine), thinking that if this bitterness and anger and dislike of Mr. Bristow existed in the mind of Mr. Blaine, it was hardly worth while for Bristow's friends and supporters to clothe him with the Presidential

43. New York Tribune, June 20, 1876.
44. Oberholtzer, op. cit., p. 12.
office. If Bristow had not visited Blaine's house that Sunday morning, Blaine would, in my opinion, have been the Republican candidate for the Presidency.

However, before leaving the topic of the Republican presidential nomination, it may be wise to summarize the various reasons given for the defeat of Blaine and the subsequent nomination of Hayes. These reasons are: (1) the personal hostility of Conkling, Cameron, Bristow and their supporters; (2) the forcing of an adjournment to prevent balloting when enthusiasm for Blaine was high; and (3) fears of a defensive campaign. This third reason was advanced by the *New York Tribune* after the Convention.

The candidate for Vice-President, William A. Wheeler of New York, was nominated after the first ballot.

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46. *New York Tribune*, June 20, 1876.

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The reaction to the Cincinnati Convention may be indicated by various articles from the New York Tribune. Speaking of the presidential nominee the Tribune said:

Governor Hayes is a man of whom it is impossible to say a word of evil. Personally he is not only above reproach, but above suspicion. ... He has been a distinguished soldier, an incorruptible Congressman, an able and popular governor.49

Of Mr. Wheeler the Tribune spoke thus: "...(he) like Governor Hayes, also is a thoroughly and conspicuously honest man." 50

On the other hand, the Tribune of the same date had this to say:

He (Hayes) is not open to attack, and yet he takes the nomination from the hands of New York and Indiana; from the friends and supporters of Mr. Morton and Mr. Conkling. He is by the circumstances of his situation allied to them and to all the influence which they represent in the politics of the country. He must from this very nature of the cause in the event of his election, be committed to the perpetuation of all the politics and methods of administration which Mr. Morton and Mr. Conkling, more than any other two men, have inspired in General Grant, and which have come to be known and designated as "Grantism." 51

However, the Fifth Avenue Reformers, in general, endorsed Hayes's candidacy. George William Curtis, Mark Hopkins, T.D. Woolsey, and Horace White expressed

49. New York Tribune, June 20, 1876.
50. Ibid.
51. Ibid.
satisfaction with the result of the Republican Convention. Only Professor W.G. Sumner of Yale made any public disparaging remarks. In a letter from New Haven dated June 17 and published June 20 in the *Tribune*, Mr. Sumner said:

I suppose the Convention is to be regarded as an effort on the part of the American people to select a statesman for their Chief Magistrate. In that view, it seems to me a farce.52

Finally the *Tribune* spoke the following portentous and fateful words:

The judicious nominations made by the Republicans at Cincinnati have by no means assured them a victory in November. ... According to present appearances the Presidential contest of this year is not unlikely to be the closest we have had in half a century. Our table shows 158 electoral votes which are pretty safe for the Republican candidate. The Democrats count upon California, Connecticut, Nevada, Oregon, and every Southern State except South Carolina, and their claim does not seem to be extravagant unless there is to be another bayonet campaign at the South — and that we do not think the North would stand.53

The question as to who would be the Democratic standard bearer had not been such an open one as in the Republican Party, for the signs of the times seemed to point to Samuel J. Tilden, Governor of New York. As chairman of the Democratic State Committee in New York, Tilden had been more or less associated with unscrupulous leaders of

52. New York Tribune, June 20, 1876.
53. Ibid.
the party in New York City, but after the exposure of the Tweed Ring by the *Times* in 1871, he had set himself against the Ring and had assisted in breaking it up. As Governor of New York, Tilden had waged a successful war upon the so-called "Canal Ring," and had succeeded also in reducing the rate of taxation.

When the Democratic State Convention met in Utica, New York, April 27, 1876, and declared unanimously for Tilden, that action placed him ahead of anybody in his own party.

That Governor Tilden was regarded as an outstanding Democrat and a potential threat to the Republican Party may be surmised from articles in the *New York Tribune*. The first article, appearing April 25, stated that Governor Tilden was the only prominent Democrat in the country whose name had been brought forward for the St. Louis nomination, who actually had done anything in the way of reform.

His (Tilden's) sincerity has been attested in his great battles with the Tammany Ring in this city and the Canal Ring in the state. The country recognizes in him a genuine Reformer. ... Few men have accomplished so much and so good work as he. ... His is the only name that as a Democratic candidate would have any serious meaning to the people.56

55. *New York Tribune*, April 28, 1876.
In a succeeding issue in an editorial the Tribune had this to say:

It will be idle for either Republicans or Independents to under-rate the significance of this situation (the nomination of Tilden as presidential candidate of the Democrats of New York). ... It may be taken as a reasonable basis of calculation that he can carry his own state. That state is essential to Democratic success. With it and with the two neighboring states which almost invariably go as it does, with the nearly solid vote of the South, and with the Pacific slopes, the Democratic candidate may be elected.\(^\text{57}\)

Thus when the National Convention of the Democrats met in St. Louis on June 27, Tilden was recognized as master of the situation. A careful canvass beforehand gave him 215\(\frac{1}{2}\) votes on the first ballot, almost the required majority of 246 necessary for nomination.\(^\text{58}\)

The Democratic Convention presented interesting points of likeness and of contrast with the Republican Convention. In both cases an Eastern man led all competitors so far that the others tried to form a successful combination against him. In both Conventions the leading candidate had five rivals. In Cincinnati they were Bristow, Morton, Hayes, Conkling, and Hartranft, each of whom had a state at his back. In St. Louis the leading

\(^{57}\) New York Tribune, April 28, 1876.

\(^{58}\) Ibid., June 27, 1876.
candidate also had five rivals supported by his own state: General Hancock of Pennsylvania, Senator Bayard of Delaware, Thomas A. Hendricks of Indiana, Joel Parker of New Jersey, and ex-Governor William Allen of Ohio.

However, the contrast between the two Conventions was marked. According to Colonel A.K. McClure in a telegraphic dispatch to the Philadelphia Times:

St. Louis is tame and monotonous compared with Cincinnati. ... There is an absence of the vim and pluck all around the board that made the battle of the Republican Giants stand out sublimely.60

Nevertheless, there was some excitement among the Democrats when the Tammany braves arrived. The Tribune described the situation thus:

The short-haired and loud-voiced Democracy of New York took the offensive in every sense of the word. They went about in gangs, drinking and swearing, flourishing rolls of money under the noses of their opponents, challenging them to bet, and roundly abusing Governor Tilden and his friends as shams and political disorganizers. They never shirked a debate with anyone, and when their pent-up indignation at Governor Tilden’s presumption could no longer be restrained, they relieved themselves by hustling people about until a knock-down fight ensued, or by filling the spaces of the great hotels with wild yells of delight as some of their speakers made a good point. ... As night comes on these men are aflame with drink and they carry pandemonium with them wherever they go. In every hall you see groups in bitter dispute,

60. Ibid.
the theme always Tilden. They do not damn him with faint dispraise, but with the freest Saxon and the shortest syllables known to the tongue. ... Last night there was a resort to the last appeal of all, and one of the Tammany roughs drew a pistol on a Tilden Missourian right in the great hall of the Lindell and proposed to put an end to him and his Tildenism together. ... There are less serious incidents of the same kind, as when a well-known New York politician, drunk, goes through the crowd roaring that everybody who belongs in New York City stands up for Tilden, and making terrific lunges on all sides with his umbrella in the hope of laying low his opponents.

... Little squads gather together at various points ... and Tilden's general political wickedness is ventilated in the choicest Sixth Ward grammar. It goes without saying that this display helps the candidate it is meant to hurt. ... The conduct of some of the Tammany opponents has been outrageous, and even the leading Republican paper here which, with an anti-Tilden Democratic paper, until now has taken charge of the work of attacking Governor Tilden, has become so indignant at the conduct of some of the New York aldermen that it denounces them openly, and gives them the credit of aiding Tilden's candidacy by inspiring wide-spread disgust in this city with his opponents. 61

When the Convention met in formal session on Tuesday, June 27, 1876, with Henry Watterson of the Louisville Courier-Journal acting as temporary chairman, it was organized by the appointment of John A. McClernand as president of the meeting. Then the usual work preliminary to adoption of a platform and the nomination of candidates was completed.

62. Ibid.
On the following day, June 23, the Convention re-assembled but spent a rather dull morning for the only excitement arising was an unsuccessful Tammany attempt to present an anti-Tilden circular from New York. In the afternoon Mr. Dorsheimer, of New York, presented the platform. This platform, adopted by a vote of 651 to 83, called for reform in every branch of the public service and pledged to bring it about. It denounced the Republican Party for corruption and failure to bring about specie payments. It demanded a revenue tariff, a reduction of public expenditures, and a stoppage of Mongolian immigration, and opposed further land grants to railroads. Lastly, the platform called for the repeal of the resumption clause of the Act of 1875.

After the acceptance of the platform, the Convention proceeded to the business of nominating a presidential candidate. The number of votes necessary for a choice was 492, and on the first ballot Tilden received 403\frac{1}{2}. The other votes were distributed as follows: Hendricks 133\frac{1}{2}; Hancock 75; Allen 56; Bayard 27; and Parker 18. On the second ballot Tilden received 535, Hendricks 60, Allen 54, Hancock 59, Bayard 11, Parker 18, and Thurman 2. The nomination of Tilden was then made unanimous.

63. New York Tribune, June 30, 1876.
64. Ibid.
The Convention left the nomination of a Vice-President until the next day, June 29, when Mr. Hendricks was named unanimously on the first ballot.

The reactions to the Democratic candidates may be indicated by the following remarks from the Tribune:

That Mr. Tilden was the only Democrat, whose nomination could give his party even the hope of a respectable contest, is the most fatal comment on the St. Louis Convention. ... Mr. Tilden himself is a most adroit politician. ... The nomination of Mr. Hendricks is intended to conciliate the soft-money Democrats and to encourage the hope of carrying Indiana for the Democrats in October.

Mr. Blaine, the defeated Republican candidate for his Party's nomination, had this to say:

The ticket thus presented was the result of political skill, as it embodied the largest measure of Democratic strength. It united the States of the North which with a solid vote from the South would control the country. One candidate suited the hard-money element; the other the soft-money element. One aimed to draw recruits; the other to hold the old-time Democrats.

Prior to the Republican and Democratic Conventions, two minor parties had made their appearance. On May 17 in Indianapolis, the Independent or Greenback Party nominated Peter Cooper, the eighty-five-year-old, blind philanthropist of New York, as Presidential candidate.

66. Ibid., July 15, 1876.
68. Oberholtzer, op. cit., p. 272.
and Newton Booth, of California, for Vice-President. Mr. Booth declined and Samuel F. Cary, of Ohio, was appointed in his place.

On the same date, May 17, the Prohibition Reform Party met in Cleveland and nominated for President General Green Clay Smith, of Kentucky. General Smith had been a former Congressman and governor of Montana Territory. Gideon T. Stewart, an industrious writer and speaker for temperance in Ohio, was nominated for Vice-President.

In conclusion it may be stated that the political situation was of such a nature as to bring about a contested presidential election. This contested election was to a very large degree a result of the Southern situation, a problem with which the leading presidential nominees, Mr. Hayes and Mr. Tilden, had to deal. How that problem was considered and finally settled by Mr. Hayes will be noted.

CHAPTER III

THE ELECTION IN SOUTH CAROLINA

The campaign of 1876 was not marked by striking incidents. Mr. Hayes left the conduct of the campaign in the hands of party leaders, chief of whom was Zachariah Chandler, Grant's Secretary of the Interior and Chairman of the Republican National Committee. Abram S. Hewitt, member of the House of Representatives and Chairman of the Democratic National Committee, was the acknowledged Democratic leader but Mr. Tilden "skillfully and quietly directed all the movements of the canvass."

The Republican National Committee freely levied assessments on the office holders for their campaign fund, a practice which the Democrats deplored. However, the Republicans charged that Tilden was spending an enormous sum of money to secure his election.

All in all, however, the campaign was a fairly peaceful one and did not become "specially memorable until

2. Ibid.
4. Ibid.
after the election." This distinction was due to the fact that the outcome of the election was doubtful, for the ballots were contested in four states: Oregon, South Carolina, Louisiana, and Florida.

Oregon does not lie within the scope of this paper, but the final results will be given, as well as an account of the election in the three Southern states.

The first state to be discussed will be South Carolina. The two candidates for governor were Daniel H. Chamberlain, who had served as Republican Governor of the state since 1874, and General Wade Hampton, a member of the old Southern aristocracy who had commanded Lee's cavalry after the death of J.E.B. Stuart. Hampton had accepted the results of the Civil War and had advocated a liberal policy toward the freedmen.

The Democrats were determined to "redeem" the state, and their plan was to conciliate the Negroes with glowing promises, to practice industrial proscription which permitted no business dealings with Republicans, and to use intimidation when thought necessary. The intimidation tactics were exemplified by the so-called "Rifle Clubs"

which marched about at night to unnerve the Negroes and which were alleged to have murdered some of them. That the "Rifle Club" activity was somewhat exaggerated by Chamberlain may be gathered from reports given in the New York Tribune. Though there were two race riots in South Carolina in September, Governor Chamberlain did not seem perturbed for he stated in the New York Tribune on October 3, "I believe that the civil power of the state will be sufficient to preserve order throughout the state." Yet five days later, Chamberlain issued a proclamation ordering all the white rifle clubs or organizations to disband at once, with the intention, in case of their refusing to do so, of proclaiming the state to be in a condition of domestic violence and of calling upon President Grant for military aid. The State Democratic Committee denounced Governor Chamberlain's proclamation as unwarranted by law and facts, and issued only as a pretext for asking for troops. The Republican Chief Justice Moses wrote to General Hampton that he knew nothing to lead him to conclude that South Carolina was an armed camp or that an army was needed more potent than the law. Associate Justice Willard and Judges Mackey

11. Ibid., p. 142.
and Cooke, all Republicans, wrote letters denying knowledge of open acts of lawlessness and violence as charged by Chamberlain.

Nevertheless, Chamberlain appealed to Grant who on October, 17, 1876, issued a proclamation establishing martial law in South Carolina and ordering thirty-three additional companies of troops quartered in that state.

The presence of the Federal troops throughout the state did much to secure a peaceable election, though there were terrible excitement and minor disturbances. The balloting was scarcely over before it was apparent that the election would be very close, and at once there began a contest between the Democrats and Republicans to win the state. South Carolina, like Florida and Louisiana, had a Board of State Canvassers which had the power to receive and canvass the returns for all officers except governor and lieutenant-governor, the returns for these two being canvassed in joint session of the general assembly. In previous canvasses, under one interpretation of the act creating the Canvassing Board, the Board had possessed discretionary powers; but at this canvass, the Democrats applied to the State Supreme Court for a writ

of prohibition to restrain the Board from exercising judicial functions, and also for a writ of mandamus to compel it to ascertain from the returns which candidates had the highest number of votes and of certifying then the statements thereof to the Secretary of State. The members of the Supreme Court, incidently, like the members of the Canvassing Board, were Republicans. However, the court issued an order directing the Board to canvass the returns and then make a report of the result to the court. Very much against its will the Board brought in a report. Taking the face of the returns, the result would be the election of

2 Democratic Congressmen, 2 Democratic state officers, enough Democratic members of the General Assembly to give that party a majority of one on a joint ballot, 3 Republican state officers, 4 Republican Congressmen, and all the Republican electors by majorities averaging about 816.

The Democrats now found themselves in an awkward position. If the returns were allowed to stand, then most of the state ticket, including the governor and lieutenant-governor, would be elected but Tilden would be defeated. If, however, the court should decide that the Canvassing Board had discretionary powers, then probably all the

17. Ibid., p. 150.
18. Ibid., p. 151.
Democratic officers would be lost. Finally, the Democrats asked the court to grant two orders: one was to force the board to certify to be correct the statement of the whole number of votes for members of the general assembly ... and determine and declare what persons have been by the greatest number of votes elected to such offices (and) to do the same in reference to members of Congress.

This order was designed to save the Democratic claims to the state offices. The second order asked that the state board be compelled to correct the discrepancies between the returns of the precinct managers and the returns of the boards of county canvassers and after so doing make a report to the court and also deliver all official papers on which the same is in any manner based, including the returns of the several managers and the statements of the county canvassers.

This petition, it was hoped, might save one or all of the electors.

The court received both petitions but delayed action upon them, probably for a good reason. The law defining the powers and duties of the Board limited its sessions to ten days. If the Board, therefore, did not fulfill its duties within that time, it would no longer have legal authority in the matter. The court would then declare the result, and such declaration would have been for Tilden.

However, the delay was extended a little too long. The ten-day limit expired shortly after noon of November 22. At eleven that day the court met and issued a writ of mandamus granting the first petition of the Democrats. Then after a short recess the court ordered that a "rule do issue" ordering the Board to show cause why another writ of mandamus should not be issued requiring compliance with the second petition.

Before the second order was issued, however, and before the writ granted had been served, the Board of State Canvassers had adjourned sine die. That body had met at ten in the morning, corrected certain errors in the returns; threw out the counties of Edgefield and Laurens (which should have been thrown out because of fraud); certified the election of the Hayes electors, of all the Republican candidates for state offices except the candidates for governor and lieutenant-governor, and of other candidates both Republican and Democratic for whom they found majorities.21

On December 6, therefore, the Republican electors cast their ballots for Hayes and Wheeler, and forwarded them to Washington. On the same day the Democratic claimants also met, voted, and sent their returns for Tilden and Hendricks to Washington.

22. Ibid., p. 155.
Meanwhile, when the state legislature met on November 28, 1876, troops occupied the capitol and excluded certain Democratic candidates whose claims to election had not been acknowledged by the Republican canvassers. The Democrats of the House thereupon withdrew to the hall of a rifle club and organized. The Republicans left in the capitol formed a House of Representatives of their own. The senate organized without much difficulty, though several Democratic members were excluded.

The Democrats, determined to gain control, arrived early at the capitol on November 30 in the morning before the Republicans were awake. The Democrats then overpowered the doorkeepers, gained possession of the House of Representatives, and organized. When the late Republicans arrived, they probably would have joined the battle with the Democrats but for the troops whose principal function was to prevent the legislators from attacking each other.

For four days there were rival Houses of Representatives in the same building. Finally the Democrats withdrew again to the rifle club, for they learned that constables backed by troops were coming to eject them.

The Republicans proclaimed Chamberlain's election, and the Democratic House proclaimed Hampton's election. There were now two governments in South Carolina, one of which, the Republican administration, maintained itself only by the Federal troops. Chamberlain's title was brought into a circuit court where the judge ruled that neither he nor Hampton had a legal right, but that Chamberlain should hold office until a successor had been elected. Hampton's title was also brought into court, where a Negro judge decided against him. In the meantime, the State Supreme Court granted an injunction forbidding banks acting as state depositories to pay out money except on court orders. This left the Republican government without funds, since the property owners were nearly all Democrats who voluntarily paid taxes to the Democratic claimants under Hampton's direction.

This state of dual governments in South Carolina could not continue forever. The presence of Federal troops in the state created a certain tension which, if continued long enough, might result in insurrection.

The Southern political situation had reached a crisis

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25. Ibid.
27. J.W. Burgess. The Administration of President Hayes, p. 74.
which had to be settled once and for all. Yet the problem could not be settled until the results of the Presidential election were known. How those results were finally arrived at and how the Southern problem of government was settled will be noted.
CHAPTER IV

THE ELECTION IN LOUISIANA

The second Southern state to be considered in the election of 1876 is Louisiana. The problem involved in Louisiana is more complex than that in South Carolina where the actual election and the equities involved can be settled by a careful examination of the facts. However, in Louisiana the situation presented such complexity and diversity of details that even the most careful and objective observer may find difficulty in ascertaining the true merits of the case. It is the purpose of this chapter to present the story of the Louisiana election in such a way that the facts can be determined and evaluated.

First to be discussed will be the state election laws and their significance.

The registration and election laws passed in Louisiana in 1870 by the Republican regime were designed to place the machinery of election in the hands of a few men. Among other things provided for was a quadrennial census which was intended to be the foundation for a
registration of the voters.

An examination of the national census of Louisiana for 1870 and 1880 in comparison with the state census taken by Republicans reveals some interesting facts. According to the national census of 1870, there was in Louisiana an excess of white males of voting age of 153 over male Negroes of like age. In 1880 the white males over twenty-one exceeded the Negro males of like age by 833. Yet in 1875, according to the state census, the excess of colored voters over white voters in Louisiana was 20,025. According to the census of 1860, which certainly should be regarded as a fairly reliable one when it is remembered that Southern representation was based not only upon the white population but also upon three-fifths of the Negroes, the figures for Louisiana were as follows: for white males over twenty-one 94,711; for Negroes of like age 92,502.

If it be true that the national census figures of 1870 were unreliable as contended by Paul Haworth who has made an exhaustive study of the election of 1876,

6. P.L. Haworth. The Hayes-Tilden Disputed Presidential Election of 1876, p. 120.
the fact remains that there is a great discrepancy between the figures of 1860, 1875, and 1880. The predication that Louisiana was a completely black Republican state in 1876 can not be accepted, for a number of factors must be considered.

According to Mr. Haworth, who incidentally conceded the Louisiana election to Hayes on the basis of equity, a number of interesting facts are presented. First, the registration and election machinery in Louisiana were completely in the hands of the Republicans who were controlled by Governor Packard. The registration supervisors, having been told their efforts would secure recognition "ample and generous," worked hard. In New

J.W. Burgess. The Administration of President Hayes, p. 37.

Headquarters Republican Party of Louisiana
Rooms Joint Committee on Canvassing and Registration Mechanics Institute,
September 25, 1876.

Supervisor of Registration,
Parish of Assumption,
Louisiana
Dear Sir:

It is well known to this committee that, from examination of the census of 1875, the Republican vote in your parish is 22,000 and the Republican majority is 900.

You are expected to register and vote the full strength of the Republican party in your parish.

Your recognition by the next state administration will depend upon your doing your full duty in the
Orleans, for example, from a Negro population of 57,647 there were 23,495 names appearing on the registration books. At the election the Republicans cast but 14,801 votes, which was about their real strength. Certainly it could not be contended with justice that the Democrats practiced intimidation in that city which was in the hands of Republican deputy marshals and metropolitan police.

In fact, Haworth points out that the registration officers were active also throughout Louisiana in keeping down the white registration. In New Orleans, for instance, every facility was given to the Negroes to register while obstructions were put in the way of white

8 (cont.)premises, and you will not be held to have done your full duty unless the Republican registration in your parish reaches 2,200 and the Republican vote is at least 2,100.

All local candidates and commissioners are directed to aid you to the utmost in obtaining the result, and every facility is, and will be afforded you; but you must obtain the results called for herein without fail. Once obtained, your recognition will be ample and generous.

Very respectfully, your obedient servant
D.J.M.A. Jewett,

Gibson, op. cit., pp. 124-125. Secretary

Democrats. The registration offices were not kept open the full number of hours required by law, and Negroes were sent to the places of registry in the night before to form a long line to keep white men away. The assistant supervisors would take about fifteen minutes or more in registering white men, while Negroes could slip into the offices and get their certificates in a few moments.

The belief also that all the Negroes in Louisiana voted the Republican ticket in 1876 is erroneous. In this connection Garfield and Hale wrote Grant that thousands of Negroes in Louisiana voluntarily and actively supported the Democratic ticket. A large number of colored persons...took an active part in the canvass in favor of the Democratic ticket (giving as their reasons for doing so) ... that they had been deceived by Republican officials who had proved dishonest and corrupt, had robbed them of their school money, and burdened them with unnecessary taxes.

Before proceeding with the details of the election, it seems necessary to give a brief exposition of the laws of Louisiana relating to the counting of votes. The law created a State Canvassing or Returning Board with the power to count and declare the result of the vote, and also the power to throw out the returns from voting precincts in which, according to the belief of the said

Board, there had been fraud, violence, or intimidation, actual or threatened.

However, the Returning Board was empowered to throw out votes only under certain conditions, which were as follows: If there was any occurrence that "prevented a full, fair and free" election, the election officers of the poll where said occurrence took place must send on the blank furnished for filing the returns a certified statement of said occurrence corroborated by three respectable citizens who were qualified voters of the parish. This certificate and corroboration must accompany the returns, which were directed by the law to be sent to the Returning Board by mail.

However, the supervisors of election had been instructed to bring the returns in person to the canvassing officers instead of forwarding them by mail. As the supervisors came in, they did not deposit the returns with the Returning Board but carried them to the Custom House.

Seventeen of the seventy-four supervisors, however, obeyed the law and forwarded their returns by mail; but the registered packages containing the returns were


stopped in the New Orleans post office and either kept there or turned over to the Republican managers.

When the election closed and the returns came to the supervisors to be consolidated and made ready to be transmitted to the Returning Board, only two supervisors made any protest affecting the fairness of the election; and only one commissioner of election alleged intimidation. From more than a thousand polling places the total protests made by the Republican officials according to the law against the fairness of the election were only three. Thus the action of the Republican election officials in returning the ballots seemed to indicate they saw no reason to protest the fairness of the election.

Yet after the election, when on the face of the returns the highest Tilden elector would receive 84,000 votes, the lowest 83,000, and the highest Hayes elector would receive about 76,000 votes and the lowest 74,000, and when the Democratic press of the country claimed a Tilden victory, the Republicans looked to the Returning Board to save the situation for them.

The hopes of the Republicans lay in the throwing out

18. Ibid., p. 125.
Also Haworth, op. cit., p. 94.
of votes because of intimidation, yet, as has been noted, only three election officials had sent in protests. How, then, were ballots to be thrown out? The answer to this question makes an interesting story in the history of American politics and will be related.

On the day after the election when it became evident that the votes of the three Southern states - Florida, Louisiana, and South Carolina - were doubtful, many prominent politicians, called "visiting statesmen," went South. To Louisiana went John Sherman, James A. Garfield, Eugene Hale, E.W. Stoughton, Stanley Matthews, William Evarts, and others belonging to the Republican party. Representing the Democrats came Henry Watterson, L.Q.C. Lamar, Lyman Trumbull, Samuel J. Randall, William R. Morrison, and others.

Of these "visiting statesmen" Henry Watterson had this to say in the Century for May, 1913:

A certain degree of personal intimacy existed between the members of the two groups (Republicans and Democrats) and the "entente" was quite as unrestrained as might have existed between rival athletic teams. A Kentucky friend sent me a demijohn of what was represented as very old Bourbon, and I divided it with "our friends, the enemy." New Orleans was new to most of the "visiting statesmen" and we attended the places of amusement, lived in the restaurants, and "saw

the sights" as if we had been tourists in a foreign land and not partizans charged with the business of adjusting a presidential election from implacable points of view.\textsuperscript{21}

The visiting Democrats suggested to the visiting Republicans that they act together to secure a fair and impartial count of the votes, but the Republicans refused.

Unquestionably the Democrats had good reason for distrusting the Canvassing Board, for not only were the members Republicans, but their character was by no means such as to inspire confidence. The president, J. Madison Wells, had been removed from the office of Governor of Louisiana in 1867 by General Sheridan who characterized him as "a political trickster and a dishonest man."\textsuperscript{23}

Another member, Thomas C. Anderson, was known to have used his influence as a state senator to secure money for a navigation company in which he had an interest.\textsuperscript{24} The other two members of the Board were both mulattoes, one of whom, Louis M. Kenner, was a saloon keeper and at one time had been indicted for larceny but upon confession had been allowed to escape punishment. The other mulatto, Gadane Casanave, was an undertaker and, though probably

\textsuperscript{21} Watterson, \textit{op. cit.}, p. 14.
\textsuperscript{22} Haworth, \textit{op. cit.}, p. 97.
\textsuperscript{24} Haworth, \textit{op. cit.}, p. 98.
the most respectable member of the four, was not noted for his intelligence or moral caliber.

Corruption, in fact, was in the air. For $250,000 the Board offered Watterson its decision in favor of the Democrats - $100,000 each for the white men and $25,000 for each of the Negroes. That Wells was in the market was indicated by a letter written by him on November 21, 1876, to Senator West in Washington. The letter contained the following:

Let me, my esteemed sir, warn you of the danger. Millions have been sent here, and will be used in the interest of Tilden, and unless some counter movement is made, it will be impossible for me, or any other individual, to arrest its productive results. The gentleman presenting this letter is fully aware of the moves and if you allow will communicate freely to our friends, and act promptly or results will be disastrous. A hint to the wise. Strictly private and confidential.  

Not only were the principals of the Returning Board of doubtful character, but also the clerks and assistants. "It would seem," remarked the Nation for February 22, 1877, "as if an indictment of some kind was a necessary qualification for clerical work of the sort to be performed by the Board." The Nation then reported that one of the clerks, Davis, was under indictment in

27. Nation, XXIV, p. 80.
the criminal courts of Louisiana; and assistants Catlin, Blanchard, and Jewett were under indictment for subornation of perjury; Jewett was also under indictment for obtaining money under false pretenses, and still another clerk, Isidore McCormick, was under indictment for murder.

These were the men, then, to whom was entrusted the task of canvassing and declaring the election of the state of Louisiana.

The Board began its meetings on November 18, and invited five members of each of the visiting political delegations to witness the proceedings. The Board, however, stipulated that whenever they deemed it advisable they would go into secret session, and that the final determination of the returns should be made in secret. Seven sessions were devoted to canvassing and compiling the vote of those parishes against which there were no protests. Soon, however, the lack of protests began to be felt seriously by the Republicans. Therefore the ballot boxes at the post office were opened and the necessary protests were illegally put in for those districts which would have to be thrown out to insure a

Republican victory in those particular parishes. The same procedure was followed by the Republicans at the Custom House, where they had the ballot boxes illegally in their possession. The manufacture of affidavits to put into the ballot boxes was also done in the Custom House.

It has also been established that on December 3, on the eve of the Board's final and secret canvass, Wells came to J.F. Littlefield, one of the clerks of the Returning Board, and ordered him to transpose the Democratic votes in precincts No. 2 and No. 9 of Vernon Parish to the Republican column in order to secure the election of a Republican judge, district attorney, and state senator. Littlefield complied. When, however, the canvass was promulgated, a discrepancy was noticed which would invalidate their effort. Wells thereupon came to Littlefield and directed him to select three polls by the throwing out of which the same footing would be obtained. This,

32. Ibid., Part II, 45th Cong., 3rd Sess., pp. 582-585.
too, was assented to by Littlefield and assisted in by another clerk named Davis. When Davis asked how soon the affidavits of intimidation to justify the throwing out of the polls would be ready, Wells replied, "In a day or two," and made a memorandum of it. The affidavits were filed on December 18 and bore the date of November 14.

Shortly afterwards Wells ordered the doctored poll returns to be destroyed, along with the consolidated statement. The returns were destroyed, but Littlefield kept the statement which was produced before the House investigating committee. Its fraudulent character was not contested.

For this offense all members of the Returning Board were indicted the next year; and one of the members, Anderson, was tried, convicted, and sentenced to the penitentiary for two years. However, ultimately he was released by the Supreme Court of Louisiana on the ground that the offense was not covered by the statute.

After twelve public sessions the Board met in private on December 4 and began the important part of its work. The outcome was uncertain. There were rumors and counter-rumors of bribery involving both the Democratic and Republican Parties, but how much truth there was in

34. Nation, XXIV, p. 79.
these various rumors probably never will be ascertained exactly. It was alleged that the Returning Board arrived at an understanding with certain of the Republican "visiting statesmen" but there exists no evidence to support that allegation. It is known only that after the inauguration of Hayes, Wells became Surveyor of the Port of New Orleans, Anderson Deputy Collector of the Port, and Kenner Deputy Naval Officer. Cassanave's brother was appointed United States Storekeeper in New Orleans, for Cassanave himself said he did not desire office. Later, however, he came to Washington for money which was given to him through Shellabarger and Wilson, the private counsel of Hayes and Sherman.

It is interesting to note that every man connected with the election of 1876 in Louisiana, from the members of the State Canvassing Board to the managers of political wards, received a Federal job for himself or for a member of his family, or for both. A complete list compiled by the New York Sun numbers seventy-five such instances.

Most of the Republican "visiting statesmen" were rewarded, also. Sherman became Secretary of the Treasury; Evarts, Secretary of State; Stoughton, Minister to Russia; and Stanley Matthews, Senator from Ohio.

However, whether or not the Louisiana Returning Board was spurred on by the hope of reward, they did get rid of 13,213 Democratic votes and only 2,415 Republican votes. The result as announced by the Board on December 6 was a Republican victory on both the state and national ticket.

On the same day, December 6, the electoral college met with all but two electors present. These two, O.H. Brewster and A.B. Levisse, had been objected to as ineligible because they held offices under the United States Government at the time of their election. Having now resigned their offices, they remained absent from the electoral college meeting until the other members elected them to fill their own vacancies. The state law provided that the filling of vacancies in the electoral college could be done by the remaining electors. The electors then cast the vote of Louisiana for Hayes and Wheeler.

41. Haworth, op. cit., p. 113.
42. Ibid., p. 114.
In accordance with the Constitution, triplicate certificates of the vote were made out. One was sent to the president of the Senate, one filed with the judge of the United States District Court, and one was given to T.C. Anderson to take to Washington. When Anderson presented the package to Mr. Ferry, President of the Senate, the latter informed Anderson the envelope was not properly endorsed. Anderson was permitted to keep the certificates in order to have them made in the proper form. However, Anderson began to fear that the certificates themselves were not in regular form because the lists for President and Vice-President were not on separate pieces of paper. After Anderson arrived in New Orleans and communicated his fears to the Republican leaders there, they decided to make out new certificates. This they did, and secured the signatures of six electors who could be reached and forged those of the two who were not in New Orleans. Just who committed the forgery is not known, but it is certain that privy to the act were Governor Kellogg and H. Conquest Clark, the governor's private secretary.

The same day the Republican electors met, the Democratic claimants, basing their claims on an irregular

43. Haworth, op. cit., p. 115.
canvass of certified copies of the returns, assembled and cast their ballots for Tilden and Handriks. Their certificates were signed by John McEnery who claimed to be *de jure* governor of Louisiana.

It is needless to say that the result of the election in Louisiana, as announced by the Returning Board, had been obtained by partisan and illegal acts. That there was intimidation of the Negroes on the part of the white Democrats can not be doubted, but it is impossible to determine to what extent intimidation was practiced. The fact that the Republicans sent in only three protests as to the fairness of the election makes intimidation on a large scale seem rather unlikely. On the other hand, figures given in parishes where Negroes were in the majority indicate that the white Democrats had succeeded in cutting down the Negro vote. These figures are as follows:

| Election 1874: | Democrats 4,324 | Republicans 8,303 |
| Registration 1876: | White 5,200 | Colored 11,962 |
| Election 1876: | Democrats 7,322 | Republicans 3,829 |

However, it must be remembered that in both 1874 and 1876 the Republicans were in control of the registration and election machinery, and that in both cases there were disfranchisement of whites and fraudulent registration of Negroes. In fact, the eminent historian Rhodes believed that the Republican frauds in the 1876 registration in Louisiana offset the Democratic intimidation.

Reworth, however, believed that an absolutely free and fair election in Louisiana would have given the state to the Republicans by from 5 to 15,000 majority. His belief seems to be based upon the idea that the Negroes were all Republicans and outnumbered the white Democratic voters. This belief, as has been indicated, cannot be accepted as proved. It seems certain, however, that the majority of the Negroes were Republicans.

In fact, about all that can be proved from the mass of testimony, conflicting and contradictory, is that the returns for the Republicans were fraudulently secured. The equities of the situation, however - whether Hayes was rightfully the victor or not - will remain in doubt.

CHAPTER V

THE ELECTION IN FLORIDA

The campaign of 1876 in Florida was to prove the most memorable since 1860, the latter sweeping the state into secession and the former removing the control of the local government from the Republican Party. As in the case of South Carolina and Louisiana, the political situation in Florida was tense, the state under the surveillance of Federal troops, and the election contested. The story of the election as conducted in "The Land of the Flowers" and the machinations of the so-called "carpet-baggers" will be noted in some detail.

To begin with, it seems expedient to examine the population figures in Florida in order to arrive at some conclusion regarding the proportion of blacks to whites, and the possibilities of voting to be deduced therefrom.

In 1860 the number of white males twenty-one years and over amounted to 5,007 more than Negroes of like age.

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In 1870 the number of white voters exceeded the black by 2,222. In 1880 the number of whites of voting age exceeded the blacks of like age by 6,721. In 1876 the excess of whites over blacks in Florida was 5,000 and the excess of white voters in like proportion.

An examination of these figures indicates that Florida was not a black state in 1876, and the assumption that a "free and fair election" would have given the state to the Republicans can not be justified on those grounds. However, just how much the election of 1876 lacked of being "fair and free" in Florida is difficult to determine for, as in Louisiana, both the Republicans and Democrats were guilty of questionable practices. Generally speaking, the Democrats used intimidation and the Republicans fraud.

By 1876 there was among the Republicans in Florida a good deal of dissension, and the division in the party was evidenced by the contest for nominations in the Republican State Convention which assembled at Madison, May 31, 1876. Here Congressman W.J. Furman and United

States Senator S.B. Conover, both termed "carpet-baggers," headed factions bitterly opposed to Governor Stearns. The Conover delegation, being refused admission to the State Convention by the Committee on Credentials, which was controlled by Stearns, withdrew and nominated Conover for governor and J.A. Lee of Sumter County for lieutenant-governor. This break among Republicans threatened to be very serious, and one noted student of this period in American history, Dr. William Davis of Columbia University, thinks the rift was probably a decisive factor in the campaign. Conover at first began an independent campaign for governor, but early in September he gave up his canvass, reputedly for $1,500, and came again into the regular Republican organization. It is interesting to note, in passing, that both the Conover convention and the regular State Convention chose delegates to the National Republican Convention in Cincinnati which refused to admit the Stearns delegation.

In the regular convention at Madison the Republicans nominated Marcellus L. Stearns for governor and "David Montgomery, carpet-bagger, late delinquent tax-collector

8. Davis, op. cit., p. 690. Also Floridian, June 6, 1876.
of Madison County, and close friend of Stearns" for lieutenant-governor.

Marcellus L. Stearns, a native of Massachusetts, had been in the Union Army; but in 1866, after losing an arm at Winchester, he had come to Florida as an agent in the Freedmen's Bureau. Stearns was the reputed leader of the Republican "ring" profiting financially from railroad bond issues, public land deals, and tax receipts.

It might not be amiss at this point to indicate how the carpet-baggers debased the governments of the Southern states, for it has been maintained by some that carpet-bag rule was not so bad as pictured since many laws in force during Reconstruction were retained by the states. In general, it was not the laws themselves, but the administration of the laws which resulted in misgovernment. Three examples will be given in connection with Florida to show how graft and corruption resulted in that state during Republican domination under laws existing prior to the Reconstruction period.

The first example is the Jacksonville, Pensacola, and Mobile Railroad. The principals in this transaction were

the Republican legislature, certain Republican county commissioners, Republican trustees of a state railway fund known as the Internal Improvement Fund, and a group of promoters led by Milton S. Littlefield of Maine. The railroads of Florida had been built partly by state aid, and the state was represented by the trustees of the Internal Improvement Fund which was created in 1855. The trustees of the fund were the governor and his cabinet who were to hold the bonds of the subsidized railroads.

In 1868 when the Republicans gained control of Florida, the new trustees sold the Central Railroad from Lake City to Tallahassee for $110,000. The purchasers obtained a new charter from the legislature and called their road the Florida Central.

On February 6, 1869, the trustees sold two more railroads: the Pensacola and Georgia Railroad from Lake City to Quincy, and the Tallahassee Railroad from Tallahassee to St. Marks. This sale, valued at $1,415,000, was advertised for cash, but the purchasers were permitted to deliver the bonds of the roads at their par value. These bonds, about a million dollars worth, had been bought up at a low figure, thirty-five cents on the dollar, by those who used them to buy the roads from the state.

Many of these purchases were made from the Republican County Commissioners who held the railroad bonds owned by the counties. When the time came for settlement, the purchasers were $472,065 short of cash or bonds, and they induced the trustees to accept a check for the amount. This check for nearly half a million dollars proved to be worthless. The purchasers, however, now owned three railroad lines free of encumbrances and costing about $2,000 per mile.

The next step was to go to the Republican legislators for a charter consolidating the Tallahassee Railroad and the Pensacola and Georgia Railroad into a single corporation known as the Jacksonville, Pensacola, and Mobile Railroad. The capital stock was fixed at $6,000,000 which Littlefield and his friends issued to themselves. The new corporation at once solicited state aid, and in January, 1870, a bill became law authorizing the issue to this corporation of 8 per cent, thirty-year state bonds to the amount of $16,000 for each mile of road in the system. The trustees of the Internal Improvement Fund were to receive from the railroad its bonds in exchange for guarantee bonds of the state. The professed object of the subsidy was "to complete, equip, and maintain the road."
The railway bill was passed by the use of wholesale bribery in the form of railway transportation bills which were current at that time as money. These bills were made payable to Littlefield and endorsed to members of the legislature to the amount of $250 and up to thousands. The governor (Reed) was accused of being a party to the trading, his share being $12,500 in cash.

Littlefield now obtained from Governor Reed $4,000,000 in state bonds in exchange for a like amount of railroad bonds. The state bonds were put into the hands of a New York and London brokerage firm, S. J. Hopkins and Company, and sold mostly in Holland for about seventy cents on the dollar. The net proceeds of $2,900,000 were dissipated in extraordinary fashion with only $308,938 ever being applied to building and equipping Florida railroads. About $2,500,000 was paid to a multitude of persons and corporations for unspecified or foolish services and claims. For example, Littlefield charged $24,000 for his traveling expenses to England, the Western Division of the Western Carolina Railway Company received $350,000 and Governor Reed of Florida received $223,000.

In final analysis, what had happened was that Littlefield and his friends had bought with depreciated

bonds and a worthless check several railroads from the Republican state administration, and then the administration had bought back these railroads for $4,000,000. The net result was an increase of $4,000,000 in the Florida public debt with nothing to show for it.

The second example of carpet-bag government may be cited in connection with the public lands of Florida. As indicated previously, the trustees of the Internal Improvement Fund held state lands in trust as a reserve fund for making good the interest and principal of railroad bonds guaranteed by the state. Though the lands were in trust, the Republican administration transferred portions of them to various corporations such as the Southern Inland Navigation and Improvement Company. In March, 1870, the trustees sold to the New York and Florida Lumber Company 1,100,000 acres of public lands for ten cents an acre, paid largely with "scrip" bought up at a discount of 50 per cent or more. The market value of the land was $1.25 per acre.

In February, 1871, the trustees transferred to the Southern Inland and Navigation Company "for and in

consideration of the sum of one dollar to them in hand paid, 1,360,600 acres of land. This corporation then mortgaged the land "for a very large amount." Who got the money for the mortgage? The state did not receive it. The most influential members of the state trustees, including the governor, very interestingly enough, were directors in this Southern Inland and Navigation Company.

The third example of carpet-bag government which, however, was peculiar to Florida, was the manipulation of tax receipts. Since the government had little money, it issued "scrip," that is, treasury certificates of various descriptions, to pay expenses. Most of what was designated as "floating debt" was contracted by the issue of "scrip." In 1868 when the Republicans took control of the state, the floating debt was $57,492. By 1872 it had grown to $563,524.89. In fact, the total state debt under Republican rule from 1868-1876, a period of eight years, increased 900 per cent.

In 1872 Governor Hart, a Republican, announced that $598,000 in taxes had not reached the state treasury. He

17. Davis, op. cit., p. 671.
18. Ibid., p. 672.
charged the Republican tax collectors with substituting "scrip" for money collected and falsely swearing that these identical warrants had been received. "Scrip" was worth anywhere from thirty to fifty cents on the dollar. By returning "scrip" and withholding currency with which some taxes were paid, the tax collectors were accused by the governor of "cheating and thieving the public for the purpose of pocketing the difference."

The three examples thus shown give an insight into how the carpet-baggers took advantage of the law for their own benefit.

However, as has been indicated, the Republican Party in Florida in 1876 was torn with dissension. Not so the Democratic Party. Meeting in state convention at Quincy on June 7, the Democrats without serious controversy nominated George B. Drew for governor, N.A. Hull for lieutenant-governor, R.H.M. Davidson for Congressman from the first district, and J.J. Finley for Congressman from the second district.

Drew, a native of New Hampshire, had settled in Florida twenty years before the Civil War. He was regarded as an original opponent of secession, but was

21. Annual Cyclopaedia, op. cit., p. 295. See also Floridian, June 13, 1876.
neither an ardent supporter of the Confederacy nor a very pronounced Union man. He had prospered in the lumber business, and in 1876 was referred to sometimes as "millionaire Drew."

In the campaign that followed, both Democrats and Republicans sought to control the Negro vote. The white Democrats, or Conservatives as they were called, formed local bands to frighten the Negroes from voting the Republican ticket. In Florida, as in South Carolina and Louisiana, the Democratic employers of Negro labor threatened Negroes with dismissal if they became too interested in politics, especially the Republican type.

The Republicans, on the other hand, prepared to overcome by fraud whatever the Democrats might gain by force. According to John Wallace, a Republican who wrote the book Why the Solid South, Governor Stearns and his political friends outlined elaborate plans to control the election. This idea was not a far-fetched one, for the Republicans controlled the entire election machinery. How this plan worked will be indicated in some detail later.

However, the Republicans were not averse to

22. Davis, op. cit., p. 690.
23. Ibid., pp. 691-697.
intimidation themselves. The local Republican leaders in every precinct notified the Negroes that unless they voted as many times as they could on the day of election, they would be put back into slavery. The whole public school system was made a powerful auxiliary to the campaign of Stearns. The superintendents of the black counties organized political clubs instead of schools. One superintendent, Joseph Bowes of Leon County, even ordered printed a quantity of small, thin Republican ballots called "little jokers" with which to stuff the ballot boxes on election day.

As the time for the election drew near, wild and ugly rumors spread abroad. On October 23 the Republican state campaign committee declared,

evil designing men in the south counties of Georgia are preparing to invade our State in armed bands on the 7th of November next for the purpose of intimidating Republicans from casting their ballots and to stir up riots and bloodshed.

Popular excitement increased to such an extent that both parties, Republicans and Democrats, asked for Federal troops to be stationed in various sections of the state. The Republicans obtained troops for Gainesville, Lake City, Quincy, Madison, Marianna, and Pensacola. Mr. Drew,

the Democratic candidate for governor, telegraphed General Ruger for troops to be stationed at Tallahassee and Monticello on election day. Republican leaders took advantage of this situation by telling the Negroes if they didn't vote the Republican ticket they would be put into the chain gang by the soldiers.

Contrary to expectations as forecast by the rumors before November 7, the election was carried on in a peaceful manner. Armed Georgians did not come over the state line and native whites did not ride rough-shod over the Negroes. W.J. Purman, Republican Congressman, telegraphed from Jackson County to a fellow Republican on election day: "Election passing off gloriously. Everybody peaceable and unobstructed."

Yet in this very county when it was found that the election had gone against them, the Republicans claimed that fraud, violence, and obstruction had been perpetrated by the Democrats.

As the election day drew to a close, the precinct officers prepared to give out the result. Both parties

28. Ibid., p. 702. See also Senate Reports, No. 611, 44th Cong., 2nd Sess., pp. 194, 244, 246.
31. Davis, op. cit., p. 710. See also House Miscellaneous Documents, No. 42, 44th Cong., 2nd Sess., p. 43.
claimed a victory and, since the national election was very close, the uncertainty in Florida produced intense excitement. The New York Times early on Wednesday morning, November 8, after accounting politically for every state in the Union but Florida, concluded:

This leaves Florida alone still in doubt. If the Republicans have carried that state as they claim, they will have 185 votes, a majority of one.33

Immediately then, as in the case of Louisiana, prominent Democrats and Republicans went to Florida in the interests of their parties. Among the Republicans were W.E. Chandler, ex-Governor Noyes of Ohio, John A. Kasson of Iowa, General Lew Wallace (later famous as the author of Ben Hur), and Francis C. Barlow of New York. The Democratic contingent consisted of a number of prominent Democrats including ex-Governor Brown of Georgia, C.W. Woolley of Ohio, and John F. Coyle and Manton Marble of New York.

However, before discussing the election and the work of these so-called "visiting statesmen," it seems necessary to examine the election laws of Florida. The acts of 1868 and 1872 regarding elections contained the following provisions: (1) Prior to the election there must

33. Haworth, op. cit., p. 49.
34. Ibid., p. 64.
be a registration of voters in each county, supervised by the county commissioners. (2) Each polling place was in charge of three inspectors appointed by the clerk of the circuit court. At the close of the polls, the inspectors were required by law to canvass the votes publicly at once. Certificates of the vote must be sent to the clerk of the circuit court and to the county judge. (3) Within six days after the election, the county judge, the clerk of the circuit court, and a justice of the peace, sitting as a special board, were to consolidate the precinct returns and canvass the votes of the county. Should the clerk or judge be unable to attend, the sheriff was to take his place. The result of the canvass must be recorded by the clerk, and duplicate certificates were to be made out and forwarded to the secretary of state and to the governor. (4) The final canvass of the returns was to be made on or before the thirty-fifth day after the election by the Board of State Canvassers composed of the secretary of state, the attorney-general, and the comptroller of public accounts.

The members of the State Canvassing Board were Samuel B. McLin, the Republican Secretary of State, a

35. Haworth, op. cit., pp. 63-64.
native of Tennessee, and a deserter from the Confederate Army; Dr. Clayton A. Cowgill, the Republican Comptroller who had been a surgeon in the Union Army; and William Archer Cocke, the Democratic Attorney-General who was a native of Virginia.

It was in connection with this State Canvassing Board that evidence was produced later showing attempted bribery of the Board members by both political parties. This evidence was in the form of cipher telegrams, and was more damaging to the reputation of the Democrats than to the Republicans.

However, as in the case of Louisiana, most of the Republicans prominently identified with the Florida election received Federal offices. To mention a few, there were: ex-Governor Noyes who was appointed Minister to France; Mr. Kasson, Minister to Austria; General Lew Wallace, Minister to Turkey; Samuel B. Molin, Justice of New Mexico; Joseph Bowes of the "little joker" fame, a position in the Treasury Department; and L.G. Dennis, Republican boss of Alachua County, a position in the Treasury Department.

36. Haworth, op. cit., p. 64.
38. Davis, op. cit., p. 731.
The question may well be asked at this point, "What was the actual result of the Florida election of 1876?"
A discussion of the work of the State Canvassing Board and of the evidence produced afterwards regarding the action of local Republican election officials will be given as an answer to that query.

On the face of the returns as polled and announced by precincts, the Democrats received a small majority for both state and national tickets. It was the object of the Republican managers to prove fraud by the Democrats and to induce the Board of State Canvassers to refuse to count a sufficient number of Democratic votes to give the state to the Republicans.

As soon as this condition of affairs became evident, each party set about obtaining affidavits and other forms of evidence to support its case before the Board of State Canvassers when that body prepared to decide officially on Florida's vote.

The Board began its meetings on November 27, but it was not until the following day that the election returns were canvassed in the presence of the "visiting statesmen"

39. Davis, op. cit., p. 715. See also Senate Reports, No. 611, Part 2, 44th Cong., 2nd Sess., p. 17.
41. Ibid., pp. 715-716.
and counsel for the two parties. Every county was contested, the Democrats objecting to ten and the Republicans to twenty-seven. A contest developed over fourteen counties, and of these the counties which proved of deciding importance were Alachua, Jackson, Baker, Hamilton, Monroe, and Manatee.

In Alachua County the greatest difference of opinion developed over Archer Precinct No. 2. The announced vote was 399 Republican votes and 136 Democratic votes. The Democrats claimed that the Republicans had changed the vote by adding 219 fraudulent votes to the Republican returns. L.G. Dennis, the Republican chairman of the Alachua County board, afterwards admitted on oath that this forgery had been perpetrated for the purpose of increasing the Republican votes in this county.

In Jackson County the face of the returns as presented to the State Canvassing Board gave the Democrats a majority of about 100 on the state and national tickets. The Republicans, however, claimed that fraud and violence had been perpetrated by the Democrats. The Republicans

42. Davis, op. cit., p. 717. See also Senate Reports, No. 611, Part 2, 44th Cong., 2nd Sess., pp. 418-23.
44. Davis, op. cit., p. 721. See also Senate Reports, No. 611, 44th Cong., 2nd Sess., p. 164.
contended that in two precincts, Campbellton and Friendship Church, the election had been conducted unfairly, and that in the case of the latter precinct the final counting of the votes had been irregular, careless, and conducted "two miles away" from the polling place. The last charge - that is, of counting the votes at a place other than the polling place - was substantiated by the election inspectors themselves. However, the irregularity in question did not in itself indicate fraud.

The charge of the Republicans of intimidation by the Democrats in Jackson County, however, was not proved. In fact, the reports of prominent Republicans sent before the State Canvassing Board met, indicate that the election in Jackson County met with no obstruction.

In Baker County the situation was more complicated, for from that section three sets of returns had been sent to the State Canvassing Board at Tallahassee. According to the Florida election law, the county canvassing board was composed of the county judge, the clerk of the circuit court, and a justice of the peace. It was the duty of

46. Ibid., p. 205.
47. Davis, op. cit., p. 722.
48. Supra., p. 96, telegram of W.J. Purman.
the judge to convene the board for the purpose of canvassing the returns within six days after the election. In case the judge or the clerk was unable to act, the sheriff was to take the place of either. The judge in Baker County was a Republican; the clerk and the justice of the peace were Democrats. The judge, Elisha Driggers, after calling a meeting of the board on November 13, the last day possible under the law, went to Tallahassee. Baker County had gone Democratic by a majority of 140 out of the 380 votes cast. The clerk, suspecting that the object of the judge in postponing the counting was to have the returns forfeited by not being canvassed within the legal time, met with the justice of the peace on November 10, compiled a set of returns, and sent them to the state capital. This set of returns was certificate No. 1.

Judge Driggers meanwhile returned to Baker County, but on November 13 he refused to canvass the votes with the clerk and the justice of the peace. The sheriff, who was a Republican, likewise refused. Since this day was the last day to act legally, the clerk and the justice,

complying with the call of the judge but not meeting with him because of his refusal to meet with them, met, canvassed the votes a second time, and sent the returns to Tallahassee. This was certificate No. 2.

On that same day, November 13, Judge Driggers ordered the sheriff to take the place of the clerk on the county canvassing board and appointed a Negro, Bill Green, to act as the justice of the peace. The trip of the judge to Tallahassee had been for the purpose of securing a commission for Bill Green. Now the Republican judge and his reconstituted board met, canvassed the votes, threw out completely the returns from the two important precincts, Johnsville and Darbyville which had been carried by the Democrats, and sent the returns to Tallahassee. This was certificate No. 3.

After the election was decided, Driggers admitted under oath that the returns of the two Democratic precincts were in legal order, and that he had thrown them out without any evidence to justify such a procedure.

In Hamilton County the Republicans charged the

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Davis, op. cit., pp. 725-726. See also House Miscellaneous Documents, No. 10, 45th Cong., 1st Sess., p. 46; Senate Reports, No. 611, Doc. En., 44th Cong., 2nd Sess., p. 76.

precinct officials with irregularity in canvassing the vote in Jasper precinct No. 2 which gave a majority to the Democrats, and also that legally unauthorized persons had been allowed to assist in counting the votes. The attack on Hamilton County was weak. The face of the returns was regular and gave the Democrats a majority of 290 votes out of 940 votes cast. There is no very credible evidence of either intimidation or fraud.

For Monroe County the Republicans claimed that the Democrats had won by fraud and violence. The principal point in controversy was the returns of precinct No. 3 in Key West, which the Republicans wished thrown out because of irregularity in the counting of votes. The canvassing board had adjourned before the count was technically complete. The claim was made by the Democrats that such irregularity was purposely arranged before the election in order to give the Republican county and state canvassers legal grounds for changing election results in their favor when such changes were necessary.

52. Davis, op. cit., p. 722. See also Senate Reports, No. 611, Part 2, 44th Cong., 2nd Sess., pp. 18-19.
54. Davis, op. cit., p. 723.
55. Ibid.
In Manatee County the returns were regular on their face and gave a substantial majority to the Democrats. In fact, the Tilden electors received 262 votes to Hayes's 56. The Republicans claimed that the election had not been regular because the county officials had not complied with the law in revising the registration lists or in properly designating the polling places or in appointing the precinct election boards. These allegations were well substantiated. The Democrats, on the other hand, claimed the situation was a result of a Republican conspiracy, for the state administration had refused to appoint a county judge who, under the law, was the official to make preparations for elections. The Democrats claimed that the people had been honest in their actions, but had been forced to proceed in irregular fashion in order to be heard.

In canvassing the votes of Florida, the state canvassers decided to follow the principle of discretionary powers for which there were precedents. According to this principle, the State Board of Canvassers took the following action: it refused to throw out the returns from Archer Precinct No. 2 in Alachua County where strong evidence existed to show that the Republicans had added

57. Davis, op. cit., p. 723.
219 fraudulent votes to the count; but it rejected entirely Friendship Church precinct in Jackson County on less worthy evidence. It refused to accept the clerk's returns from Baker County, but accepted Judge Drigger's returns with the two Democratic precincts omitted. It deducted Democratic votes from Hamilton County and threw out entirely Democratic precinct No. 3 in Monroe County. The Board refused to consider irregularities and palpable fraud of the Republicans in Leon County, Jefferson County, Duval County. Proof was brought to show that at Richardson's Schoolhouse Precinct in Leon County seventy-three "little joker" Republican ballots had been stuffed into the ballot box, while to cover up the fraud the poll list had been correspondingly increased. There were irregularities in the conduct of the election in certain Republican precincts in Jefferson County and elsewhere. Yet in all these cases the Board voted to canvass the returns without change.

In fact, according to Dr. William Davis and Dr. Paul Haworth, both of whom have made excellent and exhaustive studies of the election of 1876 in Florida, the canvass

was conducted in a highly partisan manner. Discretionary powers were not used consistently. In every important instance in which votes were thrown out the advantage accrued to the Republicans. Dr. Davis characterized the proceedings of the Board as following not the principle of discretionary powers, but the more simple one of "Tails I win and heads you lose."

The results as announced on December 6 gave the election to the Republicans. The state canvassers announced that the Republicans had elected their national ticket by a majority of 920 votes, the Governor by 458 votes, the Lieutenant-Governor by 283 votes, the Congressman from the first district by 294 votes, and the Congressman from the second district by 141 votes.

The Board adjourned after regularly issuing certificates of election to the Republican presidential electors who, on December 6, met and cast their votes for Hayes and Wheeler. On that same day also the Democratic electoral candidates, claiming they had been elected lawfully in spite of the pronouncement of the Board against them,

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63. Haworth, op. cit., p. 73.
64. Ibid., p. 728. See also Senate Reports, No. 611, 44th Cong., 2nd Sess., p. 18.
met and cast their votes for Tilden and Hendricks.

Attorney-General Cocks, the Democratic member of the Re-

turning Board, certified the Democratic electoral votes.

However, the situation was to become more complex

for George F. Drew, the Democratic candidate for governor,

secured from the Supreme Court a writ of mandamus com-
pelling the Returning Board to canvass the votes for

governor in a strictly ministerial way; that is, ascertain

and certify the votes actually cast. After a second

canvass of the returns, the Board announced that Drew had

received 24,179 votes and Stearns 23,984.

Consequently, Drew was inaugurated at Tallahassee

on January 2, 1877. The newly-elected legislature, which

had a Democratic majority, passed an act creating a can-
vassing board which was to convene and recanvass the vote.

This board composed of Democrats met, canvassed the re-
turns, and certified the election of the Tilden electors

by majorities over the highest Hayes electors of from 87
to 90 votes. The legislature formally declared the

Democratic electors duly chosen and ordered the governor

67. House Miscellaneous Documents, No. 31, Part 2,
68. Haworth, op. cit., pp. 77-78.
to certify the "three lists of the names of the said electors," together "with an authenticated copy of this act," and to transmit them to the president of the Senate.

Thus three sets of electoral votes were sent to Washington from the state of Florida.

Before concluding this chapter, it may be wise to attempt an evaluation of the facts in the Florida election. It has been shown that Florida was not a black Republican state in 1876, and that the action of the State Canvassing Board performed its duties in a partisan manner. What, however, would have been the results had a nonpartisan board canvassed the returns? Both Dr. Davis and Dr. Haworth believe that such a board would have given the election on the national and state tickets to the Democrats. In fact, the least partisan man who witnessed the count, General Francis C. Barlow, took the view that the Democrats had won. Barlow had gone to Florida at the request of President Grant, and he came to the conclusion that on the evidence the Board should give Tilden a majority of from 30 to 55. When General Barlow expressed his opinion to his fellow Republicans, he immediately lost favor. The opinion of him was well

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70. Ibid., p. 75.
Davis, op. cit., p. 729.
71. Haworth, op. cit., p. 75.
expressed by his co-worker Chandler in the following words: "I cannot answer for the idiosyncrasies of Barlow." At any rate, it is interesting to note that Barlow received no recompense from the Republican Party. As for that matter, neither did Chandler who, unfortunately, wrote a pamphlet reflecting upon Mr. Hayes.

In view of the evidence presented after the election and the corroborating confessions of McLin, Dennis, and Driggers, it is difficult to see how there should be any doubt that the Republicans took the election by fraud. The Nation for May 2, 1878, expressed the opinion that regardless of whether McLin confessed because he failed to get the office he sought (chief justiceship in New Mexico) or because he "fell into consumption and being in the danger of death...made a clean breast of it," the supposition that he was unworthy of belief could not be upheld.

"It will not do," said the Nation, "to make McLin and his tribe out honest when they are doing Republican work, and rogues when they are doing Democratic work."

The public will not "swallow any more of this sort of equivocation. ... What plain people see clearly enough

72. Davis, op. cit., p. 730.
73. House Miscellaneous Documents, No. 31. 45th Cong. 3rd Sess., pp. 98-99 For an interesting document see McLin's affidavit in addenda at the end of this chapter.
is that they were rogues from the beginning."  

What, however, can be said about the equities of the Florida election? Though Haworth concedes the election to the Democrats on the basis of votes cast, he contends that Florida would have gone Republican if there had been a "free and fair" election. Dr. Haworth bases his opinion upon the contention that Florida had almost as many Negroes as whites, and that the Negroes would have voted the Republican ticket "to a man," if there had been no intimidation. This opinion of Haworth's regarding the number of Negroes in Florida can not be proved, as has been indicated by the population figures. Dr. Davis, on the other hand, contends that the Democrats actually deserved the election both legally and equitably. In fact, stated Dr. Davis, "A fair election would have resulted in a more complete Democratic victory."

The point at issue, therefore, in Florida as in Louisiana, seems to be the equities. In the case of Louisiana, the mass of conflicting evidence makes it

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74. Nation, XXVI-XXVII, p. 286.
75. Haworth, op. cit., p. 59.
76. Dr. Haworth gives only the population figures for Florida for 1870 which are as follows: Negroes 91,689; whites 96,057. Haworth, op. cit., p. 59. Compare with figures given on pages 84 and 85, Supra.
77. Davis, op. cit., p. 704.
almost impossible to determine the exact facts. In Florida, however, the case is simpler, and a conclusion can be reached from an examination of the facts.
As a member of the late State board of canvassers of the State of Florida, I feel impelled by a sense of duty to myself and justice to others to make the following statement:

At the time the canvass was made I was not at any time conscious of acting otherwise than right and proper. I entered upon the canvass with the conviction that it was my privilege and duty in a political sense to give the benefit of every doubt in favor of the Republican party. I felt that where a question could be decided either way without doing violence to a public sense of justice, it was fairly allowable in politics that I should always lean to my own party, and give my decision in its favor, even at the hazard of straining a point. At no time did I feel that I occupied the position of a judge charged with the duty of a strict and nice weighing and balancing of all the evidence presented. Looking
back now to that time, I feel that there was a combination of influences that must have operated most powerfully in blinding my judgment and swaying my action.

I had been for many years and was at the time of the canvass a very active partisan. I sincerely thought that our state and the nation would suffer irreparable injury if the Democratic party were to obtain the Presidency and the policy of hatred to the negro should obtain control at Washington. It was the common and universal talk that the very existence of the men who in the South had upheld the Republican party depended upon the election of Mr. Hayes. Mr. Hayes would sustain them throughout the South, while Mr. Tilden would crush them.

I was shown numerous telegrams addressed to Governor Stearns and others from the trusted leaders of the Republican party in the North, insisting that the salvation of the country depended upon the vote of Florida being cast for Hayes. These telegrams came from those to whom I had been accustomed to defer; the chairman of the national committee and the man who was the nearest personal friend of Mr. Hayes had conducted the canvass. These telegrams also gave assurance of the forthcoming of money and troops if necessary in securing the victory for Mr. Hayes. Following these telegrams trusted Northern Republicans, party leaders and personal friends of
Mr. Hayes arrived in Florida as rapidly as the railroads could bring them. I was surrounded by these men, who were ardent Republicans, and especially by friends of Governor Hayes. One gentleman particularly, Governor Noyes of Ohio, was understood to represent him and speak with the authority of a warm personal friend, commissioned with power to act in his behalf. These men referred to the general destruction of the country should Mr. Tilden be elected; the intense anxiety of the Republican party of the North and their full sympathy with us. I cannot say how far my action may have been influenced by the intense excitement that prevailed around me, or how far my partisan zeal may have led me into error — neither can I say how far my course was influenced by the promises made by Governor Noyes, that if Mr. Hayes became President I should be rewarded. Certainly these influences must have had a strong control over my judgment and action.

Reviewing my action at this distance of time, with all calmness, with my ardor cooled and my partisan zeal chilled by the President, who has basely betrayed and mercilessly destroyed the Republican party of the South and crushed the very men who did so much for his election, I am persuaded that the Florida canvass was not conducted with that cool, calm judgment and honest
unbiased decision that should have characterized a proceeding involving such vast and important interests. Instead of this I now see that the whole proceeding went through upon the highest wave of political excitement; that partisan feeling, stimulated to the utmost by the most powerful agencies, usurped the place of reason and sound judgment, and political expediency ruled the hour.

A large number of precincts were either contested by the Democratic or Republican party; voluminous testimony was filed, and the lawyers of both sides argued, each for their side of the issue, that it was the duty of the board to throw out and not include in the count, or retain and count precincts, on the ground of illegality in the conduct of the election or fraud that was charged to exist. The attorney-general of the State and a member of the board had decided that the board had quasi-judicial powers, and had the right to exclude precincts from the count, if the returns were shown to be so "irregular, false, or fraudulent as to prevent the board from ascertaining from them the true vote." With this view of its duties the board entered upon the work of the canvass with the conviction that they were invested with large discretionary powers, which were of a mixed character, political and judicial, the political largely predominating.
Partisan zeal and strong political bias had a powerful influence in the exercise of these powers, and the Republicans having a majority of the board, the canvass was largely in their favor, as the result proved. If the board had acted in accordance with the decision of the supreme court of the State, defining the powers and duties of the board in reference to throwing out precincts, since rendered, there is no question of the fact that Mr. Tilden would have been entitled to the vote of Florida.

Excluding the return from Baker county, which was counted, and which I have since learned from the parties who made it, was a falsely manufactured return, and including the true return, which corresponded with the precinct returns of that county, would certainly have given the State to Mr. Tilden. Archer precinct No. 2, Alachua County, was included in the count. The fraud committed in this precinct was not shown to the board by the Democratic lawyers, although a contest was made and much attention given to this precinct. But I have recently learned from the Republican leader of that county, that after the returns had been brought to Gainesville, the county seat, two hundred and nineteen votes were added to the returns by the inspector and clerk of said precinct.

In Leon County seventy-four small Republican ballots were stuffed into the ballot-box at precinct No. 9, yet
it was not made to appear to even the satisfaction of the Democratic members of the board that these were false ballots. Subsequent confession shows that they were stuffed into the box. I had seen Joseph Bowes, one of the inspectors, have tickets similar to them a few days before the election, and cautioned him against their use, unless they were generally adopted, and afterward learned that he had given them up.

In Jefferson County, in a certain precinct at which Mr. J. Bell was inspector, one hundred votes were surreptitiously added to the ballots and counted. No charge was made as to this fact before the board. The confession of J. Bell since made to me discloses the fact.

Had the two hundred and nineteen votes fraudulently added to the Archer return and the seventy-four votes stuffed in the box in Leon County, and the one hundred votes surreptitiously added in the Jefferson County, aggregating three hundred and ninety-three votes, been rejected and the Democratic rejected precincts which were excluded for irregularity and illegality, contrary to the decision of the supreme court, been retained and counted, Mr. Tilden would have carried the state. The conclusion, therefore, is irresistible that Mr. Tilden was entitled to the electoral vote of Florida and not Mr. Hayes.

In making this statement my motives will doubtless
be questioned by many, but the facts will stand alone as
the truth, without any man's motives to sustain them.
I am free to admit that, viewing things as I now do, and
remembering that Mr. Hayes was continually inspiring his
personal friends and trusted agents by every means in
his power to secure for him the electoral vote of Florida
and Louisiana, and believing it to have been a conscious
wrong on his part, done with knowledge that he had not
been elected, as his subsequent repudiation of Governor
Packard, whose title was bound up in his own, and his
willful and cowardly desertion of the very men who con-
tributed so largely to his election has shown, my con-
tempt for the pitiable littleness of the man is beyond
my power of expression.

Mr. Hayes has denied the validity of his own title
in denying Governor Packard's; he has ignored his Florida
friends, showing that he believed them unworthy and
tainted with a fraud; yet he holds on to the Presidency,
which in his own opinion was secured by this very fraud.
He has cowardly abandoned and betrayed his Southern Re-
publican friends through fear of being ousted (sic) that
he believes he never was elected to by the people.

Whatever may be the opinion of men in regard to my
motives, I give them facts and leave my motives to a
higher tribunal.

Saml. B. Molin
CHAPTER VI

A PRESIDENT IS ELECTED

In the preceding chapters the presidential election of 1876 has been shown to have been disputed in the three Southern states of Florida, Louisiana, and South Carolina. In addition, the state of Oregon was in doubt. Thus with both parties claiming the electoral votes of four states, the crux of the election question lay in the power to count and declare the electoral vote. Unfortunately, the Constitutional provision on the subject was so indefinite as to leave room for different interpretations.

The Constitution provides that the certificates of the votes of the electoral colleges shall be transmitted "sealed to the seat of the government of the United States directed to the President of the Senate," and that "the President of the Senate shall in the presence of the Senate and House of Representatives, open all certificates, and the votes shall then be counted."  

2. Constitution of the United States, Article II, Section 2.
The Republican interpretation of this clause in the Constitution referring to the counting of the electoral votes was that they should be counted by the President of the Senate. In this Mr. Hayes concurred. However, since the Republicans had a majority in the Senate and its President, Mr. Ferry, was a Republican, the Democrats objected to this procedure. The position taken by the Democrats, on the other hand, was that the counting should be done under the direction of the two Houses of Congress. However, a deadlock seemed likely to ensue in such a case, and the election would be thrown into the House which by majority was Democratic. Therefore, the Republicans were opposed to this interpretation of counting by the Democrats. Mr. Tilden took the same position as his party, but he was in favor of urging the issue to be debated in both Houses and before the country.

The extremists on both sides were for no compromise, but the majority of the people wished a peaceful solution in the contest. The influential members of both parties believed anarchy and possibly civil war might ensue if

5. Ibid.
the question were not speedily settled. In fact, Mr. Hewitt, a member of Congress and Chairman of the Democratic National Committee, confided in a friend, a year before his death, that military organization had been effected in eleven states and that a commander-in-chief, a man of national reputation, had been agreed upon tentatively. Mr. Hewitt, therefore, fearing civil war, worked assiduously for compromise.

On December 14, 1876, the House of Representatives passed a resolution giving the Speaker power to appoint a committee of seven members to act in conjunction with a similar Senate committee to prepare and report a measure best calculated to accomplish the peaceful solution of the electoral count.

On December 18 the Senate passed a similar resolution authorizing seven senators to act with the House committee. On December 21 the Senate appointed George F. Edmunds, Oliver P. Morton, Frederick T. Frelinghuysen,

11. Ibid., p. 271.
and John A. Logan (Republicans), and Allen G. Thurman,
Thomas F. Bayard, and Matt W. Ransom (Democrats).
Logan declined and Roscoe Conkling was appointed in his
place.

On December 22 the House appointed Eppa Hunton,
Abram S. Hewitt, and William M. Springer (Democrats), and
George W. McCrary, George F. Hoar, and George Willard (Republicans).

The two committees considered the subject separately
and then held conferences at intervals. As soon as the
committees agreed on a bill, Mr. Hewitt reported the plan
to Mr. Tilden who condemned it as precipitate. Hewitt
then informed Mr. Tilden that the Congressional group
was not seeking his advice but his adhesion. However,
Tilden did not give his personal sanction to the scheme.

Nevertheless, on January 18, 1877, Senator Edmunds
introduced the compromise bill which was passed by the
Senate on January 24 by a vote of 47 to 17. The bill

2nd Sess., p. 343.
13. Ibid.
15. Ibid., p. 531.
16. Ibid., p. 532.
was then sent to the House, where on January 26 it was reported by Payne and passed 191 to 86.

The bill was known as the Electoral Commission Act and contained the following provisions: An electoral commission should be set up composed of fifteen members consisting of five justices of the Supreme Court, five Senators, and five members of the House of Representatives. The justices were to be those assigned to the first, third, eighth, and ninth circuits and these four should select the fifth justice. Each House in Congress was to appoint its members by a viva voce vote.

The two Houses should meet in joint session in the hall of the House of Representatives on the first Thursday in February. The joint sessions were to be presided over by the President of the Senate, and each House was to be represented by two tellers. In case objections should be made to the votes of a state from which there was but one return, such objections were to be in writing, signed by at least one member of each House. The two Houses should then vote separately upon the question at issue, and no vote or votes should be excluded except by concurrent action. In cases where more than one

return had been received, these were to be opened and read, then submitted to the Electoral Commission. The Commission was to decide by majority vote how many and what persons were duly appointed electors in the state in dispute. The decision of the Commission was to stand unless an objection were agreed to by the separate vote of each House.

It was the general belief that Justice David Davis would be the fifth on the Electoral Commission, but after the Electoral Act had been passed, Davis was elected Senator from Illinois and became ineligible. Justice Davis was regarded in some quarters as occupying a midway position between the two political parties. Some Democrats, however, such as Henry Watterson and Abram Hewitt, regarded him as "sure for Tilden." In fact, Mr. Hewitt expressed the opinion that the action of the Illinois legislature in electing Davis Senator was the result of a corrupt bargain to get Justice Davis off the Commission and secure a Republican in his place.

   J.M. Rogers. "How Hayes Became President." McClures, XXIII, p. 82.
23. Ibid.
Whether Davis accepted the nomination to the Senate be-
cause he was tired of the Supreme Court and was persuaded
to resign by Justice Swayne, or because he wished to
escape the great responsibility that was about to fall on
him as a member of the Electoral Commission can not be
determined. However, Dr. John Burgess, the noted Amer-
ican historian, has pointed out that Davis was not a
"particularly brave man," that he was big and fat, "a
good liver" and one who "loved his ease."

The question of Davis's non-partisanship also re-
mains an open one. Senator Edmunds, a member of the Com-
mission, said in 1913 that he believed Davis would have
voted as Bradley did. However, R.B. Brown who was a
page to the Electoral Commission, made the following
statement in 1904:

Not long after Mr. Hayes became President,
Judge Davis came into the Clerk's office of the
Supreme Court and said to Senator George F.
Edmunds of Vermont, "Edmunds, it's a good thing
you fellows got me off the Supreme Court. If
I had been there, I would have been a member
of the Commission, and if I had been a member
of the Commission, I would have voted
Louisiana for Tilden if it was only to show my
Independence." 28

Harpers Weekly, XLVIII, p. 1171.
25. J.W. Burgess. Reconstruction and the Constitution
1866-1876, p. 288.
26. Ibid.
At any rate, after Davis's resignation from the Supreme Court the four justices selected Justice Bradley from New Jersey as the fifth justice on the Commission.

The members of the Commission were: Justices Clifford from Maine, Miller from Iowa, Field from California, Strong from Pennsylvania, Bradley from New Jersey; Senators Edmunds of Vermont, Morton of Indiana, Frelinghuysen of New Jersey (Republicans), and Bayard of Delaware and Thurman of Ohio (Democrats); Representatives Payne of Ohio, Hunton of Virginia, Abbot of Massachusetts (Democrats), Hoar of Massachusetts and Garfield of Ohio (Republicans).

The Commission met and organized January 31, 1877, thirty-four days before the final ceremony of the election of the President must take place.

On the first of February, 1877, the two Houses of Congress met in the hall of the House of Representatives and the opening of the electoral certificates was begun, proceeding in alphabetical order as required. The votes of all states before Florida were read without objection and recorded as returned. However, when Florida was called, three separate packages were presented by the

31. Ibid.
President of the Senate, one purporting that the electors of the state had voted for Mr. Hayes and two stating that Florida had voted for Mr. Tilden. The Democratic members of the House and Senate objected to the Republican certificate and the Republican members objected to the Democratic certificates. In addition to the objection against the Republican certificate, the Democrats filed also a special objection against the reception of F.C. Humphreys, one of the Hayes electors, on the ground that he was a Federal office holder and therefore ineligible.

Thereupon all these papers and objections were transmitted to the Electoral Commission for consideration and decision.

The counsel who appeared for the contending parties were as prominent as the members of the Commission. Among those for the Democrats were Charles O'Connor, Jeremiah S. Black, John A. Campbell (once Associate-Justice of the Supreme Court), ex-Senator Lyman Trumbull of Illinois, William C. Whitney of New York, and Richard T. Merrick of Washington.

Foremost among the Republican counsel was the learned and astute William A. Evarts, leader

33. Ibid., pp. 1195-1196.
34. Ibid., p. 1196.
35. Ibid., p. 1197.
of the New York Bar, defender of Andrew Johnson, ex-Attorney-General, and soon to be Secretary of State. 36

He was assisted by Stanley Matthews of Ohio, Edward M. Stoughton of New York, and Samuel Shellabarger, the personal representative of Mr. Hayes.

The Democratic arguments in the Florida case may be summarized as follows: (1) In a peaceful election the Tilden electors had been chosen by a majority of the votes, but the Republicans through fraud had sent a false certificate signed by the former governor; (2) the quo warranto proceedings had resulted in a decision favoring the Tilden electors; (3) the new returning board created for the purpose of reconvassing the votes had declared for Tilden; (4) the certificate of Governor Stearns formed no deterrent against the investigation of the facts by the Commission, for the Governor's certification was done in accordance with a Federal law and the Commission could go behind the certificate and overthrow the fraud; (5) the powers of the Commission were not less than the powers of a court upon a quo warranto proceeding; (6) in the two elements of an election, the elective function and the determining function, whenever the determining authority acts illegally, such action must be set aside. Since the

37. Ibid., p. 226.
canvass made by the returning board had been declared illegal by a court in quo warranto proceedings, the judgment of the court must be accepted as final; (7) one of the Republican electors was ineligible, for though he had resigned on September 24, his resignation was not valid because it was not made to the appointing power, the circuit court, but to the judge who was visiting in Ohio.

The objections of the Republicans were as follows:

(1) The certificate sent by the Hayes electors was the only regular one, for both the second and third were irregular; (2) Congress must accept the regular return certified by the state authorities for it has no right to go behind the action of the state authorities; (3) the Electoral Commission did not possess judicial powers; (4) the so-called ineligible elector, Mr. Humphreys, could be proved to have resigned before the election; (5) the Commission should not take cognizance of the quo warranto proceedings but if it did so, the Republicans could show that an appeal to a higher court was pending; (6) objection was made to the subject coming before the Commission because there were no papers accompanying any of the votes or papers purporting to be votes that related to the matter.

This vital question of the reception of evidence having arisen must be settled before any progress could be made, and the attention of the Commission was turned to it. The Democrats argued that the Commission had the authority to go behind the returns, but the Republicans contended such action would be outside the domain of Federal authority.

The Commission, having heard the evidence on Monday, February 6, reserved its decision until the following Wednesday.

Meanwhile through a misunderstanding the Democrats believed they had won. Justice Bradley wrote two opinions giving the arguments on both sides. A Democratic member learned of the Democratic opinion only and inferred that Bradley was siding with the Democrats. However, when the decision of the Commission was read in the joint session of Congress on February 10 to the effect that no evidence will be received or considered by the Commission which was not submitted to the joint convention of the two houses by the President of the Senate with the different certificates except such as relates to the eligibility of F.C. Humphreys, one of the electors.

and it was learned that Bradley had voted with the Repub-
licans for the vote was 8 to 7, a cry went up from the
Democrats that Bradley had been bribed. It was alleged
that on the night prior to the decision of the Commission,
Judge Bradley's house had been surrounded by the carriages
of Republican politicians and Pacific Railroad magnates,
and that as a result of pressure brought to bear upon him,
Judge Bradley had changed his views. There was no
proof to support this charge but the Democratic papers,
especially the New York Sun, kept the story alive and em-
bittered Bradley's life.

The basis for the decision of the Commission was ex-
pressed in the following words:

43. Congressional Record, Vol. V, Part 4, 44th Cong.,
2nd Sess., p. 37.
44. Haworth, op. cit., p. 234.
45. Bradley was branded by the Democratic newspapers
thereafter as "Aliunde Joe." See E.P. Oberholtzer,
History of the United States Since the Civil War,
p. 307.

On all important questions Bradley voted with the
Republicans, 8 to 7. In only a few minor instances
did he vote with the Democrats; for example, on
February 7 he voted to receive evidence on the
eligibility of F.C. Humphreys; on February 9 he
voted for adjournment because one of the Democratic
counsel had been made ill by the smoke of the
candles in the Commission hearing room. The parti-
san character of the voting of the Commission was
apparent in all instances of any importance and
even sometimes on the question of adjournment.
Congressional Record, Vol. V, Part 4, 44th Cong.,
2nd Sess.
That it is not competent under the Constitution and the law, as it existed at the date of the passage of said act, to go into evidence aliunde on the papers opened by the President of the Senate in the presence of the two Houses to prove that other persons than those regularly certified to by the governor of the State of Florida, in and according to the determination and declaration of their appointment by the Board of State Canvassers of said State prior to the time required for the performance of their duties had been appointed electors, or by counter-proof to show that they had not, and that all proceedings of the courts or acts of the Legislature, or of the executive of Florida subsequent to the casting of the votes of the electors on the prescribed day are inadmissible for any such purpose. 46

After the decision of the Commission was read giving the electoral votes of Florida to Hayes, an objection was submitted at once. Each House went into separate session to decide upon the objection. The Republican Senate voted to sustain the decision, but the Democratic House rejected it. However, since the decision of the Commission had to be rejected by both Houses of Congress, the House of Representatives was overruled, and the electoral votes of Florida were counted for Hayes.

The next state whose count was objected to was Louisiana, which had sent four certificates or papers purporting to be the electoral votes of that state. The

47. Ibid., Part 2, p. 1481.
48. Ibid., pp. 1477, 1487, 1502.
49. Ibid., p. 1503.
50. Ibid.
first certificate was the original certificate made by the Republican electors on December 6 and certified by Governor Kellogg, but only one copy of it was in the hands of the President of the Senate for, as already explained, the copy sent by messenger had been carried back to Louisiana. The second certificate, of which there were two copies, was from the Tilden "electors" and was certified by "Governor" McNenery. The third, of which there were two copies, was the Republican certificate in which two signatures were forged. The fourth certificate received by mail was from "John Smith, bull-dozed Governor of Louisiana" certifying that the votes of Louisiana had been cast for Peter Cooper.

After the objections were submitted, the case was transferred to the Electoral Commission. As in the Florida case, the real struggle was over the admission of evidence, and, as in the decision in the Florida case, the vote of the Commission was 8 to 7 not to admit any evidence "aliunde the papers opened by the President of the Senate."  

51. Supra., p. 81.
52. Ibid.
54. Ibid., pp. 1504-1505.
55. Ibid., Part 4, p. 119.
Then a vote was taken on a resolution introduced by Senator Morton. He had been informed by Kellogg that something was wrong with certificate No. 3, so Morton was careful in his resolution to stipulate that the votes certified in No. 1 should be counted. The resolution was carried by the usual vote of 8 to 7.

When the decision of the Commission giving Louisiana's votes to Hayes was read to Congress on February 19, objections were made and each House convened in separate session to decide upon the objection. As in the case of Florida, the Senate accepted the decision of the Commission and the House rejected it. Thus the electoral votes of Louisiana were counted for Hayes.

During the time that the cases of the electoral votes were before the Commission, a movement had begun to extract from the friends of Hayes certain pledges regarding the state governments in Louisiana and South Carolina. As early as February 15, Hayes had written Sherman that he preferred to make no new declarations regarding his Southern policy further than to confirm what he had said in his letter of acceptance.

57. Ibid.
60. Ibid., p. 1703.
But you may say, if you deem it advisable, that you know that I will stand by the friendly and encouraging words of that letter and by all that they imply. You cannot express that too strongly. 62

61. (cont.) of acceptance of the Republican nomination for President, July 8, 1876.

"The resolution of the convention on the subject of the permanent pacification of the country and the complete protection of all its citizens in the free enjoyment of all their constitutional rights, is timely and of great importance. The condition of the Southern states attracts the attention and commands the sympathy of the people of the whole union. In their progressive recovery from the effects of the war, their first necessity is an intelligent and honest administration of government which will protect all classes of citizens in their political and private rights. What the South most needs is peace and peace depends upon the supremacy of the law. There can be no enduring peace if the constitutional rights of any portion of the people are habitually disregarded. A division of political parties resting merely upon sectional lines is always unfortunate and may be disastrous. The welfare of the South alike with that of every other part of this country, depends upon the attractions it can offer to labor and immigration and to capital. But laborers will not go and capital will not be ventured, where the Constitution and the laws are set at defiance and distraction, apprehension, and alarm take the place of peace-loving and law-abiding social life. All parts of the Constitution are sacred and must be sacredly observed, the parts that are new no less than the parts that are old. The moral and material prosperity of the Southern States can be most effectually advanced by a hearty and generous recognition of the rights of all by all—a recognition without reserve or exception. With such a recognition fully accorded it will be practicable to promote by the influence of all legitimate agencies of the general government, the efforts of the people of these States to obtain for themselves the blessings of honest and capable local government. If elected, I shall consider it not only my duty, but it will be my ardent desire to labor for the attainment of this end.

Let me assure my countrymen of the Southern States that if I shall be charged with the duty of
On February 23 Mr. Charles Foster, Representative from Mr. Hayes's own district, had stated in a speech during the Louisiana debate that it would be the policy of Mr. Hayes, if inaugurated, to wipe out sectional lines and that under him "the flag should wave over states, not provinces, over free men and not subjects." Mr. Hayes immediately wrote a letter to Foster commending this speech and stating that if the electoral count were favorable, the public was to be informed that the Southern policy was to be as Foster had stated it.

Meanwhile, the counting of the electoral votes continued with all states after Louisiana being accepted until Oregon was reached. Objections having been made to the votes of this state, the solution was referred to the Electoral Commission. The chief point at issue in the Oregon case was the question of the eligibility of

61. (cont.) organizing an administration, it will be one which will regard and cherish their truest interests - the interests of the white and of the colored people both, and equally; and which will put forth its best efforts in behalf of a civil policy which will wipe out forever the distinction between North and South in our common country."

64. Haworth, op. cit., p. 268.
one of the Republican electors, John W. Watts, who was a postmaster in LaFayette in Yam Hill County. The decision of the Commission was the usual 8 to 7 votes in favor of Hayes, and the action of Congress the same as in the case of Florida and Louisiana. Needless to say, the electoral votes of Oregon went to Hayes.

The roll call of states then continued until South Carolina was reached. Objections were filed protesting the electoral votes of that state, for two certificates had been received. The first certificate was from the Hayes electors which was certified by Governor Chamberlain and Secretary of State Hayne. The second certificate was from the Tilden electors and was not certified by anyone, but in it the electors claimed they had received a majority of the votes cast, alleged that they had been deprived wrongfully of their rights by the returning board, and referred to the mandamus and quo warranto proceedings which have already been described.

While the South Carolina case was before the Commission, various conferences were held between friends of Hayes and Southern representatives. On February 26

68. Ibid., p. 1916.
69. Ibid., p. 1945.
70. Supra., pp. 59-63.
there were three such conferences. One took place in the room of the House Committee on Appropriations between Mr. Foster and Representative John Young Brown of Kentucky and Senator J.B. Gordon of Georgia. Another occurred in the Finance Committee room of the Senate. This conference was between Major E.A. Burke, special agent for Louisiana, and Stanley Matthews, ex-Governor Dennison of Ohio, and John Sherman.

The third conference took place on the night of February 26 in the room of Mr. Evarts at Wormley's Hotel. Present were Mr. Burke, E.J. Ellis, and Mr. W.M. Levy, Democratic Representative from Louisiana, Henry Watterson, Stanley Matthews, Mr. Dennison, Mr. Sherman, and James A. Garfield.

Watterson, who had been invited to the meeting by both the Democratic and Republican conferrees, stated that he came as a sort of "referee." However, just before the appointed hour of the conference, General M.C. Butler of South Carolina (afterwards a Senator in Congress), went to Watterson and said:

This meeting is called to enable Louisiana to make terms with Hayes. South Carolina is as

71. Haworth, op. cit., p. 269.
73. Ibid., pp. 591, 619.
74. Watterson, op. cit., p. 19.
deeply concerned as Louisiana but we have no body to represent us in Congress and hence have not been invited. (The representatives of South Carolina in Congress at that time were Republicans.) South Carolina puts herself in your hands and expects you to secure for her whatever terms are given to Louisiana.75

Prior to this time, however, in previous conferences an agreement had been reached to the effect that "if Hayes came in, the Federal troops would be withdrawn and the people of Louisiana would be left to set their house in order to suit themselves."

Therefore, when Mr. Watterson brought up the subject of South Carolina in the Wormley conference, Mr. Dennison, having just read a letter from Mr. Hayes to the gathering, said: "As a matter of course the Southern policy to which Mr. Hayes has here pledged himself embraces South Carolina as well as Louisiana." Mr. Sherman, Mr. Garfield, and Mr. Evarts concurred in Mr. Dennison's statement; and after the Wormley conference was over, Watterson communicated this fact to General Butler.

The Democrats, on their part, promised Hayes's friends to use their influence to stop filibustering in Congress over the acceptance of the decisions of the Electoral Commission; and they also guaranteed peace, good

75. Watterson, op. cit., p. 19.
76. Ibid.
77. Ibid.
78. Ibid.
order, protection of the law to whites and black alike, and no persecution for past political offenses.

The next day after the Wormley conference, February 27, the electoral vote of South Carolina was announced by the Commission to be for Hayes and Wheeler by the usual ballot of 8 to 7.

As in the cases of the preceding disputed states, the House rejected the Commission's decision and the Senate approved it. Consequently, under the law which demanded concurrent action of both Houses of Congress for rejection, the electoral vote of South Carolina was given to Hayes.

The roll call of states continued and, after objections had been filed against the count of Vermont because a second set of certificates was brought by Mr. Hewitt purporting to be the electoral votes of Vermont, a filibuster developed in the House to force through a resolution which would compel the President of the Senate to accept the second set of certificates and then refer the vote of Vermont to the Electoral Commission.

83. Ibid.
84. Ibid., p. 2054.
However, Levy of Louisiana, remembering the Wormley compact, became anxious to stop the filibustering.

"The people of Louisiana," said Mr. Levy, "have solemn, earnest and I believe truthful assurances from prominent members of the Republican party, high in the confidence of Mr. Hayes, that in the event of his election to the Presidency, he will be guided by a policy of conciliation toward the Southern states, that he will not use the Federal authority or the army to force upon those states governments not of their choice, but in the case of these states will leave their own people to settle the matter peaceably of themselves."  

Levy then called upon fellow members to join him in opposing the filibusters. The resolution was finally voted down by 148 to 116.

Then Virginia and West Virginia were counted without objection. To Wisconsin, however, there was an objection by the House, but finally it was ruled that Wisconsin should be counted for Hayes.

In joint session, therefore, the presidential count was at last completed. The President of the Senate, Mr. Ferry, made the following statement:

In announcing the final result of the electoral vote the chair trusts that all present whether on the floor or in the galleries will refrain from all demonstration whatever; that nothing shall transpire on this
occasion to mar the dignity and moderation which have characterized these proceedings in the main so reputable to the American people and worthy of the respect of the world. 88

Then Perry announced the vote as 185 for Hayes and 184 for Tilden, and declared Hayes elected President for four years commencing on the fourth of March, 1877. Congress was then adjourned, and the Senate left the Representatives hall at eleven minutes past four on Friday morning, March 2, 1877.

Thus the contested presidential election of 1876, largely a result of the Southern political situation, was decided finally in favor of Rutherford B. Hayes. Yet the Southern political problem itself was not settled for there existed in two Southern states - Louisiana and South Carolina - dual governments, each of which claimed to be the legal authority. What would the new President do about this situation? A final solution must be found, and Hayes had pledged himself to find that solution.

89. Ibid.
90. Ibid.
CHAPTER VII

RESTORATION OF HOME RULE

Since the fourth of March came on Sunday and the formal inauguration of President Hayes was not until Monday, it was thought best to take steps to prevent an interregnum. Consequently, on Saturday evening the oath of office was administered to Mr. Hayes by the Chief Justice in the Red Room of the White House in the presence of President Grant and Ulysses S. Grant, Jr. "This was on the advice of Secretary Fish and the President," said Hayes in his diary. "I did not altogether approve, but acquiesced."

The formal inauguration took place on Monday, March 5, 1877, and in his inaugural address Hayes took up the Southern problem first because, in his own words:

The permanent pacification of the country upon such principles and by such measures as will secure the complete protection of all its citizens in the free enjoyment of all their constitutional rights is now the one subject in our public affairs which all thoughtful and patriotic citizens regard as of supreme importance.2

Hayes then expressed his sincere anxiety for the promotion of the contentment and prosperity of the Southern citizens, and to accomplish this purpose he invoked the cooperation of all who regarded the welfare of the country regardless of "party ties and the prejudice of race." He called for the improvement of the intellectual and moral condition of the people.

"Universal suffrage," said he, "should rest upon universal education. To this end, liberal and permanent provision should be made for the support of free schools by the state governments, and if need be, supplemented by legitimate aid from national authority."

Finally, Hayes gave the Southern people reassurance by this emphatic declaration:

Let me assure my countrymen of the Southern States that it is my earnest desire to regard and promote their truest interests, the interests of the white and of the colored people, both and equally, and to put forth my best efforts in behalf of a civil policy which will forever wipe out in our political affairs the color line and the distinction between North and South, to the end that we may have not merely a united North or a united South, but a united country.

In accordance with his pledges, therefore, President Hayes took up the solution of the Southern problem a few weeks after his inauguration.

It has been pointed out in previous chapters that Florida had succeeded in establishing one state

4. Ibid.
5. Ibid.
government, but in Louisiana and South Carolina there were two governments, each claiming to be the rightful authority. In South Carolina the Republican claimant for governor was Daniel H. Chamberlain; the Democratic claimant, Wade Hampton. However, as previously indicated also, the Hampton government was supported by the majority of the people of South Carolina.

On the twenty-third of March, President Hayes invited Mr. Chamberlain and Mr. Hampton to come to Washington for a conference regarding the political condition of the state of South Carolina. The notes of invitation contained the following significant paragraph:

It is the earnest desire of the President to be able to put an end as speedily as possible to all appearance of intervention of the military authority of the United States in the political derangements which affect the government and afflict the people of South Carolina. In this desire the President cannot doubt he truly represents the patriotic feeling of the great body of the people of the United States.

At the conference Chamberlain assured Hayes that the withdrawal of the troops from South Carolina would mean the end of Republican rule in that state. Hampton urged the removal of the troops and pledged himself to respect

7. Ibid., p. 64.
8. Williams, op. cit., p. 50.
the fifteenth amendment.

Finally on April 3, 1877, Hayes addressed the following note to the Secretary of War:

Prior to my entering upon the duties of the presidency, there had been stationed by order of my predecessor in the State House at Columbia, South Carolina, a detachment of United States infantry. Finding them in that place, I have thought proper to delay a decision of the question of their removal until I could consider and determine whether the condition of affairs in that State is now such as either to require or justify the continued military occupation of the State House. In my opinion there does not now exist in that State such domestic violence as is contemplated by the Constitution as the ground upon which the military power of the national government may be invoked for the defense of the State. There are, it is true, grave and serious disputes as to the rights of certain claimants to the chief executive of that State. But these are to be settled and determined not by the executive of the United States, but by such orderly and peaceable methods as may be provided by the constitution and laws of the State. I feel assured that no resort to violence is contemplated in any quarter, but that, on the contrary, the disputes in question are to be settled solely by such peaceful remedies as the Constitution and laws of the State provide. Under these circumstances, in this confidence, I now deem it proper to take action in accordance with the principles announced when I entered upon the duties of the presidency. You are, therefore, directed to see that the proper orders are issued for the removal of said troops from the State House to their previous place of encampment.

On April 10 the United States soldiers left the State House and all the state, county, and city officers and the Supreme Court of South Carolina recognized the authority of the Hampton government. On April 11 Chamberlain surrendered his office without any resistance.

Thus one more part of the Southern problem was solved with the restoration of local government to the people of South Carolina. However, the government of Louisiana remained in dispute, and in that state the problem was more complicated than in South Carolina, for there were not only two claimants for governor, but also two legislatures and two supreme courts. In addition, each governor had a military force. The Republican claimant, Packard, had the metropolitan police of New Orleans and the United States troops; while the Democratic claimant, Nicholls, had the state militia.

President Hayes decided to send a commission to Louisiana which was to examine the situation and report to him a plan or suggestion for settling the problem of the double government in that state. Appointed to the commission were the following: Judge Charles B. Lawrence of Illinois, General Joseph R. Hawley of Connecticut,

13. Ibid., p. 82.
14. Williams, op. cit., p. 54.

Meanwhile, the President received a petition from New Orleans signed by hundreds of the leading citizens - bishops, pastors, lawyers, physicians, bankers, heads of insurance, manufacturing, and business companies, and others - asking for the immediate withdrawal of military support from the Packard government. The petition went on to say:

We call your attention to the fact that there is no other government in the State but that of which Mr. Nicholls is the executive. The attempt...to disturb the peace of the State by forcing upon it the so-called Packard government would bring about anarchy and civil commotion which would continue as long as federal interference was persisted in.... We are not politicians. We have no favors to ask of any man. We have no offices to seek. We hope and believe that the President of the United States will recognize without further delay the right of American citizens to self-government loyally exercised under the law and the Constitution.... If local self-government is given us, we pledge ourselves for the loyalty of Louisiana to the Union for the protection of life and property and civil rights of all her citizens, and for the equal benefit of her laws without distinction of race, color, or previous condition.

When the commission arrived in New Orleans, April 6, 1877, a mass meeting of citizens numbering several thousand was held. It adopted a number of resolutions to the

15. Williams, op. cit., p. 54.
16. Ibid., pp. 56-57.
effect that the Nicholls government was legitimate and that the President should remove the Federal troops from Louisiana, for domestic insurrection did not exist in the state. The determination and temper of the people were expressed in these concluding words:

> With a deep sense of responsibility, with a full recognition of all...obligations as citizens of the Union, in no spirit of threatening or braggadocio, with a profound consciousness of the power of the Federal government and of (our) ability to resist it, we solemnly declare our purpose: Never to submit to the pretended Packard government; never to pay it a dollar of taxes; never to acknowledge its authority; but to resist it at every point and in every way, and to require that every demand which it may make upon the obedience of the citizens be enforced only by a present physical power which we are incapable of resisting.  

Under these conditions, the commission soon found it impossible to bring the two claimants for the governorship to any arrangement and, therefore, turned to the task of bringing together in a single legislative body a sufficient number of members holding their certificates of election to form a quorum. In a number of cases the election officers had returned as members of the Nicholls legislature the same persons who were certified by the Republican returning board as members of the Packard legislature. These persons had first qualified in the Packard

government. However, if they could be induced to go over to the Nicholls government, they would bring up the membership of the Nicholls legislature to a legal quorum and leave the Packard legislature without a quorum.

Since the Packard government was bankrupt, and as most of its legislators were poor Negroes, the offer of the Nicholls legislature to pay them eight dollars per day for their previous services and forty cents per mile mileage was too strong to be resisted. By April 20 the Nicholls government had succeeded in securing a quorum of members in both houses of the legislature, and on that same day the commission sent a telegram to President Hayes advising the immediate announcement of a date by him when he would order the withdrawal of the United States soldiers from the support of the Packard government.

The President's order for the withdrawal of Federal troops from the support of the Packard government was executed on April 24. Packard protested, but yielded more gracefully than had been expected. However, he was console for his loss of the governorship by his appointment to the lucrative position as United States consul to

20. Burgess, op. cit., p. 86.
21. Ibid., p. 87.
Thus Hayes by the withdrawal of Federal troops from South Carolina and Louisiana took the final step necessary in restoring all the states of the South to their full membership in the Union as self-governing bodies within the limits of the Constitution.23

At last, by the assistance of Rutherford B. Hayes, home rule had been brought about in those states.

Yet many of Hayes's own party denounced the President's action. Boutwell and Butler of Massachusetts and W.E. Chandler of New Hampshire were loud in denunciation of the Southern policy. Joining in the opposition were many Republican newspapers, including the New York Times. The aged ex-Senator Benjamin F. Wade, who had seconded Mr. Hayes's nomination at Cincinnati, felt himself "deceived, betrayed, and humiliated" by the President's course. William Lloyd Garrison could see in it only "cowardly compromise" with the "incorrigible enemies of equal rights and legitimate government." Mr. Blaine expressed his "profoundest sympathy" for Governor Chamberlain in his "heroic though unsuccessful struggle for

23. Burgess, op. cit., p. 87.
civil liberty and constitutional government," while his heart and judgment "were with Governor Packard in his contest" against great odds. In fact, said Blaine, it was "an unwise and unwarranted act on the part of the President to purchase peace in the South by surrendering Louisiana to the Democratic party."

Hayes, however, did not allow his peace of mind to be upset by his critics. Neither was the President disturbed by the effort of many newspapers to make it appear that in his Southern policy he was simply carrying out a "bargain" made by his friends, Charles Foster and Stanley Matthews, with certain Southern representatives. Mr. Hayes's opinion was reported in the Washington correspondence of the New York Times dated April 15, 1877, as follows:

My belief is that this course tends to give good government to the South; it tends to secure peace between the sections, and between the races or parties of the South; and it tends to secure the rights, interests, and safety of the colored people; therefore, I am in favor of the policy. ... I respect the convictions of those who honestly differ from me, but am indifferent to those who propose a malignant opposition because I cannot see that public duty leads me in the path that they would mark for my official foot-steps.

25. Williams, op. cit., p. 65.
27. Williams, op. cit., p. 66.
28. Ibid.
Though the stalwart faction of the Republican Party was against the Southern policy of Hayes, the liberal Republicans, the Democrats of the North, and the whites of the South were with him. The feeling of the Southern people might well be indicated by their reception of the President on his tour South in the early fall of 1877. The presidential party consisted, in addition to the President and Mrs. Hayes, of Secretary Evarts and members of his family, Secretaries Schurz and McCrary, Postmaster-General Key, and the governors of Rhode Island and West Virginia. Crossing the Ohio to Louisville, the party was joined by Wade Hampton. Nothing that Southern hospitality could suggest was omitted in the attentions paid to the visitors during their two days at Louisville. From there the party passed on to Nashville, Chattanooga, Knoxville, Atlanta, Lynchburg, and Charlottesville. Everywhere along the route people thronged to the stations to welcome and applaud the President. There was no mistaking the enthusiasm which greeted Mr. Hayes.

A staff correspondent of the New York Tribune for September 24, 1877, remarked:

29. Burgess, op. cit., p. 89.
It was plain to one on the platform, looking in the eyes of the multitude that the people liked his (Hayes's) face and manner to begin with; and before he had spoken a dozen sentences there could be no doubt that they liked his speech for their applause was unmistakably spontaneous and earnest.32

Major Bickham of the Dayton Journal who accompanied the presidential party described the journey as amazing.

"It was more in the nature of a triumphal march," he declared, "celebrating the reestablishment of peace and good will than anything else with which I can compare it; and the President deported himself with a dignity, ability, self-possession, and manliness that was deeply gratifying to those who know him well. I believe that the President's Southern tour will prove vastly beneficial to the country. It has already established a better feeling and has opened wide the gates to permanent pacification."33

That permanent pacification was achieved by Hayes was evident on all sides. Peace and prosperity and contentment were restored in the South. The state governments became more honest, efficient, and economical. The rights of the Negroes were more nearly realized than before. President Hayes in his first annual message to Congress on December 3, 1877, spoke of the happier condition of the South:

"There exist," said the President, "a spirit of mutual forbearance and hearty national

33. Ibid.
34. Burgess, op. cit., p. 87.
interest. There has been a general re-establishment of order and of the orderly administration of justice. . . . Political turmoil and turbulences have disappeared."

Thus in adopting a policy calculated to eliminate the political violence in the South, Hayes showed himself to be a statesman of the first order and of the broadest national type. Indeed, Rutherford B. Hayes deserves the gratitude of the nation, and, in truth, the title "Statesman of Reunion."

36. Burgess, op. cit., p. 89.
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