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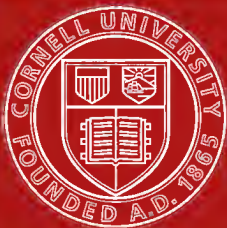
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# Political and Governmental History of the State of New York

VOLUME II



Consecutive History, 1821-1864

BY

WILLIS FLETCHER JOHNSON

AND

RAY B. SMITH

THE SYRACUSE PRESS, Inc.  
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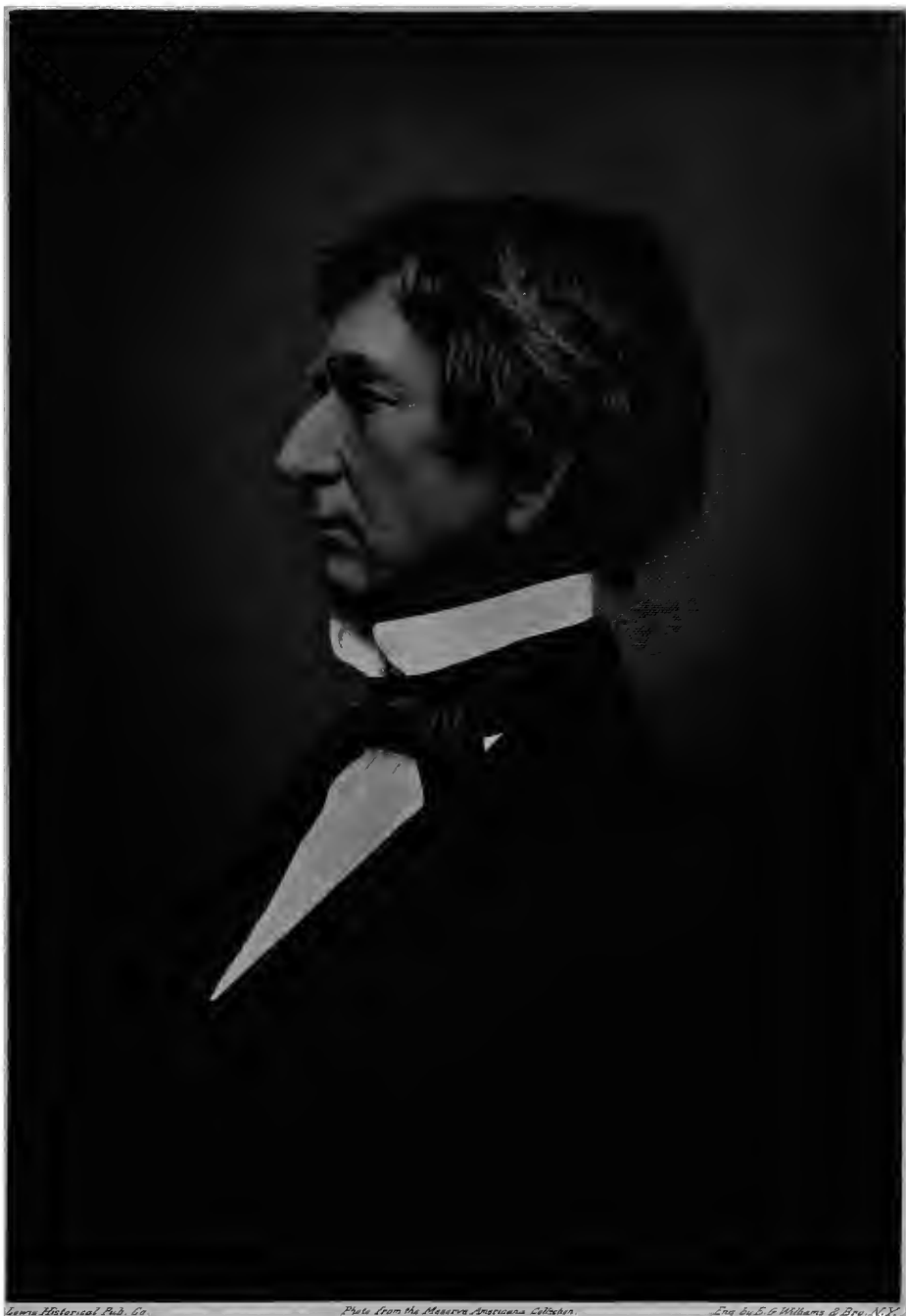
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#### WILLIAM HENRY SEWARD

William Henry Seward, 14th governor (1839-42); born at Florida, Orange county, N. Y., May 16, 1801; lawyer; member state senate, 1831-1834; unsuccessful as whig candidate for governor, 1834; elected 1838, served 1839-42; elected to United States senate in 1849 and served until March 3, 1861; secretary of state in President Lincoln's and President Johnson's cabinet (March 5, 1861, to March 3, 1869); largely instrumental in securing redress from Great Britain for damages wrought American shipping on the high seas by the Alabama and in concluding with Russia the arrangements for the purchase of Alaska; died at Auburn, N. Y., October 10, 1872.



William H. Sewall



## FOREWORD

The history of New York is peculiarly interwoven with the careers of our national parties and their many extraordinary leaders. It is not merely from the records of personal and party rivalries, however, that it derives its singular importance and interest. The Empire State has maintained an almost continuous leadership among the states and at all times has been a most powerful, when not an actually controlling, factor in shaping the policies of the Nation. With rare exceptions the general political sentiment of the country has been identical with the prevailing sentiment of New York. From the time of Hamilton and the Clintons to the present the balance between the great parties has been remarkably even and the party in power has been forced, if it would succeed, to so act as to acquit itself well with the people. This even balance and the inexorable necessities of party competition has been of inestimable benefit to New York and through her a commanding influence for good government in the entire Nation.

The close of the Civil War marks the dividing line between two distinct and well defined epochs in national history. The issue of slavery and its elimination resulted necessarily in a complete social, political and economic readjustment. Old party ties were swept away, new affiliations and alliances were formed, all working, however, for the reconstruction on a safe and sound basis of the Union, saved at the

priceless cost of the lives and suffering of the bravest and best men and women the world had ever known.

Due to the momentous issues and consequent bitter controversies involved, the history of the first epoch has been covered from many angles, by many writers, actuated by varying motives—patriotism, self interest, passion, prejudice—all influenced by environment. To select from this mass of material what should stand as unbiased, authentic history is no light task. This is what we have endeavored to do and I believe it has been done.

Included in this volume, out of their chronological order, are three chapters covering specific subjects, viz: Chapter XI on State care for agriculture; Chapter XVII on the system of secret service for fugitive slaves popularly known as “the underground railroad”; and Chapter XXI on the woman’s rights movement. The second subject mentioned belonged in its entirety to this period. The other two had their inception within it, the first in later years developing into the State Fair, the third into the nineteenth amendment to the Federal constitution. All three deserve a permanent place in the history of our State.

The principles and policies established as fundamental to our national growth and progress during the pre-war period can be readily traced into the changed political setting following the war. They stand immutably as the impregnable bulwark of our national rights and liberties to be forever cherished and defended.

R. B. S.

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## CHAPTER I

### THE ALBANY REGENCY

**T**HE new Constitution of 1821-22 ushered in a new era in the technical government of the State of New York. Simultaneously with its going into force there occurred a still more radical and momentous change in the unofficial political complexion and control of the State. The rule of the great families was ended, and that of practical politicians was established. This change had indeed been coming upon the State for some time. The power of the Schuylers had never been reëstablished after the death of Hamilton, and it was now only a memory. The power of the Livingstons had waned almost to nothingness, save as landed proprietors. The rule of the house of Clinton lasted longest, but it also was now ended; for while DeWitt Clinton was still a major factor in State affairs he was so by virtue of his own genius, and the issues and works for which he stood, rather than because of his family connections. A few great landowners still maintained almost baronial sway, notably Stephen Van Rensselaer, the "great patroon," and the lords of Livingston manor. But their power was economic and social rather than political, and already even at Rensselaerswyck the spirit of revolt had been kindled, which was to flame up in the Anti-Rent party and the Helderberg war.

The State was growing enormously in population, having much more than doubled in numbers in twenty years. In 1800 the census showed 589,051 souls; in 1810, 959,049; and in 1820, 1,372,812. In this last enumeration it surpassed Virginia and for the first time attained the rank which it has ever since easily held of the most populous State in the Union. In 1800 it had been third, Virginia and Pennsylvania being respectively first and second; and in 1810 it had stood second to Virginia. This growth of population, apart from the birth rate, was due to immigration from New England, to which we have referred in the preceding volume, and also to immigration from Europe, for which New York City was the nation's chief port of entry. Now the New Englanders were imbued with a more democratic spirit than the old aristocracy of New York, and of course the peasantry from Europe had no regard for great families in the new world. There was thus a progressive transformation of the character and disposition of the citizenry, and the democratic provisions of the new Constitution invested the people with a power which they never before had known.

There then arose, to take the place of the great families in political leadership and dominance, the most noteworthy of all the "rings" in the history of the State, in which such organizations have been more numerous and more potent than in any other. This was the "Albany Regency," at first a triumvirate but later a more numerous body, which for a third of a century dominated the political life of New York and not infrequently exerted a controlling influence upon the

politics of the nation. We have called it a "ring." But it had little or nothing in common with the offensive "rings" of later days that have been composed of politicians of low ideals, dubious integrity, and more cunning than statesmanship, and have been formed and conducted for sordid purposes of patronage and "graft." Not such was the Albany Regency. Its members were the foremost statesmen and jurists of the State, men of genius, of lofty ideals, of unblemished honor, whose aim was the development of civic institutions and the maintenance of political principles. Perhaps no higher tribute can be paid them than that voluntarily offered by the man who gave them the name of "Albany Regency" and who for many years was their most implacable and formidable political antagonist. This was Thurlow Weed, who testified that the members of the Regency were characterized by "great ability, great industry, indomitable courage, and strict personal integrity," and who added that in his long life of political activity and observation he had "never known a body of men who possessed so much power and used it so well."

The original triumvirate was composed of Samuel A. Talcott, William L. Marcy, and Benjamin F. Butler—*clara et venerabilia nomina*. They were three of the finest examples of young American manhood and citizenship of their time. All were young, all lawyers, all members of the Bucktail faction of the Democratic party under the lead of Martin Van Buren and opposed to DeWitt Clinton, and all office-holders, put into their places by the notorious penultimate Council of Appointment in 1821 which by its arbitrary conduct sealed

the doom of that ill-devised agency of government. That body, it will be recalled, was known as "Skinner's Council," because it was dominated by Roger Skinner, who had the shamelessness to be a State Senator, member of the Council of Appointment, and particularly active partisan politician at the same time that he was the United States Judge for the Northern district of New York, and who consequently provoked the Constitutional convention to provide in the new Constitution that no Federal office-holder should be eligible to a State office.

The Legislature of 1821, the Forty-fourth in the history of the State, had a particularly stormy and important session, the three historic features of which were Governor Clinton's "Green Bag message" against the meddling of Federal officials in State politics, the election of Martin Van Buren to the United States Senate, and the enactment of the measure providing for the Constitutional convention. It was while those things were being done that Skinner's Council made possible the formation of the Albany Regency by appointing Samuel A. Talcott to succeed Thomas J. Oakley as Attorney-General, William L. Marcy to succeed General Solomon Van Rensselaer as Adjutant-General, and Benjamin F. Butler to be District Attorney of Albany county.

Talcott was at this time thirty-two years of age—tall, stately, and commanding; dignified and gracious in bearing, and possessed of an almost unrivalled gift of eloquent speech. At the New York bar he had no superior in intellectual power, and perhaps never had

been excelled by any of his predecessors with the exception of Hamilton. Commenting on his last appearance before the United States Supreme Court, when he opposed Daniel Webster in a memorable case and made an argument five hours in length, the illustrious Chief-Justice, John Marshall, declared that his achievement had not been equalled in that court since the days of William Pinckney. Educated at Williams College, he was one of the finest classical scholars of the day, and his tastes and inclinations were those of a man of letters rather than a practical politician. It may well be believed that he became identified with public affairs far more from a feeling of obligation as a citizen than from liking or from any personal ambition.

Butler was only twenty-six years old, singularly handsome, graceful, sympathetic in appearance and manner, generous and kindly in spirit. Although not a college man, he rivalled Talcott—whose bosom friend he was—in classical culture and intellectual power. He studied law in Van Buren's office, and then became his partner. Entering public life with reluctance and from a sense of duty, he attained distinction in his State and rose to a cabinet position at Washington, but was best pleased to turn away from his public honors to become one of the founders of the Law School of New York University.

Marcy, best known of the three in history, was the eldest, being thirty-five. He was a stalwart, soldierly man—he had served with credit in the army, winning the first land victory in the War of 1812,—with a massive head and brows resembling Webster's, and a man-

ner and spirit kindly and genial. He was a native of Massachusetts, and a graduate of Brown University; an omnivorous reader and fine English scholar, a capable school-teacher, and a trenchant editor. He alone of the three had a real love of political life, in which he was destined to make a triple record of distinction as Governor of New York, as United States Senator, and as Secretary of State of the United States.

When these three young friends found themselves, in 1821, thrown together as important office-holders at Albany, they were disgusted with the perversion of politics to personal greed. They realized the unworthy character and conduct of the Council that had appointed them to office, and perceived that while some excellent selections were made offices were too largely filled at the behest of interested local bosses with more regard to political advantage than to fitness. The spoils system was in full and most offensive operation. Indeed, Talcott and Marcy, if not also Butler, owed their places to that system, though not through their own seeking. Nevertheless, they determined upon reform. Under the new Constitution the Council of Appointment was abolished and the appointing power was given to the Governor. But it would not do for him to make appointments on the same low plane that the Council had; instead of being subservient to mere influence and appointing men for expediency's sake rather than merit, he must be encouraged to choose men for fitness, and the whole system must be unified under general State direction. There must be well organized party discipline throughout the State, and there must be high standards



of political integrity. Ten years afterward, speaking in the Senate of the United States and referring to his political contemporaries and associates, Marcy gave to American political literature one of its most famous epigrams. "They see nothing wrong," he said, "in the rule that to the victors belong the spoils of the enemy." But if he and his fellow "Regents" were spoilsmen, they at least apportioned the spoils with intelligence and discretion. They filled offices with their own party friends, but they insisted that these should be selected because of fitness and that they should show efficiency and integrity.

These men, of course, had no official authority thus to dominate the politics of the State. They had no authority within their party organization. Such influence as they possessed and exerted arose directly from their extraordinary personalities, from their integrity, their commanding intellectual ability, their fine combination of tact and resolution, their natural gift of management and leadership of men. Others might disagree with them; nobody could denounce or convict them of corruption. Not all of their associates and successors were of equal caliber, yet they were generally representatives of the best statesmanship and public spirit of the Democratic party. They included Roger Skinner, Edwin Croswell, Benjamin Knower, Azariah C. Flagg, Charles E. Dudley, Silas Wright, and Dean Richmond.

It was under the inspiring leadership of Talcott, Butler, Marcy, and their associates that the State of New York entered upon the new era of its Constitution, and it was largely owing to their genius and devotion that

that instrument was so wisely and profitably applied. Each of these men died at what might well be regarded as an untimely age, and each without having attained the goal to which he fairly seemed to be entitled. Talcott died at forty-five, when just entering upon the fullness of his intellectual and physical powers, lamented by the bar of the State as one of its two or three foremost members. Butler passed away at fifty-nine, in the very prime of life, leaving the great Law School of New York University to be his fitting monument. Marcy lived to be the oldest of the three, but when he died at sixty-two his career seemed to be unfinished. He had reached the station of Secretary of State under Franklin Pierce, but he himself should have been President instead of his chief.

The first political achievement of the Albany Regency was, as has been recorded in the preceding volume, the overwhelming election of Joseph C. Yates to be Governor of the State, with Erastus Root as Lieutenant-Governor and an all but unanimously Democratic Legislature. The new Senate was composed of thirty-two members, four each from the eight districts into which the State was divided. Thirty of them were stalwart Bucktail Democrats, and the other two were nominally Federalists but in fact also Democrats, at least in their political actions. Not one of them was politically friendly to Governor DeWitt Clinton, though one of the nominal Federalists, John Suydam, of Ulster county, had been among his strongest supporters; he, however, had turned against Clinton two years before.

The Assembly was more than three-fourths Bucktail, with a few scattering Clintonians. It consisted very largely of new men who had not served before, and contained comparatively few of real prominence in politics, society, or business. The best known were Gulian C. Verplanck and Jesse Hoyt, of New York City; Peter R. Livingston, of Dutchess county; and Azariah C. Flagg, of Clinton county.

The election in November, 1822, was singularly quiet, as if an "era of good feeling" had come upon the politics of the State as of the nation. But the peaceful aspect was delusive—the proverbial "calm before the storm." All the elements of discord and conflict were present in unstable equilibrium, needing only the provocation of a slight shock to precipitate them into disorder, if not disaster. A strong hand and a masterful intellect in the Governorship might have maintained order and harmony. But these unfortunately were lacking. The Albany Regency had erred in putting, through motives of expediency, a comparative weakling in the chair of state at the very time when, because of the great changes made by the new Constitution, and especially the magnifying of the Governor's powers and duties, the very strongest and most expert of men was imperatively needed.

## CHAPTER II

### GOVERNOR YATES'S ADMINISTRATION

**J**OSEPH C. YATES became Governor, and the Forty-sixth Legislature began its session, on the first day of January, 1823, though a quorum was not obtained in the Legislature for the transaction of business until January 7. For the first time a written message was submitted to the Legislature, instead of an address delivered by the Governor in person. Nor was the change in matter less radical than that in manner. Governor Yates's message was scarcely half the length of the addresses of Clinton, and was perfunctory and almost colorless in tone. Referring to the extraordinary importance of the work imposed by the new Constitution, he counselled prudence and caution in procedure. Foremost among the subjects claiming prompt attention was the practical creation of a new judiciary system. Having himself been a Justice of the Supreme Court for fourteen years, Governor Yates naturally devoted more attention to that subject than to any other. It may be added that, following his suggestions, the Legislature on February 24 enacted a measure defining the powers and jurisdiction of the Court of Common Pleas and of General Sessions in all counties except New York. On April 17 it enacted a general Judiciary law. This comprehensive measure defined the terms of the

Supreme Court, and provided for process and for the appointment of a Reporter. It also divided the State into eight circuits corresponding with the Senate districts, vested Circuit Judges with chancery jurisdiction, and defined the powers of the Courts of Oyer and Terminer. A week later a third law fixed the salaries of the various judicial officers. Another law abolished the Probate Court and transferred its functions and powers to the various county Surrogates, created the Marine Court in the city of New York, and provided for the appointment of Justices of the Peace and Special Justices in Albany.

Governor Yates recommended full examination of the Militia laws, in response to which the Legislature enacted a general measure on the subject, based upon the Federal Militia law of 1792. His recommendations concerning the public school system led to the enactment of a bill regulating the administration of public schools, and of another for the sale of public lands for the benefit of the school fund. In response to other suggestions in the message bills were passed declaring tenants who paid taxes to be voters, just as though they were freeholders; providing for further extension of the Erie canal and for a new loan of \$1,300,000 for the purpose; and authorizing a system of solitary confinement for not more than two years for State prisoners convicted of second offenses, and providing for a treadmill at the Albany jail. Provision was made for the erection of a yellow fever hospital in New York. Only a few special messages were sent in at that session of the Legislature, and they were chiefly of a formal and per-

functory character. The abolition of the Council of Revision put an end to the delivery of numerous and often extended veto messages, and only a single bill was vetoed by the Governor at this session. That was a private relief bill; it was vetoed on technical grounds of unconstitutionality, and was not passed over the veto.

The Governor transmitted to the Legislature resolutions of the Massachusetts, South Carolina, and Georgia Legislatures disapproving the Pennsylvania Legislature's proposal for an amendment to the Federal Constitution limiting the powers of Congress in respect to banks, with the sequel that the New York Legislature also adopted a concurrent resolution similarly disapproving that proposal. The Legislature adjourned without day on April 24, 1823.

This record, standing alone, might give the impression that the quiet and harmony which had marked the election in November preceding was continued throughout the session of the Legislature. But such was by no means the case. On the contrary, it was a stormy session, marked with the development and raging of high political passions. The Assembly on January 7 elected Peter R. Livingston, of Dutchess county, to be Speaker, by the overwhelming vote of 117 to 6. Mr. Livingston had been a member of the preceding Senate and also of the Constitutional convention, and in both those bodies he had attracted statewide attention by his extraordinarily bitter hostility to Governor Clinton and all his political friends. It would not, indeed, be too much to say that he was Clinton's most rancorous enemy in the State.

Early in the session Governor Yates, acting under the new Constitution, sent to the Senate for ratification the nominations of Ambrose Spencer, Jonas Platt, and John Woodworth to be the Justices of the new Supreme Court. Mr. Spencer had for some time been Chief-Justice of the old Supreme Court. All three of these nominees had been conspicuously active in party politics, but of their capacity for impartiality on the bench, as of their intellectual and moral worth, there was no question. Unfortunately they had all been opposed to the Bucktails. In consequence the Senate refused to approve them. Spencer and Platt had been close friends and supporters of DeWitt Clinton, and for that reason were rejected almost unanimously by the Senate. Woodworth was not quite so objectionable to the Bucktails, and the majority against him was much smaller than that against the others.

The very day after these rejections the Governor sent in three other names for the Supreme Court, John Savage, Jacob Sutherland, and Samuel R. Betts. The first of these men was then the Comptroller of the State. Mr. Sutherland had been elected to the State Senate, but was of course ready to leave that body for the bench. He had also been United States District Attorney, and was a man of fine legal and literary ability, though for some years he had been retired from his profession and had been engaged in farming. Mr. Betts was also a man of high character and excellent legal standing. The appointments, however, gave great umbrage to Ambrose Spencer and also to Jonas Platt, and indeed were widely regarded as casting discredit upon the

Governor. That was not so much because of objections to the men as because of what was regarded as the indecent haste in sending in their names so quickly after the rejection of the other three. It was charged, with much color of plausibility, that Governor Yates had all along intended to appoint them, and that he had first nominated Messrs. Spencer, Platt, and Woodworth merely to make a virtuous show of reappointing them, with the understanding with the Senate that they were to be rejected and the way thus opened for making three other appointments of a political character. The case was of course aggravated by the fact that the Governor had himself been a colleague on the bench with the three Judges who had been rejected and whom he so hastily sought to supplant.

That there was any such understanding with the Senate seems, however, to have been disproved by the action of that body. It did not delay, but on the day following the receipt of the names confirmed the nominations of Messrs. Savage and Sutherland, but rejected that of Mr. Betts. No reason was given for the rejection save the intimation made by some Senators that he was not regarded as entirely loyal to the Democratic party. It can scarcely be supposed that this was the real reason. It is more probable that Mr. Betts was the victim of some clever wirepulling on behalf of Judge Woodworth. For upon the rejection of his name the Governor nominated Woodworth, who a few days before had been rejected, and this time the latter was confirmed, though not without violent opposition. The whole episode was unpleasant, since it indicated the in-



trusion of personal and partisan politics into the selection of the judiciary, and it perceptibly impaired the esteem in which Governor Yates was held. It may be added that Ambrose Spencer, though he never regained a place on the bench, continued for many years to be a formidable figure in State politics and on several occasions was enabled to wreak dire vengeance upon his foes. He served one term as Mayor of Albany and one term as a Representative in Congress, and, abandoning the Democratic party, was in 1844 the presiding officer of the national convention of the Whig party, at which Henry Clay was nominated for the Presidency only to be narrowly beaten by James K. Polk. Jonas Platt never held office again, but after some years of practice at the bar retired to a farm for the rest of his life. William W. Van Ness, the only one of the former Judges who did not seek reappointment, died within a month of the appointment of the new Judges, having attained no more than middle age. John Woodworth, the only one of them to be reappointed, despite his age and experience was content to rank at the foot of the bench, officially the youngest though in years the oldest of the Judges.

Following the appointment of the Judges, the Legislature in February, 1823, proceeded to choose the State officers whom the new Constitution empowered it to elect. A party caucus was held, in which there was little difference of opinion save over one name; and of course the candidates chosen by the caucus were elected by the Legislature by almost unanimous vote. For Secretary of State the Governor's nephew, John Van Ness

Yates, was selected, doubtless because he had filled the place well since his original appointment to it in 1818. For Comptroller another admirable selection was made in the person of William L. Marcy. He had been vigorously opposed in the caucus by the friends of Colonel Young, who put forward James Tallmadge, a former follower of DeWitt Clinton, and who later became the leader of a strong faction of the Democratic party opposed to the Albany Regency. Alexander M. Muir was elected Commissary-General, practically without opposition; and Simeon DeWitt was returned to the office of Surveyor-General, which he had held for forty years under all parties and administrations. There was some demur in the caucus to his selection, because he was a Clintonian, but his long service and personal charm of character outweighed that consideration. One State officer was left for the Governor to appoint without reference to the Senate. This was the Adjutant-General, who was appropriately thus chosen by the Governor as commander-in-chief of the militia. Governor Yates selected for the place William K. Fuller, a man of high character and amiability of disposition but entirely unacquainted with military affairs.

There were under the new Constitution many minor offices to be filled by the Governor with the approval of the Senate, such as County Judges, Surrogates, and notaries. In most cases the Governor appointed the men who had been selected by local party caucuses, and the Senate generally ratified his choice. All these appointments were made from the Democratic party. The Legislature shortly before adjourning, in April, 1823,

enacted a law providing for the appointment of a Circuit Judge in each of the eight Senatorial districts of the State. This was done on April 17, and four days later the Governor made the nominations. The names were those of Ogden Edwards, Samuel R. Betts, William R. Duer, Reuben H. Walworth, Nathan Williams, Samuel Nelson, Enos T. Throop, and William B. Rochester. Mr. Betts, it will be recalled, had been nominated for the Supreme Court but rejected by the Senate. There was, however, no objection to his appointment to the Circuit Court, and he was promptly confirmed with all the others, all being recognized as excellent appointees.

The Legislature of 1823 was not notable for many important enactments. On March 31, however, it passed a law destined to have important results from its appointment of the last and most noteworthy of the State Printers. It should be recalled that during the Colonial period printers to the crown or for the Province were commissioned by the Governor and Council, the first of them being William Bradford in 1693. The State of New York continued the practice of officially designating a State Printer. The place was held successively by John Holt, 1776-84; Elizabeth Holt, 1784; Samuel Loudon, 1785; Samuel and John Loudon, 1786; Francis Childs and John Swaine, 1790; Francis Childs, 1795; John Childs, 1796; Loring Andrews & Company, 1798; Loring Andrews, 1799; John Barber, 1802; Charles A. and George Webster, 1805; Solomon Southwick, 1809; Henry C. Southwick, 1814; Jesse Buel, 1815; and Cantine & Leake, 1821. During the winter

of 1822-23 Mr. Cantine, who was editor of the *Albany Argus*, died, and on March 31 the Legislature passed an act appointing the surviving member of his firm, Isaac Q. Leake, and his new partner and editor of the *Argus*, Edwin Croswell, to be State Printers. Two years later, in 1825, Mr. Croswell alone succeeded to the place, and he filled it with much distinction and with great political influence for fifteen years. In 1840—if we may here anticipate the record—he was removed on political grounds and was replaced by Thurlow Weed, but was reappointed for a brief time in 1843, just before the office of State Printer was abolished by law and the public printing of the State government was placed under the supervision of a board to be let to the lowest bidder.

Of the firm of Leake & Croswell, Mr. Leake, the elder partner, was a man of considerable literary ability but was infirm in health and quite incapable of taking an active part in politics. Edwin Croswell, on the other hand, was active, enterprising, a practical printer of rare ability, an editor of commanding power, and a politician of much ambition and consummate skill. He made the *Albany Argus* a notable party organ of the Democracy, and made the office of Public Printer a political power in the State.

The dominant political issue of 1823 was, however, not State but national, and once more the politics of New York was made subservient to and indeed the plaything of that of the United States. President Monroe was in his second term, and his successor was to be elected in 1824. Early in 1823 discussion and much



JOSEPH C. YATES

Joseph C. Yates, 8th governor (1823-24); born in Schenectady, November 9, 1768; lawyer; founder of Union college; first mayor of Schenectady. 1798; state senator, 1806-08; justice supreme court, 1808-1822; governor, 1823-24; presidential elector, 1812, 1828; president of electoral college, 1828; died at Schenectady, March 19, 1837.



wirepulling and manœuvering concerning the succession became rife. It was generally recognized throughout the country that the "Virginia dynasty" must end or be suspended, and no Virginia candidate was put forward. So far as any influence was exerted by Virginia, it was in favor of William H. Crawford, of Georgia, who had been Secretary of the Treasury during Monroe's administration and formerly was Secretary of War in Madison's cabinet. No candidate was proposed from New York. New England and some other States favored John Quincy Adams, the Secretary of State. South Carolina put forward John C. Calhoun, the young and brilliant Secretary of War. Kentucky and the west favored Henry Clay, then Speaker of the House of Representatives. Tennessee supported Andrew Jackson, who had a distinguished military career in the War of 1812 and in the subsequent Florida troubles, but who was at the time a private citizen. All these candidates were active Democrats, and all of them had heartily supported Madison in the War of 1812.

With the attitude of the other States toward the various candidates we need not here greatly concern ourselves, but only with that of New York. In this State DeWitt Clinton was one of the earliest and most aggressive advocates of the candidacy of Andrew Jackson. It is probable that the majority of New York Democrats agreed with New England in favoring John Quincy Adams, and it is certain that many of Clinton's opponents did so, among them being James Tallmadge, Henry Wheaton, and Thurlow Weed. But the chief leaders of the anti-Clinton Democracy thought other-

wise. They preferred an alliance of New York with Virginia, and knowing that Crawford was Virginia's choice they threw their influence in his favor. This was the course pursued by Van Buren, by Erastus Root, and by the Albany Regency. As the events showed, the Democratic leaders sadly blundered, and once more they frittered away the influence that New York should have had in national affairs. Meantime Samuel Young, Peter B. Porter, and others supported Henry Clay, and a few prominent Democrats favored Calhoun.

There now arose two issues of great importance concerning the method of choosing the President of the United States. One related to the nomination of candidates, and the other to the choice of Presidential Electors. For many years, as we have seen, the nominations had been made by Congressional caucuses. This was in two respects a highly objectionable system. The Constitution of the United States obviously intended that nominations should not thus be made at all, but that the Electoral College should be free to choose whomever it pleased for President, unhampered by any preceding designations. The selection of candidates by Congressional caucuses, for whom the Electors would be morally bound to vote, was thus obviously a violation of the spirit of the Constitution. Nevertheless, the nation tacitly approved such action, and that violation or disregard of the intent of the Constitution has always prevailed. After the abandonment of Congressional caucuses nominations were made as at present by party conventions, and under both systems the Electoral College has practically had nothing to do, in all ordinary



cases, but to declare a result predetermined in the election at which the members of the College were chosen. A second objection to the Congressional caucus was still stronger, so much so that it compelled in time an abandonment of that institution. That was, that for Congress to select the President, or to select a candidate who was bound to be elected President, was a gross infringement upon the independence and coördinate status of the latter officer, making him practically a creature of Congress.

The other great issue concerned the manner of the choice of Presidential Electors in the State of New York. Thus far they had been selected and elected by the Legislature. But in 1823 a vigorous widespread demand was made that they be chosen by the people of the State at a general election. The leader in urging this great reform was Henry Wheaton, who, though still a young man, was unmistakably rising into a prominence which before many years was to become national, if not world-wide. He had already been Reporter of the Supreme Court of the United States, editor of the *National Advocate* during the War of 1812, a Judge Advocate of the army, a Justice of the Marine Court of New York City, and a member of the Constitutional convention of 1821. Later he was associated in the practice of the law with Benjamin F. Butler and Daniel Webster, for twenty years was a distinguished diplomatic representative of the United States abroad, lecturer on law at Harvard University, and wrote "Elements of International Law," one of the world's great classic authorities.

Both of these issues should, of course, have been considered and determined purely on their constitutional merits. Yet both were dealt with according to the exigencies of partisan or factional politics. Crawford was supposed to be the strongest candidate in the nation, and was second only to Adams in New York. But he was the leader by a mere plurality, and not by a clear majority over all. At the time of the Florida treaty (1819), Adams insisted upon having Spain declare Texas to have been a part of the Louisiana Territory, and thus to have come into our possession in 1803. Had that provision been permitted to stand in the treaty the Texas Revolution and the Mexican War would both have been avoided. But Crawford and others, in a jealous desire to prevent Adams from securing the great prestige which such an arrangement would have given him, prevailed upon Monroe to strike it out. At that time it was Crawford and the field against Adams. Now, in 1823, it was Adams and the field against Crawford.

Crawford's friends wanted the nomination to be made by a Congressional caucus as usual. If that were done they were confident that Crawford would win. For a similar reason the supporters of all the other candidates opposed a caucus. So the Albany Regency in New York, favoring Crawford, was for a Congressional caucus and also for the choice of the Presidential Electors by the Legislature according to custom. In pursuance of these aims, on April 22, 1823, a Legislative caucus was called at Albany at which resolutions were adopted urging that a candidate for

the Presidency should be selected as formerly by a Congressional caucus, and that the candidate thus nominated should be supported by the party at the polls. This resolution, which was drafted by no less an authority than Erastus Root, was transmitted to Washington as the voice of the Democratic party of the State of New York. But it failed of its purpose, and its only effect was to weaken and discredit New York in national politics. For a majority of the Democratic members of Congress decided to abandon the Congressional caucus system of nominations.

There next arose the question of the choice of Presidential Electors in New York. In Crawford's interest the Albany Regency opposed any change and insisted that the Electors should still be chosen by the Legislature; it being expected that the choice of men who would vote for Crawford would be assured and that the Electoral vote of New York State would be decisive in the contest and make Crawford President. To this a powerful popular opposition arose, led by James Tallmadge, Henry Wheaton, and others, and a so-called People's party was organized, which in 1823 nominated a number of candidates for the State Assembly. Among them were Tallmadge and Wheaton, both of whom were elected overwhelmingly.

The Forty-seventh Legislature met at Albany on January 6, 1824. It was very strongly Democratic, only a handful of Clintonians having been chosen, while the members of the People's party went into caucus with the regular Democrats. In the caucus for Speaker, General Tallmadge was put forward by the

People's party, but he was decisively defeated by Richard Goodell, of Jefferson county, the candidate of the Albany Regency, and the next day the latter was elected Speaker by an all but unanimous vote. Governor Yates presented a long and, on the whole, statesmanlike message, reviewing an extensive variety of State interests. He dwelt with satisfaction upon the fact that the new Constitution had been put into effect and thus a legal transformation of the State government had been smoothly and felicitously achieved. He proceeded to discuss some matters connected with the courts, the revolutionary movements in South America, the revolution in Greece, the militia, the prisons, and the need of a protective tariff for the promotion of agriculture and manufactures. As a result of his recommendations the Legislature adopted a resolution requesting New York's Senators and Representatives in Congress to use their influence to secure such revision of the tariff. The Governor announced with satisfaction the opening to commerce of the Champlain and Hudson canal and the approaching completion and opening of the Erie canal, and urged that measures be taken for the improvement of navigation on the Hudson River and of terminal facilities at New York harbor, in order that the great system of inland navigation might be fully available in all its parts.

The controversial part of his message related to the question of the manner of choosing Presidential Electors and of election of the President. He expressed regret that no uniform method was prescribed by the United States Constitution, and recommended

to the careful consideration of the Legislature the question whether New York should not change the system then prevailing in this State. He transmitted to the Legislature a set of resolutions that had been adopted by the Tennessee Legislature—doubtless in the interest of General Jackson's candidacy—condemning the system of nomination by Congressional caucus as contrary to the intent of the Constitution, and urging that the choice of the President should be left to the Electoral College unpledged and uninfluenced by any previous nomination by Congressional caucus or otherwise. The New York Legislature discussed these Tennessee resolutions for some time, and finally disapproved them. It then adopted resolutions of its own declining to recommend to the New York Representatives in Congress that they participate in a nominating caucus, yet expressing the opinion that nomination by such a caucus was not inconsistent with the letter or spirit of the Constitution.

There then arose in the Legislature a battle royal over the question of the method of choosing Electors. The Governor had striven to dodge any positive committal on the subject in his message. His nephew, John Van Ness Yates, with far more political independence and foresight, had perceived that the people wanted a change and had urged the Governor to recommend it. But the Governor would not do so, doubtless because of his subserviency to the Albany Regency, which formidable body opposed a change because it would probably be to the disadvantage of Crawford's candidacy. Soon after the meeting of the Legislature,

in January, 1824, Henry Wheaton gave notice of his purpose to offer a bill providing for the choice of Presidential Electors by the people. This was strenuously opposed by Azariah C. Flagg, who was the editor of a paper at Plattsburg and a veteran of the War of 1812, and one of the chief spokesmen of the Albany Regency. Mr. Flagg did not venture, however, to challenge a direct vote on the issue, fearing that he would be beaten, but cleverly persuaded the Assembly to refer the matter to a committee of nine, of which, of course, he was chairman. Mr. Wheaton was also a member. Of the nine, six were supposed to be favorable to the nomination of Crawford and thus opposed to any change in the Electoral law that would impair his prospects of nomination.

This committee promptly adopted a resolution expressing the opinion that a law ought to be passed at that session of the Legislature vesting the choice of Presidential Electors in the people, Mr. Flagg and the other Crawford men not daring to oppose it. Then Mr. Wheaton proposed a resolution that such election should be made on a general State ticket, to which Mr. Flagg proposed an amendment requiring that a majority of all votes cast should be necessary for a choice. After much debate the resolution thus amended was adopted, though it was evident that it would defeat its own purpose. For the people of the State in their preferences for the Presidency were so evenly divided into four parties or factions that it was quite certain no Electors would receive a clear majority. Then, as there would be no sufficient time between the election

day in November and the first Wednesday of December to hold a new election, New York would have no Electors at all unless in such emergency they were chosen by the Legislature as of old. It was doubtless the purpose of Mr. Flagg, at the instance of the Albany Regency, to bring about precisely such a state of affairs.

Soon after this bill was passed by the Assembly, by an almost unanimous vote, a call was issued at Washington for the usual Congressional caucus to nominate a candidate for the Presidency. Only 66 members responded, the largest number, 16, being from New York, and the next largest, 15, from Virginia. The result of the voting was that 62 declared themselves for Crawford, 2 for Adams, 1 for Jackson, and 1 for Nathaniel Macon. Of course all who were for Crawford attended the caucus, while nearly all of those favoring other candidates remained away. The net outcome was such a revelation of Crawford's weakness as caused many of his supporters in New York to abandon his cause as hopeless. They still retained sufficient numbers in the State Senate, however, to prevent passage of the bill that had been passed by the Assembly, one of those who did most to defeat it being Silas Wright, then one of the youngest members of the Senate, but destined later to become the most commanding figure of his party in the State. The bill was not rejected outright, but consideration of it was postponed to the first Monday in November by a vote of 17 to 14.

This result aroused a storm of public remonstrance and indignation, which was directly chiefly at Martin Van Buren and the Albany Regency, though it fell

upon the seventeen Senators who had voted for postponement of the bill with sufficient severity to end the political careers of most of them. DeWitt Clinton with grim exultation declared that the impression prevailed that Van Buren and his Regency were politically dead and that the impression would produce the event.

The most severe odium fell, however, upon Governor Yates. He was regarded as having pursued a shifty course and made himself the tool of the Regency—both of which imputations were based upon plausible and, in the minds of many, convincing, grounds. This indictment of him was confirmed when, nine days before the date set for adjournment, the Legislative caucus was held for nomination of a candidate for Governor and Mr. Flagg, the spokesman of the Regency, practically demanded the Governor's renomination. Objection was made that Governor Yates had incurred widespread unpopularity through his course in the Presidential Electors matter, and that if nominated he would certainly be defeated. It was an open secret that the People's party had in mind the nomination of Samuel Young, who had declared himself in favor of popular choice of Presidential Electors, and it seemed sure that on that issue he would easily carry the State. At first Azariah Flagg defied this prospect and declared that if the Governor were to be defeated because of his fidelity to principle he would consider it an honor to be defeated with him. But the members of the Regency were wiser than their zealous spokesman. They decided to sacrifice Governor Yates for



the sake of victory in the election, and to "dish" the People's party, by themselves nominating Colonel Young.

This repudiation and desertion of him by the Regency for no other reason than that he had served the Regency too faithfully, was much taken to heart by the Governor, who regarded it as a piece of monstrous ingratitude. But the sequel must have given him grim consolation. For the Regency nominated Colonel Young in full confidence that he would be supported by the People's party and thus be elected almost without opposition. That was not, however, to be. The fact that he had been taken up by the Regency caused the People's party, representing all the elements opposed to Crawford's nomination for the Presidency, to abandon all thought of supporting Young. Instead, they held a little Legislative caucus of their own, at which they made no nomination but adopted resolutions condemning the practice of nominating in Legislative caucus, calling for the holding in September of a State convention of delegates chosen by the people, and demanding a law for the choice of Presidential Electors by the people at a general election. They in fact issued a call for such a State convention, to meet at Utica on September 21, 1824, to consist of a number of delegates equal to the number of members of Assembly, who should be voted for at primary elections by all citizens who were in favor of popular choice of Presidential Electors and who were opposed to the candidacy of Crawford for the Presidency. It may be added here that Colonel Young was the last

candidate ever nominated by a Legislative caucus. The agitation against that system prevailed, and thereafter the method of nominating at popular conventions, which DeWitt Clinton had long advocated, was practiced by all parties.

The opposition to Crawford's candidacy and to the machinations of the Albany Regency was conducted chiefly by the supporters of John Quincy Adams and Henry Clay. The supporters of Andrew Jackson for the Presidency, among whom DeWitt Clinton was counted, held aloof from it and directed a campaign of their own. Closely following the two caucuses at Albany they held a small popular meeting in New York, of which Morgan Lewis was chairman and Cadwallader C. Colden secretary, and formally nominated Jackson. The logic of events, however, soon caused them to cooperate with the People's party.

This was brought about by one of the most indefensible acts ever committed or ordered by the Regency, which was nothing less than the arbitrary removal of DeWitt Clinton from all connection with the canal system of which he had been the creator. Clinton was at that time the chairman of the Board of Canal Commissioners, and was devoting himself entirely and with self-sacrificing zeal to the successful prosecution of the great public work that had been committed to him. Although most of his fellow-Commissioners were Bucktails, adherents of the Regency, they were glad to have him serve as their chairman because of his preëminent fitness for the place. Of course, nobody in the State thought of insinuating the slightest maladministration

or misconduct of any sort against him. Nor was there any indication that he was trying to use his office for political purposes, or that he any longer cherished political ambitions.

The temptation to this attack on Clinton arose in the knowledge that the People's party was planning to nominate for Governor General James Tallmadge, who had been the rival of William L. Marcy for the State Comptrollership and who had led the revolt against the domination of the Regency. Now, Tallmadge was a bitter enemy of Clinton, and the Regency—or Van Buren, who seems to have dictated the business personally—confidently counted upon his voting for the removal of Clinton from office. But the people of the State so generally and so strongly believed in and admired Clinton as a canal-builder, that they were certain to resent bitterly his removal. So if Tallmadge voted for Clinton's removal he would incur the wrath of the people and his candidacy would be defeated. In brief, it was purposed to do a great wrong in order that odium might fall upon one of the doers of it. A more detestable scheme has seldom been devised.

It worked. The Regency waited until the last day of the session. Then, just as members were preparing to vote for adjournment, John Bowman, who had been elected a Senator from Monroe county to fill the vacancy caused by the death of Joseph Spencer, offered a resolution arbitrarily removing DeWitt Clinton from the office of Canal Commissioner. No reasons were alleged, and there was no debate. The reso-

lution was driven through in a few moments, with only three Senators recorded against it. Their names deserve honorable record: John Cramer, Archibald McIntyre, Jedediah Morgan. Five minutes later the resolution was presented in the Assembly. Thurlow Weed has told in his "Autobiography" that, witnessing the scene from his place as a reporter and knowing what it meant and would mean, he rushed over to the Assembly chamber and entreated General Tallmadge not to be led into the trap but to forget for the moment his enmity toward Clinton and take a manly and patriotic stand against the outrage; warning him that if he voted for the removal of Clinton he would incur popular displeasure and lose the nomination for Governor. To this wise counsel Tallmadge was deaf. Several members walked out of the chamber to avoid voting. Just one spoke out as the occasion demanded. That was Henry Cunningham, of Montgomery county. He was not a man of polished scholarship or studied eloquence. But under the stress of the moment he sprang to his feet and as if inspired poured forth such eloquence as the Capitol of New York has not often heard. Paying a glowing but just tribute to the genius of Clinton as the canal-builder, and condemning in scathing terms the plot against him, he cried:

"When the contemptible party strifes of the present day shall have passed by, and the political bargainers and jugglers who now hang round this Capitol for subsistence shall be overwhelmed and forgotten in their own insignificance, when the gentle breeze shall pass over the tomb of that great man, carrying with

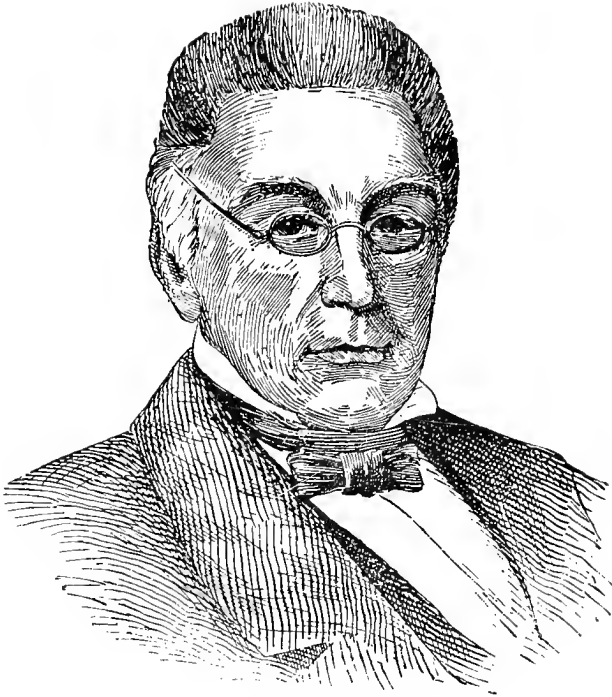
it the just tribute of honor and praise which is now withheld, the pen of the future historian, in better days in better times, will do him justice and erect to his memory a proud monument of fame as imperishable as the splendid works which owe their origin to his genius and his perseverance.”

It was in vain. Two or three others expressed disapproval of the measure, and then the vote was taken. The deed was done, by 64 ayes to 34 nays. Tallmadge and Henry Wheaton both voted aye, together with most of the People's party. A few minutes later, on April 12, the Legislature adjourned to the first Tuesday in November. And after that, the deluge.

## CHAPTER III

### THE RETURN OF CLINTON

**S**ELDOM has a greater shock or a greater popular revolt been caused in the State of New York than followed instantly upon the Regency's atrocious blow at Clinton. Had the thing been announced or threatened in advance there would have risen a tidal wave of protest and opposition against which the Regency—or Van Buren—would scarcely have dared to proceed. Coming without a warning, like the thunderclap from a clear sky, it produced an equally sudden explosion. Thurlow Weed was not the only one who, seeing what was done in the Senate, rushed out to give warning of what was afoot. Others bore the news, not to the Assembly but to the people of Albany. As the members of the Legislature made their exit from the Capitol, some shamefaced at what they had just done, some defiant, they met an indignant and impassioned multitude pouring into the building. The people stormed and crowded into the Assembly chamber, organized an indignation meeting with the venerable John Tayler, formerly Lieutenant-Governor, as chairman, and made speeches and adopted resolutions passionately denouncing the act. The resolutions, drafted by Alfred Conkling, afterward a Judge of the United States District Court, declared—



THOMAS J. OAKLEY

Thomas J. Oakley; born in Dutchess county, N. Y., in 1783; graduated from Yale college, 1801; lawyer; practiced at Poughkeepsie, N. Y.; surrogate of Dutchess county, 1810-1811; elected as a federalist to the 13th congress and served 1813-1815; member of the state assembly, 1816, 1818-20; attorney general of New York, 1819; in congress as a Clinton democrat and served from March 4, 1827 to May 8, 1828 when he resigned to become judge of the superior court of the City of New York, which position he held till 1847; chief justice of the superior court of the City of New York, 1847 until his death in New York City, May 11, 1857.





“That the removal of DeWitt Clinton, confessedly without any pretense of misconduct, from the office of Canal Commissioner, the duties of which he has for fourteen years discharged with distinguished zeal and ability and without any pecuniary reward, is a most flagrant and wanton violation of public trust, injurious to the interest of the State, and an act of ingratitude and injustice revolting to the moral sense of every honorable man and unparalleled in the political history of this country;

“That we have sought in vain for any palliating circumstances to mitigate this most glaring outrage, and that we can only regard it as the offspring of that malignant and insatiable spirit of political proscription which has already so deeply stained the annals of our State;

“That the perpetrators of this act of violence and ingratitude are utterly unworthy of public confidence and justly deserve the reprobation of an injured and insulted community;

“That for the boldness with which he planned, the patriotic devotion with which he undertook, and the high and commanding talents and unremitting ardor with which he has successfully prosecuted a scheme of internal improvement surpassing in magnitude all that had ever been conceived on this side of the Atlantic, and no less useful than it is grand, this distinguished citizen is entitled to the admiration, gratitude, and applause of his country, and especially of the State of New York.”

A numerous and distinguished committee was appointed to express to Clinton on behalf of the meeting its sentiment of appreciation and gratitude. A similar meeting was held in New York as soon as the news of Clinton's removal reached that city, like resolutions were adopted, and a committee headed by Thomas Addis Emmet was sent to wait on Clinton at Albany and convey to him suitable expressions of sentiment. In other places throughout the State even more forcible declarations were made, and some members of the Legislature narrowly escaped violence. General Tall-

madge was hissed and hooted as he went from the Capitol to his hotel, and a throng of wrathful citizens invaded the hotel and their shouts of denunciation penetrated to the room in which, stricken with remorse and terror, he had locked himself for safety.

The Regency—or Van Buren—had achieved the aim of defeating Tallmadge's candidacy. That was sure. But it was equally sure that in his place a far more formidable candidate had been brought into the field. Everywhere men were saying that Clinton must be the next Governor of New York. That would be the only adequate atonement for the monstrous wrong that had been done him; that would be the only way of vindicating the honor of the State; that would be the only way of recording the popular detestation of the crime of his removal; that would be the only way of thwarting the despotic designs of the Regency—or of Van Buren. Clinton himself did not discourage the movement. He exulted in it and felt assured of its success. He also spoke and wrote to his friends with characteristic vigor concerning his foes in the People's party. James Tallmadge, he declared, could hardly get a vote in his own county, which was probably true; adding that he was "the prince of scoundrels," if Henry Wheaton did not exceed him. Of Wheaton he again wrote, "There is but one opinion, that he is a pitiful scoundrel."

Then came another sensation, from another quarter. We have seen that Governor Yates bitterly resented being incontinently dropped by the masters whom he had served. He realized that he had made a great

mistake in not strongly recommending a new Electoral law, and he conceived the notion that if he gave the Legislature another chance to enact one he might regain popular favor. If not, he might at least throw Colonel Young's candidacy into confusion. When it was intimated that he might call the Legislature together in special session for such a purpose the Regency laughed the idea to scorn. The convening of the Legislature in special session was a serious matter, for which Governor Yates was thought not to have sufficient courage.

But the Regency was mistaken. Governor Yates did have the courage to do the thing, and thus, while not recouping his own political fortunes, he made much trouble for his foes. On June 2 he issued a proclamation calling the Legislature to meet on August 2 to take action upon the method of choosing Presidential Electors. He adroitly represented that at the time of his former message he had reason to expect that Congress would take action toward a constitutional amendment dealing with the matter, but Congress had adjourned without doing so. At the last regular session, he continued, the Assembly had almost unanimously passed a bill giving to the people the right to choose Electors, but the Senate had postponed it to a date too late to permit the right to be exercised that year. The people were justly alarmed lest their "undoubted right" of choosing the Electors should be withheld from them. Therefore he called the extraordinary session in order to give an opportunity for putting into effect the will of the people.

The special session met on August 2, with nearly every member present. The Governor sent in a message elaborately discussing the need of a new Electoral law to give the choice of Electors to the people. He added that if the Legislature had time to give to other matters it might well take some action to guard steam-boat traffic from the common peril of exploding boilers, and also to assure a suitable reception and entertainment of Lafayette, who was about to visit the United States. Before the message was read the Senate, under the direction of the Regency, adopted a resolution censuring the Governor for calling the special session. The Assembly waited until the message had been read, and then, on motion of Azariah C. Flagg, declared that the calling of the session was unnecessary and unwarranted by the Constitution and that the transaction of legislative business would "sanction a precedent of dangerous tendency," and, subject to the concurrence of the Senate, moved for immediate adjournment. During the protracted and acrimonious debate that followed, a resolution was passed declaring that an Electoral law ought to be passed, but no step was taken toward passing such a law. After four days of controversy, on August 6 the Legislature adjourned to the first Monday in November without having performed a single legislative act.

So far as the Governor had aimed at rehabilitating himself, the session was a failure. It brought renewed and increased criticism and ridicule upon him, and convinced him that he had reached his political end. But so far as he aimed at injuring Colonel Young's candi-

dacy for the Governorship, it largely succeeded. Possibly also it helped General Tallmadge a little. It gave him an opportunity for some effective oratory in the Assembly, of which art he was a master, and encouraged him and his friends to undertake a canvass of the State to secure support for him in the Utica convention.

The Regency "stood pat" on the nomination of Colonel Young. The People's party, led by General Tallmadge, Henry Wheaton, and others, conducted a campaign against Clinton and strove to push Tallmadge to the fore in spite of the popular odium that had fallen upon him. Clinton and his friends, including especially his secretary, Charles G. Haines, meanwhile worked straight for Clinton's nomination, confident of success. So matters moved along until the time set for the Utica convention. When that body met, with 122 members, it was found that just about one-fourth of them belonged to the People's party and favored the nomination of General Tallmadge. The venerable John Tayler was chosen chairman; Alexander Coffin, of Hudson, was vice-chairman; and Samuel Stevens, of Washington county, was secretary.

Finding themselves in a minority and despairing of the nomination of General Tallmadge, the People's party men tried to put forward John W. Taylor, of Saratoga, who had been Speaker of the national House of Representatives and was regarded as a friend of Clinton. But a letter was read from Mr. Taylor positively refusing to accept the nomination. This left the opposition to Clinton without a candidate and in a state of demoralization. The result was that on the second

day of the convention, September 22, 1824, DeWitt Clinton was nominated for the Governorship and General Tallmadge for the Lieutenant-Governorship. The convention adopted a resolution condemning the Legislative caucuses for nomination of candidates for Governor and demanding the election of Justices of the Peace by the people.

This result was so unacceptable to the People's party men that they bolted the convention, under the lead of the vice-chairman, Alexander Coffin, and organized a rump convention of their own. But they found themselves in an impossible plight so far as making nominations was concerned. They were fully committed against both Colonel Young and DeWitt Clinton, and their own candidate, General Tallmadge, had accepted the second place on Clinton's ticket. There was no other candidate worth mentioning, so they named none. Instead, they protested against the candidacy of Clinton and pledged themselves to vote for General Tallmadge for Lieutenant-Governor. This action probably aided Clinton more than it injured him, since it dispelled the notion, which the Regency sought to propagate, that there was a secret compact between him and the People's party.

As if to add to the wonders and blunders of this unique campaign, Colonel Young next made a desperate bid for the support of those Democrats who favored a new Electoral law and who were opposed to the nomination of Crawford for the Presidency. Before the Utica convention he had written a letter to Edward Hudson, an Assemblyman from Madison county, de-

claring himself in favor of a new law and in favor also of the nomination of Henry Clay. Three or four days after the Utica convention he again wrote to the same effect to Jesse Clark, a Senator from Seneca county. These letters were widely published throughout the State but utterly failed of the effect which Colonel Young desired and expected. They did not free him from the imputation of being the candidate of the Regency, which he of course was, and of being in the last analysis ready to do its bidding. On the other hand, they subjected him to the suspicion, in many minds, of being a trimmer and lacking in sincerity. The net result was seriously to damage his canvass.

The campaign was one of the most animated in the history of the State and was conducted with extraordinary ability, so far as public speaking was concerned, by the two rivals. Colonel Young was one of the most effective orators of his day, possessed of scholarship, dramatic power, irresistible humor, cutting sarcasm, and the supreme quality known as personal magnetism, which unfailingly won the attention, interest, and sympathy of his audience. In the gifts of the orator he was far superior to Clinton. But Clinton had the unrivalled authority of long experience in constructive statesmanship, unsurpassed amplitude of knowledge, irrefragable logic, and, through his gigantic achievements as a canal-builder, "the arduous greatness of things done." This last consideration appealed with supreme force to the people of the State and was naturally strengthened by the conviction that he had been made the victim of a wanton outrage, the unrebuked success of which would

probably establish it as a precedent and encourage its perpetrators to repeat the performance whenever partisan ends were thus to be served.

It was a duel of giants, the outcome of which, had it depended solely upon the two candidates, might have been doubtful. But Young was handicapped by his backers, the Regency at Albany and Tammany Hall in New York, two of the most adroit, formidable, and generally successful political organizations in the history of the State, both of which had at this time, however, incurred the suspicion and resentment of a large proportion of the electorate. Clinton, on the other hand, was backed by the people without regard to party. He had indeed no party behind him, for the Utica convention made no pretense of partisanship of any kind. Above all he stood for popular choice of candidates and against nominations by Legislative caucus, and had himself been nominated by the first truly popular State convention ever held in New York, while his rival had been named by a Legislative caucus, the last such that ever was held.

The result was seen weeks in advance, though not in its full proportions. A fortnight before the election Young himself, as also the Regency and Van Buren, realized that he was beaten, though there was no thought of the magnitude of Clinton's victory. The vote stood: Clinton, 103,452; Young, 87,093—a majority for Clinton of 16,359. The influence of the People's party in supporting Tallmadge but not Clinton was seen in the fact that Tallmadge, for Lieutenant-Governor, ran far ahead of Clinton and secured a majority



of 32,409 over the gifted and popular Erastus Root, the Regency candidate. Nor was the Regency beaten only for the two leading offices. Two years before every Senatorial district in the State had been carried by Regency candidates. But now the Regency carried only two of the eight, the Second and Sixth, the other six being won by candidates favorable to Clinton. Of the seventeen Senators who had done the bidding of Van Buren in postponing consideration of the Electoral law, only one, Byram Greene of the Seventh district, had ventured to seek reëlection, and he was beaten by more than ten to one—it being whimsically said of his successful opponent, John C. Spencer, that he “had got a bigger majority than if he had run alone.” In the Assembly the result was no less decisive, the Regency securing scarcely a third of the members. It was one of the most impressive and emphatic political revolutions in the history of the State, and perhaps the one of all in which the issues were simplest, most clearly defined, and most generally understood.

We must not, however, overlook the progress of the Presidential campaign, with which the State politics of New York had been from the first so inextricably interwoven. DeWitt Clinton himself had cherished Presidential aspirations, as we have hitherto seen, and in 1824 had by no means abandoned them; though he held them in abeyance, probably until he could complete the Erie canal and then resume his candidacy strengthened with the prestige of that tremendous achievement. Meantime he stood practically alone among leading New Yorkers in advocating the nomination of Andrew

Jackson. That was not because of personal friendship or political association, for he and Jackson had never met and had exchanged no correspondence. The two men were drawn together by similarity of disposition and by sympathy. Both were proud, yet democratic; both were iron-willed; both possessed tremendous executive ability and driving force in effecting great achievements; both were indifferent to popular favor; neither would compromise a principle or alter an opinion for the sake of votes. That they should admire each other above all other contemporaries was natural.

Clinton appears to have been confident of Jackson's success. He thus repeatedly expressed himself during the spring and summer of 1824, long before he himself secured the nomination for Governor. And in his advocacy of Jackson he indulged in unsparing condemnation of all his rivals. Those who in later years have had occasion—as they have only too often—to deplore the license of the press in reviling political opponents, will do well to recall the diatribes and lampoons which a century ago statesmen of the highest rank personally directed against each other. The spiteful Vivien, in the Wood of Broceliande, never raged against the Knights of the Round Table more venomously than did DeWitt Clinton against all who opposed his idol, Jackson. In Clinton's own letters to Henry Post, and in the authoritative writings of the venerable John Bigelow, are recalled expressions which savor of a Gutter Gazette rather than of exalted statesmanship. Thus, John Quincy Adams was the son of a "scamp" and was himself "an apostate, and everything but amiable and hon-

est." On the other hand, Adams's chief foe, Crawford, was "as hardened a ruffian as Burr." John C. Calhoun, whom he already perceived to be Jackson's arch-enemy, was "treacherous, hollow-headed, and base, a thorough-paced political blackleg." *Tantaene animis coelestibus irae?*

It was amid the prevalence of such passions that the Legislature reassembled on November 2 for its third meeting, with the special purpose of choosing Presidential Electors after a national campaign so closely contested that a few votes in the College might turn the scale. This was, of course, the old Legislature, with the seventeen Regency Senators still in their seats ready to vote for Crawford Electors at the bidding of Van Buren. In fact, that was precisely what they did; the Crawford Electors received seventeen votes in the Senate, and the Adams Electors and Clay Electors seven each.

No message was delivered by the Governor at the meeting of the Legislature. The usual party caucus was called, of the Bucktail members of both houses, to nominate an Electoral ticket. Erastus Root was the chairman and directed the Clerk in calling the roll to omit the names of all who had participated in calling the Utica convention. An appeal was made against this order, and Mr. Root refused to submit the appeal to the vote of the caucus. The result was that after a stormy session the caucus adjourned without any action. It was not until November 10 that the Crawford ticket was nominated, as already related, by the Senate. But to hold two wavering Senators in line it was found neces-

sary to include in the ticket six men who were favorable to Clay and would vote for him if thus he could be named.

In the Assembly there was more confusion. No one candidate had a majority, and indecisive ballots were taken while leaders strove to effect combinations and compromises. On the first ballot Adams Electors received fifty votes, Crawford forty-three, and Clay thirty-two. Then the Adams and Clay men negotiated for union of some sort against Crawford. It was generally conceded that there would be no choice of President by the Electoral College, but that the election would be thrown into the House of Representatives, and the struggle therefore was to secure for each candidate enough Electoral votes to place him among the highest three, who alone could be considered by the House. It was reckoned that Jackson and Adams were sure of getting before the House, and the chief fight was for Clay to beat Crawford and also to get in as the third candidate. To assure that, Clay needed seven Electoral votes from New York.

Thurlow Weed, the young journalist who was rising into prominence and power as one of the ablest political managers in the State, and who was the leader of the Adams forces outside the Legislature, conducted negotiations to the effect that the friends of Clay in the Assembly should vote for thirty Adams Electors and that the Adams men in return should vote for six Clay Electors—the same six who had been put on the Crawford ticket in the Senate. The Adams men also agreed, in case Clay carried Louisiana and thus needed only seven

votes from New York to get him before the House, that they would see to it that he got the seven. Clay, however, failed to carry Louisiana, and the Adams men were thus released from their promise. Another complication arose when it was discovered that three of the Adams men had been bribed by a wealthy New Yorker to vote for Crawford. Henry Wheaton and Thurlow Weed confronted them with charges and evidence of their guilt, threatened them with exposure, and compelled them to promise to vote for Adams and Clay. But others also were corruptly influenced, so that upon joint ballot of the two houses only thirty-two out of the thirty-six Electors were chosen, and on the next ballot four Crawford men were elected. This was fatal to Clay, for it excluded him from competition in the House of Representatives and let Crawford in instead to contest the election with Adams and Jackson.

The joint balloting was attended with a most dramatic incident. Thurlow Weed and the others had kept the compact between the Adams and Clay men for a fusion ticket a profound secret, Weed personally printing the ballots which were to be distributed among the Senators and Assemblymen just before they were to be cast. When the balloting was completed and the votes were to be counted the Lieutenant-Governor, Erastus Root, who presided, on opening the first fusion ballot exclaimed in astonishment that here was a printed split ticket. Some of the Regency Senators cried "Treason!" and there was a movement to break up the joint session and for the Senators to return to their own chamber. But General Tallmadge in a fiery speech demanded

that the two houses continue in the performance of their constitutional duty, as they did.

The Electoral vote of New York was, in consequence of these transactions, divided among four candidates, as follows: Adams, 26; Crawford, 5; Clay, 4; and Jackson, 1. In the nation Jackson received a plurality though not a majority of the popular vote, but no candidate secured a majority of the Electoral College for the Presidency, though Calhoun was elected Vice-President by more than two-thirds of all the Electoral votes. The Electoral votes were counted by Congress on February 9, 1825. Jackson had 99, Adams 84, Crawford 41, and Clay 37. Thereupon the House of Representatives proceeded to choose the President from among the highest three, Jackson, Adams, and Crawford. The voting was by States, each State having one vote, determined by the majority of its Representatives. Of the New York Representatives 18 were for Adams, 14 for Crawford, and 2 for Jackson; and the vote of the State was consequently cast for Adams. The final outcome was the election of Adams by thirteen States, to seven for Jackson and four for Crawford. Of the individual Representatives 87 were for Adams, 71 for Jackson, and 54 for Crawford.

There is reason to believe that still other devious and corrupt influences than those above referred to were at work in the New York contest. At the preceding regular session of the Legislature several new banks had been chartered, among them the famous Chemical Bank of New York. In this November session charges were made that some of those charters had been pro-

cured by corrupt means, and investigation showed that there was only too much ground for the accusation. At least one Senator was found to have said that he would vote for Crawford only on condition that a certain bank charter was granted.

The outcome of all this belongs to the history of the United States rather than to that of New York, yet it also pertains to that of New York for the reason that it was left for a single New York Representative in Congress to determine, in the last analysis, who should be President. The election was thrown into the House of Representatives, Adams, Crawford, and Jackson being the candidates. The vote was by States, each State casting one vote, and was determined as to each State by the majority of its Representatives. The one State in doubt was New York. Of its thirty-four Representatives, seventeen, or just one-half, favored Adams, sixteen favored other candidates, and one was non-committal. That one was Stephen Van Rensselaer, the "last of the patroons." He was a man of eminent public services as legislator, Lieutenant-Governor, soldier, and educator. In the year 1824 he founded the Rensselaer Polytechnic Institute at Troy, while at the same time he was serving his first term in Congress. He was a brother-in-law of Alexander Hamilton, and of course an old Federalist. But he shared Hamilton's antipathy to John Adams and, with many other Federalists, resented the action of John Quincy Adams in going over to the Democracy. As a close friend of DeWitt Clinton he might have been supposed to favor Clinton's candidate, Jackson. Strongly

opposed to Van Buren, he was assumed to be against Crawford.

Down to the last moment his course in the election was known to nobody in the world but himself. We may be confident also that it was dictated by nobody but himself and was decided upon on grounds of the highest patriotism, conscientiousness, and honor. Day and night he was besieged by men of all parties with pleadings and petitions and with questions as to his purpose. To all he was as incommunicable as the Sphinx. But the day came at last. It was February 9, 1825. The hall of the House of Representatives was crowded. Every member was there save one who was too ill to be present. Governors of States, Justices of the Supreme Court, Ministers from foreign lands, and other distinguished spectators thronged the gallery and the aisles. The most quiet and apparently unconcerned man in the whole assemblage was Stephen Van Rensselaer as he walked calmly to his place in the New York delegation. The Speaker announced that since no candidate had received a majority of the Electoral votes the House must proceed to elect a President of the United States from among the three leading candidates. The Clerk called the roll of States and the vote of each State, inscribed upon a ballot, was deposited in a box. When all votes had been cast the tellers, Daniel Webster and John Randolph of Roanoke, proceeded to count the ballots. There were twenty-four States. Only four voted for Crawford; seven voted for Jackson; and thirteen, a clear majority of all, voted for Adams.





JOHN SAVAGE

John Savage; born, Salem, N. Y. in 1779; graduated from Union college, 1799; lawyer; served in state assembly, 1814; in congress, 1815-1819; United States attorney, 1820; state comptroller, 1821-1823; chief justice of the state supreme court, 1823-1831; assistant United States treasurer in New York City; presidential elector in 1844; died in Utica, N. Y., October 19, 1863.



New York was the decisive State that gave Adams his majority. And it was the vote of Stephen Van Rensselaer that gave the vote of New York to Adams. The "great patrol" had made a President.

So far, in anticipation of the narrative. Let us now return to the third session of the Forty-seventh Legislature of New York, in November, 1824. After choosing the Presidential Electors it took up the question of revision of the Electoral law, which the Senate had postponed from the regular session. There was some debate, and it was decided to let the people of the State determine, at the next general election in November, 1825, the method by which Electors were to be chosen by them. Three questions were involved: Should Electors be chosen by districts? Should they be chosen on a general State ticket by a plurality vote? Should they be chosen on a general State ticket by a majority vote? The prevailing sentiment of the Legislature was in favor of election by districts.

Again to anticipate the narrative, we may note that this subject was recalled to attention in the next Governor's message, January, 1825. The Legislature thereupon took it up and on March 15, 1825, adopted a bill providing for the election of Electors by districts. In the fall of that year the matter was passed upon by the people at the general election, with the result that the decision of the Legislature was confirmed. The popular vote stood: For election by districts, 66,324; for election on a general ticket by a plurality, 56,801; for election on a general ticket by a majority, 931. The district system was retained until

after the Presidential contest of 1828, when it was abandoned for the method that ever since has prevailed—that of choosing the Electors on a general State ticket by a plurality.

The Forty-seventh Legislature adjourned without day on November 27, 1824, to be succeeded in January, 1825, by the new one that had been elected as the result of the popular revolt against the Albany Regency.

## CHAPTER IV

### CLINTON THE CONQUEROR

**D**E WITT CLINTON became Governor of New York for his third term, at the beginning of 1825, in such circumstances of personal triumph as few men have enjoyed. He had beaten Tammany Hall. He had beaten the Albany Regency. A man without a party, by the spontaneous uprising of the people he had been made victor over the most thoroughly organized and most formidable party that had thus far appeared in New York politics. And within sight in the very near future was the completion of the gigantic enterprise to which he had given the best work of his life. It was his canal project that made him Governor in 1817, and it was that same work, and the wrath of the people at his removal from it, that made him Governor again in 1825 and thus enabled him to preside in that capacity at the august ceremony of the mingling of the waters.

The Forty-eighth Legislature assembled at Albany on January 4, 1825, with nearly all the members in attendance on the opening day. A substantial majority of the Assembly were supporters of Clinton. Yet, as if with some prescience of his impending reconciliation with his political foes, they elected as Speaker a man who had been identified with the People's party

and who had been one of Clinton's most bitter opponents. This was Clarkson Crolius, of New York, one of the most prominent business men of the metropolis. Horatio Merchant, another enemy of Clinton, was chosen Clerk. These officers did not, however, continue their enmity to Clinton during the legislative session, but regarded it as ended with the result of the election. It is interesting to recall that Thurlow Weed was a member of this Assembly, from Monroe county. He retired at the end of his term, but served a second term in the Fifty-third Legislature, in 1830, those two terms comprising his entire legislative career. The Lieutenant-Governor, General James Tallmadge, was of course President of the Senate, and the Clerk of that body was John F. Bacon, who had served in that place continuously since 1814 and who remained in it until 1839, a tenure of twenty-five years. Silas Wright remained in the Senate for his second year, and Cadwallader D. Colden entered it from the First district.

Governor Clinton's message was, like the addresses of his former administrations, long, elaborate, and distinguished for its spirit of progressive and constructive statesmanship. There were those who criticised him for devoting it so largely to the subject of canals. In the circumstances, had he not done so he would have had to be either much more or much less than human; and he would, in addition, have slighted what was incomparably the paramount topic of public interest and importance. He discussed the possible further extension of the canal systems of the State and the

nation; recommended the creation of a State Board of Public Works; and, in connection with the question of the alleged jurisdiction of the United States government over canal traffic, suggested the creation of a new tribunal to be charged with determining the respective powers of the national and State governments and with restraining each within its proper limits.

Another topic, which indeed had first place, was that of the publication of the records of private or executive sessions of the Senate. He strongly favored complete publicity. With his views the Senate did not entirely agree, but because of his recommendation it did presently make such records more fully public than they had been, and the same course was followed by the Senate of the United States in 1828. On the subject of Presidential Electors he urged a law requiring them to be chosen by the people on a general State ticket at a general election—the system that ultimately was adopted (1829). He strongly recommended such extension of the franchise as would establish practically universal male suffrage, and the Legislature adopted an amendment to the Constitution to the proposed effect, which was again adopted by the next Legislature and was finally ratified by the people in the fall of 1826. This was one of the most significant and important changes ever made in the Constitution of the State. With the exception of felons, lunatics, etc., it gave the suffrage to all adult males, subject only to the qualifications of citizenship and six months' residence. It was the greatest of all landmarks on the road from the aristo-oligarchy of early days to the genuine democracy

of the present time. Another amendment adopted at the same time also made toward the same goal, by providing for popular local election of Justices of the Peace. The Franchise amendment was adopted by the overwhelming popular vote of 127,077 to 3,215.

The Governor recommended further development and improvement of the common school system but deprecated the creation of more colleges, at any rate without ample endowment. He advised an elaboration of the census system so as to secure a variety of useful statistics, and in consequence the Legislature provided for decennial censuses with copious statistics. Attention was given to the needs of the penal and charitable institutions of the State. Reform of legislative procedure was urged in the respect of confining each bill to one specific subject instead of permitting the inclusion of a congeries of unrelated and incongruous matters. Reference was made to the impending election of a United States Senator to succeed Rufus King, whose term was soon to expire, and he urged the desirability of selecting the best man who could be found. The Legislature failed to elect anyone, however, so that at the special session of the Senate in March, 1825, Martin Van Buren was New York's sole representative. But in January, 1826, the next Legislature chose Nathan Sanford, who had been appointed a few years before Chancellor of the State to succeed James Kent, the latter having been retired at the constitutional age limit.

The message concluded with an eloquent plea for the subordination of personalities and partisanship to



the general public good. The Governor referred to the old Council of Appointment as the prolific source of evils in the past, and recalled the fact that he himself had urged its abolition. Thus political power, formerly wielded by factions and combinations, had in large measure been restored to its authentic source, the great body of the people. That achievement, said Clinton, had dissolved the union between personal interest and political subserviency. The people, rising in the majesty of their power above the debasing trammels of names, had sustained and vindicated a system of disenthralled and independent suffrage. Those were the words of a statesman, and they seemed to be justified by the achievement of the late election, though unhappily they were not to be permanently fulfilled.

The contest over the United States Senatorship began early in the session upon the receipt of a letter from Mr. King stating that because of the increasing burden of years he wished to retire to private life and would therefore not be a candidate for reëlection. A large part of the Legislature, comprising especially Clinton's friends together with probably a majority of the public, looked upon Ambrose Spencer, lately Chief-Justice of the Supreme Court of the State, as the man best fitted for the succession. But strong opposition to him was developed in the Senate, particularly on the part of the People's party men, and to this opposition the Lieutenant-Governor, General Tallmadge, eagerly and zealously lent himself, probably with the hope of being himself chosen Senator.

Voting began on February 1, as required by law, and the Assembly by a vote of 77 to 45 nominated Judge Spencer. The Senate scattered its votes among a dozen candidates, giving none a majority. It refused by 20 to 11 to agree to the nomination of Spencer, and by similar votes refused to nominate General Tallmadge, Colonel Samuel Young, or John W. Taylor. No nomination was made by the Senate until February 25, when by a vote of 18 to 10 it adopted a joint resolution declaring that Albert H. Tracy be chosen Senator. The Assembly refused to concur, on the valid ground that such a method of choosing a Senator was contrary to the law, which required the choice to be made by joint ballot of the two houses. The matter then rested until March 25, when the Senate passed another such joint resolution, inserting the name of James Tallmadge instead of that of Mr. Tracy. The Assembly on April 1 adopted a resolution explicitly refusing, on legal grounds, to concur, and the attempt to elect a Senator was thereupon abandoned. On April 21 the Legislature adjourned without day.

It was on February 9, 1825, that John Quincy Adams, by vote of the House of Representatives, was elected President of the United States. A week later, not waiting until he should be inaugurated, he wrote to DeWitt Clinton tendering him the appointment of Minister to Great Britain. There is no doubt that this was done because of his high appreciation of Clinton's ability and fitness to fill and adorn the position. It was a flattering offer, and some of the Governor's best friends urged him to accept. But he cour-

teously declined, on the ground that he had lately been elected Governor and therefore owed it to the people of New York to show his devotion to their interests. Doubtless that was his chief reason, and in the absence of any other it probably would have been quite controlling. But it is impossible to escape the conclusion that there were two others:—First, that he wanted as Governor of the State to preside at the ceremonies which a few months thence would mark the completion of the Erie canal; and second, that he did not want his political foe, Lieutenant-Governor Tallmadge, to succeed him. In consequence of his declination ex-Senator Rufus King a little later received the appointment.

Governor Clinton in his message dwelt upon the desirability of complementing the canal system of the State with a similarly extensive system of improved wagon-roads, and advised that a beginning be made by constructing a State highway from the Hudson River to Lake Erie near and generally parallel with the southern boundary of the State. This proposal was not considered by the Legislature for some time. But it strongly appealed to the public, mass-meetings in furtherance of it were held throughout the Southern Tier counties, and delegates were sent to a convention held at Albany on February 25. This convention addressed an urgent appeal to the Legislature, which responded with the desired action. In consequence, just before the end of the session in April, the Governor and Senate created a State Road commission consisting of Nathaniel Pitcher, afterward Lieutenant-

Governor and Acting-Governor; Jabez D. Hammond, the historian, who had been a State Senator and was later a Regent of the State University; and George Morell, a private citizen, who had been County Clerk of Otsego county and subsequently became United States Judge for the Territory of Michigan. By the creation of this commission was begun the work of building a system of State roads in New York.

In the late spring of 1825 Governor Clinton, who was now one of the foremost figures in the nation, visited Philadelphia and travelled across Pennsylvania to Ohio and southward to Louisville, Kentucky, inspecting canals, roads, and other public works. Everywhere he was received with such official and popular attention as seldom before had been given any man.

Finally, November 2, 1825, came the crowning day of Clinton's career. On that day the completion of the Erie canal was formally celebrated. From Buffalo to Albany was placed an unbroken series of cannon, each within hearing distance of the report of the discharge of the next. At a given signal the westernmost, at Buffalo, was fired; when its report was heard the next was discharged; and so on across the State to Albany. Two canal-boats, the "Seneca Chief" and "Young Lion of the West," came through from Buffalo to Albany, bearing Governor Clinton, the Canal Commissioners, and other officials and eminent citizens; and at Albany they passed from the canal through the final lock into the Hudson River. Philip Hone, then an Alderman of New York (he was elected Mayor the following year), led a committee of eminent citi-

zens of New York City and as their spokesman made an address of congratulation to the Governor.

Meantime, what of party politics? The election of Clinton as Governor and the defeat of Crawford for the Presidency had been the severest blow the Albany Regency—or Martin Van Buren personally—ever sustained. It was indeed almost fatal. But the “Fox of Kinderhook” was resourceful, and Clinton was magnanimous. Realizing his desperate plight Van Buren soon began cautious and wary overtures for peace and alliance with Clinton, to which Clinton, weary of strife, cordially responded. The special logic of Van Buren’s course becomes obvious when we remember that Clinton had been the foremost advocate of Andrew Jackson’s nomination for the Presidency. Van Buren was shrewd enough to forecast Jackson’s triumph at the next election, and he decided to abandon Crawford and attach himself to the following of “Old Hickory.” Of course nothing could conduce to that end more successfully than by cultivating the friendship of Clinton and, if possible, forming a political alliance with him, as the “original Jackson man” of New York.

Van Buren’s first object was to regain control of the Legislature in order to assure the election or reëlection of his lieutenants to important State offices, and his own reëlection to the United States Senate. Accordingly during the summer and fall of 1825 he conducted what afterward came to be known as a “still hunt.” He made no open show of seeking to carry the election, but through his trusted agents he did work, secretly, with uncommon zeal. Also, he pursued a masterly

policy of neutrality in national affairs. Although he had been an ardent supporter of Crawford, and was now preparing as earnestly to support Jackson, he carefully avoided doing or saying anything that could give the least offense to President Adams and his followers. In this shrewd way, at the very time when, from October 26 to November 2, Clinton was making his progress in a canal-boat from Buffalo to Albany, Van Buren was adding the final touches to his campaign, with the result that in the election which then occurred he secured a substantial majority of the Legislature.

The Forty-ninth Legislature met on January 3, 1826, under the control of Van Buren and the Regency. Samuel Young was elected Speaker of the Assembly, and Edward Livingston was returned to the office of Clerk of that body, which he had filled in the Forty-fifth, Forty-sixth, and Forty-seventh Legislatures. The Governor's message was again a long and scholarly document. A leading place in it was devoted to the interests of the public school system, for which the generous support of the State was solicited. The establishment of normal schools for the training of teachers was earnestly recommended. One of the results of the Governor's suggestions was an act changing the name of the Free School Society of New York City to the Public School Society, and extending its scope so as to provide for the instruction of all the children of the city.

The Governor had the inestimable gratification of reporting in his message the successful opening of the Erie canal, and this led him to discuss at length the

canal systems that were being developed west of the Allegheny Mountains in the States of the Mississippi valley, which he had lately visited. He renewed his recommendation of the construction of a State road system to begin with a great highway through the Southern Tier counties from the Hudson River to Lake Erie. He also reported that in May, 1825, work had been begun on the new State prison at Sing Sing. A special message followed, on January 14, relative to the cession of land at West Point to the national government. He urged the desirability of the State's retaining civil and criminal jurisdiction over the land thus ceded, a recommendation which was adopted by the Legislature and embodied in the act of cession.

Early in the session the Legislature, as formerly stated, elected the Chancellor, Nathan Sanford, to be United States Senator. That was an excellent choice, and it was made by an almost unanimous vote. It of course created a vacancy in the Chancellorship, to fill which Governor Clinton nominated Samuel Jones, son of the former State Comptroller of the same name. Mr. Jones was a cousin of Mrs. Clinton, but he was probably chosen by the Governor not for that reason but because of his preëminent fitness for the place. The nomination gave Van Buren and the Regency an exceptional opportunity to cultivate friendly relations with Clinton, and under orders, therefore, the Senate promptly confirmed it by a practically unanimous vote. A similar course was pursued when the Governor appointed his friend James McKown to be Recorder of Albany. Colonel McKown had been the foremost

speaker at that famous Albany indignation meeting which protested against the removal of Clinton from the Canal commission and had inspired the impassioned denunciation of Van Buren and the Regency that had been embodied in Alfred Conkling's resolutions. Yet his nomination was confirmed by the vote of every Regency Senator.

The official terms of the chief heads of departments expired early in 1826, and under the new Constitution their successors were to be elected by the Legislature. John Van Ness Yates, the Secretary of State, nephew of the former Governor Yates, had identified himself strongly with the People's party and was a vigorous supporter of President Adams's administration, on which accounts the Regency determined to replace him with some one else, while Governor Clinton and his friends felt no interest in retaining him in office. His place was accordingly given to Azariah C. Flagg, who had been one of the leaders of the Regency in the Legislature. Similarly Dr. Gamaliel H. Barstow was relieved of the State Treasurership and succeeded by Abraham Keyser, a staunch Regency man who had been Treasurer for three months a year before, filling the vacancy caused by the retirement of Benjamin Knower. William L. Marcy was reelected Comptroller, Samuel A. Talcott Attorney-General, Alexander M. Muir Commissary-General, and Simeon DeWitt State Surveyor, all by practically unanimous votes. They were without exception members of the Regency, and had shown themselves upright and capable officials.

A sensational incident of the session developed on the



first day, when Jasper Ward, a Senator from the First district, addressed a communication to the Senate, with a great show of indignation, on a matter of the highest personal privilege. He set forth that certain newspapers in New York had accused him of corrupt practices in connection with the passage of acts incorporating two insurance companies, and demanded, for the honor of the Senate and in justice to himself, that the Senate make an official investigation of the matter. A special committee was thereupon appointed which in due time made an astounding report of bribery and corruption, picturing Ward in a far worse light than the newspapers had. Resolutions were forthwith introduced declaring that Ward's acts had been "a violation of his duties as a Senator, affording a pernicious and dangerous example tending to corrupt the public morals and to impair the public confidence in the integrity of the Legislature," and summarily expelling him from the Senate. Before these could be passed, as they doubtless would have been by an overwhelming vote, Ward resigned his seat.

The Road Commissioners reported a route and plans for a road through the southern part of the State, from the Hudson River to Lake Erie. It was to be about four hundred miles long, and macadamized would cost \$2,000 a mile. To this beneficent project, however, resolute opposition arose, not on partisan so much as on sectional or local grounds. Representatives of counties traversed by or adjacent to the Erie canal appeared to be jealous of any other route of traffic, or apprehensive lest the construction of the proposed road should

militate against the prosperity of the great waterway. At any rate they persistently refused to sanction the highway scheme and ultimately secured, by the close vote of 50 to 48, its indefinite postponement. It was an interesting sequel that, largely because of the failure to construct the State highway, the Erie Railroad years afterward was built over substantially the same route, to be an immeasurably more formidable rival of the canal than the wagon-road could ever have been.

The Forty-ninth Legislature adjourned without day on April 18, and political interest then turned to the approaching campaign for the Governorship. Van Buren had practically promised Clinton that if he would coöperate with the Regency in various matters of State politics his ambition for renomination and reëlection would not be opposed; and Clinton apparently depended upon that promise and assumed that there would be no contest for the Governorship. During the summer he and Van Buren frequently met and were at least outwardly on the best of terms. They were popularly regarded as having become political allies. There had been no thought of making nominations by Legislative caucus as formerly, but all looked to a choice by popular conventions.

A State convention of the supporters of Clinton's administration was held at Utica on September 21, with a large and representative attendance of delegates from all parts of the State. DeWitt Clinton was unanimously renominated for Governor, but not one voice was raised in favor of the Lieutenant-Governor, James Tallmadge; and Henry Huntington, president of the



PHILIP HONE

Philip Hone, merchant; born in New York City, 1781; founder of the Mercantile Library; mayor of New York City, 1826-27; naval officer for New York City under President Taylor; died in New York City, May 4, 1851.



Bank of Utica, a most estimable man, was named in his stead.

The State convention of the Bucktails, or regular Democratic party, under the direction of the Albany Regency, was held at Herkimer on October 4, with a similarly large and representative attendance. The Regency was mindful of its understanding with Clinton, but found itself practically compelled to nominate a candidate in opposition to him. That was for two reasons. One was that there had arisen in the party, among those not privy to the agreement with Clinton, so strong a demand for such a nomination that to deny it would imperil the integrity of the party. The other was that the Regency deemed it essential for control of the Legislature that there should be a Lieutenant-Governor of its own choosing, and of course it could not nominate a man for that office without also nominating one for the Governorship. To nominate Clinton would have caused a revolt in the party. Therefore it was necessary to run some one in opposition to Clinton.

Such was Regency logic, which we may assume to have been sincere. Indeed, its sincerity was apparently attested by the manner in which the Herkimer convention acted. It nominated for the Governorship William B. Rochester. He was a man of respectable but not noteworthy ability, little known throughout the State save in the western part, whither his family had removed from Maryland. He had served one term in the Assembly, one as a Representative in Congress, and two years as a Circuit Judge. A warm friend of

Henry Clay and a strong supporter of the Adams administration, he had been appointed one of the United States envoys to that famous Panama Congress which the United States Congress, under pro-slavery influence, treated so shabbily. From these facts it is obvious that he was not at all *persona grata* to Van Buren or the Regency, since Van Buren, as United States Senator, was one of the foremost adversaries of the Adams administration and the leader of the opposition to sending any envoys to the Panama Congress.

There can be little doubt that Van Buren would greatly have preferred the reëlection of Clinton to the election of Rochester and that he had the Regency put Rochester in nomination with the expectation and the intention that he should be defeated. But it was also his purpose to secure the election of a Lieutenant-Governor after his own heart. For that office, accordingly, the Herkimer convention nominated Nathaniel Pitcher, who was in all respects satisfactory to the Regency.

In the ensuing campaign Judge Rochester developed more popular strength than the Regency had expected. But there was a widespread division of tickets. Thousands of men voted for Clinton and Pitcher, while other thousands voted for Rochester and Huntington. The result was what the Regency had anticipated and desired. Clinton was reëlected by a vote of 99,785 to 96,135 for Rochester. On the other hand, Pitcher was elected Lieutenant-Governor over Huntington by a larger majority—4,188. In both houses of the Legislature the Regency secured substantial majorities.

## CHAPTER V

### WILLIAM MORGAN, "AFTER ELECTION"

**T**HE State campaign of 1826 was attended by a sensational and tragic incident which, while foreign to politics, doubtless had some—though not a decisive—effect upon the electoral result, and which for a number of years exercised a marked influence upon the politics of New York and the nation.

Among the residents of Batavia, New York, was one William Morgan, a stonemason by trade, about fifty or fifty-one years old. He was a native of Culpeper county, Virginia, had served creditably in the battle of New Orleans, and afterward had gone to Canada and engaged in the brewing industry at Toronto, or York. In 1821 he came to this State and settled in Rochester, where he was employed at his trade. For a time he lived and worked at Le Roy near Rochester, then at Rochester again, and finally at Batavia. He had been an active member of the Masonic order, but for some reason had become alienated from it and had determined to disclose its secrets and make what he declared would be damaging exposures of its principles and practices. Being a man of good education and some literary ability he wrote a small book on the subject, and he entered into an agreement with David C. Miller, of Batavia, a printer, to publish it.

This work was nearing completion and was naturally the subject of much acrimonious controversy when, on September 11, 1826, a number of citizens of Canandaigua came to Batavia and had Morgan arrested on a petty criminal charge and taken to Canandaigua for a hearing. There he was brought before a magistrate, who promptly dismissed the case and discharged the prisoner. Scarcely had he left the presence of the magistrate before he was again arrested, this time for a small debt which he seems actually to have owed, and—in those days of imprisonment for debt—was committed to the Canandaigua jail. The next day, September 12, at evening, the same men who had procured his arrest returned, paid his debt, and had him released from the jail. But he was freed only to be laid hold of and abducted by them. It was about nine o'clock in the evening when he was seized, thrust into a carriage, and hurried away in the direction of Rochester. Instead of bringing him to that city, however, his captors took him, with relays of horses, to Fort Niagara at the mouth of the Niagara River. There he was placed in the powder magazine, securely locked up. "The rest is silence." He was never seen again, and his fate was never learned. More than half a century later Thurlow Weed, in his "Autobiography," declared that in 1831 one John Whitney had confessed to him that he and four other men had taken Morgan from the fort and drowned him in Lake Ontario on September 14; but for obvious reasons, and without in the least reflecting upon Mr. Weed's veracity, this statement must be regarded with conservatism.



The sensation caused by Morgan's disappearance was tremendous. It had been known that he was about to publish his book and that the Freemasons resented his doing so and had striven to prevent him. Not unnaturally the suspicion and the cry arose that he had been abducted and murdered by members of their order. Some went so far as to declare that his "removal" had been ordered by the highest officers of the fraternity in a desperate attempt to prevent a publication that would be disastrous to them. On the other hand many Masons declared that Morgan had been hidden by his own friends, or had himself gone into hiding, in order to cast suspicion and reproach upon the Masons.

A public mass-meeting was held at Batavia and a committee was appointed to investigate the case and to detect, if possible, the persons who had done away with Morgan. The committee did not find the culprits, but it did report evidence of what it believed to be an elaborate conspiracy, in which many men were concerned and the motives of which were determined and important. Other meetings were held in other places, and in a short time the whole State was convulsed with agitation over the affair.

There was not time before the November election to carry the matter very far into politics, though an attempt was made to do so and undoubtedly some effect was produced. Governor Clinton was at that time the highest official in the Masonic order in the United States, and there were those who did not scruple to declare that he had ordered the murder of Morgan.

Monstrous as was this libel, it obtained some credence and was the cause of Clinton's losing many votes at Batavia, Rochester, and elsewhere in that part of the State. However, his competitor, Judge Rochester, was also a Mason, and that prevented any very large transfer of Clinton's supporters to his side. Shortly before the election, excitement was raised to the highest pitch by the discovery of the body of a drowned man in Lake Ontario. The identity of the deceased was unknown, though it was perfectly certain that the body was not that of Morgan, to whose description it did not answer in any distinctive respect. The anti-Masonic agitators, however, seized upon the discovery with avidity. While admitting among themselves that it was not Morgan who had been found, they cynically declared that the corpse was "a good enough Morgan—until after election," and accordingly insisted that here was the *corpus delicti*, fixing the crime of murder upon the Freemasons. So high did passion run that some of the Masons retorted not only with a denial that the body was Morgan's, or that any Mason had been privy to Morgan's disappearance, but also with the charge that the body was that of someone whom the anti-Masons had themselves murdered for the sake of procuring a corpse with which to make a showing against the order. Never in the history of the State were factional emotions more intense or more fantastic in their manifestations. The controversy over Morgan and the Freemasons not only pervaded politics but was taken up in the churches, in society, and in family life. The whole being of the

State was convulsed, and though there were those who intended and expected that the disputation would last only "until after election" it did in fact last much longer than that and extended far beyond the limits of New York.

It was in the midst of the excitement and agitation caused by the Morgan affair that the election was held which returned Clinton to the Governorship, though by a much reduced majority. The Fiftieth Legislature met at Albany on January 2, 1827, with the Regency in full control. Lieutenant-Governor Pitcher, a Regency man, presided over the Senate. The Assembly elected Erastus Root to be Speaker, and continued Edward Livingston in his place as Clerk. Mr. Root received 74 votes to 33 for Francis Granger, of Ontario county, of whom we shall hear more. There was much dissension in the party caucus before Mr. Root was selected, the influence of the canal counties being used against him. On assuming the Speakership he made an extraordinary speech reflecting by intimation upon his predecessor, Samuel Young, for having referred the State Road project to a committee which he knew was hostile to it. "I am not willing," said Mr. Root, "to put a child to nurse to be strangled." He also declared that as he had been elected to the Assembly by a party, and by that same party had been made Speaker, in appointing any committee on a question which might involve party considerations he would select a majority of its members from his own party. This did not mean, however, that as presiding officer he would not be impartial between the parties.

Governor Clinton in his message called attention to the boundary dispute with New Jersey, with the result that the Legislature provided for the appointment of a commission to undertake a settlement. He also devoted much attention to the canals and to the question of State roads. In order to check reckless and unsound banking he recommended the placing of a strict limitation upon issues of banknotes. The need of revising the criminal code of the State was also urged.

On March 17 the Governor addressed a special message to the Assembly on the subject of the Morgan outrage, which that body was investigating. He gave the Assembly all the information he had on the subject, and recommended the enactment of a bill offering \$5,000 reward for the discovery of Morgan living or for the conviction of his murderers, and the appointment of a committee of two Senators and three Assemblymen to investigate the case and report on it. No such action was taken, but the Governor himself offered a reward. The Legislature authorized the employment of expert lawyers to investigate the case. Two Judges of the Supreme Court were designated to hold special terms of court for the trial of any persons who might be accused of the crime, and a number of men were thus convicted and punished for participation in what had obviously been an extensive conspiracy.

The Legislature reëlected Martin Van Buren to the United States Senate, and on April 17 adjourned to the second Tuesday in September. From June 27 to July 24 there was a special session of the Senate,

confined to executive business. On September 11 the whole Legislature reassembled and received a message from the Governor conveying a communication from John Jacob Astor relating to his claims for lands in Putnam and Dutchess counties which the State had confiscated. This and other matters engaged the attention of the Legislature until December 4, when it adjourned without day.

Meantime the Morgan controversy was violently injected into local and State politics. In the spring of 1827 in parts of Genesee and Monroe counties all Freemasons were excluded from the local tickets for Supervisors and Justices of the Peace. In vain did party leaders strive to check the movement. It spread rapidly in all directions. Rochester was its center, where in the fall of 1827 an Anti-Masonic convention was held. A legislative ticket was nominated which swept the county by an overwhelming majority. The next year, 1828, with both a Governor of New York and a President of the United States to be elected, the Anti-Masonic agitation was carried into both State and national politics, the Anti-Masonic faction allying itself with the supporters of President Adams and seeking his reëlection upon the argument that he was not a Mason. On the other hand the Masons largely went over to Jackson, who was a Freemason of high standing in the order.

The Anti-Masonic movement extended into half the States of the Union, and from it was evolved a regularly organized political party in New York, Massachusetts, Connecticut, Vermont, Pennsylvania, and Ohio. It

had comparatively little influence in national politics in the election of 1828, excepting in New York, where it was the dominant issue of the campaign. The followers of Clinton were much divided by it, those who were Masons voting for Jackson, whom Clinton himself energetically supported, while those who were not Masons voted for Adams. As the result the Electoral votes of the State were divided, twenty being cast for Jackson and sixteen for Adams.

This achievement so encouraged the Anti-Masons that—to anticipate and slightly diverge from the narrative of New York history—in the summer of 1830 they perfected their organization in New York as a political party, which about as distinctively and emphatically opposed President Jackson as Freemasonry. In September of that year a call was issued by the New York leaders for a national convention of Anti-Masons, which was held in Philadelphia with representatives present from ten States and one Territory. A national organization was formed, with somewhat more business-like rules and regulations than down to that time had been adopted by any other political party, and it was agreed to hold another national convention at Baltimore on September 26, 1831, for the nomination of Presidential and Vice-Presidential candidates to be voted for in 1832. It was ordered that each State should send to the nominating convention a number of delegates equal to the number of its Senators and Representatives in Congress. In pursuance of this rule, 112 delegates representing thirteen States met and nominated for the Presidency the distinguished jurist

and publicist William Wirt, of Maryland, who had been for many years Attorney-General of the United States and before that was one of the foremost advocates in the prosecution of Aaron Burr for treason. Amos Ellmaker, of Pennsylvania, was nominated for Vice-President. Mr. Wirt was a Mason, and in his speech to the convention reluctantly accepting the nomination he eloquently defended that order from many of the aspersions that had been cast upon it, and made it clear that so far as he was concerned the campaign was to be conducted against Jackson more than against Freemasonry. In fact, he practically allied himself with Henry Clay, who was the chief candidate against Jackson in 1832, and would have withdrawn in Clay's favor if it had been possible for him to do so. As it was, Wirt, or the Anti-Masonic party, won in 1832 only the seven Electoral votes of Vermont and probably did not exercise any material influence upon the result of the polling in any other State.

The Anti-Masonic State convention of New York met at Utica on June 21 and nominated a ticket of Presidential Electors without committing them to any candidate. Their votes should naturally have been given for William Wirt as the national candidate of their party. But there was recognized to be little hope of his election, while there did seem to be a fair chance of Henry Clay's success as the candidate of the National Republicans; and Clay was greatly preferred to Jackson by most of the Anti-Masons. The understanding was, therefore, that should the New York Electors of

the Anti-Masons be chosen by the people they would cast their votes for Clay if by that means he could secure the Presidency, but otherwise for Wirt. The National Republicans held a State convention at Utica on July 26 and adopted resolutions favoring Clay for the Presidency. They did not, however, nominate Electors, but recommended the support of those put forward by the Anti-Masons—on the basis, of course, of the understanding already mentioned. Had the district system of choosing Electors prevailed, a part of this ticket doubtless would have been elected and the vote of New York would have been divided between Jackson and either Clay or Wirt. But the Electors were now chosen, by virtue of the law of 1829, on a general State ticket, and thus all the Jackson Electors were successful and those named by the Anti-Masons never had occasion to determine whether to vote for Wirt or Clay. The popular vote for them is, however, regarded as having been cast for Clay, and the result of the polling is therefore stated as 168,497 for Jackson and 154,896 for Clay.

Thereafter the Anti-Masonic party gradually disappeared, chiefly merging into the National Republican party, and the combination presently becoming known as the Whig party. In Pennsylvania the separate Anti-Masonic organization was maintained longer than elsewhere, and as late as 1835 succeeded in electing its candidate for Governor of the State. Its last significant appearance was at Harrisburg, Pennsylvania, on December 16, 1835, when in a State convention it nominated William Henry Harrison, of Ohio, for President, to be voted for at the next year's election.



Harrison was also taken up by the Whigs and was their defeated candidate in 1836 and their successful candidate in 1840. It will be recalled that Daniel Webster was an aspirant to the Presidency in 1836, that he was much concerned over the Anti-Masonic movement, and that he gave all his influence for complete union between the Anti-Masons and Whigs. He declared himself to be opposed to Free-masonry and to all organizations whose members were bound by secret oaths to "extraordinary obligations," and testified that he had always found the Anti-Masons of Pennsylvania to be "true to the Constitution, to the Union, and to the great interests of the country."

Thus the Anti-Masonic party ran its course and passed away, with just one important and lasting achievement to its credit. It initiated the national convention nominating system on the basis of making the representations of the various States in national conventions identical with or proportionate to their representations in the two houses of Congress.

To return now to the more direct and exclusive history of New York. At this time it was the foremost State of the Union in the three great respects of agriculture, industries, and commerce, and was therefore naturally much interested in the "American system" advocated by Henry Clay, and particularly in the proposal of a protective tariff. In 1827 conventions were held in many of the States for the purpose of urging the protective doctrine upon Congress, culminating in a national convention at Harrisburg, Pennsylvania, on July 30. A fortnight before the latter date a convention

met at Albany, consisting of delegates from many of the counties of New York, among whom were such men as Ambrose Spencer, Samuel Young, Peter Sharpe, and Jacob R. Van Rensselaer. At this convention resolutions were adopted to the effect that the laws of Congress had from the first assumed that taxes for revenue were to be so levied as most to encourage or least impede domestic industry and commerce; that this principle ought to be more widely and fully extended and applied; and that the prosperity of the country was conditioned upon legislative protection against the "exclusions, monopolies, regulations, and bounties of other nations." It was added that as the great agricultural products of the southern States—cotton, tobacco, and rice—enjoyed free entrance to the ports of Europe without competition, while both competition and prohibitory laws tended to exclude from European markets the chief products of the northern, middle, and western States, it must be deemed unkind on the part of the south to oppose the passage of laws calculated to protect northern products, to create a home market for them, and thus to promote the national wealth and prosperity. Supporters of both Adams and Jackson in national politics attended this Albany convention and voted for the resolutions.

Although the election of a President of the United States would not occur until November, 1828, the campaign began in the summer of 1827. On September 26 of that year the Democrats of New York City held a convention in Tammany Hall at which were adopted resolutions strongly commending the candi-

dacy of General Andrew Jackson and urging that at primary elections for the party organization and conventions only men favorable to his candidacy should be chosen. The Albany *Argus*, which had become the State organ of the party, presently took the same ground, and its example was followed by the Democratic press of the State generally. Of course Van Buren and the Albany Regency exerted the power of the party "machine" to the same end. The result was that in the November elections the friends and supporters of Jackson swept the State. They carried nearly all the Senate districts and secured a large majority in the Assembly.

The Fifty-first Legislature thus chosen assembled at Albany on January 1, 1828. The Senate, presided over by Lieutenant-Governor Pitcher, reëlected its Clerk and other officers. The Assembly reëlected Erastus Root as Speaker but replaced Edward Livingston as Clerk with Francis Seger, who had formerly been Deputy Clerk, this being done in accordance with a personal understanding between the two men. A few days later General Pitcher was taken ill, with a prospect of being for some time unable to attend to his duties, and in consequence Peter R. Livingston was elected President *pro tempore* of the Senate.

Governor Clinton's message referred to the deplorable manifestations of partisan, factional, and personal passion that had marred the political life of the nation. These untoward conditions were due, he believed, to the unsatisfactory method of choosing a President and to the reëlection of Presidents to second terms, and he

urged that New York lend its influence in the direction of a uniform and improved system of Presidential election and the confining of each President to a single term. He paid much attention to the canals and other actual or proposed public works, and to the discovery and use of anthracite coal, and recommended the encouragement of flax and hemp growing and tobacco culture. A particularly vigorous passage advised legislation for the punishment and suppression of the "disgraceful evil and high-handed offense" of duelling, in consequence of which the Legislature presently enacted a stringent law on the subject. Much attention was also given to the matter of public instruction.

The reaction of the Legislature to the protective tariff movement of the preceding year was promptly manifested by the introduction and unanimous passage by both houses of resolutions urging the Senators and Representatives of New York in Congress to make every proper effort to effect such a revision of the tariff as would afford sufficient protection to the growers of wool, hemp, and flax, and the manufacturers of iron, woolens, and every other article.

Then DeWitt Clinton died. The end of the great man came with startling suddenness. True, his health had been somewhat unsatisfactory for several months, but he had attended to all his public duties as usual and nobody had imagined his condition to be at all serious. On February 11, 1828, he was at his desk in the Governor's room of the State Capitol and sent in to the Legislature a special message referring to the need of judicial reform in the Court of Common Pleas in New

NATHANIEL PITCHER

[Several substitutes, but no authentic portrait in existence]

Nathaniel Pitcher, 10th governor (1828); born in Litchfield, Conn., 1777; early moved to Sandy Hill, Washington county, N. Y.; member of assembly, 1806, 1814-1815 and 1816-1817; delegate to constitutional convention, 1821; member of congress, 1819-1822, 1831-1833; elected lieutenant governor in 1826; became acting governor on the death of Dewitt Clinton, February 11, 1828 and served until December 31, 1828; died at Sandy Hill, May 25, 1836.



York City. In the afternoon he returned to his home, sat in his library, wrote the day's entry in his diary, opened and read a few letters, and then, while conversing with two of his sons who had entered the room, bowed his head and ceased to breathe.

The next day the Legislature decreed a period of mourning and ordered his funeral to be conducted at the cost of the State. His salary for the remainder of the year, with \$10,000 added, was directed to be paid for the benefit of his four minor children.

Thus passed into history one of the greatest men of the State of New York—surely the greatest constructive statesman who down to that time had occupied the Governorship. Indeed, as the practical promoter of beneficent public works he stands unsurpassed in the annals of America. Arbitrary and even arrogant at times in manner, cold and brusque, feared rather than loved, often rancorous in controversy, strangely careless of his personal affairs, he did not escape severe censure while living, and cannot after the lapse of many years be held exempt from criticism. Yet three great facts stand salient and impregnable. He created the canal system of New York. In a time of sordid and venal corruption he was honest. In an age when personal morals were too often tarnished with license he remained ever faithful to his marriage vow. The accomplished historian, DeAlva Stanwood Alexander, has bestowed upon him the epigram, as true as it is deft, "He died poor and pure."

Clinton was succeeded in the duties of his office by the Lieutenant-Governor, Nathaniel Pitcher. But

Mr. Pitcher did not become or assume to become Governor. He did not take the oath of office as Governor or sign his name and style as such. In the journal of the State Senate he was called the Lieutenant-Governor, and in that of the Assembly Acting-Governor. That was in accordance with the example set by John Tayler in 1817—by curious coincidence immediately preceding DeWitt Clinton's first term, as Mr. Pitcher followed his last. Mr. Tayler acted under the old Constitution, but Mr. Pitcher acted under the new one, which provided that in case of the death of the Governor the powers and duties of the office should devolve upon the Lieutenant-Governor for the residue of the term. That of course did not mean that he should become Governor, but that he should remain Lieutenant-Governor and serve as Acting-Governor. It will occur to mind that the similar provision of the Constitution of the United States should have been interpreted and acted upon in the same way, as there is no doubt that it was meant to be, and that the five Vice-Presidents who have succeeded to the Presidency on the deaths of so many Presidents should really not have become President at all but should have remained Vice-President and served as Acting-President.

Nathaniel Pitcher was a man of limited education but great intelligence, sound judgment, and strict integrity. He had served in the Legislature and as a Representative in Congress. He had been intensely anti-Clintonian in politics, but had maintained friendly personal relations with the late Governor and had through association with him learned to respect him



even when he did not agree with his policies. He had no special political ambition of his own to serve, and was quite content to conduct the remainder of the administration on very much the same lines that Clinton had laid down. One of his first acts was to recommend that a bill be enacted for providing a special public prosecutor to deal with the Morgan case, which was done.

In response to the suggestion contained in Clinton's last message, for the relief of the Court of Common Pleas of New York City, the Legislature provided for the creation of a new tribunal for that city to be known as the Superior Court of Common Pleas, a title which was popularly abbreviated to "Superior Court," and to consist of three Judges. Samuel Jones was made its Chief-Justice, and he accordingly resigned the Chancellorship of the State, from which position he would in any event soon have been retired for age. Josiah O. Hoffman, who had been Attorney-General of the State, and Thomas J. Oakley, then a Representative in Congress, were appointed Associate-Judges. The Chancellorship, vacated by Mr. Jones, was offered to Chief-Justice Savage, of the Supreme Court, who declined it; and it was then offered to and accepted by Reuben H. Walworth, a Judge of the Circuit Court.

Before adjournment three Legislative caucuses were held. One, held by the members favoring the Presidential candidacy of Jackson, formally declared him to be its choice, and another, held by the same element, called a State convention to meet on the fourth Wednesday of September at Herkimer for the purpose of

nominating candidates for Governor and Lieutenant-Governor. The Adams party in the Legislature also held a caucus, on the very day of adjournment, which declared in favor of Adams for President and unsparingly denounced the candidacy of Jackson. The Legislature adjourned on April 21, to reassemble September 9. The second session was devoted chiefly to revision of the laws of the State, and on December 10 it adjourned without day.

## CHAPTER VI

### VAN BUREN AND THROOP

THE political campaign of 1828, like many others in the history of New York, was marked with double interest. It involved the election of both a Governor and Lieutenant-Governor of the State and a President and Vice-President of the United States. Moreover, the political relations between the Democratic leader of the State and the Democratic candidate for the Presidency were peculiarly close, so that it was commonly understood that if Jackson were elected President Van Buren would be called into his cabinet as Secretary of State. But Van Buren also purposed to run for the Governorship of New York. If, then, he was elected Governor and was summoned to the cabinet, he would have to resign after a few weeks of his term and let his administration be completed by the Lieutenant-Governor. For that reason he and his followers took special care in selecting a candidate for the latter office, expecting that its incumbent would for most of the term be Acting-Governor of the State. Van Buren's plan was obviously to make the office of Secretary of State a stepping-stone to the Presidency, as it had been before—in the cases of Madison, Monroe, and John Quincy Adams.

The followers of Adams were first in the field with

their nominating convention. Adopting the name of National Republicans they assembled at Utica on July 22, after a preliminary gathering at Albany on June 10 which made no nominations but issued a noteworthy address to the people of the State, written by Gerrit Smith. The delegates from the western part of the State were in favor of Francis Granger for Governor—a brilliant and personally attractive young man, son of President Jefferson's Postmaster-General, who had for two years been a leading member of the Assembly. Although he had not posed as an Anti-Mason he was known to be most favorably regarded by that party, and it was largely for that reason that the western delegates urged his nomination. The delegates from the eastern counties, however, wanted Smith Thompson, an Associate-Justice of the Supreme Court of the United States and a man of far greater experience in public life than Mr. Granger, but not so acceptable, if indeed he was not positively unacceptable, to the Anti-Masons. There was a keen, close contest in the convention, which ended in the nomination of Thompson for Governor and Granger for Lieutenant-Governor.

This attempt to please both the friends and foes of Freemasonry was not altogether successful. The Anti-Masons declined to accept the National Republican ticket and forthwith held a convention of their own, at which they nominated Francis Granger for Governor and "Honest John" Crary for Lieutenant-Governor. Mr. Crary was and had for several years been a Senator from Washington county, and had formerly

been an Assemblyman. He was a strong supporter of Adams for the Presidency. Mr. Granger promptly declined the Anti-Masonic nomination for Governor, preferring that of the National Republicans for the second place on the ticket, and strong pleas were made to Mr. Crary to decline on the ground that if an Anti-Masonic ticket were run, and the Adams or anti-Jackson vote were thus divided, the success of Van Buren and the Regency ticket would be practically assured. Mr. Crary had seemed to be impressed by this argument and had promised that he would decline if Mr. Granger would do the same, stipulating, however, that Mr. Granger, as the head of the ticket, should do so first. Mr. Granger did decline, but Mr. Crary did not. Regardless of his promise and of his professed support of Adams, he clung to the place, a course to which he was believed to have been impelled by Van Buren. Then Solomon Southwick was again brought out of the obscurity into which he had fallen, to take Mr. Granger's place as the Anti-Masonic candidate for Governor. After that Mr. Crary was no longer known as "Honest John."

On the Jacksonian side there was no dispute and no uncertainty as to the candidate for Governor. It was settled in advance that Van Buren was the man, and the convention in September had nothing to do but record that fact. This decision was for two reasons. One was that Van Buren's personal control of State politics through the Regency was so complete as to assure the doing of anything he desired. The other was that the whole Jacksonian party, from Jack-

son down, regarded it as necessary if Jackson was to be elected. It was thought, through some strange misconception, that the Presidential contest would be close, that its result would depend upon New York, and that Van Buren's candidacy for Governor was essential for carrying the State for Jackson. The result showed this to have been an error. Jackson would have been handsomely elected had the entire vote of New York been cast against him, as he had a clear majority of 95 votes in the Electoral College. But during the campaign it was believed that his fate lay in the hands of Van Buren.

We may justly reckon Van Buren to have been at this time at the zenith of his career. It is true he rose to higher place. He became Secretary of State under Jackson, and succeeded Jackson as President of the United States for four years. But he did nothing in either of those offices to enhance the reputation and popularity that he had already gained as United States Senator and as the chief leader—in modern parlance, the “Boss”—of the Democratic party in the State of New York. Despite the discredit that fell upon him and the severe criticism that he incurred, Van Buren must be reckoned to have been not only a man of much personal charm and an exceptionally adroit and resourceful political manager, but also a statesman of no mean rank even as a contemporary of Adams and Clay and Webster and Marcy and Wright. He had for seven years been a conspicuous figure in the Senate of the United States, exerting a measurable influence upon every transaction of importance in

which that body had engaged. He was a national figure of the first magnitude.

To turn for a moment from politics to personalities and social aspects, it is of interest to recall a description of Van Buren as he appeared on ceremonious occasions; for example, at church on a Sunday morning in Rochester, when he was visiting that city during this campaign. It was the late Henry B. Stanton who observed him and who pictured him in his "Random Recollections." His coat was of snuff-colored broadcloth with a velvet collar, his waistcoat was pearl-colored, and his breeches were of white duck. His silken hose were of the same hue as his waistcoat. His cravat was orange, with lace ends, and his gloves matched it in color. His shoes were of morocco leather, and his high-furred beaver hat was of Quaker drab. To this we may add that his complexion was a brilliant blond, and his manner that of a Beau Brummel. Of course, a hundred years ago such attire was as conventional as it would now seem fantastic.

But if Van Buren was "first, and there was no second" in the contest for the Governorship, there was much concern over the choice for the second place on the ticket. Van Buren himself undertook to make the selection, mindful of the need of finding some one who would add all possible strength to the ticket, particularly in the western part of the State where the Anti-Masonic movement was to be reckoned with, and also of securing a candidate who would make an Acting-Governor acceptable to the Regency. It was on the quest for such a candidate that he visited Roches-

ter and other places in the western counties. There he was the guest of his friend Enos T. Throop, who had a home on the shore of Lake Owasco, and to whom he looked as probably the best candidate for the Lieutenant-Governorship. Mr. Throop had served in Congress, and had been a close friend and supporter of Governor Tompkins. Under the new Constitution he had been made Circuit Judge of the Seventh circuit, and in that capacity had presided, in January, 1827, over the trial of several persons charged with complicity in the Morgan outrage. They were all convicted of having conspired to kidnap that unfortunate man, all but one in fact pleading guilty. Judge Throop was not a Mason, nor was he an Anti-Mason, but was credited by both sides with entire impartiality—a circumstance which invested with all the more force his severe and impressive words in imposing sentence upon the criminals. “Your conduct,” he said, “has created in the people of this section of the country a strong feeling of virtuous indignation. The court rejoices to witness it, to be made certain that a citizen’s person cannot be invaded by lawless violence without its being felt by every individual in the community. It is a blessed spirit, and we do hope that it will not subside, that it will be accompanied by a ceaseless vigilance and untiring activity until every actor in the profligate conspiracy is hunted from his hiding-place and brought before the tribunals of his country to receive the punishment merited by his crime.”

This utterance greatly commended Judge Throop to all save the most extreme Anti-Masons, and caused



Van Buren during his visit to enter into an understanding with him agreeably to which the Judge was to accept the nomination for Lieutenant-Governor with the prospect that he would become Acting-Governor and receive the support of the Regency for election to a second term. This selection by Van Buren was, however, by no means universally acceptable to his associates. Nathaniel Pitcher had been a faithful follower of the Regency and had made a satisfactory Acting-Governor, and he not unnaturally thought that he was entitled to a renomination. His friends thought so too, and they numbered some men of importance in the party councils. This fact gave Van Buren much concern, for while he was mistaken in thinking that New York was the pivotal State in the Presidential contest he rightly anticipated a very close result in the Governorship election. Any defection from the party ranks would be disastrous, and even a prolonged and acrimonious contest in the convention would be dangerous. There was no question of the unanimity with which his own nomination would be made. What was necessary was that the second place on the ticket should be filled with equal unanimity.

Word to that effect was quietly sent out to every political manager in the State. Persuasion, blandishments, promises, threats, all were employed with masterly skill and complete success. There was probably not one single delegate to the State convention who was not either selected by Van Buren himself or subjected to his influence. The result was all that he had desired. Not a single dissenting voice was raised

at Herkimer. Van Buren and Throop were both nominated by unanimous acclamation, with at least a show of limitless enthusiasm. Nathaniel Pitcher alone was rebellious, and he was not in the convention. He felt himself to be badly treated, and though he essayed no public reprisals he from that day ceased to act with the Democratic party. When in August, some weeks before the convention, John Woodworth had because of age resigned from the bench of the Supreme Court, Mr. Pitcher had promptly acceded to the wishes of the Regency by appointing William L. Marcy to the place. But when a few days before the election Judge Throop resigned his seat on the bench and Mr. Pitcher appointed Daniel Moseley in his place, the Senate refused to act upon the nomination.

The popular campaign of 1828 was one of the most discreditable in the history of the State. Party and personal passions both ran high, to a pitch seldom equalled. Grossly unscrupulous and untruthful attacks were made upon both the Presidential candidates, who greatly overshadowed the candidates for Governor in interest. On the one side Van Buren and his friends strove to resurrect the skeletons of Federalism, the Alien and Sedition acts, and other objectionable features of John Adams's administration of thirty years before, and to saddle the odium of them upon John Quincy Adams. On the other hand the Adams campaigners personally reviled and misrepresented Jackson, and even made vile insinuations against the chastity of his wife—in which latter course they overreached themselves and caused a reaction in Jackson's favor. Van

Buren had the immense advantage of the aid of several men of exceptional ability and discretion, some of them, indeed, decidedly superior in gifts to himself, though he was always undisputedly their leader. Such were William L. Marcy, Benjamin F. Butler, Samuel A. Talcott, Edwin Crosswell, and Benjamin Knowler. On the other side there was a sad lack of leadership save for the stalwart figure of young Thurlow Weed. Had Weed's counsel prevailed Van Buren and the Regency would have gone down in disaster, perhaps never to rise again. But on some vital questions he was overruled, and the result was ruin.

The decisive factor in the campaign was the Anti-Masonic third ticket. If Weed's advice had been accepted and a ticket nominated that would have united all the Anti-Masons with the National Republicans, the combination would doubtless have been successful. But the nomination of Justice Thompson, admirable man though he was, lost the support of some, and the devious intrigues of Van Buren increased the dissatisfaction and encouraged the egregious Solomon Southwick to enter upon his fantastic candidacy with the result of drawing enough votes from the National Republicans to defeat Thompson and elect Van Buren, and to give Jackson a majority of the Electoral votes of the State. Van Buren received 136,794 votes, Thompson 106,444, and Southwick 33,345. Had Southwick's votes been cast for Thompson the latter would have had 139,789, or a majority of 3,000 over Van Buren. The Presidential Electors, being chosen by districts and not on a general ticket, were divided,

Jackson securing 18 and Adams 16. Two additional Electors were to be chosen by the Electoral College, and of course these were favorable to Jackson, giving him 20. The vote for Lieutenant-Governor was substantially the same as that for Governor, so that if John Crary had kept his promise and withdrawn, or rather if there had been no Anti-Masonic candidate, Mr. Granger would have been elected and Judge Throop would have been defeated.

The Fifty-second Legislature met in Albany on January 6, 1829. It was under the Regency's control by a safe majority, though its average of ability was probably not as high as that of its predecessor. Erastus Root and other men of first-class ability had not been candidates for reëlection, and few men of commanding talent appeared. The most important acquisition was Millard Fillmore, who was elected to the Assembly from Erie county. It is interesting to recall, as indicative of the changes in distribution of population of the State, that in this Legislature the county of Albany had three Assemblymen, which is all it now has in 1921, while Kings had only one member instead of the twenty-three that it now elects. Erie county had only two, the same number as Cortland, while now Erie has eight to Cortland's one. Madison and Monroe had three each, while now they have one and five respectively.

Peter Robinson, of Broome county, was elected Speaker of the Assembly, and Mr. Seger was reëlected Clerk. Governor Van Buren's message was long and elaborate and abounded in rhetoric, though it was by

no means devoid of constructive statesmanship. There was an affectation of humility and a pretense of personal unworthiness for so exalted an office which it was quite certain Van Buren did not feel, and which did not create a good impression even upon his own party followers. Recommendation of the Chenango canal enterprise was offered and was favorably acted on by the Legislature, a circumstance which doubtless explained the choice of Mr. Robinson as Speaker, that canal being of special importance to Broome county.

One of the most important parts of the message related to the banking system. There were then forty banks in the State, the charters of thirty-one of which would expire in a few years. The question arose whether the charters were to be renewed, and on what terms; or if not, what substitute should be made for the banks. It was necessary to have banks, and it was not well to depend entirely upon those chartered by the national government. The idea of a State Bank, owned and managed exclusively by the State as a part of the government, he strongly disapproved, though one in which the State would be merely a private stockholder was to be more favorably regarded. He urged as prompt a determination of the course to be pursued as careful deliberation would permit, and recommended for thoughtful consideration a scheme under which all the banks of the State should be made responsible for whatever losses might be sustained by the public through the failure of any one of them. As a result of his discussion of this subject the Legislature on April 2 enacted the so-called Safety Fund law. This re-

quired every bank to pay into the State treasury each year a sum equal to one-half of one per cent. of its paid-in capital stock, minus all stock held by the State, until it had thus paid three per cent. on its capital stock. These payments constituted an indemnity fund to be used in discharging the indebtedness of insolvent banks, excepting, of course, on their stock. A board of three Bank Commissioners was also created, one of whom was appointed by the Governor and two by the banks. This change in the banking system may be accounted the chief achievement of Van Buren during his brief career as Governor, although the act in question was not passed until some time after his retirement.

Another important recommendation, which we may assume to have been inspired through resentment at the result of the voting for Presidential Electors, was that a law be made requiring the election of Electors by the State at large on a general ticket instead of by districts. Under the district plan, as we have seen, Jackson had secured only eighteen to Adams's sixteen, while if election had been on a general ticket Jackson would have got them all. The Legislature complied with this suggestion and passed the required act on April 15.

Still another recommendation was for some measures of reform in election methods. Too much money was being spent, and there was reason to think that some was being corruptly applied. He therefore suggested the enactment of a law prohibiting under severe penalty the expenditure of any money by individuals



ENOS THOMPSON THROOP

Enos Thompson Throop, 12th governor (1829-32; born in Johnstown, Montgomery county, August 21, 1784; lawyer; clerk of Cayuga county; member of congress, 1815-16; circuit judge of New York, 1823-27; elected lieutenant governor, 1828; became acting governor when Martin Van Buren became secretary of state of the United States, March 12, 1829; elected governor, 1830, serving 1831-32; naval officer of the port of New York, 1833-38; United States minister to Naples, 1838-42; died at Auburn, N. Y., November 1, 1874.





for any purposes connected with elections, except the single one of printing. He also regarded it as unfortunate to choose State and national officers at the same election, since there was danger that interest in the one result would overshadow that in the other, and he recommended that the two sets of officers be voted for at different times, as was then being done in other States. The Legislature did not act upon these suggestions.

The message contained Mr. Van Buren's resignation of the Senatorship, made necessary by his election as Governor, and the Legislature thereupon elected Charles E. Dudley to take his place. Mr. Dudley was an amiable Albanian, wholly devoted to Van Buren, who as a Senator was *vox et praeterea nihil*. Then on March 12 the Governor sent in a special message resigning the Governorship in order that he might become President Jackson's Secretary of State. He was thus Governor only seventy-one days. His one general message must always rank as a state paper of exceptional power and value despite its obvious and grave blemishes. We have already referred to its affectation of humility. On some important topics, such as that of the canals, it was so non-committal as to give the impression of either cowardice or duplicity. In certain respects it was almost cynical, as for example in the austere inveighment against the use of money in elections and the recommendation of heavy penalties for the practice; for he himself in the campaign that resulted in his election had made a far more flagrant use of money, for purposes which to say the

least were suspicious, than any of his predecessors. There was a touch of the same insincerity, too, in the recommendation for choice of Electors on a general ticket, since he knew, as all knew, that that was an old proposition which would have been put into effect long before had it not been for the opposition of De Witt Clinton. It was the message of a really able statesman who was not able to rise in all respects above the arts of a politician.

This session of the Legislature was notable for the appointment of Greene C. Bronson as Attorney-General to succeed Samuel A. Talcott, and Silas Wright, Jr., as Comptroller to succeed William L. Marcy, who had been appointed to the bench. The former appointment was an admirable one in all respects, though its occasion was so melancholy as to be tragic. There had been few abler or more brilliant men in the public life of New York than Mr. Talcott, and few with so high a degree of personal charm. But his convivial habits led him irredeemably into intemperance so habitual as to render his resignation of office imperative. Mr. Bronson worthily succeeded him as Attorney-General and was a tower of strength to the Regency until he was transferred to the bench, where he became successively Associate-Justice and Chief-Justice of the Supreme Court and Judge of the Court of Appeals.

The appointment of Mr. Wright was also the best that could be made to fill the place of William L. Marcy. A man of real genius, he had a hold upon popular affection and confidence to which few of his contemporaries approximated. He had been one of

the State Senators who voted against letting the people choose the Presidential Electors; but while nearly all his colleagues in that discreditable performance were retired to private life he was forgiven and was presently sent to Congress, where he distinguished himself in tariff legislation and gave evidence of the ability that in later years was to command national admiration in the United States Senate in its golden days.

It should be recalled that during his brief administration Governor Van Buren renewed the appointment of Daniel Moseley to the bench, which had been made by Acting-Governor Pitcher and which the Senate had contemptuously ignored, apparently to punish Mr. Pitcher for resenting the refusal of Van Buren to permit his renomination. On this occasion the appointment was at once approved. Then Van Buren made the remarkable appointment of John C. Spencer to succeed Mr. Moseley as special prosecutor in the Morgan case. Mr. Spencer was one of Van Buren's strongest political opponents, and the State was left to wonder whether for once Van Buren had risen above partisan considerations to make an admirable appointment, or whether he thus acted because the place was really most undesirable since it was practically certain that its holder, whatever he did, would incur the displeasure and condemnation of either the Masons or the Anti-Masons.

Enos T. Throop, Lieutenant-Governor, became Acting-Governor by virtue of the resignation of Governor Van Buren on March 12, 1829. He did not take the oath of office as Governor, and was not known by that

title, but was described in the journal of the Senate as the Acting-Governor—thus following the examples of Tayler and Pitcher. On taking leave of the Senate, over which he had presided for seventy-one days, he made a somewhat elaborate speech. It was general, if not vague, in tone, philosophizing upon abstract principles rather than discussing issues of the day. Charles E. Stebbins was elected President of the Senate.

The Legislature enacted a large number of bills, renewed the charters of many banks, chartered eleven new ones, and finally, after the longest session ever held to that time, adjourned on May 5 without day.

The State was bereaved in 1829 by the deaths of two of its foremost citizens. John Jay, who more than any other man was entitled to be regarded as the Father of the State, died at his home at Bedford on May 17, aged eighty-three; an appropriate memorial in his honor was adopted by the Supreme Court. John V. Henry, who had been appointed Comptroller of the State by Governor Jay and had filled that office with distinction for a number of years, died in October at Albany, while on his way from the Supreme Court.

The fall elections of 1829 showed a decided waning of the Anti-Masonic movement and a marked increase in the strength of the Regency. No fewer than seven of the eight Senatorial districts elected Regency candidates, some of them by very large majorities. The one exception was the Eighth district, which had been the immediate scene of the Morgan outrage.

## CHAPTER VII

### THE RISE OF NEW FORCES

THE Fifty-third Legislature met on January 5, 1830, and as the Lieutenant-Governor was Acting-Governor of the State William M. Oliver, of the Seventh district, was chosen President *pro tempore* of the Senate. In the Assembly Erastus Root was returned to his former place as Speaker. Among the members from Monroe county came young Thurlow Weed, who had served in the Forty-eighth Legislature. This second term was to be his last, after which he was to assume an immeasurably more influential position. Millard Fillmore, who had sat in the preceding Legislature, again came, from Erie county, for the second of his three consecutive terms.

The message of the Acting-Governor was long, elaborate, and scholarly. It evidenced the judicial training and experience of Mr. Throop, for the paramount theme was that of jurisprudence. The revised criminal code was analyzed, discussed, and recommended for further revision. This code prescribed the death penalty for arson in the first degree, and life imprisonment for seven or eight offenses, punishments which Mr. Throop held to be too severe, and he recommended that the death penalty be imposed for only treason and murder, and that there be no sentences of

life imprisonment except in cases of second conviction. Ten years, he believed, was a long enough sentence; that period spent in a well-managed State prison, he said, was "sufficient to subdue the moral, mental, or physical faculties of the most obdurate man"; reformation of the criminal, and not mere vindictive infliction of suffering, was the supreme object to be sought. Radical reformation of the county jails, especially for the segregation of young prisoners from hardened offenders, was urged. Nor were other reformatory and charitable institutions neglected. Houses of refuge, asylums for the insane, county poor-houses and farms, and other establishments were discussed at length in a fine spirit of enlightened humanity. Indeed, it would be difficult to find among public documents of the State in equal compass a more thorough and useful consideration of the charities and corrections of the commonwealth. After a comparatively uneventful session the Legislature adjourned on April 20 without day.

Meantime an event had occurred of vastly greater significance to the State than any mere act of the Legislature. The various factions opposed to the Democratic Regency, including both anti-Jackson Masons and Anti-Masons, as well as National Republicans and followers of Adams and Clay, had observed with interest the immense power that was exerted by the newspaper organ of the Regency, the *Albany Argus*, under the powerful and brilliant editorship of Edwin Croswell, and had come to the wise conclusion that they must have an organ too to combat it and counter-

act its influence. Accordingly a company was formed, capital was subscribed, and a newspaper was started.

March 22, 1830, was the date of the appearance of the first number of the Albany *Evening Journal*, edited by Thurlow Weed. It was regarded with scorn and contempt by the Regency and its organ. But within ten years it outranked in circulation all other political newspapers in the United States, and for twenty years Thurlow Weed was recognized as the most trenchant and formidable of all political editorial writers. It is interesting to recall that Weed and Croswell had been schoolmates in their early boyhood. Schoolmates they were, but not playmates or chums, for their stations in life were then too far apart. Croswell was the child of rich parents, who clad him handsomely and supplied his every wish, while Weed was inured to poverty. Kid boots and bare feet might tread the same playground and the same floor, but they did not much go together in comradeship.

About a score of years after parting at school the two met again, at Albany, as rival politicians and journalists; met, clashed, and parted again for many more years. It was very soon after the first appearance of the *Evening Journal* that Croswell directed against it in the *Argus* an acrimonious fling tinged with contemptuous personality. Instantly Weed retorted in kind, with a vigor and a pungency which made every newspaper reader in Albany "sit up and take notice." Thereafter personal intercourse and even business relationships between the two men were impossible. The only contact between them was that of flint and

steel. Nor need we wonder at it, for such was the spirit of those times in American journalism. It was almost precisely a year later that Philip Hone, at home in New York City, made this entry in his Diary concerning two of the most famous editors of the metropolis:

"While I was shaving this morning at eight o'clock I witnessed from the front window an encounter in the street nearly opposite between William C. Bryant and William L. Stone, the former one of the editors of the *Evening Post* and the latter editor of the *Commercial Advertiser*. The former commenced the attack by striking Stone over the head with a cowskin; after a few blows the men closed, and the whip was wrested from Bryant and carried off by Stone."

The spectacle of the author of "Thanatopsis" cowhiding the historian of "The Border Wars of the American Revolution" in a New York thoroughfare makes the verbal clash between Weed and Croswell seem temperate indeed. The personal estrangement endured until many years later, when Croswell was ruined in purse and reputation by the collapse of the Canal Bank of Albany and went as a suppliant to Weed, who was all-powerful, to beg for mercy and salvation from criminal indictment.

From the establishment of the *Evening Journal* and Weed's assumption of leadership of the factions opposed to the Regency, we may date a new era in the partisan politics of New York.

There was not time for Weed to organize victory that year, but he did exert an influence upon the campaign which was auspicious of coming triumph. It was a year of flux and reorganization. As early as



mid-April an effort was made to establish a new Workingmen's party. This had its origin in New York City. It was a time of rapid growth of that community, and numerous buildings for residences, business and public offices, were in course of construction. The master-builders had for some time been trying in vain to secure the enactment of a law that would give them greater security, in the form of liens upon both buildings and land, and for the material and labor which they provided in building operations. For this demand there seems to have been much cause. They also complained, probably with less ground, that workingmen were not sufficiently represented among the holders of public offices. Accordingly on April 16 a mass-meeting convention was held at Albany, at which Erastus Root was nominated for Governor. A committee from the meeting informed him of that action but did not secure from him either acceptance or rejection of it. He prudently wished to wait and see what further developments there would be in the campaign.

The Anti-Masons and the National Republicans held conventions in August, and practically agreed to fuse; and they nominated Francis Granger for Governor and Samuel Stevens, an Albany lawyer of high standing and distinguished ancestry, for Lieutenant-Governor. A little later, on September 8, the Regency Democrats met in a stormy convention. Erastus Root aspired to the Governorship, and his friends urged that Mr. Throop should be satisfied with one term as Acting-Governor and should stand aside in favor of a more experienced and undoubtedly abler man. But

Mr. Throop had no mind to stand aside, and the Regency had no mind to let him be forced to do so. He was invariably most loyal, not to say subservient, to the Regency, and he was not to be exchanged for Erastus Root, who was ready to kick over the party traces on the slightest provocation. So the word was sent forth to the faithful that Mr. Throop must be nominated, and it was done, by a vote of 78 for Throop to 40 for Root. Thereupon Silas Wright, who was rapidly rising to supreme leadership, asked that the nomination be declared unanimous. Over this there was a great fight in the convention, ending in the adoption of Mr. Wright's motion in a modified form. For Lieutenant-Governor Edward P. Livingston was named with less controversy.

It was expected by many that this result would cause Erastus Root to accept the Workingmen's nomination. Had he done so the result of the election would probably have been different, for he would have commanded a considerable vote largely drawn from supporters of the Regency. There were many Freemasons who were opposed to the Regency but who could not bring themselves to support Granger, the Anti-Masonic candidate, and who would have been glad to vote for Mr. Root. But Mr. Root still delayed to give any indication of his purpose, until in October he received a nomination for Representative in Congress. Thereupon he made it known that he was not a candidate for the Governorship on any ticket. The Workingmen then held another convention, in New York, and nominated Ezekiel Williams, of Cayuga county, for Governor.

The result of the election was surprising to both sides. Mr. Throop carried the first five districts, several of them by remarkably large majorities. There can be little doubt that this was largely due to the Masonic vote in the Hudson River counties. There were thousands of Freemasons who were opposed to President Jackson and to the Regency but who were still more hostile to the secrecy and proscriptive spirit of the Anti-Masons and who therefore voted for Throop as the lesser of two evils. On the other hand, in the other three districts Granger ran far ahead, carrying the Eighth district by practically two to one. The complete result was: Throop, 128,842; Granger, 120,361; Williams, 2,332. Mr. Throop thus had a clear majority over all.

Another result of this election, of greater significance to the State and the nation than the election of Mr. Throop—though its significance was not yet recognized,—was the election of William Henry Seward as a State Senator from the Seventh district. He was successful largely by Anti-Masonic votes. He had hitherto been a Democrat, though not actively engaged in politics, and he was so young as just to be eligible, and no more, to the Senatorship.

Still another famous name appeared this year in New York public life when, late in the summer, Nicholas F. Beck, Adjutant-General of the State, died, and the Acting-Governor appointed John A. Dix to succeed him.

The Fifty-fourth Legislature met on January 4, 1831, with a strong Regency Democratic majority in

each house. General George R. Davis, of Rensselaer county, was chosen Speaker of the Assembly. Mr. Throop's message as Governor was long and statesman-like. It was largely devoted to consideration of the finances of the State and to canals and other public works, though there was scarcely a phase of public interests upon which it did not touch. The Governor referred to the experiments with railroads that were being made in England, between Liverpool and Manchester, and reported that they had resulted more favorably than had been anticipated. Loaded cars were being regularly drawn between those two cities at the rate of eighteen miles an hour, while light cars had been "moved with a rapidity which almost exceeds belief." This latter statement was not exaggerated, seeing that an engine and tender had been run at the rate of fifty-eight miles an hour. The Governor reported that an enterprising company was building a railroad between Albany and Schenectady, which would probably be completed during the year; and he added the prediction that "railroads will no doubt in future times be extensively distributed throughout the State." It should be recalled that the Albany-Schenectady railroad was not the first in this country. The Baltimore & Ohio had preceded it by more than a year, and ten months before this message was delivered Philip Hone had written of having traveled on it, in a car propelled by sails!

The Governor paid much attention to the public schools, and to the penal and charitable institutions which he had discussed the year before. He also

urged the abolition of imprisonment for debt, which the Legislature effected in a bill passed on the last day of the session. His attitude of hostility toward the Chenango canal project was maintained and was supported by the Democratic majority in the Senate. That important enterprise had been undertaken, tentatively, in 1827, and in 1828 Van Buren's supposed friendship for it had been an influential factor in the election. Van Buren, as hitherto noted, appeared to favor the scheme in his message as Governor, and the Legislature took action apparently looking to its promotion. But it was presently reported by the Canal Commissioners that its cost would be far too great for the State to incur at that time, and accordingly Mr. Throop, both as Acting-Governor and as Governor, opposed it.

Not the least important act of the Legislature of 1831 was the election of a United States Senator to succeed Nathan Sanford, whose term of office was approaching its close. There was little hesitancy or dispute over the choice, which was suggested by Van Buren and unanimously acquiesced in by the Democratic majority of the Legislature. Indeed, there was but slight opposition manifested in any quarter. For it was William L. Marcy who had been selected, and despite his intense partisanship as a member of the Albany Regency, his great gifts and high character had strongly commended him to the citizens of the State regardless of party. He had been a singularly competent State Comptroller and an upright and worthy Justice of the Supreme Court, and was univer-

sally recognized as a fitting candidate for Senatorial honors. The choice was, however, unfortunate, for Mr. Marcy's brief service as Senator proved to be the least creditable part of his career.

Samuel Nelson, then a Circuit Judge, was appointed to fill Marcy's place on the Supreme bench, and the Governor nominated John Tracy, of Chenango, to be Circuit Judge in Mr. Nelson's place. This choice was probably made in the hope of pleasing the people of the Chenango valley and allaying their resentment at the refusal to construct their canal; for Mr. Tracy not only came from that region but had been put forward by the friends of the canal scheme as their candidate for Lieutenant-Governor at the last State convention. Indeed, the appointment was generally recognized as an attempt to appease the canal people, and because of that interpretation Mr. Tracy declined to accept it. The Governor thereupon appointed Robert Monell, of Chenango county, then a Representative in Congress. Charles H. Ruggles was appointed Judge of the Second circuit to succeed James Emott, who had resigned.

During this session of the Legislature loud echoes of President Jackson's opposition to the United States Bank were heard at Albany. It was at the beginning of February that Thomas H. Benton proposed in the Senate of the United States a joint resolution to the effect that the Bank charter ought not to be renewed, thus following the policy suggested by the President in his preceding message. The resolution was vigorously fought and defeated, Daniel Webster leading the oppo-

sition, but the controversy was continued and was carried from Washington to various State capitals. Special interest was felt in New York because of the number and magnitude of the banks of this State. It was assumed that if the United States Bank went out of existence through refusal to renew its charter, the vast deposits of government money would be transferred to the various State banks, chiefly to those of New York, and the circulation of United States banknotes, which was enormously profitable, would also be transferred. On this account New York bankers and owners of bank stock, though largely opposed to President Jackson politically, approved his hostility to the Bank.

The matter was brought into the Legislature early in March in the form of a concurrent resolution practically reviving and repeating that which Senator Benton had failed to have adopted at Washington. Shortly before adjournment it was debated with great animation and force and was adopted by the Assembly by the vote of 73 to 33. In the Senate the measure gave William H. Seward an opportunity to attain statewide prominence by his powerful speech in opposition, but it was finally adopted by the vote of 17 to 13. The Legislature then, on April 20, adjourned without day.

In the November elections of 1831 the Democrats were generally successful, excepting in the counties where the Anti-Masonic party held sway. The Democrats elected seven of the eight Senators chosen and carried the Assembly by a strong majority.

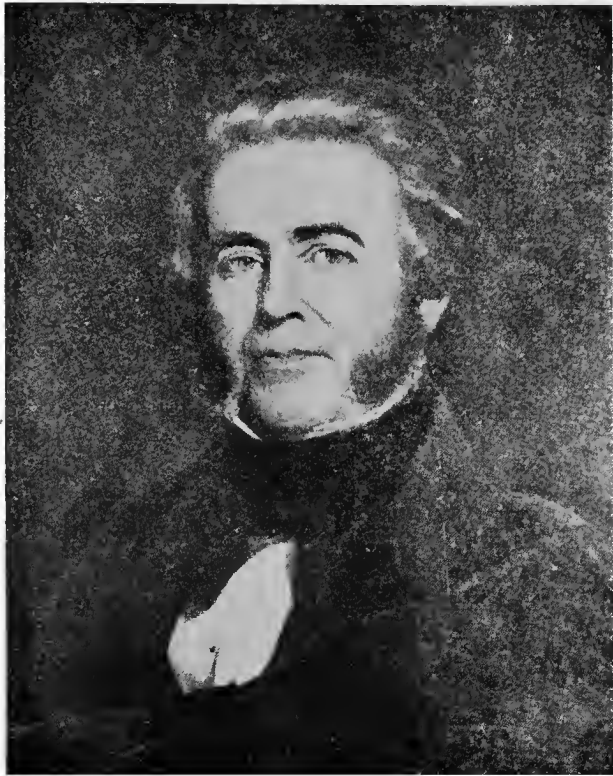
## CHAPTER VIII

### A DIPLOMATIC INTERLUDE

**W**E must now retrace our steps a little way for an incursion into national politics, and even into international diplomacy, in order to appreciate accurately the status and the course of the leader of the New York Democracy and the conditions and circumstances of the political campaign of 1832.

It will be recalled that John C. Calhoun, of South Carolina, had been a prominent candidate for the Presidency in 1824, but had voluntarily withdrawn from the preliminary contest and given his support to Jackson. The result was that John Quincy Adams was elected President by the House of Representatives, and Calhoun was chosen Vice-President by the Electoral College. In 1828 Jackson was elected President and Calhoun for the second time was made Vice-President. At this time Jackson declared himself strongly in favor of a single Presidential term. He practically pledged himself not to seek or to accept a second term, and recommended a constitutional amendment limiting the Presidency. We may assume him to have been sincere, and may believe that he would have fulfilled his promise had it not been for the contest and intrigues which arose for the succession and which were chiefly promoted by Martin Van Buren or his friends.





GREENE C. BRONSON

Greene C. Bronson. jurist; born, Oneida, N. Y., 1789; lawyer; surrogate Oneida county, 1819; member of assembly, 1822; attorney general of the State of New York, 1830-1835; puisne judge of the supreme court of judicature, 1836-1845; chief justice of the supreme court, 1845; judge of the court of appeals, 1847; left the bench and practiced law in New York and lost nearly all his fortune in speculation; appointed collector of the port of New York in 1853 until removed for political reasons in 1854; corporation counsel City of New York from 1859 to 1863; was the democratic candidate for governor in 1855; died at Saratoga, September 3, 1863.



For it did not suit Van Buren to have Jackson limit himself to a single term. Had Jackson insisted upon doing so there was every reason to expect Calhoun to be his successor, and that would mean the defeat of Van Buren's Presidential ambition. Indeed, in 1832 it would be "now or never" for Calhoun. He was in his second term as Vice-President. The unwritten law forbade him a third term in that office. Therefore he must win the Presidency or fall back into some lesser place from which his chances of emerging to gain the Presidency at a later date, four or eight years afterward, would be poor indeed. Calhoun therefore staked all on holding Jackson to the single term principle and securing the nomination to the succession for himself.

On the other hand, Van Buren felt that it would be fatal to him to have Calhoun elected. He was not yet himself strong enough to run for the nomination and beat Calhoun. His only hope was, then, in getting Jackson to take a second term. That would kill off Calhoun and leave Van Buren the sure successor of Jackson in 1836. But if Calhoun won in 1832 Van Buren would be retired from the cabinet—since Calhoun was his political foe,—and would fall into an obscurity from which he might not be able to emerge four or eight years later.

Meantime the Jacksonian cabinet had from the beginning been the scene of one of the most extraordinary social scandals in the history of the government. It consisted of Martin Van Buren, Secretary of State; S. D. Ingham, Secretary of the Treasury; John H. Eaton, Secretary of War; John Branch, Secretary of the Navy;

John M. Berrien, Attorney-General; and William T. Barry, Postmaster-General. Calhoun, it may be observed, had opposed Jackson's selection of Van Buren and Eaton for cabinet places, and a decided animosity existed between him and them.

Now, Mr. Eaton had, at about the time of his entering the cabinet, married a widow, Mrs. Timberlake. She was a woman of much personal beauty and charm. But some gross imputations had been made against her character. It was intimated that her infidelity had been the cause of her first husband's death, which occurred from suicide. For these aspersions there was probably not the slightest ground. They had their origin in malice or in jealousy, and were exploited because of the prevalence of the latter detestable passion among less attractive women in official life. They infuriated Jackson to an extreme degree, partly because of his natural chivalry, partly because his own wife, at this time deceased, had also been slandered, and partly because both Mr. and Mrs. Eaton were neighbors of his in Tennessee; and he determined to stake the very existence of his administration upon the vindication of the injured lady.

A conflict arose that rent official society asunder. Mrs. Calhoun declined to visit or to receive Mrs. Eaton, and in that course she was followed and supported by Mrs. Ingham, Mrs. Branch, and Mrs. Berrien—all the ladies of the cabinet circle, since Van Buren was a widower with no daughters and Barry was a bachelor. Van Buren, however, took pains to call upon Mrs. Eaton and to treat her with the most marked courtesy and attention, and presented to her the British and French Min-

isters—who, luckily for themselves, happened to have no wives. In this we may assume Van Buren to have been moved by highly creditable motives of chivalry and justice, though it is impossible to avoid also suspecting that policy had something to do with it. He was thus showing his loyalty to Jackson and to Jackson's friend Eaton, and was opposing Jackson's—and his own—foe, Calhoun. It may be added that Eaton stood with Van Buren in desiring and urging Jackson to run for a second term, while Ingham, Branch, and Berrien all sought to hold him to his one-term policy and to put Calhoun forward as his successor. The outcome of the matter was that the entire cabinet, excepting Mr. Barry, resigned in the early summer of 1831.

In addition to these things Jackson had a bitter personal grudge against Calhoun, with which Van Buren was not in the slightest degree concerned. Away back in Monroe's administration Calhoun, as Secretary of War, had strongly urged that some of Jackson's acts as commander of the army in Florida should be made the subject of strict military investigation, if indeed Jackson should not be brought before a court martial for trial for his putting to death Arbuthnot and Ambrister. The proposed action was successfully opposed by John Quincy Adams and William H. Crawford. It was the irony of fate that Jackson was falsely told, and for many years believed, that Adams and Crawford had wanted to investigate and prosecute him and that Calhoun had been his only friend in the cabinet. There can be no supposition that Calhoun was in any way responsible for the false impression, though unfortunately

it must be recorded that he made no attempt to correct it. From that circumstance arose much of Jackson's fierce hatred of Adams, and, naturally, of his enmity toward Calhoun when he found out the truth of the matter.

It was not until November, 1829, that Jackson learned the facts, and indeed it was not until May, 1830, that they were fully verified by Calhoun's own admission. Of course that made a complete and final breach between Jackson and Calhoun, and open war between them for the Presidential nomination in 1832. Indeed, that war became open as early as March, 1830, when a convention of Calhoun's friends and supporters in Pennsylvania formally declared against a second term for Jackson. A fortnight later came that famous Jefferson's birthday dinner in Washington, at which it was meant to identify Jefferson with the Democratic party as it had been reorganized by Jackson, and at which three significant toasts were offered by the President, Vice-President, and Secretary of State.

Jackson spoke first. "Our Federal Union," he said; "it must be preserved." That was recognized as a direct thrust at Calhoun, whose extreme State rights and potentially secessionist principles were already well known. Calhoun followed, boldly putting himself forward as the protagonist of sectionalism. "The Union," he said; "next to our Liberty the most dear. May we all remember that it can be preserved only by respecting the rights of the States and distributing equally the benefits and burdens of union." That was an equally direct counterthrust at Jackson, or at least a vigorous

and defiant parrying of his thrust. Van Buren came third, as if a peacemaker—not so epigrammatic and forceful as the others, but politic and sufficiently explicit. “Mutual forbearance and reciprocal concessions,” he said. “Through their agency the Union was established; the patriotic spirit from which they emanated will forever sustain it.” That was not offensive to Calhoun, while it was quite satisfactory to Jackson.

At this time Van Buren was a recognized and acknowledged candidate for the succession to Jackson, in 1832 if Jackson adhered to his one-term policy, otherwise in 1836. Moreover, Jackson was practically committed to his support; and it is not inconceivable that it was in some slight measure for Van Buren’s sake that Jackson finally decided to run for a second term. He felt entirely confident of his own ability to beat Calhoun and thus put him permanently out of the running, while he was by no means sure of the same result if Van Buren were put forward.

The election was not to take place until November, 1832, but the campaign began a year and a half before that date. Early in 1831 a vigorous newspaper war was started in Washington. Duff Green in his *Telegraph*, which had thitherto been an organ of the administration, began a savage attack on Jackson and Van Buren and an equally vigorous championship of Calhoun. Francis P. Blair, in his *Globe*, replied with spirited defense of the President. There is no reason to suppose that Van Buren had anything to do with it. Yet—probably because of knowledge of the way in which he had employed the *Argus* at Albany in behalf of the Regency

—there were many who charged that he had founded the *Globe* and was responsible for its course.

It was largely because of these unfounded charges that Van Buren resigned from the cabinet and thus led the way to a complete reorganization of that body. On April 11, 1831, he wrote to the President a letter obviously designed for publication and for the political effect which its publication would produce. He declared that he had from the beginning of the administration tried to prevent and to suppress all premature agitation of the question of the succession to the next term, and especially to keep his own name aloof from "that disturbing topic." But it had all been vain. In spite of himself he had been exhibited in the light of a candidate for the Presidency, and the acts of the administration were likely to be attributed to his political manipulation. This would be unjust and injurious to the President. The proper way out of the complications thus presented was, then, for him to resign his place in the cabinet, which he did. Jackson accepted the resignation, recognizing the force of the reasons given by Van Buren and paying high tribute to his worth. On that same day Mr. Eaton also resigned from the cabinet, and a few days later Messrs. Ingham, Branch, and Berrien did so—at the request of the President.

Van Buren was a little later appointed Minister to Great Britain and hastened to his post, where there was much important work to be done, particularly in relation to American trade with the British possessions in the West Indies and Central and South America. He was well received, made an admirable impression, and



would probably have had a successful and useful career had he been permitted to remain at his post. But he was not. He had been appointed during a Congressional recess and had gone abroad without waiting for confirmation, which he never received. As soon as the Senate met and his name was sent to it the storm broke. Van Buren as Secretary of State had written to Louis McLane, then Minister to Great Britain, one of the most amazingly improper letters that ever proceeded from such a source. Referring to the negotiations concerning commerce with the British possessions, which had been begun by the preceding administration and which he wished McLane to press to a conclusion, he said: "You will be able to tell the British Minister that you and I, and the leading persons in this administration, have opposed the course heretofore pursued by the government and the country on the subject of the colonial trade. Be sure to let him know that on that subject we have held with England and not with our own government." Then he added that McLane should remind the British Minister for Foreign Affairs that at the last election the nation had repudiated the policy of the preceding administration.

When Van Buren's appointment came before the Senate for ratification Daniel Webster took the lead in opposing it, on the ground of that letter to McLane. "I cannot," said Webster, "be of the opinion that the author of those instructions is a proper representative of the United States at that court. I think those instructions derogatory in a high degree to the character and the honor of the country. I think they show a manifest

disposition in the writer of them to establish a distinction between his country and his party, to place that party above the country, to make interest at a foreign court for that party rather than for the country." There can be no question that the letter fully merited this scathing condemnation, though we must think that had he been permitted to serve as Minister Van Buren would have comported himself much better than he had instructed his predecessor to do.

But he could not remain. Webster and his great antagonist Hayne were in complete accord in refusing him confirmation. Henry Clay took the same ground. Twelve of the foremost Senators spoke against him, and only four for him. Chief of these was Marcy, and in that act that fine statesman and patriot showed how unhappy a misfit he was in the Senate. It was the opportunity of a lifetime to make a great speech. Lamentable as Van Buren's lapse had been, there were not lacking materials for a brilliant and perhaps successful defense. But Marcy, for some inexplicable reason, ignored his opportunity and contented himself with making a feeble defense of the Jackson administration against the charge that it had turned out many office-holders for political reasons in order to fill their places with its own partisans; in which speech he coined and uttered one historic epigram. Leaders of both parties, he declared, had practiced such proscription; for "they saw nothing wrong in the rule that to the victors belong the spoils of the enemy."

Van Buren was not confirmed, and accordingly returned home. His foes exulted greatly, reckoning

that the incident had ended his political career. "It will kill him, kill him dead; he will never even kick!" exclaimed Calhoun. But others took the opposite view, among them Thomas H. Benton in the Senate, whose comment was an epigram: "You have spoiled a Minister, and made a Vice-President." Another was Thurlow Weed, who was the leader of Van Buren's political foes in New York. He warned the Senate in advance not to reject Van Buren's nomination. To do so, he said, "would change the complexion of his prospects from despair to hope. He would return home a persecuted man, throw himself upon the sympathy of the party, be nominated for Vice-President, and huzzahed into office at the heels of General Jackson." The event showed how shrewd a prophet Weed was. Van Buren returned from England, reaching New York on July 5, 1831, and was received by the city as though he were a conquering hero. And when in May, 1832, the Democratic national convention met at Baltimore and renominated Jackson for President, Van Buren was named for Vice-President on the first ballot.

## CHAPTER IX

### MARCY BECOMES GOVERNOR

**F**OLLOWING the momentous doings of 1831 in national politics the Fifty-fifth Legislature met at Albany on January 3, 1832, with a safe majority in each house for Jacksonian Democracy, Van Buren, and the Regency. The Senate reëlected John F. Bacon as its Clerk for his nineteenth consecutive year, an office in which he was destined to remain seven years more. The Assembly with little contest chose Charles L. Livingston, of New York City, for its Speaker, and for the fifth time elected Francis Seger to be its Clerk.

Governor Throop's message was given more to rhetoric than to practical statesmanship. He indulged in what Rufus Choate called "resounding and glittering generalities" on abstract subjects. Nevertheless, the practical interests of the State were not altogether ignored. He had much to say about the development of railroads, which, for great thoroughfares, he believed might be expected to supersede all other kinds of roads and even to enter successfully into competition with canals. How they were to be built was, however, an important question. There would be presented to the Legislature numerous applications for charters for the building of railroads by corporations. It would be for the Legislature to decide whether to

authorize and to create joint stock companies for that purpose, or to check the construction of railroads until the State itself should be able to do the work. He pointed out the obvious fact that it would be a long time, generations if not centuries, before the State would be able out of public funds to provide all the improvements which were needed. It would be intolerable to have to wait so long, and therefore he recommended that private corporations should be chartered for the purpose.

In response to the Governor's recommendations concerning railroads a committee of the Assembly made an interesting report on the subject, recommending that corporations for building such roads should be created but that also the State itself should be a stockholder in each one, "not so much for the gain which may be made to the revenue as for the equalization of benefits." During the session no fewer than twenty-seven railroad companies were incorporated, but in none of them did the State take a single share of stock; though in each case it reserved for itself the right to acquire the entire property by purchase after a certain number of years. It is of suggestive interest to recall that thus, almost a century ago, grave doubts were felt as to the propriety of private ownership of railroads and there was an inclination to regard them as essentially public property to be constructed and maintained by the State after the manner of ordinary highways.

The question of renewing the charter of the United States Bank was this year perhaps foremost in national

politics, and it intruded itself into State politics as well. Early in the session a joint resolution was introduced by a Democratic member requesting the Senators and Representatives in Congress from New York to oppose and to vote against such renewal. It was vigorously opposed by William H. Seward in the State Senate, but eventually passed that body by a vote of 20 to 10. In the Assembly it was opposed by the Speaker and by the leading members from New York City, but was passed by a vote of 75 to 37. A bill for imposing for three years a direct State tax of one mill on every dollar of valuation of real and personal property was introduced, and its passage was desired by the Governor, but it was overwhelmingly rejected. A bill for the construction of the Chenango canal, on terms which would scarcely have been satisfactory to the advocates of that enterprise, was very sharply debated and was finally rejected. The Legislature adjourned without day on April 26.

A special session was called to meet on June 21 for the purpose of redistricting the State for Representatives in Congress, the Reapportionment act, which gave to New York forty Representatives, not having been passed at Washington before the close of the regular session. The Governor called attention to the necessity of taking also some action for the protection of the State from the ravages of Asiatic cholera, of which a virulent epidemic was then raging, and the Legislature accordingly enacted various quarantine regulations and provided for the organization and admin-

out the State. The special session then adjourned on July 2.

Meantime the Presidential and Gubernatorial campaign was in animated progress. The Anti-Masonic party held a State convention at Utica on June 21, and nominated Francis Granger for Governor and Samuel Stevens for Lieutenant-Governor. It also named a complete ticket of Presidential Electors, with the distinguished Chancellor Kent at the head. William Wirt, formerly Attorney-General of the United States, had been put forward as the Presidential candidate of the Anti-Masons, and Henry Clay had been nominated by the National Republicans. These prospective Electors were not committed by the Utica convention to Mr. Wirt but were left free to vote for Clay in their own discretion, and it was commonly understood that they would do so in case the vote of New York would give him the election.

This course of the Anti-Masons gave rise to the supposition that a coalition had been formed between them and the National Republicans, and Crosswell in the Albany *Argus* severely arraigned them. The National Republicans, however, held a State convention of their own, at Utica on July 26, at which they nominated the same candidates whom the Anti-Masons had named but practically directed the Electors to cast their votes for Clay and John Sergeant for President and Vice-President.

Finally the Democrats held their convention, at Herkimer on September 19. It met in something of the spirit of a council of war in a desperate plight. The

outlook for the election was regarded as uncertain. There had been many important defections from the Jacksonian ranks, some of them over the question of the Bank. James Watson Webb with his *New York Courier and Enquirer* had become hostile. Erastus Root, then a Representative in Congress, and still possessed of much personal influence, had also gone over to the opposition. Samuel Young, however, whose entrancing oratory was a popular power to be reckoned with, and who had long been opposed to Jackson, was brought back into the fold. He had supported Clay in 1824 and Adams in 1828, and at first was inclined to support Clay again in 1832, but at the last moment turned to Jackson, and in expression of the great joy and comfort which he thus gave the Democracy he was made chairman of the State convention of the party at Herkimer.

It was of course a foregone conclusion that the convention would instruct its Electors to vote for Jackson for President and Van Buren for Vice-President. The course as to the Governorship was not so clear. Throop was naturally desirous of another term, but he felt little confidence in his ability to carry the State and was too good a party man to resist the will of the leaders. So at the word of the Regency he sent to the convention a dignified note announcing that he was not a candidate for renomination. In reward for this self-abnegation Van Buren secured his appointment, three days before the expiration of his term, as Naval Officer of the Port of New York. For the Governorship the Regency selected one of its own most



formidable and most capable members, William L. Marcy.

A better choice could not have been made. He was a man of unimpeachable character, commanding ability, and engaging personality. He had made an admirable record as State Comptroller and as a Justice of the Supreme Court. If as United States Senator he had in some respects been a disappointment, as in his ineffectual defense of Van Buren, that merely indicated that he was not as well adapted to Senatorial as to other forms of service. He was reluctant to accept the nomination, preferring to remain in the Senate, though he was willing to waive that personal preference at the party's wish. But he had grave doubts of his ability to carry the State, and those doubts were well founded. The Chenango canal was the lion in the way. He had opposed that enterprise and thus had incurred the disfavor of the Democrats, as well as men of other parties, in the Chenango valley, a constituency numerous enough in ordinary times to turn the result of an election.

Van Buren and the Regency appreciated the seriousness of this consideration, the more so since the opposing candidate, Granger, was regarded by the Chenango people as their loyal friend, whose election as Governor would certainly mean the construction of the canal. So a trusty and diplomatic agent was sent to that district to explain that Marcy would not oppose the canal, that a Lieutenant-Governor strongly in favor of it would be chosen, and that the Legislature at the next session would enact the law needed for the con-

struction of the canal. This involved the disappointment and elimination of Edward P. Livingston, who had expected and desired renomination as Lieutenant-Governor and well deserved it. He was reluctant to retire, but did so at the request of the Regency, "for the sake of the party." In his place was elected John Tracy, of Oxford, a Chenango canal man. With these arrangements made, the work of the convention at Herkimer was perfunctory. Marcy was nominated on the first ballot by a vote of 113 to 6, and Tracy was unanimously named.

The ensuing campaign was fought with desperate vigor. The Democrats regarded New York as the pivotal State, upon which depended the reëlection of Jackson to the Presidency; and it was necessary to carry the State as a whole since under the law of 1829 all the Electors were to be chosen on a general State ticket. The paramount issue was the United States Bank, the charter of which Jackson was inexorably opposed to renewing. At first this meant much opposition to Jackson, the financial and business interests of New York City being in favor of the Bank. But Van Buren and his aids adroitly suggested that if the United States Bank were abolished the vast business which had been doing would be distributed among the State banks to their great profit. This argument proved widely effective and won back to Jackson's support many who at first had deserted him.

The chief State issue was—Marcy's trousers! Thurlow Weed had discovered that Marcy, while serving on the Supreme Court bench, had sent a pair of trousers



WILLIAM CULLEN BRYANT

William Cullen Bryant, editor and poet; born, Cunnington, Mass, November 3, 1794; wrote verses when 12 years old; entered Williams college at 16 and before leaving home completed the manuscript of his most famous poem, "Thanatopsis"; studied law; moved to New York City and stopped the practice of law, taking up work on magazines and periodicals, 1825; became one of the editors of the New York Evening Post in 1826 and principal editor in 1828; wrote many volumes of verse; died in New York city, June 12, 1878.



to a tailor to be repaired, and that the cost of the work, fifty cents, had been entered on the Judge's official expense account, which the State was bound to defray, had been approved by the Comptroller, and had actually been paid from the State treasury. Of course nobody regarded Marcy as capable of dishonesty or "graft." The incident was due to sheer inadvertence. But the remorseless Weed exploited it and rang the changes upon it, till the whole State was agog over "Marcy's pantaloons" and "the Marcy patch." The cartoonists took it up, and in some places Marcy's opponents displayed as a banner flying from a pole or suspended from a line a pair of black trousers with a white patch upon the seat marked in red paint "50 cts." It is not supposable that this issue affected many votes, but it added immeasurable zest and humor to the campaign and really "got on the nerves" of Marcy himself, though his genial spirit usually enjoyed a joke at his own as well as at another's expense.

The result of the election surprised both sides. It was not nearly as close as had been generally anticipated. Marcy was elected Governor by a majority of nearly ten thousand, receiving 166,410 votes to Granger's 156,672. The Anti-Masonic region, in the west, went strongly for Granger, but the Hudson valley and New York City voted overwhelmingly for Marcy—and for Jackson. Despite the opposition of Webb's *Courier and Enquirer* the metropolis gave Marcy a majority of about 5,000, a result attributable largely to the local banking interests, which had turned to Jackson's support in order to free themselves from the com-

petition of the United States Bank and its branch in that city. The missionary work that the Regency had done in the Chenango valley also showed great results, for Chenango county, which two years before had given Granger a majority of a thousand over Throop, gave Marcy—and Tracy—two hundred. The Electoral ticket ran ahead of the State ticket, and the Jackson Electors won by about 13,000. New York proved not, however, to have been the “pivotal” State, for Jackson’s Electoral majority was so overwhelming that he would have won had New York’s forty-two votes been cast against him. A strongly Democratic Legislature was chosen, six of the eight Senators elected belonging to that party.

Few Governors of New York have taken their place in more auspicious circumstances than did William L. Marcy on New Year’s day of 1833. Himself in the prime of life, of engaging personality, of commanding ability, of flawless integrity, of ripe experience, and with a record of unbroken success in high achievement, he entered office by virtue of a decisive majority at the polls, with a splendidly organized party at his back and with the favor of the national administration for his aid and comfort. He had a worthy company of lieutenants in the Albany Regency, including Silas Wright, Jr., Edwin Croswell, Azariah C. Flagg, Benjamin Knower, James Porter, and John A. Dix; and a substantial and trustworthy majority in each house of the Legislature to carry out his policy in the enactment of laws.

The Fifty-sixth Legislature met at Albany on Janu-

ary 1, 1833. John Tracy, the new Lieutenant-Governor, presided over the Senate, and the Assembly chose Charles L. Livingston again to be its Speaker. The Governor's message was like himself—lucid, direct, sincere, and practical; scholarly without being pedantic, and sufficiently eloquent on occasion without becoming merely rhetorical. One of the first topics mentioned in it, when now recalled, throws an interesting light upon the lack of Federal legislation for the general welfare which the nation then suffered. Learning that a shipload of convicts was being sent from Europe to New York, appeal was made to the national government for protection against such an unwelcome invasion; and the answer came from Washington that nothing could be done there, but that the State or the city must deal with the matter as best it could.

The campaign promise to the citizens of the Chenango valley was promptly fulfilled. The Governor in his message recommended favorable action on the canal project, and the Legislature speedily enacted a bill for the construction of the canal without placing any limit upon its cost.

There was a vigorous reference to the Nullification convention in South Carolina, in which the Governor earnestly upheld the principle of protection to American industry by means of tariff duties. At the request of the Governor of South Carolina he transmitted to the Legislature a transcript of the proceedings of the Nullification convention, expressing in doing so his "unequivocal disapprobation" and his "deep regret" at the utterance of doctrines which if established would

mean the end of the Union. In response the Legislature adopted resolutions strongly upholding President Jackson in his attitude toward nullification and pledging to him the aid of New York, if needed, in his antagonism to that pernicious thing.

Conspicuous among the duties of the Legislature was the election of two United States Senators, one to fill the vacancy caused by the election of Marcy to the Governorship, and one to succeed Charles E. Dudley, whose term was about to expire and who was not a candidate for reëlection. The selection of these men was recognized as a task of more than ordinary political importance. Van Buren, the Democratic leader of the State, was Vice-President and was the chosen candidate of the administration for the succession to the Presidency in 1836, and it was necessary to have two Senators who were not only men of real ability but also loyal political friends of Van Buren.

The first choice, to fill out Marcy's unfinished term, was easily and most felicitously made. It fell without opposition upon Silas Wright, Jr., of Canton, who had succeeded Marcy as State Comptroller on the latter's appointment to the bench of the Supreme Court. Without detracting from Marcy's merits it may be said that it would have been better to elect Wright to the Senate in the first place, instead of Marcy. For, as we have seen, Marcy did not shine in the Senate, while Wright did. Marcy was not Wright's inferior. In some respects he may have been his superior. But he was not fitted for Senatorial work, while Wright was. For the second place, to succeed Mr. Dudley, there



was hot competition, but in the end Nathaniel P. Tallmadge was elected.

The election of Silas Wright to the Senate created a vacancy in the office of State Comptroller, which was filled by the election of Azariah C. Flagg. That in turn vacated the office of Secretary of State, to which John A. Dix, who had been Adjutant-General, was chosen. Finally Levi Hubbell was made Adjutant-General to succeed Mr. Dix:

The Legislature adjourned on April 30 without day.

That year was marked with the decline and disintegration of the Anti-Masonic party, and also with the rise of what was to be formidable as the Whig party. The second defeat of Francis Granger disheartened the Anti-Masons, and the adoption by the Regency of the Chenango canal scheme deprived them of one of their strongest issues. So presently a number of their leaders turned back to the Democracy. Foremost among these was Albert H. Tracy, of the Eighth Senatorial district, a man of exceptional talent and the highest character, who had been regarded as more than any other the supreme State leader of that party. He entered into negotiations with Van Buren, who showed himself inclined to facilitate in every possible way the coming over of Anti-Masons to the Democratic party, and who welcomed Tracy into fellowship. John Bird-sall, another Senator from the Eighth district, and various other Anti-Masons, followed Tracy into the Regency camp. But despite Tracy's utmost efforts, to his chagrin and to Van Buren's immeasurable disappointment he could make no impression on William H.

Seward or Thurlow Weed and his Albany *Evening Journal*. Both Seward and Weed had, as the latter once confessed, frequently and almost habitually taken their politics from Mr. Tracy. But on this supreme occasion they declined to do so and instead busied themselves, with consummate skill, in uniting the fragments of the Anti-Masonic party and of the National Republicans in a new organization.

The real issue was of course not Masonry. Four propositions were put forward and ardently advocated—in favor of internal improvements, a protective tariff, the United States Bank, and National Sovereignty as against State Rights. Marcy and his party were committed to the Chenango canal, but that was merely for political purposes; at heart and in general they were opposed to such public undertakings. Marcy upheld protection, to a degree, in his message, but that was chiefly to stand with Jackson against the nullifiers. Marcy and his party were unequivocally opposed to the United States Bank. Finally, while they were inflexibly opposed to Calhoun's nullification in South Carolina, they inclined in general toward a pronounced State rights doctrine.

It was upon these points that the Democrats were antagonized by Seward, Weed, Francis Granger, Millard Fillmore, John C. Spencer, and others, and it was to make that antagonism effective that these men associated themselves into a new party, which under the name of Whig was destined to an important career. But they were not yet fully organized, and the result was that the fall elections of 1833 went heavily against

them and in favor of the Democrats. Albert H. Tracy was reëlected to the Senate from the Eighth district by the narrowest of majorities. He still was nominally an Anti-Mason, but in every other district a straight-out Democrat was chosen. Of the 128 Assemblymen the Regency elected 104. Thus was Marcy encouraged and strengthened at the polls during his first year in the Governorship.

During this year, also, another strong tie between the national administration and the Albany Regency was established by the appointment of Benjamin F. Butler to be Attorney-General of the United States. Mr. Butler had been one of the original organizers of the Albany Regency, and for several years before his call to Washington had been one of the Commissioners for the Revision of the Statutes of the State of New York. When President Jackson decided to remove the government deposits from the United States Bank his course was disapproved by William J. Duane, Secretary of the Treasury. Thereupon he removed Mr. Duane from that office and put into his place Roger B. Taney, who had been his Attorney-General; and it was to succeed Mr. Taney that Mr. Butler was appointed. Although this was a political selection, Mr. Butler's eminent ability and high character caused it to be regarded by men of all parties as altogether fitting, and it was publicly approved in an appreciative address which was presented to Mr. Butler by about ninety of the foremost citizens of Albany, including the veteran Federalists, Abraham Van Vechten and Stephen Van Rensselaer.

## CHAPTER X

### THE RISE OF THE WHIGS

**B**USINESS depression and disaster prevailed in New York in 1834 to an extent and with a severity which contrasted strangely with the congratulatory and optimistic tone of the Governor's message. In the fall of 1833 President Jackson withdrew the government deposits from the Bank of the United States. There occurred a violent conflict between the branches of that institution and the State banks which had been selected as depositaries, with the result of intolerable scarcity of money and much distress, and frequently outright disaster to merchants and others who were dependent upon credit. Stocks of all kinds suffered great decline. Thus, the stock of the Delaware & Hudson Canal Company fell in sixty days from 125 to 75; that of the Boston & Providence Railroad Company from 115 to 88; and that of the Camden & Amboy Railroad Company, regarded as the most solid and profitable corporation of the kind in America, from 150 to 125.

The situation was aggravated by the speculation in the stock market, which at about this time began to develop some of the methods that in later years have become familiar matters of course but then were novel and were regarded with strong disfavor by conserva-

tive business men. Referring to what he regarded as disgraceful gambling in stocks in New York City, the famous diarist Philip Hone wrote :

“It consists in selling out stocks ahead, as it is called, where a man buys and sells to the amount of millions without owning a dollar of the stock, betting it will fall, and then taking pains by every kind of lying and chicanery to injure the reputation of the stock that he may win.”

In brief, “selling short.”

Early in the year (1834) great public meetings were held in New York City to protest against the removal of the deposits from the Bank and petition for their return, and a great memorial was signed by thousands of the business men of the metropolis. A delegation of merchants carried this memorial to Washington, but presently returned to report that their errand had been in vain. The President was immovable in his anti-Bank policy. Thereupon a mass-meeting was held and a Union Committee of twenty-five merchants and financiers, with Albert Gallatin at its head, was appointed “to confer with committees of the State and national banks with a view to produce that entire concert and harmony of action essential to enable them to afford the greatest possible relief to the community.”

It was amid such circumstances that the Fifty-seventh Legislature of the State of New York met at Albany, on New Year's day of 1834, and listened to Governor Marcy's second annual message. William H. Seward entered upon his last year of service in the State Senate. Charles L. Livingston, of New York, and Francis Seger, of Lewis county, took their

seats as Senators from the First and Fifth districts, respectively. The one had been Speaker and the other Clerk of the Assembly, and that body filled their places with William Baker, of New York, Speaker, and Philip Reynolds, Jr., Clerk. These officers were elected by overwhelming Democratic majorities.

The Governor's message was long, detailed, practical and business-like, and generally most optimistic in tone. He referred lightly to the prevailing business troubles, but would not concede that they were due to the President's withdrawal of the deposits. Much attention was, however, given to the subject of banking and finance, on which Marcy, as a former Comptroller of the State, was an expert. He spoke of the great multiplication of banks, notices having already been given of the organization of one hundred and five more, and he raised the question of the propriety of chartering them under the old system. Under that system, he pointed out, stockholders received practical gifts of from ten to fifteen per cent. of the capital. This was an abuse which he thought might inspire needless multiplication of banks, and he suggested that it should be abated by means of a law giving to the State all excess value of bank stock above the sum actually paid for it. He discussed the proposal to reduce the rate of interest on bank loans, but did not think that it would effect the desired end, and he recommended that the circulation of banks be restricted to a sum not greater than their actual capital.

Much attention was given, also, to the many State institutions. He reported that both the State prisons

were more than self-sustaining, the earnings of the inmates showing a handsome surplus above the costs of maintenance, some of which had been appropriated for new buildings and repairs. He repeated the urging of former years, that a special prison be constructed for female convicts—a recommendation which was not favorably acted upon until 1835. Other objects of review and recommendation were the House of Refuge, asylums for the deaf, dumb, and blind, the county poor-house system, and the great need of another State Hospital for the insane. At that time Bloomingdale was the only such institution, and its accommodations were inadequate. Two years later the Legislature authorized a new asylum, to be built at Utica.

The Governor recommended that provision be made for special schools for the instruction and training of teachers, which was done in an act passed on May 2; and he also advocated the material extension and improvement of the common school system. Another recommendation was for a State Board of Agriculture which should not only gather and distribute useful information but also maintain a State College of Agriculture for the scientific education of farmers. This latter proposal was considered at some length by a committee of the Senate, which reported upon it unfavorably, saying that it would require the levying of a State tax to which the farmers themselves would be among the first to object. The committee therefore recommended that the farmers be left to educate themselves as best they could and to work out their own salvation. Many local canal schemes were reported and discussed.

The urgent need of improving the Erie canal received much attention, the Governor reporting that the canal needed widening, deepening, and equipping with double locks. There was also need of improving navigation of the Hudson River, and this, Marcy pointed out, was unquestionably the duty of Congress. But there was danger that any action by that body would be regarded as a precedent under which many unworthy schemes for unnecessary "improvements" would be foisted upon Congress, calling for appropriations of millions of dollars a year. He therefore asked whether it would not be better for New York to assume the cost of the work herself, rather than subject the national government to such danger. He seemed to have a premonition of some of the "River and Harbor" bills of our own time.

A long special message was sent to the Legislature by the Governor on March 22, devoted to consideration of the business troubles of the State and ways and means for their abatement. He admitted that the great depression had followed the withdrawal of the deposits from the Bank of the United States, but believed that its principal causes had no connection with that act of the President. He did not approve the creation of a great State Bank at New York, but urged that the State should aid the existing State banks. This he thought might be done by issuing four or five millions of State stock and loaning it to the New York banks, so as to enable them to supply as much credit to business as was withdrawn by the branch of the Bank of the United States in that city. The Legislature



acted promptly and favorably upon this recommendation, enacting a law in accordance with it, which, however, was never put into effect. The Bank of the United States, seeing that with such backing of the State the State banks would not have to suspend the redemption of their notes in coin, as had been feared, quickly reversed its policy and began to increase its issue of notes and extend its loans. The State banks never called upon the State for the aid which had been provided for, and the law enacted for their relief became a dead letter.

The Legislature adjourned without day on May 6.

The extent and intensity of the odium that President Jackson—and because of him, the Democratic party—incurred on account of the Bank controversy and the disastrous depression of business, were strikingly shown in the April election in New York City for Mayor. The National Republicans were first in the field with the nomination of Gulian C. Verplanck, who had been refused reëlection to Congress by the Democrats because of his unwillingness to support Jackson in his extreme enmity to the Bank of the United States. He was not at all a strong candidate, for while he was an accomplished man of letters and art critic he knew little of politics or of men and had been unstable and wavering in his political course. Tammany Hall, which controlled the Democratic party in the city, first besought Charles L. Livingston, State Senator and former Speaker of the Assembly, to run, but he declined. Thereupon it nominated Cornelius W. Lawrence, then a Representative in Congress, who against his will had

been constrained to support Jackson's anti-Bank policy and who had refused to present to Congress the great memorial of his fellow-merchants of New York. He was sick of the whole business and wished that he might repudiate it and join the other merchants of the city in opposing Jackson's policy, but the bonds of party were not to be broken and he accepted the nomination.

The election lasted three days, April 8, 9, and 10. It was marked with much rioting and bloodshed. Tammany Hall had by this time enrolled a considerable membership of Irish immigrants, and these were too easily aroused to acts of violence. The trouble was centered in the Sixth Ward, which thus acquired the name of "Bloody Sixth" that clung to it for many years thereafter. On the last day of the election the Mayor himself, with a strong body of police, strove to enforce order, but was defied and attacked, and many of the police were wounded. Eight of them were carried to a hospital. The Mayor then called out a regiment of militia and a troop of cavalry. An enormously heavy vote was polled, no less than 35,141, and Lawrence won by the small majority of 179. At the preceding election the Democrats had carried the city by more than 5,000. Moreover, on this occasion while they failed to win the Mayoralty, the opposition to Jackson elected a majority of the Board of Aldermen. A few days later a monster jubilee was held at Castle Garden to celebrate the result of the election, which was rightly considered a great victory for the Whigs, as the combined National Republicans, Anti-Masons, and other factions opposed to Jackson, to Van Buren,

and to the Regency began to call themselves. Tens of thousands of people thronged the Castle and the adjacent Battery Park, and it is recorded that three pipes of wine and forty barrels of beer were consumed. Daniel Webster happened to be visiting a friend in Greenwich Street, and made from a window of his host's house a brief address of congratulation. The event was indeed considered to be of national importance, for great public celebrations were held in many places—at Goshen, New York; at Albany, at Buffalo, at Philadelphia, at Portsmouth, New Hampshire, and elsewhere.

It was in this campaign that the Whig party made its first appearance. With extraordinary dispatch the names of National Republican party and Anti-Masonic party were discarded, and the supporters of the old organizations were fused into a single compact party under the new name. The leaders, above all others, were William Henry Seward, just completing his last term in the State Senate, and Thurlow Weed, editor of the Albany *Evening Journal*. With them there was presently associated, for a time, a young man destined to still greater fame than either of them, the young journalist Horace Greeley, who at this time was just starting his literary weekly, the *New-Yorker*. The name Whig was chosen in memory of the English Whigs of Revolutionary times, who were the friends of America, and indeed of the Whig party in the Colonies, which became the patriot party. Further to promote and express the historical remembrance, the new Whigs called the Democrats Tories. A "new revolution"

was proclaimed, against "King Andrew," and "liberty poles" were erected in emulation of those of 1776.

While the new party was primarily and essentially anti-Jacksonian, in New York it was inevitably also anti-Marcy. Indeed, we may reckon that it was at this time that State and national politics became completely identified. Formerly it had often been possible for a man to belong to one party in State affairs and to another in national; or there were State parties, such as the Clintonian, entirely distinct from the national. But now for the first time there was a clear-cut division between two great parties, in city, in State, and in nation.

Having made so fine a showing in the New York City election the Whigs determined to repeat the performance in the whole State by electing a Governor of their own against Marcy, who was universally regarded as a candidate for reëlection. A vigorous attack was made upon him for his special message and his proposal of a State loan to the banks. Although that loan had never in fact been made there was reason to believe that the mere provision for it had an immensely beneficial effect. Nevertheless it was pitched upon as an attempt to mortgage the State for the benefit of the banks, and "Marcy's mortgage" became a term of opprobrium comparable with that relating to the patch on his trousers in the former campaign.

A State convention of the Whigs was held at Syracuse in August—the first convention at which the name Whig was formally used. Only three names were so



BENJAMIN F. BUTLER

Benjamin F. Butler, statesman; born, Kinderhook Landing, N. Y., December 17, 1795; studied law with Martin Van Buren; removed to Albany with him and became his law partner in 1817; district attorney of Albany county, 1821-1825; in 1825 was named one of three commissioners to revise the statutes of the state of New York; member of assembly in 1828; commissioner to adjust the boundary lines between the states of New York and New Jersey; in 1833 was appointed attorney general of the United States by President Jackson and served until 1838, having been also acting secretary of war from October, 1836, to March, 1837; United States attorney for the southern district of New York, 1838-1841; died at Paris, France, November 8, 1858.



much as considered for the Governorship, and two of these were considered merely out of courtesy to the veteran leaders who bore them. One was John C. Spencer, whose infirmities of temperament made him impossible as a candidate. The second was Francis Granger, who had been repeatedly defeated and who for that reason was promptly ruled out. The third was William Henry Seward. He was a young man, only thirty-three, but during his four years in the State Senate had distinguished himself above most of his colleagues. His ability was recognized as great, his character was above reproach, his personality was attractive. Coming of a Jeffersonian Democratic family, he had supported John Quincy Adams in 1824 and had been a loyal champion of his administration. In 1828 he had been chairman of the State convention of the National Republicans, and again, of course, a supporter of Adams. Thereafter he was a leader of the Anti-Masonic party, but earnestly advocated its union with the National Republicans. In 1832 he of course supported the coalition, but preferred Wirt to Clay for the Presidency. He had been elected to the State Senate as an Anti-Mason, and had greatly commended himself by his votes on most of the important issues that had come before that body. It should be observed that in the spring of 1834 he spoke and voted against the State loan proposal of Governor Marcy. While he had cordially supported President Jackson in his fight against nullification, he had as strongly opposed the anti-Bank policy. He had made himself conspicuous by his advocacy of the abolition of im-

prisonment for debt, of the enactment of a general law for the creation of business corporations, of the construction of roads, canals, and other internal improvements, of protection for American industry, and of a National bank.

Mr. Seward was not desirous of the nomination. Indeed, he was reluctant to accept it. But he was practically the unanimous choice of the convention and bowed to the party will. With him was nominated for Lieutenant-Governor Silas M. Stilwell, of New York, who had been for several years a member of the Assembly and as such had been a Democrat and taken his orders from the Regency, but had revolted against the withdrawal of the deposits from the Bank of the United States and eagerly allied himself with the Whigs. These nominations were made amid great enthusiasm, which was manifested in extraordinary fashion when the entire convention, with banners and music, drove the more than a score of miles from Syracuse to Auburn to greet Seward at his home.

A little later, on September 10, the Democrats held their State convention at Herkimer and with only two dissenting votes renominated Marcy and Tracy. The campaign that followed was animated and by no means devoid of humor. "Marcy's pantaloons" were again brought forward, and Seward's great shock of sandy red hair became a leading issue. Democrats sneered at the "red-haired young man," and Seward's friends retorted by pointing out—or claiming—that most great men in history had been red-headed, including Esau, Jason, Achilles, and Samson. It was



also pointed out that Martin Van Buren, the Democratic leader, had red hair—"the only good thing about him," said one caustic critic. But the real issues were national rather than State or personal. The influence of the national administration was brought to bear in Marcy's behalf. And in the end Marcy and Tracy won handsomely. Marcy received 181,905 votes, to 168,969 for Seward. The Democrats also won the Legislature by a sweeping majority, and elected most of their Congressional candidates. They elected seven out of eight Senators and 91 out of the 122 members of Assembly.

It was apparently a crushing blow for the new Whig party, but did not destroy or discourage it. Seward went back to his law practice, cheerful and expectant that some day his time of triumph would come.

## CHAPTER XI

### STATE CARE FOR AGRICULTURE

**T**HE official interest of the State of New York in agriculture, which has ever been one of its foremost industries, may be said to date from the time of Governor Marcy, who gave it its initial impetus. In his message to the Legislature of 1834 he recommended two measures for the welfare of the farmers—the creation of a State Board of Agriculture and the endowment of a State College of Agriculture. The Legislature was not compliant, but the Governor's formal proposal is a historic reminder that more than a quarter of a century before the Civil War the importance of the agricultural industry was recognized by a far-seeing statesman.

The Governor's proposal was no doubt inspired by an interesting occurrence at Albany two years before. In February, 1832, the capital was the scene of a State convention of representative farmers, which, before it adjourned, laid the foundation of the New York State Agricultural Society. The object of this association was thus proclaimed in its first official circular: "To encourage and promote the organization of county or local societies of agriculture and horticulture, as a means of exciting laudable emulation and of promoting habits of industry, economy of labor, and improvement in the moral and social condition of society."

More specifically the purpose was "to establish agricultural schools and to hold annual fairs." The mention of agricultural fairs was, of course, no novelty; but the demand for agricultural schools was proof that the leading farmers of New York were alive and alert to the State's food-producing opportunities at a time when most of the mighty expanse of western prairie lands was still virgin soil. The first president of the new State society was James LeRoy De Chaumont, a French refugee and extensive landowner, whose family name a town and village of Jefferson county now bear. The organization was incorporated by an act of the Legislature in the following April.

The prospectus of the society enlightens us regarding the division of agricultural activities in that distant time, and also the problems that confronted the farmer. The problems chiefly related to fertilization, crop rotation, draining, and insect depredations. Farm industry was divided into stock husbandry, tillage husbandry, horticulture, and household arts. It is curious to find that in 1832 the classification of "household arts" on New York farms included not only home spinning and weaving, but also the rearing of silkworms and the preparation of domestic wines. Under the articles of incorporation the society was authorized to acquire real estate to the value of \$25,000. It held annual meetings, and in 1834 it established a monthly journal called the *Cultivator*, with Jesse Buell as editor.

It does not appear that in the first nine years of its existence the society accomplished much in the way of holding annual fairs. The exhibitions of this kind were

confined to modest collections of farm products at Albany, which aroused but a limited interest. But in February, 1841, the executive committee of the State society held a meeting at the capital which led to big results. It decided that the time had come for a more efficient organization within the society and a more vigorous prosecution of its purposes. It revised the constitution and adopted a business-like system of annual dues, with life memberships. Finally it petitioned the Legislature for financial aid in the furtherance of its objects. As it turned out, this was the first step toward the introduction of a State Fair. The Legislature responded by passing a bill which appropriated \$5,000 per annum for five years, of which \$700 was to be awarded to the State Agricultural Society, \$950 to the American Institute of New York, and the rest to the various counties of the State, according to population, for strictly agricultural purposes. The modest allotments to the counties were placed at the command of local agricultural societies, which were made tributary to the State organization. There was no reference to local fairs in the appropriation act, but the officers of the State society and of its local branches were authorized "to regulate and award premiums on such articles, productions, and improvements as they may deem best calculated to promote the agricultural and household manufacturing interests of the State." In order to utilize to the fullest the educational effects of the subsidy, the new law required the winners of premiums to deliver to the president of each society, in writing, as accurate a description as possible of the

soil preparation and fertilization, or the stock feeding, by which the superior results were attained.

The way was thus cleared for the first State Fair. The executive committee of the State society held another meeting in April, after the Legislature had acted, and adopted the following:

*“Resolved, That the New York Agricultural Society will hold its first annual Fair in the village of Syracuse on Wednesday and Thursday, September 29 and 30 next.”*

Syracuse was chosen on account of its central location in the same season that inspired its later selection as the permanent home of the State Fair. The place could be conveniently reached both by rail and canal. But at that time there was evidently no intention on the part of the committee to establish a stationary Fair at Syracuse. It was rather the committee's purpose to make the Fair a movable institution, to pass it around, so to speak, among the larger communities of the State; and, as the event proved, no less than eleven different cities or villages were, by turn, favored in this way. We may anticipate a little by stating that after the original choice of a Fair site the State Agricultural Exposition, in the course of its rounds, was staged at the two great extremes of the State—New York City and Buffalo,—as far north as Watertown, and as far south as Elmira.

The habitat of the first State Fair was judiciously chosen. In 1841 the Syracuse Court House stood at the southwest corner of a large and unsettled space bounded by four highways, including the present North Salina Street. Within the quadrilateral was a fine grove.

The Court House was thrown open for the display of farm products and implements, while the pens for the animal exhibits were erected in the grove. The exhibition was a great success, from the educational and spectacular point of view. Between ten and fifteen thousand people visited the grounds during the two days, but the attendance meant nothing in the financial sense, inasmuch as no admission fee was charged. It is said that the concourse of people that overran the village was likened to the political mass-meetings of the preceding year, the year of the memorable Harrison-Van Buren campaign. On the day preceding the opening of the Fair the villagers were awed by the sight of twenty-five cars, filled with livestock from Albany and the Hudson River counties, rolling into the primitive freight-yard. The principal oration at the Fair was delivered by President Eliphalet Nott, of Union College. Such festivities as diversified the Fair attractions were supplied by the village, but a popular feature harmonizing with the Fair itself was a plowing contest on a farm at Onondaga Valley. The Syracuse weeklies of that day referred with pride to the feat of the Syracuse House in supplying a "farmers' dinner" to no less than twelve hundred people. The records show that the exhibition of farming implements included threshing-machines, straw-cutters, farming-mills, plows, harrows, cultivators, drills, scythes, pitchforks, and horse-rakes. The premium awards to the winning exhibitors were announced before an audience that packed the New York Central waiting-room.

The second State Fair was held in Albany the fol-

lowing year. It lasted three days. It may be observed incidentally that the time for the State Fair sessions was extended to four days in 1851, and not until after the Civil War did fairs lasting a week become the rule. The center of personal interest at the Albany Fair was Governor Seward, who made the principal address. It is instructive to recall that, while expressing his satisfaction with the exposition, he deplored the lack of educational advantages in agricultural industry. He emphasized the "mortifying fact" that "an inferior education is deemed sufficient for those who are destined to the occupation of agriculture." "While other arts," he said, "are rapidly improving, this, of human arts the first and last, whose cultivation leads to plenty and is cheered by health and contentment, remains comparatively unassisted and stationary." Among Governor Seward's claims to grateful remembrance in this State his pioneer interest in the cause of agricultural education deserves a place.

Before the date of the third State Fair, which was assigned to Rochester for late September, 1843, the State society decided that the time had come for charging an admission fee. It looked like a bold experiment, considering that the Fair was partly financed by the State. It was also an expensive move, owing to the necessity of enclosing the Rochester Fair Grounds, occupying some ten acres and overlooking the Genesee Gorge, with a high board-fence. But the venture was justified by the results. The assemblage of visitors was so great that the official chronicler for the State society waxed enthusiastic in describing it. "Canal-boats and

railroad trains," he wrote, "poured in their thousands daily, and the manner in which the streets were blockaded indicated that every wheeled vehicle within fifty miles of Rochester had, by some magician's wand, been at once congregated in the place." The price of admission, fixed, by the way, at twelve and one-half cents, was evidently no deterrent. In this instance, however, the Fair was not the sole attraction, as will readily be believed when it is stated that two national celebrities, and one predestined to equal fame, were among the advertised visitors. Besides the Governor of the State, William C. Bouck, the first Rochester Fair had as its guests Martin Van Buren, Daniel Webster, and ex-Governor Seward.

Webster was then at the height of his contemporary renown. The announcement that he would speak must have drawn a multitude to the Fair. His hearers were not disappointed; for the report of his address in the records of the State society is a striking revelation of his power to adorn even so prosaic a subject as agriculture. He seized the occasion to compliment New York upon its construction of the Erie canal, which he hailed as a mighty enterprise whereby "the products of the farmer may be easily and speedily transported to the place of sale." The speech was notable on account of Webster's happy forecast of the agricultural possibilities of New York State. "New York City," he told his hearers, "has been brought very near your doors. The great emporium of this continent lies before you. You are rich in your home market—a market of purchase and sale. All New York is at your feet. You can deal



with her as if you lived in one of her wards—I mean for the purpose of commerce.” Ex-President Van Buren preceded Webster with a brief talk in which he referred pleasantly to his experience with a farm of one hundred and fifty acres at Kinderhook. On the last day of the fair Webster, Van Buren, and Seward were fellow-spectators at a “plowing match” on a farm near the eastern limits of the city. Eighteen plowmen entered the contest, the maximum number the field would accommodate. A quarter of an acre was allowed to each team, horse, and plow-holder, and the time limit was an hour and ten minutes. Unfortunately, history tells us nothing as to the identity of the winner or winners in a contest of which this trio of great Americans were the witnesses. It was perhaps a drawn battle, for the official annalist informs us that “scarcely two of the spectators could agree as to the individuals to whom the premiums should be awarded.” To complete this reference to the memorable Rochester Fair of 1843, it should be recalled that the president of the State Agricultural Society at that time was Farmer (afterward General) James S. Wadsworth.

After these auspicious beginnings the State Fair developed steadily in magnitude and in public favor in the years before the Civil War. Among the famous Americans who attended the early fairs as guests and orators were George Bancroft, Josiah Quincy, John A. Dix, ex-President John Tyler, Vice-President Millard Fillmore, and Stephen A. Douglas. In 1856 Horace Greeley was one of the donors of premiums for the State Fair at Watertown.

The record of the State Fair's circuit prior to 1890, when it settled down in its Syracuse home, may now be completed. The four cities most in favor with the State society were Albany, Rochester, Elmira, and Utica. Utica captured the Fair eight times, and the other three cities nine times each. In all these years Syracuse, despite its central location, was the site of the Fair only three times—in 1841, 1849, and 1858,—from which it may be judged that considerations other than geographical convenience determined the selections. Buffalo was awarded the Fair three times, Saratoga three times, and Watertown twice; while New York City, Poughkeepsie, and Auburn each had one Fair to its credit. In the matter of attendance the State Fair had its share of vicissitudes, but not once was the annual exposition omitted for any cause. Even in the Civil War years it was uninterruptedly continued. In that gloomy period the State Fair had to dispense with the visits of American celebrities, but after peace was restored this feature was again in evidence. For example, the Utica Fair of 1865 was attended not only by Governor Fenton but by two ex-Governors, Horatio Seymour and John A. King, and by two famous Union commanders, General Joseph Hooker and General Daniel Butterfield. In the last decade before the Civil War the receipts from the annual Fair ranged from about \$6,000 to \$19,000.

In the early 'sixties the State societies began to realize the inadequacy of a movable State Fair conducted on the gypsy principle. In 1863 it took a progressive step by procuring adjustable structures suitable for exhibi-

tion purposes. In its report it boasted of this outfit as "an advance toward the style of architecture in which agriculture will yet display its annual triumphs." This was the germ idea that ultimately developed into the permanent, stationary State Fair. An innovation looking in that direction was adopted by the society in 1872. In that year the Chemung County Board of Supervisors decided to make a tempting bid for the State Fair privilege. It offered to bond the county in the sum of \$50,000 to procure a public fund for State Fair purposes. The condition of the agreement, which was promptly accepted by the State Society, was that the Fair should be allotted to the city of Elmira every third year for a twelve-year period. In pursuance of this plan the Fair was held in Elmira in 1872, 1875, 1878, 1881, 1884, and 1888, the last year thrown in for good measure. Of the proceeds of the Chemung bonds, \$20,000 was expended for a Fair site of fifty acres and the balance was turned over to the society for the construction of buildings.

The Elmira contract had barely expired by limitation when a movement was launched in Syracuse for bringing the State Fair to final anchorage in that city. In 1887 a considerable fund was raised for the purpose by popular subscriptions supplemented by an appropriation from the municipal treasury. Options were obtained for a desirable site in the city's western suburbs. Then followed a proffer to the State society of a hundred acres of ground for a permanent State Fair habitat, within easy access from the business center of Syracuse. In 1889 the executive committee of the

society voted to accept the offer. To the original purchase the society added thirteen and a half acres, and the tract has since been extended by periodic additions. The Fair of 1889 had been promised to Albany, but in 1890 the Fair was welcomed to the home where it has since remained.

Now that the wanderings of the Fair were over, the State society moved with energy to develop its permanent plant. A group of buildings suitable for varied exhibits were gradually erected, and a carefully graded half-mile track for horse-racing was soon included among the Fair's equipments and attractions.

The last stage in the development of the State Fair organization was now approaching. The reports of the State Fair attendance in the decade following its removal to Syracuse were satisfactory. But the financial returns were insufficient to meet the largely increased outlay of the parent society. By 1899 the financial embarrassment of the society had become acute, and it had no resort but to appeal to the State for aid. The signal was a radical modification of the status of the exposition, whereby it passed from the hands of the State Agricultural Society to the control of the State itself.

In this transformation Governor Theodore Roosevelt and Lieutenant-Governor Timothy L. Woodruff played a decisive part. They both were official guests at the Fair in 1899, and on the last evening of the Fair week they attended a conference of citizens of Syracuse, representatives of the State Agricultural Society, and members of the Legislature, at which the future of the

Fair was earnestly discussed. At this meeting Mr. Woodruff filled a double official role, owing to his election in the preceding May to the presidency of the State society in anticipation of the change of State Fair control which was even then expected. Antecedent to this incident was the passage of a bill by the Legislature, appropriating \$35,000 for the benefit of the State Agricultural Society, on the condition that the Society transfer to the State "all the right, title, and interest to all its lands" in Syracuse. When this measure was enacted with the approval of Governor Roosevelt, the Fair still remained under the management of the State society; for it was stipulated in the act that the use and occupation of the Syracuse property should be left to the society so long as it should "hold or maintain a State Fair" annually. The society agreed to the proposed terms.

As it turned out, the State Fair of 1899 was the last conducted under the auspices of the society. At the Syracuse meeting which assembled after the close of the Fair a strong sentiment was developed in favor of State control. As a result, in his regular message to the Legislature in the following January, Governor Roosevelt, after referring to the action taken by the Legislature in the preceding session, recommended that "the State take under its control the management of the State Fair." In furtherance of the Governor's desire, Lieutenant-Governor Woodruff, presiding at a meeting of the executive committee of the State Agricultural Society later in the month, earnestly enjoined that body to acquiesce in the program of State ownership, and he

fortified his argument with figures showing that, in the absence of State patronage, the exposition was doomed to disaster. At the conclusion of his address the meeting adopted a resolution declaring it to be the sense of the executive board that "it is for the best interests of the agriculture and horticulture of the State that from this time the State Fair and its affairs shall pass under State management and that legislation shall be adopted to that end." The necessary legislation was soon enacted, and a State commission was created with the Lieutenant-Governor and the State Commissioner of Agriculture as ex-officio members, to assume supervision of the Fair.

Since that time the evolution of the State Fair has been progressive. It has been encouraged with liberal appropriations by the Legislature. Under the later administration of Governor Hughes a more elaborate policy of structural and expositional expansion for the Fair was inaugurated. Its weekly attendance has passed far beyond the 200,000 mark, and in many respects it compares favorably with the most imposing and successful State Fairs of the great west. Its growing importance as a center of public interest may be partly judged from the fact that among its distinguished guests it has numbered in later years Theodore Roosevelt, William H. Taft, and Woodrow Wilson.



JAMES S. WADSWORTH

James S. Wadsworth, soldier; born at Geneseo, N. Y., October 30, 1807; studied law but never practiced, devoting all his time to the cultivation and care of his large estate; delegate to the peace conference at Washington in 1861; volunteered his services at the outbreak of the civil war and fought bravely, attaining the rank of major general; killed at Chancellorsville, Va., May 8, 1862.





## CHAPTER XII

### VAN BUREN AND SLAVERY

**A** YEAR of extraordinary political agitation and intrigue began in a notably placid manner. The Fifty-eighth Legislature met at Albany on January 6, 1835, with an overwhelming Democratic majority in each house. The Assembly elected as its Speaker Charles Humphrey, a Democrat of Tompkins county, by a vote of 91 to only 31 for Mark H. Sibley, of Ontario, the Whig candidate. Governor Marcy sent in a message marked with his usual lucidity of expression and constructive statesmanship, and noteworthy for the number of its recommendations which were favorably and promptly acted upon by the Legislature.

The Governor elaborately reviewed the national controversy over the United States Bank, took obviously much satisfaction in reporting that it had not been found necessary for the State to issue any portion of the loan to the State banks that had been at his instance provided for, and gave his "most positive assurance" that none of it would be issued. He recommended increased pay for the judiciary, and in consequence the Legislature enacted a measure granting such increase to the Chancellor and Justices of the Supreme Court and Circuit Courts, and also provid-

ing for an additional master in chancery in each county excepting New York.

The common school system commanded much attention, and he urged measures for assuring a better supply of competent teachers, improved methods of instruction, and more efficient use of the school funds for those purposes. "The efforts of the Legislature," said Mr. Marcy, "should not be intermitted until the system shall be so improved as to secure to the children of all classes and conditions of our population such an education as will qualify them to fulfill, in a proper manner, the duties appertaining to whatever may be their respective pursuits and conditions of life." In response to his appeal school district libraries were created and some increase of the school funds was made from the general fund of the State.

The depletion of the State treasury and the necessity of replenishing it engaged the Governor's attention, and<sup>l</sup> in consequence of his representations and recommendations the Legislature passed an act authorizing the Comptroller to borrow whatever money might be needed, without limit. This was to be done by the issuing of State stock to run not more than seven years and to be paid out of the revenues of the State from salt duties, auction sales, canal tolls, direct taxes, or any other sources.

The canal systems of the State were reported to be making great progress and to be prospering. The Governor recommended that the entire bed of the Erie canal be enlarged by widening and deepening, and that similar changes be made also in the locks, the

enlargement and doubling of which he had formerly urged; and that another large loan be made to the Chenango canal enterprise. Both of these recommendations were favorably acted upon.

Progress was reported in the surveys for the Erie Railroad and in the preparations for constructing that great work, and the Governor suggested the desirability of legislation on the matter; in response the Legislature on May 8 made some amendments to the act of 1832 incorporating that railroad. The railroad company had applied to the State for a loan of two million dollars, not in cash but in the credit of the State. This application came before the Legislature in March and occasioned a vigorous debate. It was pointed out that during the last electoral campaign Democratic leaders had freely promised that such aid would be extended to the enterprise, and by virtue of such assurances were able to carry the middle and southern counties of the State. But the majority of the Legislature refused to fulfill those promises and rejected the application. There was reason to believe that this was done largely because one of the foremost promoters of the railroad was James G. King (son of Rufus King), who was a prominent member of the Whig party.

The Governor reported that the United States government had undertaken the work of improving the Hudson River for navigation, and that it would therefore be unnecessary for the State of New York to do anything in that direction. The Legislature enacted a measure authorizing the Federal government to take,

occupy, and acquire any real estate adjacent to the river which it might need in the prosecution of that work of improvement.

Much space was given in the message to the question of prison administration and reform. It was highly desirable, the Governor said, to make the labor of the convicts pay for the entire cost of maintaining the prisons, and in fact this was being done. Thus, in the last year, he reported, Auburn prisoners had earned \$47,723.27, while the total expense of maintaining the prison had been only \$42,228.94; so that there had actually been a profit to the State of \$5,494.33. The showing at Sing Sing had been still more favorable, with earnings of \$76,990.84 and expenses of \$55,593.85; a favorable balance of \$21,396.99. To promote the industries of the prisoners various mechanical trades had been introduced among them, against which mechanics all over the State were vigorously protesting. After some discussion of the question of competition between prison labor and free labor the Governor recommended that the Legislature take some action which would satisfy the demands of the protesting mechanics and at the same time maintain the system of prison labor. In the preceding year a commission had been appointed to investigate and study the matter, and its report led the Legislature of 1835 to enact that no mechanical trade should thereafter be taught the convicts excepting the making of articles of which the chief American supply was imported from foreign countries. The recommendation of a separate prison for women was renewed, and the Legislature

met it by providing for a women's prison at each of the State prisons.

The State banking system and the currency were discussed, and the Governor recommended legislation forbidding the issuance of banknotes of a less denomination than five dollars, which the Legislature promptly enacted. The purpose of this, he explained, was not to contract the currency, which would be a pernicious thing, but to bring gold and silver more into circulation. Legislation was also recommended for protecting the purity of elections, especially for preventing the corrupt use of money in them, a need which was becoming painfully apparent and urgent. The death of Simeon DeWitt, for many years Surveyor-General of the State, was announced, and the Legislature elected William Campbell to be his successor.

Samuel Young, who had reëntered public life as a Senator from the Fourth district, and who was at this time an ardent and zealous supporter of the Jackson administration, was the author of a resolution calling upon the United States Senators from New York to use their best efforts to have expunged from the journal of the Senate the famous resolution of March 28, 1834, declaring that in removing the public deposits from the United States Bank the President had acted in derogation of the Constitution and laws.

The Legislature adjourned on May 11 without day.

Meantime political activity waxed apace. The Presidential election, at which it was intended that Van Buren should be chosen, was not to take place for more than a year and a half. But early in 1835 the cam-

paign was actively begun. A Democratic State convention was held, at which forty-two delegates were chosen to the Democratic national convention which was to meet in Baltimore May 20. At the latter all the States were represented excepting South Carolina, Alabama, and Illinois, though Tennessee sent only one delegate and Mississippi and Missouri only two each. The outcome was that Van Buren was unanimously nominated for the Presidency, nearly eighteen months in advance of the election. This achievement enhanced the prestige of Van Buren and the Democratic party in New York to a noteworthy degree. After nearly half a century New York was for the first time in a fair way of seeing one of its citizens made President of the United States. This circumstance contributed powerfully to the Democratic State campaign of 1835, which resulted in the election of another overwhelmingly Democratic Legislature.

New York was by this time feeling strongly the disturbing effects of the anti-slavery agitation, and Van Buren was made to feel that an issue was thus raised which would have to be very seriously reckoned with in his political future. Benjamin Lundy and William Lloyd Garrison had been the chief organizers of the new movement, but Arthur and Lewis Tappan and Gerrit Smith, of New York, were rising into national prominence as among its most powerful promoters. Garrison had in 1828 been fined and sent to jail for an alleged libel, whereupon Arthur Tappan had paid the fine for him and procured his release. Garrison then returned to Boston and on January 1, 1830, be-

gan the publication of the famous *Liberator*. This so incensed the pro-slavery leaders of the south that the Governor of Georgia actually made requisition upon Governor Marcy for the surrender of Arthur Tappan to the authorities of that State for trial as an aider and abettor of Garrison, although Mr. Tappan had never been in Georgia in his life! The fantastic demand was of course refused. Marcy had at least some sense of humor.

Violence soon began, incited by emissaries from southern States whose leaders, finding that they could not by legal processes stop the anti-slavery agitation, determined to resort to extreme measures. In October, 1833, many respectable and eminent citizens of New York City undertook to meet at Clinton Hall for the organization of an anti-slavery society, but were forcibly prevented from so doing by a mob that comprised other equally respectable and eminent citizens, as well as a contingent of roughs. On the Fourth of July, 1834, an anti-slavery meeting in a chapel in that city was forcibly broken up, and a few days later the residence of Lewis Tappan was mobbed and looted. In many places the churches, schools, and homes of negroes were raided, plundered, and destroyed.

Such work was proceeding at a great rate in 1835, and in October of that year reached a crisis which reacted against the perpetrators and brought to the support of the anti-slavery agitators, or Abolitionists as they were commonly called, a man who was destined to be the strongest and most efficient of all their leaders. At that time a number of Abolitionists from all parts

of the State met at Utica for the purpose of forming a State Anti-Slavery Society. Thereupon a mob of the "solid men" of that city, led by Samuel Beardsley, then a Representative in Congress and afterward Chief-Justice of the Supreme Court of the State, violently attacked them, broke up their meeting, and warned them, under threats of worse treatment, to leave town. Among the witnesses of the outrage was Gerrit Smith, one of the largest landowners in the State and a man of singularly handsome presence, great intellectual force, and irresistible personal charm. He had thitherto not favored the Abolition movement but had been active in the Colonization Society, of which Henry Clay was president and the object of which was to convey American negroes back to Africa and establish them there in colonies under American instruction and protection. But the Utica outrage converted him in an hour and made him thereafter the most ardent, zealous, and effective of the Abolitionist leaders. When the Utica meeting was broken up he immediately invited its members to reassemble within the shelter of his own home at Peterborough in Madison county, and there to complete their work; and his militant spirit boded little good for any who should try to meddle with a meeting there. The invitation was accepted, and thus the New York State Anti-Slavery Society was organized.

All this was of intense and vital political interest to Van Buren. He was probably at heart not at all enamored of slavery. Had it been to his advantage to do so he would doubtless have arrayed himself against it.



But he was a candidate for the Presidency, and in order to be elected it was absolutely necessary that he should secure the support and votes of the slave States of the south. In most of those States he was regarded with a large degree of suspicion, as indeed any northern candidate would have been. It was therefore necessary that he should not only dissociate himself from the Abolitionists, who had become nationally conspicuous in New York, but should also positively antagonize them and identify himself with slavery. He therefore had the Albany Regency organize at least one mass-meeting of the Democracy in every county of the State, at which there were adopted resolutions dictated by himself, denouncing the "hellish Abolitionists" as fanatics and traitors. He directed the holding of a great meeting at Albany, requiring Marcy to be its chairman, at which similarly strong anti-Abolitionist resolutions were passed, and these he personally sent to the Governor of Georgia for transmission throughout the south, with the assurance that he personally agreed with them and approved them in the strongest manner. These tactics made him "solid" with the south and secured him unanimous nomination and the vote of the south for his election.

The month of October, 1835, saw the rise in New York City of a new Democratic faction and a new political party, both of which made for a time much noise in the State and left permanent names in its history. A Representative in Congress was to be elected from that city to fill a vacancy, and a general meeting of Tammany Hall was held to select a candidate. The

leaders of the party had in advance agreed on Gideon Lee as a candidate, but it was known that a considerable faction was opposed to him because he was "too much of a gentleman." So strong was the opposition, indeed, that the leaders resorted to "snap judgment" to make the nomination without putting it fairly to a vote of the organization. In the midst of tumult and disorder which made the gathering more like a riot than a convention, they declared the nomination made and agreed to and the meeting adjourned, and then turned off the gas so as to leave the hall in darkness. The malcontents, however, were not to be defeated by such tactics. Procuring a supply of candles, each man produced a box of friction matches, then known as "loco focos," and lighted one, thus giving the place ample illumination. Before the candles were burned out resolutions of a most radical kind were adopted, denouncing banks, railroads, and all such "monopolies," and nominating Charles G. Ferris for Congress against Mr. Lee. They then marched through the streets, carrying the lighted candles. From the incident this faction became known as the Loco Focos. In the ensuing election the Loco Focos were defeated, Gideon Lee being elected to Congress; but they maintained their activity and won local control of the party. Their name came to be rather frequently applied to the Democratic party throughout the State and indeed the nation—although it must be said the "Loco Foco" designation for the Democracy in general was more current among its opponents than its followers, and historically belongs to the category of more or less derisory

political epithets coined from time to time, such as, to cite recent examples, "Mugwump" and "Standpat."

At about the same time with the "loco foco" incident the Native American Association was formed and held a convention in New York. It drew its membership from all other parties and was based upon the single principle of excluding all persons of foreign birth from public office. It put up candidates for the State Assembly; and for Congress, against Gideon Lee and Charles G. Ferris, it nominated (ex-President) James Monroe, who had become a resident of New York. Upon this Philip Hone, whom we have already quoted, wrote in his Diary: "The split among the Tammany folks is so wide, and their animosity against each other so bitter, that Monroe may very easily be elected if the Whigs can be interested sufficiently in the event to induce them to go to the polls." But the Whigs let the election go by default, or voted for Gideon Lee.

The Whigs were less hasty than the Democrats in starting their Presidential campaign, and less united upon a candidate. They were in fact divided among four leading candidates, to-wit: Judge White, of Tennessee; General W. H. Harrison, of Ohio; Daniel Webster, of Massachusetts; and Henry Clay, of Kentucky. The Harrison men were first in the field with a public demonstration. Shortly after the November election of 1835 they held a mass-meeting in New York City and recommended Harrison's nomination. Three weeks later a similar meeting in the interest of Webster was held, in response to a call signed by eleven hundred citizens. Any more positive action was deferred until

the next year. There being among the New York Whigs nobody who was considered available for the Presidency, the party in this State conceded national leadership to other States in which there were candidates.

Partly because of the financial disturbances occasioned by the Bank conflict, and partly from other causes, the cost of living in 1835 rose to an exorbitant point. In the fall of that year butter sold at wholesale in New York City for more than two dollars a pound, and hay at thirty dollars a ton. The prices of nearly all other commodities were similarly inflated. In that city the distress was aggravated by the most extensive and disastrous fire that had ever occurred in the United States. On the night of December 16 the heart of the business section of the city, to the number of nearly seven hundred buildings, including the Merchants' Exchange and other costly edifices, was destroyed, the loss being more than \$15,000,000. The burned area, lying south of Wall Street and east of Broad Street, was more than a quarter of a mile square. The glare of the conflagration was said to have been seen plainly at New Haven and Philadelphia, being so bright in the latter place that the local firemen were called out under the supposition that the fire was somewhere in the outskirts.

The Fifty-ninth Legislature assembled at Albany on January 5, 1836, with the same organization of both houses as its predecessor. The Governor's message was unusually long because of its extended discussion of the Abolition movement and other topics. Much attention was paid in it to educational affairs, both as to the com-

mon schools and the colleges. Reference was made for the first time to the newly organized University of the City of New York, which was described as being in plan in many respects similar to the most extensive universities on the continent of Europe, and which the Governor reasonably hoped would in due time fulfill the expectations of its founders.

Canals and other public works were discussed in detail, and the Legislature was reminded of their great cost. That was no reason, the Governor argued, for their discontinuance. Indeed, discontinuance was to be most strongly deprecated. But it would manifestly be wrong and would seriously impair the credit of the State to incur heavy indebtedness for the future to discharge without providing for its amortization.

Extended reference was made to the extraordinary mania for speculation, particularly in real estate, which seemed to possess the people, particularly of New York City and its suburbs. Vacant lands in and about that and other cities had risen in many instances several hundred per cent. in price, and large areas had been sold and bought at prices that suggested the competition of speculation rather than any real demand resulting from the increase of population and general prosperity. Most of the lands had been bought not for improvement and occupancy, but to be put upon the market and sold again. A single auctioneer in New York had sold real estate during the year to the amount of more than twenty million dollars, of which more than half was on bids made by or for the owners. This speculation was not confined to city and suburban lots, but ex-

tended to farms and even to wild lands. Much capital was thus diverted from industry and commerce, to the detriment of the latter. Much, also, was sent out of the State for foreign speculations and investments.

This lack of capital for the transaction of ordinary business led to demand for more ample banking facilities and extension of credit. But the Governor deprecated such a tendency. What was needed was to abate speculation and to return to sane methods of business. No more banks were wanted to supply the State with paper currency, for there was already enough of that. More could not make it better, and might make it worse. Nor could the creation of new banks create new capital. He therefore recommended great caution and conservatism in the chartering of new banking institutions.

The dominant feature of the message was, however, Marcy's discussion of the Abolitionist movement, which he deprecated and condemned in the strongest terms. He regarded it as a grave menace to domestic peace, since the utterances of the agitators aroused passions which had already led to acts of violence against them. It was also a menace to the commercial prosperity of the State, since southern States were considering a severance of trade relations with all States that tolerated it. The schemes of the Abolitionists were, he declared, visionary and pernicious. He could discern not one good that had resulted or was likely to result from their proceedings, while the train of evils which must necessarily attend them was in number and magnitude appalling. It was, moreover, a menace to the integrity of

the Federal Union for the people of one State thus to give offense to those of another. He therefore suggested that the time might come when it would be necessary to consider to what extent the State should provide by law for the trial and punishment of citizens who committed acts calculated to excite insurrection and rebellion in other States. He was convinced that the Legislature had full power to do this, and he seemed to think that the time was not far distant when it would be its duty to exercise that power. At the request of the Governor of South Carolina he transmitted some resolutions of the Legislature of that State on the subject, which were couched in the most extreme terms.

The Legislature in response adopted resolutions declaring that it fully and cordially agreed with Governor Marcy in his views and sentiments concerning the Abolition movement, but expressing the opinion that, because of the attitude of the majority of the people of the State, legislative action was unnecessary. In this it was not singular among northern Legislatures. The Governor in subsequent special messages transmitted copies of resolutions of several other Legislatures unsparingly condemning the Abolitionists.

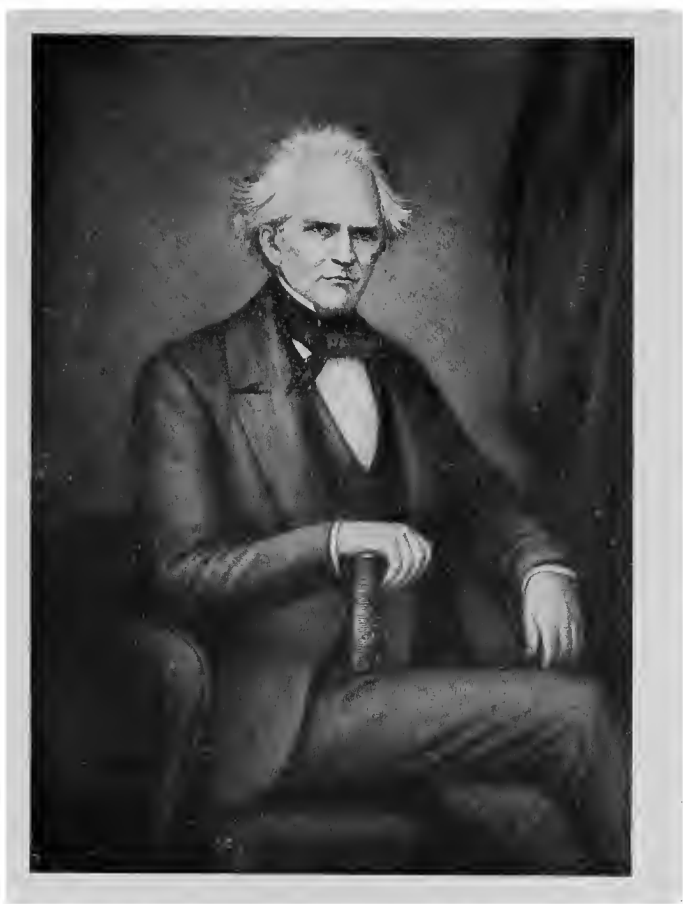
Governor John Gayle, of Alabama, made requisition upon Governor Marcy for the surrender, for trial and punishment, of Robert G. Williams, of New York, for circulating in Alabama some Abolitionist prints that were described as seditious. Williams was spoken of in the requisition as a "fugitive from justice." Governor Marcy replied that he could not be a fugitive, since he had never been in Alabama and therefore could not

have "fled" from that State. Governor Gayle replied that "flee" in the Constitution should be interpreted as equivalent to "evade"; but Marcy was not convinced of that and accordingly, "with regret," found himself compelled to refuse to surrender Williams.

During this session of the Legislature Jacob Sunderland resigned from the bench of the Supreme Court, and Greene C. Bronson was appointed in his place. John Savage later in the year resigned the Chief-Justiceship, and Samuel Nelson, already an Associate-Justice, was appointed in his place. Esek Cowen was made an Associate-Justice to succeed Mr. Nelson.

Grave charges of corruption were made in the Senate against two members of that body, John C. Kemble, of the Third district, and Isaac W. Bishop, of the Fourth district. They were accused of fraudulent speculation in stocks, with being implicated in doings of the cashier of an Albany bank who had stolen the bank's funds and absconded, and with various other immoral and dishonest transactions. The only argument in their favor was that the Senate had no right to try them on such charges, but could only consider regular articles of impeachment. The majority of the Senate was obviously inclined to reject this plea and to proceed with the trial. Kemble resigned his seat before any action could be taken. Bishop stood his ground a little longer. A vote was taken declaring by 21 to 7 that he was guilty of moral and official misconduct. The question of his expulsion was then put and was defeated, 12 voting for and 16 against expulsion. Bishop then resigned his seat. Two of the most prominent Senators also resigned,





SAMUEL BEARDSLEY

Samuel Beardsley; born in Hoosic, Rensselaer county, N. Y., February 9, 1790; admitted to the bar in 1815 and began practice at Rome, N. Y.; district attorney of Oneida county; member of the state senate; judge of Oneida county; United States attorney for northern New York, 1827-1830; elected to congress as a democrat and served from March 4, 1831 to March 29, 1836 when he resigned to accept appointment as circuit judge; attorney general of the state of New York, 1836; again elected to congress and served from March 4, 1843 to May 24, 1844, when he resigned to accept the position of associate judge of the supreme court of New York; made chief justice in 1847; died in Utica, N. Y., May 6, 1860.



peremptorily. These were Samuel Young and Myndert Van Schaick. They declared that their sense of self-respect and honor forbade them to remain in a body whose majority would recognize and retain as fellow-members men whom that majority had just declared to be guilty of moral and official misconduct.

The Legislature provided a new apportionment of the State for Senators and Assemblymen, according to the new enumeration of inhabitants, and on May 26 adjourned without day.

## CHAPTER XIII

### THE REVOLUTION OF 1837

**T**HE incidence of both a national and a State election marked the year 1836 in the political history of New York. The coming together of the two elections had occurred before, but never with interest comparable to that which now arose from the fact that the Presidential candidate of the dominant party was the unchallenged leader of that party in this State. Foreindicated several years in advance, that fact was made certain by the Baltimore convention of May, 1835. Additional interest arose from the circumstance that the chosen leader's closest and ablest lieutenant was a candidate for reëlection to the Governorship.

The results of both these campaigns were foregone conclusions. Yet, curiously enough, they were so regarded on only one side, and that was the side which naturally should have taken the other view. The Whigs were far more confident of their own defeat than the Democrats were of victory. Indeed, both President Jackson and Vice-President Van Buren were decidedly anxious and fearful of an unfavorable verdict at the polls. This was partly because they were not able accurately to gauge the drift of popular sentiment for or against the radical policies of the national administration. It was also largely on account of the formid-

able-appearing array of parties and factions against them.

The forces opposed to Jackson's administration, and equally opposed to Van Buren as Jackson's successor, comprised the National Republicans, who had formerly supported Adams and Clay and approved Clay's "American system" of protective tariff and internal improvements; the majority of the Anti-Masons; the nullifiers or State rights men of South Carolina and other southern States; many former supporters of Jackson who had been alienated from him by his arbitrary course toward the Bank; and a large number of independent voters not affiliated with any party, who had become alarmed at the autocratic policy of the President.

Had these forces been homogeneous and capable of harmonious coöperation, the combination would have been formidable and might have won the election. But they were not. They had nothing in common but their opposition to Jackson. Thus, there was positive antagonism between the nullifiers of South Carolina, represented by John C. Calhoun, and the Whigs of New England, represented by Daniel Webster; for this was but six years after the famous debate between Hayne and Webster in the Senate. Nor did the nullifiers care anything about the Bank. Nevertheless, the possibility that a common antipathy toward him would cause them to coalesce effectively filled Jackson with so great apprehension that he interested himself in the campaign to an extent probably never approximated by any other President. Knowing that the Legisla-

ture of his own State, Tennessee, was likely to pass a resolution recommending as a candidate for the Presidency Judge Hugh L. White, at that time a United States Senator from Tennessee, he personally sent to each member of the body a file of the *Washington Globe* containing a series of envenomed attacks upon that gentleman. In this he decidedly overreached himself, for the resentment which the legislators naturally felt at his interference provoked them to nominate Judge White by a more nearly unanimous vote than he would otherwise have received.

Thus rebuffed, and fearing that other States would follow the example of Tennessee in support of White, the President resorted to the extraordinary expedient of directing the holding of the national nominating convention a year and a half in advance of the election so as to forestall any defection from the administration ranks. Thus it was that the Baltimore convention already referred to was called and did the work expected of it. Accordingly the year 1836 opened with Van Buren and Colonel Richard M. Johnson, of Kentucky, already formally in the field as the regular Democratic candidates for President and Vice-President.

The opposing parties and factions, as might have been expected, did not unite on any one candidate for either office. It would doubtless have been impossible for them to do so had they tried, but they did not try. Neither did they enter into such an understanding as had prevailed to some extent on one or two former occasions, that all their Electoral votes should be

“pooled” for some one candidate in case it were found that thus he could be elected; though it is possible that this might have been done if Van Buren had failed to get a clear majority of the Electoral College. Their object was to divide the Electoral vote so that no candidate would have a majority, and thus throw the election into the House of Representatives.

So several anti-Jackson candidates were put forward. General William Henry Harrison was the most prominent of them—as a candidate. He was nominated by a Pennsylvania convention, and also was the choice of the Whigs of New York. Ohio named John McLean. Massachusetts nominated Daniel Webster. Tennessee and Alabama were for Judge White. South Carolina was to choose her Electors not by popular election but through her Legislature, and was inclined to support W. P. Mangum, of North Carolina. There were also several candidates for the Vice-Presidency. The Harrison men, and also the supporters of Webster, generally inclined toward Francis Granger, of New York, who had been one of the foremost leaders of the Anti-Masonic party and a candidate for Governor. The southern States largely favored John Tyler, of Virginia.

With the national campaign thus disposed, New Yorkers turned to their State campaign. Three State conventions were held, in September. The Democrats, gathering as usually at Herkimer, unanimously and without controversy renominated Marcy and Tracy. It was good political strategy so to do, it was the desire of Van Buren that they should do so, and

it was only just to Marcy that he should be returned to the office that he had filled with, on the whole, surpassing excellence.

The Whigs, as in national affairs, were less united. They did not expect to win the election, and for that reason ambitious men, such as William H. Seward, were disinclined to be candidates. Thurlow Weed, the shrewdest political observer in the State, regarded the outlook with little hope and could give no one encouragement to look for success. The convention found, however, a willing candidate, or sacrifice, in Jesse Buel. He had been the founder of the Albany *Argus* and its editor, had succeeded Solomon Southwick as State Printer in 1813, had served with credit in the Assembly, and had by honest industry and enterprise amassed an independent fortune. Though not a man of brilliant parts he was intelligent, prudent, honest, and honorable above suspicion, and universally respected. He accepted the nomination without hope of election, partly because he esteemed it an honor to be the candidate and partly because as a loyal party man he felt it to be his duty to make the sacrifice for the party's sake. For Lieutenant-Governor the Whigs chose Gamaliel H. Barstow, an active politician who had belonged to pretty nearly all parties in turn and had been an active force in each. He had served with distinction in the Legislature and as State Treasurer, and was a man of high integrity and aggressive leadership. Neither of these candidates had been conspicuous in the Anti-Masonic organization, though Barstow had at one time belonged to that party. It was



felt that the Anti-Masons were sufficiently recognized through having their great leader, Francis Granger, on the national ticket as candidate for the Vice-Presidency.

The Loco Foco seceders from Tammany Hall and their sympathizers throughout the State also held a convention, under the name of the Equal Rights party, and nominated Isaac S. Smith for Governor. In New York City they formed a coalition with the Whigs on the local ticket and succeeded in electing a State Senator and a Representative in Congress.

The campaigns, both national and State, were vigorously conducted, New York being regarded as in a peculiar sense the battle-ground of the nation. The early fall elections in other States seemed to presage the defeat of the Democrats. In Maine at the September election not a single Democratic Congressman was chosen. In Pennsylvania the Democrats won by the narrowest of majorities, while New Jersey and Ohio, which had formerly supported Jackson, were carried by the Whigs. This caused the Democrats to redouble their efforts and the national administration to use all possible influence in their behalf.

Van Buren was elected President. His national plurality of the popular vote over Harrison was more than 200,000; but counting the White and Webster votes he had only about 25,000 majority in the nation. In the Electoral College he had 170 votes against 124 for all others. But the State of Virginia, while voting for Van Buren, cast its vote for William Smith, of Alabama, for Vice-President, instead of Colonel Johnson, and the latter thus received only 147 Electoral

votes, or just half of the College. This, for the only time in history, caused the election of a Vice-President to be thrown into the Senate. The result was the choice of Johnson by 33 votes against 16 for Granger.

The result in New York State, so far as the popular vote was concerned, was more emphatic than in the nation. Marcy received 166,122 to Buel's 136,648, thus securing a larger popular majority than Van Buren had in the whole country. Isaac S. Smith received 3,496 votes.

The Legislature chosen at this time was also strongly Democratic. It was the first elected under the new apportionment that had been made agreeably to the enumeration of inhabitants of 1835, and the changes made in the distribution of seats give an informing indication of the growth of the various counties. The Senate remained unchanged, consisting of four Senators from each of eight districts. In the Assembly some counties gained and others lost members. Albany retained three, unchanged. Allegany had an increase from one to two. Broome retained one. Cattaraugus increased from one to two and Chautauqua from two to three, while Cayuga was reduced from four to three. The new county of Chemung received one. Chenango retained three, Clinton one, Columbia three, Cortland two, and Delaware two. Dutchess was reduced from four to three, and Erie was increased from two to three. Essex and Franklin retained one each. Genesee was increased from three to four, Greene retained two, and Herkimer was reduced from three to two. Jefferson retained three. Kings county was still grow-

ing so slowly that it was increased only from one to two. Lewis had one, Livingston two, Madison three, Monroe three, and Montgomery and Hamilton together three. New York was increased from eleven to twelve, and Niagara from one to two. Oneida was reduced from five to four. Onondaga retained four, Ontario three, Orange three, and Orleans one. Oswego was increased from one to two, and Otsego was decreased from four to three. Putnam had one and Queens one. Rensselaer was decreased from four to three. Richmond and Rockland had one each. Saratoga was decreased from three to two. St. Lawrence had two, Schenectady one, and Schoharie two. Seneca was reduced from two to one, and Steuben was increased from two to three. Suffolk had two and Sullivan one. Tioga was decreased from two to one, and Tompkins from three to two. Ulster had two and Warren one. Washington was decreased from three to two, as was also Westchester. Wayne had two and Yates one.

The Sixtieth Legislature met at Albany on January 3, 1837. The organization of the Senate remained unchanged. But in the Assembly, as Tompkins county had lost a member in the new reapportionment, Charles Humphrey, of Ithaca, the former Speaker, was not returned, and Edward Livingston, of Albany, was chosen in his place.

The Governor's message congratulated the Legislature and the State—most prematurely—upon the subsidence of the anti-slavery agitation. He did not apparently realize that Gerrit Smith was still very much alive, and had not yet heard of a young theological

student named Henry Ward Beecher, then just beginning ministerial work in an Indiana town. He paid an eloquent tribute to President Jackson and anticipated a favorable judgment of posterity upon his administration. A grave blemish upon a generally admirable document was his partisan stricture upon those who had ventured to oppose the election of Van Buren. He called attention to the need of relief for the overburdened courts and a general reform of the judiciary system, and the Legislature responded by creating a commission to consider the matter and to report the next year. Much attention was also given to the educational system, and he recommended that more than five million dollars of Federal funds be accepted by the State for safe-keeping and that the State's profit therefrom be applied to the school fund, which was done. There was also considerable discussion of the banking and currency system, which was in an ominously unsatisfactory condition. Reference was made to the work of the newly-created Geological Survey, and this subject was further dwelt upon at much length in a special message on February 11.

Seldom had the administration of a Governor of New York begun in more auspicious circumstances—superficially regarded—than those attending the entrance of William L. Marcy upon his third term. Hard times in State and nation had been suddenly changed into what seemed on the surface to be almost unexampled prosperity. His close political friend had been elected President of the United States, with a friendly majority in Congress. He himself had been reelected

by a decisive majority, and he had a favorable majority in the Legislature of nearly two to one in the Assembly and five to one in the Senate. He had by the admission of his foes made a splendid record in his former terms, he was superbly fitted for the place, he was in the prime of life and intellectual vigor, his reputation was spotless, and his personality was everywhere beloved. His party was throughout the State perfectly and efficiently organized and counted among its members the most substantial financiers and business men.

Yet before the year was out his administration was discredited and his party was crushingly defeated, and the next year saw that party all but destroyed and himself retired to private life.

We have already spoken of the reckless land and other speculation prevailing in 1835 and 1836 against which Governor Marcy uttered a warning in his message. The speculators generally paid for their lands in banknotes, and to meet the demand for that purpose the banks greatly increased their issue of such currency. To check such inflation President Jackson in 1836 ordered that the Federal land offices should accept no more banknotes but should insist upon being paid in coin or in certificates of the deposit of coin or bullion. This did not stop the speculation, but it led the speculators to make large demands upon the banks for gold and silver, which in turn caused the banks to call in their loans and to refuse many other loans in various lines of business.

In the same year, after paying off the national debt the treasury had a surplus on hand of about forty mil-

lion dollars. This surplus was ordered by Congress—against the judgment of Van Buren—to be distributed for deposit among the various States, New York's quota being more than five millions—referred to by Marcy in his message of 1837. Supposing that the surplus would remain with them indefinitely, the banks in which it had at first been deposited had treated it as so much capital, on the strength of which they had made large loans. When, therefore, an order came for the redistribution of it among all the States in sums proportioned to the numbers of their representatives in the Electoral College, many of the banks were seriously embarrassed.

The era of speculation had been an era of extravagance, in which immense purchases of goods were made in Europe. Becoming fearful of the condition of American finances, the Bank of England declined to discount the bills of American merchants in payment for such purchases. Further demands upon American banks for specie to be shipped to England were consequently necessitated, with the result of greatly aggravating the financial troubles.

Early in January, 1837, Mr. C. C. Cambreling, a Representative in Congress who was on close terms of confidence with Van Buren and reflected his policies, introduced a bill for the abolition of some tariff duties and the great reduction of others, practically aiming at the destruction of Clay's "American system." This action, taken as an earnest of the policy to be pursued by the incoming administration, materially added to the unrest and apprehension which prevailed through-

out the nation and which were probably more acute in New York than anywhere else.

By the middle of March prosperity gave place to depression and distress, with apprehensions of impending disaster. On March 20 Philip Hone wrote in his Diary: "The prospects in Wall Street are getting worse and worse." Eight days later a meeting of New York merchants was held for the purpose of sending a letter to Nicholas Biddle, president of the Bank of the United States at Philadelphia, requesting him and his bank to "step forward in this most appalling crisis and save the commercial community of New York." Mr. Biddle, it must be recalled, was the man upon whom chiefly had broken the storm of Jacksonian wrath against the Bank.

It was too late. Panic irresistibly set in. Stocks fell at an astounding rate, and with them the prices of speculative lands. Railroad and canal stocks sold at about half the price of a year before. Lots on Manhattan Island which had brought in 1836 \$480 each, in the spring of 1837 went begging for purchasers at \$50. At the beginning of May a delegation of New York merchants went to Washington to confer with the President, Van Buren. Their errand was fruitless. He declined to withdraw or modify the treasury order for payments only in specie, or to call a special session of Congress. A few days later three banks in Buffalo were closed. They were so-called "Safety Fund banks," having been chartered under the Safety Fund law which had been enacted in 1829 at the recommendation of Governor Van Buren. The Legisla-

ture immediately ordered the Bank Commissioners to assume the payment of their notes.

Two days later, on May 10, the banks of New York City suspended specie payments, and within three days their example was followed all over the country. That precipitated a crisis everywhere, but it was of special interest in New York. The Safety Fund law provided that if any bank suspended specie payments it should be placed in the hands of a receiver, its issue of notes be stopped, and eventually its charter be forfeited. Obviously, if that law had been enforced most of the banks in New York State would have been closed and would have gone out of existence. The Legislature was about to adjourn, but it halted long enough to pass an act suspending for one year the operation of that part of the Safety Fund law. The vote was nearly unanimous—30 to 2 in the Senate and 95 to 19 in the Assembly. A bill was then introduced to suspend for one year the law forbidding the circulation of bank-notes of less than five dollars value, but it was defeated in the Senate by a vote of 13 to 15. Then on May 16 the Legislature adjourned without day.

This refusal of the Senate to suspend the prohibition of small notes was one of the most fecund sources of popular inconvenience and distress, and one of the chief factors that made for the political revolution that speedily followed. The merchants of the city begged the Governor to recall the Legislature promptly in order that it might reconsider and pass the bill which the Senate had rejected, but he refused on the ground that it would not be proper to ask the Legislature to



do something that it had just decided not to do. In this he made probably the greatest mistake, at least from the point of view of political tactics, of all his career. From that moment popular resentment and wrath against him and against the Democratic party increased with ominous rapidity.

The charter election in New York City was held in April. The Democrats nominated for Mayor J. J. Morgan, a man of high standing and unimpeachable character and record. Against him the Whigs nominated Aaron Clark, who had been Clerk of the Assembly from 1814 to 1820. The Loco Foco faction put forward David R. Jacques. Although at this time the business troubles had not reached their height, specie payments had not been suspended, and the Legislature had not refused to permit small bills to be issued, the Whigs elected Mr. Clark by a majority of about three thousand and secured an overwhelming majority of both the Board of Aldermen and Common Council. The Loco Foco candidate received four thousand votes. In Albany, too, the Whigs elected their local ticket.

Although the President had refused the request of the New York merchants for a special session of Congress, he reconsidered the matter a few days later and on May 15 issued a call for such a session. It met on September 4 and listened to the reading of a message discussing the financial condition of the country and outlining the course that he thought should be pursued. Philip Hone on May 8 had refused to preside at a great civic meeting unless the resolutions to be presented for adoption were amended by the elimi-

nation of a passage that charged the President with having made statements "unfounded in fact." But on September 6 he wrote of Van Buren's message that it was the most mischievous in its tendency that had ever been presented to the American people, that it contained "many gross misrepresentations," and that one of its salient declarations was a "falsehood."

Van Buren's argument was briefly this: The banks chartered by the States had been tried and found wanting as depositaries of public funds, and a National bank could not be chartered—he would veto a bill for chartering one. Therefore the United States treasury should keep charge of its own funds and have nothing whatever to do with the banking system or the business system of the country. This was interpreted by the Whigs and by a multitude of Democrats as a direct attack upon the banks and the credit system of banknotes. It would restrain the country to a purely metallic currency, which alone would be legal tender, and that would be in volume entirely inadequate to the needs of a commercial community like New York, if not, indeed, to those of the whole country, rural as well as urban.

Against such a policy a large part of the Democratic party revolted. A bill was introduced into the House of Representatives for carrying out the President's designs. It was vigorously debated and at last, on the motion of John C. Clark, a Representative from Chenango county, New York, was laid on the table by the votes of the Whigs and conservative Democrats. A bill was enacted, however, authorizing the issue of a



WILLIAM L. MARCY

William L. Marcy, 13th governor (1833-38); born in Southbridge, Mass., December 12, 1786; lawyer; served in the war of 1812; recorder of city of Troy, 1816; editor of Troy Budget; adjutant general, New York, 1821; state comptroller, 1823; associate justice state supreme court, 1829; elected United States senator and served from March 4, 1831, until his resignation, July, 1832 to become candidate for governor; governor, 1833-38; commissioner on Mexican claims, 1839-42; secretary of war, March 5, 1845 to March 3, 1849; U. S. secretary of state, March 7, 1853 to March 4, 1857; died at Balston Spa, N. Y., July 4, 1857.



certain amount of treasury notes, and then Congress adjourned. It had done nothing to abate the popular distress, while the President through his message and its Independent Treasury scheme had done much to increase the popular dissatisfaction, distrust, and condemnation with which his administration, only six months old, was regarded.

The banks of New York worried along as best they could, but their service to the business public was sadly inadequate. The great want was that of a currency of denominations less than five dollars. The banks could not, under the law, issue small notes, and they would not pay out gold or silver. Indeed, it would have been folly to do so, for specie was at a premium—or paper was at a discount—of from ten to twelve per cent., and specie if issued would have been hoarded or sold at a premium. A million or two in small bills from other States got into circulation, and among them were vast quantities of notes of insolvent and defunct banks, and also of outright counterfeits. These dubious bills were popularly called “shinplasters,” a name that had been given the depreciated notes of the Continental Congress during and after the Revolution, and later was applied to the fractional currency of Civil War and reconstruction times. While all the nation suffered severely from the financial troubles of 1837 New York fared worst, partly because a flood of worthless paper currency was poured into it as the business metropolis, and partly because it was hampered by the refusal of the Legislature to give the banks power to afford such relief as might have been within their power. Of

course much odium, as is usual in such cases, fell upon the party in power, with little thought as to whether it was or was not responsible for the ills from which the State was suffering.

In such circumstances the fall election of 1837 was held. It was not only the annual election for members of the Legislature, but the triennial election for Sheriffs and County Clerks throughout the State. The result was what in later years we have learned to call a "landslide." Almost every county in the State was carried by the Whigs. They elected six out of the eight Senators, 101 out of the 128 Assemblymen, and a great majority of the Sheriffs and Clerks. "New York," wrote Philip Hone, "has broken her chains and stands erect, regenerated. The moral and political effect of this victory will be prodigious. The measures of the administration stand condemned before the nation, and Mr. Van Buren must alter his course or sink to rise no more."

## CHAPTER XIV

### “SEWARD, WEED, AND GREELEY”

**A**STONISHMENT and uncertainty prevailed in the politics of the State at the opening of the new year. The revolution of 1837 had been so tremendous that neither party knew just how to regard it—whether to look upon it as indicating a lasting change in the control of the State, or merely a temporary fluctuation. It was thus in a spirit of expectancy, awaiting what next might happen, that the Sixty-first Legislature met at Albany on January 2, 1838. There was no change in the organization of the Senate, in which the Democrats still retained a majority. Gulian C. Verplanck, of New York, took his seat in that body for the first time, and Daniel S. Dickinson, who had entered it a year before from the Sixth district, began to rise toward that prominence which he later attained. In the Assembly appeared two men who were destined to make important marks in the history of the State. These were Benjamin D. Silliman, of Brooklyn, and James S. T. Stranahan, of Oneida county, who later removed to Brooklyn and had a distinguished career in that city. The Whig majority transformed the organization of the Assembly, electing Luther Bradish, of Franklin county, a man of exceptionally fine accomplishments, Speaker, and Jarvis N. Lake to be Clerk.

Governor Marcy's message contained no reference to the result of the election, but dealt at length with the varied interests of the State in his customary calm, self-possessed, and statesmanlike manner. There was perhaps a little higher touch of statesmanship than usual, as if some sub-conscious intimation had come to him that this was to be his valedictory. Had he indeed been conscious of that fact he could not have wished to make his last message a more worthy composition than was this. He discussed the interests of the judiciary, the schools, the canal system, the prisons, etc., and then gave his chief attention to what was undoubtedly the most important topic in the State, the fiscal system. He attributed the disastrous business panic and depression of the preceding year chiefly to extravagant speculation and to unsound banking and currency conditions; and in view of the impending resumption of specie payments by the banks he recommended that they should be required to maintain a larger specie reserve than thitherto for the protection of their paper currency. In consequence of his recommendations the Legislature presently enacted measures permitting banks to be incorporated under a general act and without special legislation for each charter, requiring them to have at all times a specie reserve equal to twelve and a half per cent. of their paper circulation, and also permitting them to resume the issuance of notes for less than five dollars with the stipulation that they should redeem in specie all small bills on presentation.

This was followed on April 12 and 13 with messages



to the Asembly and Senate, respectively, on the resumption of specie payments by the banks. He pointed out that the banks of New York would be alone in taking that step, and that there was thus danger that the banks of other States would drain out the specie from this State. He recommended legislative action if it should prove necessary to prevent such a result. He also recommended that, if the banks seemed to need such aid, the Legislature issue six or eight millions of State bonds for canal work, and loan them to the banks. Such an issue would, he pointed out, soon be necessary if the work of canal construction and improvement was to continue, and it would be good policy to issue them at once if thus the banks could be aided to restore a normal status to the State's finances. As a matter of fact, this aid was not needed, since millions of dollars in gold began to pour into New York from Europe.

On the same day that his annual message was delivered, January 2, Governor Marcy sent in a special message on the foreign relations of the State, and especially on what was known as the "Caroline" affair. At that time there was an insurrection in Canada. There were in the United States, and particularly in New York, many sympathizers with the rebels, and much aid was given to the insurrection in flagrant violation of the neutrality laws. Armed bodies were organized for the invasion of Canada in coöperation with the insurgents, and late in December, 1837, one of these seized Navy Island in the Niagara River, belonging to Canada. In return for this flagrant out-

rage the Canadian government sent a force thither which crossed the river to the American shore and there captured and destroyed the steamer "Caroline," which belonged either to the insurgents or to their American aids. Governor Marcy, in the absence at the moment of complete information, regarded the Canadian action as an invasion and an outrage upon an American vessel. He assumed in his message that the Federal government would take appropriate proceedings and that the New York militia would prevent any further invasion of the State. In fact, President Van Buren promptly issued a very judicious proclamation warning New Yorkers and all Americans against any further violations of the neutrality laws and calling upon the New York militia to prevent them.

Later, on March 5, Governor Marcy addressed the Assembly concerning the breaking into and robbing of the State arsenals at Watertown, Elizabethtown, and Batavia by sympathizers with the Canadian rebels, who thus stole State arms and ammunition for use in the insurrection.

Samuel B. Ruggles, of New York City, as chairman of a committee of the Assembly, made a most telling report on the subject of internal improvements, in which he demonstrated the fiscal ability of the State to proceed with the completion of the Erie canal enlargements and other great public works. In consequence of his showing a bill was promptly passed, by an all but unanimous vote, appropriating four million dollars to be expended during that year in work on the Erie canal. The Legislature, after surprisingly

little legislation of a partisan political character, adjourned without day on April 18.

After so great a révolution as that of 1837 a certain reaction was inevitable, especially since by the spring of 1838 business conditions had radically changed and prosperity had been largely restored. It was not surprising, therefore, that the April elections throughout the State showed a considerable loss of Whig votes. This indicated, however, not any actual defection of Whigs but a return to their normal party affiliation of numerous Democrats who because of the hard times had temporarily revolted against the Jackson-Van Buren policies. In New York City the Whig Mayor, Aaron Clark, was reëlected by a majority of only 99, against about three thousand at his former election, and a bare majority of one was all that the Whigs could secure in each of the branches of the City Council. There were similiar results throughout the State.

The campaigning for the fall election for Governor began early. On the Democratic side it was straight campaigning for the reëlection of Marcy and Tracy, whose renomination without opposition was a foregone conclusion. Such renomination was effected at the State convention at Herkimer, on September 12. And Marcy well deserved it. He was in his third term as Governor, and his administration throughout had been of a high order. It had been free from scandals and generally had been responsive to the will of the people. Although as Comptroller Marcy had strongly opposed the Chenango canal, as Governor he promoted that enterprise in accordance with the evident desire of the

people. He was friendly to public works, but wisely insisted that they should not be undertaken beyond the ability of the State to pay at least the interest on the money borrowed for the purpose.

On three grounds he incurred disfavor, a part of which was greatly to his credit. That was in connection with his action toward the Canadian rebellion and its New York abettors. There is no reason for suspecting him of toadying to England. He simply wanted and determined that the American neutrality laws should be enforced. But for that he suffered the resentment of a certain Anglophobe faction. He was also criticised and condemned for not calling a special session of the Legislature to repeal the law forbidding the issue of small banknotes. Most of all, perhaps, he was denounced for his friendliness to Van Buren's Sub-Treasury program. On that account he incurred the hostility of a faction of Democrats led by Nathaniel P. Tallmadge, United States Senator. This faction held a State convention at Syracuse, repudiated Marcy, and endorsed the Whig ticket.

The Whig campaign, on the other hand, was down to the State convention at Utica on September 12 a contest among aspirants for the nomination. The prospect of victory at the polls had brought a number of candidates into the field. Conspicuous among these were Francis Granger, who had already been twice a candidate; William H. Seward, who had run once before; and Luther Bradish, the Speaker of the Sixty-first Assembly and a man of immense personal popularity and real worth. Mr. Bradish had entered the Assembly in 1828,

and was one of the founders of the Anti-Masonic party and also the Whig party. Among these three men personally there was the kindest of feeling and a desire that the one who was most favored by the people, and who would be the strongest candidate, should be chosen. Each of the three was, moreover, ready to work with might and main for either of the others in case he should be chosen. Among their followers there was less agreement, and at times there was positive dissension. This resulted in some regrettably savage attacks on the candidates and in a sharp contest in the convention.

The deciding factor in making the nomination was Thurlow Weed, the editor of the *Albany Evening Journal* and the most astute political manager in the State. He was at first undecided in his choice, inclining somewhat toward Francis Granger, with whom he had been longer and more intimately associated than with either of the others. Indeed, Granger was probably the choice of a majority of the party leaders. But Weed soon came to realize that the future of the party lay with the young men of the State, and that if success was to be attained appeal must be made to them. On that ground he turned to Seward, and it was his doing so that secured Seward's nomination.

When the convention met the choice still wavered in the balance. On the first informal ballot Seward had 52 votes, Granger 39, Bradish 29, and Edwards, of New York City, 4. The supporters of Bradish were devoted to him and would have stood by him to the end, hoping for his success as a compromise candidate between

Seward and Granger; but he himself, believing that either of the others would be a stronger candidate before the people of the State, advised them to cast their votes for either Seward or Granger, as they preferred. Accordingly the second ballot showed 60 for Seward, 52 for Granger, only 10 for Bradish, and 3 for Edwards. A third was taken, and to Weed's alarm Seward fell to second place with only 59, while Granger's vote rose to 60 and Bradish's was 8.

At that point by masterly strategy Weed succeeded in having a recess declared, during which he worked with consummate tact, first, to bring over to Seward a majority of the eight men who still held out for Bradish. It was in vain. The eight were immovable. They were willing to do anything else that Weed might ask, but they would not desert their candidate until some other was actually nominated, not if a hundred ballots were taken. Then Weed addressed himself to the men who had originally voted for Bradish but had gone over to Granger, and with them he was more successful. The recess ended and the fourth informal ballot was taken. Seward had 67, Granger 48, and Bradish 8. The next morning the leaders of the Granger forces moved to make Seward's nomination unanimous, and then Bradish was nominated for Lieutenant-Governor by acclamation, no other person being so much as suggested.

The cordial feelings among the three candidates were notably manifested. Bradish's advice to his supporters has already been referred to, and he followed it up by unhesitatingly accepting the second place on the ticket.

Granger had told his delegates in advance that if either Seward or Bradish won he wished them to move for a unanimous nomination and then to work for the success of the nominee as zealously as though he himself had been chosen. As for Seward, who remained at home in Auburn, premature word reached him during the recess after the ominous third ballot that Granger had won; whereupon he instantly summoned his friends to organize a popular ratification mass-meeting and himself drafted resolutions to be adopted in cordial support of the supposedly successful candidate.

If thus Thurlow Weed was the *Deus ex machina* that secured the nomination of Seward, it was left for another young man and journalist to secure his election. Four years before; that then obscure young man had started his weekly paper, the *New-Yorker*, in New York City. It was not a political journal, though it did pay some attention to politics along with all other topics of public interest, and it was strongly committed to Whig doctrines. Indeed, it may be believed that many former Democrats and independents had been converted to the Whig party through its influence. Moreover—and this was what perhaps most strongly appealed to Weed,—it was scholarly, cultivated, and dignified in tone. While it could be severe in its criticisms it never descended to lampoonery or billingsgate.

Weed had been a reader of the *New-Yorker* from the beginning and quickly discerned the surpassing genius of Greeley as a political writer and controversialist, although he did not know him personally. When the electoral revolution of 1837 presaged Whig victory in

1838, Weed conceived the fortunate design of publishing a campaign paper at Albany and of getting the young editor of the *New-Yorker* to come up and conduct it. Accordingly he went to the metropolis and called on Greeley in his humble office. That first meeting of the two men, in an Ann Street cellar, was historic for its results in relation to the future of New York and of America. It meant the conjunction and coöperation of the ablest political diplomat and manager and the ablest political preacher and propagandist of the time. Instinctively drawn to each other by the kinship of genius, the joint influence that they exercised was immense and far-reaching, although their agreement and association were not to prove permanent.

Greeley was much gratified at Weed's proposal and readily accepted it when he found that it would not interfere with the continued publication of the *New-Yorker*. It was arranged that the new paper should be printed in the office of the *Albany Evening Journal* and that Greeley, doing most of his work in New York, should go to Albany for two days in each week to make up the forms. Weed left the choice of the name to Greeley, who selected that of *The Jeffersonian*. That in itself was consummately shrewd because of the appeal to many Democrats who were devoted to the principles of Jefferson but were not pleased with Jackson's and Van Buren's departure therefrom. It was Greeley's wise purpose to show them that Jefferson's real principles were cherished and practiced by the Whigs more than by the Democrats.

Publication of the paper was begun at Albany in



February, 1838, and from the first it was highly successful in attracting popular attention and influencing voters to affiliate themselves with the Whig party. It was almost unique among campaign sheets in its temperate, reasonable tone. It made no appeal to passion. It indulged in no invective or denunciation. It neither "pointed with pride" nor "viewed with alarm." Its appeal was entirely to reason and judgment, and all its discussion of men and measures was such as gentlemen might have engaged in by word of mouth, face to face with their political opponents, without discourtesy or offense. Very different were its articles from the violent and often ruffianly campaign diatribes which other newspapers had been in the habit of emitting, and indeed very different from the impassioned invectives of Greeley's own later years. Its work was tremendously effective, and to it more than to any other factor may be attributed the result of the election.

It was in consequence of this engagement of Greeley to edit the campaign paper, followed by the nomination of Seward, that the so-called "firm of Seward, Weed, and Greeley" was formed—a combination which for the first time completely overthrew the formidable Albany Regency and which for some years controlled the political life of the Empire State.

The Whigs did not, however, find the way to victory an altogether easy one. The chief obstacle in their way was presented by Gerrit Smith and the Abolitionists, who demanded as the price of their support ante-election pledges from Seward which he was not willing to give, and which indeed it would have been very foolish

for him to give. Seward hated slavery as much as did Gerrit Smith himself. But he realized that the great masses of the people, and of the Whig party, were not yet ready to adopt Abolitionist principles, and that for him to make the pledges demanded would alienate three votes for every vote won. But because of his wise declination to give the pledges a number of extreme Abolitionists openly repudiated him. It was reckoned that these would by election time number about 20,000, all drawn from the Whigs or from the independents from whom the Whigs had hoped to recruit their strength.

Following this defection, late in September, came the disheartening results of the October elections in various other States, showing heavy Whig losses. New Jersey, Pennsylvania, and Ohio all went against the Whigs. At this many of the New York leaders lost hope. Seward himself a week before election told Weed that he feared the State was lost to them. Francis Granger, who had been working loyally for Seward, abandoned hope because of the Abolitionist defection. He thought the Abolitionists would poll more than 20,000 votes, and that by the Presidential election of 1840 they would number one-fourth of the electorate of the State. Millard Fillmore also despaired, and declared himself sick of the Whig party. Weed was silent, grimly resolute, untiring in labor. Greeley alone remained openly optimistic and confident of success.

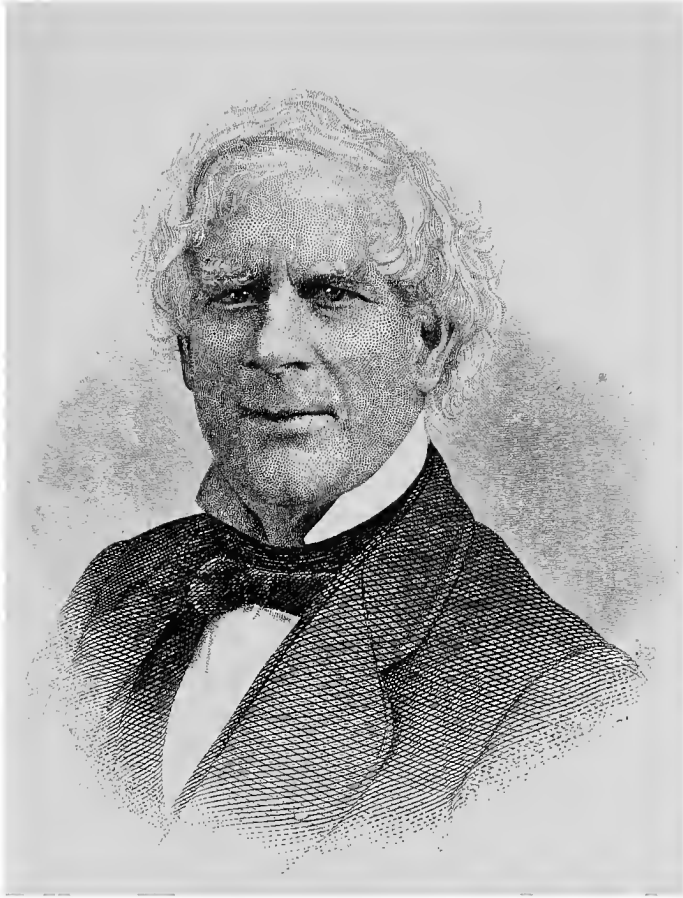
The election occurred on November 7, an auspicious day for the Whigs since it was the anniversary of the battle of Tippecanoe, won by their national leader,

General Harrison. Extraordinary efforts were made on both sides to get every voter to the polls, with the result that by far the largest vote in the history of the State down to that time was cast. Indeed, the defeated candidate received a larger vote than any successful candidate had ever before received. The victory of the Whigs was not overwhelming, but it was ample. Seward received 192,882 votes and Marcy 182,461. The Whigs also secured five of the eight Senators and about two-thirds of the Assembly. The Democrats had enough hold-overs in the Senate, however, to maintain their control of that body.

The result of the election was received by Seward with fear and trembling as he realized the tremendous responsibilities about to be laid upon him. "I shudder," he said, "at my temerity." Marcy was at first inclined to be jocular. His retirement, he remarked, would give him a chance to write a History of the Regency, which would be a History of the Golden Age of New York, beginning with his entrance into public life and ending with his exit from it! The striking feature of that record, he said, would be "the ascendancy of honest men." Later he expressed regret at the downfall of the Regency and was fearful lest the control of the State might pass into the hands of men less scrupulously honest than himself and his associates. He seemed to consider his own public career at an end after eighteen years of service, not foreseeing that he was yet to be a cabinet officer under two Presidents and was to give to international affairs the ripe fruitage of talents which thus far had been chiefly confined to the State.

Governor Seward's feeling as to his "temerity" was not without reason. Seldom had a man entered upon the duties of the Governorship in more trying circumstances than those that surrounded him in January, 1839. He was young and quite inexperienced in administrative duties, and he was succeeding a man of mature years, of extended experience, of exceptional ability, who for six years had directed the State's affairs with a success that had commanded the approval of foes as well as friends. He was expected, and indeed he intended and desired, to make a radical transformation in the administrative policy of the State, and he knew that if he did not do so to the approval at least of his own party he would be condemned as a failure. He had a strong majority at his back in the Assembly, but a hostile majority against him in the Senate—in which circumstances it might not be possible always to secure the legislation he wished, yet he would be held accountable for the course of the whole government both in what it did and what it failed to do. He had to reckon, moreover, with a certain degree of antagonism in his own party from those old National Republicans who were wedded to conservative ways and not in sympathy with the progressive policies to which he was committed. Added to this, he was besieged by a multitude of office-seekers who looked to him to apply the policy which his predecessor had enunciated though he had not greatly practiced it, "to the victors belong the spoils," and who were sure to turn and rend him if he did not satisfy their ambitions.

He moreover realized that in him personally the



THURLOW WEED

Thurlow Weed, journalist; born at Cairo, Greene county, N. Y., November 15, 1797; served in the war of 1812-14; learned the printer's trade and went about through central New York working in the offices of various country newspapers; was a member of the state legislature in 1825; founded the Albany Evening Journal in 1830 and saw it become one of the foremost party organs of the state of New York; died in New York City, November 22, 1882.



whole Whig party was on trial. His election was the first important victory of that party, and upon the success of his administration would depend the future of the Whigs in State and nation and in the next year's Presidential contest. Yet despite these weighty considerations and embarrassing conditions he faced the Legislature, and through it the people of the State, serenely and, save for that first access of trepidation, without fear. His confidence proceeded from three sources. One was an unflinching belief in the justice of his cause and an assurance that it would commend itself to the people of the State; his plans were progressive, and he was sure their execution would be so greatly for the State's benefit that they would be cordially approved. The second source of confidence was that self-appreciation which every man of genius or high talent is entitled to cherish without undue egotism; he knew his own capacity. The third was the fact that he had at his right hand, for counsel, one of the shrewdest and wisest advisers any Governor ever had.

In fact, so important a factor in his administration was Thurlow Weed that the latter began to be called the Dictator, and it was commonly remarked that the State had discarded the Regency for a Dictatorship. There was a story, *ben trovato, sed non e vero*, to the effect that the Governor, riding one day with the driver of a stagecoach, became engaged in conversation with him and was asked his identity. The driver was incredulous, whereupon Seward said that the keeper of the hotel which they were even then approaching knew him and would confirm his statement. When the hotel

was reached the proprietor greeted Seward cordially, and Seward asked him to assure the driver that he was indeed the Governor. "But you ain't!" protested the hotel-keeper. "What do you mean?" demanded Seward; "don't you know who I am?" "Oh, yes!" replied mine host, "I know you. You are Mr. Seward. But you're not Governor. The Governor of New York is Thurlow Weed!"

Sheer invention though the story was, it was immensely enjoyed by Seward himself, who often repeated it; and it was significant of a part, though only a part, of the truth. Weed's influence with Seward was undoubtedly very great. It was well that it was. With his comprehensive and accurate knowledge of men and affairs throughout the State, Weed was of inestimable value to the Governor for information, and with his exceptional clarity of thought and sanity of judgment he was no less valuable as a counsellor. These things were perfectly well understood by both Seward and Weed, as were also the limitations of them. That Weed ever attempted to dictate to Seward or ever made him feel that he was under his influence, is not for a moment to be supposed. Seward was the last man who would have tolerated such a relationship. He was Governor, and none other. He welcomed gratefully the information and the advice Weed offered, but in the last analysis he always made the decision himself. Yet so close were the relations between the two men, so great was Weed's influence with the Governor, with the Legislature, and with the party leaders throughout the State, and so completely was Weed identified with the administration



in the popular mind, that the imputation of a dictatorship was by no means inappropriate—perhaps no less so than that of the sway of a regency to Marcy's associates.

Seward was prompt in disclosing to the State his progressive policies. He did so on the very first day of his administration. It was on January 1, 1839, that the Sixty-second Legislature met and received his first message. As the Senate retained a Democratic majority its organization was unchanged, save, of course, that Luther Bradish became its presiding officer. In the Assembly, since the former Speaker had become Lieutenant-Governor, a new Speaker was found, in George W. Patterson, of Livingston county. Seward's message was long and elaborate, but notably lucid and direct in expression, and written in a literary style of real eloquence. Its arrangement of subjects was also admirable, the routine reports of State business coming first and the more extended discussions and recommendations of policy being reserved for the latter part.

Canals and other public works naturally received a large share of the Governor's attention. Already the Whig majority in the former Legislature had broken away from the old Democratic principle of confining expenditures for such purposes to the surplus revenue of the State, and had established the plan of pledging the credit of the State to the expediting of public works, always provided that this should not exceed the capacity of the surplus revenue to pay the interest on the indebtedness and to accumulate a sinking fund. To this progressive policy Seward was fully committed, and in his

first message he earnestly commended it, pointing out that the development of new resources through the creation of canals and roads would enormously increase the ability of the State to carry and to amortize a debt contracted for such purposes. In order to prosecute these enterprises with efficiency and economy he advocated the creation of a State Board of Internal Improvements, or of Public Works, consisting of one member from each Senate district.

A State Board of Agriculture was also recommended by him. Great and sympathetic attention was given to the subject of education, in both common schools and colleges—a subject which was made conspicuous in all of his messages. He discussed the judiciary system at length, recommending various changes and improvements, and thus gave the initial impetus to a movement that led to a thorough revision of the legal system of the State and to the adoption of a Civil Code. He took occasion to pay a glowing tribute to the memory of DeWitt Clinton—a statesman whose example Seward himself followed in some notable respects,—and recommended earnestly the erection by the State at Albany of a suitable monument in his memory under which his remains should be interred. There were, however, enough of Clinton's old Bucktail foes still in the Legislature to prevent the adoption of that plan.

At the end of January the Whig members of the Legislature went into caucus for the selection of candidates for the various State offices and also of a successor to United States Senator Nathaniel P. Tallmadge, whose term was about to expire. Concerning Mr. Tall-

madge there was some division of sentiment, his course not having been entirely satisfactory to many Whigs. But his efficiency as a Senator was undoubted, and it was recognized that he had contributed much to promote Whig success. In the end, therefore, the Whigs of both houses voted solidly for his renomination. This action proved effective in the Assembly, where the Whigs had a strong majority, but in the Senate the Democratic majority refused to vote for any candidate. As the Senate failed to make a nomination no joint session could be held and no Senator was chosen. The seat was thus left vacant until a year later, when, the Whigs being in control of both houses, Mr. Tallmadge was reëlected.

The veteran John C. Spencer was elected Secretary of State; Bates Cooke, of Niagara county, formerly a Representative in Congress and a leader of the Anti-Masonic party, was made Comptroller; Willis Hall, of New York City, a man of letters as well as an accomplished lawyer, was chosen Attorney-General; and for Treasurer was selected Jacob Haight, of Greene county, formerly a Bucktail State Senator, a supporter of John Quincy Adams, and a bitter foe of DeWitt Clinton, who had renounced the Bucktails because of their advocacy of Crawford for the Presidency. The death of the venerable Stephen Van Rensselaer left a vacancy in the Board of Canal Commissioners, which was filled by the election of Samuel B. Ruggles, of New York, the author of the notable report on internal improvements already mentioned. A valuable law was enacted for protecting the purity of elections, but com-

paratively few other acts of general interest were passed, and after a session longer than usual but rather less fruitful the Legislature adjourned without day on May 7.

Two issues of much importance were presented to the Governor for action this year. The first was that involved in the famous Anti-Rent war. Stephen Van Rensselaer, the "last of the patroons," had for some time left uncollected the rents due from his numerous tenants on his vast estates of Rensselaerswyck manor. After his death his heirs attempted to collect the arrears, and the tenants refused to pay them. The anti-rent sentiment spread to other great hereditary estates. Not content with passive refusal, the tenants disguised themselves as Indians, armed themselves, and committed many acts of violence toward the agents of their landlords and even toward the civil officials. In these circumstances appeal was made to the Governor, who promptly ordered out the State militia to keep the peace. Seward's sympathies were undoubtedly with the tenants so long as they kept within the law. He regarded the semi-feudal land tenures of the patroons as inconsistent with the genius of America and the spirit of the Nineteenth century. While he held that the peace must of course be kept and the laws upheld, he believed the refractory tenants were entitled to more consideration than ordinary lawbreakers and that as soon as possible legislative or other action should be taken for their relief and for the termination of the patroon system. In pursuance of this policy he secured in 1840 the appointment of Commissioners to arbitrate

the matter and effect a settlement between tenants and landlords. The findings of the Commissioners were not accepted, however, and the whole question was left for settlement in after years under another administration.

The other issue was of still more importance, from its national bearings involving the principles of interstate extradition. The Governor of Virginia in July, 1839, made requisition upon the Governor of New York for the extradition of three persons who were charged with having feloniously stolen a negro slave in the former State. There were some technical defects in the requisition papers, upon which Seward would have been quite justified in refusing to honor them. But he preferred, in statesmanlike fashion, to waive technicalities and to deal with the case on a broad constitutional basis. He argued that in such matters as extradition the States of this Union must be regarded as independent and equal sovereignties, whose relations to each other were identical with those of nations; that the right to demand and the reciprocal obligation to surrender fugitives from justice, according to international law, applied only to cases involving what were recognized as crimes by the universal laws of all civilized countries; that the act complained of in this instance was not thus recognized as a crime by the laws of New York or by the laws of all civilized countries; and therefore that the fugitives should not be surrendered. That was tantamount to saying that "stealing" slaves, meaning helping them to escape from slavery, was not a crime under the laws of New York and New York would not treat as criminals those committing the act—a principle

which was of course received with great joy and plaudits by the Abolitionists.

The Governor of Virginia was not satisfied, and a controversy was maintained between him and Seward for several years. The Virginia Governor insisted that the criminality of a person was to be determined by the laws of the State in which he committed the act, and not by those of the State in which he had taken refuge. Seward resolutely stood his ground, however, and refused to deliver up the men; and when, in 1842, a Democratic Legislature passed a joint resolution agreeing with the Virginian's contention, he refused to be the agent of the Legislature in transmitting it to the government of Virginia.

The success of the Whigs in the election of 1838 and the prosperous progress of Seward's administration in 1839 gave serious concern to President Van Buren. He intended to be a candidate for reëlection in 1840, and he realized that one of the fundamental requisites for success in his campaign was to retain the support of his own State. Accordingly, soon after the adjournment of the New York Legislature in the summer of 1839, he revisited the State for the first time since his inauguration as President and made a tour through all the cities and important towns. Nominally this was a non-political tour, intended to be a visit to the whole people. But it was quite impossible to divest it of obvious political significance, and indeed when New York City was reached the tenor of his remarks in response to an address of welcome disclosed his special interest in the Democratic party and in its success in the coming elec-

tions. The Whigs were quick to take up his words and to characterize the entire tour as an electioneering enterprise, as indeed it probably was. Its net results were problematic. Some were probably repelled and alienated by the idea that the President was electioneering, but others were doubtless attracted to him by his always engaging personality.

The early elections of that year in other States for State officers, as also in the preceding year for Representatives in Congress, were generally favorable to Van Buren's administration. Enough Democratic Representatives had been elected in 1838 to assure control of the House, so that if the next year's Presidential election were thrown into the House Van Buren would be sure of reelection. Indeed, the drift in his favor indicated that he was likely to be elected by the people without reference to the House. All that was needed was for his tour through New York to bear fruit in a substantial Democratic victory in that State in November.

But that was not to be. The New York campaign was bitterly fought and the result was uncertain until the last moment. The outcome was a victory for the Whigs. Their former overwhelming majority in the Assembly was, it is true, considerably reduced. But that was more than made up for by their capture of the Senate. Ten Senators were to be elected, there being two special vacancies, caused by a resignation and a death, in the Third district. Of the ten seats the Democrats secured only three, the Whigs seven. Among the Whig Senators chosen was the veteran Erastus Root,

who was successful in the Third district by a majority of five votes. By thus winning the Senate the Whigs gained complete control of the State government in all its branches. Van Buren was placed under the handicap of failing to command the support of his own State.

A few weeks later the Whigs of New York sent delegates to a national convention of that party which met on December 4 at Harrisburg, Pennsylvania, for the purpose of making nominations for the Presidential contest of 1840. There had been three leading candidates. But Daniel Webster, who probably would have been New York's choice, had withdrawn his name. That left Henry Clay and William Henry Harrison in the field. New York doubtless preferred Clay, at least so far as popular sentiment went. But, as on other occasions, the New York delegates were divided among themselves. Some were for Clay, some for Harrison, and some, especially from New York City, started a "boom" for General Winfield Scott, of New Jersey. After the convention began work, however, Scott's name was withdrawn and the delegates who had supported him cast their votes for Harrison and secured his nomination. John Tyler, of Virginia, a supporter of Clay, was named for Vice-President. This latter nomination was another result of the divided counsels of the New York political leaders. Immediately upon the nomination of Harrison the Vice-Presidency was offered to New York if its delegates could agree upon a candidate, but they could not. Again and again the offer was repeated, with urgent pleading, but was as often declined—because, said Thurlow Weed, "We



had no candidate." That was true in a double sense. New York had no important outstanding candidate to present, and none at all upon whom the delegates would unanimously have agreed. It was because of this default of New York that Tyler was finally named as a "counsel of desperation."

This outcome of the convention had a generally depressing effect on the Whigs of New York. They had generally preferred Clay to Harrison, and the fact that Harrison had run and had been defeated in 1836 was regarded by them as a serious handicap. The New York Democrats, on the contrary, were exultant over it, as they believed the nomination of Harrison was certain to give New York to Van Buren. They failed, however, to take account of the "firm of Seward, Weed, and Greeley," and particularly of its youngest member.

## CHAPTER XV

### “TIPPECANOE, AND TYLER TOO”

**N**ATIONAL politics dominated New York in 1840. The hard times of 1837 were still keenly remembered. The suffering had been more acute in this State than anywhere else in the Union, and in consequence resentment against those who were believed to have caused it, or who were at any rate regarded as responsible for it, was most bitter. In America, as in other lands, the government in power is usually blamed for whatever ills befall the people, and there was no exception to that rule in favor of the Van Buren administration. The mature judgment of posterity has given Van Buren credit for wise and prudent statesmanship in the financial crisis of 1837 and has recorded that he did the best that could be done to avert the penalty of the ill-advised and arbitrary conduct of his predecessor and to originate and maintain a wise policy for the future. But his contemporaries were too close to him and to those events to view them with a proper perspective.

The Sub-Treasury system, proposed and adopted by Van Buren, afterward proved of incalculable value to the nation, particularly in the stress of the Civil War. Yet it was especially singled out for denunciation and was made the chief count in the indictment against Van

Buren. There is a certain acrid humor in the recollection that Daniel Webster in one of his campaign speeches—which he was glad afterward to repudiate and to try to forget—literally raged against the Sub-Treasury scheme, declaring that upon his condemnation of it and upon his prediction of its evil and disastrous results he would stake his political reputation, his honor, his all. If that scheme prevailed, he said, there would be no more hope of restoring specie payments throughout the twenty-six States than there was of the restoration of the Jews to Jerusalem. Nobody would live to see it. Yet he himself lived to see it, and only a very short time after the utterance of that foolish speech.

The Whig national convention at Harrisburg, hitherto mentioned, adopted no platform of principles or promises. The omission was not accidental nor compulsory, but deliberate and voluntary. It was a piece of shrewd political tactics, intended to secure for the support of Harrison and Tyler all factions opposed to Van Buren, no matter how much they might differ among themselves. Particularly in New York, which was looked upon as the pivotal State of the campaign, the Whig party was still far from being homogeneous and harmonious, and there were certain outside elements, not yet incorporated with it, the coöperation of which was reckoned necessary for success at the polls. Accordingly the Whig leaders decided to appeal to the people simply with their candidates and with the "unwritten law" of hostility to Van Buren and all his works.

The Democrats, on the contrary, at their national

convention at Baltimore in 1840, adopted a formal and explicit platform setting forth the chief policies that Van Buren was pledged to pursue if returned to office for a second term. It pronounced for the limitation of the powers of the Federal government so as not to infringe upon or impair the rights of the States, and for the Sub-Treasury system. It strongly condemned the Abolitionist movement, objected to internal improvements by the Federal government, declared that no more revenue ought to be raised than was necessary to defray governmental expenses, and opposed the re-chartering of the Bank of the United States. Whether right or wrong, the party had the courage of its convictions and was able to appeal to the country on that ground and to denounce the Whigs for seeking to gain power without giving any assurances or information as to the way in which they would use it.

With the national issues thus joined and paramount, New York State nominations were perfunctory. The Whigs in August renominated Seward and Bradish. That was a matter of course. In September the Democrats met at Syracuse and after much consideration selected as their candidate for Governor William C. Bouck, of Schoharie county. He was a "rough and ready" man, of limited school education but of great native intelligence, of unquestioned integrity, and of painstaking devotion to the public interest. He had been an Assemblyman for several years and for nineteen years had been a Canal Commissioner, in which latter office he had been a most efficient public servant and had made multitudes of friends in many parts of the

State. Personally he was much liked by all who knew him. For Lieutenant-Governor, Daniel S. Dickinson, of Broome county, was chosen—a man of fine abilities, destined to occupy a conspicuous and honored place in public life for many years.

In this campaign, both national and State, a third party made its appearance, which had no material effect upon the result in 1840 but which, continued and further developed, did hold the balance of power four years later. This was the Abolition party, also known as the Liberty party and later merged into the Free Soil party. In November, 1839, it held a convention at Warsaw, in Genesee county, New York, and nominated for the Presidency James Gillespie Birney, then of New York but formerly of Kentucky and Alabama, and for Vice-President Francis J. LeMoynes, of Pennsylvania; Birney declined on the ground that the body did not have the character of a national convention called to make nominations, and LeMoynes also declined. On April 1, 1840, the Abolitionists held a national nominating convention in Albany, six States being represented, which nominated Birney for President and Thomas Earle, of Pennsylvania, for Vice-President; and both the candidates accepted. For Governor of New York the Abolitionists nominated Gerrit Smith.

The national campaign of 1840 was by far the most spectacular and strenuous thus far in the history of the United States; and it was most spectacular and strenuous in New York, because this was the largest State in the Union, because it was regarded as the pivotal State

the vote of which would determine the result, and because it was Van Buren's own State and the chief issue raised was that of opposition to him. It was marked with innumerable processions, especially torchlight parades at night, and with the singing of campaign songs. Some of Van Buren's aristocratic friends having sneered at Harrison because, as they said, he lived or had lived in a log cabin and had known no better drink than hard cider, the Whigs with psychological prescience took up the challenge and adopted a log cabin with a coonskin tacked on the wall, and a barrel of hard cider, as the emblems of their campaign.

Their campaign paper, too, was called *The Log Cabin*. Of that famous and formidable sheet Horace Greeley was the editor. So great had been the success of the *Jeffersonian* that the Whig managers instinctively turned to him to repeat that success, if possible, in 1840. He did more than repeat it. He so far surpassed it as to throw the brilliant record of the former paper into eclipse. *The Log Cabin* became not merely a New York but a national paper, with a circulation of more than 80,000 a week—an enormous figure for the time, yet far short of what might have been attained had it been possible for the presses to print enough copies to supply the demand.

The State was swept with a frenzy of enthusiasm, both for Harrison and against Van Buren. Henry Clay described the state of the whole nation as "like the ocean when convulsed by some terrible storm," and Daniel Webster—who was one of the foremost campaign speakers, though he had been disappointed in not him-



JOHN CANFIELD SPENCER

John Canfield Spencer; born in Hudson, N. Y., January 8, 1788; was graduated from Union college in 1806; admitted to the bar in 1809 and began practice at Canandaigua, N. Y.; served in the war of 1812; postmaster at Canandaigua; judge advocate general in 1813; assistant attorney general for western New York, 1815; served in congress, 1817-1819; member of the state assembly, 1820-1821, and served one year as speaker; served in the state senate, 1824-1828; special attorney general to prosecute abductors of Morgan; again a member of the state assembly, 1831-1832; secretary of state of New York in 1839; appointed secretary of war by President Tyler, October 12, 1841 and served until March 3, 1843; secretary of the treasury, March 3, 1843 to May 2, 1844 when he resigned; died in Albany, N. Y., May 18, 1855.





self securing the Presidential nomination—declared that the cry, the universal cry, was for a change. The Whig State convention at Utica was attended by more than twenty-five thousand persons from outside of that city, and there seemed little exaggeration in the remark of one of its managers who, when asked how long the procession was which was filing into the meeting-place, replied that the tail end of it was just a little the other side of Albany. In every town and hamlet in the State were displayed a log cabin, a coonskin, and a cider barrel, sometimes in miniature, sometimes full-sized. "Tippecanoe, and Tyler too!" "Van, Van, is a used-up man!" and other songs were sung, played, and whistled everywhere. Nor did the excitement deserve the reproach of "sound and fury, signifying nothing." Greeley's editorials in the *Log Cabin* were pregnant with profitable thought and instinct with convincing logic, as were also the utterances of innumerable campaign orators. Behind and beneath all the "tumult and the shouting" the administration of Van Buren was on trial before the tribunal of the national electorate, not so much for its own acts as for those of its predecessor.

It was probably well for Governor Seward in his campaign for reëlection that this great enthusiasm for Harrison prevailed in New York. Otherwise he might not have secured his second term. There had developed against him in a year and a half serious disaffection and opposition. Many conservative citizens had become alarmed at the magnitude of his expenditures for canals and other public works. Beyond doubt, he was spending far more than had been expected or than he

himself had estimated, though later years amply vindicated the wisdom of his course. Many others, particularly in New York City, were alienated because in his message in January, 1840, he had recommended the establishment of special schools for the children of immigrants to be conducted by teachers of their own race, language, and religious faith. This was, beyond question, an unfortunate and ill-advised recommendation, which we must wonder at Seward's ever making; and it subjected him to much criticism, even from his friends. It was even charged that he was influenced by the suggestion or request of Archbishop Hughes, of the Catholic church in New York City, and that his object was to cater to the Catholic vote. For such accusations there was no ground. The Governor had never so much as met or in any way communicated with the archbishop. On the contrary, he had consulted Dr. Eliphalet Nott, the famous president of Union College, and at least one other eminent Protestant divine—a Methodist,—and had received their cordial approval. Nevertheless, the recommendation lost him many votes, and in the election he ran several thousand behind the national ticket.

Early indications in other States were favorable to the Whigs. Maine, in September, went "hell-bent for Governor Kent," a performance that instantly added another stanza to the song of "Tippecanoe, and Tyler too." In October the Whigs handsomely carried Ohio and Indiana, both of which States were intimately associated with their candidate; and in November the majority of the whole nation followed their example to

such an extent that the vote of New York was not needed to elect Harrison, though it was given to him. Some disappointment was expressed at the smallness of Harrison's majority in New York, though without reason. It was Van Buren's own State, and his utmost efforts and those of the still potent Regency were exerted to the full to win it. In the circumstances Harrison's majority of 13,290 was highly creditable. The Abolitionist candidate, J. G. Birney, polled only 2,808 votes, not enough to affect the result.

Seward, as already stated, ran behind Harrison. He polled 222,011 votes, to 216,808 for Bouck, thus winning by a margin of 5,203. On the Abolitionist ticket Gerrit Smith got 2,662 votes.

Meantime the government of the State maintained the even tenor of its way. The Sixty-third Legislature assembled at Albany on January 7, 1840. In the Senate the veteran Clerk, John F. Bacon, was replaced by Samuel G. Andrews. In the Assembly the former Speaker, George W. Patterson, was reëlected, and Philander B. Prindle was made Clerk. The Governor's message, like that of the previous year, was a thoughtful and detailed presentation of the interests of the State. Extended reference was made to the progress of the University of the City of New York (now New York University), and it was recommended that the State should release that institution from its indebtedness for the building-stone for its famous Washington Square building, which had come from the State prison quarries at Sing Sing. Other recommendations were for special schools for immigrants' children, already men-

tioned; for more complete abolition of imprisonment for debt, which was effected; and for added safeguards for the purity of elections, which led to the enactment of the first Registration law. Report was made of the Governor's action in the matter of the Anti-Rent war and in the controversy with Virginia, of both of which subjects mention has hitherto been made.

Governor Seward gave much space to an elaborate discussion of banking and the currency, and emphasized the imperative need of a more stable and trustworthy paper currency which would not be subject to ruinous discount in other States. He suggested the desirability of a general revision of the banking laws. Then, turning to more distinctly political matters, he dwelt upon the increasing arrogation of power by the Federal government during the last few years and the serious infringement upon the rights of the States, and suggested that the time had arrived when such tendencies ought to be checked and the power of the President strictly circumscribed. To that end he advised that the President's tenure of office be limited to a single term, and that Congress have the power of appointing the chief financial officers of the nation.

Public works occupied a major place in the message. The Governor reported much progress in the building of railroads and questioned the propriety of prohibiting the transportation of freight on them in competition with the canals! At any rate, he argued, such prohibition should certainly be suspended during the winter season, when the canals were closed with ice. He discussed the cost of the canals, which many re-

garded as excessive and as likely to plunge the State into bankruptcy. He admitted that these costs had exceeded all estimates. The Legislature had committed the State to the expenditure of thirty millions for enterprises the cost of which had been estimated at not more than fifteen millions. The original estimates, he confessed, showed great miscalculation. Nevertheless he was strongly opposed to any abandonment of the works that had been undertaken. He advised continuance with increased prudence and circumspection under the supervision of a competent board of engineers, and with all issues of bonds kept within such limits as would permit the payment of all interest on them out of the surplus revenues of the State. He was still in favor of enlargement of the Erie canal, and, if necessary, of State aid to the Erie and other railroads. He made a singularly eloquent appeal and argument, of great length, for the construction of public works at State expense—the course thus advocated being pursuant to one of the cardinal principles of the Whig party, which from its earliest organization had strongly advocated internal improvements.

The Governor on March 14 sent to the Senate a long report on the anti-rent troubles. Three days later he transmitted to the Assembly a detailed report of a great citizens' meeting in New York in favor of the enactment of a national Bankruptcy law. He argued strongly in favor of the proposed measure, and recommended that the Legislature advise the New York Representatives in Congress and instruct the Senators to give it their support. The Legislature adopted a

concurrent resolution to the desired effect.

A noteworthy veto message referred to a bill which would deprive an alien father in this country of the natural right of guardianship over minor children in case he wished to take them to a foreign land, the children and their mother being of American birth. In the message he entered into an elaborate discussion of conjugal rights and authority over children. The bill was, however, repassed over his veto.

Early in the session the Legislature performed two notable acts of a purely partisan character, which, however, were so much in accord with the spirit and practice of those times as to seem by no means out of the ordinary routine. One was the enactment of a bill removing Edwin Croswell from the office of State Printer and appointing Thurlow Weed in his place. Mr. Croswell had performed the official duties of his place with fidelity and high ability, and in addition had been the very efficient editor of the Democratic organ. Mr. Weed, in his turn, also served in the most satisfactory manner possible, besides being the brilliant and powerful editor of the chief newspaper of the Whigs.

Following this five new Canal Commissioners were chosen. The five sitting Commissioners were all Democrats, who had been active in party politics and doubtless had used their official influence to promote the interests of their party, though there was no hint of any improper action or any neglect of their public duties. All of them were removed, and their places were filled with five Whigs. Among the Commissioners thus ousted was William C. Bouck, whom the

Democrats a few months later made their candidate for Governor. It was at first proposed to retain him in office because of his long service and consequent familiarity with all the details of the canal administration, but in the end he was removed with his colleagues. The Legislature adjourned on May 14 without day.

We shall do well to regard this year 1840 as marking an epoch in the history of New York and indeed of the nation, and to take a brief survey of the material condition of the State at that time. It was indeed an epochal year, for it saw the overwhelming defeat in national politics of that great party which had enjoyed unbroken control of the government since the first year of the century, and it saw, too, the rise of a great new party that was destined to lead the way to a still greater one that would thereafter for most of the time dominate the State and nation. It saw in New York the confirmation of the victory of the Whig party, achieved two years before, the breaking of the power of the Albany Regency, and the beginning of an era in which for fourscore years political control of the State alternated, with frequent dramatic changes, between the two great parties.

The population of the United States in 1840 was 17,100,572, of which New York had 2,428,921, or almost exactly 14 per cent. No other State approximated two millions, and only three others exceeded one million. Virginia, originally the largest of all, had fallen to the fourth place, Pennsylvania and Ohio being respectively second and third. New York thus had then a much larger proportion of the whole population

of the United States than it has at the present time. On the other hand, New York City had a far smaller proportion of the population of the State. Its population was only 312,710, or less than thirteen per cent. of the State's, whereas at present the percentage is above fifty. Still, it was by far the largest city of America. Brooklyn was the second city of the State, with 36,233. Albany had 33,721, Rochester 20,191, Troy 19,334, Buffalo 18,213, Utica 12,782, Salina (Syracuse) 11,014, Fishkill 10,437, Poughkeepsie 10,006, Lockport 9,125, Newburgh 9,833, Mount Pleasant (Sing Sing or Ossining) 7,307, Seneca (Geneva) 7,073, Schenectady 6,784, Warwick 6,626, Plattsburg 6,146, Kingston 5,824, Williamsburg 5,680, Rome 5,680, Hudson 5,672, Catskill 5,339. No other place in the State had so many as 5,000 inhabitants. Albany was the second county of the State, Onondaga third, Monroe fourth, Erie fifth, Jefferson sixth, and Rensselaer seventh, no other having so many as 60,000 inhabitants.

New York was at this time the foremost agricultural State of the Union. It surpassed all others in the number of horses, mules, cattle, sheep, and poultry which it possessed, and in the quantities which it produced of barley, oats, buckwheat, wool, hops, hay, potatoes, dairy products, fruits, and lumber. It stood second to Tennessee in number of swine, to Pennsylvania in rye, to Alabama in wax, to Louisiana in sugar, and third to Ohio and Pennsylvania in wheat. It surpassed all other States in the length of its mail routes, 14,598 miles, on which during the year the mails were transported 3,203,060 miles by stagecoach, 1,102,106 by



horse and sulky, and only 619,160 by railroad.

The canals of the State, which had figured so largely in politics and concerning which there had been and still was so much controversy, had cost down to February 23, 1837, \$11,963,712, and measured 631 miles in length. To this cost there had been added, in Governor Seward's administration, expenditures or contracts amounting to \$30,444,000 more. The tolls received from traffic on the canals began with \$5,437 in 1820; in 1823 they were \$152,958; in 1825, \$566,279; in 1830, \$1,056,922; in 1835, \$1,548,986; in 1840, \$1,775,747; and in 1841 they surpassed two millions. The merchandise arriving at tidewater on the canals in 1840 was 669,012 tons, and that going in from tidewater was 129,580 tons.

The total debt of the State in 1840 was \$20,165,254, which was larger than that of any other State except Pennsylvania. The debt of New York City was \$9,663,269, which was more than twice as large as that of any other city in America. Salaries of officials were small. The Governor received \$4,000, the Lieutenant-Governor six dollars a day during the session of the Legislature, and Senators and Assemblymen three dollars a day for the same time. The Comptroller and Secretary of State received \$2,500 each, the Treasurer \$1,500, the Attorney-General \$1,000, the Chancellor \$3,000, the Justices of the Supreme Court \$3,000 each, and the Judges of the Circuit Courts \$1,600 each.

In the Twenty-seventh Congress of the United States, of which the House of Representatives was elected in 1840, New York still had the forty Representatives

apportioned to her under the census of 1830. In that year (1840) the Democrats elected all the members from New York City, and among them was the ominous figure of Fernando Wood. Elsewhere in the State the Whigs reelected Francis Granger and Millard Fillmore. The entire delegation consisted of 21 Democrats and 19 Whigs.

## CHAPTER XVI

### WHIG DISASTER

**T**HE Whigs of New York began the year 1841 flushed with the overwhelming triumph of the preceding autumn, which gave them their first President and placed them in full control of all departments of the State government. The Sixty-fourth Legislature met on January 5 with a strong Whig majority in each house. No change was made in the organization of the Senate. In the Assembly a new Speaker was chosen in the person of Peter B. Porter, Jr., of Niagara county.

Governor Seward's message was, as usual, long and scholarly. Much of it was devoted to a routine review of the various interests of the State, but several special topics were dwelt upon in his characteristic fashion. Reference was made to the considerable measure of success already resulting from the act of 1840 for the regulation of elections in New York City. Under that law the election was required to be held and completed in a single day, instead of extending over three days as thitherto; the wards were divided into election districts; and registration of voters in advance of election was directed. All were admirable provisions, now regarded as matters of course. They were then, however, opposed and bitterly denounced

by the Tammany Hall Democrats, on the ostensible ground that they constituted an odious discrimination against the city since they were applied to no other part of the State. Seward accordingly recommended that the same provisions be extended to the entire State, which was in time done.

In addition he recommended a Corrupt Practices act that would make it a felony for anyone to vote who was not legally qualified to do so, and would punish with life-long disfranchisement anyone guilty of either giving or taking a bribe for voting. This recommendation was doubtless occasioned by an incident of the fall election of 1840. One J. B. Glentworth, a New York tobacco inspector and an active Whig politician, proposed to another Whig leader that a lot of men be brought over from Philadelphia to vote in New York, Pennsylvania being supposedly far more certain to go Whig than New York. He boasted that he had thus "colonized" voters in 1838 with great success, at a cost of about thirty dollars each. His plan was to pretend that they were legitimately employed at laying water-pipes. Hence originated the term "laying pipes," as an expression in political vocabulary.

The chief Whig leader to whom Glentworth made his nefarious proposal pretended to be interested in it and inclined toward putting it into practice, until he had secured from him documentary evidence of his knavery. Then he denounced him to the Governor, putting the incriminating documents for safe keeping in the hands of a trustworthy citizen. Seward removed

Glentworth from his tobacco inspectorship and had a proceeding against him begun before the Recorder of New York, Robert H. Morris. Thereupon Morris went, late at night, with a police officer, to the citizen who had the documents in the case and compelled him, under threats of force, to surrender them. For this arbitrary act it was purposed to seek Morris's indictment, but Morris himself delivered the charge to the grand jury at the beginning of its inquest and of course influenced it as strongly as possible in his own favor. On account of such extraordinary conduct the Governor recommended to the State Senate that Morris be removed from the Recordership and that Frederick A. Tallmadge, formerly State Senator, be appointed in his place. A long discussion of the matter followed in secret sessions of the Senate, which ended in the action that Seward had recommended. That was in February, 1841. In May following Morris was elected Mayor of New York by a large majority.

Despite the unfavorable reception of his suggestion of the year before concerning the education of the children of immigrants, Seward returned to the subject in his message of 1841, calling attention to the vast inflow of immigrants, to the illiteracy which prevailed among them, and to the urgent need of making ampler provision for the education of their children. But he emphasized the point that all such education should be in the English language. Much of his message was given to the subject of the canals and to a defense of his policy of lavish expenditures for them and for other public works. He called attention to the enormous

area of unimproved land in the possession of the national government and strongly urged that proceeds from the sale of such lands, together with the surplus Federal revenues, be divided among the States to enable their construction of much needed public works.

The controversy with Virginia over the extradition of men charged by that State with "nigger stealing," meaning assistance of fugitive slaves to escape, formed the subject of a special message to the Senate on March 26. Seward reported that he had asked for the extradition from Virginia of a New York man guilty of forgery, and that the Governor of Virginia, while admitting that he had the fugitive in custody, refused to surrender him unless New York would give up the men demanded by Virginia and would also repeal the law granting jury trials in the cases of fugitive slaves. He added that he purposed to stand firm in his refusal to surrender the men and strongly urged the Legislature not to repeal the law in question, which of course it did not do. A little later the Governor of Virginia resigned his place, and the Lieutenant-Governor, who succeeded him, promptly surrendered the forger for whom New York had asked, at the same time bitterly reproaching the government of New York for not doing likewise by surrendering the men for whom Virginia had made requisition. Seward replied with a long and forceful letter strongly pointing out the radical difference between the two cases and maintaining his own ground.

Another special message in May called attention to vigorous remonstrances which mechanics were making

against the competition of State prison labor with their industries. The Governor recognized the legitimacy of the protests and the gravity of the grievance complained of, but at the same time strongly deprecated dooming the prisoners to idleness. He recommended that there be introduced into the prison workshops other industries, which would not come into competition with the free labor of the State.

As usual, much attention was given in the message to the public school system. John C. Spencer, who was Secretary of State and therefore also Superintendent of Schools, presented a most interesting report, in which it was urged that there be constituted for each county in the State a Deputy Superintendent. Favorable action was taken by the Legislature, the law providing that the Deputy Superintendents should be appointed by the Boards of Supervisors of the respective counties. The system proved to be of immense benefit to the schools by bringing them more immediately under local directors.

Another question discussed by the Governor in his message was that of capital punishment, for the abolition of which there had been some agitation. The Legislature appointed a select committee to investigate and consider the matter, and the result was the drafting of a measure providing for the abolition of capital punishment and the substitution of imprisonment for life, with abolition also, in such cases, of the pardoning power of the Governor. Although this measure was supposed to be favored by a majority of the Legislature, as also of the people of the State, it was finally

rejected by a narrow margin. The Legislature adjourned without day on May 26.

An important episode of this year was an aftermath of the rebellion in Canada and the Canadian seizure of the American steamer "Caroline" in the Niagara River, as hitherto recounted. Alexander McLeod, a British subject, visited New York and boasted that he had been one of the party that seized the "Caroline" and had himself fired the shot which killed a man in the encounter. He was arrested and put on trial for murder. The British government through its Minister at Washington intervened with a protest, on the ground that if McLeod had really done as he boasted he had, he had been a member of the organized and armed forces of the British crown and had acted under the direction of superior officers. The British Foreign Minister, Lord Palmerston, intimated that McLeod's conviction and execution might prove to be a cause of war between Great Britain and the United States, and Daniel Webster, Secretary of State at Washington, argued that if McLeod was to be tried at all he should be brought before a Federal and not a State court, and urged Seward to stop the proceedings.

Seward replied that he had no power to interfere with the work of the courts, though he promised to pardon McLeod if he should be convicted. When an attempt was made to secure McLeod's release on a writ of habeas corpus the courts held that as there was no state of war between Great Britain and the United States at the time of the "Caroline" affair, and as McLeod held no commission in the British military serv-





DEAN RICHMOND

Dean Richmond, business man; born, Barnard, Va., March 31, 1804; settled at Salina and sold salt at the age of 15; was a bank director at 20; went into the shipping business at Buffalo, 1842; chairman of the democratic state committee for many years but never an aspirant for office of any kind; died, New York City, August 27, 1866.



ice, British assumption of responsibility for his acts could not be recognized as taking him out of the jurisdiction of the New York courts.

But just as the case was thus beginning to look most ominous and tragic, it was turned into a farce by McLeod's confession that he had been lying and that in fact he had not been anywhere near the "Caroline" at the time of her seizure and destruction, and he produced witnesses who satisfactorily proved an alibi for him. Of course the matter was at once dropped. The refusal of Seward to intervene led, however, to a complete rupture of relations between him and Webster, and that in turn had an unfavorable effect upon the fortunes of the Whig party in New York.

Those fortunes steadily ebbed all through the year 1841, for a number of causes. President Harrison died a few weeks after his inauguration, and John Tyler, becoming President in his place, went over to the Democrats, and thus the Whigs of New York were deprived of whatever advantage they might have derived from Federal patronage. John C. Spencer, Secretary of State of New York, followed the fortunes of Tyler, carrying with him a number of Albany Whigs, and thus severed his political relations with Weed and Seward. Many other Whigs, while they would not go with Tyler into the Democratic camp, regarded Seward as too radical and grew lukewarm in their support of him and of the party under his leadership. His course toward Virginia made many whose political principles were subordinated to their pecuniary interests fearful lest business should suffer from suspension

of trade with the slave States. Above all, there was widespread disapproval of his reckless expenditures for canals. As the State debt rose by millions the Whig vote decreased by thousands.

In the legislative elections of the fall of 1841 the Whigs were badly beaten, the Democrats securing a majority not only in the Assembly but in the Senate as well. Among those for the first time called to public service in the Legislature were Erastus Corning, Senator from the Third district; and in the Assembly John A. Dix of Albany county, Horatio Seymour of Oneida, Lemuel Stetson of Clinton, Theron R. Strong of Wayne, and Sanford E. Church of Orleans. Mr. Church was the first Democrat elected from the so-called "infected region" (dominated by the Anti-Masonic movement) since the abduction of Morgan.

The Sixty-fifth Legislature, thus chosen, met on January 4, 1842. In the Senate the Democrats elected Isaac R. Elwood, of Rochester, Clerk; and in the Assembly they elected Levi S. Chatfield, of Otsego county, Speaker, and John O. Cole, of Albany, Clerk. Governor Seward's message, perhaps because it was addressed to a politically hostile body, was even more scholarly, statesmanlike, and elevated in tone than any of his former state papers, and was throughout instinct with indomitable courage. He reported the enactment of a law by the State of Virginia calculated to embarrass the commerce of New York, but which was not to go into effect until the next May (1842) and which might be indefinitely postponed or suspended at

any time by the Governor of Virginia if New York would surrender the three men charged with stealing slaves and would repeal the law giving fugitive slaves the benefit of trial by jury. He reaffirmed his resolution not to surrender the men, and left it to the Legislature to decide whether it should repeal a law of justice and equality at the dictation of another State. He also submitted to the Legislature correspondence that had passed between himself and the Governor of Georgia relative to the latter's request for the extradition of a man charged with stealing a slave. The case was closely similar to that of Virginia, and was treated by Seward accordingly. On January 8 he reported in a special message that the Legislature of Delaware had adopted resolutions disapproving his course in the Virginia controversy, and on February 11 he reported that South Carolina had enacted a measure calculated to embarrass and injure New York commerce, similar to that adopted by Virginia.

The question of dealing with fugitive slaves was promptly taken up in the Legislature. On general political grounds the Democratic majority was of course hostile to the Governor, and was also strongly inclined to maintain cordial relations with the slave States for both political and commercial reasons. Accordingly the Senate, after much debate, passed a bill repealing the law granting jury trials in fugitive slave cases. This was the action that the southern States had desired, and it was of course a very direct and severe slap at Seward. The Assembly, however, failed to pass the bill. Both houses then joined in adopting

a concurrent resolution, referring to the demand of Virginia for the surrender of three men charged with slave-stealing and to Seward's refusal to give them up on the ground that the act with which they were charged did not constitute a crime within the meaning of the Constitution of the United States, and declaring it to be the sense of the Legislature that the act referred to did constitute a crime within the meaning of the Constitution. This resolution, flatly declaring that it did not agree with him in his controversy, the Legislature requested Seward to transmit to the Governor of Virginia. In a courteous but forceful message on April 12 he declined to do so. He did not dispute the right of the Legislature thus to express its opinion, but he did deny his obligation to be the agent of transmission to another State of anything but an act to which he was a party; and he expressed his strong dissent from the views of the Legislature.

In his message of January 4 Seward resolutely maintained his former policies, even those which had brought upon him most unfavorable criticism and which had alienated many of his supporters. He renewed his recommendation concerning the education of children of immigrants, and declared that he could bear with him in his retirement from public service no recollection more worthy of being cherished through life than that of having effected such an arrangement. Much attention was necessarily given to the canals and other public works and to the State debt. The aggregate debt, including temporary loans, was \$17,395,530. But it was not, he said, a dead weight, as though it

had been contracted in war or for improvident expenditures. It had been created in constructing a vast system of public works, which not only was to yield a return when finished but which was so productive at every stage that its profits furnished all the means necessary for its completion. "The debt," he said, "is large because the enterprise is great." Against a debt of less than seventeen and a half millions he reminded the Legislature of an aggregate of taxable property in the State of seven hundred millions.

He therefore urged continuance in the construction of canals and railroads and other public works, adhering to the rule long before laid down that the debt should not be increased beyond an amount the interest on which could be paid out of the current surplus revenues of the canals, and pledging as a sinking fund for the ultimate amortization of the debt all receipts from the national domain. Even if it were necessary to incur twice the then existing indebtedness, he reckoned that the system which he suggested would in fifteen years discharge the entire obligation and leave the State free of debt and with a large unencumbered yearly income. The Legislature did not accept his optimistic views, and in March enacted a bill providing for the suspension of all canal work except that already actually contracted for; and in order to meet the expenses of such work, instead of further increasing the debt it revived the direct State tax, which had not been levied since 1827, the legislation in this connection providing for the imposition of a tax, for general public purposes, of one mill on each dollar of prop-

erty. Beginning with the next year, 1843, one-half of this tax was to be devoted to canal purposes.

An unpleasant controversy arose between the Governor and the Senate over his comments on a bill that had been passed. In 1841 a measure had been adopted transferring from the Chancellor to the Bank Commissioners the appointment of receivers of insolvent corporations. Early in the session of 1842 a bill repealing this law was rushed through the Legislature. The Governor signed it, but appended a memorandum saying that the law in question contained a salutary and useful provision, that it had been in force too short a time to permit the public to realize its benefits, and that in his judgment it should not have been repealed. Nevertheless, he signed the repeal measure, leaving the responsibility with the Legislature and confiding in its superior wisdom.

When his memorandum reached the Senate a storm arose. It was at once moved to strike the Governor's message from the minutes, on the ground that he had no business to offer it. It was, Senators insisted, his duty to state his objections to a bill if he refused to sign it, but if he signed it he had no right to have his reasons for doing so entered in the Senate's journal. This motion was adopted by a strict party vote of fourteen to thirteen. A little later Seward addressed another message to the Senate vigorously defending his right to file such a memorandum, condemning the action of that body in suppressing it, and declaring that he regarded such action as "a dangerous invasion of the rights of the executive department, unwarranted by



any precedent in the history of the government and without any justification in the circumstances of the transaction." This message caused a still more violent storm, and after an acrimonious debate the Senate, by a partisan vote of fifteen to eleven, ordered it to be returned to the Governor as unacceptable.

One of the first acts of this Legislature was to repeal the law requiring registry of voters in New York City. In its place a law was enacted providing for the formation of election districts generally throughout the State. The repeal was a purely partisan act, dictated by the Tammany Democrats of the metropolis; but the Electoral District law was undoubtedly of great utility both in facilitating the conduct of elections and in protecting them from fraud.

John C. Spencer, who had been Secretary of State of New York, was made Secretary of War in Tyler's cabinet as a reward for his abandonment of the Whig party, and the Legislature elected Samuel Young to succeed him at Albany. For Comptroller, Azariah C. Flagg was chosen, a selection particularly unwelcome to the Governor since he and Mr. Flagg differed radically in fiscal policy. George P. Barker, of Buffalo, was elected Attorney-General; Thomas Farrington, of Owego, State Treasurer; Nathaniel Jones, of Orange county, Surveyor-General; and Henry Storms, of New York, Adjutant-General. These were all, of course, Democrats. There were thus left to the Whigs only the Governor and Lieutenant-Governor; and in order to reduce the latter to the status of chairman of the Senate and nothing more, the Democratic majority

of that body forced through a resolution depriving him of the power of appointing the standing committees and making them instead elective. An attempt was made to remove Thurlow Weed from his place as State Printer, and by a strict party vote a bill was passed by both houses to that end. The Governor vetoed it on the ground that the Secretary of State and Comptroller had, under the law, made a four years' contract with Mr. Weed, which could not constitutionally be abrogated without the consent of Mr. Weed as well as of the State. The Assembly voted to repass the bill over the veto, but the Senate declined to follow its example, and the veto was accordingly sustained.

The election of Azariah C. Flagg as Comptroller was highly acceptable to the banking and other financial interests of the State, and, coupled with the legislation checking all further increase of the debt for canal construction and providing for a State tax, had a favorable effect upon the value of State securities and upon the money market, which in turn strengthened the forces of the Democracy and added to the depression of the Whigs; so that long before the adjournment of the Legislature it was pretty generally expected that the Democrats would carry the State at the fall election and thus regain the Governorship. On April 12 the Legislature adjourned to August 16, when it met to redistrict the State under the new Congressional apportionment, which gave New York only thirty-four Representatives. The Governor submitted a general message, in which he expressed strong dissent from the policy of the Legislature in abandoning so large

a share of the proposed public works. He also delivered, in impressive terms, the valedictory of his administration. "It may be," he said, "that in seeking to perfect the diffusion of knowledge, or in desiring to raise from degradation or wretchedness less favored classes, unjustly oppressed by the operation of unequal laws or adventitious circumstances, or in aiming to carry into remote and sequestered regions the physical and commercial advantages already afforded to more fortunate and prosperous districts, I have urged too earnestly what seemed to me the claims of humanity, justice, and equity; yet, remembering the generous appreciation which those efforts have met, I shall carry with me into retirement a profound sense of obligation and a spirit of enduring gratitude."

Meantime political activity increased in anticipation of the November election, which was to give the State a new Governor. During the winter and spring a distinct line of cleavage appeared in both the parties between their conservative and radical elements. In the Whig party the conservatives were cold toward Seward and disinclined to accept him as a candidate for a third term, while the radicals were loyal and enthusiastic in his support and more and more inclined to sympathize with the anti-slavery party. The conservative Democrats, afterward called Hunkers (because they hankered after the annexation of Texas and all the other territory that could be taken from Mexico) aimed to renominate for Governor William C. Bouck, who had made so fine a run two years before; while the radical wing of the party, afterward called Barn-

burners (because in favoring the Wilmot Proviso they were likened to a farmer who would burn his barn to get rid of the rats) inclined toward Silas Wright, Samuel Young, or Michael Hoffman.

The conventions of the two political parties met on the same day, September 7, at Syracuse. The Whigs gathered under a cloud of depression and gloom. Seward had definitely and irrevocably declined re-nomination. Millard Fillmore was regarded as a candidate and had many supporters; and John A. Collier, of Binghamton, lately Comptroller, was also in the field. But with little hesitation the convention selected Luther Bradish, the Lieutenant-Governor, a man of spotless character, fine ability, and much personal popularity. For Lieutenant-Governor, Gabriel Furman, of Brooklyn, was chosen—an able lawyer and accomplished historian, who had been Judge of a Municipal Court and was just closing a term in the State Senate. The only real enthusiasm was over a resolution calling for the nomination of Henry Clay for President in 1844. A resolution was also adopted approving Seward's administration as Governor.

A far different spirit prevailed at the Democratic convention, which met flushed with confident expectation of victory. All differences of opinion had been composed in advance. Silas Wright, who was worshipped by his followers as few political leaders in New York have been, had written a letter positively declining to be a candidate. The radicals were reminded that all the State officers elected by the Legislature had been chosen from their faction, and were

thus persuaded to accept conservative candidates for Governor and Lieutenant-Governor. Accordingly, with absolute unanimity on the first and only ballot, and without so much as the mention of any other name, William C. Bouck was nominated for Governor, and Daniel S. Dickinson, of Binghamton, for Lieutenant-Governor. They were probably the strongest possible candidates—both men of high character and ability, the one much identified with the canal system and the other with the railroad system of the State. Resolutions strongly commending President Tyler's administration and the doctrines of the national Democratic party were adopted.

The Abolition party nominated Alvan Stewart for Governor.

The campaign was largely apathetic, its result being regarded on both sides as a foregone conclusion. The Whigs busied themselves chiefly with promoting the cause of Henry Clay for the Presidency two years later. Bouck received 208,072 votes; Bradish, 186,091; and Stewart 7,263. But that was not the full measure of the Democracy's victory. They elected seven of the eight Senators and ninety-three members of the Assembly. It was a political revolution as complete as that of 1840 had been, in the opposite direction.

## CHAPTER XVII

### THE UNDERGROUND RAILROAD

THE controversy between New York and Virginia, in which Governor Seward took so resolute a part, was one of the early incidents in the "irrepressible conflict," to use Seward's own later phrase, over the subject of slavery, and it will be fitting at this point to make a brief interlude in our narrative, with some anticipation of later events, to tell of the "Underground Railroad." That famous organization, in which a multitude of New Yorkers were actively concerned, was one of the most strenuous and aggressive factors in that irregular warfare against slavery which extended through a score of years preceding the Civil War, and was one of the influences which made that final arbitrament of arms inevitable. Other free States—Pennsylvania, Ohio, Indiana, and Illinois—were more directly in touch with the institution of slavery; but none surpassed New York for interest in the "railroad." The name was faithfully expressive of its great system of secret service maintained for the major purpose of conducting fugitive slaves to Canada and to freedom and, incidentally, to encourage slaves in general to follow their example. Professor Albert Bushnell Hart, of Harvard University, in his preface to Professor Wilbur H. Siebert's work on the subject, describes the Underground Railroad, in retrospect, as

“simply a form of combined defiance of national laws, on the ground that those laws were unjust and oppressive.” The men who operated it flatly refused to recognize property rights in human beings, and they repudiated any and every legal dictum to the contrary. Believing slavery to be an evil they did their best to destroy it, little by little, by liberating its victims. In pursuance of that passionate purpose they developed an elaborate organization which antedated Lincoln’s Emancipation proclamation by many years.

Of the great network of hidden agencies thus created, New York State was an important territorial and strategic sector. It was behind the middle west, and especially behind Ohio (which bordered on both Kentucky and Virginia), in the number of its Underground routes; but what it lacked in that respect it more than made up in the eminence of the men who directed the system, from time to time, within its borders. Among them were Frederick Douglass, of Rochester; Gerrit Smith, of Peterboro, Madison county; and John Brown, who was ardent and resourceful as an Underground operator during the periods of his residence on his Adirondack farm at North Elba. The middle west was a shorter cut from the southern plantations to Canada; but many of the fugitives who passed northward by the way of Maryland found in New York a choice of several routes to freedom, each of them manned to the Canadian border by vigilant and hospitable zealots for liberty.

The origin of the Underground Railroad is only imperfectly traced by tradition. It is known to have

operated spasmodically, and on a small scale, long before the advent of the steam railway from which it derived its later name. Congress passed the first Fugitive Slave law in 1793, providing for the reclamation of persons escaping from servile labor. This statutory expedient for enforcing the constitutional mandate was made necessary by the difficulties experienced by slaveholders in recovering possession of their escaped slaves in Pennsylvania and New Jersey. As early as 1791, public attention was directed to a case in Washington, Pennsylvania, where a slaveholder was compelled to kidnap a colored fugitive to whom he laid claim. But although the law of 1791 imposed a fine of \$500 upon any person who should rescue or harbor a fugitive from labor, or resist his capture, it was frequently violated. In the early years of the Nineteenth century escapes from servitude became more common, because the invention of the cotton gin had stimulated the demand for slaves in the distinctive cotton States, and the horror of being sold "down the river" drove many previously contented slaves in Virginia and Kentucky into making a desperate dash northward. As early as 1804 secret or "underground" methods of aiding escaped slaves were known in and about Philadelphia. According to the best authorities, the northern outlets for slaves were called "the Underground road" as early as 1831; and later the system borrowed its more pretentious title from the newly introduced railway.

At the close of the first half of the century the activities of the Underground Railroad, stimulated by the Abolitionist propaganda directed by William Lloyd



Garrison and Wendell Phillips, had provoked a strong southern demand for repressive legislation which should be effective. The response of Congress was the enactment of the Fugitive Slave law of 1850, a part of the famous Clay Compromises. This measure was in itself a formal recognition by Congress of the gravity of the southern grievance. The dismay and anger of the slaveholders at the growing boldness of the Underground traffic had been aggravated by the passage in northern Legislatures of the so-called Personal Liberty acts, which were intended to soften the rigor of the Fugitive Slave law of 1793 or to make its successful enforcement next to impossible. Most of them went no farther than to insure fugitive slaves a jury trial and the protection of counsel; but even this safeguard baffled in many cases the attempts at recapture. The second Fugitive Slave law was perhaps the most tempting bait held out to southern Congressmen to secure their acquiescence in the Compromises of 1850. It armed United States Commissioners and Federal Judges and agents with more summary powers over the persons of escaped bondmen. It subjected every person aiding a slave to resist or elude capture to a fine of \$1,000 and six months' imprisonment. It provided that ownership of the fugitive should be determined by the simple affidavit of the claimant, and it outlawed every statute of the States that had previously been invoked to hinder or delay the powers of recovery.

If the provocation of this sweeping Federal legislation was the Underground Railroad and the Personal Liberty laws that gave a certain pretext of legality, or at

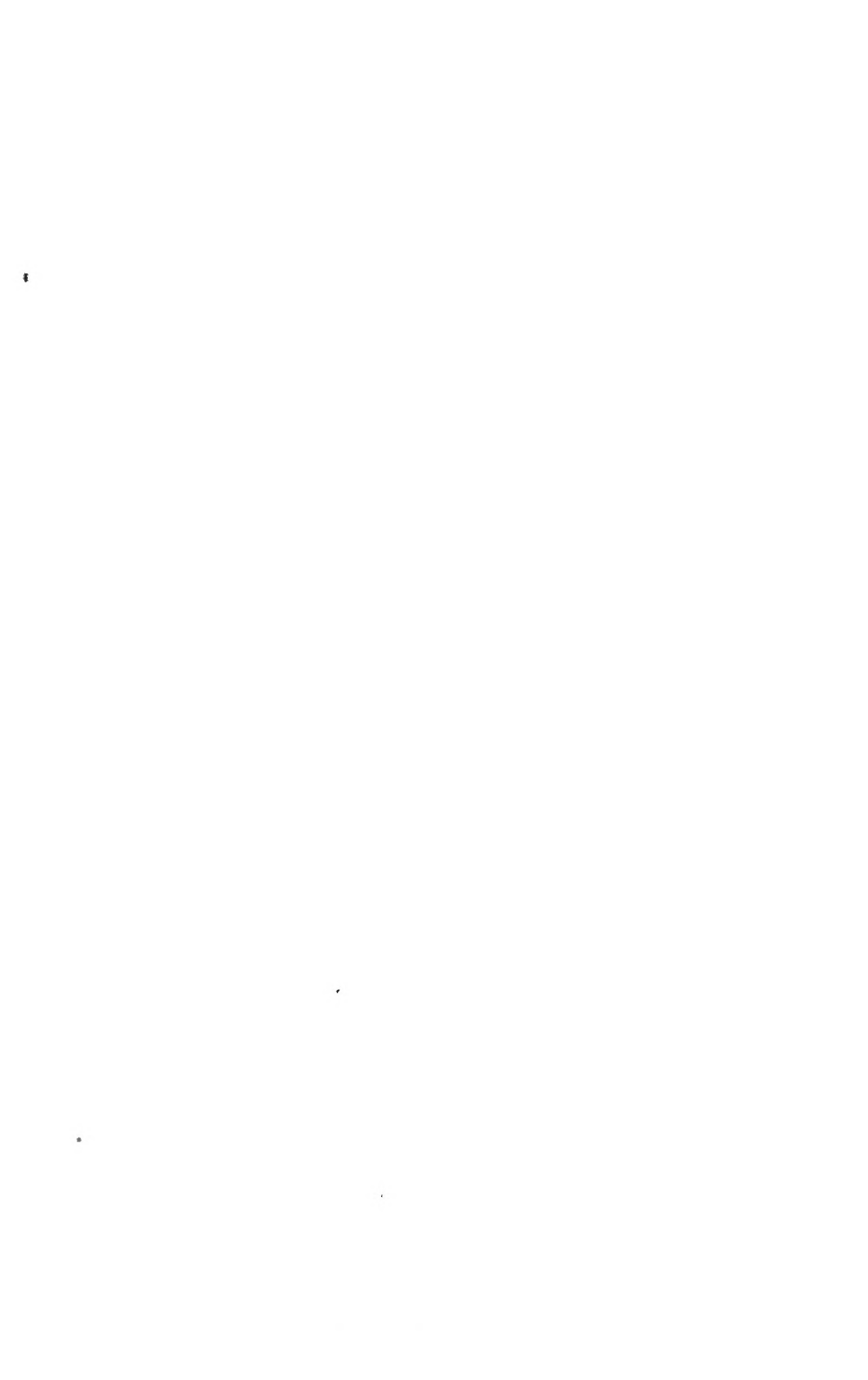
least a moral encouragement, to its conductors, the effect of it was just the reverse of what the promoters of the Compromises expected. From 1850 onward the Underground Railroad extended its branches and moved, figuratively, under a more powerful head of steam. The eastern and northern States answered the challenge of Congress with more drastic Personal Liberty laws, by the terms of which State aid of any kind, even to the use of State jails, was denied to the agents of the Federal government. The Abolitionists now had a new and deadly weapon of attack upon the institution of slavery and its defenders. Their fiery denunciation of the Federal government for endeavoring to transform the citizenship of the north into slave-catching allies of the southern planters, awoke responsive echoes in many northern hearts that previously had been either cold or indifferent. In New York State, in particular, whose people had been far less responsive to Abolition radicalism than the middle west, the volume of adverse sentiment aroused by the second Fugitive Slave law swelled rapidly.

The date of the new law was September 18, 1850. The first New York city to be heard from in condemnation was Syracuse. On September 26 the Syracuse press carried a call for a meeting of protest, and on October 4 it was held in the City Hall and largely attended. By resolution it ordered the appointment of a vigilance committee of thirteen members, "whose duty it shall be to see that no person is deprived of his liberty without due process of law." Viewed in the retrospect this was, in effect, a public endorsement of the Underground



WILLIAM C. BOUCK

William C. Bouck, 15th governor (1843-44); born at Fultonham, Schoharie county, January 7, 1786; farmer; town clerk of town of Fulton, 1807; supervisor, 1808-9; sheriff, 1812; member of assembly, 1814-16, 1818; appointed canal commissioner in 1821 and held the office for 19 years; defeated candidate for governor, 1840; elected 1842; assistant treasurer of U. S. at New York City, 1846-49; died at Fultonham, April 19, 1859.





HENRY CRUSE MURPHY

Henry Cruse Murphy; born in Brooklyn, N. Y., July 5, 1810; graduated from Columbia college in 1830; lawyer; prosecuting attorney for Kings county, 1833; mayor of Brooklyn, 1842-1843; delegate to the state constitutional convention of 1846; in Congress, 1843-1845; defeated for reelection in 1845 but reelected and served 1847-1849; minister to the Netherlands, 1857-1861; member New York state senate, 1862-1873; delegate to the state constitutional convention of 1867-1868; died in Brooklyn, N. Y., December 1, 1882.



Railroad. Syracuse thus became one of the main centers of the whole underground system. This was not wholly due to the bold defiance of its October meeting, nor yet to its location at the geographical heart of the State. Another influence operated to make the city a focus of attention at that time. It was the home of two clergymen who loom large in the history of the Underground Railroad. One was the Rev. Samuel J. May, a Unitarian minister and a fearless Abolitionist; the other was Elder J. W. Loguen (afterward Bishop) of the African Methodist Church, who was born to slavery and escaped by the underground route in the 1830's. These two men were moving spirits of the Syracuse meeting, and they made good their pledges by untiring energy as station-masters of the Underground Railroad. A year later their home community again advanced into the limelight as the scene of the "Jerry rescue."

In following the history of New York's subsequent share in the activities of the Underground Railroad, the narrator has to rely upon the evidence of a few men recorded long after its daring and romantic service had ceased. Judged by the standard set at Washington it was a lawless enterprise, and its New York routes were outlined only in the memory of its zealous conductors. Very few contemporaneous documents have come down to us descriptive of its operations. The men connected with it had a double reason for secrecy. They knew that, while they were heeding the voice of conscience and obeying the moral law as they interpreted it, they were violating the written law of the nation. Another consideration constrained them to pursue a policy of

concealment. Though it is true, as we have observed, that, beginning in 1850, the tide of public opinion in this State began to rise steadily against slavery, its advance was slow; and in the early '50's there was little popular tolerance for Abolitionism and still less for that extreme phase of it which was chiefly concerned with the deliverance of fugitive slaves. Thus the indefatigable managers of the Underground Railroad had to reckon not only with the risk of prosecution and punishment by the Federal courts, but with a bitter home prejudice, amounting in many cases to contempt and disgust. In self-defense, therefore, they pushed their plans with unceasing caution. They had no inscribed records, and they kept their signal codes under their hats. There was no pretense of running the railroad on schedule time; but, barring a few exceptional cases, it reached its Canadian destination just the same.

From data collected by many writers and investigation after the Civil War, an enlightening idea can be gained of the underground routes that traversed New York State. One of them followed the Hudson River from New York City up to Albany, westward through Schenectady and Utica, and thence to Lake Ontario, via Oswego, Mexico, or Port Ontario. Another crossed the Pennsylvania border north of Wilkes-Barre, proceeding directly north to Peterboro, the home of Gerrit Smith, and thence to Oswego. Still another crossed the Pennsylvania border just south of Elmira and proceeded northward paralleling Seneca Lake, and then switched westward to Niagara Falls. In addition a very important route was that which entered the State



from western Pennsylvania and threw off several branches on New York soil westward toward Lake Erie. These were the four main lines operating within the State from various southward points, particularly Philadelphia and Washington. They had many lateral branches, however, which were constantly varied to meet unexpected emergencies. The principal interior stations for the entire New York system were Albany, Troy, Syracuse, Rochester, Oswego, and Elmira. New York City was a general receiving point not only for the land routes to Canada but for fugitives for whom transportation by water could be obtained to Boston and from that city to Canada.

Of more interest and importance than the geographical outlines of the Underground Railway through this State were the human factors in its silent and secret operations and the methods employed to insure uninterrupted transit to the fugitives. The conductors and agents displayed an almost preternatural cunning in devising schemes for concealing their colored charges or for baffling pursuers. It is needless to say that night travel was almost the exclusive fashion on this particular railroad. After entering the State the fugitive found refuge with some Underground agent near the border, to whose home he had been directed. There he was lodged, sometimes in an attic bedroom, or perhaps in a barn or a nearby cave. When darkness fell on the following evening the refugee was either driven in a covered wagon to the next station, the home of another agent who had been duly notified in advance of the arrival, or, in case the agent was unable to trans-

port or accompany the fugitive, the latter was given minute instructions for continuing his journey alone to the next refuge. Where there was special need of vigilance the reports of the coming of fugitives were transmitted along the route by code messages or mysterious passwords and signals. This freemasonry of communication was known as the "grapevine telegraph." Instances where the fugitive was encouraged to prosecute his northward journey afoot and unattended became more and more rare as the vigilance of the Federal officials and the hubbub raised over the organized violation of law increased. Vehicles of all kinds suitable for the purposes of concealment were mustered into service by well-to-do conductors and engineers of the system. They included covered carriages, deep-bedded farm wagons, and peddlers' rigs. Cases were recorded where fugitives were helped on their northward journey in farmers' wagons, in which they lay covered by straw, vegetables, or sacks of grain. To avert suspicion a woman of the agent's family sometimes drove the wagons thus laden toward the market town. Well-known agents of the Underground, as suspicion deepened about them, were compelled to rely upon desperate shifts. There were instances where, as a last resort, fugitives were nailed in boxes and shipped northward as freight. In other cases the white rescuers and their assistants employed stratagems of different kinds. More than one freedman was piloted to safety by dressing him in woman's clothing and taking him northward by train in the capacity of a family nurse.

In considering the New Yorkers of greater or less repute who were active in or accessory to this work of deliverance, it is proper to begin with Frederick Douglass. He himself had escaped from slavery by a personally conducted underground route. At the age of twenty-one he ran away from his Maryland master, borrowed a sailor's certificate, and took a negro car for New York City, where he arrived on a September day in 1838 without having undergone either molestation or suspicion on the way. It was in 1847 that he settled in Rochester, New York, and from that time until the outbreak of the Civil War he was deeply interested not only in the development of the Underground route but also in every organized effort for the protection of former slaves in New York who were subject at any time to recapture. The ease with which Douglass himself had won his liberation intensified his faith in the expediency and feasibility of the Underground system. After the passage of the Fugitive Slave act of 1850 he redoubled his exertions on behalf of escaping bondmen, and he had many willing assistants among men of his own color. Many of these fugitives, observing the immunity of Douglass and others, decided to settle in the northern States. The total number of these colored residents in the north in 1850 has since been estimated at from 20,000 to 40,000; and New York had its share. In the work of assisting runaway slaves Douglass had congenial employment. At his home in Rochester he kept a room ready for colored fugitives, and frequently sheltered several at a time. His income as a publisher and Abolition lecturer was modest, but

from his own purse or the contributions of sympathizing friends he was always able to furnish his colored guests with the means to continue their journey to Canada. It may be doubted whether any personal influence in this State was more effective than that of Douglass in encouraging the resolute directors of the Underground conductors and in strengthening their hands, and we may well believe that the plantation rumors of the safety and prosperity of Douglass, a self-delivered bondman, inspired many a slave to make a break for liberty. To the end of the Underground chapter he served as a personal link for several routes converging at Rochester, where he was admirably situated for such a purpose; and in his "Reminiscences" he sheds light upon the internal organism of the whole system.

Of the native sons of New York, Gerrit Smith, of Peterboro, was by far the foremost promoter of the Underground Railroad. Born in Utica at the close of the Eighteenth century, he inherited an estate that made him the most extensive landed proprietor in New York. As early as the late 1820's his philanthropic instincts were revealed in his active sympathy with the anti-slavery movement, then assuming an organized form; and a little later he took an enthusiastic interest in a scheme of negro colonization in northern New York, which afterward was partly realized. He was attending a meeting of the American Colonization Society in Syracuse in 1831 when he was assailed by a mob of pro-southern sympathizers, and this experience, aggravated by a similar one in Utica four years later,

hardened his attachment to the Abolition cause. Unlike his fellow-agitators of the Garrison-Phillips type, he staked much of his hope for the ultimate success of the Abolition cause upon the agencies and mutations of politics. He was one of the organizers of the Liberty party in western New York in 1840; in 1848 and again in 1852 he was its candidate for the Presidency; and twice, in 1840 and in 1858, he conducted a hopeless campaign for the Governorship of New York on an anti-slavery platform. But it was in his close association with the dauntless spirits that were warring against slavery by means of the Underground Railroad that his sworn enmity to human bondage was most effectively, if not most conspicuously, displayed. It carried him to hazardous extremes, particularly in the financial aid he gave to John Brown; and he narrowly escaped arrest and prosecution for complicity in Brown's historic raid at Harper's Ferry. His connection with the Underground route took divers forms. Not only did he personally aid in the escapes of colored refugees, but he helped the enterprise even more serviceably by his readiness to finance the movement wherever money was needed and to pay the legal expenses of persons charged with violation of the Fugitive Slave law. In the troubled decade from 1850 to 1860 his connivance in the operations of the railroad knew little relaxation, and as late as 1860 he answered a call to Toronto, where he successfully defended the negro William Anderson, who seven years before had endeavored to escape from servitude in Missouri and had killed the man who tried to recapture him. It was known all

along the lines of the Underground that Smith's spacious home at Peterboro, Madison county, was a perennial refuge for runaway slaves. There they were always sure of a hospitable welcome. From thence they were sent to Oswego or Cape Vincent or Mexico Point, where the water passage to Canada was easily effected. Richard Henry Dana told of visiting John Brown's farm at North Elba on a summer day in the '50's, where he was informed by his Adirondack guide that all the country in that section belonged to Gerrit Smith, that it was settled for the most part by fugitive slaves who were engaged in farming, and that Brown held the position of a sort of ruler among them.

John Brown's connection with the Underground Railroad was developed most sensationally, and with the most substantial results, in other States than New York. We need consider here only that phase of his tempestuous and tragic career that began in this State in the late '40's and identified him at times with the New York promoters of the Underground. It was in 1847 that Brown came into close communication with Frederick Douglass. In the following year he made his first call on Gerrit Smith at Peterboro, with whom he was soon on confidential terms and to whom he unfolded his ambitious, though quixotic, schemes for a wholesale negro manumission. Two years before, Smith had offered to give 125,000 acres of his patrimonial estate in Essex county for homes for colored people. Negro colonies, with a quota of fugitives, were soon established there. Early in 1848 John Brown decided to settle his family in the midst of the

negro colonists. With this idea in mind he made his Peterboro visit on April 8, and he promptly arranged with Smith for the purchase on easy terms of three farms at North Elba, or Timbuctoo, as it was also called. Thither Brown transported his family in the spring of 1849. There he remained, with intervals of absence, until 1851, when he temporarily removed with his dependents to Ohio, only to return to North Elba with them in June, 1855. Two months later he parted with his family to pursue in Kansas the more violent career that ultimately led him to a Virginia scaffold. In the closing years of his life he made only intermittent visits to his North Elba home. But in these subsequent journeys to this State he found in Douglass, Smith, and the Rev. J. W. Loguen, of Syracuse, ever-ready helpers in the work of securing funds, outfits, and volunteers for his Kansas campaign. It was after one of Brown's earlier sorties from North Elba that he formed in Springfield, Massachusetts, his colored League of Gileadites—his first effort to organize the former bondmen to defend themselves and to advance their interests. That was in January, 1851, and it was his personal response to the new Fugitive Slave law.

On the first of his epochal trips to Kansas, John Brown stopped at Peterboro to enlist Gerrit Smith in his western enterprise, and received from Smith a modest contribution, soon followed by several others. It would appear that Smith was informed as to Brown's plan only to the extent that his Kansas crusade would be directed to rescuing the Territory from slavery—a declaration of purpose that was sufficient,

in itself, to arouse the Peterboro magnate's sympathy. In 1855 we find Brown attending an anti-slavery meeting at Syracuse to plead the cause of the Kansas emigrants. At this meeting there was a responsive echo to Brown's appeal, but the Rev. Samuel J. May, Lewis Tappan, and Gerrit Smith himself, while favoring generous financial aid for the anti-slavery pioneers in Kansas, deprecated the use of any part of the money for the purchase of arms. Gerrit Smith then believed that the Underground Railway and all auxiliary movements like that of Brown could attain their objects without bloodshed; but it is known that the later experiences of "Bleeding Kansas" changed Smith's viewpoint in that regard.

For reasons that have been sufficiently explained the operations of the Underground Railway were hidden and noiseless, and therefore attracted only a modicum of public notice. But now and then its bolder and more dramatic enterprises provoked a sensational interest throughout the country. To the events of this class belong the arrest of the fugitive slave Anthony Burns, in Boston in May, 1854, and its exciting sequel. When the Burns recapture was made known, Boston was soon ablaze with indignation. The movement to protect Burns from reënslavement was led by such men as Thomas Wentworth Higginson, A. Bronson Alcott, and Richard H. Dana, Jr., and a packed Faneuil Hall meeting called to protest against the arrest was addressed by Wendell Phillips and Theodore Parker. Later the Court House, in which Burns was confined, was assailed by a crowd of would-be rescuers, but they



were driven back by Deputy Marshals and United States marines. Finally, after a Federal Judge had remanded Burns to his southern owner, the unfortunate captive was escorted by a considerable military force through Boston streets that were lined by scores of thousands of howling and hissing citizens, and a United States revenue cutter carried him back to slavery.

Nearly three years earlier Syracuse was the scene of an Underground drama which had a radically different ending. The rescue of Jerry McHenry in the autumn of 1851 is still among the salient and cherished traditions of the central New York city. We have already seen that soon after the enactment of the Fugitive Slave law, Syracuse not only registered its protest but created a vigilance committee for giving aid to fugitive bondmen. A little more than a year later the citizens had a striking opportunity to prove their sincerity and determination, and they did it in a way that aroused nation-wide interest.

In the winter of 1849-50, while the old Fugitive Slave law was still in effect, a colored passenger arrived at Syracuse on the Underground Railroad. His name was Jerry McHenry, and he had escaped from a Mississippi plantation. He was bound for Canada via the St. Lawrence River, but he found so much sympathy and apparent security in Syracuse that he decided to remain there and take his chances. Being an intelligent man, he soon secured employment with a local cabinet-maker; and later he opened a little shop of his own. In time, however, Jerry's former owner

learned of his whereabouts, probably through some treacherous informant in Syracuse. On October 1, 1851, Jerry was taken into custody by a southern officer and confined in a building located near the bank of the Erie canal at the junction of West Genesee and Clinton streets. The captive's improvised cell was the office of the Syracuse Police Justice. After a brief interval Jerry was arraigned before the United States Commissioner, who had his office nearby. The news of the seizure had quickly spread, and a wave of indignation swept over the city. The Commissioner's office was filled with angry citizens whose looks portended serious trouble.

The initial climax came quickly. While a Federal attorney was presenting the case the prisoner made a sudden break for liberty through a little throng of spectators, who were glad enough to facilitate his flight. He gained the street, dashing eastward. But athletic pursuers were at his heels; and he was retaken within a few blocks, brought back in a cart, and locked up in the Police Justice's office.

As it happened, Syracuse had a goodly number of transient guests on that October day, who had assembled to attend a convention of Gerrit Smith's Liberty party and the annual Fair of the Onondaga County Agricultural Society. Among the visitors, therefore, was a strong contingent of militant Abolitionists, who were not at all backward in the heroic counter-offensive that followed Jerry's recapture. Gerrit Smith was there, and he and the Rev. Samuel J. May and the members of the Syracuse vigilance

committee, including Elder Loguen, took quick counsel and decided on a violent line of action. Word was passed around that Jerry should, and would, be released by force. Scarcely had night fallen when a crowd, armed with rude implements as if for the storming of a fortress, assembled before the building in which the manacled and trembling fugitive was imprisoned. Showers of stones crashed against the brick walls and windows, and a battering ram was soon in vigorous play at the main door. Inside the building the prisoner's guards at first thought of resisting, but as the mob of besiegers swelled and the uproar increased, they decided upon a more prudent course and made such desperate exits as were left to them. One of them broke his arm in jumping from the building. Even Jerry's southern captor perceived that discretion was the better part of valor, and when the crowd had forced an entrance and was mounting the stairs he thrust the negro into the arms of his rescuers, exclaiming, as was reported: "Get out of here, you nigger, if you are making all this muss!" The rest of the story is soon told. Willing hands struck off Jerry's fetters, and he was hurried to a hiding-place, where he was secretly guarded for several days. He was then furnished with money and sped upon a northward journey in a wagon owned by one Jason C. Woodruff, who was soon to be elected Mayor of Syracuse. In Canada Jerry found permanent safety.

It is to be added that, although the rescuers of Jerry McHenry, unlike their Boston imitators, accomplished their purpose with an audacity equal to their success,

not a single one of them was ever punished by the law. Eighteen indictments were found, but the prosecution went no farther. Such was the record, despite the fact that there were no signs of repentance in Syracuse. Indeed, the Liberty convention, in its session of October 2, adopted a resolution in which, referring to a speech of Webster's delivered in Syracuse in the preceding spring in defense of the Clay Compromises and the Fugitive Slave law, congratulated "the glorious city of Syracuse" upon still remaining "undisgraced by the satanic prediction of the satanic Daniel Webster." The anniversary of the Jerry rescue was celebrated in Syracuse for several years after the event.

Oft-told tales like that of the Jerry rescue related to Underground accidents, happy or the reverse, which were but the rare exceptions to the railroad's rule of quiet, methodical service. Its secrets were so well kept that ambitious New York politicians who hated slavery did not hesitate to give it their confidential encouragement and aid. Perhaps the best-known New Yorker of this political class was Thurlow Weed. In the standard biography of Weed by Thurlow Weed Barnes it is related that on one occasion, when prominent political callers were waiting patiently at the famous journalist's home, to be admitted in their turn to his presence, they were both surprised and vexed to see a negro arrival promptly ushered into the great man's council room. The negro soon returned and hastily left the house; and it was then that they learned that he was a runaway slave who had come to solicit

and to receive from Thurlow Weed financial aid in his flight to Canada.

The historic name of Jay was also associated with this work. John Jay, author of New York's first Constitution and second Governor of the State, was one of the first outspoken enemies of human slavery and advocates of emancipation, though he died before the conflict became intense. His son, William Jay, inherited his sentiments and convictions, and during his distinguished career as a Judge of the Court of Common Pleas in New York City was a tower of strength to the cause of equal justice for men of all races. In 1843, after twenty-five years' service, he was dropped from the bench because of his pronounced anti-slavery attitude. His son, John Jay the second, who later was American Minister to Austria and one of the foremost publicists of his time, was a leading member of the bar of New York, and might justly have been regarded as the general counsel to the Underground Railroad. For years he was always ready to serve, without charge, as counsel for fugitive slaves, for those who were aiding them in their flight, and for all who came into conflict with the Fugitive Slave law. He became in 1834 the active manager of the Young Men's Anti-Slavery Society of New York.

A single incident in which John Jay was concerned, which was only one of many of the kind, may be related as a reminder that New York City more than once or twice paralleled the "Jerry rescue" of Syracuse, already narrated. It is here related in the words of one of the chief participants, namely, the father of the

writer of this history—William Johnson, then a business man of New York and an active operator of the Underground Railroad. The present writer recalls it from his father's memoirs, not as a matter of mere filial pride but as a vivid picture of some characteristic scenes in the "irrepressible conflict."

"One morning," wrote Mr. Johnson, "on my way to my office, near the City Hall, I saw a negro running as for his life across the Park, with a crowd in pursuit. I recognized him as the man who had been claimed by an alleged owner from the south and arrested a few days before. That very morning Judge Edmonds in his court in the City Hall had discharged him from custody. But as was the custom in those days, his alleged owner at once trumped up some new charge against him—theft, I think it was—and sought to have him arrested as soon as he left the courtroom. Hence the flight and pursuit. I joined in the chase, with a Mr. Smith, of the *Tribune* staff, hoping to be of aid to the man if he was overtaken. He ran across the City Hall Park, through Beekman Street to Nassau Street, and then turned into Ann Street. By this time the pursuers were at his heels, and he bolted into a basement pie bakery and disappeared. We all rushed in after him, Smith and myself at the van, but he was nowhere to be seen. But there was a door at the farther end of the room, which we knew opened into the engine-room of the *Anti-Slavery Standard* printing house. When the crowd made a rush for it, Smith and I led the way in. There was nobody visible but a brawny giant of an engineer, with a two-foot iron

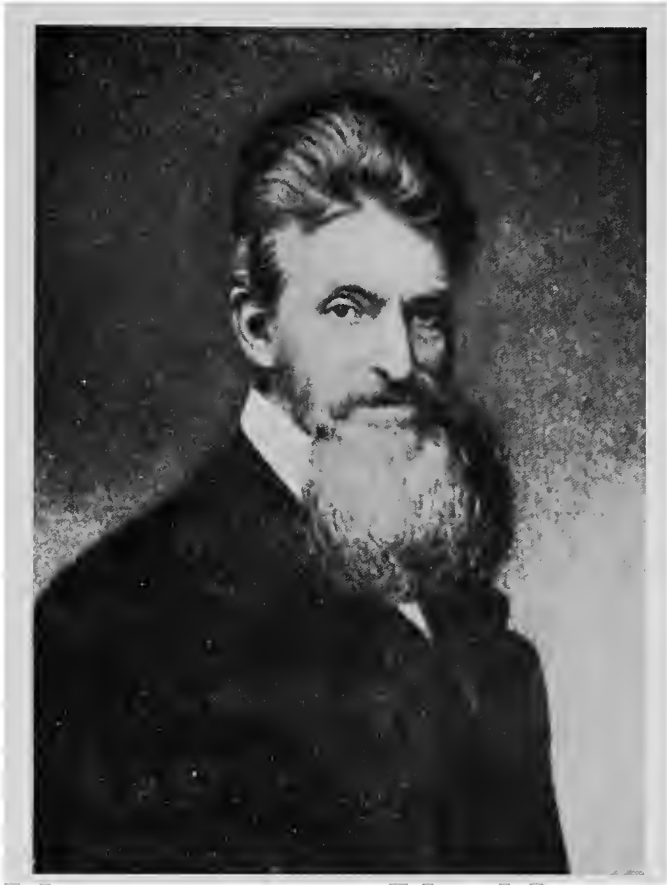


GERRIT SMITH

Gerrit Smith, abolitionist; born in Utica, March 6, 1797; graduated from Hamilton college, 1818; studied law and was admitted to the bar in 1853; elected as an ultra-abolitionist to the 33d congress and served from March 4, 1853, until his resignation in 1854; opened a tract of 1,000 acres near Peterboro, N. Y., to be given to those who would shield and protect fugitive slaves; used his home as principal station of the famous "underground railroad" through which fugitive slaves were transported into Canada; died in New York City, December 28, 1874.







JOHN BROWN

John Brown, abolitionist; born, Torrington, Conn., May 9, 1800; farmer but studied surveying and engineering; took an active part in the contest for Kansas between the friends of freedom and of slavery in 1855-1856; obtained a farm from Gerritt Smith to be used as a refuge for fugitive slaves, 1848-1849; attempted the establishment of a defensible establishment for fugitive slaves on the soil of Virginia, 1859; attacked Harper's Ferry, Va., and took a number of persons prisoner; could have escaped when the soldiers came down on the invaders but made no effort to do so; was tried and condemned to death and executed at Charlestown, Va., December 2, 1859. His body is buried at North Elba, Essex county, N. Y., where the monument raised to his memory may be seen when driving between Westport and Lake Placid.



wrench in his hand. 'Where's that nigger?' roared the crowd. 'Nigger? I don't know anything about any nigger!' replied the engineer, 'and if you haven't any business with me, you'd better get out. This engine room's private!' He was not the kind of man that even a New York crowd cared to trifle with, and they got out. But Smith exchanged glances with him, and when we were outside whispered to me, 'He's up-stairs, under a floor.'

"The fugitive was kept hidden between floor and ceiling for a few days, and then an attempt was made to remove him to the big sugar refinery of Dennis Harris, on Duane Street, which was a sort of Grand Central Station of the Underground Railroad. He was nailed up in a packing-box which, with two or three other boxes of papers and books, was carried out of the *Anti-Slavery Standard* office and placed upon a dray, which Harris had sent for the purpose. I personally directed the loading of the boxes, and then, as the ostensible owner, told the driver to take them to the sugar house, and myself started thither afoot. Two policemen had been watching the building, day and night, to catch the negro if he came out, and one of them eyed the boxes suspiciously, followed the truck, and as soon as it reached Broadway halted it and demanded to know what was in the boxes. The driver replied that he did not know. Then the policeman said, 'I smell a nigger!' summoned a crowd, and broke the box open; and the negro was dragged to the Tombs prison.

"Next day he was brought into court. John Jay was

his counsel, and John McKeon, afterward Corporation Counsel of the city, was for the prosecution. Many prominent Abolitionists were in the courtroom, among them Lydia Maria Child and other ladies. The charge of theft could not be sustained, and the prisoner was promptly discharged. Then the Underground Railroad got to work. We knew that another attempt would be made to arrest the man as soon as he left the building. So we got a closed carriage, with a swift team of horses, and two brawny and resolute men on the driver's seat. I had it quietly brought to the private entrance to the Tombs, on the north side. A great crowd gathered at the main entrance, on the east front, to intercept the negro as he came out. He started from the courtroom for that exit, accompanied by John Jay, Lydia Maria Child, and other friends. These friends clustered about him so closely that he was able, unseen by his foes, to drop upon hands and knees and crawl back and reach the private door, where I waited with the carriage. I thrust him into it, closed the door, and in a moment the horses were on a gallop, headed for Kingsbridge. They were a mile away before the crowd at the main door learned what had happened. There were no telephones in those days, and it was impossible to send word ahead for the stopping of the fugitive; and in a few days more he was safe in Canada."

## CHAPTER XVIII

### GOVERNOR BOUCK

**N**EW YORK'S first "Farmer Governor" presented in intellectual equipment and expression a marked contrast to his predecessors. William C. Bouck was the great-grandson of a German Lutheran who had fled from persecution in the Palatinate with many of his fellow-religionists, and had settled before the Revolution in the Schoharie valley. The son of a hard-working farmer, he himself grew up a tiller of the soil. "Until I was twenty-two years of age," he wrote to a friend, "no common laborer on my father's farm did more work than myself. Often have I gone to the plough before daylight, and from it after dark." His father was a man of ample means, and intended the son to have a liberal education. But thrift and industry kept the boy on the farm, so that his educational training never extended beyond that afforded by the district school. Fine native intelligence and keen observation made, however, a good substitute for pedagogical instruction, and he grew to manhood fully competent for the public duties to which he was called. From an early age his inclinations led him to take an active interest in public affairs, and he soon found opportunities for political preferment.

A Democrat of the school of Jefferson and Madison,

he became a follower of Governor Tompkins, in whose administration he was made Sheriff of Schoharie county; in 1813 he was sent to the Assembly; in 1820 he was elected a State Senator; and in 1821 he entered upon the duties of Canal Commissioner, an office which he filled for nineteen years with notable efficiency and always the highest integrity. After his early attachment to the fortunes of Tompkins he supported Van Buren, and was the chief organizer of the Bucktails in Schoharie county. He was removed from the Canal Commissionership in 1840 by the Whigs, on purely partisan grounds.

The Sixty-sixth Legislature met on January 3, 1843. Isaac R. Elwood, of Rochester, was elected Clerk of the Senate, and George R. Davis, of Troy, was elected Speaker of the Assembly, a place that he had filled in the Fifty-fourth Legislature. Henry N. Wales was chosen Clerk of the Assembly after a vigorous contest between the two factions of the Democratic party. Governor Bouck's message, for reasons already suggested, was very different from the productions of most of his predecessors. It was much shorter, made no pretension to literary style, and indulged in fewer "glittering generalities" on the philosophy of government, but was notably direct and lucid in expression and instinct with shrewd sense. Strong partisanship was apparent also, particularly in his treatment of some of the issues of the previous administration.

The first important topic of the message was that of interstate and State and Federal relations. He strongly condemned what he regarded as the unwar-

ranted assumption of power by the Federal government, beyond the prescriptions of the Constitution and to the detriment of the rights of the States and of the people. Conspicuous among the resulting abuses, he said, was the collection of money from the people, in any form, for purposes of redistribution among the States. Such collection he condemned whether the money was derived from the sale of public lands, from imposts, or from direct taxation. Another abuse he perceived in a law of Congress which was ostensibly for the purpose of regulating the election of Representatives but which in fact practically dictated special enactments to the Legislatures of the States. A third was in the national Bankruptcy law which, he held, was not a bankruptcy law in the sense of the Constitution but a law providing for the discharge of insolvents from their debts without the consent of their creditors. He urged resistance to all such measures, and also a scrupulous care that the State should not in any way infringe upon the province of the national government.

The Governor added that he had been led to make his remarks by observation of certain laws dealing with human slavery. He found on the statute-books of New York laws which conflicted with the constitutional obligations of this State to other States. The principles of such laws had been declared unconstitutional by the Supreme Court of the United States, and he therefore questioned the propriety of retaining them. Especially he referred to the controversy with the State of Virginia over the extradition of men charged with

aiding fugitive slaves to escape, and he declared himself strongly in accord with the resolutions on that subject which the Legislature had adopted and which Governor Seward had declined to transmit to the Governor of Virginia. In brief, he took exactly the opposite view from that entertained by Seward.

The subject of the canals, the railroads, and the finances of the State received much expert attention. No radical recommendations were made, but he urged strict economy in all directions. Although he called attention to the fact that he was the first farmer ever elected Governor, he had little to say about the agricultural interests. He suggested that it would be well to have all laws of general interest published in full in at least one newspaper in each county, so as to acquaint the people generally with their purport.

Early in the session there occurred a great fight in the Legislature over the State Printer. The Democrats were resolved to get rid of Thurlow Weed and put one of their own men in the profitable and influential office. But they so strongly disagreed as to ways and means and candidates that the net result was to widen the breach in their own ranks. The conservatives, or Hunkers, wanted a State Printer to be appointed by the Governor and confirmed by the Senate, a process which would result, they felt sure, in the selection of Edwin Croswell, the forceful and formidable editor of the Albany *Argus* and former State Printer. The radicals, or Barnburners, led by the Comptroller, Azariah C. Flagg, desired that the State Printer should be elected by the votes of the two houses,



expecting thus to secure the choice of Mr. Croswell's partner, H. H. Van Dyck. The Senate voted for the former plan, and the Assembly for the latter. In conference the Senate ultimately acquiesced in the will of the Assembly. Then Van Dyck withdrew from the contest for the sake of harmony, and on January 21 the Democratic caucus nominated Croswell by 66 votes to 40 cast for William Cullen Bryant, editor of the New York *Evening Post*. Croswell was accordingly elected State Printer.

The term of Silas Wright as United States Senator was drawing to a close, and on February 7 he was reëlected, having received the unanimous vote of the Democratic caucus. The Whigs chiefly voted for Millard Fillmore.

There followed another curious controversy which still further exacerbated the animosity between the Hunkers and Barnburners, though it should have involved no partisan or factional issue. Some years before an elaborate geological survey of the State had been authorized, and the results had been printed by the State in six large, sumptuous, and expensive volumes. The Legislature of 1842, by a simple majority vote, had placed this work under the custody of the Secretary of State and had directed him to deliver one set of the volumes to each of its own members. Late in that year, however, the Secretary, Samuel Young, declined to assume the responsibility of making such a disposal of State property. He expressed the opinion that under the State Constitution the act could have been authorized only by a two-thirds vote of the entire membership

of both houses, and that as it was not passed by such a vote, but by a mere majority of those present, the resolution authorizing the distribution was null and void.

That in itself would have excited controversy. But there was more, and worse. The Secretary proceeded to point out that some of the acts of the Legislature issuing millions of dollars of State bonds had similarly been passed by nothing but majority votes. Therefore, he argued, they were invalid, and the State was not compelled to pay the bonds thus issued. A tremendous storm was raised, and after violent discussion two resolutions were offered in the Senate, both of them affirming in the strongest possible manner that, regardless of the manner of their issue, all the bonds of the State should be and must be honored in full. One of the resolutions, presented by Erastus Root, in addition declared that the State government had no right whatever to express any opinion that the bonds were invalid. This resolution, with its unpleasant reflection upon the Secretary of State and the Governor himself, was supported by the Barnburners and most of the Whigs, while the other resolution was favored by the Hunkers. The vote was a tie, whereupon the Lieutenant-Governor decided it in favor of the Hunkers.

The factional fight was continued in the matter of Bank Commissioners. There were three of these officers, well paid, of whom one was appointed by the Governor and two by the banks. In the interest of economy it was proposed by the Hunkers to reduce the commission to a single member, appointed by the Governor. The Barnburners countered with a proposal to abolish

the commission altogether and turn its power and duties over to the Comptroller, and this plan was approved by the Assembly, 56 to 23. The measure did not come up in the Senate until the last day of the session, when it was forced through under suspension of the rules by a vote of 12 to 11, the yeas being cast by Barnburners and five Whigs, the nays by Hunkers and two Whigs. During the session several nominations to office by the Governor were rejected in the Senate as the result of the alliance of the Barnburners and Whigs.

The Legislature at last adjourned without day on April 18, the Democrats of both factions uniting in an apparently harmonious caucus, at which Governor Bouck's administration was approved and the candidacy of Van Buren for the Presidency in 1844 was heartily supported. The Democrats carried the spring charter elections in Albany and New York by overwhelming majorities.

A Democratic State convention was held on September 5, to select delegates to the forthcoming Democratic national convention at Baltimore; William L. Marcy was chairman of the body, the delegates were instructed to vote for Van Buren, and a resolution was adopted heartily commending Governor Bouck's administration.

The November election resulted in another overwhelming Democratic victory, the Hunkers and Barnburners generally holding their differences in abeyance and working together for party success. The Democrats secured seven of the eight Senators and nearly three-fourths of the Assemblymen. Erastus Root was replaced in the Senate by Stephen C. Johnson. In the

Assembly Thomas G. Alvord and Elisha Litchfield were among those elected—both being from Onondaga county.

Many of the Whigs regarded the outcome of the election as little less than an irreparable disaster. Millard Fillmore was in despair, seeing no hope of saving anything from the wreck. He feared that the party, lacking either masterful leadership or cohesive principles, would be dissolved into the factional elements from which it had been formed. But there were those whom defeat made all the more resolute and aggressive. Conspicuous among these was William H. Seward, who discerned from afar the "irrepressible conflict" and never for a moment lost faith in the Whig party or its mission. Thurlow Weed was calm, quiet, self-controlled, and resourceful. Horace Greeley was busily and prosperously engaged in journalism. He had founded the *New York Tribune* in 1841, publishing the first number on the day of President Harrison's funeral, and was developing it into a powerful political organ that was destined to exert vast influence in both State and national affairs.

The election was, in fact, worse on the whole for the victors than the vanquished. It emphasized the cleavage in the Democratic party between conservatives or Hunkers, and radicals or Barnburners. The enmity already existing between the factions was increased by quarrels over the spoils of victory—for there were many offices which the Whigs had been holding and which now were to be filled with Democrats. There were also increasingly bitter differences as to the policy to be

pursued by the State government in respect to public works and other issues.

A masterful Governor might have saved the situation. But William C. Bouck was very different from William L. Marcy. Although shrewd, honest, and sincerely and diligently devoted to the public service according to his lights, he was somewhat narrow in his views, had little force of character, and was void of the essential capacity of leadership. The result was that instead of healing the breach in the party he made it worse.

The embarrassment was forced upon him at the beginning of his administration, even before he was inducted into office. He was himself a conservative or Hunker, and it was to be supposed that he would find his official associates in the ranks of his faction. But immediately after his election the radical press of the State began discussing, suggesting, and all but dictating who should be his appointees to office and who should be his advisers. Obviously, such assumptions were impertinent. They were probably intended to embarrass him, and at any rate had that effect. The Governor committed the great mistake of recognizing the schism in the party and seeking to heal it, while at the same time making loyal support of his own administration the test of party regularity. As for the appointments, he made them so far as possible from his own family and circle of friends. In any case it would have been difficult to harmonize the party; Governor Bouck's policy, though well meant, made it quite impossible. The split was deepened, and both factions were alienated from him. Thus the unity which seemed to prevail

in the campaign of 1843 was entirely superficial, and the resolution of the convention approving his administration was merely a campaign device.

With the party thus rent asunder in State though not in national affairs, the Sixty-seventh Legislature met on January 2, 1844. The organization of the Senate remained unchanged. In the Assembly there was an animated contest between the conservatives and radicals, in which the former easily won, electing Elisha Litchfield, of Onondaga county, Speaker, over Michael Hoffman, of Herkimer, the candidate of the radicals. Indeed, the chief fight was among the conservatives themselves to determine whether they should vote for Elisha Litchfield or for Horatio Seymour. Litchfield was successful mainly because he had a powerful ally in Edwin Crosswell, the State Printer. James R. Rose was chosen Clerk.

With his conservative friends thus in full control of the Legislature, the Governor was more outspoken in his message than he had been a year before. His first message was said to have been prepared by himself, without any aid or advice, but his second was carefully considered in advance by the leaders of the conservatives in both houses of the Legislature. Its most striking feature was its recommendation concerning the canals. He had himself for many years been intimately associated with canal work and was a believer in the system. Moreover, his own political strength lay chiefly in the canal counties. He was therefore naturally and strongly committed to the conservative policy of maintaining the canals and of making the improvements

that were needed in them so far as the surplus revenues of the State would permit. Accordingly he recommended that the Schoharie aqueduct should be completed, that the Black River and Genesee Valley canal should be finished, and, most important of all, that the locks of the Erie canal should be enlarged and other improvements be made, to meet the demands of constantly increasing commerce.

The message also recommended several amendments to the State Constitution. There was a strong movement afoot for the holding of another Constitutional convention. This the Governor did not regard as necessary or desirable, but he suggested the adoption of several amendments. One was to create two Associate-Chancellors, with full power, for the Court of Chancery; the Legislature responded with an amendment to create three such officers. A second proposed amendment which the Legislature approved, was for two additional Justices of the Supreme Court. A third was for some effective system of checking expenditures so as to prevent the contracting of a State debt or the expenditure of public funds for other than the ordinary purposes of the State, except by vote of the people. In response to the Governor's suggestion on this last subject the Legislature approved an amendment limiting the State debt to a million dollars, unless by special vote of the people, and excepting indebtedness incurred for suppressing insurrection or repelling invasion.

The great battle of the session occurred over his canal proposals. The radicals rose against the Governor. They wanted the surplus revenues of the State, inclusive

of the profits from the canals, to be used entirely for paying the State debt, leaving the canals unfinished and unimproved. Realizing that if the Governor's recommendation should be favorably acted on the Democratic party would be committed to his policy, they set zealously to work to prevent such action.

Robert Dennison, of Salisbury Mills, was the chairman of the Senate committee on canals, and he was a radical. In conference with his faction friends it was recognized that the hope of defeating the Governor's policy lay in the report to be made by that committee. Accordingly Mr. Dennison prepared and presented a report utterly and scathingly condemning the whole canal system. In its extreme language it was reminiscent of the old-time Tammany diatribes against DeWitt Clinton and his "ditch from the Lakes to the sea." It went so far as to declare and try to prove with figures that instead of making canals the State would have done better to build a system of macadamized roads and pay for the operation of trucks upon them to carry all the freight which had been borne on the canals.

This was absurd. It was so extravagant that it reacted against its author and his faction. Its challenge was quickly accepted in the form of a bill for carrying out the Governor's recommendations, which was introduced and urged by Horatio Seymour, who was chairman of the Assembly and the real leader of the conservatives in the Legislature. Mr. Seymour was only thirty-four years of age. He was independently rich, of singular personal charm and courtesy, of brilliant ability, of unquestioned integrity, and with the priceless



gift of statesmanlike vision. As a seer and an advocate of the canal system he seemed to have inherited the mantle of DeWitt Clinton. His report, favoring continuation of canal work, was a masterpiece of suave, persuasive logic, and his speeches in support of it were irresistible. He was opposed by Michael Hoffman, the radical leader and one of the ablest legislators of that time; but the reply made by Seymour was so convincing that at the end Hoffman refrained from voting—he could not vote for the canals, but also he could not vote against a bill so ably advocated as Mr. Seymour's. The bill passed the Assembly by a vote of 67 to 38.

In the Senate the lines were more closely drawn and the fight was still more bitter. The Democrats were evenly divided on the final vote, but a number of Whigs came to the aid of the conservatives and the bill was passed by 17 to 13. It provided for the completion of the proposed improvements of the Erie canal, for the issuing of a loan of \$900,000 for canal work, and for the election of Canal Commissioners by the people. This notable victory made Horatio Seymour the foremost figure in the Democratic party in the Legislature, if not in the entire State. The remaining work of the session was of comparatively subordinate interest.

A resolution was introduced by Benjamin Franklin Hall, of Cayuga county, a Whig, providing for submission to the people of the question of holding a Constitutional convention. It was referred to a committee composed of four Democrats and one Whig, which pigeon-holed it and refused to report it to the Assembly. This resolution was modelled after the corresponding one

that led to the Constitutional convention of 1821, and was almost identical in purport with the resolution which was introduced and adopted in the Legislature of the following year, 1845. We may thus credit the Whigs with having taken the first definite step toward the Constitutional convention. On the refusal of the committee to report the bill a caucus of the Whig members of both houses was held, and as a result, on the next day, March 15, a resolution was offered instructing the committee to report it whether with or without amendment. The Democrats generally opposed this resolution, and it was by their votes laid on the table, where it remained until April 2. Then it was taken up, acrimoniously debated, and again tabled. Later, Leonard Lee, a radical Democrat of Orange county, introduced a resolution directing the committee to report a bill in favor of a Constitutional convention, which was passed by radical and Whig votes; but the bill for a convention was not acted on before the adjournment of the Legislature.

In the closing days of the session a bill was forced through reducing the number of Canal Commissioners to four and making them elective by the people. A strong report in favor of normal schools was presented by Calvin T. Hulburd, of St. Lawrence county, who had carefully studied the results of Horace Mann's great work in Massachusetts, and in consequence the Legislature provided for the establishment of such a school at Albany. The Legislature adjourned without day on May 7.

The death of Smith Thompson, of New York, in



PRESTON KING

Preston King; born in Ogdensburg, N. Y., October 14, 1806; was graduated from Union college, 1827; lawyer; established the St. Lawrence Republican, 1830; postmaster of Ogdensburg. 1831-1834; member of the state legislature, 1835-1838; in congress, 1843-1853; elected to the United States senate and served 1857-1863; delegate to the national convention and presidential elector on the republican ticket in 1864; appointed by President Johnson as collector of the port of New York, August 15, 1865; drowned from a ferryboat in New York harbor, November 12, 1865.





JOHN VAN BUREN

John Van Buren, lawyer; son of Martin Van Buren, president of the United States; born, Hudson, N. Y., February 18, 1810; graduated from Yale, 1828; admitted to the bar at Albany, 1830; was attache of legation at London, February, 1831; in February, 1845 was elected attorney general of the state of New York and served until December, 1846; took an active part in the political canvass for the exclusion of slavery in 1848, but did not stay by the free soil party; ranked high as an attorney and won the sobriquet "Prince John" by his good looks and popularity; died at sea, October 13, 1866.



1843, left a vacancy on the bench of the United States Supreme Court which it was generally conceded should be filled with another New Yorker. In December of that year President Tyler sent to the Senate the name of John C. Spencer, of New York, who was at that time Secretary of War. Confirmation was refused, the Whig Senators voting against him on the purely political ground that, while formerly a Whig, he had accepted office under President Tyler, a Democrat. In January, 1844, the President sent to the Senate the name of Reuben H. Walworth, Chancellor of the State of New York, but it was pigeonholed and no action was taken upon it by the Senate for more than a year. Finally in February, 1845, the President withdrew the name of Mr. Walworth and substituted that of Samuel Nelson, Chief-Justice of the Supreme Court of New York, who was confirmed.

Just before the adjournment of the Legislature the Democratic members, both conservative and radical, held a caucus at which was adopted an address to their constituents. A bitter fight arose over a passage in the address commending the administration of Governor Bouck. This passage was finally adopted, but many of the radicals refused to concur in it or to sign the address containing it, and published a statement to that effect.

The Whigs held a caucus after adjournment, and issued an address scathingly arraiging the Democratic party. It especially condemned the Democrats for refusing to accept from the Federal government this State's share of the proceeds of the sales of public lands,

amounting to \$90,000. That sum had been apportioned to New York by act of Congress, and the only pretext for refusing to accept it was that New York Democrats did not believe in such distribution of funds. The address declared for a Constitutional convention, for universal suffrage, and for the division of the State into approximately equal Senate and Assembly districts. It opposed the annexation of Texas and upheld the tariff of 1842; and it recommended Millard Fillmore for the Vice-Presidential nomination, with Henry Clay for President.

The national convention of the Democratic party at Baltimore in 1844 was of supreme interest to New York because Martin Van Buren was the leading candidate for the Presidential nomination. It was marked with an extraordinary contest over the two-thirds rule governing nominations, the outcome of which was a reaffirmation of that rule and its establishment as a precedent which no subsequent convention has ever been willing to abandon. That rule was first made in the Democratic convention of 1832, and was then applied to the nomination of the Vice-President only, the unanimous renomination of Jackson for the Presidency being a foregone and undisputed conclusion. In 1835 the matter was much discussed, and a motion declaring a majority sufficient was adopted and then reconsidered and rejected; after which the two-thirds rule was readopted, by a vote of 231 to 210, as applicable to nominations for both President and Vice-President.

The contest over the rule in 1844 was particularly earnest, for this reason: Van Buren was a candidate, and



he was certain to have a majority of votes on the first ballot and therefore to be nominated if a mere majority should be sufficient. The south was, however, against him because of his opposition to the annexation of Texas. He held that annexation would be offensive to Mexico and would probably be a cause of war with that country, and insisted that there was no principle in the laws of nations which would justify it. So the southern delegates, supported by a few from the north, called for re adoption of the two-thirds rule, under which it would be impossible for Van Buren to get the nomination.

The New York delegates, led by Samuel Young and Benjamin F. Butler, radicals, and Daniel S. Dickinson and Erastus Corning, conservatives, were a unit in opposing the two-thirds rule, which they knew would be fatal to Van Buren; and Mr. Butler made a notably powerful speech against it. But in the end it was adopted, by a vote of 148 to 116. On the first ballot Van Buren had a small majority, but his vote then dwindled. After several ineffectual ballots the name of Silas Wright was brought forward, and he might have been nominated had not John Fine produced a letter from him positively declining to accept a nomination. No vote was cast for Wright on any ballot. Then Mr. Butler, with Van Buren's consent, withdrew the latter's name and declared for James K. Polk, for whom the votes of New York were thereupon cast and who was nominated. The convention unanimously, save for the eight votes of Georgia, nominated Silas Wright for Vice-President, but he declined by telegraph, after-

ward saying that he did not want to "ride behind the black pony," thus probably originating the "dark horse" phrase in American politics. The Vice-Presidential nomination then went to George M. Dallas.

It had been a foregone conclusion that the Whigs would nominate Henry Clay. The only contest was over the Vice-Presidency. For that office New York recommended Millard Fillmore, but Theodore Frelinghuysen, of New Jersey, was chosen. The Abolitionists, under the name of the Liberty party, nominated James G. Birney, of New York, and Thomas Morris, of Ohio.

While the Democrats of New York were sufficiently united on national candidates, on State candidates and issues they were rent asunder. Governor Bouck was a candidate for reëlection and had many supporters among the conservatives. But the radicals would have nothing to do with him and clamored for Silas Wright. Several radical members of the Legislature asked Mr. Wright early in 1844 to be a candidate, but he declined. They persisted in their importunities, however, with the result that on August 1 he wrote a letter for publication in the *St. Lawrence Republican* declaring that in his own estimation he had no right to become a competitor for the nomination. But before its publication he was persuaded to permit the insertion of a phrase making it read that he had no right to become a competitor "against any other candidate," intimating that he would accept a unanimous nomination. The convention met at Syracuse on September 4. On the first ballot Mr. Wright received 95 votes to 30 for Gover-

nor Bouck, and on the next ballot his nomination was made unanimous. Daniel S. Dickinson peremptorily refused to accept renomination for Lieutenant-Governor, and Addison Gardiner, of Monroe county, formerly a Circuit Judge, was chosen. Mr. Gardiner was a life-long friend of Thurlow Weed, to whom he afterward owed elevation to the bench of the Supreme Court of New York.

The Whig convention met at Syracuse a week later, with the veteran Francis Granger as its chairman. There was no contest over candidates. Millard Fillmore had been the State's choice for the Vice-Presidential nomination at the national convention in May, but had been defeated. Horace Greeley had strongly supported him in the New York *Tribune*, largely because Mr. Fillmore was almost as much opposed to slavery as the Abolitionists themselves; but for that same reason he was rejected by the convention. That defeat in the national convention, however, made him the leading candidate in the New York State convention, and he was nominated for Governor by acclamation without any formal ballot and without the mention of any other candidate. In like fashion Samuel J. Wilkin, of Orange county, was named for Lieutenant-Governor.

The Liberty party named Alvan Stewart for Governor, a brilliant but erratic man. A "Native American" party made nominations for the Legislature only, as also did an "Anti-Rent" party, existing chiefly in the counties where the Anti-Rent war against the patroons had raged. Each of these parties elected some

members, among the Anti-Renters being Ira Harris and William H. Van Schoonhoven, of Troy.

The campaign, State as well as national, really turned upon the question of slavery as defined by the proposed annexation of Texas as a slave State. Van Buren had lost the Democratic nomination for President by opposing annexation. Clay lost the election by assuming an equivocal attitude. He wrote on July 1 to a correspondent in the south that he wished to see Texas enter the Union "on fair and just terms," and added that "the subject of slavery ought not to affect the question one way or the other." That was absurd, because it was notorious that Texas was to be annexed purely for the sake of slavery. It was also fatal to Clay's candidacy. Thousands of anti-slavery Whigs at once abandoned him and went over to Birney and the Liberty party, and these were sufficient to mean the desertion of Fillmore by many in New York.

In the national election Clay was beaten by the defection of the Liberty party, and in New York Fillmore was beaten by the same cause. Wright received 241,090 votes, Fillmore 231,057, and Stewart 15,136. Had Fillmore received two-thirds of Stewart's votes he would have been elected.

Soon after the election Silas Wright resigned his seat in the United States Senate. His colleague, Mr. Tallmadge, also resigned because he had been appointed Governor of the Territory of Wisconsin. After some delay and controversy Governor Bouck appointed to fill their places Daniel S. Dickinson, who was about to retire from the Lieutenant-Governorship,

and Henry A. Foster, who was just completing his term as a State Senator.

Governor Bouck's administration closed with another violent eruption of the anti-rent troubles. In December, 1844, bands of rent-protesting tenants in Columbia county disguised themselves as Indians and attacked the Sheriff in his office, taking from him and burning a number of dispossess warrants and other legal papers. At one of their mass-meetings firearms were used and a man was shot dead. Governor Bouck consulted with his successor and as a result ordered a militia force to serve as police in Columbia county and wherever there was need. As a result the trouble was abated.

## CHAPTER XIX

### SILAS WRIGHT

**S**ILAS WRIGHT'S administration of the Governorship of New York was in its effects upon his political fortunes a tragedy. Few men in the history of New York were ever more loved, trusted, almost worshipped, than he. As a Senator of the United States he ranked among the foremost at a time when the Senate was thronged with notable men. The Presidency of the United States should have been within his reach. The Governorship of the Empire State seemed to be an entirely fitting place for him and to afford him vantage ground for his further ambitions. But it proved to be his political ruin. William H. Seward, his political opponent, discerned this fact with that almost uncanny vision which he at times possessed. On hearing of Wright's nomination for the Governorship he declared it to be his fatality. "Election or defeat," he added, "exhausts him."

The administration began in a storm. The animosities between the two Democratic factions, held in partial abeyance during the campaign of 1844, were renewed with a more deadly fury than ever before. This appeared the moment the Sixty-eighth Legislature met on January 7, 1845. Apart from the change in the Lieutenant-Governorship the Senate retained its

organization unchanged. But in the Assembly—in which Ira Harris, of Albany, and Freeborn Garretson, of Dutchess county, appeared as new members—there was open war.

Horatio Seymour was a candidate for Speaker—by far the best-fitted man in the house for the place, supported by the conservatives and also by Edwin Crosswell, with his Albany *Argus*. But to him the State officers, led by the Comptroller, Azariah C. Flagg, were opposed, and they put forward as his rival William C. Crain, of Herkimer county, an extreme radical of considerable ability. The contest was conducted with greater bitterness than was usual between Democrats and Whigs, and at last was decided by a narrow margin, and probably through a “deal,” which led to a further access of animosity. Of the seventy Democratic members of the Assembly, sixty-five went into the caucus, and of these thirty-five voted for Mr. Seymour, who was accordingly elected Speaker. Then when it came time to elect the State officers, Azariah C. Flagg was reelected Comptroller. If this was a part of a bargain between the supporters of Mr. Seymour and the radicals, Mr. Seymour himself was not privy to it or cognizant of it.

The bitterness that had been manifested in the Speakership caucus reappeared more intensely in the caucus over the United States Senatorships. As already related, Governor Bouck had appointed Daniel S. Dickinson and Henry A. Foster to fill the places of Silas Wright and Nathaniel P. Tallmadge, resigned. In a special message Governor Wright called atten-

tion to this fact, and to the fact that as appointments were good only until the Legislature could act it was incumbent upon the Legislature to elect two Senators. The Democratic caucus was a scene of scandalous violence, both vocal and muscular. The conservatives wanted Dickinson and Foster elected; the radicals wanted John A. Dix and Michael Hoffman. When the ballots were taken Dix was nominated for Wright's place, with four years to serve, and Dickinson for Tallmadge's, with only a few weeks more to serve. Then the conservatives succeeded in nominating Dickinson also to succeed himself, for a full term of six years. This left the conservatives with a decided advantage.

Meantime the Governor had sent to the Legislature at its opening a message of portentous length, devoted chiefly to analysis and discussion of the fiscal condition of the State. He also had much to say about the school system and charitable and penal institutions. He deplored the evil of betting on elections, and recommended that the Legislature declare the practice to be a crime punishable with a heavy fine. He suggested, likewise, legislation for preventing corrupt practices at the polls and in campaigns, particularly for limiting the amounts of money that might be used in campaigns. The Anti-Rent agitation commanded a large share of his attention. He discussed the demand, made chiefly by the Whigs, for a Constitutional convention, and urged that, largely in order to avoid the need of such a convention, the Legislature should adopt various pending amendments. In consequence the Legislature of 1845 again passed two amendments



which had been passed by the preceding Legislature, and these were approved by the people at the November election of 1845 and thus added to the Constitution. Finally the Legislature passed an act providing that at the November election of 1845 the people should vote on the question of a Constitutional convention, which, if they favored it, should be constituted of delegates to be chosen by the people in April, 1846. The people voted for a convention, which was held in 1846.

There came next a master-stroke of strategy against the radicals, delivered by that past-master of politics, Edwin Crosswell. As the beginning of President Polk's administration drew near, interest centered upon the cabinet appointment which he would make from New York. He naturally turned to Van Buren for advice, that "Sage of Lindenwald" being regarded as the leader of the New York Democracy, and Van Buren consulted, in turn, Governor Wright. In consequence there were recommended to the President the names of Benjamin F. Butler for Secretary of State and Azariah C. Flagg for Secretary of the Treasury, it being thought that New York was entitled to one of those places, the two most important in the cabinet. Either selection would have filled the position with a man of preëminent ability and fitness.

But Polk hesitated. He felt under great obligations of courtesy and gratitude to both Van Buren and Governor Wright. Yet he was not pleased with either of the men whom they had named. He wanted as Secretary of State one who would support his Texan

annexation policy, and he knew that Butler was strongly opposed to it. As for Flagg, the President knew that he was at enmity with a large and probably the majority faction of the Democratic party in New York; wherefore he was disinclined to appoint him. In this quandary he gave a listening ear to Edwin Crosswell and yielded to his advice. Accordingly he offered the appointment of Secretary of the Treasury to Governor Wright, who would have filled the place admirably but who unhesitatingly declined it, as Crosswell had known beforehand that he would do. Mr. Wright had specifically promised during his campaign for election that if he were chosen Governor he would serve his term through and not resign it for any other place that might be offered to him; and Crosswell knew that he would keep his word. Then, also on Crosswell's advice, the President invited Mr. Butler to become Secretary of War. Now, Mr. Butler had already served in two cabinets, and had retired from them in order to resume the practice of his profession, to which he was passionately attached. He would have accepted the State or the Treasury portfolio in Polk's cabinet, though with some reluctance. But the inferior office of Secretary of War, with duties foreign to his professional experience, did not appeal to him. Indeed, he was not far from regarding the offer as an impropriety, and he promptly and positively declined it—as Crosswell had known in advance that he would do.

Having thus tendered cabinet places to two eminent New Yorkers and having had them declined, Polk felt himself free to make his next selection from that

State entirely according to his own taste, though as a matter of fact he again was influenced by Crosswell. He offered the War portfolio to William L. Marcy, who accepted it. Of course Mr. Marcy's eminence and unquestioned "regularity" in the Democratic party made this appointment above criticism. Nevertheless it was a demoralizing body-blow to the radicals because it assured the giving of all Federal patronage in the State to the conservatives, or Hunkers, as they were by this time generally called. It was also a blow to Governor Wright, partly because it accentuated and intensified the quarrel in the Democratic party under and in spite of his administration, and partly because it made a man with whom he was not at all in accord the New York representative of the national administration.

To complete the discomfiture of Governor Wright and to aggravate the Democratic dissensions with the result of temporary ruin, there now came upon the field a new and little known figure, destined to dominate the scene above Seward and Weed and the other veterans of many campaigns. This was John Young, a comparatively obscure member of the Assembly from Livingston county. He was a native of Vermont, who had come to New York in boyhood and become a country lawyer. In 1831 he served for a single term in the Assembly, without distinction, and then retired to private life and the practice of his profession. At first a Jacksonian Democrat, he became an Anti-Mason, then a National Republican, and finally a Whig, ardently supporting Henry Clay. In 1840 he was

elected to the national House of Representatives, but he was little heard of at Washington and his Congressional life was limited to a single term. In the fall of 1843 he was returned to the Assembly, but still failed to attain any prominence; and in 1844 he was reelected to the Legislature of 1845, of which we are now speaking.

In that body he was at first "seen but not heard." Then suddenly, on his own initiative, he put himself forward as the practical leader of the Whig party and as the protagonist of that party against the mighty Silas Wright. He quietly studied parliamentary law and the rules of the Assembly until he was probably the most expert parliamentarian at Albany, and then, taking no counsel but his own, he became marvellously constant in attendance at the meetings of the Assembly, watching with unwearied intentness an opportunity to catch the enemy napping.

He sought his opportunity in the discussion over the proposed Constitutional convention. It was by this time certain that such a convention would be held, and the only real dispute was over the way in which it should be called and the way in which its work should be confirmed and put into effect. On these matters the two Democratic factions were at swords' points. The conservatives or Hunkers had harked back to DeWitt Clinton's policy of 1821. They wanted the convention to be called by a majority vote of the people and the amendments which it should prepare to be similarly acted upon by the people, not as a whole but separately. This system was also favored by Governor Wright.

The Whigs, on the other hand, wanted the Legislature to call the convention and to have its work submitted as an integral whole to the people for their approval, as had been done, in spite of Clinton, in 1821. In this the Whigs were joined by the Native Americans and Anti-Renters. As for the radical Democrats or Barnburners, they favored the procedure of 1821, desiring to have the convention possess unlimited power to rewrite the whole Constitution if it were so inclined, and to have its work submitted as a whole to the people for ratification.

Michael Hoffman was the leader of the Barnburners, and William C. Crain was his active lieutenant on the floor of the Assembly. The latter introduced a bill modelled after the Convention act of 1821. This was in open opposition to the known wishes of the Hunker majority, and was declared by many to be mere spite work on the part of Crain in resentment over his defeat by Horatio Seymour in the Speakership contest. At any rate the bill was at once referred by the Assembly to a committee, which shoved it into a pigeon-hole with no intention of ever letting it emerge therefrom.

But they counted without John Young. That watchful and indefatigable schemer watched the pigeonhole as a cat watches a mousehole, and watched, too, the Hunker majority, waiting for a moment when so many of its members were absent that he would be able to rally a majority against it. He had behind him 54 of the 128 members, beside Mr. Crain and some other Barnburners. The Hunkers, unmindful of his design,

one day permitted their attendance on the floor of the Assembly to fall below the number of safety. Instantly Young pounced upon his opportunity with a motion commanding the committee forthwith to report Mr. Crain's bill without amendment, and making that measure the special order of business for each day until it should be disposed of. Crain and his friends voted for the motion, and it was carried.

This struck the Hunkers with consternation. They hurried to the Governor, who sympathized with them and strove to persuade Crain to withdraw his mischievous bill. Crain refused. Then the Governor turned to Michael Hoffman and pleaded with him to use his influence with Crain. But Hoffman also refused. So there was nothing to be done but have the Crain resolution openly debated and voted upon. It was a memorable debate, one of the ablest in the history of the New York Legislature. Many members participated in it, but the supreme individualities were Horatio Seymour for the Hunkers and John Young for the Whig-Barnburner coalition. The contrast between the two was great. Seymour was dignified, polished, eloquent; Young was cautious yet daring, direct and logical, with a tactical skill fully rivalling that of Seymour. Both were unfailingly courteous.

At the beginning Young could count upon only Crain and three other Barnburners to support him, giving him a total of 58 against 70. But Young's speeches had the effect of bringing converts to his support, and by the time the bill was put upon its final passage he had won over all of the Barnburners, giving him a clear



SILAS WRIGHT

Silas Wright, 16th governor (1845-46); born in Amherst, Mass., May 24, 1795; moved to Sandy Hill, Washington county, New York, 1816; lawyer; surrogate St. Lawrence county, 1821-24; state senator, 1824-27; member of congress, 1827-29; state comptroller, 1829-33; elected to United States senate to fill vacancy caused by resignation of William L. Marcy; afterward reelected and served from January 4, 1833, to December 1, 1844, when he resigned to become governor of New York (1845-46); defeated for reelection; died at Canton, N. Y., August 27, 1847.







ADDISON GARDINER

Addison Gardiner, jurist; born, Rindge, N. Y., March 19, 1797; spent his boyhood at Manlius, N. Y.; removed to Rochester, 1822; 1st justice of the peace of Monroe county; assistant district attorney Monroe county, 1825; appointed judge of the 8th circuit, 1829; was elected lieutenant governor in 1844, but resigned to accept appointment on the bench; judge of the court of appeals, 1847; died at Rochester, N. Y., June 5, 1883.



majority over the Hunkers, and the bill was passed. Thus in an overwhelmingly Democratic Assembly a Whig leader succeeded in getting a measure adopted contrary to the policy of the Democratic majority, and won for the Whigs the credit and prestige of having secured the holding of the much-needed Constitutional convention. It was one of the most remarkable personal triumphs in the history of the Legislature, which was crowned a little later when the Senate also adopted the measure and the Governor, though most reluctantly, gave it his Executive approval. Thereafter John Young was the practical Whig leader of the State.

One more stroke of Young's completed the breach between Hunkers and Barnburners. This was effected over a bill making a moderate appropriation for canal work, to-wit: reconstruction of locks on the Crooked Lake canal so as to make them safe; enlarging portions of the Erie canal; completion and protection of work on the Genesee Valley canal, and similar work on the Black River canal. The total sum to be appropriated was only \$197,000, and the work contemplated was all approved by the Canal Commissioners and was obviously in the interest of economy. Nevertheless the proposal was, technically contrary to the agreement upon which the Hunkers and Barnburners had established their *modus vivendi* in 1842, and contrary to the spirit and intent of the act of Legislature passed in that year.

This measure was put forward by the Hunkers and was opposed by the Barnburners, who denounced it as a breach of faith. Upon that issue the Democrats in

the Assembly were pretty equally divided, and it is a matter of doubt whether the bill would have passed or been rejected had its fate been left to them. But John Young and his followers proved the decisive factor. They had the balance of power; indeed, they were the plurality party in the Legislature. In such a conflict Young cared not with which faction of the Democracy he was allied so long as Whig policies were to be promoted and the Democratic dissensions fomented. In the Constitutional convention fight he had allied himself with the Barnburners and beaten the Hunkers. In the canal matter he did the opposite. He swung his entire strength to the Hunker side and secured the passage of the Appropriation bill through the Assembly. Forty Whigs and twenty-eight Hunkers voted for it, and one Whig and twenty-five Barnburners against it.

The bill was sent to the Senate, with every expectation that it would there be rejected. Had all the Barnburners remained in their places and voted against it, such would doubtless have been its fate. But six of them, all professedly opposed to the bill, did not vote—five of them absenting themselves from the Senate chamber just as the roll was about to be called. The result was that the bill was passed by fourteen to nine. Immediately it was sent to the Governor, and an hour or two later he returned it to the Assembly with a veto. It was obvious that his veto message had been written in advance, in anticipation of the passage of the bill, since it was as long and elaborate as an annual message and must have required much time for its preparation.

In concluding the message Governor Wright very temperately referred to his opponents, saying :

“Should . . . the bill fail for a want of the constitutional vote, a majority of both houses continuing to be in its favor, I shall cheerfully submit to the people of the State the decision of the issue which will be formed between myself and the majority of the Legislature, rejoicing in the conviction that the difference of opinion on my part is unaccompanied by one personal feeling unfriendly to a single individual of that majority, and determined that the decision of our common constituents shall be submitted to by me in the same spirit in which I have joined the issue.”

In these amiable and eloquent words Governor Wright anticipated his own fall in politics. The referendum which he thus invoked proved, the next year, to be adverse to him. The bill was not passed over his veto, but the breach between the two Democratic factions became complete, and one of them included the Governor in its animosity and by its action caused his defeat for reëlection.

The Legislature of 1845 adjourned without day on May 14. It also adjourned without the usual caucus of the majority party and its address to the people. Not for many years had the caucus and address been omitted. But on this occasion it was quite impossible to bring the two factions together for the purpose, and it was felt that a caucus of just one faction would do more harm than good by advertising the breach which some regarded as marking the final and hopeless dissolution of the party. Each faction accused the other of preventing the holding of the caucus, and a bitter war of wordy recriminations was waged. The Barnburners, though without holding a caucus, issued through a committee

an address to the public, signed by thirteen Senators and thirty Assemblymen, which was chiefly devoted to support of the attitude of the radicals toward the Constitutional convention. The Whigs also issued an address, signed by forty-nine members, elaborately defending their canal and general financial policy, vindicating their course concerning the Constitutional convention, favoring the national Tariff law of 1842, and vigorously condemning the annexation of Texas and denouncing the Democrats of the New York Legislature for refusing to put themselves upon record against it. This was one of the ablest addresses of its kind ever issued in the State, and it had a marked effect upon public opinion.

During the summer of that year there was little political agitation, but an industrious "still hunt" was conducted by the Whigs and by each of the Democratic factions, with the result that a very full vote was polled at the legislative elections in the fall. The Democrats carried the State by a diminished majority, and the Barnburners carried the Democratic party, electing about twice as many members as the Hunkers. In the Senate as reconstituted for the ensuing year there were twenty-five Democrats, six Whigs, and one Native American. In the Assembly-elect there were seventy-four Democrats, fifty-two Whigs, and two Anti-Renters. The Abolitionists ran numerous candidates but elected none, their total vote in the State being less than 16,000. On the question of the Constitutional convention the verdict was overwhelming. The votes in favor of it were 214,700, and against it only 33,032—an

affirmative majority of 181,668, or more than five times the entire negative vote.

When the Sixty-ninth Legislature met at Albany on January 6, 1846, several important personal changes in its composition were to be observed. The masterful and admirable figure of Horatio Seymour was missing from the Assembly, while that of Samuel J. Tilden, of New York City, made a first appearance in public life. Ira Harris and John Young were returned to their places, respectively from Albany and Livingston counties. The organization of the Senate remained unchanged, but in the Assembly there was an animated contest over the Speakership. It was from the first obvious that a Barnburner would be chosen, and the chief contest was between rival candidates of that faction. William C. Crain, the candidate of the year before against Horatio Seymour, was again put forward, while opposed to him was Benjamin Bailey, of Putnam county. The choice finally fell upon Mr. Crain by a vote of 48 to 22, and he was elected Speaker over John Young, the Whig candidate, by 73 to 44; while seven Anti-Rent votes were cast for Ira Harris. William W. Dean was elected Clerk.

The Governor's message was, as before, voluminous, elaborate, and scholarly. Its first topic was the Anti-Rent war, which had raged so violently that he had been compelled to proclaim Delaware county in a state of insurrection. Various recommendations were made, which led to legislation abolishing distress for rent, equalizing taxation in proportion to rent, and limiting leases to ten years. The population of the State, accord-

ing to the census taken in July, 1845, was reported to be 2,604,495. This was an increase of a little more than seven and one-half per cent. in five years, a much slower rate than formerly had prevailed; from which the Governor deduced that emigration from the State—to the west—was much greater than immigration into it. He also noted that emigration from the State was chiefly from the rural districts, and that the increase of population was mainly in the cities and large towns. Thus, while the increase for the whole State in five years had been 183,574, the increase for the four cities of New York, Brooklyn, Albany, and Buffalo had been 147,767. The employment of the militia in the Anti-Rent war moved the Governor to make some recommendations concerning that department of the public service, which led to the enactment of a new general Militia act and to the adoption of a concurrent resolution urging Congress to enact a national Militia law.

Apart from the matters already mentioned, this session of the Legislature was singularly barren of important enactments, though it was marked with much political discussion. On the first day a joint resolution was introduced into the Senate dealing almost entirely with national politics. It approved the annexation of Texas, demanded the whole of Oregon up to "Fifty-four forty," favored an Independent Treasury, and condemned a protective tariff. A substitute was also offered, which said nothing about Texas and looked to a compromise in Oregon. Neither of the resolutions ever reached a vote, though debates over them extended through many weeks. They were obviously intended as



mere propaganda for effect at Washington, where there was intense rivalry between the two factions for Federal recognition and patronage. The President fully approved, of course, the annexation of Texas, which, indeed, had been an accomplished fact for nearly a year. In that attitude the Hunkers supported him, and they expected William L. Marcy, Secretary of War, and Daniel S. Dickinson, United States Senator, to control in their behalf the Federal patronage of the State. On the other hand, Governor Wright and ex-President Van Buren had strongly opposed annexation, and so had John A. Dix, the junior Senator, and it was not easy for the administration altogether to ignore them. The plan of the Hunkers was, therefore, to fortify their position at Washington by making at Albany a great show of zeal for the President's policies.

The chief fight over State politics had to do with the office of Public Printer, then held by Edwin Croswell, the editor of the *Albany Argus*. Now, the *Argus* was the organ of the Hunkers, and Mr. Croswell was very much *persona non grata* with the Barnburners, who had an organ of their own in the *Albany Atlas*, which had been founded in 1840 and was ably edited by William Cassidy. When, therefore, Mr. Croswell's term of office expired in January, 1846, the Barnburners, being in the majority in the Democratic caucus, nominated Mr. Cassidy to succeed him. Mr. Croswell was a stickler for party "regularity" and the sanctity of the caucus, and could not countenance a bolt against Mr. Cassidy. But neither could he endure the thought of being deposed and of having a factional opponent ac-

quire the great power of his place. He accordingly determined to secure the abolition of the office which he could himself no longer hold. In this movement he counted upon the aid of John Young and the Whigs, who of course had no wish to see any Democrat in so influential an office.

A bill was introduced providing that each house of the Legislature should elect its own printer, choosing the lowest bidder. Substitutes and amendments were offered and a protracted debate ensued, the net outcome of which was the passage by the Senate, by a vote of 20 to 11, of a bill abolishing the office of State Printer and providing for the doing of public printing by contract with the lowest bidder. The Whigs and Hunkers voted for this bill and the Barnburners against it. In the Assembly it raised a tremendous storm, the Barnburners opposing it tooth and nail. The wordy conflict was altogether between them and the Hunkers, the Whigs taking no part in it. But when at last a vote was taken the Whigs aligned themselves solidly with the Hunkers and the bill was passed, 66 to 53. The Governor promptly signed it and it became law, and thus the office of Public Printer passed into history. As a characteristic epilogue to the drama, Mr. Croswell immediately put in a bid for the printing of all public newspaper notices, offering to print them in the *Argus* absolutely free of charge—an offer which of course had to be accepted.

The Legislature adjourned without day on May 13, just after the beginning of the war with Mexico. Almost its last act was to adopt, without a division, a reso-

lution authorizing the Governor to enroll 50,000 volunteers for the defense of the State or for the aid of the national army at the seat of war. This was supported, as a matter of loyalty, by those who had most strongly deprecated the policy which led to the war.

A Democratic caucus—attended by only two Hunkers—was held just before adjournment, which did nothing but exhort the party to unity. Later five Senators and nine Assemblymen, Hunkers, issued an address on behalf of “a portion of the Democratic members” bitterly attacking the Barnburners and the State officers, and treating Governor Wright with marked coldness.

The Democratic State convention met in Syracuse on October 1, with almost a two-thirds majority of Barnburners. There were several contesting delegations. From Oneida county came four Hunkers led by Horatio Seymour, and four Barnburners led by Ward Hunt. From Albany came Rufus W. Peckham and three other Hunkers, and John Van Buren (son of the ex-President) and three other Barnburners. A brief consideration was sufficient to give the Oneida seats to Mr. Seymour and his colleagues; and a long and at times acrimonious discussion ended in the seating of Mr. Van Buren and his fellow-radicals.

There was no great enthusiasm for the renomination of Governor Wright, but it was generally recognized as the logical thing, and indeed the only thing, if the party was not hopelessly to stultify itself. On the first ballot 112 votes were cast for him; 7 for Amasa J. Parker, despite that gentleman's refusal to be considered a candidate and his advocacy of Governor

Wright's renomination; and 6 for Heman J. Redfield. The renomination of Wright was, on motion of Horatio Seymour, made unanimous; and Addison Gardiner was unanimously nominated for Lieutenant-Governor. The convention adopted a platform approving the Oregon settlement with Great Britain, the Independent Treasury system, and the new Constitution of the State which the convention had just framed, and expressing a desire for a speedy and honorable peace with Mexico. Governor Wright was of course highly—and deservedly—eulogized.

The Whig State convention met at Utica on September 23, and although that party was not so badly rent asunder as the Democratic, it did not so easily and promptly agree upon a ticket. In fact, the Whigs were divided into two factions and had been ever since the election of Seward as Governor under the dictatorship of Thurlow Weed. The conservative wing of the party was led by Millard Fillmore, John A. Collier, Hamilton Fish, and James Watson Webb with his *Courier and Enquirer*; while the radical wing followed the "firm of Seward, Weed, and Greeley" with the *Albany Evening Journal* and the *New York Tribune*, though by this time Greeley was becoming dissatisfied with his partners, particularly because of their disapproval of his office-seeking proclivities.

At the Utica convention Philip Hone, the diarist and former Mayor of New York, was chairman. On the first ballot fifty-five votes were cast for Fillmore, although he had requested not to be considered a candidate. These were, of course, conservative votes. Twenty-one

were cast by radicals for Ira Harris, who had been elected to the Assembly by the Whigs and Anti-Renters and who was already giving earnest of his subsequent distinguished career. Thirty-six were cast for John Young, by men who strove to pursue a middle course between conservatism and radicalism. Young had great prestige because of his masterful tactics in the Legislature, although he was regarded with disfavor by the leaders of both wings. Thurlow Weed especially disliked him, perhaps because of Young's practical assumption of that leadership of the party which Weed had long considered his own private prerogative, and deliberately walked out of the convention when it became evident that Young was to be nominated. He was nominated on the third ballot, the votes which at first had been cast for Harris being turned to him. For Lieutenant-Governor the wise choice of Hamilton Fish was made without contest. He was a leader of the conservatives, and was manifestly destined for an eminent career.

The Abolitionists, or Liberty party, nominated Henry Bradley for Governor and William L. Chaplin for Lieutenant-Governor. The Native Americans put forward for Governor the eminent jurist, Ogden Edwards. The Anti-Renters held a little convention at Albany after they had sounded both the Democratic and Whig candidates as to their willingness to pardon the men who had been convicted of murder in the Anti-Rent war. Governor Wright had responded with a direct and positive refusal, while Mr. Young was said to have indicated a readiness to grant the desired par-

dons, though positive proof of his having done so was not forthcoming. In consequence the convention decided to support a mixed ticket composed of Mr. Young, Whig, for Governor, and Mr. Gardiner, Democrat, for Lieutenant-Governor.

This action of the Anti-Renters had a decisive effect upon the outcome of the campaign, for Young, whom they supported, was elected by a majority of 11,572, while his Whig colleague, Fish, whom they opposed, was beaten by 13,357 by the Democratic candidate, Gardiner. The vote for Governor was: John Young, Whig, 198,878; Silas Wright, Democrat, 187,306; Henry Bradley, Liberty, 12,844; Ogden Edwards, Native American, 6,306. In the Legislature the Whigs elected five of the eight Senators, and 68 Assemblymen to 50 Democrats and 10 Anti-Renters. Of Representatives in Congress the Whigs secured 23 and the Democrats 11. The new Constitution was adopted by a majority of about 130,000.

This defeat ended the public career of Silas Wright. Never did the intrinsic nobility of the man display itself more admirably, though unostentatiously, than at this trying time. No word of resentment or disappointment escaped his lips. He was as serene and self-possessed in defeat as ever he had been in victory. "I have neither time nor disposition to speak of the causes of our overthrow," he wrote. So he served out the remaining weeks of his term with the same fidelity that marked his entire administration, and then retired that had marked his entire administration, and then retired to his home on his loved farm at Canton, to re-

sume what were to him the genuine pleasures of rustic life and labor. His home became forthwith a Mecca for political pilgrims, including many who had in mind the next Presidential election and his preëminent qualifications for candidacy. But such further preferment was not to come to him. He died at Canton on August 27, 1847, scarcely eight months after the close of his administration; to be mourned by the people as not more than two or three other men had been in the history of the State.

It must be said that great as was his statesmanship, spotless his integrity, and lovable his character, he was not successful as Governor of New York. That was because he had not practiced or would not assume the arts of a "practical politician," because he could not or would not take tactical advantage of opportunities, and because he would never sacrifice or compromise principle for expediency. Few men in the history of New York were more loved and trusted, few were so much mourned in their death, and perhaps no other of comparable worth, ability, and rank left so slight a mark of tangible achievement.

## CHAPTER XX

### THE THIRD CONSTITUTION

**P**ROPOSED by the Whigs but organized and dominated by the Democrats, the third Constitutional convention of the State of New York was ordered by the people at the November election of 1845, was created at the election of April, 1846, and was in session from June 1 to October 9, 1846. Party politics had been conspicuous in the incidents and processes leading to its creation, and the election of delegates to it was in most of the counties made a partisan matter. The result was that the Democrats secured a narrow majority of the one hundred and twenty-eight delegates. John Tracy, formerly Lieutenant-Governor, was the presiding officer. The sixty-nine votes cast for him indicated the strength of the Democrats in the convention. Counting the convention of 1801 it was the fourth body to deal with the fundamental law of the State, but its work is known as the Third Constitution.

If it was perhaps not quite the peer of the convention of 1821, it was still a notable body of men, though some of the foremost characters of the State were conspicuous by their absence. Most notable of the absentees were William H. Seward and Horace Greeley, both of whom earnestly desired to be members. But Seward had pride of residence and would accept election from



no constituency save his own Auburn, and at that time Auburn was Democratic. Greeley could not be elected from Democratic New York and sought to be chosen from some other county, but was too late in his efforts. Among them all there were only two who had been members of the convention in 1821, the eloquent James Tallmadge, of Dutchess county, and Samuel Nelson, a Justice of the Supreme Court of the United States. Conspicuous names on the roll were those of the former Governor, William C. Bouck; Michael Hoffman, the leader of the radicals; Samuel J. Tilden, afterward Governor of the State; and Charles O'Connor, who became one of the foremost jurists of the world.

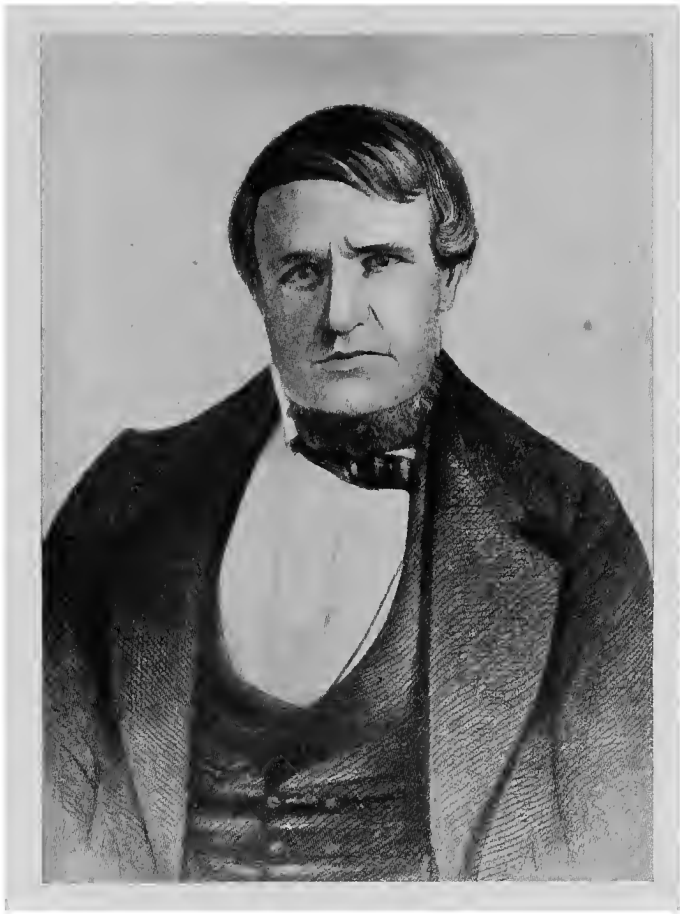
Dr. Jabez D. Hammond in his unique personal narrative of those times gives us an interesting and suggestive analysis of the personnel of the Convention. Among the 128 there were 45 lawyers, 43 farmers, 12 merchants, 8 physicians, 6 mechanics, 2 surveyors, and 1 each of a number of businesses, trades, and professions. There were 75 natives of this State, 13 of Connecticut, 12 of Massachusetts, 6 each of New Hampshire and Vermont, 3 each of Rhode Island and New Jersey, 2 of Pennsylvania, 1 each of Maryland, Virginia, and North Carolina, 3 of Ireland, and 1 of Scotland. Of such composition was the convention which framed what has not inaptly been called the "People's Constitution" because of the great recognition of popular authority which it displays.

The work of the convention was distributed among eighteen standing committees, and of these the fifth, dealing with the election, powers, and duties of the

Governor and Lieutenant-Governor, precipitated the first great debate in the body. The existing Constitution required the Governor to be a native citizen of the United States and a freeholder, at least thirty years old and for five years a resident of the State. After a long and powerful discussion this was modified by striking out the nativity and freehold requirements. Next came the questions of the veto power—whether it should continue to be vested in the Governor, and whether a two-thirds vote should be required for passing a measure over his veto. Both these questions were finally decided in the affirmative, and the passage of the two-thirds rule suggested another, which was adopted, that the vote of a majority of all the members of the Legislature elected should be necessary for the enactment of any measure.

The organization of the State Senate was a much discussed matter. It was finally voted to retain the number of Senators at thirty-two and to elect them for two-year terms, each from a single-member district. It was also voted that Assemblymen should be elected from single-member districts. There was much debate over the provision that no member of the Legislature should during his term of office receive any civil appointment within the State or to the Senate of the United States. A strong attempt was made to strike out the prohibition against appointment or election to the Senate of the United States, but it was retained.

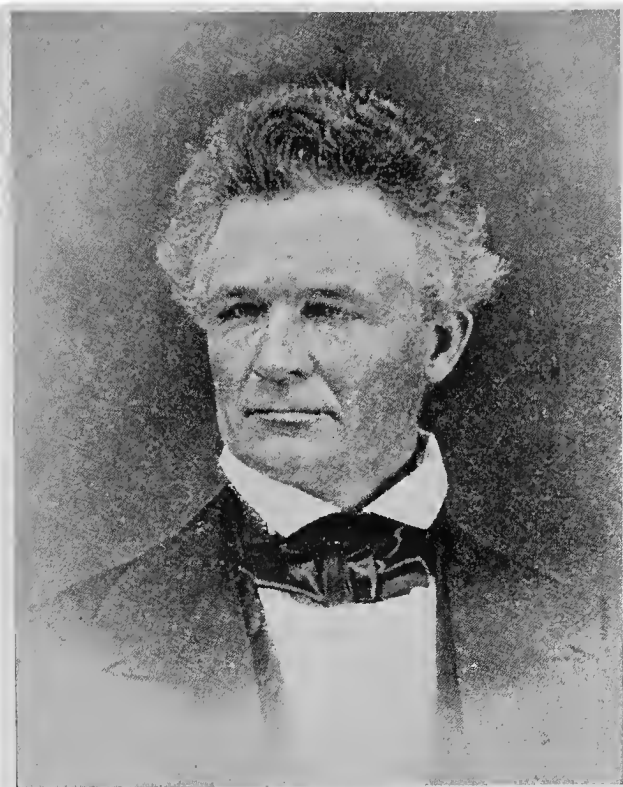
The greatest fight of all in the convention was over the reorganization of the judiciary. The committee that had been appointed to consider that subject was



JOHN YOUNG

John Young, 17th governor (1847-8); born at Chelsea, Vt., June 12, 1802; lawyer; member of assembly from Livingston county, 1832, 1845 and 1846; member of congress, 1836-7; declined re-nomination but was again elected for term, 1841-3; governor, 1847-8; assistant treasurer of the United States at New York City, where he died April 23, 1852.





FREEBORN G. JEWETT

Freeborn G. Jewett, jurist; born at Skaneateles, Onondaga county, N. Y., in 1791; admitted to the bar in 1814 and in 1817 as counsellor; appointed master in chancery by Governor Tompkins and held the office until 1823; justice of the peace in the town of Marcellus, 1822; appointed examiner in chancery by Governor George Clinton and reappointed by Governors Yates and Throop; appointed by Dewitt Clinton surrogate of Onondaga county in February, 1824 and held office until 1831; member of assembly, 1825; presidential elector in 1828 and cast his ballot for Andrew Jackson; was elected to congress in 1831, declined a renomination; appointed by Governor Marcy as supreme court commissioner for Onondaga county in 1836, which position he held until 1839; district attorney of Onondaga county; in 1845 was appointed by Governor Wright as justice of the supreme court; upon the organization of the court of appeals was one of the first four men named and held office from 1847 to 1853, when he resigned on account of ill health; died at Skaneateles, N. Y., June 15, 1858.



notably able, and it presented a strong report. But it was merely a majority report. Several dissenting reports were presented, especially by Charles O'Connor, of New York, who was already recognized as one of the ablest lawyers in the State. After much debate the convention decided to accept most of the majority report. It made Judges elective instead of appointive; abolished the Court of Chancery or merged it with the courts of law; created the Court of Appeals, of eight members; provided for a Supreme Court of thirty-two members—four to be elected from each of eight Judicial districts; and created inferior courts of both civil and criminal jurisdiction for the cities. It would have abolished County Courts had it not been for the strenuous opposition of Charles O'Connor.

The Anti-Rent war had been so recent an incident that its lessons and its influence were strong in the convention, and the old feudal system of land ownership and landlordism was swept away. The elective franchise was made universal and not at all dependent upon the owning of property, excepting in the case of negroes. The banking monopoly was abolished by taking from the Legislature the power of granting special charters and of suspending specie payments. The Legislature was restrained from running the State into debt without permission of the people expressed at the polls. Provision was made for the enlargement of the Erie canal and the completion of the other canals which had been begun, and also for the prompt extinction of the State debt.

It was preëminently a people's convention. Although

its members were chiefly elected on strict party lines, never was there such a convention in which so little political partisanship was displayed. The whole body seemed to be animated by a spirit of sincere devotion to the welfare of the whole people, and to be aiming at the enlargement and vindication of popular rights. It was a people's convention and it framed a people's Constitution, which, as we have already seen, the people of the State accepted by an overwhelming majority, and which, with few changes, they have ever since retained as the basic law of the Empire State. Adopted by the people at the general election of November, 1846, the Constitution went into effect chiefly on January 1, 1847. The new Judges, of the Court of Appeals, of the Supreme Court, and of the County Courts, were to be elected in the spring of 1847 and to begin their terms of office on July 1 of that year. The Chancellor and the existing Justices of the Supreme Court were to go out of office on July 1, 1848. The first Legislature under the new Constitution was to be elected in November, 1847, and the first Governor in November, 1848.

It will be fitting at this point to observe what manner of State it was that thus revised its Constitution. We have already noted its population, which made it easily the foremost State of the Union. Its growth in component parts and in complexity of organization had been comparable with that in the number of its inhabitants. Originally it had consisted of twelve counties: Albany, Charlotte, Dutchess, Kings, New York, Orange, Queens, Richmond, Suffolk, Tryon, Ulster, and Westchester. Charlotte was changed to Washing-



ton and Tryon to Montgomery in 1784. Subsequent additions were made by these creations of new counties:—1786, Columbia from Albany; 1788, Clinton from Washington, and Ontario from Montgomery; 1791, Herkimer, Otsego, and Tioga from Montgomery, and Rensselaer and Saratoga from Albany; 1794, Onondaga from Herkimer; 1795, Schoharie from Albany and Otsego; 1796, Steuben from Ontario; 1797, Delaware from Otsego and Ulster; 1798, Rockland from Orange, Oneida from Herkimer, and Chenango from Herkimer and Tioga; 1799, Cayuga from Onondaga, and Essex from Clinton; 1800, Greene from Albany and Ulster; 1802, Genesee from Ontario, and St. Lawrence from Clinton; 1804, Seneca from Cayuga; 1805, Jefferson and Lewis from Oneida; 1806, Madison from Chenango, Allegany from Genesee, and Broome from Tioga; 1808, Cortland from Onondaga, Cattaraugus, Chautauque (changed to Chautauqua in 1859), and Niagara from Genesee, and Franklin from Clinton; 1809, Schenectady from Albany, and Sullivan from Ulster; 1812, Putnam from Dutchess; 1813, Warren from Washington; 1816, Hamilton from Montgomery, and Oswego from Oneida and Onondaga; 1817, Tompkins from Cayuga and Seneca; 1821, Erie from Niagara, and Livingston and Monroe from Genesee and Ontario; 1823, Yates from Ontario, and Wayne from Ontario and Seneca; 1824, Orleans from Genesee; 1836, Chemung from Tioga; 1838, Fulton from Montgomery; 1841, Wyoming from Genesee. Thus at the Constitutional convention of 1846 the roll of counties was almost complete as it is to-day. The only creations since

that time have been those of Schuyler from Chemung, Steuben, and Tompkins; Bronx from Westchester; and Nassau from Queens.

New York county (and city) had not yet attained its present size in proportion to the entire State. To-day that county—not the entire city, which comprises five counties—contains about twenty per cent. of the population of the whole State. In 1845 it had 371,102 inhabitants, or less than fifteen per cent. of the whole. But its growth was so rapid, largely under the stimulus of the commerce of the Erie canal, as clearly to foreshadow its rise to dominance of the State. In 1830 its population was 202,589; in 1835, 270,089; in 1840, 312,710. No other county was at that time comparable with it. Oneida had 84,776; Kings, Erie, and Albany came next, with between 77,000 and 79,000 each; Monroe and Onondaga had just under 71,000 each; Jefferson had 64,999; St. Lawrence, 62,354; Rensselaer, 62,338; Dutchess, 55,124; Orange, 52,227; Steuben, 51,679; Otsego, 50,509; and no other as many as fifty thousand.

## CHAPTER XXI

### THE WOMAN'S RIGHTS MOVEMENT

**A**LTHOUGH the Nineteenth amendment to the Constitution of the United States, giving the electoral franchise to women as well as to men, was not adopted until the end of the second decade of the Twentieth century, the movement which culminated in that achievement began in the first half of the Nineteenth century, and had its origin in the State of New York. That measure has often been called the "Susan B. Anthony amendment," and with much propriety. It is true that nearly thirty-four years before its ratification in 1920, a resolution for the submission of the same amendment was introduced in the United States Senate by Henry W. Blair, of New Hampshire. But the Senate was then far from ready for a declaration that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by a State on account of sex." The Blair resolution was rejected by a vote of 34 to 16. While the original sponsor of the resolution was the New Hampshire Senator, the main driving power behind it was the New York State woman whose name is linked with the amendment. Subsequent measures were zealously and diligently promoted by others, but all of them, like the Blair resolution, derived their original

inspiration from Miss Anthony. She did not live to witness the triumph of the cause to which her eloquence and energy were devoted for more than half a century, but she has gone into history as the foremost champion of Woman Suffrage in the days of its slow progress.

Miss Anthony was of Quaker stock and adhered to that faith. Born in Massachusetts in 1820, she came to Washington county, New York, with her parents in 1826; and in 1846 the family removed to Rochester, which remained her city home until her death. In the years of her early womanhood she taught school. Before she had reached her thirtieth year three current crusades aroused her deep interest. One was against slavery, the second was for temperance, and the third, and to her the most appealing, was for Woman's Rights. Miss Anthony was not, strictly speaking, the first pioneer in the Woman's Rights movement. But that distinction fairly belonged to another New York woman, Elizabeth Cady Stanton, a native as well as a resident of the State. Elizabeth Cady was the daughter of Judge Daniel Cady. She was thirty-five years old when she married Henry Brewster Stanton, a leading journalist and Abolitionist, in 1840. While the couple were on their wedding tour in Europe, Mrs. Stanton attended the World's Anti-Slavery convention in London, and there she met for the first time Lucretia Mott, who afterward was her distinguished associate at the van of both the Abolition and Woman's Rights movements.

In Mrs. Stanton and Miss Anthony New York State supplied to the Woman's Rights crusade a pair of

leaders who, taken together, could not be matched in zeal, eloquence, and influence while their partnership was unbroken by death. As between the two, however, the primacy belonged to Miss Anthony, who remained a spinster and who had no domestic cares to divert her from the mission to which she was passionately devoted. In a spirit of unselfish comradeship each of the two women proclaimed the other's superior service to the cause. In an article on "Woman's Half-Century of Revolution" contributed to the *North American Review* a few years before her death, Miss Anthony spoke of Mrs. Stanton as "a leader of women," and "the central figure through two generations" in the Equal Rights campaign. But Mrs. Stanton herself told another story. At a critical stage of their common undertaking, when Mrs. Stanton was particularly engrossed in her domestic burdens, she said: "Through all these years Miss Anthony was the connecting link between me and the outer world—the reform scout, who went to see what was going on in the enemy's camp, returning with maps and observations to plan the mode of attack." This candid tribute explains the chief reason why impartial historians have rated Miss Anthony as the overtopping figure in the earlier battles for Woman Suffrage, namely, her exemption from home obligations that could hamper the free play of her extraordinary talents for leadership.

But Mrs. Stanton enjoyed one honor that was denied to her sister worker. She was present at the first Woman's Rights convention ever held. The scene of that event was Seneca Falls, and the dates were July

19 and 20, 1848. The village was at that time the home of Mr. and Mrs. Stanton. Lucretia Mott was a visitor at the nearby village of Waterloo, where she was joined in conference by Mrs. Stanton and a few other sympathizers, mostly Quakers. The party then and there decided to summon a convention, and the call for it was accordingly inserted in the *Seneca County Courier*. The manager and directors of the gathering were Mrs. Mott, Mrs. Stanton, and three kindred spirits of their sex. The place selected for the meeting was the Wesleyan Methodist Church in Seneca Falls—a modest little structure which long ago disappeared as a house of worship. In her memoirs Mrs. Stanton tells us the church was crowded at every session, and that “a religious earnestness dignified all the proceedings.” Forward-looking as the uncredentialed women delegates were, they deemed it wise to bow to current prejudices by selecting a man to preside over the convention—James Mott, the husband of Lucretia. Only one sentence from the resolutions adopted at Seneca Falls need be quoted here. “It is the duty of the women of the country,” it read, “to secure to themselves their sacred right to the elective franchise.”

The Seneca Falls church was thus the cradle of the Woman's Rights movement. The cry of the new-fledged infant did not penetrate very far, and in most quarters where it was heard it evoked only sarcasm and banter. When Judge Cady heard of his daughter's part in the event, he reproached her by writing: “I wish you had waited until I was under the sod before you had done this foolish thing.” Whereon she re-

torted by citing from the lawbooks he had loaned her proofs of the injustice of American laws toward women.

While Miss Anthony was not present at the Seneca Falls convention, her family were well represented there by her father and mother and by her sister Mary, a faithful colaborer in her life-work. Her serious connection with the movement did not begin until 1852. It was in that year that she first met Mrs. Stanton, and another of her fellow-reformers at the time was Mrs. Amelia Bloomer, who gave her name to the "bloomer" costume. Miss Anthony's activities had been along the lines of anti-slavery and prohibition. Her real debut as a Woman's Rights champion was at a national convention which the suffragists held in Syracuse in September, 1852. At the very beginning of this memorable session an incident occurred, as related by Ida Husted Harper in her biography of Miss Anthony, that was strikingly illustrative of her frankness and boldness. Among the candidates for the presidency of the convention was Eliza Oakes Smith, a fashionable literary woman of Boston, who had a strong backing for the honor. Mrs. Smith came to the convention appareled in a short-sleeved, low-necked white dress, rather gaudily ornamented. Miss Anthony was a member of the nominating committee, and when the name of Mrs. Smith was formally presented for the presidency the Rochester Quakeress promptly took the floor and declared that nobody who dressed as Mrs. Smith did could represent the earnest, solid, hard-working women of the country, for whom they were

making the demand for equal rights. James Mott mildly replied that all women could not be expected to dress as plainly as the Friends. But Susan was obdurate, and she carried the committee with her in a revolt that ended with the selection of Lucretia Mott to preside. Other famous suffragists at the convention were Lucy Stone; the Rev. Antoinette Brown, the first woman ever ordained to preach; and Ernestine L. Rose, a beautiful Jewess and refugee from Poland; while in the male contingent Gerrit Smith was conspicuous.

The Syracuse convention was simply an incident in a propaganda that was resolute enough, but as yet quite the reverse of formidable in the range of its influence. Like its Seneca Falls forerunner, it invited more satire and humor than words of approval. Two years later a State Suffrage convention assembled at Albany, at which Miss Anthony was the center of interest. By this time the State organization was bringing strong pressure to bear to induce the Legislature at Albany to broaden the personal and property rights of women by statute, and to submit a constitutional amendment giving them the ballot. In the early months of 1855 Miss Anthony "stumped" the State in her devoted effort to kindle a public sentiment powerful enough to influence the Legislature. Her biographer, Mrs. Harper, describes that campaign as a prodigy of physical endurance as well as of fervid and continuous appeal. From Christmas, 1854, to the following May 1 she canvassed fifty-four New York counties, addressing local conventions and conferences almost daily, facing in her



circuit the rigors of winter together with prejudices and rebuffs that were even more chilling. But she continued her mission dauntlessly, and she gathered a harvest of 10,000 names to a petition praying for favorable legislative action. All her exertions were in vain; for the Legislature remained strongly and inflexibly hostile.

By this time all other political questions and minor reforms were passing into temporary eclipse, as public interest in the anti-slavery issue intensified. After the outbreak of the Civil War the zeal of Miss Anthony, Mrs. Stanton, and their Suffrage sisters was largely diverted to the greater struggle, though Woman's Rights conventions, State and national, were still held intermittently. In the last two years of the civil conflict the energies of the famous group of Suffrage leaders were enlisted in the Woman's National League, founded in February, 1863, largely through the efforts of the two women agitators, to urge upon Congress and the States the necessity of giving immediate and lasting force to Lincoln's Emancipation proclamation.

After the war was over the Woman's Rights crusade was quickened into new life by the steadily increasing public demand for the political and civil security of the southern freedmen. The Suffrage leaders, and particularly Miss Anthony, were convinced that Congress, in drafting and submitting the Fourteenth amendment, admitting colored men to citizenship, could not possibly resist an appeal for the inclusion of white women in the same proposed act of Federal grace. Such was their confident calculation; but they

soon learned with amazement and disgust that the proposed Fourteenth amendment, far from conforming to their wishes, would actually place a fresh obstacle in their path by introducing the word "male" into the Constitution for the first time in connection with the requirements for citizenship. In other words, the very amendment that was intended to confer upon the emancipated slave the privilege of a citizen raised a fresh political discrimination against their sex. Their grievance was now more bitter than ever; for both branches of Congress deliberately voted down motions to strike the word "male" from the text of the amendment. In 1869, three years after the Fourteenth amendment was submitted, the agitation for the Fifteenth amendment gave the Suffragists a chance to retrieve their fortunes. They failed again; but very soon after the last of the war amendments was proposed by Congress, the indefatigable advocates of Suffrage, again led by Mrs. Stanton and Miss Anthony, produced another formidable weapon of attack by organizing the National Woman Suffrage Association, with Mrs. Stanton as president.

The last and successful stage of the nearly eighty-year-old struggle for equal political rights for women in the national sphere was only incidentally related to the political history of New York State; and it therefore need not be reviewed in this volume. But to complete the story of New York's share in the earlier campaigns for the cause, it is desirable to recall an event in that relation in which Miss Anthony conspicuously figured.

It was her defiant participation in a Presidential election by casting a full set of ballots in her home city of Rochester. On November 1, 1872, she went to the polling-place in her ward and registered as a voter, and four days later she succeeded in voting without interference. The registration officers mildly raised a question as to her right to qualify; but she promptly read to them the first section of the Fourteenth amendment, which ordains that "all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside"; and, further, "that no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." That settled the question, so far as the election officers were concerned; and Miss Anthony's three sisters, and ten other women of her ward, followed her example by registering and voting. But the Federal courts were not so chivalric as her neighbors, the custodians of the registry book and ballot-box. She was taken before a United States Commissioner, and admitted to bail. In June, 1873, she was tried in Canandaigua, with Ward Hunt, Sr., Associate-Justice of the Supreme Court, on the bench. Henry R. Sheldon, a famous Rochester attorney, whose advice she had taken before voting, was her counsel. As there was no question about the facts, Justice Hunt, after listening to the legal arguments on both sides, directed the jury to bring in a verdict of guilty; and the following day he fined the spinster defendant \$100 plus the cost of the prosecution. Justice Hunt's right

to instruct and discharge the jury and his general procedure in the case were afterward challenged before the Supreme Court, but his interpretation of the law was upheld by his associates.

The case aroused national interest and enhanced Miss Anthony's celebrity. She was thereafter, and up to the time of her death, recognized as the head-center of the whole crusade. She continued her labors with but little relaxation, addressing audiences on her favorite theme in practically every large city of the United States, east and west. At Washington in 1886 she led the attack for the passage of the Blair resolution for the submission of the constitutional amendment which afterward bore her name. Its defeat left her still hopeful and resolute.

The first American commonwealth to establish equal rights for women was Wyoming, which as a Territory gave them the franchise in 1869, and upon its admission to the Union in 1890 had the distinction of being the original Woman Suffragist State.

## CHAPTER XXII

### THE FREE SOIL REVOLT

**J**OHN YOUNG was a man of an entirely different type from Silas Wright, William H. Seward, William L. Marcy, DeWitt Clinton, and others who had preceded him. Dr. Jabez D. Hammond, who knew him well and who wrote of him while he was Governor, declared that he had talents of a high order, industry, patient perseverance, and a profound knowledge of men, and was one of the ablest party leaders and most skillful managers of a popular body that ever entered the New York Assembly chamber. To this entirely just estimate we may add that Governor Young had the gifts of unfailing courtesy, of imperturbable coolness and calmness, and of convincing directness and clarity of speech. It is obvious, however, that a man might possess all these qualities and characteristics and yet fail to be either a great constructive statesman or a political leader capable of maintaining and advancing a personal position and influence once secured and of bending others to his interest.

His first message, sent on January 5, 1847, to the Seventieth Legislature (the last Legislature under the Constitution of 1821), was indicative of the man. It was scarcely one-third as long as any of Governor Wright's messages, or indeed as numerous others that had gone

before, and contained no rhetorical passages, no essays upon the philosophy of government, no comments upon the national and international policies of the Federal government such as had filled many pages of former messages; but was devoted to a concise consideration of the changes in State government that were imposed by the new Constitution and the measures necessary to effect them. Of the Constitution itself the Governor did not altogether approve. It contained, he frankly said, some things to which he could not have assented if they had been presented separately to the people for ratification. But it had been submitted as a whole, to be accepted or rejected in its entirety, and its good features so far outweighed its bad that acceptance of it was right. "Most of its great leading features," he said, "breathe the spirit of the age and command not only the assent but the admiration of a vast majority of the electors of the State." He especially dwelt upon the felicitous transfer of the office-filling power from a few officials to the people themselves. Formerly, he said, elections were embittered and not unfrequently perverted by the consideration that upon the election of one officer depended the political advancement of thousands. This evil had been almost entirely eliminated by the new Constitution. The apprehension which many had felt and expressed concerning the election of Judges by popular vote he did not share, believing that the experience of a few years would dispel it. He added these golden words:

"Any appointing power other than the people may be either corrupted or subjected, unconsciously, to interested and pernicious influ-



SUSAN B. ANTHONY

Susan B. Anthony, reformer; born, North Adams, Mass., February 15, 1820; Quaker; school teacher in New York state, 1835-50; first spoke at a temperance conference in Rochester, 1848; called a temperance convention at Albany, 1851 after having been refused the right to speak on account of her sex; organized the women's New York state temperance society in 1852; through her influence women were admitted to educational and other conventions with the right to vote and hold places on committees; from 1857 was prominent in the anti-slavery agitation; in 1854-1855 organized meetings for equal suffrage for women in every county in New York state; in 1861 worked with and through the women's loyal legion to have the word "male" struck out of the 14th amendment; between 1870 and 1880 spoke more than 100 times a year in nearly every state in the Union urging equal suffrage; died in New York city, March 13, 1906.







ELIZABETH CADY STANTON

Elizabeth Cady Stanton, reformer; born, Johnstown, N. Y., November 12, 1815; married Henry Brewster Stanton, anti-slavery orator and politician; advocated national women's party in 1840; called the first woman's rights convention at Seneca Falls, N. Y., July, 1848; for 25 years addressed congress annually on the need for passing a suffrage amendment to the constitution of the United States; president national woman suffrage association, 1865-1893; died at New York City, October 26, 1902.





ANNA HOWARD SHAW

Anna Howard Shaw, clergyman and reformer; born at Newcastle-on-Tyne, England, February 14, 1847; came to America when 4 years old; graduated in theology and medicine from Boston university, 1885; licensed to preach in the methodist protestant church; was pastor of three different churches in Boston; prominent in the national woman suffrage association and was its president from 1886 to 1904; traveled through the country with Susan B. Anthony and Elizabeth Cady Stanton working and speaking for suffrage; died Moylan, Pa., July 2, 1919.





MRS. CARRIE CHAPMAN CATT

Mrs. Carrie Chapman Catt; born, Ripon, Wis.; studied law as a girl and taught school for several years, attaining the position of superintendent of schools; was state director and organizer of the Iowa woman suffrage association; has been president of the national woman suffrage association since 1916; has delivered lectures on suffrage in every state in the Union and every country in Europe.





HARRIET MAY MILLS

Harriet May Mills, lecturer and reformer; born at Syracuse, N. Y., August 9, 1857; her father, Dr. Charles DeVerard Mills and her mother were deeply interested in the cause of abolition and of suffrage and their home was one of the stations of Gerrit Smith's "underground railroad"; graduated from Cornell university, 1879; organized the first Browning club in New York state and was widely known as a lecturer on Browning; began lecturing on suffrage in 1892 and accompanied Susan B. Anthony on her campaign in 1894; was the nominee of the democratic party for secretary of state and a delegate at large to the democratic national convention at San Francisco in 1920.





ences. Not so with the people. If they err to-day they will correct the error to-morrow."

Various suggestions and recommendations were made by the Governor for enactments concerning the new judiciary system, most of which were favorably acted on by the Legislature. The Court of Appeals was vested with power to review decisions of the Supreme Court and Court of Chancery which might be made in the six months interim between the going out of the old Court for the Correction of Errors and the establishment of the new courts; the State was divided into eight Judicial districts, and a general Judiciary act was passed. A commission of three was appointed to "revise, reform, simplify, and abridge the rules and practice, pleadings, forms, and proceedings" of the courts of record, and to report thereon to the Legislature for its approval. Arphaxad Loomis, Nicholas Hill, Jr., and David Graham were appointed, and on Mr. Hill's resignation soon afterward David Dudley Field was appointed in his place.

The Governor suggested that, since the Court of Chancery had been merged with the Supreme Court, the Justices in each district should be empowered to designate one of their number to hold special terms in equity, leaving to the other three the administration of cases under the common law. This suggestion the Legislature did not accept, but in the general Judiciary act it provided that the same Judge at the same term might exercise both legal and equitable jurisdiction. The curious recommendation made by the Governor, that a tax of one dollar be levied on each suit brought in the

Supreme Court, to be applied to the salaries of the Justices, was not approved by the Legislature, which fixed the salaries of the Justices at \$2,500.

The new Constitution provided for further work on the canals, and the Governor urged prompt legislation to that end as a matter the propriety of which could no longer be disputed. Accordingly provision was made for the resumption of work on the Genesee Valley canal, the Black River canal, the Erie canal feeder, and the enlargement of the Erie canal itself. The Governor expressed deep regret that the new Constitution seriously hampered the prosecution of public works by imposing novel restraints upon the Legislature and even denying the right of the people themselves to vote a single dollar unless by the same act a tax was imposed to pay principal and interest of the debt thus incurred. This, he thought, indicated "distrust of representative government," and he demanded to know what there was in the history of the State to warrant "this want of reliance on the wisdom and stability of the people." Beyond doubt, that passage in the Constitution was an incongruous anomaly in a document generally devoted to the enlargement and vindication of popular rights and powers.

The Legislature provided for the organization of the First division of militia, and enacted a new general Militia law; provided for the organization of plank-road and turnpike companies, and for the incorporation of villages; and ceded to the United States jurisdiction over land at Sackett's Harbor recently purchased by it for military purposes and authorized it to acquire any

islands in the St. Lawrence River which it might need for beacon lights or other necessary purposes.

The Governor transmitted to the Legislature resolutions which had been adopted by the General Assembly of Virginia protesting against the famous Wilmot Proviso. That measure had been passed by the national House of Representatives in August, 1846, but was not acted upon by the Senate. It was again introduced into the House in February, 1847, and again passed by that body, only to meet with the same fate as before at the hands of the Senate. Now the New York Legislature, several weeks in advance of this second passage of the Proviso by the House, adopted resolutions most clearly and emphatically affirming the principle of that historic measure. Those resolutions, while urging that every citizen should loyally support the government in the Mexican War, declared that when the war was ended any act by which as a result of it territory should be acquired or annexed to the United States "should contain an unalterable fundamental article or provision whereby slavery or involuntary servitude, except as a punishment for crime, should be forever excluded from the territory acquired or annexed." The resolutions were adopted in January, and in March following the national House of Representatives repassed the Wilmot Proviso couched in almost precisely the same words. Naturally, the Virginia resolutions protesting against the Proviso were not sympathetically received at Albany. But the concurrent resolutions of the Legislature of January, 1847, were repeated and reaffirmed by the next Legislature, just a year later.

This Seventieth Legislature retained unchanged the former organization of the Senate, of which body Ira Harris became a member from the Third district. In the Assembly William C. Hasbrouck, of Orange county, was elected Speaker, and Philander B. Prindle was chosen Clerk. Samuel J. Tilden disappeared from the New York delegation, and Daniel E. Sickles came in his place. Henry W. Sage was a member from Tompkins county. The session adjourned on May 13 to reassemble September 8. On the latter date the Governor transmitted a brief message announcing the death of Silas Wright, which had occurred August 27 preceding, and paying a fitting tribute to his memory. The session adjourned without day on December 15.

Political interest in 1847 was chiefly, however, concerned with events outside the Legislature, which culminated in an open breach between the two factions of the Democratic party. This had long been expected, but in connections having to do with State policies; it finally came over a national issue which for the time caused all State issues to drop out of sight. The Democratic State convention met at Syracuse on September 7. The Hunkers had been the more active, or at any rate the more efficient, in the preliminary campaign, and had secured a strong majority of the delegates. But the Barnburners, under the lead of James S. Wadsworth, came to the convention with their hearts filled with grief over the death of Silas Wright and with inexorable enmity toward those who, they felt, had betrayed him to his defeat and untimely end.

As soon as the convention was organized a resolution

was introduced embodying the principles of the Wilmot Proviso and of the concurrent resolutions of the New York Legislature. This was supported by the Barnburners and opposed by the Hunkers. One of the former, arguing for the resolution, pleaded for its adoption as a tribute of justice to Silas Wright. "It is too late for that," replied a Hunker, sneeringly; "he is dead." At that, James S. Wadsworth sprang upon a table and defiantly thundered at the Hunker majority: "It may be too late to do justice to Silas Wright, but it is not too late to do justice to his assassins!" With those words he strode out of the hall, followed by every Barnburner delegate. The Hunkers, remaining, laid on the table the Wilmot Proviso resolution, nominated candidates for State offices under the new Constitution, and adjourned.

The seceding Barnburners issued an address denouncing the Hunkers for defeating the anti-slavery resolution through a fraudulent organization, and calling for a convention on October 26 to determine their future course. That convention, really a mass-meeting, was attended not only by the seceding delegates but by a host of anti-slavery Democrats from all over the State. These were chiefly the friends and followers of Martin Van Buren, and were supremely led by his gifted son, "Prince" John Van Buren. For the ex-President, having formerly played into the hands of the pro-slavery Democrats of the south, had now reversed his attitude and become a resolute Free Soiler. He had opposed the annexation of Texas and the Mexican War, and was now bitterly opposed to letting the southern leaders

profit from those transactions by the extension of slave territory and especially by the introduction of slavery into what had thitherto been free country.

John Van Buren had acquired the nickname of "Prince" because, when he accompanied his father on the latter's brief mission to England, he had the honor of dancing with Princess (later Queen) Victoria. Like his father, he was a man of almost irresistible personal charm and high intellectual and social culture. He was a captivating orator, and as a lawyer ranked among the foremost at the bar of New York. In 1845 he became the last appointed Attorney-General of the State, and showed himself a not unworthy successor of the most distinguished men who had filled that office. It was almost a question whether he should be spoken of as the son of Martin Van Buren or the latter, for distinction, should be spoken of as the father of "Prince John."

This was the man who, side by side with Wadsworth, marched out of the Hunker-ruled Democratic convention at Syracuse and led the revolting Barnburners in their mass-convention and throughout that year's campaign. Under his counsel the convention refrained from nominating any candidates for office. But it issued an address denouncing the Hunkers and declaring for the Wilmot Proviso and for Free Soil. In this we cannot credit him with any deep convictions of anti-slavery principle. His motives doubtless were first personal and then political. He wanted to vindicate his father in his opposition to the annexation of Texas and the Mexican War, and, if possible, restore him to the national leadership of the Democratic party and win for him a

second term in the Presidency. He was shrewd enough to perceive the signs of the times and to know that the party opposed to the extension of the slave power was the party of the future. He had not the supreme virtue of endurance. A few years later he accepted the Compromises of 1850, became a Hunker for the sake of party regularity, and then became a supporter of the pro-slavery administrations of Pierce and Buchanan. But for a time, in the Barnburner revolt, he seemed to be the "rising hope" of the anti-slavery cause. He was, said Henry Wilson, the bright particular star of the revolt; and "Such was the brilliant record he then made that, had he remained true to the principles he advocated, he would unquestionably have become one of the foremost men in the Republican party, if not its accepted leader."

Sufficient, however, unto the day was the revolt thereof. The Barnburner secession at Syracuse doomed the Democratic party to overwhelming defeat in the fall election of 1847, at which State officers and a Legislature were chosen. As Addison Gardiner, the Democratic Lieutenant-Governor who had been elected along with the Whig Governor, John Young, had in the spring been elected to the new Court of Appeals, there was a vacancy in the Lieutenant-Governorship. This was appropriately filled by the election of Hamilton Fish, who had been the Whig candidate the year before. He was elected by a majority of 30,449. Christopher Morgan was elected Secretary of State by 25,337; Millard Fillmore Comptroller by 38,729; Alvah Hunt State Treasurer by 23,516; Ambrose L. Jor-

dan Attorney-General by 35,282; and Charles B. Stewart State Engineer by 38,059. Thus the entire first State administration under the new Constitution passed into the hands of the Whigs.

In the Legislature the result was comparably emphatic. The new Senate contained 24 Whigs to 8 Democrats, a three-fourths majority. In the Assembly there were 93 Whigs and 35 Democrats. On joint ballot, therefore, there are 117 Whigs to only 43 Democrats, a Whig majority of 74.

By way of contrast to these figures, and as indicative of the strength of the Barnburner schism, it may be recalled that at the June election of the same year for Judges of the Court of Appeals the Democrats, then not yet divided, elected all four candidates by strong majorities, Addison Gardiner receiving 145,282 votes to only 127,519 for Ambrose L. Jordan. Five months later Mr. Jordan received 174,763 votes for Attorney-General.

The Seventy-first Legislature, and the first under the Third Constitution, met on January 4, 1848. The Senate, consisting of thirty-two Senators elected for two years from an equal number of districts, had the newly-elected Lieutenant-Governor, Hamilton Fish, for its presiding officer, and chose Andrew H. Calhoun as its Clerk. The Assembly elected Amos K. Hadley, of Troy, to be its Speaker, and reëlected Philander B. Prindle to be Clerk. Among its members were Robert H. Pruyn, of Albany, and James Brooks, the Democratic journalist, of New York.

The message of Governor Young was much longer



than that of the preceding year, though it still was far shorter than many of the formidable messages of former Governors. As before, the Governor was eminently practical, avoiding discussion of Federal affairs and animadversion on abstract themes, and devoting himself chiefly to explicit reports on the condition of the State and brief recommendations concerning its needs. There was a full review of the canal enterprises, and in connection therewith the Governor referred to the President's veto of a bill appropriating money for the improvement of rivers and harbors, and also a bill for certain public works in the Territory of Wisconsin, on the ground that it was unconstitutional to appropriate money for such purposes. Governor Young made it clear that he did not approve the President's policy, but declined to enter into any discussion of it, as inappropriate to a State message; explaining that he mentioned it only because of its intimate connection with the prospective legislation in New York for the Erie canal. If Congressional appropriations for public improvements were unconstitutional, it might be that State appropriations for such purposes were liable to the same objection. Of course, the President's policy was soon completely reversed and discarded, and is now remembered only as a curious aberration. Educational and industrial interests commanded much attention in the message, and some earnest recommendations were made for prison reform, particularly for legislation prescribing the procedure in pardon cases and for more discrimination between first offenders and habitual criminals. After an un-

eventful session the Legislature adjourned without day on April 12.

Then politics broke loose. A Governor of New York and a President of the United States were to be elected, and in the Presidential contest New York was assumed to be the pivotal State. As New York went so would go the Union. To the Democratic national convention at Baltimore on May 22 the State sent two rival sets of delegates, each claiming regularity and each demanding the exclusion of the other. After painful consideration the convention compromised the matter by admitting both and dividing the vote of the State between them, with the natural result of pleasing neither side. New York thus took no decisive part in the nomination of General Lewis Cass for the Presidency. On their return home the Hunkers claimed to have won a victory. The Barnburners issued an address, prepared by Samuel J. Tilden, which practically repudiated the Baltimore convention and called upon their associates to come together in a State convention at Utica on June 22.

This convention comprised among its members many of the ablest and best leaders of the Democratic party. Among them were Samuel Young, who presided; Samuel J. Tilden, John Van Buren, C. C. Cambreling, David Dudley Field, Preston King, Benjamin F. Butler, Dean Richmond, and John A. Dix. Some of these were mere partisans of Martin Van Buren, who were intent upon vindicating him against his enemies. Some were sincerely opposed on principle to the extension of slavery and a few years later left the Demo-

cratic party altogether and joined the Republican party. The outcome of the convention was the nomination of Martín Van Buren for the Presidency.

This was followed by the memorable Free Soil national convention and mass-meeting at Buffalo on August 9-10, under the leadership of Joshua R. Giddings, Salmon P. Chase, and Charles Francis Adams. Its purpose was to "secure Free Soil for a Free People," and its platform was "Free Soil, Free Speech, Free Labor, and Free Men." It was composed of a strange mixture of men of various parties. Van Buren's friends were there, seeking vengeance against his foes. Free Soil Democrats were there, to avenge the "assassination" of Silas Wright. Southern Whigs were there, to avenge the rejection of Henry Clay by the Whig convention. Northern Whigs were there, to punish the Whig party for nominating Zachary Taylor, a southern slaveholder, for President. Thus animosity against others was the common bond of union. The result of the convention was the ratification of the Barnburners' nomination of Martin Van Buren for the Presidency; Charles Francis Adams, of Massachusetts, was nominated for Vice-President.

The Barnburners at Utica had placed John A. Dix, then United States Senator, in nomination for Governor of New York, with Seth M. Gates, of Wyoming county, for Lieutenant-Governor. The Hunkers met at Syracuse and nominated for Governor Reuben H. Walworth, who had been the last of the Chancellors of the State and had been legislated out of office by the new Constitution, and for Lieutenant-Governor the

brilliant jurist Charles O'Connor, of New York. These were admirable men, but neither of them was popular as a candidate.

The Whig national convention of that year had been chiefly under the influence of Thurlow Weed, who worked for and secured the nomination of General Taylor on the strength of his brilliant record in the Mexican War. Weed had tried to persuade Daniel Webster to accept the nomination for Vice-President but failed, and in the convention, after Taylor had been chosen, the second place on the ticket seemed for awhile to go a-begging. Some of Seward's friends had urged him to be a candidate, but he declined. John Young desired the place, but his candidacy met with little favor. His administration as Governor had been respectable but not brilliant. Abbott Lawrence, of Massachusetts, had been suggested, but had little support. Finally John A. Collier, of Binghamton, who had served in Congress and as Comptroller of the State, in a marvellously tactful and persuasive speech nominated Millard Fillmore and asked for a unanimous vote in his favor. This was not granted, the opposition to Fillmore uniting on Abbott Lawrence, but on the second ballot Fillmore won by a substantial majority.

Following this national convention at Philadelphia came the Whig State convention, at Utica. John Young sought renomination, but had little support. Thurlow Weed was opposed to him because of his attitude toward the Mexican War and some appointments that he had made; and his pardoning of a number of men guilty of murder in the Anti-Rent troubles in-

curred for him the opposition of the conservative elements of the party. The overwhelming sentiment of the convention was for the then Lieutenant-Governor, Hamilton Fish. He, already marked by destiny for a distinguished career in State, national, and international affairs, was truly described by Horace Greeley in the *Tribune* as "Wealthy without pride, generous without ostentation, simple in manners, blameless in life, accepting office with no other aspiration than that of making power subserve the common good of his fellow-citizens." Wisely the convention named him as its choice for Governor. Another man of like type was found for Lieutenant-Governor in George W. Patterson, of Chautauqua, a former Anti-Mason and a close friend of both Weed and Seward.

In addition to the three major candidates for the Governorship, the ultra-Abolitionists put forward William Goodell. The campaign was waged with much spirit, but the result was a foregone conclusion. United, the Democrats would have won. Divided, they were doomed to defeat, the Barnburners or Free Soilers having the satisfaction of polling more votes than the Hunkers. For President, Van Buren got more votes than Cass, but Taylor handsomely carried the State and by virtue of that fact became President of the United States. For the Governorship Hamilton Fish received 218,776 votes, John A. Dix 122,811, Reuben H. Walworth 116,811, and William Goodell 1,593. The Whigs also elected a majority of the New York Representatives in Congress, among them being Horace Greeley and Washington Hunt. In the Legis-

lature the Whigs secured a majority of 104 on joint ballot—the Assembly containing 108 Whigs, 14 Free Soilers, and only 6 Hunkers. Martin Van Buren and the friends of Silas Wright were thus abundantly avenged upon their enemies. John Young had been denied reëlection, but in closing his administration he had the satisfaction of witnessing such an annihilation of the Democratic party as went far beyond even what he had most ardently hoped for when he initiated his shrewd tactics. The next year President Taylor appointed him to succeed William C. Bouck as Assistant-United States Treasurer in New York City, and in that office he spent the brief remainder of his life, dying in April, 1852.

## CHAPTER XXIII

### THE DECLINE OF THE WHIGS

**P**OLITICAL activity and interest during the administration of Hamilton Fish chiefly obtained outside of the Gubernatorial office. That was for three reasons. One was that the great national issues and measures, culminating in the Compromise acts of 1850, fairly engrossed public attention. Another was that the new Constitution greatly diminished the patronage and therefore the political power of the Executive. Formerly he had been besieged during his term of office, particularly at the beginning of it, by office-seekers and their friends, and through the withholding or bestowal of appointments he was able to reward friends, punish enemies, and exert much influence upon legislation as well as the administration of affairs. Sometimes this circumstance had reacted greatly to the Governor's disadvantage. John Young alienated a large portion of the Whig party by his use of patronage, and so did William H. Seward before him. William C. Bouck suffered similar displeasure from many Democrats. But the Constitution of 1846 deprived the Governor of much of that power or relieved him of much of that embarrassment. It made his office a place of service rather than patronage.

The third reason was in the man himself. Hamil-

ton Fish was not a politician. He was a scholar and a statesman, with the loftiest of ideals, the purest and most unselfish of motives; more nearly approximating the quality of John Jay than any other Governor the State had thus far known. Had he served under the old Constitution, instead of being the first Governor under the new, the dispensing of patronage would have been distasteful to him, while the use of it for the furtherance of personal or partisan ends would have been utterly revolting.

Naturally, therefore, he pursued in the Governor's office a course as nearly non-partisan as possible. He was loyal to the principles of his party, and applied them to the exercise of his duties. But he recognized the fact that he was Governor of the whole State, of its Democratic as well as its Whig citizens, and with rare sincerity and devotion he strove to do his duty impartially to all. In the party and factional conflicts of the time, which were intense and important, he took no part.

Toward the one dominant issue in American politics he never hesitated to make his attitude clear. He was committed to the principle of the Wilmot Proviso, and in both his annual messages that fact was made unmistakably manifest. It would indeed be difficult to find in the literature of the anti-slavery struggle finer expressions of opposition to the extension of slavery than were contained in his two messages to the New York Legislature. "If there be," he said, "any one subject upon which the people of the State of New York approach near to unanimity of sentiment, it is





HAMILTON FISH

Hamilton Fish, 18th governor (1849-50); born in New York City, August 3, 1808; lawyer; member of congress, 1843-5; unsuccessful candidate for reelection; lieutenant governor, 1847-9; governor, 1849-50; U. S. senator, 1851-7; appointed by President Grant secretary of state and served from March 11, 1869 to March 12, 1877; member of the joint high commission which settled the differences between the United States and Great Britain in 1871 and negotiated the treaty of Washington in 1873; died at Garrison, N. Y., September 7, 1893.



in their fixed determination to resist the extension of slavery over territory now free. . . . It is no new declaration in behalf of the State of New York that she regards slavery as a moral, a social, and a political evil. . . . New York loves the Union of States. She will not contemplate the possibility of its dissolution, and sees no reason to calculate the enormity of such a calamity. She also loves the cause of Human Freedom, and sees no reason to abstain from an avowal of her attachment. While, therefore, she holds fast to the one, she will not forsake the other."

Instinct as they were with humanity and noble idealism, and framed in an eloquent and polished literary style of which he was a master, Governor Fish's messages were also direct and practical in their treatment of the current interests of the State and were replete with profitable suggestions for progressive legislation. He urged the endowment of a State Agricultural College and a State Institute of the Mechanical Arts; the restoration of the office of County Superintendent of Common Schools, which had been abolished; a thorough revision, with radical amendments, of the law for assessments and taxation for local improvements; the more general and more equitable taxation of personal property; the establishment of tribunals of arbitration and conciliation, as provided for in the new Constitution; and the reform of the Criminal Code.

In his first annual message he had the pleasure of announcing to the Legislature the bequest by John Jacob Astor of "the large, and in this country unprecedented, amount of four hundred thousand dollars"

for the foundation and maintenance of a Public Library in the city of New York. The Legislature appropriately made haste to show its appreciation of this munificence by devoting its very first enactment of the session to the incorporation of the Astor Library.

The Legislature was more than ordinarily responsive to the Governor's suggestions and recommendations. It provided for the appointment of a board of eight Commissioners "to mature a plan for the establishment of an agricultural college and experimental farm." It adopted a constitutional amendment making the Speaker of the Assembly next after the Lieutenant-Governor in the line of succession to the Governorship. This amendment failed of the needed second passage by the next Assembly, in 1850; its principle was finally embodied in the Constitution in 1894. A law was enacted to enforce the responsibility of stockholders in certain banking corporations and associations and to assure the prompt payment of claims against such bodies. The Code of Procedure was amended in many important particulars.

At the very opening of the session the Legislature took positive ground concerning the issues raised by the Mexican War. In concurrent resolutions it instructed the Senators from New York and requested the Representatives in Congress to use their best efforts for the establishment of Territorial governments in California and New Mexico which would protect the free soil of those regions from the extension of human slavery, and also for the abolition of the slave trade and slave pens or prisons in the District of Columbia.

The Seventy-second Legislature met on January 2, 1849, and adjourned without day on April 11 following. Its Senate, having been elected for two years, remained unchanged in composition and organization, save for the Lieutenant-Governor. The Assembly reelected Amos K. Hadley as Speaker and Philander B. Prindle as Clerk. There were many changes in its membership from the preceding house, and among the new men who later played conspicuous parts in State affairs were Joseph B. Varnum, Jr., of New York, and William H. Robertson, of Westchester county.

The outstanding event of 1849, destined to involve momentous and far-reaching consequences, was the struggle over the election of a United States Senator to succeed John A. Dix, whose term was to expire on March 4. Immediately after the November election it was certain that the Whigs would be able to elect anybody whom they might choose, and at once sharp rivalry arose in the party among the advocates of various candidates. Hamilton Fish, although he had just been elected Governor; Washington Hunt, and others were suggested by interested friends. But the leading candidates were William H. Seward and John A. Collier. The latter had been Seward's chief competitor for the Governorship nomination eleven years before, and had been defeated by the masterful strategy of Thurlow Weed. Three years later he had been somewhat consoled by election to the State Comptrollership, and had reestablished friendly relations with Weed. But he still cherished resentment against Seward, and thus naturally became the candidate of

all the Whigs who were hostile to that leader. And their name was legion. Seward had made more enemies than friends by his use of official patronage while Governor. His proposals for the education of immigrants' children had arrayed many against him, and his radical anti-slavery policy had given offense, especially to those whose business relations with the south had been injured. Then there were the numerous friends of Millard Fillmore, all of whom supported Collier, not because of enmity toward Seward but because of gratitude to Collier for having made the convention speech that led to Fillmore's nomination and election to the Vice-Presidency.

Seward was spending most of his time at Washington and Baltimore in connection with his very important legal practice, leaving Thurlow Weed to look after his interests at Albany, which that adroit politician did in masterful manner. A scandalous episode of the campaign was the publication, at the beginning of December, 1848, of a letter which purported to have been written by Seward, declaring that "Collier must be defeated, or our influence with the administration will be curtailed." This was a barefaced forgery, concocted by some enemy of Seward or friend of Collier. There is no reason to suppose that Collier was in any way connected with it, but it moved him to issue a bitter manifesto against Seward, which in fact reacted upon himself. Horace Greeley expressed the general sentiment of the best members of the party when he said in the *Tribune*: "We care not who may be the nominee. We shall gladly coincide in the fair

expression of the will of the majority of the party. But we kindly caution those who disturb and divide us that their conduct will result only in the merited retribution which an indignant people will visit upon those who prostitute their temporary power to personal pique or selfish purposes."

After the meeting of the Legislature the contest was confined to Seward and Collier, though a number of members urged that some other candidate be chosen who had not been involved in the acrimonious conflict that had raged for the preceding two months. The Whig Senators held a caucus to decide whether they should go into joint meeting with the Assembly, and declared in favor of doing so by the vote of twelve to eleven. The eleven who voted nay were all opposed to Seward, on the ground that he was so offensive to the south that his election would disrupt both the Whig party and the Union of States. They declared that they would not vote for him either in the Whig caucus or in the joint meeting of the Legislature, and thereupon they withdrew from all further participation in the proceedings. Then came the caucus of Whig Senators and Assemblymen, in which, despite the protest of fourteen members against the nomination of either of the candidates, Seward got 88 votes and Collier 12. When the joint ballot was taken, a few days later, Seward was elected by 121 Whig votes.

That was not the ending but the enlargement of dissension in the Whig party. As soon as Seward took his seat in the Senate the question arose of the control of Federal patronage in New York. Was it to be dis-

pensed by Seward, as the Whig Senator, or by Fillmore, the Whig Vice-President? Weed, desirous of preventing friction, sought a *modus vivendi* under which the two would confer together upon all important appointments. The arrangement, however, did not prove effective, for some highly important appointments were unknown to Seward until they came before the Senate for confirmation. This led to a breach of friendly relations between Fillmore and Weed, which lasted for many years. Weed, done with Fillmore, went straight to President Taylor and succeeded in obtaining from him a transfer of all patronage to Seward.

While thus the Whig party was rent and weakened by intestine rivalries and feuds, the Democratic factions sought reunion. Their leaders were encouraged by the fact that while the party had been badly beaten at the election of 1848, the combined vote of the two wings considerably exceeded that of the Whigs—showing that if they were reunited they could control the State. The task of effecting such reunion was undertaken by Horatio Seymour, than whom there could have been no one more fit. He addressed himself to John Van Buren as the leader of the Barnburners, and urged a reconciliation, pointing out that if this should be effected the Democrats could control the State offices and gain the advantages of victory.

Van Buren eventually gave his assent to the proposal. The two factions got together and nominated candidates for the seven States offices that fell vacant. Some Abolitionists were placed on the ticket with the result



that most of that party joined with the Free Soilers and Barnburners in supporting several of the Democratic candidates. The Democrats and their allies elected four of the seven State officers, while the Whigs elected the most important three, namely, the Secretary of State, the Comptroller, and the Treasurer. The Democrats carried the Assembly by two majority, but the Whigs had so large a preponderance in the Senate that they easily controlled the Legislature<sup>8</sup> on joint ballot. Washington Hunt received the highest majority of all the Whig candidates, being elected Comptroller by nearly 6,000 and thus being placed in the forefront of candidates for promotion at the next election.

At the beginning of 1850 Henry Clay opened his memorable Compromise fight, which was not finished until September. Webster delivered his famous—and fatal—seventh-of-March speech. President Taylor died and Millard Fillmore succeeded him and made Nathan F. Hall, of New York, his Postmaster-General. President Fillmore favored the Compromise policy, and on September 18 signed the Fugitive Slave bill. During all these proceedings Senator Seward was the object of peculiarly venomous animosity on the part of his southern colleagues, who had not forgotten nor forgiven his stand against Virginia's demand for the surrender of men "guilty" of aiding fugitive slaves to escape. Personal attacks and insults almost innumerable were directed against him, all of which he ignored with marvellous imperturbability. When he spoke they deserted the Senate chamber, though competent

critics declared some of his speeches to be superior in thought and logic to those of Webster and Clay.

It was during that memorable session that he referred to the "higher law" in words that attracted nation-wide attention and were much misrepresented. He was speaking of the national domain, the territory owned by, but not yet an organized part of, the United States. "We hold," he said, "no arbitrary power over it. The Constitution regulates our stewardship; the Constitution devotes the domain to Union, to justice, to defense, to welfare, and to liberty. But there is a higher law than the Constitution, which regulates our authority over the domain and devotes it to the same noble purposes." The essence of his thought was, obviously, that the "higher law"—to-wit, divine law—was not contrary to but in exact accord with the Constitution, and that the "higher law" conduced to respect for and maintenance of the Constitution. Yet the charge was widely made, and the impression widely prevailed, that he had advocated a "higher law" at variance with and in violation of the Constitution. Seward's senior colleague, Daniel S. Dickinson, favored the Compromise measures.

The death of President Taylor made a great difference in Seward's status. Close relations had subsisted between the two, and indeed Seward was recognized as little less than Taylor's official spokesman in the Senate. But toward Fillmore Seward was antagonistic, especially after the latter as President committed himself in favor of the Compromise policy, and this fact quickly led to a schism in the Whig party in New

York comparable with that produced by the Free Soil Barnburners in the Democratic party. Fillmore utilized all the influence of the Federal administration to control the Whig State convention of 1850, at any rate to such an extent as to prevent it from adopting any resolution approving Seward's course in the Senate.

That convention met at Utica on September 26. Thurlow Weed was present as the protagonist of Seward and the radicals. John Young, the former Governor and then United States Sub-Treasurer at New York, and Hugh Maxwell, Collector of the Port, were there as leaders of the Federal administration forces and the conservative Whigs. The radicals were in the majority, having 68 delegates to 41 of the conservatives. In the interest of harmony the former assented to the unanimous choice of the veteran Francis Granger as chairman. Mr. Granger was a man of high character and conscientious spirit, but conservative and a strong partisan of Fillmore's, and he appointed a committee on resolutions that would not permit any commendation of Seward to be reported. The radicals thereupon decided to take the matter out of the hands of the committee. They waited until Washington Hunt had been nominated for Governor and George J. Cornwall for Lieutenant-Governor, and then began the fight.

The crux was a proposed resolution declaring that the thanks of the Whig party were especially due to Senator Seward "for the signal ability and fidelity with which he sustained those beloved principles of public policy so long cherished by the Whigs of the

Empire State." This was bitterly opposed by the conservatives, who demanded a roll-call so that each delegate would have to put himself on record; and on the division the resolution was adopted by a vote of 75 to 40. When the result was announced the conservative members, obediently to instructions from Fillmore to bolt any approval of Seward, rose in a body and marched out of the hall. The last of them to pass out was the chairman, Francis Granger, whose ample shock of silvery gray hair made him conspicuous to the eye and caused the leave-takers to be popularly styled the Silver Grays.

The seceders held a convention of their own at Utica on October 17, which ignored Seward, strongly supported and commended Fillmore for signing the Fugitive Slave bill, and accepted Washington Hunt as its candidate for Governor.

The Democrats met at Syracuse on September 11, in a spirit of marked conciliation and compromise. Although the Hunkers were in control the Barnburners were welcomed to seats and received their share of the offices, and John Van Buren was permitted practically to dictate the whole policy and proceedings of the gathering. Horatio Seymour was nominated for Governor and Sanford E. Church for Lieutenant-Governor—two of the ablest men in the party and the State.

The outright Abolitionists, who a year before had been chiefly merged with the Barnburners, nominated William L. Chaplin and Joseph Plumb.

Seward took no active part in the campaign. In most of the counties the friends of Fillmore joined

with those Seward in supporting Hunt. But in New York City there was an open bolt of the Silver Grays. A large mass-meeting was held at which an attempt was made to swing all the followers of Fillmore over to Seymour. The cry was raised that Seward and his radical supporters preferred civil war to the Fugitive Slave law. Against this Weed inveighed in the *Albany Evening Journal* with extreme bitterness, while Greeley in the *Tribune* raged at the miserable blundering of the Fillmore administration.

The result of the election was so close that several weeks elapsed before it was positively known who had won. At last the official figures were reported, giving Washington Hunt, for Governor, 214,614 to 214,352 for Horatio Seymour. The Democrats elected, however, the other candidates on the State ticket. It was only Hunt's great personal popularity that saved him. The Whigs secured a safe majority in the Legislature and a majority of the Representatives in Congress.

To recur to the Seventy-third Legislature, which sat from January 1 to April 10, 1850. Its Senate, of which William H. Bogart was made Clerk, contained only two men who had served in the preceding Senate; among the new members were Clarkson Crolius, James W. Beekman, Edwin D. Morgan, and Henry B. Stanton. The Assembly also was filled with new men. Noble S. Elderkin, of St. Lawrence county, was chosen Speaker, to be replaced in that office during the session by Robert H. Pruyn, of Albany, and the latter in turn by Ferral C. Dinniny, of Steuben county. James R. Rose was restored to his old position of Clerk.

A new member from New York City, then barely thirty, destined to figure conspicuously in the politics and public life of the State and nation, was the journalist, Henry Jarvis Raymond, at first a protege and employe, and afterward a rival, of Horace Greeley.

Governor Fish's second annual message was a notably detailed review of the varied interests of the State, containing many recommendations which unfortunately, because of the changed political complexion of the Legislature, were not as generally acted on as they deserved to be. One of those adopted—though not until the very last day of the session—was that the State should secure and forever preserve the "Washington's Headquarters" house and grounds at Newburgh. An act of the Legislature gave to the State permanent possession and control of that venerable relic of the heroic past.

## CHAPTER XXIV

### THE FALL OF THE WHIGS

**W**ASHINGTON HUNT became Governor in the shadow of the impending ruin and end of the party that had elected him. It was not his fault. Indeed, he did his best to maintain party integrity and steer a course that would be approved by the people. But it was beyond human power to preserve a party that contained within itself the elements of dissolution; yet Governor Hunt, like many other eminent Whig leaders, clung to the old traditions of his party and believed in its high destiny.

He perceived the signs of the times, and if he had not the heroic courage to do other than temporize he stood in the same category with Daniel Webster and Henry Clay. It is problematic whether just at that time New York was quite ready to sustain him in any other attitude than that which he assumed in arguing that since the Fugitive Slave law was in fact law, it must be enforced even though it was repugnant to every moral sense and was obviously peculiarly liable to gross abuse. He expressed detestation of the measure, and sounded a warning against the use of it for dragooning free negroes into slavery. But it was the law, and so must be enforced. In his message he also reviewed the whole course and attitude of New York toward the extension

of slavery, vigorously upheld the policy of Seward and Fish, and referred to the threatened disruption of the Union with earnest protest against so mad a course.

The Seventy-fourth Legislature met on January 7, 1851, with the Senate holding over unchanged from 1850, and with Henry J. Raymond, of New York, elected Speaker of the Assembly—a place which later in the session was filled by Joseph B. Varnum, Jr., also of New York. Richard U. Sherman was Clerk of the Assembly. Among the new Assembly members was William A. Wheeler, of Franklin county, who many years afterward became Vice-President of the United States. The Governor in his message, in addition to the expressions already cited, referred to the serious apprehensions felt by some that trade on the Erie canal would soon be much affected by the rivalry of the railroads. (It will be recalled that a few years before it was thought necessary to protect the railroads which were being built against the rivalry of the canals.) While he did not share the apprehension, he recommended that improvements be made on the canals that would enable them to meet such competition by reducing their tolls, and urged prompt completion of the works ordered in 1835, declaring that the delay in achieving them had cost the State already between ten and fifteen millions. Various ways and means were discussed by the Governor for providing the money needed for that purpose, and as a result of his suggestions the Legislature presently enacted a measure authorizing the Comptroller to borrow nine million dollars on canal certificates which were to depend for payment exclusively upon the re-



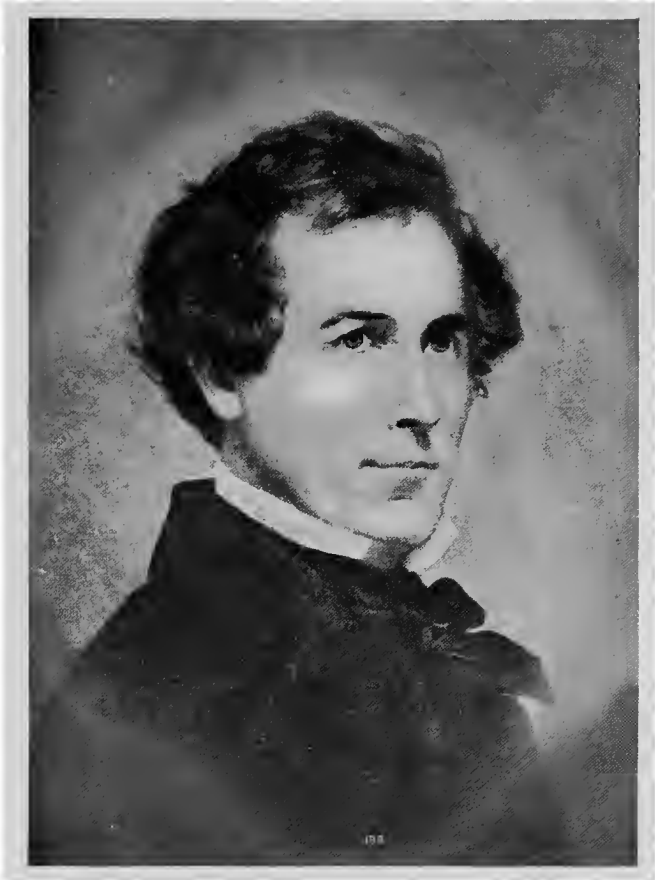
ceipts from the canals and were not to be otherwise a lien on the State. Work was begun under the legislation, but after a little the act was declared by the Court of Appeals to be unconstitutional, and the net outcome, as we shall see later, was the adoption of the Canal amendment to the Constitution in 1854.

Another highly important recommendation of the Governor's was for better supervision and control of the banking interests of the State, to which the Legislature responded by creating the State Department of Banking. He made some reference to national affairs as they affected the interests of New York, especially deploring the abandonment of the protective tariff system and the refusal of Congress to make appropriations for river and harbor improvements.

Two extraordinary political conflicts marked this stormy session of the Legislature. One was over the election of a United States Senator to succeed Daniel S. Dickinson. The candidate of the majority of the Whigs was Hamilton Fish, doubtless the fittest man of his party for the place. But General James Watson Webb, the editor of the *New York Courier and Enquirer*, put himself forward as an aspirant. Webb was then one of the most picturesque and redoubtable figures in American journalism. Though endowed with intellectual abilities, he had the serious failing of a belligerent and rancorous disposition. Physically he was remarkable—gigantic in stature and of almost herculean strength. He figured in many libel suits and several duels, one of the latter being with the celebrated Tom Marshall, of Kentucky. In that "affair" Webb was wounded in the leg;

and for infraction of the New York law against duelling he incurred the penalty of a prison term, from which he was saved by the clemency of Governor Seward. He challenged Jonathan Cilley, a Representative in Congress from Maine, who, however, declined on the ground that Webb was "not a gentleman." Thereupon Webb's friend, William J. Graves, took up the quarrel and fought a duel with Cilley at Bladensburg, Maryland, rifles being used at a distance of eighty yards, with the result that Cilley was killed at the third round of shots. Some years later, in one of his many newspaper controversies with Horace Greeley, Webb offered some sarcastic and contemptuous observations about Greeley's rather careless and eccentric dress; to which Greeley made the stinging retort that however odd the clothes complained of might be, they were not to be compared to those which Webb would have been wearing had it not been for Governor Seward's intervention in his behalf.

Henry J. Raymond was at this time Webb's chief aid on his newspaper. He had begun work under Greeley at first on the *New-Yorker* and then, in 1841, on the *Tribune*. Going over to Webb on the *Courier and Enquirer* in 1843, he might have remained with that newspaper indefinitely had he been willing to do its proprietor's bidding. The breach came in 1851, when Webb demanded that Raymond, as Speaker of the Assembly, should use the influence of that office in behalf of his (Webb's) campaign for the Senatorship. Raymond refused, left Webb's employ, and became the editor of his own paper, the *New York Times*, which soon far



WASHINGTON HUNT

Washington Hunt, 19th governor (1851-52); born at Windham, Greene county, August 5, 1811; lawyer; judge of the court of common pleas of Niagara county, 1836-41; member of congress, 1843-49; state comptroller, 1849-50; governor, 1851-52; defeated for reelection; died in New York City, February 2, 1867.



overshadowed the *Courier and Enquirer* and ultimately obliged it to go out of existence by merging with the *World* when the latter paper was started a few years subsequently.

The fight over the Senatorship was complicated by the circumstance that the Whigs had but a narrow margin over the Democrats in the State Senate, 17 to 15, while the Lieutenant-Governor, who presided, was a Democrat. When the time came for electing a Senator sixteen Whigs voted for Hamilton Fish, while one, James W. Beekman, of New York, objecting to Fish as too much under Thurlow Weed's influence, voted for the venerable Francis Granger, leader of the Silver Grays, and the fifteen Democrats voted for fifteen different men. There was no choice, and a motion was made to adjourn. Sixteen Whigs opposed it, but Beekman voted with the Democrats, making a tie, and the Lieutenant-Governor gave the deciding vote in the affirmative. No election could be had for several weeks. Then, taking advantage of the absence of two Democrats, in New York City, the Whigs forced through a resolution to proceed with the election, and after a continuous struggle of fourteen hours they succeeded in electing Fish.

The other great fight arose over the canal legislation already mentioned. The Democrats steadfastly resisted the bill providing for the nine millions loan, holding that it was unconstitutional. In this they turned out to be right, though the Whigs had the opinion of some of the greatest lawyers in America, including Daniel Webster and Rufus Choate, that the bill was

constitutional. As a last means to defeat the bill, twelve Democratic Senators resigned their seats. That act, unique in the history of the State, compelled the Legislature abruptly to adjourn, on April 17, because it was impossible to get the necessary two-thirds and three-fifths votes which some essential measures required for enactment. Special elections were held to fill the vacancies, in which six of the resigning Democrats failed of reëlection, their places being filled with Whigs; and the latter party was consequently so strengthened when the Legislature reassembled at the call of the Governor on June 10, that the disputed measure was speedily enacted. The Legislature finally adjourned without day on July 11.

In the electoral campaign of 1851 the issue which was supreme in the popular mind was almost entirely ignored by the party leaders. That was the Fugitive Slave law. There was no mistaking public sentiment. President Fillmore had signed the act, and his followers in the Whig party upheld it. Seward, Weed, and Greeley openly raged against it before the State convention was held. The conventions of both the Democrats and Whigs met in Syracuse in September, and both of them ignored the obnoxious law so far as possible. Whig extravagance in canal expenditures was the chief issue raised by the Democrats, who nominated a ticket composed of both Barnburners and Hunkers. The Whigs pledged themselves to complete the enlargement of the Erie canal, and nominated followers of Fillmore together with Seward men holding Fillmore principles. During the campaign Seward devoted his

attention to law practice, Weed wrote about the canals, and Greeley pushed his protective tariff propaganda.

The result was the beginning of the end for the Whigs. In one of the closest elections on record they were beaten for all the important State offices. George W. Patterson, for Comptroller, got 200,532 votes to 200,790 for Mr. Wright, his Democratic opponent. The Democrats elected six of the eight State officers and got control of the Canal board. The Senate was a tie—the total Democratic vote for Senators having been 199,885, and the Whig vote 199,540. A majority of two was secured by the Whigs in the Assembly. Hamilton Fish correctly summed up the situation in declaring that the Whig party had been destroyed by its own leaders. "I pity Fillmore," he said. "Timid, vacillating, credulous, unjustly suspicious, he has allowed the sacrifice of that confiding party which had no honors too high to confer upon him. It cannot be long before he will realize the tremendous mistake he has made." These words well expressed the views of the majority of the New York Whigs—views which soon after were put into effect by repudiation of what was left of the Whig party.

The census of 1850, published in 1851, showed the population of the State to be 3,097,394. Of the counties, New York had 515,547, Kings 138,882, Erie 100,993, Oneida 99,566, Albany 93,279, and no other as many as 90,000.

The Seventy-fifth Legislature assembled on January 6, 1852. In the Senate Ira P. Barnes was chosen Clerk, and among the members was Myron H. Clark, afterward Governor of the State. In the Assembly Jonas C.

Heartt, of Rensselaer county, was Speaker, and R. U. Sherman was Clerk. Governor Hunt's message had much to say about national affairs—arguing in favor of a protective tariff, condemning the extension of slavery, and commending the work of the American Colonization Society in sending negroes to Liberia. He congratulated the Legislature upon the fine start that had been made in work on the canals under its enactment of the year before. But on April 8 he was obliged to announce in a special message that canal work had unfortunately been stopped by litigation concerning the constitutionality of the statute authorizing a loan. The Governor expressed confidence of winning the case, an expectation that was not realized.

The political campaign of 1852 was of peculiar interest to the State. There was a Governor to be elected, and there was the ambition of a New York Presidential candidate to engage attention. Fillmore sought a re-nomination, and he used the Federal patronage in the State unsparingly for the promotion of his object, practically proscribing all Whigs but the Silver Grays. He consequently overreached himself and compassed his own defeat. When the New York delegates to the national nominating convention were chosen only seven were for Fillmore, two were for Daniel Webster, and twenty-four were for General Winfield Scott. The body met in Baltimore on June 16, with Fillmore in the lead and Scott a close second. The crucial question was, however, not so much who should be the candidate as what the platform should say about the Fugitive Slave law and the other Compromise measures. Upon that



depended, indeed, whether Fillmore could be a candidate. For he had signed and vigorously striven to enforce the law, and it would be stultifying to be the nominee on a platform that did not sustain his course. The southern delegates were unanimously in favor of approving the law, and so were some from the north, including Rufus Choate, of Massachusetts, who employed his persuasive eloquence in its favor. After a spirited debate a resolution was adopted declaring that the Fugitive Slave law and the other Compromise acts were "received and acquiesced in by the Whig party" as a settlement in principle and substance of the slavery questions. This declaration proved to be the death-warrant of the Whig party. It was adopted by 227 ayes to only 66 nays. Of the 66 votes in the negative it is interesting to recall that just one-third were cast by the New York delegation.

The platform with its endorsement of the Fugitive Slave law was favorable to Fillmore. On the first ballot he had 133 votes to 131 for Scott and 29 for Webster—147 being necessary to a choice. A strong effort was made to get the Webster men to vote for Fillmore, but in vain, and endeavors to throw the Fillmore votes to Webster were also unsuccessful. The southern delegates would not accept the Massachusetts man. In the end a number of Fillmore's supporters from the south went over to Scott, and he was nominated on the fifty-third ballot with 159 votes to 112 for Fillmore and 21 for Webster. Fillmore accepted the result philosophically and served out the remainder of his term with cheerful optimism, convinced that by the enactment of

the Fugitive Slave law the Union had been saved from dissolution.

The Democratic national convention had met in Baltimore a fortnight earlier, with two New York men, William L. Marcy and Daniel S. Dickinson, among the candidates; the others supported for the nomination were Lewis Cass, James Buchanan, and Stephen A. Douglas. Of the New York delegation 23 were for Marcy and 13 for Cass—Dickinson having none, but hoping to be chosen with southern votes when it should become obvious that no leading candidate could win. Horatio Seymour was the leader of Marcy's forces, and kept them well in hand through many ballots. On the thirty-fourth ballot some of them deserted to Dickinson, who also received the votes of Virginia. At that Dickinson, who was himself a delegate, made a diplomatic speech protesting that he could not be considered a candidate so long as Cass, to whom he was pledged, was before the convention. Of course had Cass's name been withdrawn Dickinson would have been released from his allegiance. The struggle continued without prospect of a decision. Marcy received his highest vote, 97, on the forty-fifth ballot. Seymour then led the New York delegation out for a conference, and proposed that all vote solidly for Marcy, but the protests were so many and so strong that he withdrew his motion, and thus Marcy's chance was gone. On the forty-ninth ballot there was a sudden and overwhelming turning to Franklin Pierce, who was nominated. The platform unequivocally pledged the party to support of the Fugitive Slave law.

The Free Soil Democrats held their convention at Pittsburgh and nominated John P. Hale for President on an aggressive anti-slavery platform.

Seymour's championship of Marcy at the Baltimore convention, and the consequent elimination of Dickinson, provoked an attempt at reprisals in the Democratic State convention, which was held at Syracuse on September 1. Seymour was a candidate for Governor, and Dickinson marshalled all the available forces against him, putting forward John P. Beekman, of New York City. In this course Dickinson had the powerful aid of John Van Buren. But the two, and all their allies, were no match for Horatio Seymour, who whether in diplomacy or in outright war was at that time the most formidable leader in the New York Democracy. On the first ballot Seymour had 59 votes to Beekman's 7, with many others scattering, and on the second ballot he was nominated. Sanford E. Church was nominated for Lieutenant-Governor, and the national platform of the Baltimore convention was ratified.

The Whigs held their State convention at Syracuse three weeks later, and renominated Governor Hunt with practically no contest. His administration had been generally satisfactory and there was no cause for dropping him, though his later inclination to follow Fillmore's policy on the slavery question had alienated some of the anti-slavery Whigs. William Kent, a worthy son of the illustrious Chancellor, was nominated for Lieutenant-Governor. The platform sought to evade direct declaration on the great issue of the day by merely saying that "an honest acquiescence in the ac-

tion of the late national convention upon all subjects legitimately before it" was the duty of every Whig. Naturally, if any anti-slavery Whig was taxed with thus approving the Fugitive Slave law he could say that that matter was not legitimately before the convention and therefore he did not have to acquiesce in it!

Minthorne Tompkins was put in nomination by the Free Soil party.

The Whigs were from the outset doomed to defeat in State and nation. The platform damned the party. Seward and Greeley openly and violently denounced it, while supporting the candidates who stood upon it. The result of the election was overwhelming. Pierce carried twenty-seven States and Scott only four. In New York the figures were: Pierce, 262,083; Scott, 234,882; Hale, 25,329. On the Governorship the vote was little less unfavorable for the Whigs; Seymour was elected by 264,121 to 241,525 for Hunt and 19,661 for Tompkins. The Senate was tied, each party having 16, but in the Assembly the Democrats had more than two members to one—86 to 42. The Democrats elected twenty-one Representatives in Congress, the Whigs ten, and the Free Soilers and Land Reformers one each. Among the Representatives were William M. Tweed, afterward the "boss" of Tammany Hall; Russell Sage, the financier; Reuben E. Fenton, afterward Governor; and Gerrit Smith, the flaming apostle of the Abolitionist cause, who was returned from a district that gave Pierce and Seymour a strong majority—a noteworthy tribute to his personality.

It has been said that General Scott was the only man

in the United States who was surprised at the result of the election. Certainly the Whig leaders of New York were not surprised. Greeley kept up a bold front in the *Tribune* but privately confessed impending defeat, while Weed openly admitted that the case was hopeless. Indeed, the result was logical. A large part of the country was tired of the slavery issue and welcomed a chance to lay it, as they vainly thought, to rest. Another large part was disgusted with the pro-slavery attitude of the Whigs and would not support their ticket. Moreover, there was dissension among the Whigs, while the Democrats were united. In such fashion New York and the United States came to the end of an epoch.

## CHAPTER XXV

### THE WAR OF HARDS AND SOFTS

**H**ORATIO SEYMOUR entered upon his first administration in 1853 with abundant reason, apparently, for satisfaction with the political situation. His party had recovered national power by an overwhelming majority, and the signs of the times gave promise of its continued ascendancy. Himself the leader of the Hunkers, he had been the champion of Marcy, whom the Barnburners had taken for their own, and he had thus effected a reunion of the Democratic party. True, that reunion was destined soon rudely to be ended. But for the time it seemed firmly established, and there was a pardonable note of confidence in Seymour's message. The Seventy-sixth Legislature met on January 4, 1853, with the Senate organization remaining unchanged and with a Democratic organization of the Assembly. The Speaker was William H. Ludlow, of Suffolk county, and the Clerk was John S. Nafew. Among the members were Walter L. Sessions, of Chautauqua, and DeWitt C. Littlejohn, of Oswego, both afterward prominent in State affairs.

The message was typical of the man—eloquent, scholarly, statesmanlike. Congratulatory reference was made to the World's Fair in New York, the Crystal Palace for which was then being built. The evils of

the canal debt and the crisis caused by the decision of the unconstitutionality of the act authorizing the nine millions loan were discussed at length. The Governor urged that the honor of the State required it to refund the money that had been paid for the canal certificates thus declared invalid, and to pay for the work done under the contracts that had been let. Being himself an advocate of the canal system, he urged that steps be taken, by other means, to complete the Genesee Valley and Black River canals and the enlargement of the Erie canal. He expressed dissent from the then current fear that the competition of the railroads, at that time made free, would impair the business of the canals. But if such should prove the case he believed the canals would still be of immense value in controlling the rates of transportation. In response to his recommendation the Legislature adopted a constitutional amendment providing for the payment of the canal debt and for the prosecution of the works named by the Governor. This amendment was again passed by the next Legislature and was approved by the people and became part of the Constitution in 1854.

A special message was sent in on April 5, urging the need of immediate action for the improvement of the Erie and Oswego canals. On April 13 the Legislature adjourned without day, but an hour later a proclamation was issued calling it back in special session the next day. A message was then delivered to it chiding it for adjourning with its necessary business not done. No provision had been made for many of the necessary expenses of the government, for the support of the char-

itable institutions, or for the annual tax bill in New York City. Public faith required that these and other things be done. Grave charges had been made, just before adjournment, against one of the Canal Commissioners, which Seymour thought should be immediately investigated and disposed of. The Legislature then took a recess until May 24, when it met and continued its session until July 21.

Meantime trouble was brewing. President Pierce wanted a New York man in his cabinet, and before he was inaugurated selected John A. Dix for the Secretaryship of State. He sent for Dix and offered him the appointment, which was accepted. Whereupon a howl arose from the Hunkers, who regarded Dix as little better than an Abolitionist, so that Pierce was compelled to send for him again and ask him to give up the place and accept instead that of Minister to France, which Dix accommodatingly did. Next Pierce turned to Marcy, but for the sake of prudence let nothing be known publicly about the new selection until after his own inauguration. Then his appointment of Marcy to be head of his cabinet and Dix to be Minister to France, while Dickinson got only the Collectorship of the Port of New York, opened the floodgates of Hunker wrath.

So when the Democratic State convention met at Syracuse in mid-September the party was again rent asunder. Contesting delegations presented themselves for thirty-six seats, or enough to hold the balance of power between the two wings of the party and control the convention. The whole gathering degenerated into a mob. Two chairmen were declared elected, both took



their places on the same platform, and two conventions were conducted in the same hall, each trying to suppress the other with sheer force of lung-power. When the stage of exhaustion was reached a recess was taken, with the understanding that upon reassembling the contests would be decided by vote of all the uncontested delegates. But after the recess the Hunkers did not return. Realizing that the Barnburners had the majority, they went to another hall and held a bolting convention. They denounced the Barnburners, endorsed the Baltimore platform, approved the Canal amendment to the State Constitution, complimented Daniel S. Dickinson, ignored Governor Seymour, and nominated a set of State officers. Among the latter were George W. Clinton, of Buffalo, son of DeWitt Clinton, for Secretary of State, and James T. Brady, of New York, one of the foremost lawyers of the day, for Attorney-General.

When the Barnburners reassembled at the close of the recess they sent word to the Hunkers that they were ready to proceed with the convention according to agreement. The Hunkers refused to return on the ground that their lives would not be safe among such ruffians. The Barnburners, at the suggestion of John Van Buren, then adjourned until the next day in order to give passions time to cool. Meantime Governor Seymour took a hand in the fight. He was doubly interested, first in preserving the unity of the party and second in securing the support of both factions for his canal policy. So he spent that entire night in conference with Barnburner leaders, and by morning had attained his end. The convention met, approved Sey-

mour's administration and the Canal amendment, and nominated State officers in opposition to those named by the Hunkers, with the exception of Charles H. Ruggles, of Poughkeepsie, and Hiram Denio, of Utica, candidates for the Court of Appeals, of which tribunal both were already Judges. Their high attainments and character well entitled them to reëlection, and the Barnburners set an admirable example in thus excepting judicial officers from partisan contention and endorsing the Hunker nominees.

Between the two factions there was little difference in principles. They were in exact agreement on the chief question of the day, that of slavery. But the Hunkers wanted to wreak revenge on the Barnburners and to embarrass and discredit, so far as possible, the administrations of President Pierce and Governor Seymour, against both of whom they bore a grudge solely because of the appointments of Barnburners to office. A new nomenclature for the factions was adopted. The Hunkers were called "Hardshells," commonly abbreviated into "Hards," because they claimed never to have altered their principles; while the Barnburners were called "Softshells" or "Softs" because they were accused of being trimmers for the sake of popular favor. Dickinson was the chieftain of the Hards, and Seymour of the Softs. The latter faction was undoubtedly the "regular" one. It had held the regular convention, while the Hards had bolted. It had the recognition of the national and State administrations. It also included Tammany Hall, the dominant power in the Democratic party in New York City. Yet the Hunkers persisted in

regarding themselves as the regulars and the Softs as bolters and traitors.

The national administration presently took a hand in the conflict. Charles O'Connor was the United States District Attorney in New York and Greene C. Bronson was Collector of the Port, both holding their commissions from President Pierce. When the Softs organized a great ratification meeting at Tammany Hall and invited those two officials to attend and speak, they indignantly refused, writing letters scathingly denouncing the Softs. The sequel was that Bronson was dismissed from the Collectorship and O'Connor was compelled to resign his office. This use of the Federal whip in State affairs caused bitter resentment and intensified the enmity between the factions.

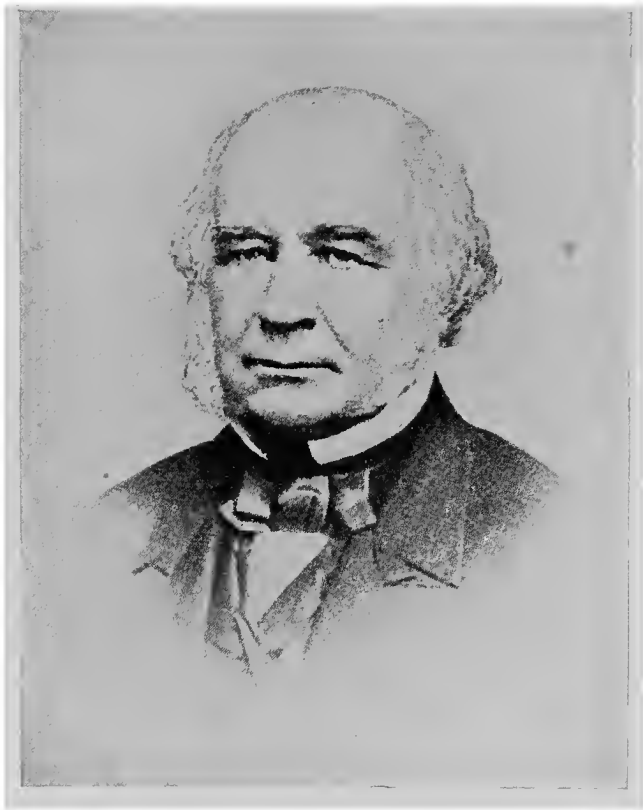
The Whigs held a late convention that year, on October 5. Ex-Governor Hunt was its chairman, and despite the defeat of the year before a spirit of hopefulness prevailed because of the division in the Democratic ranks. They nominated Elias W. Leavenworth for Secretary of State; the brilliant Ogden Hoffman for Attorney-General (young Roscoe Conkling, afterward United States Senator, making his first political appearance as an aspirant to that place); James M. Cook for Comptroller; and Elbridge G. Spaulding for Treasurer.

The success of the Whigs was assured from the beginning, but solely because of the Democratic spirit. On the Court of Appeals ticket, owing to the coöperation of the two factions, the Democrats carried the State by a majority of nearly 14,000. But on all other offices the

Whigs won. For Secretary of State, Leavenworth, Whig, had 160,553 votes; Verplanck, Soft, 96,137; Clinton, Hard, 90,835; and Sedgwick, Free Democrat, 14,985. For Attorney-General, Hoffman, Whig, had 166,165; Grover, Soft, 97,156; Brady, Hard, 92,512; and Jay, Free Democrat, 16,221. With some of their other candidates the Hards did better. The average vote on all (except the Court of Appeals Judges) was: Whigs, 161,933; Softs, 96,698; Hards, 95,529. In the Legislature the result was: Senate—23 Whigs, 7 Hards, 2 Softs; Assembly—78 Whigs, 24 Hards, 24 Softs, 2 Free Democrats. The surprising and significant feature of the contest was the closeness of the vote between the Hards and Softs. Never were contending factions more evenly balanced. Never did a bolting faction, with national and State administrations actively arrayed against it, make so formidable a showing as did the Hards.

So the Whigs, though moribund, returned to power in the Seventy-seventh Legislature, which met on January 3, 1854. Hugh J. Hastings was made Clerk of the Senate, and among the members of that body were Erastus Brooks, of New York; William H. Robertson, of Westchester county; Zenas Clark, and Myron H. Clark, the last-named being reëlected. In the Assembly Robert H. Pruyn, of Albany, was elected Speaker, and Richard U. Sherman Clerk. Among the members from New York were George DeWitt Clinton and Frederick A. Conkling.

Governor Seymour's message began with an elaborate review of the political history of the State as a stimu-



HIRAM DENIO

Hiram Denio. judge court of appeals; born, Rome, N. Y., May 21, 1799; lawyer; district attorney of Oneida county, 1825-1834; circuit judge fifth district, 1834-1838; judge of the court of appeals, 1853-66; died in Utica, N. Y., November 5, 1871.



lus to zeal and devotion in the public service. He made a number of non-partisan recommendations, which were acted upon. One, highly commendable, was that the supervision of the public schools be taken from the Secretary of State and vested in an independent officer, and the Legislature accordingly provided for the creation of the office of Superintendent of Public Instruction. Another recommendation was that the Canal amendment to the Constitution be repassed, which was done.

A third recommendation was that some action be taken to abate the evils of intemperance and the abuses of the liquor trade. The law already forbade the sale of intoxicating liquors in quantities of less than five gallons, excepting in licensed inns with real hotel accommodations for guests and in grocery stores where the liquor was not to be drunk on the premises. The Legislature, in response to the Governor's suggestion, passed a most stringent bill providing for arbitrary search and seizure on omnibus warrants, for the confiscation and destruction of the liquor seized, and for practically compelling persons arrested to testify against themselves under penalty of contempt of court. Seymour promptly vetoed this drastic measure in an elaborate paper condemning it as inquisitorial, oppressive, confiscatory, and in gross violation of the Bill of Rights. It was not passed over his veto.

The Legislature adjourned without day on April 17.

Meantime at Washington the great battle over the Kansas-Nebraska bill was in progress, with Senator Seward leading the anti-slavery forces. Stephen A.

Douglas had introduced the measure affirming that the Compromise legislation of 1850 had repealed the Missouri Compromise. Thereupon party lines were ignored for a new division into "Nebraskans" and "Anti-Nebraskans," Free Soil Democrats affiliating cordially with anti-slavery Whigs under the leadership of Seward, whose closing speech in the great debate was one of the most impressive ever delivered in the Senate of the United States. Echoes from Washington reverberated through New York and roused the State as it had seldom been roused on any occasion. Individuals, churches, and civic bodies all over the State deluged Washington with protests and petitions against the bill. Henry Ward Beecher, then rising to fame as the foremost pulpit and platform orator in America, electrified vast mass-meetings with his passionate appeals for human freedom. Seward scanned the prospect aright. "The storm that is rising," he said, "is one such as this country has never yet seen. The struggle will go on, but it will be a struggle for the whole American people." Out in the woods at Jackson, Michigan, on July 6, a State convention of Free Soil Democrats, anti-slavery Whigs, and others began the organization of what presently became the Republican party.

Of the New York Representatives in Congress, all the Whigs opposed the Kansas-Nebraska bill. So did twelve of the Democrats, among them Reuben E. Fenton, Russell Sage, and Rufus W. Peckham; while nine, led by William M. Tweed, supported it. John Van Buren was furious against it, and Marcy was so strong in opposition that he wished to resign from the cabinet;



he was persuaded by his friends to remain. Generally the Hards were in favor of the bill and the Softs against it.

The Hards made no attempt at reunion with the Softs, but summoned their own State convention, which met on July 12. It approved the Kansas-Nebraska bill, the Canal amendment, and the Excise bill which Governor Seymour had vetoed; denounced the President's meddling in New York politics, and, to emphasize the latter point, nominated for Governor Greene C. Bronson, whom Pierce had removed from the Collectorship. Mr. Bronson had served with distinction in the Legislature, as Attorney-General, as Chief-Justice of the Supreme Court, and as a Judge of the Court of Appeals, and was universally respected—though in approving the Kansas-Nebraska bill he was inconsistent with his record.

The Softs held their convention early in September and found themselves much divided over the Kansas-Nebraska bill. John Cochrane wrote the platform, approving Seymour's administration. The plank on the slavery question made mischief. At the dictation of Federal officials it was drafted so as to be against the bill in theory but in favor of it in practice. This was received by the convention with cold silence. Then Preston King proposed a substitute squarely condemning the bill as a breach of faith and a violation of the spirit of Christian civilization. His eloquent speech aroused a large minority of the convention to enthusiasm, while the majority sat silent and sullen. On a vote, under the compulsion of the Federal lash the sub-

stitute was laid on the table. At that Preston King arose and left the hall, followed by a hundred others who could not stomach the offensive bill. Little more than half of the original convention was left when Seymour was renominated for Governor, with William H. Ludlow for Lieutenant-Governor.

A fortnight later the Whigs held their convention. Horace Greeley was an eager candidate on a platform of opposition to the Kansas-Nebraska bill and advocacy of a liquor prohibition law resembling that of Maine. When he went to Thurlow Weed for aid in his canvass, however, that astute leader told him frankly that he did not believe his nomination would be possible; that he—Weed—had lost control of the party machine; and that Myron H. Clark was almost certain to be nominated. That forecast was fulfilled, Clark winning on the third ballot. He was a man of comparatively little culture but of much native shrewdness and ability, intense in his advocacy of prohibition of the liquor trade, and also wedded to the Native American movement. On the slavery question he was a follower of Seward. He was the author of the drastic Excise bill which Governor Seymour had vetoed, and it was expected that upon that issue he would rally the temperance reformers of the State to his support.

There was some hesitation over the choice of a candidate for Lieutenant-Governor until the name of Henry J. Raymond was proposed, when he was at once nominated with enthusiasm. This gave mortal offense to Greeley and had far-reaching effects. Greeley was sore at being himself beaten for the Governorship, and

to have his personal, journalistic, and political rival named for the second place on the ticket was adding insult to injury. He blamed Weed for it, though unjustly, for Weed had not thought of Raymond until someone else suggested him and the convention was stampeded for him. But Greeley nursed his grievance, which contributed in no small degree to his opposition to Seward's nomination for the Presidency in 1860.

Meantime there had been held at Saratoga in mid-August an Anti-Nebraska convention, led by Greeley, Raymond, John Alsop King, and Moses H. Grinnell. It made no nominations, but adjourned to meet again after the conventions of the various parties. Reassembling at Auburn on September 26, it ratified the Whig nominations and platform. The State Temperance convention did the same, and the Free Democrats agreed to support Clark. All this support was attracted by the Whig platform, which was as bravely outspoken against the extension of slavery as former utterances had been cowardly and temporizing, and which also spoke strongly for temperance. Horace Greeley, despite his pique against Weed, declared it to be a noble platform. Roscoe Conkling, who was one of the vice-presidents of the Whig convention, referred to the Republican organization in Michigan and declared that this New York body was a part of that same Republican party. There was indeed some thought of formally making such a declaration, but it was finally deemed expedient to retain the old name for the campaign.

The Native Americans also held a State convention, early in October. They were a secret, oath-bound or-

ganization, who, because of their professed inability to tell anything about their party, became known as Know-Nothings. Comprising members of all the other parties, their first thought was to make no separate nominations. But other counsels prevailed, and their convention nominated for Governor Daniel Ullman, a respectable but by no means brilliant lawyer of New York, who had long sought office from the Whigs. In their platform they took no ground concerning the Kansas-Nebraska bill.

So the issues of the contest were joined. The Whigs and their allies were against the Kansas-Nebraska bill and in favor of radical temperance reform. Both the Hards and Softs were for the bill and against prohibition. The Know-Nothings dodged each issue and contented themselves with demanding that none but native Americans hold office while they were supporting a candidate who was widely declared—probably with truth—to have been foreign born. The outcome was in doubt to the last moment, and the result proved very close. The Whigs and their allies won by the narrowest of margins. Clark received 156,804 votes, Seymour 156,495, and Bronson 33,850; while Ullman secured no fewer than 122,282, or more than twice as many as had been anticipated. For Lieutenant-Governor Raymond ran ahead of Clark, having 157,166 votes, while Ludlow had 128,833, Ford (Hard) 52,074, and Scroggs (Know-Nothing) 121,037. The Whigs swept the Legislature. The Senate stood: 22 Whigs, 7 Hards, and 3 Softs; the Assembly: 82 Whigs, 16 Hards, 26 Softs, and 3 Maine Law men. It was not, however, so much a

Whig victory as it was a victory of the opponents of the Kansas-Nebraska bill and a demonstration of the dissolution of old party ties and the formation of new ones on the vital issues of the day.

In that respect the result in New York was perfectly symptomatic of political conditions and tendencies throughout the nation, and especially throughout the non-slave States. The old issues of Federalist and Anti-Federalist, of Democrat and National Republican or Whig, and what not, were either obsolete or were placed in abeyance before the one tremendous question which had irresistibly come to the fore and which the Missouri Compromise and all similar measures had merely delayed or masked for a time. In the transition period almost anything might happen. But just ahead was clearly seen a new era in which the chosen leaders would be men who had taken aggressive ground on the question of human slavery and of its relation to the government of the United States.

## CHAPTER XXVI

### THE REPUBLICAN ADVENT

THE outstanding personality in New York politics at the beginning of 1855 was William H. Seward. He was now in the full maturity of his intellectual powers, with a reputation and prestige that made his party leadership unquestioned. More than any other man he had been vindicated and advanced in influence by the election of the preceding fall. His fight against the Kansas-Nebraska bill had made him a great national leader. There was much expectation that he would not only be reëlected to the United States Senate but would be elected to the Presidency the next year. Both these eventualities were confidently predicted in the *Times* by Raymond, who failed, however to take into account two things—the influence of Horace Greeley with his *Tribune* and the power of the Know-Nothings. Greeley was implacable against Seward on Weed's account, and the wide circulation and vast influence of his *Weekly Tribune* throughout all the free States formed a most important factor in the politics of the time. As for the Know-Nothings with their extraordinary development of voting strength in 1854, they were bitterly opposed to Seward because of his proposals when Governor for special school provision for Roman Catholic immigrants and because he was sup-

posed to be a warm friend of Archbishop Hughes, who was endeavoring to have the reading of the Bible in public schools abolished. So when the Legislature met Seward faced a hard fight for reëlection to the Senate.

The Legislature—the Seventy-eighth—met on January 2, 1855. DeWitt C. Littlejohn, of Oswego, was chosen Speaker of the Assembly, and R. U. Sherman was continued as Clerk. Among the members were William B. Woodin, of Cayuga, and Joel T. Headley, the historian, from Orange county. Governor Clark's message dealt chiefly with routine matters. He gave much attention to the public schools and to excise. In response to his urgings on the latter topic the Legislature passed another radical temperance bill, which the courts declared unconstitutional. But a moderate revision of the Excise laws was effected the next year, which stood unchanged until 1892.

Much space was given in the message to the famous Lemmon slave case. Jonathan Lemmon, of Virginia, had visited New York in November, 1852, with eight negro slaves, on his way with them to Texas. Anti-slavery leaders procured a writ of habeas corpus in behalf of the slaves, under which they were permitted to leave their master and escape to Canada. Pro-slavery citizens of New York voluntarily contributed to a fund of \$5,000 which was given to Lemmon as a solatium for his loss. But the State of Virginia was jealous of the rights of its citizens, and it brought suit in the Supreme Court of New York against this State. This was the status of the case when Governor Clark presented his message, and he recommended that the Legislature

make special provision for the conduct of the legal proceedings by the Attorney-General, which was done, and the Attorney-General, Ogden Hoffman, made a brilliant and successful defense. The case was carried to the Court of Appeals, which in 1860 finally disposed of it, affirming the principle that New York, as a sovereign State, had authority to determine the condition of all persons within its jurisdiction and therefore possessed full right and power to declare the eight negroes in question to be free men.

The Governor discussed at length the question of the extension of slavery, condemned the repeal of the Missouri Compromise, and maintained that the peace, permanent welfare, and political rights of the State required the reëstablishment of the principles of that Compromise. Thereupon the Legislature adopted vigorously-worded resolutions confirming the opinions thus expressed.

Then came the Senatorship fight. The Know-Nothings had no hope of defeating Seward in a square fight and on joint ballot. But they hoped to prevent the Senate from making a choice, and thus to prevent any election by that Legislature and have the Senatorship left vacant for a year. The result sought had been achieved before in the history of the State, and they expected to repeat the performance. But that was not to be. Several of the Democratic Senators let it be known that since there was no possibility of electing a candidate of their own they would, if necessary, vote for Seward rather than let him be beaten by the Know-Nothings, toward whom they were intensely hostile.



The Whig caucus met on February 1, with five Senators and twenty Assemblymen absent; of the eighty present, seventy-four voted for Seward. When the election occurred in the Senate Seward received 18 of the 31 votes—there was one vacancy,—and in the Assembly he received 69 out of 126. The dissenting Whigs voted for Fillmore, Ullman, Ogden Hoffman, Preston King, and George R. Babcock. Seward was thus reëlected for a second term. The Legislature adjourned without day on April 14.

The Hards in their State convention, at Syracuse on August 23, showed themselves true Bourbons incapable of either learning or forgetting. They offered no olive-branch of peace to the Softs, unfavorably criticised the national administration, raged against the Know-Nothings, approved the repeal of the Missouri Compromise, and ignored the wrongs of Kansas. If there was any change in their policy it was on the temperance question. At the beginning they had favored prohibition; now they declared themselves against it. A conspicuous figure in this convention was Daniel E. Sickles, who strove vainly though earnestly to persuade his colleagues to assume a more liberal and enlightened attitude. Fate seemed to have decreed that the Democrats should continue divided.

A week later the Softs met in a stormy convention that lasted several days. Their platform condemned the outrages against Kansas which the President had condoned and approved, and opposed the extension of slavery into free Territories. Samuel J. Tilden was nominated for Attorney-General, and the Hard nomination of Samuel

L. Selden for Judge of the Court of Appeals was endorsed.

The Anti-Nebraska State convention of 1854 had appointed an executive committee to which, in emulation of what had been done in Michigan, it gave the name of "Republican State Committee." This body in 1855 entered into negotiations with the Whig State committee, with the result that the two agreed to summon their State conventions to meet at the same place and time—Syracuse, September 26. More than two hundred delegates attended the Republican convention, drawn from both Whig and Democratic ranks. The presiding officer was Reuben E. Fenton, who had formerly been a Barnburner. He was at the time serving his first term in the national House of Representatives, and though a young man had already made his mark in public affairs. The Whigs had a somewhat larger convention, presided over by the venerable John Alsop King. After both conventions were organized each appointed committees on resolutions and nominations. These committees conferred together and agreed on identical work. Then the Whigs all proceeded to the hall where the Republicans were meeting and were received with much enthusiasm. The two chairmen jointly presided, and the combined conventions ratified the platforms and nominations that had been made separately. Horace Greeley reported the platforms, and on the stage were Thurlow Weed, John A. King, Edwin D. Morgan, and Reuben E. Fenton. It was on the motion of John A. King that the list of candidates, headed with the name of Preston King for Secretary of State, was

formally and officially called the "Republican Ticket."

The Know-Nothings, now styling themselves the American party and abandoning all their former secrecy and mystery, held a State convention at Auburn at the same time that the Republicans were assembled at Syracuse and nominated the accomplished and popular historian, Joel T. Headley, for Secretary of State. The Liberty party met at Utica and nominated Frederick Douglass, the negro leader, for Secretary of State, and Lewis Tappan, of New York, for Comptroller. A convention was held by the Free Democrats which nominated candidates.

The campaign did not develop as favorably for the Republican organization as had been expected at the Syracuse convention, while the American party showed greater strength than had been thought possible. Apparently the change of name from Whig to Republican had been at least temporarily detrimental, while the imposing American name helped the Know-Nothings. Seward threw himself into the contest, and in a notable speech at Albany vindicated the formation of the new Republican party. But it was too late. The tide had already set toward Know-Nothing victory. When the votes were counted it was found that the American party had elected its entire State ticket and had secured the balance of power in the Legislature. For Secretary of State Headley, American, had 148,557 votes; Preston King, Republican, 136,698; Hatch, Soft, 91,336; Ward, Hard, 59,353. Similar votes were cast for the other State officers. To the State Senate the Republicans elected 16 members, the Americans 11, the Democrats

4, and Temperance party 1. In the Assembly the Democrats, Hard and Soft, had 50, the Americans 44, the Republicans 33, and one still clung to the name of Whig.

When the Seventy-ninth Legislature met on January 1, 1856, there appeared in the Senate Daniel E. Sickles, Erastus Brooks, Zenas Clark, and James S. Wadsworth; Samuel P. Allen was elected Clerk. Noteworthy members of the Assembly were Francis B. Spinola, of Brooklyn, and A. J. H. Duganne, of New York; Orville Robinson, of Oswego, was elected Speaker, and R. U. Sherman was retained as Clerk. The contest over the Speakership lasted until January 16, and at that time Governor Clark sent in his message, which was chiefly a colorless presentation of routine matters. A recommendation of reform in the public school system moved the Legislature to pass a general act abolishing town Superintendents of Schools and creating a School Commissioner for each Assembly district. The Legislature adjourned without day on April 9.

Chief interest that year centered in the Presidential campaign. The new national organization of the Republican party would put its first candidate into the field, and the issue would be that of slavery with particular reference to the civil war in Kansas. To the latter subject especial attention was paid in New York. Horace Greeley in the *Tribune* urged the equipping of all free settlers in Kansas with Sharps rifles—peculiarly effective breech-loaders then recently invented,—and Henry Ward Beecher took up collections in his church to provide every colonist on his way to

Kansas with a rifle and a Bible—the rifle first. In the debate in the Senate over the bill for the admission of Kansas into the Union, Seward was probably the ablest champion of the Free State cause, and that fact made him appear to many as the logical candidate of the Republicans. But he was held back by Thurlow Weed, who shrewdly perceived the impossibility of his election at that time and feared that defeat in 1856 would militate against his chances in 1860. His success in 1856 was impossible, Weed argued, because no Free State man could hope to win without the vote of Pennsylvania, and that was not to be secured since the Democrats had selected their candidate from that State.

The Democrats were first in the field with their national convention, which met in Cincinnati June 2. President Pierce was a candidate for renomination. Stephen A. Douglas was a candidate on the strength of his leadership in the Senate. James Buchanan was a candidate on the ground that he was a Pennsylvanian and could carry that State, the vote of which, added to the votes of the sure Democratic States, would suffice. The New York delegates were divided, the Hards being bitterly opposed to Pierce and supporting Buchanan, while the Softs, under the lead of Marcy, voted for Pierce though having little expectation of his success and hoping for a union of his supporters with those of Douglas. The Softs continued to vote for Pierce until after the fourteenth ballot, when he was withdrawn; then they turned to Douglas only to see him also withdrawn and Buchanan chosen. They had “put their money on the wrong horse,” but the tact

of Horatio Seymour saved them from an awkward situation.

The Republicans assembled in national convention in Philadelphia on June 17 with high hopes of victory. They had elected Nathaniel P. Banks Speaker of the House of Representatives, and felt confident of carrying every northern State. With Seward withdrawn from the competition their leading candidates were John Charles Fremont and John McLean—the latter for many years a Justice of the Supreme Court of the United States. After a brief and entirely friendly preliminary contest Fremont was chosen. Had Seward been a candidate he would have been nominated probably by acclamation.

The American or Know-Nothing party nominated Millard Fillmore for President, but a considerable number of the delegates bolted, and ultimately the anti-slavery Know-Nothings endorsed Fremont. What was left of the Whig party held a convention, which ratified the regular Know-Nothing nomination of Fillmore.

Next came the New York State conventions, with the Democrats first in the field. The two factions held separate conventions, but on the same day and in the same city, Syracuse. As soon as the two bodies were organized they emulated the example of the Whigs and Republicans the year before, and came together as one assemblage. It was agreed to stand united on the Cincinnati platform, which approved the policy of the Pierce administration on the slavery issue. Horatio Seymour was the unchallenged leader of this



MYRON HOLLEY CLARK

Myron Holley Clark, 21st governor (1855-56); born at Naples, Ontario county, October 23, 1806; sheriff of Ontario county; state senator, 1852-4; governor, 1855-1856; died at Canandaigua, N. Y., August 22, 1892.







GEORGE FRANKLIN COMSTOCK

George Franklin Comstock, jurist; born, Williamstown, Oswego county, August 24, 1811; graduated from Union college in 1834; lawyer; appointed by Governor Young as reporter to the court of appeals then newly organized, 1847; appointed by President Fillmore solicitor to the Treasury of the United States, 1852; judge of the court of appeals, 1855-1861; defeated for reelection; elected delegate at large to the constitutional convention of 1867 and with Charles J. Folger practically framed the article on the judiciary; was active in the movement to secure Syracuse university; died February 11, 1892, Syracuse, N. Y.



joint body, and was indeed the most competent and masterful figure in the party.

Four ballots were needed for the choice of a candidate for Governor, the leading candidates being Amasa J. Parker, Fernando Wood, Addison Gardiner, and David L. Seymour. Parker was a cultivated New Englander, an eminent lawyer who had served with distinction in the Legislature and in Congress; later he had a long and honorable career on the bench of the Supreme Court. Wood was a Philadelphia Quaker who had been a cigar-maker and grocer and had begun his political career at the Pennsylvania capital. He had been elected to Congress from New York at the age of twenty-eight, and afterward was Mayor of New York City, in which office his record was far from creditable. Personally he was a man of much charm, but politically he was quite unscrupulous. Gardiner was a leading Soft, who had been Lieutenant-Governor with Silas Wright and afterward Judge of the Court of Appeals. David L. Seymour was one of the hardest of the Hards.

At first Parker was a poor third in the balloting (Wood standing fourth); but Horatio Seymour regarded him as the best man to unite the party, and so prevailed upon Gardiner to withdraw and let his supporters go to Parker, who thereupon was nominated.

The Republicans met at Syracuse also, on September 17, a multiplicity of candidates being before the convention. Governor Clark would have liked to be re-elected, but his extreme temperance views made him unavailable in the new era that had come upon the

State. Moses H. Grinnell, a wealthy, philanthropic, public-spirited, and immensely popular merchant of New York, was the favorite of many, but he declined to be considered. John Alsop King, Ira Harris, Simeon Draper, and James S. Wadsworth (once leader of the Barnburners in their famous bolt), were active candidates. Through the influence of Thurlow Weed the choice fell upon King, probably the best man who could have been named. He was a son of Rufus King, and had been educated in England when his father was Minister to that country, having for schoolmates Lord Byron and Sir Robert Peel. Formerly an Anti-Mason, a Henry Clay National Republican, and a Whig, he had fought against Clay's Compromises in 1850 and the Fugitive Slave law and had become a pillar of strength to the Free State cause. The nominee for Lieutenant-Governor was Henry R. Selden, of Monroe county, a younger brother of Samuel L. Selden, and like him an eminent lawyer.

The Americans or Know-Nothings nominated for Governor Erastus Brooks, who was a native of Maine and a younger brother of James Brooks, the founder and editor of the *New York Express*. He was a young man of ability and high character.

The campaign was waged with much spirit and engaged the activities of many notable men. Seward did not enter it until late in the season, but Horace Greeley, Henry J. Raymond, Henry Ward Beecher, and others stumped the State for the Republican ticket. George William Curtis made his first appearances upon the platform, which for many years he so greatly

graced; William Cullen Bryant also become a political speaker for the first time; and Washington Irving made known his interest in the Republican cause.

The result of the election justified the prophecy of Weed. Fremont lost Pennsylvania, New Jersey, Indiana, Illinois, and California, and was defeated. In New York his victory was overwhelming. He received 276,007 votes to 195,878 for Buchanan and 124,604 for Fillmore. The Governorship contest showed a like result. John Alsop King was elected the first Republican Governor of the State by 264,400 votes, against 198,616 for Parker and 130,870 for Brooks. For the other State officers the results were similar. In the State Senate the Republicans had 16, the Americans 11, the Democrats 4, and the Temperance party 1—that body holding over unchanged. In the Assembly the Republicans had 81, the Americans 8, the Democrats 31, and a combination of Americans and Democrats 8. Moses H. Grinnell and James S. Wadsworth were the Presidential Electors-at-large. Among the Representatives elected to the Thirty-fifth Congress were Daniel E. Sickles, John Kelly, John Cochrane, John B. Haskin, Erastus Corning, Francis E. Spinner, and Reuben E. Fenton.

## CHAPTER XXVII

### THE FIRST REPUBLICAN GOVERNOR

**T**HE first Republican Governor of New York addressed his first annual message to the Eightieth Legislature of the State on January 6, 1857. The Senate, having held over from the preceding year, was unchanged in membership and organization save for the new Lieutenant-Governor. In the Assembly, which had a large Republican majority, De Witt C. Littlejohn, of Oswego, was returned to his former place as Speaker, and William Richardson was made Clerk in place of Richard U. Sherman, who had been elected a member from Oneida county.

The message was comparatively brief and intensely practical. It reported that according to the census of 1855 the population of the State was 3,466,212, of whom 920,530 were of alien birth—figures which remind us how vast had already become the influx of European immigrants in the years following the great Irish famine and the revolutionary era on the European continent and the subsequent proscription. Much attention was given to the educational system of the State, and announcement was made of the opening of the Dudley Astronomical Observatory at Albany, an institution which the Governor proudly estimated to be comparable with any other of the kind in the world.

New York City's interests were discussed in detail, particularly the needs of greater safeguards against corrupt practices at elections and of a more efficient police organization. In response the Legislature enacted a law creating the Metropolitan Police district and providing for its administration—the district comprising the counties of New York, Kings, Richmond, and Westchester.

On the subject of slavery the document was one of the most outspoken in the history of the State. The Governor declared it to be "the deliberate and irreversible decree" of New York that so far as this State was concerned there should be no further extension of slavery in the Territories of the United States. "This conclusion," he said, "I most unreservedly adopt, and am prepared to abide by it at all times, under all circumstances, and in any emergency." He emphatically took issue with President Pierce for the latter's imputations against the people of New York on account of their conduct in the late election, and he suggested the propriety of making a generous appropriation from the State treasury for the relief of the citizens of Kansas who were suffering from the ravages committed upon them through the failure of the national government to do its duty toward them. This suggestion was not approved by the Legislature, but, echoing the Governor's forceful words, resolutions were adopted declaring that New York would "not allow slavery within her borders in any form, or under any pretense, or for any time, however short," and that by its decision in the Dred Scott case the Supreme Court of the United

States had "impaired the confidence and respect of the people of this State."

One of the most important duties of the Legislature of 1857 was to elect a United States Senator to succeed Hamilton Fish, whose term was to expire on the fourth of March, 1857. There was no thought of re-electing Fish, who personally did not desire another term. He had been an excellent Senator, with unflinching sanity of judgment, perfect integrity, inflexible courage, and a broader scope of statesmanship than many of his colleagues could boast; but he was more a statesman than a politician and was a lover of peace, and therefore he was considered to be too little aggressive for the strenuous times upon which the nation was then obviously entering. He was glad to retire, destined at a later day to serve the nation nobly in one of its very highest places; and in failing to offer him reelection there was no reflection upon his splendid worth.

There was in the newly-formed Republican party a certain jealousy between those who had been Democrats and those who had been Whigs. The not unnatural notion that Thurlow Weed would instinctively favor former Whigs above former Democrats led some of the latter to regard him with a certain degree of distrust. It was in order to allay that feeling that in the convention of 1856, when he "turned down" the former fighting Democrat, James S. Wadsworth, in favor of the old-line Whig, John A. King, Weed promised that the next United States Senator should be a former Democrat.



He had his choice among at least four such candidates. One was James S. Wadsworth. A second was Ward Hunt, who afterward served in the Court of Appeals and in the Supreme Court of the United States. A third was David Dudley Field, the eminent lawyer who had prepared the Code of Civil Procedure for the Legislature of 1848. The fourth was Preston King, the distinguished St. Lawrence county lawyer who in former years had been one of the most unsparring antagonists of the Whigs, but who had been in 1855 the first Republican candidate for Secretary of State. Wadsworth and Field withdrew in favor of Hunt, but Weed insisted that King ought to be chosen, and in order to avoid suspicion of any ulterior motives he suggested that the choice between King and Hunt be left to those Republican members of the Legislature who were formerly Democrats. That was a diplomatic move, but it was logical and just, and it resulted in the choice of Preston King for Senator. The Legislature adjourned without day on April 18.

The summer of 1857 was not a good time for the Republican party in New York. In August there suddenly came upon the State and nation one of the most disastrous financial and business panics in history, the failures representing a much larger amount of capital than even the panic of 1837. It did not appear that the Republican party was in any measure responsible for this state of affairs. But it is the inclination of voters always to hold the party in power responsible for any harm that happens. In addition, dissolution of the American party set in and tens of thousands of

its members who had formerly been Democrats returned to their old allegiance, while those of Whig antecedents continued in the third party. The result was that in the fall elections of 1857 the Democrats were generally successful. They elected Gideon J. Tucker to be Secretary of State by 195,482 votes to 177,425 for Clapp, Republican, and 66,882 for Putnam, American. By similar votes they elected Sanford E. Church to be Comptroller, Isaac V. Vanderpoel to be Treasurer, Lyman Tremain to be Attorney-General, and Van Rensselaer Richmond to be State Engineer. In the Legislature the Republicans held their control by a narrow margin, though with the Americans holding the balance of power. In the new Senate there were 15 Republicans, 14 Democrats, 2 Americans, and 1 Independent-Democrat. In the Assembly there were 61 Republicans, 58 Democrats, and 9 Americans. To the Senate were elected Samuel Sloan, Francis B. Spinola, Smith Ely, Jr., and William A. Wheeler, while in the Assembly Moses S. Beach, of Kings county, made his appearance.

This Eighty-first Legislature met on January 5, 1858. The Senate chose Samuel P. Allen to be its Clerk. In the Assembly, owing to the close division of parties, a prolonged contest occurred over the Speakership, which lasted until January 26, when on the fifty-third ballot Thomas G. Alvord, of Onondaga county, was chosen—a Democrat.

Governor King's message of 1858, like his previous one, was shorter than the average of such documents. It discussed the causes and character of the panic of

1857, and recommended as a safeguard against such occurrences that banks be required to keep on hand in coin an amount equal to at least 25 per cent. of their liabilities, exclusive of banknotes. Such a system had prevailed in New Orleans, and the banks of that city were the only ones that successfully weathered the storm. The increasing abuse of the practice of injunctions issued by the courts commanded the Governor's attention. He pointed out that injunctions were unknown to the common law and were particularly susceptible to abuse, and suggested various rules and regulations for the abatement of the evil. Concerning affairs in Kansas he had vigorous words, and he made some scathing reflections on President Buchanan. The Legislature adjourned without day on April 19.

During the spring and summer of the momentous year 1858 all the events seemed to shape themselves for the Republican party. Stephen A. Douglas openly opposed the Lecompton policy of President Buchanan in respect to Kansas, and thus caused an irreparable breach in the Democratic party. Douglas's "popular sovereignty" doctrine seemed certain, if maintained, to settle the controversy in the Territories in favor of free soil, and accordingly many of the New York Republicans began to consider the practicability of a union between themselves and the Democrats who followed Douglas. Both Greeley and Raymond in their papers advocated letting Douglas be reëlected to the Senate from Illinois without Republican opposition, and were displeased when Abraham Lincoln entered the contest against him and challenged him to the famous de-

bates. It was even hinted that Greeley would be pleased to see Douglas taken up as the Republican candidate for the Presidency in 1860, since that would mean the elimination of Seward, for whom Greeley's antagonism was steadily increasing. But all such ideas were dissipated by the time the Lincoln-Douglas debates were ended, through Lincoln's convincing exposure of the radical difference between Douglas's policy and the principles of the Republican party.

The Republicans were the first to meet that year, their State convention being held at Syracuse on September 8. There were still marks of the division between previous Democrats and previous Whigs. The former were opposed to Thurlow Weed's domination and wanted to nominate, against his wishes, Timothy Jenkins, of Oneida county, for Governor. Mr. Jenkins was an adroit politician, who had been for three terms in the House of Representatives. Weed had selected as his first choice Simeon Draper, of New York, who had been a candidate two years before. But Draper fell into serious business difficulties, and for that cause seemed unavailable. Weed then turned to James H. Cook, of Saratoga, but was unable to make headway for him against Jenkins, and so was compelled to change again. This time he selected Edwin D. Morgan, of New York, the most felicitous choice, as the event proved, that could have been made.

Mr. Morgan was of Connecticut stock and birth. For many years he had been one of the most influential and most universally respected citizens of the metropolis. He had served as Alderman, and as State Senator

in 1850-53. A merchant and railroad president, he was of spotless character both public and private, of commanding intellectual power, and of entire disinterestedness in his service to the city and State. He was now approaching middle age, stalwart, handsome, urbane, and possessed exceptional charm of speech and manner. So ideal a candidate should apparently have been nominated without a contest.

But there was a contest, and so strong did it prove that Weed, who personally took charge of Morgan's candidacy on the floor of the convention, was put to his utmost efforts to win. Other candidates than Jenkins appeared. Horace Greeley was pursuing his hopeless quest. George W. Patterson had some supporters. Alexander S. Diven, of Elmira, then a State Senator and afterward a Representative in the Thirty-seventh Congress, was in the field. John A. King may not have cared for renomination, but some of his friends urged that he should have it. Moreover, the Know-Nothings were generally hostile to Morgan because of his willingness to recognize the equality of naturalized citizens. Weed fought one of the great fights of his life, and won. On the first ballot Morgan had 116 votes of the 128 needed, Jenkins receiving 51 and the remainder being scattered among various candidates; only three were for Greeley. On the next ballot Morgan had 165 and was nominated. Robert Campbell, Jr., of Steuben county, was nominated without opposition for Lieutenant-Governor. He had been a delegate to the Constitutional convention of 1846, but had not otherwise held office. The platform

strongly approved Seward's course in the United States Senate.

The Americans or Know-Nothings, who on most issues were in accord with the Republicans, held their convention at the same time as the latter, and in an adjacent hall,—their intention being to go into fusion with the Republicans as the Whigs had done the year before. But Weed knew that such a fusion would be impossible with Morgan as the candidate for Governor, and he wisely reckoned it more important to have Morgan than the dwindling remnant of the Know-Nothing party. So the Republican convention made its nominations without regard to the Americans, and the "deal" was "off." The Americans then nominated for Governor Lorenzo Burrows, of Albion. Like Morgan he was of Connecticut birth—a man of ability and character, who had been for two terms a Whig Representative in Congress and in 1855 had been elected State Comptroller by the Know-Nothings.

The Democratic convention met a week later, opening with a vigorous contest between two rival delegations from New York City. The Softs, from Tammany Hall, were led by Daniel E. Sickles, and the Hards, comprising the Federal office-holders and their friends, were led by Fernando Wood. The former faction demanded to have its entire delegation seated and the Hards excluded, and this was done. Wood and his followers then withdrew from the convention. The Softs made Horatio Seymour temporary chairman and would have nominated him for Governor, but he refused to stand. The convention then turned

again to Amasa J. Parker, who had been defeated two years before, and chose him to lead another hopeless battle. For Lieutenant-Governor it named John J. Taylor, of Oswego, who had served a single term in Congress and had then been retired because of the resentment of his constituents at his vote for the Kansas-Nebraska bill. The platform was non-committal, expressing merely a willingness to let Buchanan's administration be judged by the people and satisfaction at the apparent settlement of the Kansas question.

The campaign was marked with the powerful activities of three of the most commanding New York figures of the time. One of these was John Van Buren, the protagonist of the Democratic side, who in a strong series of speeches extolled Douglas for the part he had played in the Kansas settlement and won the Democrats of the State to support him for the Presidency in 1860.

The second was Roscoe Conkling, who this year was for the first time a candidate for Congress, and who displayed already a large measure of the eloquence, learning, wit, resolution, and authoritative personality that for many years made him one of the most formidable members of the United States Senate and one of the most masterful political leaders of his time.

The third and greatest was Seward, with his famous speech at Rochester in the closing days of the campaign. Strangely enough there had existed some doubt as to his course. In that speech he dispelled the last traces of uncertainty. Taking his keynote from Lincoln's memorable declaration of a few months be-

fore, that a house divided against itself could not stand and that he did not believe this government could permanently endure half slave and half free, Seward condemned as erroneous the pretense that the conflict over slavery was the accidental work of interested or fanatical agitators. "It is," he said, "an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation or entirely a free labor nation." He had expressed the same idea before, but never so tersely nor on an occasion when it commanded so much attention. His phrase "irrepressible conflict" was in a twinkling taken up as one of the watchwords of the Republican party. "Few speeches from the stump," says the historian James F. Rhodes, "have attracted so great attention or exerted so great an influence. The eminence of the man combined with the startling character of the doctrine to make it engross the public mind." The Democratic press condemned Seward for the speech in most aggressive and denunciatory terms. He was railed against as a vile, wicked, malicious arch-agitator, more dangerous than William Lloyd Garrison or Theodore Parker. Even some of the Republican papers deplored his speech as injudicious and impolitic, and as likely to do his own party harm. But Greeley in the *Tribune* and Webb in the *Courier and Enquirer* for once in their lives agreed, commending it in the strongest possible words.

The result of the election was variously interpreted. It is probable that some votes were lost through



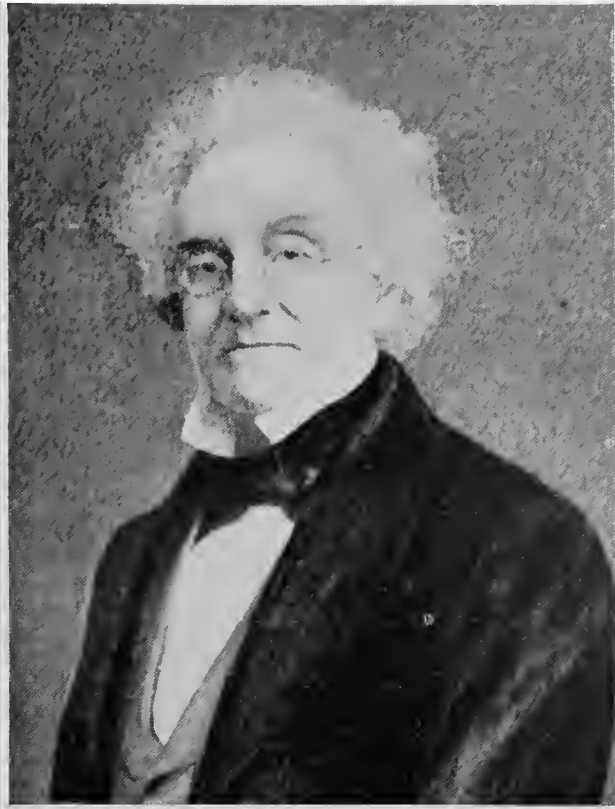
Seward's utterance; so Greeley believed, though he denounced the clamor against the speech as "knavish." About half of the Know-Nothings voted for the Democratic ticket, while the remainder supported their own candidate, all of them being lost to the Republicans. Still Morgan was handsomely elected, by more than 17,000 plurality. He had 247,953 votes; Parker had 230,513; Burrows had 60,880; and Gerrit Smith, who had been nominated by the Abolitionists, had 5,470. All the other State officers were elected by the Republicans with similar pluralities. The State Senate was holding over for another year, but a new Assembly was elected, in which the Republicans secured 99 members to the Democrats' 29. The Republicans also elected an overwhelming majority of the Representatives in Congress. The net result was a great victory for Seward, who thus was made one of the two outstanding leaders of the Republican party in the nation and one of its chief candidates for the Presidency in 1860.

## CHAPTER XXVIII

### THE EVE OF WAR

**S** EWARD was right. The conflict was irrepressible, as was recognized even by those who most severely censured him for stating the obvious fact. It was, moreover, morally certain that it would be precipitated at the beginning of the next Presidential term. Bold and plain the sign of the times was written in 1858 that the storm would break in 1861, as the great question that convulsed the country imperatively demanded a settlement at the forthcoming national election. Very much depended, then, upon the choice of the next President; and during the ensuing two years that matter absorbed attention to the exclusion of almost everything else. State issues were held in abeyance and State interests subordinated to those of the nation.

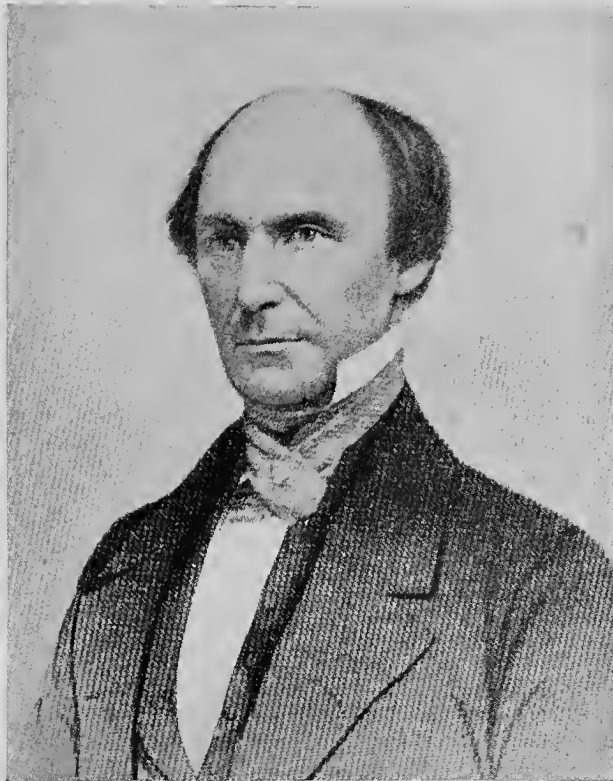
The administration of Governor Morgan began in a calm, business-like manner. The Eighty-second Legislature assembled on January 4, 1859, with the same Senate as at the previous session. In the Assembly DeWitt C. Littlejohn was made Speaker and William Richardson Clerk; and among the new members were George Opdyke, of New York, and Henry W. Slocum, of Onondaga. The Governor's message was of moderate length and was the practical business document that was to be expected from such a man. He



JOHN ALSOP KING

John Alsop King, 22nd governor (1857-58); born in New York City, January 3, 1788; lawyer; member of assembly from Queens county, 1819-1821; state senator, 1823; resigned to accept appointment as secretary of legation to the court of St. James; charge d' affairs, June 15 to August 2, 1826; again elected a state legislator in 1832, 1838 and 1840; member of congress, 1849-51; governor, 1857-1858; delegate from New York to the peace conference in 1861; died at Jamaica, L. I., July 7, 1867.





SAMUEL LEE SELDEN

Samuel Lee Selden; born, Lyme, Conn., October 12, 1800; lawyer; chancery clerk and first judge of the court of common pleas, Monroe county; court of appeals, 1856-1862; died in Rochester, N. Y., September 20, 1876.



recommended better supervision of the insurance business, and the Legislature responded by creating a State Insurance department, under a Superintendent. Another recommendation was for the creation of a Superintendent of Prisons, but this was not fully carried out until 1876, when such an officer was provided for in the Constitution. He referred in vigorous terms to the war in Kansas and to the slavery question. Resolutions were adopted by the Legislature expressing "surprise, mortification, and detestation" at the virtual reopening of the slave trade within the boundaries of the United States. During the session the Governor vetoed an unusually large number of bills, all of which failed of repassage.

The Republicans were first in the field with their State convention of 1859, which was held on September 7 and was controlled by Weed to the particular end of advancing Seward's Presidential aspirations. Mindful of the still lingering jealousy between the Whig and Democratic elements of the party, Weed was careful to have candidates selected in equal numbers from each. Elias W. Leavenworth was named for Secretary of State, the place to which he had been elected in 1853; Robert Denniston for Comptroller, Philip Dorsheimer for Treasurer, and Charles G. Myers for Attorney-General.

The Democratic convention met a week later, with Daniel S. Dickinson endeavoring to direct it in the interest of his own candidacy for the Presidency. Although he was a leader of the Hards he entered into negotiations with the Softs of Tammany Hall, who

had carried the primaries in New York City against Fernando Wood and his followers, and secured assurance of their support—it being his expectation that this would result in a practically unanimous endorsement of him by the Democracy of the State for the Presidential nomination the next year.

There were, in fact, two conventions. Fernando Wood and his supporters went to the meeting-place in Syracuse an hour before the time set for the opening of the convention, took possession of the hall, and organized a body of their own. When Dickinson and his followers arrived they were not permitted to organize, but were driven from the hall. In the melee some men were knocked down and pistols were drawn; and Wood incurred much popular odium from the presence among his following of John C. Heenan, the champion prizefighter, and other professional “bruisers” from New York. It was commonly charged that he had brought these men to Syracuse with the intent of raising violence, if necessary, to attain his ends. After Dickinson’s party had been driven from the hall Wood’s convention renominated the Democratic State officers who had been elected in 1857 and then adjourned.

As soon as they were out of the hall the regulars returned and harmoniously organized their convention. Dickinson made a tactful speech, which united both Hards and Softs in his support; the State officials were renominated, as they already had been by Wood; delegates to the national convention were chosen and instructed to vote as a unit; the administration of Buchanan was approved; Seward’s “Irrepressible con-



flict" speech was denounced as revolutionary; and the proposal to deepen the Erie canal to seven feet was opposed.

A week later the remainder of the American party met, apparently for the object of making what trouble they could, particularly for Seward. They adopted as their own five of the Republican candidates and four of the Democratic. On what principle such selections were made did not appear, but it seemed probable that the aim was to show that Seward could not carry New York without their aid.

During the campaign occurred the memorable raid of John Brown at Harper's Ferry, the effect of which was not of any apparent advantage or disadvantage to either side. Owing to the action of the Know-Nothings there was a mixed result at the polls. The Democrats, with their aid, elected David R. Floyd Jones Secretary of State over E. W. Leavenworth, by a vote of 252,589 to 251,139; and also elected the State Engineer and Canal Commissioner. The Republicans elected the Comptroller, Robert Denniston, over Sanford E. Church, by 275,952 to 227,304; and their candidates for Treasurer, Attorney-General, Judge of Appeals, and Clerk of Appeals also won. In the State Senate the Republicans secured 23 to the Democrats' 9, and in the Assembly 91 to the Democrats' 37. It was thus a net Republican victory of marked proportions. Likewise it registered the end of the American or Know-Nothing party, which had been able to muster but little more than 20,000 votes, and which never appeared in a campaign again.

The Senate thus chosen contained among its members Richard B. Connolly, afterward conspicuous in the notorious Tweed ring; Francis B. Spinola, Benjamin F. Manierre, John H. Ketcham, and Andrew J. Colvin. In the Assembly were Lucius Robinson, of Chemung county; David R. Jaques, of New York; and E. A. Merritt, of St. Lawrence.

The Eighty-third Legislature met on January 3, 1860. James Terwilliger was chosen Clerk of the Senate. Mr. Littlejohn was reëlected Speaker of the Assembly, and William Richardson Clerk. Governor Morgan submitted another business-like message. Much space was devoted to discussion of the election frauds for which New York City had become notorious, and the recommendation was made, as one means of guarding against them, that election day be declared a legal holiday so that all good citizens would be free to watch the polls. This was not done, however, until 1872. In the regular message and in a long special message the Governor discussed the relations of railroads and canals and the system of restricting the carrying of freight on railroads, or the imposition of tolls thereon, with a view to the protection of the canals. In early times, it will be recalled, railroads paralleling canals were forbidden to carry freight excepting when the canals were closed. Later they were permitted to do so at cost of paying tolls. The last of these railroad tolls were abolished in 1851, and it was complained that since that time the competition of the railroads was ruining the canals. The Governor suggested reimposition of moderate tolls on railroad traffic during the

canal navigation season, or else payment of a gross sum annually by the railroads; but the Legislature failed to take any action on the matter. As before, his veto messages in 1860 were numerous, and were generally effective. The Legislature adjourned without day on April 17.

Seward had spent most of 1859 in Europe, and on returning home at the end of the year he received one of the greatest public welcomes that had ever been given any man. Proceeding to Washington he found the southern fire-eaters openly declaring that if he or any other Republican were elected President the south would refuse to accept the result and would secede from the Union. After resuming his duties in the Senate he introduced a bill for the admission of Kansas as a free State and announced that he would speak on that measure on February 29.

Meantime Seward's great rival for the Presidency, Abraham Lincoln, was preparing to make his first visit to New York. The Young Men's Central Republican Union was desirous of seeing and hearing this anti-slavery champion of the west, and invited him to lecture in the great hall of Cooper Union, in New York City, on February 27. Lincoln realized that he would be on inspection and trial to determine his fitness for the Presidency, and he carefully prepared himself to create the best possible impression. It was a noteworthy audience, crowding the largest hall in New York with what the *Tribune* described as "the intellect and mental culture" of the city. Years afterward Greeley declared Lincoln's lecture to have been the very best political address

he had ever listened to, and he had heard some of Webster's greatest. Indeed, few addresses have ever made a deeper or more favorable impression on the people of New York.

Two days later Seward spoke in the Senate on the admission of Kansas. For that occasion he made the most scrupulous preparation. He was generally expected to be the Republican nominee for the Presidency, and he was the object of the most violent hatred of the southerners. Of course he did not mean to curry favor with them. But he felt that he was misunderstood at the south and he aimed to make himself, if possible, rightly understood. Every Senator was in his seat, and the hall was crowded with Representatives and other important spectators. The result was a marvellous personal triumph for Seward. His tone was so temperate and reasonable and his logic so irrefragable that many who had been prejudiced against him by the radicalism of his Rochester speech became forthwith his warm supporters. On every hand it was felt that his chances of winning the Presidential nomination, and probably the election, had been so improved as to place him easily in the lead of all competitors. Yet there were those who lamented his decline from the standard of his "Higher law" and "Irrepressible conflict" utterances. The Abolitionist leaders, Garrison and Wendell Phillips, compared his address with Webster's fatal seventh-of-March speech; and Greeley, while not condemning him, did not attempt to defend him from criticism and admitted that the stand he had taken would be puzzling and astonishing to many.

A few weeks later the Democratic national convention met at Charleston, South Carolina, on April 23, 1860. The contest was between the Douglas and anti-Douglas forces, and New York was regarded as holding the balance of power. There were, of course, contesting delegations from the State. Fernando Wood was there, definitely promising the foes of Douglas that his delegation would vote solidly with them if admitted to the convention. The regulars or Softs, led by Dean Richmond, made their appeal to the Douglas men and intimated that they would support the "Little Giant," though they also kept on friendly terms with other candidates. Richmond had come to be more nearly than any other man the leader of the New York Democracy, Horatio Seymour for the time withholding himself. He was one of the chief railroad and steamboat owners and managers of the State, and chairman of the Democratic State committee—a man of intellectual power and moral integrity, sound in judgment and resolute in purpose. With him at Charleston were August Belmont, Augustus Schell, Erastus Corning, Sanford E. Church, and other eminent business men of New York—a delegation of exceptionally high character. In the end this delegation was seated and Fernando Wood's was excluded.

This gave Douglas a majority of the convention. But his opponents had a majority of the States and thus controlled the committee on resolutions, with the result that after five days of debate and delay a platform counter to Douglas's principles was reported. A substitute was at once offered and a long and bitter debate

ensued, in which Edward Driggs, of Brooklyn, and John Cochrane, of New York, vainly strove for peace and harmony. Finally some fifty delegates from the cotton States seceded from the convention, leaving only 252 of the original 303 delegates. The question then arose whether the two-thirds rule required a candidate to receive, in order to be nominated, two-thirds of the original total of 303, or only two-thirds of the actual membership of 252—that is to say, 202, or 168. On this question New York was in a position to hold the balance, and Dean Richmond was to say how that power of the State should be used. After careful deliberation he decided that the rule required two-thirds of the entire original membership. The doom of Douglas was thereby sealed so far as the Charleston convention was concerned. Nobody was nominated. Douglas's highest vote was 152½. Dickinson's highest was 13. After eleven futile days the convention adjourned to reassemble at Baltimore on June 18.

At Baltimore the New York delegation again dominated the situation, and Dean Richmond promised the Douglas men that it would stand with them to the end. When the question of admitting delegates from the seceding States arose, Sanford E. Church moved that it be referred to the committee on credentials—a proposal that mightily pleased the Douglas men,—but then New York voted against putting the resolution through without debate. At last Church permitted his motion to be modified so as to refer all contests about seats to the committee on credentials. Two days later that committee made two reports, the majority being for seating the

pro-Douglas contestants from Louisiana and Alabama as well as from districts in some other States, and the minority report favoring the anti-Douglas claimants. This put the New York men in an embarrassing predicament, and they asked and obtained time for deliberation. Richmond wanted to admit the anti-Douglasites so as to unify the party, and then when the nomination of Douglas should become manifestly impossible to swing the Douglas vote to Horatio Seymour and nominate him. But the Douglas men were opposed to such admissions, and if Richmond cast the vote of New York for them there would be no hope of securing the Douglas vote for Seymour.

In the end Richmond decided that New York's vote should be cast in favor of the majority report, excluding the seceders and admitting the Douglas delegates who claimed their seats. On the first ballot, in consequence, Douglas received  $173\frac{1}{2}$ , while Dickinson had a half-vote and Horatio Seymour one vote—which latter was recorded notwithstanding a letter from Seymour positively declining to be a candidate for either place on the ticket under any circumstances. The next ballot gave Douglas all the votes excepting about a dozen, though his total was only  $181\frac{1}{2}$ , or  $20\frac{1}{2}$  less than was required for nomination under the rule adopted at Charleston. But Douglas was thereupon declared nominated by a special resolution which was adopted by *viva voce* vote. The seceding anti-Douglas delegates held a convention of their own and nominated John C. Breckinridge, of Kentucky, for President.

The further details of the great split of 1860 in the

Democratic party belong to the history of the nation rather than to that of New York. But we must recall here the course pursued by the New York Democrats after the Baltimore proceedings. Dickinson and his minority of the New York delegation, who had been practically gagged and bound in the convention by Dean Richmond, returned home breathing threatenings and slaughter. Dickinson went over to the support of Breckinridge against Douglas, and in a speech at a Breckinridge ratification meeting in New York denounced Richmond and his faction in some of the most violent language ever heard on such an occasion.

The Republican national convention met at Chicago on May 16, with 466 delegates from twenty-four States. Greeley declared it to be the most wise, able, and unselfish body of delegates ever assembled. New York State was much in evidence through the activity of Seward's friends, who rented an entire hotel for their occupancy and organized imposing street parades. Governor Morgan, of New York, chairman of the Republican national committee, called the convention to order; and among the delegates and managers were Thurlow Weed, Horace Greeley, George William Curtis—whose thrilling eloquence secured the adoption of a platform plank reaffirming the declaration that "all men are created equal,"—William M. Evarts, Henry J. Raymond, D. D. S. Brown, of Rochester—one of the foremost journalists of that part of the State,—and many other men of "light and leading."

Seward was at his home in Auburn. But his agents were so dominant at Chicago that his nomination



seemed certain. Greeley telegraphed to the *Tribune* that it was practically assured. The great New York editor, by the way, failing to be chosen from his own State, was a delegate from Oregon. He for the first time made known his resolute opposition to Seward, and joined the forces of Edward Bates, of Missouri, with Lincoln for his second choice. Six years before, disappointed and exasperated at Seward's unwillingness to help him get the appointment of postmaster of New York, Greeley had written his famous letter declaring the "firm of Seward, Weed & Greeley" to be dissolved. But that personal quarrel between the two—or among the three—great men was not yet publicly known, and at Chicago in 1860 Greeley was supposed to be against Seward purely on grounds of the highest public policy, for which reason his opposition was the more formidable.

When nominations were called for Seward's name was presented by William M. Evarts and was greeted with much enthusiasm; and on the first ballot Seward led with 173½ of the 233 votes needed for nomination, Lincoln being second with 102. On the second ballot Seward had 184½ and Lincoln 181. On the third Seward retained nearly his full strength, having 180 votes; but there were large accessions to Lincoln, who at the end of the roll-call lacked only 1½ of the necessary number and was thereupon nominated as the result of changes. William M. Evarts, on behalf of Seward's supporters, moved in a tactful speech to make the choice unanimous. But the New Yorkers were so disappointed and demoralized that they declined the offer of being

permitted to name the Vice-Presidential candidate. They had not given that question consideration, their ambition having been "*aut Caesar, aut nullus.*" Greeley was exultant and was widely credited with the defeat of Seward. John D. Defrees, of Indiana, declared that "Greeley slaughtered Seward and saved the party." Weed shed actual tears of grief, if not of rage. Seward himself was momentarily stunned on the receipt of the news at Auburn. Then, summoning up his heroic spirit, he walked across to the office of the chief local paper and personally penned an editorial paragraph heartily commending and praising the convention and its work. He felt defeat deeply, however, and expressed a longing for the return to private life which he anticipated—but was not to have—on the next fourth of March.

After these stormy national conventions, in each of which New York played so conspicuous a part, came the State contests for the Governorship and other offices. Between the Democratic factions there was an irremediable breach, which no attempts were made to heal. Dickinson and the Hards, comprising such eminent and respected men as Charles O'Connor, John A. Dix, and Greene C. Bronson, committed themselves to the support of Breckinridge for President and nominated for Governor James T. Brady, one of the foremost lawyers of the metropolis. The Softs rallied around Horatio Seymour as their leader, approved the candidacy of Douglas, recognized Fernando Wood's faction on equal terms with Tammany Hall, and named for Governor William Kelly, of Hudson—a farmer of fine ability and high character, who had served in the State Senate and

had been a follower of Van Buren in the Free Soil movement. The Softs also formed a fusion with the Constitutional Union party, which had nominated Bell and Everett for President and Vice-President and of which in New York the chief leaders were Washington Hunt, formerly Governor; William Kent, son of the great Chancellor; William Duer, and James Brooks. These two parties named a joint Electoral ticket consisting of both Softs and Unionists.

The State convention of the Republicans was held a week later than that of the Softs, and was marked with exultation over the Democratic schism as well as the hearty union of the Republican forces. Seward's friends exhibited no soreness, but worked cordially with those who had opposed them. Governor Morgan was renominated by acclamation, and Robert Campbell was named for Lieutenant-Governor. The Chicago platform and candidates were heartily approved, and a notable company of Presidential Electors was selected without controversy. The Electors-at-large were William Cullen Bryant, formerly a radical Democrat, and James O. Putnam, who had been a Clay and Webster Whig and a Millard Fillmore Know-Nothing.

The campaign throughout the State was vigorously conducted, especially by the Republicans. Marching clubs of "Wide-awakes" for torchlight demonstrations were innumerable and ubiquitous, and the voice of the spellbinder was heard in the land. Seward was the speaker whom men most desired to hear, but his most notable addresses were made in the western States. The foremost local orator was Henry Ward Beecher, who

used the pulpit of Plymouth Church for the delivery of powerful political sermons surpassing stump speeches in vote-getting power. It was, said Greeley, "a struggle as intense, as vehement, and as energetic as had ever been known." The result was decisive. Lincoln carried the State by 362,646 votes to 312,510 for the Democratic Electors who were supported by all three factions—Douglas, Breckinridge, and Bell. For Governor, Edwin D. Morgan had 358,272; William Kelly, Soft Democrat, 294,812; James T. Brady, Hard Democrat, 19,841. A proposed constitutional amendment granting the suffrage to negroes on equal terms with whites was defeated by 197,503 for and 337,984 against. In the Assembly the Republicans secured 93 and the Democrats 35. Thus it was that the State made ready for the "irrepressible conflict."

## CHAPTER XXIX

### THE WAR GOVERNOR

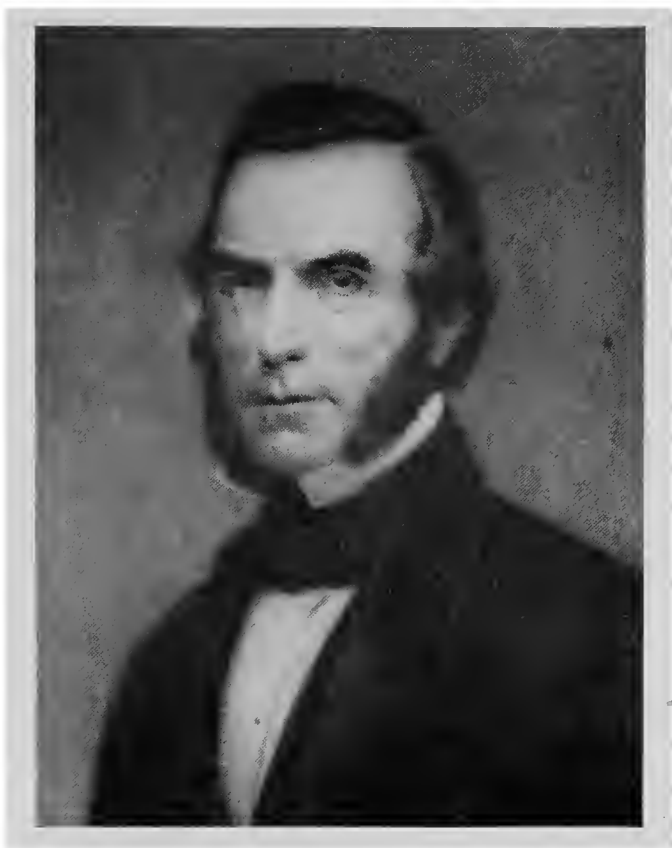
**T**HERE was no exaggeration in Governor Morgan's remark at the beginning of his annual message on January 2, 1861, that the Legislature—the Eighty-fourth—was meeting in circumstances of more than usual interest; or in his reference to the State of New York as an empire of nearly four millions of people, imperial in all its proportions and with interests the most varied and hopes the most exalted. The material greatness of the State was impressive. The census of 1860 credited it with 3,880,727 inhabitants. Of these New York county had 813,662; Kings, 279,122; Erie, 141,971; Albany, 113,916; Oneida, 105,200, and Monroe 100,648. No other county had as many as 100,000. But the one county of New York had more than twenty per cent., and the six counties named had approximately forty per cent. of the whole population. Comparably great was the political importance of the State because of its numerous representation in Congress and in the Electoral College, so that it was assumed to be the certain rule that as New York went in a national election so went the Union. Such indeed had long been the rule at all close national elections, and such very frequently has been the rule since.

In the Legislature of 1861 the Senate remained un-

changed from the preceding year. The assembly again made DeWitt C. Littlejohn its Speaker, and Hanson C. Risley was chosen to be its Clerk. The Governor's message, in addition to a practical review of the various departmental interests of the State, dwelt at length upon the evils of too great multiplicity of laws and of heedless and needless legislation, and urged the Legislature to avoid such evils and also the evils of local and special legislation. It also gave much attention, in a grave, brave, and resolute spirit, to the question of the secession of the slave States, which was already actually occurring. In this Mr. Morgan unmistakably foreshadowed the notable services he was about to render as the great "War Governor" of New York.

The words of the message were at once conciliatory and resolute. He urged that New York should set to the nation an example of moderation, interposing no barrier against any just and honorable settlement of the quarrel between south and north, offering hostility to none but friendship to all, and cordially uniting with the other States "in proclaiming and enforcing a determination that the Constitution shall be honored and the Union of the States be preserved."

Fernando Wood, a rabid southern sympathizer, tried to respond to this paper a few days later by sending a message to the Common Council of New York, of which city he was then Mayor, advocating that the metropolis follow the example of the southern States and secede both from the State of New York and from the United States. The Common Council applauded this astounding lucubration and had it printed in tract



EDWIN D. MORGAN

Edwin D. Morgan, 23rd governor (1859-62); born at Washington, Mass., February 8, 1811; business man; alderman of New York City, 1849; member state senate, 1850-53; state commissioner of immigration, 1855-58; governor, 1859-62; major general of volunteers in Union army from September 28, 1861, to January 1, 1863; elected to U. S. senate and served from March 4, 1863, to March 3, 1869; unsuccessful candidate for reelection to senate in 1875; defeated for governor in 1876; died in New York City, February 14, 1883.







FERNANDO WOOD

Fernando Wood; born in Philadelphia, Pa., June 14, 1812; moved with his father to New York in 1820; engaged in business as a shipping merchant and retired in 1850; three times elected mayor of New York. 1855-1856, 1857-1858 and 1861-1862; elected to the 27th congress (1841-1843) and served also in the 38th (1863-1865); reelected to the 40th and the six succeeding congresses, serving from March 4, 1867, to March 3, 1881. He was reelected to the 47th congress but died at Hot Springs, Ark., February 14, 1881, before the new congress convened.



form for the widest possible distribution among the people, apparently in the crazy hope of thus inciting insurrection in New York in sympathy with that in South Carolina—for the very day after Wood delivered the message the South Carolina forces fired upon the vessel—the “Star of the West”—that was conveying supplies to Fort Sumter.

The retort of the Legislature was prompt and explicit. It adopted on January 11 concurrent resolutions pledging New York to the loyal support of the national government and offering the President whatever aid in men and money might be needed to enable him to enforce the laws and uphold the authority of the government. The resolutions added: “In the defense of the Union, which has conferred prosperity and happiness upon the American people, renewing the pledge given and redeemed by our fathers, we are ready to devote our fortunes, our lives, and our sacred honor.”

The commercial spirit of New York, while loyal, was strongly inclined toward compromise with the south to avert war. A huge petition signed by thousands of business men of all parts of the State was sent to Congress, praying for the enactment of some measure which would restore harmony and maintain peace. A great meeting of merchants of New York City on January 18 adopted a memorial to Congress urging compromise. Millard Fillmore and three thousand others in Buffalo signed a similar memorial. Resolutions were received by the Governor from the Legislature of Virginia inviting New York to send Commissioners to a Peace conference at Washington on Feb-

ruary 4. Though voting to accept the invitation the Legislature made it quite clear that in doing so it did not recede in the least from the position already taken on January 11. The Commissioners appointed by the Legislature were David Dudley Field, William C. Noyes, James S. Wadsworth, A. B. James, Francis Granger, Erastus Corning, Greene C. Bronson, William E. Dodge, John A. King, and John E. Wool. The conference was, of course, entirely futile.

Still another attempt was made at compromise. A mass-meeting was held in New York on January 28, which was addressed by leading men of both parties and which appointed three Commissioners to confer unofficially with representatives of the seceding States in regard to "measures best calculated to restore the peace and integrity of this Union." But in the next morning's papers was an item of news that made all the oratory of the big meeting seem flat and vapid. John A. Dix, veteran Democratic politician and friend of compromise and of the maintenance of the rights of the south to the fullest constitutional extent, had been made Secretary of the Treasury in Buchanan's cabinet. One of the officials of his department, in New Orleans, reported that an insurgent movement was in progress and that there was danger of an attack upon the Federal offices in that city, and asked for instructions. Dix telegraphed in reply: "If anyone attempts to haul down the American flag, shoot him on the spot!" In a twinkling that patriotic order of the brave and loyal New Yorker became one of the watchwords of the whole north.

Next, on the following day, was the famous Tweddle Hall convention at Albany, with four delegates from each Assembly district representing all factions of the Democratic party. Sanford E. Church called it to order; Amasa J. Parker was permanent chairman; Horatio Seymour, William Kelly, Reuben H. Walworth (formerly Chancellor), and George W. Clinton (son of DeWitt Clinton) were among the speakers. Some justified the secession of the southern States, and applauded it. Some denied and scouted the power of the national government to prevent secession. Some advocated peaceful dissolution of the Union. Ex-Chancellor Walworth expressed the view that civil war could not restore the Union, but would forever prevent its restoration. Seymour declared that the sole question was whether there should be compromise first and no war, or war first and then compromise.

George W. Clinton took a different tone. He was a Hard, who had trained with Daniel S. Dickinson and John A. Dix, had been a Hard candidate (defeated) for Lieutenant-Governor, and had supported the Breckinridge ticket in 1860. But the boom of the guns from Charleston harbor affected him as it had affected Dix. "There is," he declared, "no such thing as legal secession—it is rebellion! . . . I hate treason. . . . While I abhor coercion, in one sense, as war, I wish to preserve the dignity of the government of these United States." But in spite of Clinton's patriotic words the convention demanded that the question of compromise with the south be submitted to a popular vote.

The two houses of the Legislature on February 18 held a joint session in order to receive the President-elect, Lincoln, who then visited Albany. The President *pro tempore* of the Senate, Andrew J. Colvin, presided, and Lincoln made a brief address void of political significance.

During this session occurred a notable conflict over the election of a United States Senator to succeed Seward, who had been selected to be Secretary of State in Lincoln's cabinet. There were three leading candidates. One was Horace Greeley, who sought the place as the candidate opposed to the "bossism" of Weed, and who had a strong following on that issue. Another, put forward by Weed, was William M. Evarts, who had risen to the foremost rank at the bar and had been a conspicuous delegate to the Republican national convention of 1860, but who had never held political office. The third was Ira Harris, who had had a long career in the Legislature and on the bench of the Supreme Court, and was highly esteemed for both ability and character. At the outset Evarts and Greeley were about equal in strength. On the first ballot in the caucus they received 42 and 40 votes respectively, Harris 20, and 13 were scattering. For several more ballots Greeley led with from 42 to 47, while Evarts fell to 39. There was every prospect that on the eighth ballot enough of the Harris men would come over to Greeley to give him the victory. Thus confronted with defeat Weed quickly gave orders for Evarts's votes to be swung *en masse* to Harris, which was done, and with 60 votes to Greeley's 49 Harris

was chosen. Thus Weed had his revenge upon Greeley for the latter's part in the defeat of Seward at Chicago. It was one of the bitterest disappointments of Greeley's political life.

The Legislature adjourned, after these and the usual array of routine doings, on April 16.

As early as December 13, 1860, Lincoln offered to Seward the position of Secretary of State, and from that time forward there was a steady development of Seward's resolve to resist secession at any cost. In a notable speech in the Senate on January 12 he declared that he would stand for inflexible maintenance of the Union in every event, "whether of peace or war, with every consequence of honor or dishonor, of life or death. . . . The hour has not yet come for this great nation to fall." When a little later he had to present the mammoth petition of the business men of New York to the Senate for some "adjustment" of affairs which would avert the peril of war, he made no pretense of agreeing with the signers. "I have asked them," he told the Senate, "that at home they manifest their devotion to the Union, above all other interests, by speaking for the Union, by voting for the Union, by lending and giving their money for the Union, and, in the last resort, by fighting for the Union."

At the beginning of Lincoln's administration there was naturally a tremendous rush of office-seekers to the national capital. In addition to the numerous changes that were in any event to be expected at such a time, the secession of the southern States was bound

to remove from the Federal departments a host of place-holders from that section. New York being the largest of the States in population probably furnished the greatest number of office-seekers, and Seward in the cabinet, Harris in the Senate, and Roscoe Conkling in the House of Representatives were almost overwhelmed by innumerable importunities.

Lincoln took for himself the initiative in selecting the appointee for the most important New York office, that of Collector of the Port, his choice being Hiram Barney. Why the selection was made did not appear and never has been explained. Barney was not pleasing to Weed and still less to Seward. They attributed his appointment to Salmon P. Chase, who to their great disgust had been made Secretary of the Treasury; but it seems certain that while Chase approved the choice he did not suggest it. Barney was a man of high ability and character, well fitted for the place. But his appointment was a serious blow to Weed and the party machine, while it gratified Greeley, with whom Barney had coöperated at Chicago in working against Seward's nomination.

Greeley, however, was not pleased with the administration as a whole, and he made the *Tribune* very often its unfavorable critic. There was hopeless incompatibility between his way of looking at things and Lincoln's way, and his views in general contributed little to the solution of the problems of the time. Moreover, he was greatly discontented with the selection of Seward to be Secretary of State. By his criticisms he more than once caused the administration embarrass-



ment and came dangerously near to fomenting a schism in the Republican party.

Amid all these things Governor Morgan pursued his wise and patriotic course unmoved, and splendidly contributed to the preparation of the State to perform its duty in the struggle. The crisis came with the firing on Fort Sumter. When the gallant defender of the fort, Major Anderson, came to New York, he was received with intense enthusiasm. On April 20 there was held in Union Square, New York City, perhaps the greatest demonstration of the kind ever seen in America. Tens of thousands of men of all parties, creeds, and callings crowded around six platforms, from which were made speeches in behalf of the Union by the representative men of the State, Democrats and Republicans alike. Daniel S. Dickinson was among the most outspoken. "I know," he said, "but one section, one Union, one flag, one government." John Cochrane, who had dallied with secession and compromise, spoke for "Our country, our whole country—in any event, a united country." Even Fernando Wood, who had urged New York City to join the secession movement, said, "I am with you in this contest. We know no party now."

When Lincoln called for troops Governor Morgan reported to the Legislature that New York's quota would be seventeen regiments. In a few hours the enlistment of 30,000 volunteers was authorized, and four days later the New York Seventh, fully equipped for war, marched down Broadway on its way to the front. By July 1 46,700 men had been sent, and by the end of

the year the number was increased to more than 120,000. Loans of money were offered to the government at the rate of ten to twelve millions a month. A commission consisting of Governor Morgan, William M. Evarts, and Moses H. Grinnell was appointed by the President, with extraordinary powers, to purchase and arm steamships and to forward troops and supplies; and another, composed of John A. Dix, George Opdyke, and Richard M. Blatchford, was authorized to act for the Treasury department in the disbursement of public funds. A Union Defense committee had been appointed by the Union Square meeting, which for a time was the chief agency of the national government in New York. John A. Dix, James S. Wadsworth, Daniel E. Sickles, John Cochrane, and others who had been active in politics became officers of the army at the front.

One injudicious thing was done in New York early in the war, which resulted in disaster. Greeley in the *Tribune*, impatient to see the southern armies crushed at once, permitted—he did not himself write it—the publication daily of the editorial demand: "Forward to Richmond! The Rebel Congress must not be permitted to meet there on the 20th of July! By that date the place must be held by the National Army!" The government yielded to the popular clamor that was thus fomented, and the result was the disaster of Bull Run. One-third of the losses in that battle were New York men.

As both parties had joined in rallying to the support of the government at the outbreak of the war, the Re-

publican State committee proposed to the Democrats that in the November election of 1861 there be but one ticket, made up of men of both parties. Dean Richmond conferred with Horatio Seymour, Sanford E. Church, and other leaders who had not participated in the Union Square meeting, and as the result replied to this proposal that the Democrats were ready to unite with all citizens opposed to war and in favor of compromise. That was of course an unacceptible reply.

The Democratic State convention was held at Syracuse on September 4. Francis Kernan made a powerful address declaring it to be the duty of the party to "oppose equally abolitionism at the north and secession at the south, to protect and to preserve the government, but not to let it be a war for the emancipation of slaves." The platform agreed with Kernan, denying the right of secession and declaring it to be the duty of the government to put down rebellion and the duty of the people to rally to its support, but insisting that to pervert the war into one for the abolition of slavery would be fatal to all hope of restoring the Union. A full ticket of State officers was nominated, headed with the name of David R. Floyd Jones for Secretary of State.

The Republican convention met in Syracuse on September 11, and simultaneously there met there also a People's convention, with Thomas G. Alvord as its president. The latter body, fired with patriotic enthusiasm, nominated a ticket composed of both Democrats and Republicans on a strong war platform.

Horatio Ballard was named for Secretary of State, Daniel S. Dickinson for Attorney-General, Lucius Robinson for Comptroller, William B. Lewis for Treasurer, and William B. Wright for Judge of the Court of Appeals. The Republican convention cooperated with the People's and united with it in the nominations, excepting for Canal Commissioners.

Lyman Tremain and Francis C. Brouck withdrew from the Democratic ticket, on which they had been nominated for Attorney-General and Treasurer, and supported the People's Union ticket. Albert P. Lansing, Greene C. Bronson, and James T. Brady joined them. Daniel S. Dickinson was the most effective of all the campaigners on that side. Horatio Seymour made only one speech for the Democratic party, in which he expressed a willingness to prosecute the war as a means of restoring the Union but not for the abolition of slavery nor for infringement upon the rights of States.

The result of the election was an overwhelming victory for the People's Union ticket. Its candidate for Secretary of State received 297,428 votes to 189,716 for his Democratic opponent; and similar votes were cast for the other candidates. But for Canal Commissioners, on whom there was no union, the Democrats cast 198,385 votes, the Republicans 179,691, and the People's party 105,721. To the State Senate there were chosen 22 Unionists and 10 Democrats, and to the Assembly 70 Unionists and 58 Democrats. George Opdyke defeated Fernando Wood for Mayor of New York City. Among the Senators chosen were Henry

C. Murphy, Richard B. Connolly, John V. L. Pruyn, Lyman Truman, and Charles J. Folger. Among the Assemblymen were Henry J. Raymond, Thomas G. Alvord, A. Bleecker Banks, John B. Dutcher, Peter A. Porter, Smith Ely, Ezra Cornell, Benjamin F. Tracy, and Chauncey M. Depew.

## CHAPTER XXX

### REACTION AND REVERSAL

THE early disasters of the Civil War, and the burdens that began to fall upon the people, caused in 1862 widespread reaction against the Republican administrations both national and State. Following the initial enthusiasm for the great cause, questions of principle and policy as to the war's objects and conduct came under discussion. Nowhere were the pains and losses of war more keenly felt than in New York, where commerce and industry were badly affected and a serious financial panic occurred. In his message to the Eighty-fifth Legislature, on January 7, 1862, Governor Morgan addressed himself, apart from routine matters, almost exclusively to the issues and the conduct of the war; and in that document and by his attitude and course during the session and throughout the remaining year of his term he showed himself a great Executive. In that Legislature James Terwilliger was Clerk of the Senate, and Henry J. Raymond and Joseph B. Cushman, respectively, were Speaker and Clerk of the Assembly. The session, which lasted until April 23, was marked by active efforts to sustain the Governor and the national administration.

It was impossible, however, to stem the tide of reaction, and the endeavors to do so were counteracted

by the dissensions that arose in the Republican party over the question of emancipation of the slaves. Greeley and the old anti-slavery element were impatient for immediate emancipation, in demand for which the *Tribune* editor addressed to the President his famous "Prayer of Twenty Millions," wherein Lincoln was charged with being remiss in duty and being under the influence of the pro-slavery politicians of the border States. Years afterward Greeley publicly confessed he had been wrong at that time and Lincoln had been right. But in 1862 his criticisms of the President had a mischievous effect.

Early in the year thoughtful men of both parties, realizing the critical state of affairs in the nation and the immense importance of keeping New York solidly in line for the Union, deprecated a State campaign on party lines, and sought to bring about such an achievement as the Republicans had proposed in the preceding year, with a single Loyal ticket representing and supported by both parties. There was a widespread feeling in favor of General John A. Dix as a candidate for Governor who would command universal support, and some of the foremost Republican leaders joined with the War Democrats in counselling his nomination. The plan was to have him nominated by the Constitutional Union party, which would hold a State convention in Troy on September 9. But this did not suit the purposes of Dean Richmond and Horatio Seymour, who were confident that in a straight party contest they could easily carry the State. Accordingly James Brooks, of New York, was commissioned

to capture the Troy convention for a Democratic candidate.

Seymour desired the selection of Sanford E. Church. But Richmond doubted the ability of that gentleman to be elected and decided that Seymour himself must run. He instructed Brooks to that effect, and the result was that the Constitutional Union convention gave 32 votes for Seymour, 20 for Dix, and 6 for Millard Fillmore. The next day the Democratic convention met in Albany and unanimously ratified Seymour's nomination. David R. Floyd Jones was named for Lieutenant-Governor.

Probably Seymour was sincere in his reluctance to be the candidate. But he accepted the nomination and addressed the Democratic convention in a carefully prepared speech in which he strongly criticised the national administration for its conduct of the war and denounced all proposals for emancipation of the slaves as making "for the butchery of women and children, for scenes of lust and rapine and of arson and murder, which would invoke the interference of civilized Europe." The platform, prepared by A. B. Laning, pledged the party to continue united in support of the government and "to use all legitimate means to suppress rebellion, restore the Union as it was, and maintain the Constitution as it is."

This action of the Democrats made a partisan contest inevitable and strengthened the movement for the nomination of Dix by the Republicans despite his Democratic antecedents. Thurlow Weed was committed to that policy, as also were Seward and Henry



J. Raymond. On the other hand, Governor Morgan earnestly advised the choice of James S. Wadsworth, who had a brilliant war record and was the chief military adviser of the Secretary of War. His championship of Silas Wright was well remembered, he had been one of the organizers of the Republican party, and he was personally beloved for his many acts of charity and his public benefactions. His hatred of slavery and his approval of the Emancipation proclamation, which Lincoln issued on September 23, made him the favorite of the radical element of the Republican party.

The Republican convention met in Syracuse on September 25, calling itself the Republican Union convention. Henry J. Raymond was its chairman, and he made a vigorous speech in reply to and condemnation of Seymour's at the Democratic convention. A letter from Governor Morgan was read, declining to be a candidate for a third term. The platform, presented by Parke Godwin, urged vigorous prosecution of the war and expressed the profoundest satisfaction at the issuance of the Emancipation proclamation.

Both Wadsworth and Dix were presented as candidates for the nomination, and both names aroused much enthusiasm; but on the first ballot an overwhelming majority was cast for Wadsworth. Lyman Tremain, who had withdrawn from and repudiated the Democratic ticket the year before, was named for Lieutenant-Governor.

There followed a campaign of almost unexampled bitterness, in which personal vilification largely sup-

planted argument. Compared to some of the utterances, Raymond's declaration that every vote for Wadsworth would be a vote for loyalty and every vote for Seymour a vote for treason may be esteemed moderate. The Democratic press belittled Wadsworth's distinguished military services and denounced him as "a malignant Abolition disorganizer," while the *Tribune* called Seymour "a consummate demagogue, radically dishonest." Seymour himself, Dean Richmond, and John Van Buren were the foremost speakers on the Democratic side, the last-named emerging from years of retirement for the occasion; while Daniel S. Dickinson was the chief Republican advocate. An effort was made just before election day to get both candidates to retire in favor of Dix, but it came to an end when Dix sent word from the war front that he was too busy there to be drawn into politics.

The October elections presaged disaster for the Republicans, but the radicals continued confident of victory until the votes were counted. Then it was found that the Democrats had carried the State by a small but sufficient majority. Seymour had 306,649 votes to Wadsworth's 295,897. The Assembly was tied, each party having 64 members. Of the thirty-one Congressional districts the Democrats carried seventeen. Even Roscoe Conkling was beaten, by Francis Kernan. Among the Representatives elected were Benjamin Wood, Fernando Wood, James Brooks, Erastus Corning, John V. L. Pruyn, John A. Griswold, DeWitt C. Littlejohn, Theodore M. Pomeroy, and Reuben E. Fenton, the last-named for his fifth and last term.



IRA HARRIS

Ira Harris, senator; born in Charlestown, Montgomery county, N. Y., May 31, 1802; was graduated from Union college in 1824; studied law in Albany and in 1828 was admitted to the bar; member of the state legislature in 1845 and 1846; state senator in 1847; delegate to the state constitutional convention, 1846; justice of the supreme court, 1847-1859; elected to the United States senate from New York and served from March 4, 1861 to March 3, 1867; delegate at large to the state constitutional convention in 1867; died in Albany, N. Y., December 2, 1875.





HENRY J. RAYMOND

Henry J. Raymond; born in Lima, N. Y., January 24, 1820; was graduated from the University of Vermont in 1840; moved to New York City and studied law; member of the state assembly in 1850-51, 1862; established the New York Times in 1851; delegate to the whig national convention of 1852; lieutenant governor of New York, 1854-6; delegate to the republican national convention in 1860; in congress, 1865-1867; died in New York City, June 18, 1869.



When the Eighty-sixth Legislature met, on January 6, 1863, there was a prolonged contest over the Speakership of the Assembly. The majority of the Republicans wanted to nominate Chauncey M. Depew. But because of the necessity of having a candidate for whom every man would vote, and because at least one declared that he would not vote for Depew, Henry Sherwood, of Steuben county, was named. The Democrats put forward Gilbert Dean. As the two parties were exactly tied there was no election for many ballots, and it was evident that there could be none until some member deserted his party. After seventy-seven ballots the Republicans withdrew Sherwood and voted for Depew. Then T. C. Callicot, of Kings county, a Democrat, refused longer to vote for Dean. A recess was taken, during which there was much intriguing. Democratic leaders offered Depew votes if all the Republicans would support him. Callicot also approached him with a promise that if the Republicans would all vote for him (Callicot), he would in turn vote with them for John A. Dix for United States Senator and thus assure his election.

The question presented to Depew was, therefore, whether he should accept Democratic votes and win the prize of the Speakership, leaving the United States Senatorship in doubt and likely to remain vacant, or should help elect a Democrat, Callicot, Speaker, and assure the choice of a Republican United States Senator. He chose the latter course. There followed disgraceful scenes of violence and rioting, the Democrats desperately striving to prevent the election of a man

whom they denounced as a renegade and traitor, until at last Governor Seymour had to threaten to use military force to preserve the peace of the State. Then on the ninety-third ballot Callicot was elected Speaker. Joseph B. Cushman was appointed Clerk.

It was consequently the 26th of January before Governor Seymour was able to present his message to the Legislature. The document began with an elaborate consideration of the causes and conduct of the war. He held that the war was not due to the question of slavery but to widespread disregard of the obligations imposed by the laws and the Constitution, to disrespect for constituted authorities, and above all to local and sectional prejudices and animosities. The declarations of Lincoln and Seward that the nation could not permanently endure half slave and half free he denounced as indicating a spirit of disloyalty. He strongly criticised the Federal government for what he regarded as its usurpation of power, its arbitrary arrests, and its application of martial law. The message was throughout distinctly unfriendly to the Lincoln administration. Yet Seymour insisted that the Union must be restored in spite of rebellion at the south and fanaticism at the north.

The chief work before the Legislature was to choose a United States Senator to succeed Preston King. Had Wadsworth been elected Governor with a substantial Republican majority in the Assembly, Horace Greeley would again have been a candidate. As it was, he urged the reëlection of Preston King or the election of Daniel S. Dickinson. On the other hand,



Weed and Seward wanted ex-Governor Morgan; while Henry J. Raymond, David Dudley Field, Charles B. Sedgwick, Henry R. Selden, and Ward Hunt were among those "also mentioned." Morgan led on the informal ballot, and on the second formal ballot was nominated by the Republican caucus. The Democrats nominated Erastus Corning, an Albany merchant of wealth and public spirit, and of high ability and spotless character. In the Senate Morgan received 23 votes and Corning 7, with 2 absentees. There was at first no choice in the Assembly, Morgan having the 64 Republican votes and Corning 62, while Callicot cast his vote for Dix and one vote was cast for Fernando Wood. Then on the second ballot, as Callicot would not vote for Morgan the 64 Morgan votes were transferred to Dix, giving him 65 to Corning's 63. That made it possible to go into joint session, where the Republicans were not dependent on Callicot's vote. On the first ballot, therefore, Morgan was elected Senator with 86 votes, to 70 for Corning, 1 for Dix, and 1 for Dickinson. The Legislature continued its session without further sensations, and adjourned without day on April 25.

It was at about the time of Morgan's election to the Senate that Thurlow Weed, as if contented with that crowning victory, retired from the editorship of the *Albany Evening Journal* and from the active management of the Republican party. With the majority of that party he was no longer in sympathy, and he realized the futility of further attempts to impress his conservative views upon the radicals who had come into

control. It was at the same time, too, that Union League clubs were formed, which generally became centers of Republican activity and influence.

That spring President Lincoln wrote to Governor Seymour a letter expressing a desire to become acquainted with him and a confidence that fuller understanding of each other would demonstrate to both their practical agreement on national interests. Seymour disregarded the letter for some weeks and then wrote a formal reply promising to write more fully after the Legislature had adjourned, but declaring plainly that neither political resentments nor personal objects would turn him aside from the course he had chosen. The promised letter was never written. In fact, it would have been futile, for Lincoln and Seymour were radically so far apart that agreement between them would have been impossible.

There followed the arrest of Clement L. Vallandigham, whose banishment to the south evoked from Seymour a letter, addressed to a public meeting of protest, denouncing that act as revolutionary and an exercise of despotism. "If it is upheld," he added, "our liberties are overthrown." A few weeks later he promptly and energetically responded to the call for troops to check Lee's invasion of Pennsylvania. Yet at the very moment when Lee was retreating in defeat from Gettysburg, in a Fourth of July address in New York City the Governor dwelt chiefly upon the fruitlessness of the war and the fatal subversion of the liberties of the people.

The draft riots in New York City came a week later,

with looting, arson, and murder. Seymour hastened thither from his vacation at Long Branch and addressed from the steps of the City Hall a mob of thugs, incendiaries, and murderers, calling them his "friends," pleading with them to desist from further violence, and promising to use his influence toward having the draft stopped. He did enter into a protracted controversy with the President on the subject, asking for the suspension of the draft until the State officials could correct the enrollment and the courts could pass upon the constitutionality of the Conscription law. The fatal weakness of his position was in the fact that there had been ample time for correction of the rolls but he had deliberately neglected to have the work done.

When the Republican State convention met at Syracuse on September 2 there seemed to be victory in the air. The successes of the National armies had convinced everybody that the crisis of the war was past and that the triumph of the Union was only a matter of a short time. Weed did not attend the convention, but his friends Raymond and Morgan were there, and Ward Hunt was the temporary and Abraham Wakeman the permanent chairman. Some difficulty was found in getting a War Democrat to take a place on the ticket. Dickinson declined renomination as Attorney-General, and James T. Brady would not accept the nomination. Finally John Cochrane was made the candidate. Lucius Robinson was renominated for Comptroller after a futile effort to replace him with Thomas W. Olcott, who declined. Chauncey M. Depew was nominated for Secretary of State after Colonel Peter A.

Porter had received and declined the honor. The platform heartily supported the national administration, but said nothing concerning the draft. As first presented it was silent also about the Emancipation proclamation, but after a spirited controversy Charles J. Folger secured the adoption of a plank declaring that as a war measure the proclamation was thoroughly legal and justifiable. The convention received a long letter from President Lincoln, which was instinct with an optimistic spirit.

The Democratic convention met at Albany on September 9, with Amasa J. Parker as chairman. Governor Seymour made a speech in explanation of his course toward the draft riots, and the platform was an appeal for conciliation and against "subjugation." The convention refused to cooperate with the Constitutional Union party, and nominated a straight Democratic ticket with David B. St. John for Secretary of State, Sanford E. Church for Comptroller, and Marshall B. Champlain for Attorney-General.

The campaign was fought very largely on the question of approving or condemning Seymour's attitude toward the draft and the draft riots. The Governor made several speeches, and he was unsparingly excoriated by Republican orators, notably by Martin I. Townsend, of Troy. The result of the election was a decided Republican victory. For Secretary of State Depew had 314,347 votes to 284,942 for St. John. In the Senate there were 21 Republicans and 11 Democrats, and in the Assembly 82 Republicans and 46 Democrats.

When the Eighty-seventh Legislature met on January 5, 1864, Thomas G. Alvord was chosen Speaker and Joseph B. Cushman Clerk of the Assembly. The Governor's message was largely devoted to a report and explanation of his course in connection with the draft and the riots, and to condemnation of the Conscription act. He also denounced vigorously the establishment of the National bank system, the issuance of paper money as legal tender, and the suspension of the habeas corpus act as measures that went far toward destroying the rights of States and toward centralizing all power at the national capital; and he declared that the acts of the Executive, the military officers, and Congress had wrought a revolution which if permanently accepted would be the overthrow of established and cherished principles of government. The Emancipation proclamation was condemned as a measure designed to convert a war against armed rebellion into a war against private property and personal rights; and there were expressed forebodings of national bankruptcy and the establishment of oligarchical despotism. The legislative session ended on April 23.

The great political issue of that year was, of course, the Presidency. In other States the renomination of Lincoln was taken for granted, and Legislatures and conventions committed themselves to it. New York, however, hesitated. Weed, though nominally in retirement, was still potent and would do nothing for the President until Hiram Barney was removed from the Collectorship of the Port, where he had not

made a creditable record. Various Union League clubs and Republican committees spoke in favor of Lincoln, but resolutions introduced into the Legislature lay long on the table, neglected and ignored. Greeley in the *Tribune* declared that Chase, Fremont, Butler, or Grant would make as good a President as Lincoln. A memorial was addressed to the Republican national committee, signed by many of the foremost Republicans of the State, requesting postponement of the national convention, which had been called to meet at Baltimore on June 7. The request was not granted, and on May 26 a State convention met to appoint delegates. The two factions, led respectively by Weed and Greeley, both professed to be in favor of Lincoln's renomination, but they wrangled and fought for a long time before at last the radicals won. But the delegates were fairly chosen from both sides.

At the Baltimore convention Henry J. Raymond reported the platform, and the New York delegation voted solidly with all the others for the renomination of Lincoln. Then the New York radicals wanted Daniel S. Dickinson nominated for Vice-President, but the conservatives, led by Raymond, supported Andrew Johnson and contributed to his nomination on the first ballot.

A convention of anti-Lincoln Republicans and others was held in Cleveland, Ohio, on May 31, John Cochran being chairman. Lucius Robinson sent a letter advocating the nomination of General Grant. The candidates named were General Fremont for Presi-

dent and John Cochrane for Vice-President; they ultimately declined to run.

Governor Seymour doubtless had intended his message to the Legislature to be a message to the Democratic party of the State and nation, and it was construed by many as designed to promote his Presidential ambition. The Democratic convention to select delegates to the national convention in Chicago was held on February 24, and Seymour was made the head of the delegation, with Dean Richmond, August Belmont, and Isaac Butts, of Rochester, as his colleagues. The Chicago convention had been called for the Fourth of July, but was postponed until August 29. Seymour in his journey thither was the object of enthusiastic demonstrations by party supporters, and was greeted at every station. In the convention the New York delegation played a waiting game. If Seymour could be nominated it would support him; but he was unwilling to run the risk of defeat in a struggle for the nomination. When at last a careful canvass showed that McClellan was sure to be named, every thought of Seymour's candidacy ceased. On the ballot all but half a dozen of the New Yorkers supported McClellan, Seymour himself voting for Samuel Nelson, a Justice of the Supreme Court of the United States. One of the foremost members of the New York delegation was Samuel J. Tilden, who served on the committee on resolutions.

Later came the State conventions. The Republicans met at Syracuse on September 7, jubilant over the victories that had been won in the war. The radicals

under Greeley were in full control, and would not even confer with the conservatives concerning candidates. So arbitrary were they that Weed was almost at the point of bolting the convention. It had been determined in advance that the candidate for Governor should be Reuben E. Fenton, of Chautauqua, who had had a distinguished career of many years in Congress and was one of the most popular and also adroit politicians in the State. General Dix was proposed, but Fenton was nominated on the first informal ballot and then, at the instance of Elbridge G. Lapham, was unanimously declared the choice of the convention. Thomas G. Alvord was nominated for Lieutenant-Governor. Finally, as if to emphasize their triumph, the radicals put Horace Greeley at the head of the ticket of Presidential Electors.

The Democrats met at Albany on September 14. What seemed an authoritative announcement had been made that Governor Seymour would not accept renomination, wherefore the convention began considering other candidates, especially General Dix, Amasa J. Parker, William F. Allen, and William Kelly. Then it was whispered that Seymour would accept if the renomination should be offered unanimously. A resolution nominating him by acclamation was adopted in a whirlwind of enthusiasm, and on being informed of the fact he accepted. David R. Floyd Jones was named for Lieutenant-Governor.

Following upon this convention came the news of brilliant Union victories in the war; the Fremont and Cochrane ticket was withdrawn in favor of Lincoln



and Johnson, and every disaffected Republican came back to the party ranks. The reelection of Lincoln was seen to be a foregone conclusion as soon as the October elections in various States were held, and national attention was then centered upon New York. Probably nothing, after the reelection of Lincoln, was more widely and earnestly desired by Republicans throughout the nation than the defeat of Seymour for the Governorship. On the other hand, the Democrats of the nation, knowing that McClellan's case was hopeless, fixed their chief desire upon Seymour's success. The result proved close. For President, Lincoln received in New York 368,735 votes and McClellan 361,986; for Governor, Fenton had 369,557, and Seymour 361,264. Thus the winning candidate for Governor polled more votes than his party's candidate for the Presidency. In the Assembly the Republicans secured 76 and the Democrats 52. The Republicans elected twenty of the thirty-one Representatives in Congress. Roscoe Conkling was returned to his seat, as was John A. Griswold. Henry J. Raymond was elected from a district formerly strongly Democratic, and William E. Dodge defeated James Brooks in a closely contested election.

The Republican victory was not overwhelming, but it was substantial and it was sufficient to mark an emphatic reversal after the reaction of two years before. This was the last State campaign during the Civil War, and it marked the close of the long and doubtful struggle on the question of slavery. The extension of slavery, emancipation, and all the old issues

which for a generation had been dominant in the politics of New York, as well as of the nation, were now to become things of the past. New issues were arising, and an opportunity was opening for the State to think more of its own interests and be less concerned with the affairs of the nation. New men were coming to the fore, new tasks were to be accomplished, and a new volume of the history of the Empire State was to be written.

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