1974

Henry Winter Davis: Border State Radical. (Volumes I and II).

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HENRY WINTER DAVIS:
BORDER STATE RADICAL
VOLUME I

A Dissertation
Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

in
The Department of History

by
Milton Lyman Henry, Jr.
B.A., Wake Forest College, 1967
M.A., Louisiana State University, 1969
August, 1974
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ABSTRACT

Henry Winter Davis (1817-1865), brilliant and fiery Baltimore Congressman of the Civil War era, was born in Annapolis, Maryland. Educated at Kenyon College in Ohio and the University of Virginia, Davis began his law career in Alexandria, District of Columbia, in 1840. In 1847, as a reward for his support of the Whig party, he was appointed state's attorney for Alexandria. After his wife's death he moved to Baltimore. When the Whig party dissolved in Maryland after the 1852 presidential election and was replaced by nativistic and temperance organizations, Davis shrank from political involvement. But after a "grand tour" of Europe in 1855, he returned to America to oppose the influence of the Catholic Church in politics. His pamphlets denouncing the interference of religious organizations in politics established him as a spokesman for the American or Know Nothing party. In 1855 he was elected to Congress from the Fourth Congressional District of Maryland.

Winter Davis quickly established himself in Congress as an independent by refusing to ally with his fellow Southerners in the speakership contest, thereby allowing Nathaniel Banks, an American-Republican, to be elected. In 1856 Davis backed the American party candidate for President, Millard Fillmore, helping him to win his only state, Maryland. Davis opposed the admission of Kansas under the Lecompton Constitution, and when Congress rejected it, Davis began to
plan for a union of Republicans, Americans, and Anti-Lecompton Democrats in 1860. As the first step in uniting all those opposed to the Democracy, he supported a Republican for Speaker in 1860, but the southern "oppositionists" failed to follow Davis' move. Although he supported the Constitutional Union party in Maryland, Davis campaigned for Lincoln in the North. Davis soon broke with Lincoln after he was passed over for a Cabinet appointment and the Maryland Union party was slighted in patronage.

Davis was a conspicuous member of the House Committee of Thirty-Three and presented resolutions which would have remedied all but the most extreme demands of the South. He worked hard to rally Union sentiment in Maryland to oppose secession and after the war commenced stood practically alone in his "unconditional" support of the Union. Defeated for re-election, Davis led the call for a constitutional convention in Maryland, the first step toward statewide emancipation.

Re-elected to Congress in 1863, Davis became one of the most vitriolic critics of the Lincoln administration. Angered by the dismissal of his friend, Admiral Du Pont, Davis denounced Secretary Welles and exposed inefficiency in the Navy Department. Distressed by the State Department's silence over the French invasion of Mexico, he offered a resolution condemning the French. Davis challenged Lincoln's plan of reconstruction offering instead the Wade-Davis Bill. When Lincoln pocket vetoed the bill, Davis issued the Wade-Davis Manifesto, the first move in a conspiracy to force Lincoln off the Union party ticket. The Radicals' plan collapsed when the Democrats nominated McClellan, but Davis continued in his opposition to the
President until Lincoln dismissed Davis' arch-opponent, Postmaster General Montgomery Blair.

Davis' strident opposition to Lincoln cost him his party's nomination in 1854. But even as a "lame duck" Congressman in 1865, he forcefully opposed the Lincoln administration.

Winter Davis was one of the first men to break with President Johnson and one of the first to publically declare for Negro suffrage. On December 30, 1865, at the age of forty-eight, Davis died after a brief illness. His career, first as a Whig, then an American, a Constitutional Unionist, a Unionist, a Republican, and finally a Radical Republican illustrates the political realignment of the period and magnifies many neglected aspects of American history.
PROLOGUE

On February 22, 1866, Washington's Birthday, the Congress of the United States suspended its normal business for an unusual and unprecedented memorial service for a private citizen. The Radical Republicans had arranged a ceremony in memory of Henry Winter Davis of Maryland. Although he died a private citizen, Davis had been a prominent member of Congress since 1855.

At noon the Hall of the House of Representatives was crowded with spectators and dignitaries. The flags above the Speaker's desk were draped in black, an excellent portrait of Winter Davis hung above the Speaker's chair. The Marine Corps band played music from an anteroom while members of the United States Senate entered. After a prayer by the chaplain and the reading of the Declaration of Independence by the Clerk, Speaker of the House Schuyler Colfax called the ceremonies to order. Before introducing the speaker of the day, he hailed Winter Davis' courage and his inflexible "hostility to oppression, whether of slaves on American soil or of republicans struggling in Mexico against monarchical invasion." Then he presented Senator John A. J. Creswell of Maryland.¹

Creswell, formerly Davis' political lieutenant, praised his late

¹Congressional Globe, 39th Congress, 1st Session, Appendix, 159; "Arrangements for the Memorial Address on the Life and Character of Henry Winter Davis, 22nd February 1866," Aldine Collection, Maryland Historical Society.
leader as one of the country's most able, eloquent, and fearless defenders. Davis' sudden death at forty-eight had cut short a brilliant career. "At forty-eight years of age Washington had not seen the glories of Yorktown even in a vision, nor had Lincoln dreamed of the presidential chair," Creswell stated. With praise and compassion he reviewed Davis' career--his birth in Annapolis, his education, his move to Baltimore, his years in the American party, his congressional career, his bold stand in Maryland against secession, and his "crowning glory ... his leadership of the emancipation movement" in Maryland.²

The ceremony, including Creswell's address, was impressive. Davis' family, his widow and two small daughters, his cousin, United States Supreme Court Justice David Davis, friends, and colleagues were present. Conspicuously absent, although formally invited, were the President of the United States, Andrew Johnson, and the Cabinet. Only Secretary of War Edwin M. Stanton and Secretary of the Treasury Hugh McCulloch dared attend.

Secretary of the Navy Gideon Welles objected to the memorial service. In his opinion Winter Davis had "possessed genius, a graceful elocution, an erratic ability of a certain kind, but was an uneasy spirit, an unsafe and undesirable man, without useful talents for his country or mankind." The service for "this distinguished 'Plug Ugly' and 'Dead Rabbit'," Welles charged, was "copied almost literally from that of the 12th in memory of Mr. Lincoln." Welles judged the memorial service to be "a burlesque, which partakes of the ridiculous more than

²Congressional Globe, 39th-lst-Appendix, 159-64.
the solemn, intended to belittle the memory of Lincoln as much as to exalt Davis, who opposed it." Welles resolved that he would not attend and presented his view to President Johnson. The President likewise declined to honor in death a man he opposed in life.3

Later that afternoon friends of the President assembled at Grover's Theater in Washington to listen to speeches by Montgomery Blair, Davis' bitterest opponent in politics, and by others berating the Radical Republicans and applauding the President. After their meeting adjourned they marched up Pennsylvania Avenue to the White House to serenade the President.

Johnson was jubilant at the sight of the partisan crowd and went out on the portico of the White House to give them a fighting speech. "I fought traitors and treason in the South: I opposed the Davises, the Toombs', the Slidell's ..." he shouted to the cheering crowd; "now when I turn around and at the other end of the line find men--I care not by what name you call them--who will stand opposed to the restoration of the Union of these States, I am free to say to you I am still in the field."

"Give us the names at the other end," cried one man in the audience. "Name them!" cried another.

"You ask me who they are," shouted the President. "I say Thaddeus Stevens of Pennsylvania is one; I say Mr. Summer of the Senate is

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3Howard K. Beale (ed.), Diary of Gideon Welles, Secretary of the Navy under Lincoln and Johnson (New York, 1960), II, 438.
another; and Wendell Phillips is another."

Had Henry Winter Davis lived he surely would have been named by Johnson that night. A vitriolic critic of Johnson, Davis opposed him and his reconstruction policy almost from Johnson's assumption of the Presidency. But Davis was gone and Johnson had ignored his passing.

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4Claude G. Bowers, The Tragic Era: The Revolution after Lincoln (Boston, 1929), 103-104; Edward McPherson (ed.), The Political History of the United States ... during ... Reconstruction (2nd; Washington, 1875), 58-63.
Chapter 1

PARSON DAVIS' SON

A few months before he died, Henry Winter Davis began his autobiography. Disappointed over recent political defeats and uncertain of his political future he wrote complainingly: "The glories of the world have passed before me, but have not lighted on my head. I have lived during great events in which I have not been permitted to be an actor." He died before he could finish his defense of his "uneventful life," and the part completed describes without candor his childhood and college years. But the influence of his autocratic father, whom he both admired and resented, is clearly indicated.¹

Of commanding presence, endowed with a keen mind, and unswerving in a cause he felt just, the Reverend Henry Lyon Davis was a man to esteem; but Parson Davis was also an arrogant self-righteous man who was constitutionally opposed to getting along with either his superiors or his parishioners. He was the model his son would follow: intelligent, independent, unbending, and dictatorial. "My father," Henry Winter wrote, "was a man of genius, endowed with varied and profound learning, eminently versed in mathematics and natural science, abounding in classical lore, endowed with a vast memory and gifted with an

¹Davis' manuscript autobiography is located in the Henry Winter Davis Mss at the Maryland Historical Society. It was published as the first three chapters of Bernard C. Steiner's Life of Henry W. Davis (Baltimore, 1916). Quotations are from the Steiner edition, p. 7.
accurate, concise, clear and graceful style."

Henry Lyon Davis was born in Charles County, Maryland in 1775. The son of Naylor and Jane Lyon Davis, slaveholding farm people of Prince George's County, Maryland, he entered Dickinson College in Carlisle, Pennsylvania, in 1791. Dickinson in that period was a hub of learning for sons of wealthy Maryland planters and Pennsylvania merchants. Among Davis' classmates at Dickinson were Jesse Wharton, later Congressman and Senator from Tennessee, and a fellow Marylander, Roger Brooke Taney, a life-long friend. In October, 1792, Davis was appointed by the Trustees of Dickinson to teach ancient languages. Two years later he became principal of the "Latten School" and at the end of that year he was graduated with the degree of A.B.

Davis chose the Episcopal ministry and, after serving as a tutor at Charlotte Hall School in southern Maryland, was ordained in 1796. Thereafter he served a series of parishes, beginning with All Faith Church in St. Mary's, then King and Queen in St. Mary's in 1801, Trinity Church in Charles County in 1802, and in 1804, St. Stephen's Church in the northern Chesapeake county of Cecil.

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2Steiner, Davis, 8.

3Naylor Davis owned 12 slaves and a farm of 174 acres in tobacco growing Prince George's County. See Department of Commerce, Bureau of the Census, Heads of Families at the First Census--1790 (Washington, 1907), 93; and Chancery Records, June Term 1802, Book 56, folio 474, Maryland Hall of Records.

4Whitefield J. Bell, Jr., College Historian of Dickinson College, to Willard L. King, 6, 12 December 1951, David Davis Mss, Chicago Historical Society; Willard L. King, Lincoln's Manager, David Davis (Cambridge, 1960), 1.

5Ethan Allen, Clergy in Maryland of the Protestant Episcopal Church (Baltimore, 1860), 24.
The Episcopal Church and the Federalist party were the major articles of Davis' philosophy. His son described him as "a Federalist of the most elevated stamp—early embraced and always adhered to." As he objected to laxity among the clergy, so he objected to abuses of the Republicans. As was the custom, Davis declared a fast day before the presidential election of 1808. His parishioners objected that his sermon was more like a stump speech for George Clinton, the Federalist candidate, than an orthodox sermon. To this charge Davis replied to his bishop: "Tom Painsites and Jeffersonians will always say that a fast day is an electioneering measure, or a piece of hypocrisy." But he thanked God that he could preach and pray for their conversion. He continued his electioneering sermons but modified them so that "even Madison himself could not censure such a fast." To his bishop he complained that Madison would surely be elected and that even on the Eastern Shore "Clinton's friends are deserting him in crowds and falling back into the ranks of Jacobinism." He predicted that "in less than two years every man who fears death will be obliged to swallow an oath of allegiance to Bonaparte." His staunch Federalist politics and his magisterial avowal of them did little to endear him to his predominately Jeffersonian parishioners.7

In February 1816, after 12 turbulent years as Rector at St.

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6H. L. Davis to T. J. Claggett, 11 November 1805, 20 January 1806, Protestant Episcopal Church, Diocese of Maryland Mss, Duke University; George Johnston, History of Cecil County, Maryland (Baltimore, 1881), 454.

7Steiner, Davis, 8; H. L. Davis to T. J. Claggett, 10 September, 7 October 1808, Protestant Episcopal Church, Diocese of Maryland Mss, Duke University.
Stephen's, and with charges of intemperance surrounding his resignation, the Rev. Mr. Davis moved to Annapolis as Rector of St. Anne's parish and Vice Principal of St. John's College. As minister of the most prestigious Episcopal Church in Maryland, he easily entered Annapolis society where he met Jane Brown Winter, eldest daughter of the wealthy merchant, Walter Winter, and granddaughter of the influential Episcopalian scholar, the Rev. Issac Campbell. Miss Winter was described as "a lady of graceful and simple manners, fair complexion, blue eyes, auburn hair, and with a rich and exquisite voice." They were married on September 22, 1816. Little is known of her life except that she suffered from chronic ill health, came from a family plagued by mental illness, and was herself subsequently deranged.

As Vice Principal of St. John's College, Davis was an inspiring lecturer and strict disciplinarian. His first change was a rule prohibiting any student from frequenting billiard tables in the town. His second was to order 200 copies of the college rules with the injunction that "every Scholar above the age of fourteen be required solemnly to promise to observe said rules." His passion for discipline caused friction with the St. John's Board of Visitors and Governors. In October 1816 when Davis requested the adoption of additional discipline rules, the Board turned him down flat with a recommendation

8Steiner, Davis, 10, 16-17; Horace E. Hayden, Virginia Genealogies (Wilkes-Barre, Pa., 1891), 165; Maryland Gazette, 3 October 1816; Chancery Papers 1453, Frederick County, 1817, Henry Davis, Jane Davis, & Elizabeth Winter vs. William Winter, Lunatic, Maryland Hall of Records; Ethan Allen, "Eastern Shore Parishes, Vol. I: Cecil, Kent and Caroline," Mss, Maryland Hall of Records, 60; Bishop James Kemp to William Duke, 15 January 1818, Protestant Episcopal Church, Maryland Diocesan Library, Maryland Historical Society; David Davis to Julius Rockwell, 27 December 1855, David Davis Mss, CHS.
that he simply enforce the existent regulations.\footnote{All information regarding St. John's College unless otherwise noted is from the "Minutes, 1786-1826" of the Board of Visitors and Governors of St. John's College, St. John's College Archives, Maryland Hall of Records.}

On August 16, 1817, the Davis' first child, Henry Winter, was born at the St. Anne's parsonage. Two months later, St. John's College had to close because of financial difficulties. When it reopened the following year, Parson Davis was appointed to instruct mathematics. To moderate Davis' rigidly regimented teaching, the Board passed detailed instructions on what was to be taught and how. Many of the Board agreed with Davis' new methods, however, and in June of 1820, a majority finally consented to name him Principal or President of St. John's. But in the following month, the Board, apparently distrustful, selected a new Chairman who held opposing views to the Principal's.

From the time Davis took over as Principal he was involved in a continuous struggle with the Board for control of the College. Each proposal he submitted to the Board was turned down, including one to allow him to change rooms because on cloudy days his classroom was "much too dark for a man of failing eyes." Other proposals disapproved were for changes in the discipline rule, the establishment of standard dress, and tuition scholarships.

This discord between Parson Davis and the Board became open warfare when Davis placed an announcement in the \textit{Maryland Gazette} calling for "All Graduates of this or other colleges" to act as examiners for the senior class. Previous to this announcement it had been the practice for the Board to appoint a committee to listen to the orations...
of the graduating students. Davis sought to establish a new system of public examinations to demonstrate the excellence of his students. The Board, composed of wealthy merchants and lawyers but not necessarily college graduates, was offended by Davis' action and called for a letter of explanation. Davis replied that he had not violated any rule of the college, but that he would cancel the exercises "and give public notice of my disappointment." Many on the Board considered Davis' letter disrespectful and a motion was made to dismiss him, but he was saved by one vote. By the end of the summer, however, he had incurred the animosity of a majority of the Board by his uncompromising behavior. On September 22, 1821, he was demoted to Professor of Mathematics and Natural Philosophy.10

By removing his as principal but retaining him as professor, the Board obviously felt that they had silenced Parson Davis. But when the Board met several weeks later, Board President William Marriott announced that Dr. Davis had brought suit against the Board of Visitors and Governors. The members then heard complaints against Davis' conduct brought by Dr. William Rofferty, "an Irish Democrat" as Henry Winter described him, regarding the order of daily instruction. As the Board wished to confer regarding the charges they asked Dr. Davis to leave the room. Indignantly Davis refused to leave claiming he was a board member by virtue of his still valid appointment as Principal. Again the Board asked him to leave and again he refused. Exasperated by his truculent behavior, even Davis' supporters deserted him, and by a vote

of ten to six he was relieved of all duties at St. John's.11

One month later Parson Davis opened a private school in Annapolis. To his new school Davis brought his nephew, later United States Supreme Court Justice and Senator David Davis. Young David was sent to Annapolis by his mother and stepfather to be educated and raised by his uncle for one year. At the end of two years, David's stepfather, Franklin Betts, a Baltimore bookdealer, asked for David's return. Parson Davis refused to send the boy back, alleging that Betts was unfit to care for David and charging him with squandering David's inheritance. Betts took Davis to court. "My wife is extremely uneasy and unhappy about her little boy now with the Rev. H. L. Davis," Betts informed the Chancery Court. "She has heard and she believes it that Mr. Davis has taken to Drinking to excess—she has also heard that the Society in Annapolis have notified Mr. Davis that he will not be wanted to preach after this year." The court ordered the return of young David to Betts, who eventually expropriated David's entire inheritance, and as was alleged by Mrs. Betts, St. Anne's Parish soon dismissed their Rector.13

11Steiner, Davis, 8-9; Henry Winter Davis incorrectly stated: "My father was removed from the presidency of St. John's by a Board of Democratic trustees because of his Federal politics." This may well have been the case at the Wilmington Academy, but not St. John's. See Tilghman, "Exeunt, Roaring," 94-99.

12Maryland Gazette, 15 November 1821.

13Franklin Betts to H. L. Davis, 21 July 1825, Franklin Betts to Chancellor Theodorick Bland, 15 October 1825, Chancery Papers, 7435, Cecil County (1841), Maryland Hall of Records. Also see King, Lincoln's Manager, David Davis, 7-8; Ethan Allen, Historical Notes of St. Anne's Parish (Baltimore, 1857), 106-108; Walter B. Norris, Illustrated History and Guide Book to St. Anne's Parish, Annapolis (Annapolis, 1947), 8.
Dr. Davis moved to Wilmington, Delaware, in 1826, where he became Principal of Wilmington Academy. In addition to the academy, he opened a grammar school and boarded students in his home. This adventure began auspiciously but soon began to suffer because of Davis' ill health and his growing addiction to liquor. By early 1828 he was at odds with the citizens of Wilmington, whereupon he closed the school and moved to a farm near Woodbine, Howard District (now county) of Anne Arundel County, Maryland. "I shall never cease to regret that I suffered myself to be seduced to Wilmington," Davis wrote a friend, "where I sunk so much money, and experienced so much opposition." He had gone there with "high hopes," and consequently the "shock of disappointment was violent." Unable to admit his shortcomings, he blamed his troubles on his staunch Federalists beliefs: "Had I condescended to write for the Jackson Gazette, I might have prospered."\(^1\)

Leaving preaching and teaching, Davis became a farmer. "By the blessing of God I am now comfortably settled on my own farm," he wrote a friend, "and have servants more than enough to cultivate it." Like other slaveholders, he felt the moral burden of the peculiar institution. "As my black people reach 25 years, I emancipate them, and send them to Liberia, having first taught them to read."\(^2\) His new found prosperity lasted only two years, and in 1830 the Davis family was again on the move, this time to Elkton, Maryland. Unable to obtain a parish because

\[^{1}\]Wilmington Gazette, 13 June, 3 November 1826; Wilmington American Watchman, 30 May 1827; H. L. Davis to T. McDowell, 4 March 1828, David Davis Mss, CHS.

\[^{2}\]H. L. Davis to T. McDowell, 4 March 1828, David Davis Mss, CHS; Steiner, Davis, 14.
of charges of intemperance, Parson Davis worked a farm in Elkton for two years. During that time he sought unsuccessfully the aid of his former classmate at Dickinson College, Roger B. Taney, recently appointed Attorney General of the United States, to secure an appointment as Chaplain in the Army. Failing at farming, Davis took to liquor and finally moved in with his cousin, Dr. David Davis at Georgetown Cross Roads, Kent County, Maryland. With his health failing, he farmed out his children—young Henry Winter to various relatives and eleven year old Jane to other relatives in Jefferson County, Virginia. In the last months of 1836 he died, an impoverished man.

Parson Davis' life had been a series of bitter conflicts with his fellow clergymen, his parishioners, and his superiors. A gifted orator, learned, fiercely determined, he commanded respect from his family and even his adversaries. But he was inflexible, stern, and dictatorial and seemed not to have commanded their love—not even from his son who followed his father's habits and principles.

"My father's death," recalled Henry Winter, "embittered the last days of the year 1836 and left me without a counsellor." But Henry had often been left without his father. Even when he lived with his father in the St. Anne's parsonage, he was raised "under the sharp discipline of my aunt Elizabeth Brice Winter." An exceptionally bright child, he was taught to read before he was four years old, "though much against my will." His aunt directed most of his early education at

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16H. L. Davis to R. B. Taney, 3 August 1831, in Carl B. Swisher, Roger B. Taney (New York, 1936), 145.

17Steiner, Davis, 15; see also the Will of Henry Lyon Davis, Liber JFB, No. 1, p. 32, Maryland Hall of Records.
home, except for a brief period when he attended St. John's Grammar School.\textsuperscript{18}

When the Rev. Mr. Davis was dismissed from St. Anne's, nine-year-old Henry was sent off to the home of his aunt in Alexandria, D. C., where he attended a private school run by a Mr. Wheat. At the end of the school term his aunt returned him to his father in Wilmington, where he attended Wilmington Academy for a single term. After his father's failure at Wilmington, he moved with his family to the farm near Woodbine, Maryland. There he spent more time in the woods hunting than in the house studying. "Before I was eleven I was inspired with the sporting fever and roamed the country with a gun larger than I well could bear," he recalled, "superintended by a trusty servant, Frank Garner, to see that I did not shoot myself instead of the birds."\textsuperscript{19}

Young Henry's relationship with Frank Garner and his father's other slaves was an important influence on his later life. "My familiar association with the slaves while a boy gave me great insight into their feelings and views," he reflected over thirty years later. "They spoke with freedom before a boy what they would have repressed before a man." His father's slaves felt wronged and yearned for freedom. "They were attached to my father and loved me, yet they habitually spoke of the days when God would deliver them." Davis vividly recollected that the slaves warned him that "Master will have many a black man hanging to his coat tails where he is trying to get into

\textsuperscript{18}Steiner, \textit{Davis}, 11.

\textsuperscript{19}Ibid., 11-12.
heaven at the last day."20

Henry and his sister Jane were responsible for teaching the slaves to read so that they could be manumitted according to their father's directions. "Most of them, young and old learned to read well, but none of them could ever be induced to take their freedom on condition of going to Liberia." Records reveal that only one slave was ever legally manumitted during their father's lifetime and there is no record that he consented to go to Liberia. But the wrong of slavery, despite the prevailing view in Maryland that slavery was moral and beneficial to the slave, lasted with Henry and his sister so strongly that after their father's death, they freed all the slaves they jointly inherited.21

When his father no longer could support his family on the farm in Elkton, Henry went to a relative's home at Georgetown Cross Roads. After a winter there, he was again shipped off to his aunt's home in Alexandria. In order to prepare him for college, she enrolled him at the Rev. Loring Woart's Academy in Alexandria, now the Episcopal High School of Virginia. "I never have met a man who could lead, control and influence youth as Mr. Woart did," Davis wrote. "He joined in our sports on the lawn, led the skating matches, the swimming expedition, spoke ex-cathedra in the schoolroom, and in the long winter evening read

20 Ibid., 13.

21 Ibid., 14; Anne Arundel County Deeds, Liber C, No. 3, 1816-1844, p. 420-421, shows that on 1 September 1828, H. L. Davis manumitted John Thomas, age 34, in consideration of one dollar. Six months later Thomas was issued a certificate to allow him to travel on the roads of Maryland, Anne Arundel County Certificates of Freedom, 1810-1834, p. 301, Maryland Hall of Records.
Scott's novels to an entranced crowd." From the Rev. Mr. Woart as much from his father, Davis learned "a high lesson in the art of elocution"—the power that the spoken word had on an audience. That lesson remained with him.22

In the fall of 1833 Henry Davis left Alexandria for Kenyon College in Gambier, Ohio. His father and aunt raised the necessary $88 for tuition, room and board for one year so that he could follow his cousin David to college. "I crossed the Alleghenies by the National Road, on the top of the stage for the benefit of the scenery. It was my first view of the great ridge," he reminisced. "When I crossed the Ohio I saw the new and strange West .... Gone were the smooth and open lands, the aristocratic old mansions and the swarm of slaves to which I had been accustomed in Maryland and Virginia." He wrote home that he was pleased "with the general appearance of the country."23

The stage arrived at Gambier, Ohio, on October 28th "in a snowstorm, the ground frozen where it was bared by the wind--after having broken down four stages, one of them four times, on the horrible roads." Kenyon College had been founded in 1824 by Bishop Philander Chase, the first Episcopal Bishop in the Northwest Territory, with the help of Henry Clay. "Kenyon was then the centre of a vast forest," Davis wrote, "broken only by occasional clearings."

Young Henry was boarded in a large dormitory so ill constructed that "not only wind but light penetrated" through the planks. "It was

22Steiner, Davis, 15-16; David Davis to Henry Winter Syle, 7 May 1875, David Davis Mss, CHS.

23Steiner, Davis, 21.
like camping out," he recalled. "The snow drifted straight through, covered the bed and made drifts on the floor." As students were not allowed servants, they cut their own wood, made their own fires, and drew their own water. "Such a life was healthy," he later thought, "and to young men of sixteen not unpleasant."\(^2\)

His first year at Kenyon was in the preparatory school studying to pass the examination to be admitted to the freshman class. He wrote that the most stimulating study of the first year was the translation of "the whole Sallust's 'Bellum Catilinarium,' a work which was much more a lesson in English writing than in Latin construction and tended more than anything could have done to fix the habit of brief, sincere and pointed expression" on him.

Henry spent his first vacation at Kenyon rather than make the long and difficult trip to Maryland. He studied diligently that summer and on October 29, 1834, he passed the entrance examination and at the age of seventeen was enrolled in the freshman class. He delighted in his wonderful opportunity to become a learned man like his father. He tackled all the freshman subjects—natural science, political economy, logic, and metaphysics. Foremost among his interests, however, was history. To his regret he discovered that of modern historical works only Niebuhr's *History of Rome* and Gibbon's *Rise and Fall of the Roman Empire* were then known in the backwoods of Ohio. Gibbon's massive work, which Davis referred to as "the morning star of historical investigation," remained his favorite work of history throughout his life.\(^2\)\(^5\)

\(^{2}\)Ibid., 22; see also Gordon K. Chalmers, *The College in the Forest—1824* (New York, 1948), 7-10.

\(^{2}\)Steiner, *Davis*, 28-32.
Kenyon College was under the direction of Bishop Charles Pettit McIlvaine described by Davis as "a man of the world as well as a man of God—but not a man of the Western world of that day." McIlvaine had been a chaplain at West Point where he instructed and counseled both Jefferson Davis and Robert E. Lee. Although unsuccessful as a bishop, at the college McIlvaine was "of infinite use in breeding gentlemen out of the rough material there collected," Davis thought. Henry Davis was captivated by McIlvaine's speeches and labeled him "a master of the highest art of oratory. To listen to him on Sunday was a lesson in oratory which would be had nowhere else in the United States, unless at the feet of Webster or Clay." From him Davis acquired the finer points of public speaking that had only been sketched by his father and the Rev. Mr. Woart. Other professors at Kenyon were Dr. Benjamin F. Bache, his chemistry teacher who became his life-long friend, C. Putnam Buckingham who instructed mathematics, and Dr. William Sparrow, lecturer in moral science. Sparrow's deep thought and expressive language were particularly attractive to Henry. But Sparrow's Virginia background bent him to apologize for the institution of slavery which Henry found conflicted with reality.26

At Kenyon young Davis found two literary and social societies, the Nu Pi Kappa and the Philomathesian. In 1833 there had been only one society but it split. In that year the Nat Turner rebellion, the Virginia Convention debate on emancipation, and the establishment of William Lloyd Garrison's The Liberator hardened feelings about slavery,

26Ibid., 36-39.
and like other organizations, the Kenyon literary society divided sectionally. Faced with a decision of which to join, Henry chose the N.P.K., the Southern society. "The negro question was an element of division, but not bitter nor exciting," he later explained. "The societies were rivals, not foes, and the associations followed predilection and not origin." His decision brought down on him the stern rebuke of his father. "I was from the South," he replied to his father, "had been born and bred in the South, and why, when there was a Southern society on the hill, I should join the Northern, I cannot conceive."27

National politics also stirred the interest of the students, reaching a high point in the presidential campaign of 1836. Davis wrote that in this election his "lofty and impractical notions of what a President ought to be" almost made him desert the weak and incapable Whig, William Henry Harrison, and "against my distrust of all Democrats"—which he learned from his father—support Martin Van Buren. It was, he later recalled, "the only weakness of my life in that respect." His Whiggery remained steadfast, but another issue introduced in the election disturbed him—the demand for the abolition of slavery by zealous abolitionists. "Imprinted on my memory," he wrote, "was the growing disgust for Abolitionists which then began to take the place of old and universal sympathy for emancipation."28

By spending all his vacations at Kenyon, Henry was able to skip

27Ibid., 25-26, 33-34; the Nu Pi Kappa file in the Kenyon College Archives, Gambier, Ohio, disclosed a membership list with Henry W. Davis enrolled as the fifty-seventh member and a Treasurer's Report signed by H. W. Davis.

28Steiner, Davis, 32, 39-40.
the sophomore course and enter the junior class directly after his freshman year. After two more years of study, mainly of "metaphysics and morals, varied by a spell on the public roads of Ohio," he was graduated with honors on September 6, 1837. He had acquired a classical education of which his father would have been proud had he still lived. But his years of study at Kenyon did not satisfy Henry Davis. "I knew something of books, but nothing of man," he lamented, "and I went forth like Adam among the wild beasts of the unknown wilderness of the world."29

29Ibid., 40.
Chapter 2

THE LABOR OF LAW

After four years in Ohio, twenty year old Henry Davis returned home. He vacationed for some time in Charlestown, Virginia, at the stately mansion of Bushrod Washington. But soon his "scholastic airs" began to conflict "with the habits of the landed gentry into whose talk of oxen and horses I was foolish enough to enter," he recalled. "The world was all before me where to choose, and Providence my guide," he wrote, but his immediate problem was finances. His father's estate consisted of twenty-five slaves but no cash, securities, or land. In his will, Parson Davis declared his slaves freed one year after he died on the condition that they be turned over to the Maryland State Colonization Society to be sent to Liberia. There he thought their chances for "comfort and prosperity" would be better. "Had the adult ones been willing to go to that country, I should have liberated them several years ago," he wrote on his death bed. "But the freedom I bequeath to them is suspended on their consent to return to the land of their fathers. In the United States they cannot be free." As none of the slaves consented to immigrate to Liberia, they were eventually manumitted by Henry and his sister Jane at great financial loss to both. But both strongly opposed the institution of slavery and would
not own slaves under any condition.¹

Possessing a college education but no means to support himself, Davis was forced to choose a profession but he disliked the occupations that were open to a young man of his standing. His father had "dedicated" him to the ministry, "but the day was gone when such dedications determined the life of young men," he wrote. Theology as a subject of "historic and metaphysical investigation" interested him, "but for the ministry I had no calling." Business was likewise an uninviting alternative. "For all forms of mercantile pursuits I had no taste and great disgust," he confessed. "It was then a prevailing sentiment in Maryland and Virginia that trade was not suited for a gentleman." He of necessity obtained a position as a tutor and lived with his Aunt Elizabeth in Alexandria for two years. The "drudgery" of teaching was relieved only by studying literature and preparing for law school.²

Law appeared to Henry as the only recourse open to a gentleman. Of the two routes to becoming a lawyer--reading law in the office of a practicing lawyer or attending a university--Davis preferred the university. While waiting to accumulate enough money to enter law school, he received "a very advantageous offer from a gentleman in Mississippi, and I was about to accept it," he wrote, "but the final letters were delayed and I remained in Virginia." His Mississippi scheme brought a "cry of horror" from his Aunt Elizabeth who believed

¹Will of Henry Lyon Davis, Liber JFB, No. 1, p. 32, Maryland Hall of Records; Steiner, Davis, 40-41.
²Steiner, Davis, 41-44.
Mississippi to be "a sink of iniquity" and "a broad road to destruction." Hastily she sold some land which enabled Davis to enter the University of Virginia law school.\(^3\)

On September 9, 1839, "aided by my aunt's munificence," Davis arrived at Charlottesville for a year of the study of law. The University of Virginia, designed by Thomas Jefferson, consisted of "a miniature of the Pantheon of Agrippa at the head of a broad lawn," Davis recalled, "on either side of which were two rows of dormitories, after the fashion of negro cabins, broken at regular intervals by the professor's houses."

The students at Virginia differed drastically with those at Kenyon. "The tone and bearing of the students was high and manly." he noted, "but their cultivation was not equal to it." He thought their "sense of personal dignity and self-importance was developed to an exaggerated degrees" so that "the duel was the only soap for tarnished honor." Poorly educated in English and mathematics, they were assumed to be competent in their studies since they were gentlemen. Many came to Virginia with no purpose of taking a diploma--attending classes only occasionally while drinking and gaming to excess. In contrast to Kenyon, the literary societies were in a state of decline. Denied the forum of active debating societies, Davis was limited to the moot court to try his forensic wings.

In the dormitories and boarding houses, constitutional theories were a favorite topic of discussion. "I had sat at the feet of Clay

\(^3\)Ibid., 44-45; Mary to Jane W. Davis, 13 June 1840, David Davis Mss, CHS.
and Webster as the rest had of Jefferson and Calhoun," Davis recalled. He and a small group of dissenters were "always a minority on the defense" when constitutional topics arose for discussion. He admitted that he was usually routed by the superior numbers, but he would never concede the right of nullification or secession. Such opinions were unpopular at Virginia and he was "vigorously denounced for a Federalist."  

Davis felt estranged from the aspiring Virginia gentlemen. "Perhaps my Ohio residence made me sensitive" to the northern position, he thought. "I remember being rather disgusted by the change from Maryland to Ohio--from the cultivation and distinction of classes to the rough dead level of the West." On his return from Ohio he felt "a sort of revulsion" toward slavery "which I certainly had not carried with me to the West." But at the University of Virginia, the students considered slavery to the "natural, the only tolerable possible state of the negro."

The course of study for students in law was not confined merely to reading law. Davis recalled that he "got a smattering of French and German, with a compound pronunciation of both," a basic course in geology, and the "outer bark of English and Scotch Mental Philosophy" from Professor George Tucker. Tucker, Davis thought, "gave his students vertigo by the narrow circle in which he revolved." But during his year in residence, the main course of study was "the crab-bed and jealous jade of the law."

Professor John A. G. Davis was the Law School. He lectured

4Steiner, Davis, 45-48.
extensively on the Virginia Statutes and decisions of the Virginia Court of Appeals. Henry thought that Professor Davis was a "preacher of Jeffersonianism"—he used *The Federalist* as a textbook on the Constitution but read it "by the light of the Jeffersonian Commentator." In addition, Whig constitutional authorities were denounced, Webster's arguments were answered by a "shrug of the shoulders," and Justice Joseph Storey's anti-slavery position made his constitutional studies "suspected." Davis felt that Jefferson's ideas were "expounded ex cathedra—with a glance to the Holy Mount," Monticello. Evaluating his professor as a guide to the complexities of the law, Davis wrote "that Professor Davis was no light in that labyrinth!"

In addition to attending lectures, students engaged in an extensive course of reading, chiefly Coke on Littleton. In the field of international law, Vattel's textbook was basic, and Justice Storey's treatises, while "not orthodox" on the Constitution, was "unavoidable" in the study of equity law. The only book Davis enjoyed was Stephen's *The Scientific Art of Pleading*. "The study of that beautiful work was admirably calculated to form the mind of a scientific lawyer," he recalled, "and I for long years have done it homage at the end of many a well-fought and successful struggle."

Studying law was "torture" for Davis. "The invisible distinctions" and "the endless diversities of the recondite principles" bored him. The months of endless cramming shortened his patience of details and slackened his determination to master the law. "Sometimes I have thrown the book across the room in wrath, and once my fellow students attest

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5Ibid., 48-56.
having caught me kicking it over the floor in a moment of mental agony," he wrote. But "still I mastered it." On July 3, 1840, Davis and twelve other were graduated with the degree of Bachelor of Laws. Later in life he ascribed all his ability and success as a lawyer to his year of intense study at the University of Virginia. "I have found myself armed where others have been naked in the day of battle--familiar with matters which were mysteries to competitors."6

By the fall of 1840 Davis returned to Alexandria, District of Columbia, to begin his legal career. It was customary for every law student to get professional experience in the office of some established lawyer before practicing on his own. No records have been found to indicate whether Davis served such an apprenticeship. It seems probable that he did, at least for some brief period--possibly in Charlestown, Virginia. It is also quite difficult to judge how successful his practice was during his first years. No business records exist for any of his career; court dockets for these years are unavailable; his autobiography stopped short of the period. Senator John A. J. Creswell later claimed that "his ability and industry attracted attention, and before long he had acquired a respectable practice, which thenceforth protected him from all annoyances of a pecuniary nature."7 On the other hand, there are indications that Davis was less than submerged

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6Ibid., 55; Registrar's Records, Alderman Library, University of Virginia.

7Henry Winter Davis, Speeches and Addresses Delivered in the Congress of the United States and on Several Public Occasions (New York, 1867), xix; Henry Winter Davis to William A. Carter et al. n.d., William A. Carter Mss, Bancroft Library, University of California, Berkeley.
with clients. Alexandria, one of the three towns of the District of Columbia along with Washington and Georgetown, was a river port for northern Virginia and depended on trade for its prosperity. The Panic of 1837 had disrupted both exports and imports and depressed the town's economy. Alexandria's population in 1840 of 8,459 showed an increase of only 218 in the last ten years and only 241 in the last twenty. Alexandria had slipped in prominence from the days when George Washington was the town patriarch, and when Robert E. Lee was a boy. A town of that size could not support the numerous lawyers who lived there.8

The major industry in Alexandria was the import-export trade which was controlled by two large establishments, A. C. Cazenove & Sons and Wm. Fowle & Son, Dry Goods Merchants. After some years, Davis was retained as counsel for both of these firms through his marriage to Constance Tabor Gardner, granddaughter of Anthony-Charles de Cazenove. The senior member of A. C. Cazenove & Sons was a Swiss refugee from the French Revolution who arrived in the United States in 1794. A close friend of the du Pont family and through them of Thomas Jefferson, he was urged by Jefferson to establish his business in Alexandria. By the time the federal government moved to Washington, D. C., Cazenove's firm was one of the largest mercantile establishments in the South. Cazenove's eldest daughter, Eliza, married William Collins Gardner, a native of Newport, Rhode Island, who joined his dry goods business.9

8Kabler, Alexandria, passim.

Eliza and William Gardner's third child, Constance, was the darling of the Cazenove family. Frail, delicate, and bright, she had soft dark eyes and long dark brown hair. Plagued by illness as a child, she contracted consumption, the nineteenth century term for pulmonary tuberculosis, before she was twenty. Despite her poor health, she was one of the most eligible belles of Alexandria society. Henry Davis was probably introduced to her by his sister Jane who was a friend and companion of Connie's.

Henry courted Constance for five years during which her health continued to fail. They were engaged to be married in 1844, but her father's death in November delayed the event. Her health became so bad the following winter, that her family decided she should visit Newport to gain strength. At Newport she received news of the death of a beloved uncle and that event seriously set back her recovery. It also cancelled plans the young couple had made to be married at the end of the summer in Newport. Constance's mother told her friends that the second family tragedy postponed the marriage, "probably forever," and Mrs. Gardner and Connie both offered to release Davis from the engagement. Davis refused the offer and finally on October 30, 1845, Henry Winter Davis and Constance Tabor Gardner were married in St. Paul's Episcopal Church in Alexandria.10

10David Davis to wife, 7 March 1848, David Davis Mss, CHS; Alexandria Gazette, 29 November 1844, 3 November 1845; Sophie M. Du Pont (hereafter cited as SMDP) to Samuel Francis Du Pont (hereafter cited as SFDP), 21 January 1844, Henry Francis du Pont Collection of Winterthur Mss 9-21532, hereafter cited as WMss; SMDP to Clementine Smith, 7 April 1845, WMss 9-21570; Louis A. Cazenove to Eleutheria du Pont Smith, 6 June 1845, L. A. Cazenove Mss, LC; SMDP to Constance Gardner, 29 July 1845, WMss 9-21576; Sophie M. Du Pont Diary, 9 August 1845, WMss 9-40396; SMDP to SFDP, 5 September 1845, WMss 9-21585.
After a brief honeymoon to western Virginia, the newlyweds returned to Alexandria and moved into Mrs. Gardner's large, gloomy brick home on King Street. Disappointed by his humdrum law practice, Davis found his solace at home. He and Connie spent long hours discussing literature, theology, but most frequently, government. Marriage proved socially and economically advantageous for Davis. Connie's relatives constituted the apex of Alexandria society—the men, gifted and wealthy, and the ladies, cultivated and refined. His wife's grandfather was town patriarch A. C. Cazenove; her brother-in-law was Cassius F. Lee of the Lee family, who was Clerk of the Alexandria Court; her cousins, William H. Fowle and Louis A. Cazenove were town councilmen. At first treated as something of an interloper, Davis was gradually accepted into the family.

The most important of the connections Davis made through his marriage to Connie was the friendship of the wealthy and influential Du Pont family of Delaware. Sophie Madeline Du Pont was Connie's childhood friend. Davis came to know both Sophie and her husband, Captain Samuel Francis Du Pont of the United States Navy. Du Pont and Davis came to know and trust each other; for fifteen years each man was the other's most trusted counselor.

The Davis-Du Pont friendship began indirectly. Within months after the wedding, Constance's health began to improve. The cold winter followed by an early humid spring caused a relapse, however, and that summer on doctor's order she traveled north to escape the savage heat and humidity of Alexandria. After the June term of court, Davis joined his wife at the Du Pont's luxurious home, Louviers, outside of Wilmington, Delaware. "I was surprised to find him so very young
looking, seemingly almost a boy next to Connie," Mrs. Du Pont wrote her husband, then absent fighting in the Mexican War. Though almost thirty years old, Davis still had a boyish look about him. Six feet tall, with regular features, a ruddy complexion, flashing dark brown eyes, and bushy auburn brown hair, he was a strikingly handsome man. He did not appear quite so handsome to Mrs. Du Pont who admitted she was prepared to dislike him. "He is rather good looking, not handsome; with an unprepossessing voice and unpleasant laugh," she informed her husband. "He makes Connies very happy, which is most important, but tho he is three years older than her, he strikes me all the time as too young for her—and not the kind of man in appearance or manner you would have felt proud to see her wed." After three days, Mrs. Du Pont's opinion changed drastically. "I like Mr. Davis very well--He suffers a good deal au premier abord." She still thought him too young and lacking polish and refinement, but she considered him "smart, and always saying smart things." She also admired his wit and intelligence, and his "extreme devotion to Connies ... constantly perceptible in a thousand little delicate attentions."11

Economically Davis' marriage brought him advantage. His connection with the Cazenove family brought him clients in addition to the family's dry goods business. However, the drawing of wills, the settling of estates, and the company's insurance claims proved uncongenial to Davis. He yearned for the exciting contests of politics--

11SMDP to SFDP, 5 January 1846, WMss 9-21616; SMDP to SFDP, 29 January 1846, WMss 9-21626; SMDP to SFDP, 29 March 1846, WMss 9-21635; SMDP to Eleutheria du Pont, 18 July 1846, WMss 9-21651; Constance G. Davis to SFDP, 27 July 1846, WMss 9-21652; SMDP to SFDP, 30 July 1846, WMss 9-21653; SMDP to SFDP, 3 August 1846, WMss 9-21653-A.
especially national politics. It was an attraction that had drawn him for years before his marriage, but was now enhanced because of Connie's interest.

His earliest recollection of politics was his father's admonition: "My son, beware the follies of Jacksonianism!" At Kenyon he debated the issues of the presidential election of 1836, and after wavering for a short time came down for the Whig party. During the election of 1840 he heard his first political speech, an attack on General Jackson by William C. Rives. At the Charlottesville court house, law student Davis hung in a window to listen to Rives vindicate his "consistency" in a four-hour speech. "Length and not brevity was the test of merit in Virginia," Davis noted, and in Virginia politics "consistency in a public man was what chastity is to a woman." His first political rally gave him "a new idea of the contests of real life," he recalled, and awakened him to "the fervid appeals which sway multitudes."12

In March, 1844, Henry Davis made his entry into politics with a series of editorials in the Alexandria newspaper written under the pseudonym of "Hampden." His initial article called for the people to rally to "a noble cause," the candidacy of Henry Clay, and praised the Whig party as "friends of the rich and poor, the high and low," in contrast to the "ruthless and violent" Democrats. His first essays reflected energy and purpose but were bombastic in tone and empty of specific ideas.13 As the articles continued over the next months, his thinking became more precise as his style became less florid. He began

12Steiner, Davis, 9, 61.

13Alexandria Gazette, 13 March 1844.
to argue issues—the National Bank, a natural currency, a protective tariff, and executive usurpation of congressional authority. He defended the National Bank as essential to the business of the nation. He called for a national currency to be provided by the bank. He denounced Jackson as responsible for the reckless destruction of the currency, the Panic of 1837, and the depression which followed. The Democratic party's "Sub-Treasury" system he deemed "grinding and oppressive." Passionately he argued for a protective tariff calling free trade "a wild vision" conjured up by Locofoco Democrats. "Our policy now is and should be, to give a permanent and reasonable protection to every interest which belongs to agriculture, commerce and manufactures" thus enabling "this great empire" to be protected from "foreigners."\(^{14}\)

Arbitrary government was the topic of his most thoughtful essays. Following in the great tradition of English Whiggery, Davis castigated General Jackson for yielding to "his unrestrained will" and "despotic temper," and for negating the will of Congress. When Jackson was elected, Davis wrote, he was an avowed friend of the National Bank but "from some cause, supposed to be personal, he became the deadly enemy of the Bank." His war on the Bank and his two vetoes of a bank bill passed by Congress were unlawful exercises of power that threatened to change the nature of government, Davis claimed. Tyler, the incumbent, he denounced for his abuse of the veto power. By their misuse of the veto, Davis charged, Jackson and Tyler were like the man who "surrenders himself to the caprices and lawless desires of his will, and thus

\(^{14}\)Ibid., 21 March, 18 June, 11, 20 July 1844.
resembles in his properties, the characteristic features of 'the beast.'"  

In addition to his editorializing, Davis joined in organizing a Clay Club in Alexandria and was active in its rallies. As in the national Whig campaign of 1844, the local meeting featured the new symbols of Whiggery—log cabins, liberty poles, and hard cider. Usually visiting politicians and the leading men held the platform and whipped up the crowd for their candidate. Davis' editorials must have attracted some notice for on the Fourth of July, 1844, after several notables had spoken, he was invited to come forward. His maiden political speech was on the Whig party as the true constitutional republican party embodying the conservative principles of Madison. Learned, plodding, and dull, it had none of the eloquence and sarcasm that later were his trademarks.  

Although the Whigs carried Alexandria, they fared badly elsewhere. Victory for Clay depended upon carrying New York state, which he lost by less than six thousand votes. Throughout the country charges of fraud in the New York City election were raised. Naturalized citizens were said to have been appealed to as a distinct class and urged to vote the Democratic ticket. Davis' close friend, Edgar Snowden, editor of the local newspaper, wrote that naturalized citizens in New York were illegally rounded up and voted as a block. Snowden urged the Whig party to oppose the "influence of Foreigners, as a separate and distinct class" and to press for an alteration of the

15Ibid., 26, 27 September 1844.

16Ibid., 8 July 1844.
naturalization laws. Other editorials in the Alexandria newspaper charged that the Democratic party was ruled "not by Americans, but by Germans and Irishmen, and other foreigners."\(^{17}\)

In Alexandria a meeting of the Clay Club brought together the largest crowd of the season. Representative J. M. Causin of Maryland was the featured speaker, but Henry Davis made the speech that "swamped the multitudes." "We never listened to a finer intellectual treat," the newspaper reported. Davis discussed the cause of Clay's defeat "and very forcibly exposed the disorganizing, fraudulent and treasonable designs and principles of some of the leaders of the Locofoco party." In his 1844 campaign editorials Davis had shown a decided nativistic bent. When he discussed the tariff, he relied on the argument that "the first desire of the patriot is the WELFARE OF HIS OWN COUNTRY." Protection of American industry from "foreign rivals" was his main rationale for a tariff. His post election speech was highly nativistic.

After Davis spoke, the Clay meeting passed a series of resolutions. They declared that the majority of the American people preferred Clay and "that foreigners have ungratefully bitten the hand that helped him." They urged the revision of the naturalization laws so that "emigrants, bred in a state of political tutelage, should not be invested with the sovereignty of the people" until they lived in the United States for a sufficient period of time. Soon the wave of nativism that swept the country passed. The dispute over the Oregon boundary, the Mexican War, the Wilmot Proviso, and the slavery question overshadowed the more

\(^{17}\)Ibid., 6 November 1844; *National Intelligencer*, 2 December 1844.
intangible fear of foreign control.\textsuperscript{18}

Of more pressing concern to Alexandria was the move to return that town to the Commonwealth of Virginia. When the Constitution of the United States was written, a compromise between the North and the South placed the capital city on the Potomac River. The District of Columbia was formed by Maryland and Virginia ceding territory to the federal government. As little government business was transacted on the Virginia side of the Potomac, by the 1830s it was thought that maintaining Alexandria as part of the capital was a waste of money. The move for retrocession of Alexandria lay dormant until the depression that followed the Panic of 1837. Since the National Bank had been destroyed, only states could charter banks, and Alexandria, not part of any state, was without a bank. The commercial growth of the town was thus stifled and Alexandria became a stagnant port while Baltimore and Norfolk grew.

In July 1846 the Senate finally passed a House bill to return Alexandria to Virginia if the citizens of the town voted for retrocession and if the Virginia legislature concurred. Rapidly groups formed in Alexandria and Richmond for and against retrocession. Opponents had the advantage from the outset. Fear of rising taxes and fear of being excluded from the Chesapeake & Ohio Canal dampened the retrocession movement.\textsuperscript{19}

Editorialist H. W. Davis, in another series of "Hampden" articles,

\textsuperscript{18}Alexandria Gazette, 13 March, 17 July, 21 November, 6 December 1844.

\textsuperscript{19}Ibid., 28, 29, 30 July 1846.
led the retrocession movement. His articles covered such topics as the canal, banks, and commercial growth. His principal argument was a legal one. Justice was slow in Alexandria, he claimed. In Virginia's courts action could be obtained much quicker. He charged that the laws of the District were "a curiosity shop of legal antiquities" where the "bewildered lawyer flounders in search of the law." The return of Alexandria to the Commonwealth of Virginia, he argued, would increase justice, increase commerce, and provide for a railroad, now impossible without a charter. In early September the citizens voted overwhelmingly in favor of retrocession. On March 20, 1847, the legislature of Virginia, prodded by a strong lobby from Alexandria, passed an act re-annexing Alexandria. The Mayor declared a holiday and the whole town celebrated.²⁰

In recognition of his services to the Whig party in the 1844 election and to Alexandria in the recent retrocession contest, Henry Davis was admitted to the Whig party councils. And when the courts were changed over in June of 1847 from the District of Columbia to the Commonwealth of Virginia, Davis was selected as Attorney for the Commonwealth. As district attorney he had few criminal cases to prosecute, but attending to the legal business of the town brought Davis relief from his routine common-law practice as well as an additional source of income.²¹

Davis took a prominent part in the presidential campaign of 1848 in Virginia. He was a leading figure in the Alexandria delegation

²⁰Ibid., 8, 13, 19 August, 3 September 1846, 20 March 1847.

²¹Ibid., 17, 29 June 1847.
to the Virginia Whig convention in February which recommended a candidate to the national convention. Supporters of Henry Clay and Zachary Taylor had been lining up votes for months. Although Davis looked to Henry Clay as the greatest living American, he joined with the rest of his delegation to support General Taylor, a war hero, as the most "available" candidate. The convention convened in Richmond with the largest crowd in attendance ever for a Whig convention. Davis was appointed to the powerful rules committee and presented its report in a brief but effective speech. After listening to many speeches supporting the candidates, the convention nominated Taylor. Although nominated by his delegation to be a presidential elector, Davis was passed over by the party officials, but was, however, selected as the county elector from Alexandria. In June he attended the Whig national convention in Philadelphia and represented Alexandria at the meeting to ratify the nomination of Zachary Taylor and Millard Fillmore.  

Davis had long supported the candidacy of Zachary Taylor. As a Southern slaveholding man, with a brilliant military record and broad national appeal, Taylor was the ideal candidate for the Southern Whigs. Taylor's candidacy got a boost when the Democracy floundered on the slavery question. After the Democrats nominated Lewis Cass in May, antislavery leaders repudiated him as a "tool of the South," and the New York Van Burenites or "Barnburners" bolted the party and nominated Van Buren at a convention of the Free Soil Party. But in Virginia slavery was not an issue in 1848--the debate over slavery had been settled since the famous Virginia Convention debates of 1832.

22Ibid., 27 January, 26, 29 February, 5 June 1848.
As county elector, Davis led the Taylor campaign in Alexandria. He participated in a series of joint debates in town, and traveled to Prince William County, Occoquan, Lexington, Ball's Cross Roads, West End, and Charlestown to speak on behalf of General Taylor. Frequently he denounced President Polk for his abuse of the veto power. At Charleston he reviewed the history of the veto from Washington to Polk, castigating Jackson, Van Buren, Tyler and Polk as seeking "kingly power." The local audience thundered its approval. "Scorching, scathing, aye, blasting was the power of words as they escaped from a bosom warmed up with a sense of the wrong that had been committed and the Constitution that had been outraged by the abuses of the Veto power," wrote the local editor of Davis' address. "It was indeed a splendid effort and for close reasoning, elevated thought, and eloquent delivery, has not been surpassed during the canvass."23

The night before the election Davis addressed a rally in his home town. Attracted by his growing fame as a speaker, an immense crowd packed Liberty Hall, and many persons had to listen from outside. Dressed in a light gray long-tailed coat with black waistcoat and black trousers, standing tall and erect, the thirty-one year old lawyer was a commanding figure. With great ability he addressed the crowd covering "the whole subject of the errors and abuses of the present administration .... with pungency and force," reported the local paper. After defending General Taylor as a man of courage and character, Davis closed "amidst the heartiest and most enlivening cheers."24

23 Ibid., 29 July, 8 August, 9, 14 September, 31 October 1848; Charlestown Free Press, 7 September 1848.
24 Alexandria Gazette, 2 November 1848.
On election day Alexandria voted better than two to one for "Old Rough and Ready" and within a few days it was known that Taylor had been elected. But even before Taylor was inaugurated, Davis began to question his leadership. He objected to Taylor's choices for the Cabinet except for the nomination of John M. Clayton as Secretary of State. He wrote an article denouncing the composition of the proposed cabinet which Captain Du Pont tried to have published in the National Intelligencer. But Joseph Gales, the editor, rejected it as "too strong" even after "all the necessary pruning."25

A congressional contest followed closely upon the presidential election. There John S. Pendleton, the incumbent Whig Congressman from the Ninth Congressional District, was opposed by Jeremiah Morton, an independent with Democratic backing. Davis, now chairman of the county Whig party, took the stump for Pendleton. In a new series of "Hampden" editorials, Davis blasted Morton for his "extremism" and his advocacy of force if sectional conflict couldn't be settled. "Mr. Morton is always extremely careful to conceal the grim visage of civil war beneath the veil of general, equivocal expression," Davis charged. He attacked Morton's advocacy of a Southern Convention, saying such a meeting would be only a preliminary to following John C. Calhoun into civil war.

Had Davis stopped there, his denunciation of Southern extremism would have rallied Alexandria citizens to Pendleton's cause. Although southern in background, Virginians were generally reluctant to demand

25 Ibid., 8 November 1848; SFDP to SMDP, 23 February 1849, WMss 9-1106; SFDP to SMDP, 2 March 1849, WMss 9-1107.
the extension of slavery into far distant New Mexico and California if it threatened civil war. But Davis, a political amateur and unconcerned about adverse reactions, launched into a loose constructionist discussion of the rights of Congress—an argument that had always been implied in his denunciation of executive abuses. There was no clause in the Constitution, he claimed, "which either expressly or by implication forbids Congress to exclude slavery from a territory."

He reasoned that as slavery was a fit topic for local legislation, and as Congress was the local legislature for the territories, then Congress could abolish slavery in the territories. This frank avowal of the philosophy of the Wilmot Proviso was too extreme for his conservative neighbors, and Pendleton went down to defeat by an overwhelming majority.26

After the election, the debate over Davis' letters continued in the newspapers. In reply to one letter which labeled Davis' position as treasonable, Davis pushed his position to an extreme. Like Charles Summer and other antislavery leaders, Davis possessed an "illogical logicality"—he extended a principle to its outer limits. This time he argued that Congress had the same power over the relationship between master and slave as it had over others relations—husband and wife, master and apprentice, parent and child. If Congress had the authority in a territory to say where "a man may marry three wives or one; whether the marriage contract shall be for life or dissoluble at the will or caprice of the parties," to say whether apprenticeship shall be

26Alexandria Gazette, 25, 28 April 1849.
abolished, then surely it could legislate the relationship between master and slave—and thus abolish slavery in the territories.\textsuperscript{27}

Davis was constitutionally unable to understand the depth of feeling that surrounded the slavery controversy. He often said he was "convinced that the question is agitated solely for electioneering purposes—that all reasonable men must know that slavery will never be forced on the Californians." Despite the use of a pen name, Hampden's true identity became well known throughout the town. When the Whigs met to nominate a candidate for the legislature, Davis who had actively sought the position, was passed over.\textsuperscript{28}

Davis' position on slavery became a barrier between himself and many of friends, but he refused to retreat from his position. His wife's family became estranged from him and he came to rely solely on his ailing wife. She was his confidant and editor. But rapidly her already poor health began to fail. As early as March 1848, David Davis, visiting from Illinois, reported that Constance was "fast sinking into a hopeless consumption .... She is a perfect skeleton, coughs all the time and is confined to her room and bed a great deal."\textsuperscript{29}

During the summer of 1848 she and her husband traveled north and her health improved. But in early 1849 she had another relapse. Her doctor seemed "not discouraged about Constance because he said he had seen her quite as sick and rally soon," reported a cousin. "Her

\textsuperscript{27}David Donald, Charles Sumner and the Coming of the Civil War (New York, 1960), 116.

\textsuperscript{28}Alexandria Gazette, 17 February, 3 May 1849.

\textsuperscript{29}Clementina Smith to SMDP, 9 January 1849; WMss 9-25693.
greatest suffering is from pain in the kidneys." Within a month she began to recover. "She is better than she was some weeks ago," Mrs. Du Pont wrote, and "has recovered her appetite, and has not her chills every day." Yet Mrs. Du Pont mournfully noted that Constance did not expect to recover and "there seems to be a perfect peace prevading her soul" in expectation of death.30

Spring came early in 1849 with a torrid heat wave in early May. Too sick to be moved North or to western Virginia, Constance remained at home, tended by her husband and her mother. After talking with Henry for most of the morning of May 12, she was seized by a breathing spasm and died that afternoon. A friend reported that "the alternate rigidness and quivering of [Davis'] features, as he struggled with the anguish of his heart, caused me to look upon him on the day of her funeral as one of the most afflicted men I had ever seen." For the first time in his life he was obliged to stand alone—without his father, his aunt Elizabeth, or his beloved Connie. Alienated from his neighbors over the slavery issue, he found Alexandria beginning to wear on him. His law practice though remunerative was unpleasant. He yearned to leave.31

30SMDP to Clementina Smith, 13 February 1849, WMss 9-21791; SMDP to SFDP, 22 February 1849, WMss 9-21792.

31Richard B. Duane to SMDP, 16 May 1849, WMss 9-25711; SMDP to Clementina Smith, 16 May 1849, WMss 9-21801; Alexandria Gazette, 16 May 1849; SMDP Diary, 15 June 1849, WMss 9-40399; Alexandria Independent, 24 January 1866.
In January 1850, at the age of thirty-three, Henry Davis moved to Baltimore. "My change of residence was in accordance with an inclination long indulged," he confided to Mrs. Du Pont, "and in consequence of a sorrow too severe to endure daily contact with scenes that renewed it at every glance." For years he had wanted to escape the stultifying atmosphere of Alexandria. Recognizing, however, that his wife's illness required special attention and that she would be best cared for and happiest in Alexandria, he remained there until her death. "I am here—and she is gone," he mourned, "and without her books seem an abomination, labor is an irksome drudgery, professional success tasteless." He hoped that the move would ease the pain of Connie's loss, but soon found that he "carried the fountain of bitterness within." By moving to Baltimore, he also anticipated an increased law practice. But even after a year he informed his cousin David that he had "fair prospects—and little practice, good promise and small performance."¹

Baltimore in 1850 was a burgeoning commercial center, not as important as New York but beginning to rival Philadelphia. The advent of the clipper ship brought a new prosperity to the Maryland seaport. Merchants carried on a large tobacco trade with Bremen, Holland, and

¹HWD to David Davis, 15 October 1851, David Davis Mss, C.H.S.; HWD to SMDP, 24 February 1850, WMss 9-25732.
France, sent large quantities of wheat and flour to England, and most important of all, exported flour, cotton goods, corn, and coal to South America. Its primary industries were iron manufacturing, sugar refining, flour milling, and copper smelting. The city boasted three railroads in addition to its magnificent port. Baltimore might resemble New York and Philadelphia in its commercial life, but if differed from them in an important way—Baltimore was a southern city. The institution of slavery linked Baltimore to southern culture and customs.²

Baltimore offered far more opportunities for a young lawyer than Alexandria had. In addition to the Maryland courts—the Superior Court, the criminal court, the court of common pleas, and an orphans' court—the Federal District Court sat in Baltimore presided over by the Chief Justice of the United States Supreme Court, Roger B. Taney. In January and July the Maryland Court of Appeals met in Annapolis. In addition Davis continued to plead cases for his old clients in Alexandria and increased his practice before the Supreme Court in Washington. As his practice grew, Davis had to shuttle between Baltimore, Alexandria, and Washington, as well as making frequent trips to Frederick and Cambridge, Maryland, Charlestown and Richmond, Virginia, and Philadelphia. Explaining to Mrs. Du Pont the problems of appearing in so many courts, he wrote that he had "a complex and massive body of law to master, and knowledge of the spirit and character of the people to acquire, if I

would appear respectable when business visits me."³

Unable to find a house to rent, Davis moved into a boarding house on East Fayette Street where he met George Baldwin Milligan, son of Judge John Jones Milligan of Delaware. "I felt as if I knew him when he informed me he knew your family quite well," Davis wrote Du Pont. Milligan and George Turnbull, both young lawyers like Davis and both recent arrivals in Baltimore, rapidly grew attached to each other in an informal lawyer's club. They lived in the same boarding house, ate their meals together, attended social functions together, and although they never formed a legal partnership, they practiced law together.⁴

Moving to Baltimore altered Davis' routine of living but slightly. Rising before seven, he translated portions of Gibbon's Decline and Fall of the Roman Empire into Greek, read smatterings of Latin, bathed in cold water, shaved with warm water, and ate breakfast after dressing. He usually did not eat again until dinner, when he dined with Milligan and Turnbull. Probably his father's alcoholism bore on him greatly for it seems that Davis never touched hard liquor, though he often shared a bottle of wine with friends. Evenings were spent either preparing briefs or discussing politics, his favorite pastime.⁵

As Davis rose in the legal profession and Milligan and Turnbull got married, he acquired a new group of legal friends—possibly the most talented group of lawyers in America at that time. At a meeting

³HWD to SMDP, 24 February 1850, WMss 9-25732.
⁴HWD to SFDP, 13 March 1850, WMss 9-5701.
in December 1852 twelve members of the Baltimore bar formed the Friday Club, often called the Lawyer's Club. George William Brown, Severn Teackle Wallis, Frederick W. Brune, George W. Dobbin, Charles H. Pitts, William H. Dorsey, William Henry Norris and Davis were the most prominent lawyers of the twelve. Three of them were arrested during the Civil War for their southern sympathies—Brown, then Mayor of Baltimore, Wallis, a leader of the Maryland legislature, and Pitts. Wallis' brother-in-law, Brune, was from one of the wealthiest families in Maryland. Dorsey and Norris were considered the leading legal scholars. At their alternate meetings on alternate Friday evenings they discussed the law and debated politics from a Whig perspective. All under forty years old in 1852, all with financial security if not wealthy, they were the young men Baltimorians expected to eventually run the city. It was chiefly their love of debate that drew them together. Abraham Lincoln's law partner, William Herndon, wrote that the law in those days was not firmly established. "The old lawyers had to make their own case .... The practice of law from 1818 to 1860 made men eloquent, because they were original." People swarmed to the court houses throughout the nation to see and to hear and to learn. "Eloquence was in demand as people loved to hear talk—talk. The lawyers knew this and it stimulated them—made them more ambitious to succeed and conquer." And the eloquent lawyers could succeed for "people judged men more or less by the power of talk." The Friday Club offered this group of young lawyers the opportunity to polish their oratory both legal and political.6

6Friday Club Minute Book, MdHS; Carroll Dulaney, "Day by Day,"
Upon leaving Alexandria, Davis resigned his first political position, Attorney for the Commonwealth. Captain Du Pont warned him that moving to Baltimore would end his political career. "I foresaw that it virtually excluded me altogether and yet I came," Davis replied. "Political life may come or stay away as it pleases—and it will probably, nay almost certainly—not come—for Baltimore is strongly Locofoco—and I am not sufficiently enamoured of its loveliness to embrace it."\(^7\)

During the early 1850s politics in Maryland—particularly in Baltimore—were undergoing a transition. The Baltimore "Court House Clique," led by Attorney General Reverdy Johnson, was the controlling element in the Whig party. In 1850 the clique traded off Johnson's old United States Senate seat to former governor Thomas Pratt in return for Pratt's support of William Price's son-in-law, William B. Clarke of Washington County, for governor. Although Davis supported Clarke, speaking for him at Frederick and at a mass rally in Baltimore on the eve of the October election, he privately considered Clarke "a heavy stupid ass."\(^8\)

Clarke's loss to E. Louis Lowe began the destruction of the Court House Clique. "The Whigs were beaten so badly that it was perfectly ridiculous—as the man said about the death of his children," Davis

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\(^7\)HWD to SFDP, 13 March 1850, WMss 9-5701.  

\(^8\)Baltimore Clipper, 11 January, 29 April, 23, 28, 29 May 1850; J. P. Kennedy Journal, 8 June, 6 September, 6 October 1850, J. P. Kennedy to Robert C. Winthrop, 9 September 1850, J. P. Kennedy Mss, Peabody Institute, HWD to SFDP, 1 November 1850, WMss 9-5939.
scoffed. Public knowledge of the deal between Johnson, Pratt, Price, and Clarke became widely known, and many opposed Clarke because he was a "clique man." The Court House Clique's "favor is fatal as death," Davis concluded, for Baltimore Whigs "staid by their desks by the thousands--voted for Lowe by the hundreds, and not a few gave their money for the defeat of the Whig candidate." Davis predicted that the defeat would serve as a "salutary lesson" for Maryland Whigs and no longer would they allow "the clique" to control their party.9

National events also helped break up the clique control of the Whig party. Controversy over the admission of California, fugitive slaves, and other sectional differences divided the clique from the independent Whigs. Henry Clay's compromise measures were opposed by President Taylor, and he was sustained by Attorney General Johnson and the Court House Clique. When Taylor suddenly died, Millard Fillmore ascended to the presidency. Fillmore supported Clay's compromises and reconstructed his cabinet, ousting Reverdy Johnson, the clique leader, and eventually installing John Pendleton Kennedy, the leader of the independents.

In the shifting currents of politics, Davis maintained his loyalty to the Whig party and to sectional harmony. While in Washington pleading a case before the Supreme Court, he heard and was impressed by Henry Clay's speech advocating compromise and Daniel Webster's

9Baltimore Clipper, 30 May 1850; Samuel Barnes to Henry Clay, 3 September 1850, Sionssat MSS, MdHS; HWD to SFDP, 1 November 1850, WMss 9-5939; James A. Pearce to Thomas Corwin, 5 October 1850, Corwin MSS, LC. For an overview of Maryland politics in this period see W. Wayne Smith, "The Whig Part in Maryland, 1826-1856," (University of Maryland: Ph.D. dissertation, 1967).
conciliatory Seventh of March oration. Davis too opposed the extremists, denouncing them for trying "to beguile the people by the dream of peacable secession." He praised the people for finally realizing that they would "have to fight out the quarrel of their would-be leaders" and for demanding compromise. Lacking any real understanding of the sectional crisis, he blamed the talk of secession on Robert Toombs and Alexander Stephens and their need "to vindicate their impeached allegiance to the South." If Congress failed to pass the Compromises of 1850, he had a remedy: "Tie Toombs and Root and Stephens and Giddings—as boys do cats—over a pole and let them cut each others throats—for they chiefly fanned the flame with adverse yet emulous breath."  

To all sectional agitation Davis professed himself totally opposed. He would not countenance talk of disunion. "I found myself often while talking with a southern friend and looking him quietly in the face—almost unconsciously surmising how long it might be ere I might stand before him with a musket in my hand," Davis wrote Du Pont. He was overjoyed that "the school boys in Congress"—after "a due quantity of trembling and flinching"—finally passed Clay's compromise. Those who continued to spout sectional anathemas after the passage of the bills he likened "to the man who the day after the battle of New Orleans was found firing his musket on the field with great vigor—and when asked his motive said he was continuing the fight on his own hook!"

Pleased that the sectional crisis was abated, Davis prayed: "May that

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10HWD to SFDP, 13 March 1850, WMss 9-5701.
be the last and worthy end of Calhounism."

While advocating compromise in politics, Davis became fiercely involved in a controversy rocking the Episcopal Church, of which he was a member. His interest in theology he inherited from his father, his brother-in-law, the Reverend Edward Syle, and the Du Ponts. Holding pronounced Low Church views, he was strongly opposed to the views of the Bishop of the Protestant Episcopal Church of Maryland. Bishop William Rollinson Whittingham was one of the most ardent advocates of what came to be known as the "Oxford Movement." This "Anglo-Catholic" movement began at Oxford University and spread throughout the United States in the 1840s. It sought to establish greater authority in the church leaders, more doctrinaire preaching, and less diversity of opinion. Davis' father and Bishop Charles McIlvaine, Davis' mentor at Kenyon College, had resisted such tendencies. Davis viewed the Oxford Movement as an attempt to "Romanize" the Episcopal Church, and his attitude toward the Roman Catholic Church was uncompromising—almost bitter. He felt that the "Papal Church" set the letter above the spirit of the law, authority above conscience, and dogmatic formula above faith.

Upon moving to Baltimore, Davis affiliated with Christ Episcopal Church, whose rector, the Reverend Dr. Henry Van Dyke Johns, was of a decided Low Church, anti-Oxford position. The Reverend Dr. Johns and Bishop Whittingham had been covertly hostile since Johns' ordination in

\[\text{N. B.} \quad \text{Ibid.; HWD to SFDP, 10 September 1850, WMss 9-5889.}\]

\[\text{12} \quad \text{William W. Manross, A History of the American Episcopal Church (New York, 1935), 273; E. Clowes Chorley, Men and Movements in the American Episcopal Church (Hamden, Conn., 1961), 237-239.}\]
1842. Open hostilities erupted only after Davis joined Dr. John's congregation. The dispute arose over the Bishop's visit in the spring. Johns' charged the Bishop with usurping authority, with trying to turn the Episcopal Church into a Roman Catholic Church, and with violating the rights of the duly elected Maryland convention. Before the quarrel went to the Maryland Episcopal Convention for adjudication, Davis authored a secret pamphlet signed by "Ulric von Hutten," the most ardent anti-Catholic of Martin Luther's supporters during the Protestant Reformation. The pamphlet was described by Davis as an "irreverent laugh in my sleeve at so sacred a personage as a Bishop." He said he had all due respect for those "in authority," but the Bishop or anyone who "goes beyond his rights, is not one 'in authority'-- and so cannot claim protection under that clause." The convention settled the dispute by passing a canon giving the Bishop the rights he claimed.13

"Ulric von Hutten" created such a sensation in the Episcopal Church that the following year Davis was enlisted to aid in the prosecution of Bishop George Washington Doane of New Jersey on charges of financial irregularities. Davis matched his wits against Doane's defense lawyers, former Secretary of the Treasury William Meredith and Maryland Judge Ezekiel Chambers. Although he professed he had "small hope of carrying the matter," he succeeded after a few days of the trial in extracting a complete confession from Bishop Doane. But then Doane invoked a canon of 1844 which permitted a bishop to confess to a misdeed

13 HWD to SFDP, 30 May 1850, WMss 9-5794; HWD to SFDP, 6 September 1850, WMss 9-5885; HWD to SFDP, 27 September 1850, WMss 9-5905; HWD to SFDP, 1 November 1850, WMss 9-5939; Baltimore Sun, 17 October 1850; Manross, American Episcopal Church, 282.
and thus escape a trial, censure, and dismissal. Davis was infuriated at the trick. "It must be most humiliating to Doane's satelites who maintain his absolute innocence ...," Davis snapped, "but it recoils terribly on the Court which mistook a confession for punishment!!"¹⁴

Rankled by the Bishops' decision to let Doane go free and "persuaded that the Bishops are not fit to be trusted with government of themselves," he published the proceedings of the court "holding my Lords Bishop to their trial before their masters." His Epistle Congratulatory by Ulrich von Hutten, the first of many appeals directly to the people in Davis' life, was a masterpiece of sarcasm and invective. He claimed that laymen who committed the acts the Bishop admitted to would have been convicted of "felony, perjury, falsehood, cheating, breaches of trust, living sumptuously every day, and gambling speculations at other peoples risk." These charges on "Wall-street would be iniquities," but by a Bishop they are "pious." He mourned for the thousands of the church "who erroneously supposed the Bishop's morals and life a fit example for the flock." His Epistle had a devastating effect. "Here the High Churchmen are as mad as possible," he reported, "Most of them hold their peace—but look queer when they meet me."¹⁵

¹⁴SFDP to HWD, 22 October 1850, WMss 9-1257; SFDP to HWD, 8 April 1852, WMss 9-1297; HWD to SFDP, 13 October 1852, WMss 9-6496; Baltimore Sun, 16 July, 13 October 1852; J. Mason Campbell and Hugh Davey Evans to W. R. Whittingham, 14 February 1852, Whittingham Mss, Duke University; SFDP to SMDP, 16 October 1852, WMss 9-1338.

¹⁵Manross, American Episcopal Church, 281; HWD to SFDP, c. June 1853, WMss 9-6749; HWD to SFDP, c. late June 1853, WMss 9-6930; HWD to SFDP, 28 August 1853, WMss 9-6820; HWD to SFDP, 18 September 1853, WMss 9-6834; Baltimore Sun, 2, 3 September 1853; SFDP to SMDP, 5 September 1853, WMss 9-1445; HWD to SFDP, c. October 1852, WMss 9-6866; HWD to
Before the trial of Bishop Doane was concluded, Davis became involved in a third controversy, this time in defense of the ecumenical movement in the Protestant churches. Davis' minister, Dr. Johns, took part in a series of special services with the Eutaw Street Methodist Church. For that conduct, Johns was charged with misconduct by the Bishop. An investigating committee was established and a condemnatory report published. The following year, Davis attempted to have the report expunged from the record. His defense of Dr. Johns' was unusual. He lamented the inability of all Protestant denominations to cease quarreling over metaphysical dogmas and to unite to meet the common foe—the Roman Catholic Church. If divided, Protestantism "can never overcome the Papacy" for the power of Rome "is not merely Spiritual, it is political, and it is a unit." He predicted "a day of terrible conflict" which was coming to America—a day when Protestantism would have to be defended from the onslaught of Catholics. "Protestants must forget and bury their divisions," he claimed, "or they must fail in the hour of trial."  

To Davis, and to many other Americans, that "day of terrible conflict" had already occurred in Europe. Of all the uprisings in 1848-1849, that of the Magyars to free Hungary from Austrian dominance seemed to be the most heroic. The rebel leader, Louis Kossuth, and his

SFDP, 6 November 1853, WMss 9-6874; An Epistle Congratulatory to the Right Reverend Bishops of the Episcopal Court at Camden from Ulric von Hutten (New York, 1853).

16Chorney, Men and Movements, 274; SFDP to SMDP, 1 June 1852, WMss 9-1306; HWD to SFDP, 29 May 1853, WMss 9-6731; Journal of the 70th Convention of the Maryland Diocese of the Protestant Episcopal Church; Baltimore Sun, 27, 28, 29 May 1853; Catholic Mirror, 27 May 1853; Baltimore Clipper, 6 November 1855.
followers had been crushed by the Roman Catholic Hapsburg empire with aid from Russia. Fleeing Hungary, Kossuth sought temporary refuge in Turkey, and then toured England and the United States. Arriving in New York in late 1851 he was lionized by idolizing crowds all over the city. From New York he traveled to Philadelphia where the citizens greeted him with a torchlight parade. At Baltimore as elsewhere Kossuth pleaded for aid. After the speech Davis worked his way up to Kossuth and obtained an hour-long private interview. Davis thought him a remarkable man. They discussed the Hungarian's need for arms and money, and Davis assured him that no arms-purchase law prevented him from procuring arms.17

Davis hoped that the government would come to Kossuth's support, although he was beginning to fear that the Hungarian's cause might become enmeshed in domestic politics. In Washington Millard Fillmore received Kossuth's party, but although the President was friendly he announced that the United States would not become involved in the affairs of a foreign nation. Davis was "disgusted with Fillmore's true say-nothing, do-nothing speech." Kossuth met an even cooler reception from Henry Clay. Davis and Du Pont agreed that the Whigs blundered by not taking up Kossuth's cause. Du Pont predicted that if the Whigs adopted an interventionist platform, they would win the next presidential election. Davis agreed. "I cannot believe the negro question can

17Prisilla Robertson, The Revolutions of 1848: A Social History (Princeton, 1952), 187-307; Reinhard H. Luthin, "A Visitor from Hungary," South Atlantic Quarterly, 47 (January 1948), 31; HWD to SFDP, 14 December 1851, WMss 9-6223; SFDP to HWD, 15 December 1851, WMss 9-1273; Baltimore Sun, 29 December 1851; HWD to SFDP, 29 December 1851, WMss 9-6240; SFDP to SMDP, 30 December 1851, WMss 9-1276.
utterly busy all American sympathies," he wrote. "The tremendous victory of Jefferson was owing to the strong sympathy of our people for France and her freedom as much as to any domestic cause." 18

Well in advance of the presidential election, he had begun work on a book on the European situation, "an appeal to the people—on the great topic of the day—the battle of light and darkness—and the position of America in that conflict." Like De Tocqueville and other commentators, he thought the United States and Russia, the two expanding countries, were doomed to conflict. His book was to show how despotic Russia plotted the overthrow of free governments and the necessity of an Anglo-American alliance to contain Russian and Austrian tyranny. Throughout the bleak winter of 1851-1852 Davis worked on his political treatise. Planning a book of 250 pages in December, he was surprised when it had bloomed to 450 pages by March. After contacting several publishers in New York and Philadelphia, Davis settled on James Waters of Baltimore to publish his book. He wished to have it out well before the November presidential election, and he was sorely disappointed when it was not ready until the first of December. But it mattered little that Davis' The War of Ormuzd and Ahriman, as his political treatise was called, failed to appear before the campaign. For concern over foreign policy, and particularly the Kossuth issue, "proved a fire of damp straw, quickly burning out in places and refusing to burn at all in others," he explained. 19

18 SFDP to HWD, 2 January 1852, WMss 9-1280; HWD to SFDP, 3 January 1852, WMss 9-6257; HWD to SFDP, 9 January 1852, WMss 9-6263; National Intelligencer, 3 February 1852.

19 HWD to SFDP, c. 10 November 1851, WMss 9-6249; HWD to SFDP, 23
As the presidential election of 1852 approached, Davis worried about the divided Whig party. President Fillmore, without backing except for the prestige of the office he inherited, refused to step aside. The other leading contender, General Winfield Scott, a military hero considered a dupe of anti-slavery Senator William H. Seward, could not carry the Southern Whigs. As early as March 1852, Davis predicted that "the fuss and feather' will beat the 'head schoolmaster'" as General Scott and President Fillmore were labeled. "Our chief hope," Davis calculated, "is that our adversaries are more divided than we are." As the conventions approached, Davis cast aside his admiration for Fillmore and decided to support Scott. "Not that I love Fillmore less--but victory more." He hoped that "after a long and hard pull" Maryland might go for Scott. The rest of the South he conceded to the Democrats. "No Whig can get much support in the South," he estimated, "--any Loco will out bid, out promise, and out lie him--and these are the elements of victory."20

In Baltimore and Maryland generally the feeling was strong in favor of Fillmore. At the Whig city convention in May, the majority of the delegates supported Fillmore. Later in the month the Whig state convention met in Baltimore and it too was strongly packed for the President. Adopting resolutions supporting Fillmore, it also went on

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December 1851, WMss 9-6235; HWD to SFDP, 17 March 1852, WMss 9-6350-A; HWD to A. Hart, 20 April 1852, Gratz Collection, HSP; Henry Winter Davis, *The War of Ormuzd and Ahriman in the Nineteenth Century* (Baltimore, 1852). Ormuzd and Ahriman are the Oriental names for the divinities of good and evil.

20Allan Nevins, *Ordeal of the Union* (New York, 1947), II, 25; HWD to SFDP, c. March 1852, WMss 9-6311; HWD to SFDP, 6 May 1852, WMss 9-6350-B.
record in favor of the Compromise of 1850 "as a final settlement of all the questions" and in support of "the wise maxims of Washington respecting our foreign policy"—clearly a reaction against Kossuth. As evidence of the declining influence of the Court House Clique, several new men were elected as delegates to the national Whig convention and as presidential electors—including Henry Winter Davis as the elector for Baltimore. "He made no effort for it," Captain Du Pont wrote of Davis' election, "but was evidently much gratified, and contrasted this with the people of Alexandria who when their property was at stake always run to him, but for anything else preferred cobbler and tailors and all others for political preferment." When Mrs. Du Pont pressed him about his choice for President he replied: "As I am one of the Maryland electors and bound to traverse the State from the Alleghany to St. Marys swearing that whoever is nominated is best—I won't commit myself beforehand."21

Conveniently situated Baltimore was the site of both the Democratic and Whig national conventions in 1852. The Democracy met on June 1 with Buchanan and Cass supporters competing for undecided votes. On the forty-ninth ballot, dark horse candidate Senator Franklin Pierce was nominated. Although Pierce excited little enthusiasm, his nomination was generally agreeable to all factions of the party. The Whig convention met on June 16. The Fillmore-Webster forces were not sufficient to stop General Scott who was nominated on the fifty-third ballot.

21Baltimore Clipper, 5, 21 May 1852; SFDP to SMDP, 1 June 1852, WMss 9-1306; Baltimore Sun, 7 June 1852; HWD to SMDP, 10 June 1852, WMss 9-25832; HWD to SFDP, 11 June 1852, WMss 9-6386.
Early in July, Davis went to Washington to visit General Scott. He received me very kindly, was very talkative, very communicative, very clear and emphatic as to his views on the compromises—gave me a full history of his relations with Seward," Davis wrote. He came away from this meeting convinced that Scott, "a little grandiloquent, somewhat egotistic, decidedly lofty" would nevertheless not play "second to any man or be so pliant as to be led by W. H. Seward!" With this single reservation removed, Davis plunged into his first national campaign.\textsuperscript{23}

The first grand rally of the Whig party was held at Niagara, New York, on July 27, the anniversary of the Battle of Lundy's Lane, the site of Scott's War of 1812 victory. When Davis accepted an invitation to speak at the occasion, he had no idea how long and difficult the trip to Niagara would be. He took a train to Philadelphia, another to New York, and after one hour of rest, a third to Buffalo. Just as his carriage arrived at the Niagara festival grounds, his name was called to join the dignataries on the stand. Former Senator Thomas Ewing of Ohio spoke for one hour, Governor Washington Hunt of New York for another, and then "General Somebody Jones" was called to speak and a crowd estimated at thirty thousand gathered. When General Jones excused himself from speaking, Governor Hunt called on Davis. "I thus got the audience excited by his much exaggerated reputation." Davis' speech

\textsuperscript{22}Baltimore Sun, 16 June 1852; Baltimore Clipper, 17, 22 June 1852; Robert J. Rayback, \textit{Millard Fillmore: Biography of a President} (Buffalo, 1959), 357.

\textsuperscript{23}HWD to SFDP, c. July 1852, WMss 9-6442.
was a tremendous success. Appearing from nowhere, he attracted the attention of the national press. "The multitudes who greeted me--a perfect stranger as I walked about through the hotels and along the streets--and in the cars on my return" convinced Davis of its result. "If they blow the bubble a little more I feel sure it will burst," he added. "I get the benefit of it now--but I shall very sensibly feel the burden of it for the rest of the canvass."24

The notoriety Davis achieved from his Niagara speech brought him additional invitations. His demanding schedule soon fatigued him and then fatigue turned into severe illness. "All things are right in the political world--except myself," he reported, "--I am so used up as to voice." By mid-August he was recovered sufficiently to address a Whig rally in Frederick, Maryland. Although congressmen from several states also spoke, Davis attracted the most notice in the press. "I am inclined to conclude," wrote the correspondent of the Baltimore Clipper, "that from present indications the words of the lamented Clay will be fulfilled, when he remarked, pointing his finger to Mr. Davis, he said that 'he would stand first among the great men of his State.'" Everywhere Davis was afforded a similar reception--at Cambridge, Richmond, Washington, and New York. His speeches were intellectual but packed with emotion. They were directed at the best educated among the audience but touched all. A master of sarcasm, he riddled the Democracy and its threats of secession with the skill of a seasoned politician. Unquestionably Davis emerged from the campaign

24New York Times, 28 July 1852, SFDP to SMDP, 29 July 1852, WMss 9-1318; HWD to SFDP, c. 1 August 1852, WMss 9-6416.
with national stature.  

Although most politicians were certain of Pierce's victory, the result was more lopsided than men had anticipated. Scott carried only four states—two border states, Kentucky and Tennessee, and two in New England, Massachusetts and Vermont. Baltimore gave Pierce a majority that the rest of the state could not overcome. "Can you hear my still small voice from beneath the over-whelming mass of six thousand Locofoco majority piled over me?" Davis asked. "Verily whether Whigs or Locos are most astonished it would be difficult to determine." He considered Pierce's election a national misfortune and predicted that the Democrats' greed for the expansion of slavery would soon embroil the United States in a foreign war or even a civil war.  

As the campaign bore heavily upon him physically, he yearned for "a season of Elysean repose after November." Probably he had thrown himself into the campaign to compensate for his loneliness, his isolation from his family. In recent years he had seen little of his Alexandria in-laws, although he visited Alexandria frequently on business. His cousin David was far removed in Illinois and wrote less than once a year. His only sister Jane had married an English missionary, the Reverend Edward Syle, and had journeyed to China several years before he left Alexandria. In Baltimore he was close to George Milligan and George Turnbull, but his circle was constricted

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25 Baltimore Clipper, 19 August, 14 September 1852, HWD to SFDP, c. 23 August 1852, WMss 9-6573; HWD to SFDP, 29 August 1852, WMss 9-6438; SFDP to SMDP, 25 September 1852, WMss 9-1330; HWD to SFDP, 5 October 1852, WMss 9-6488; SMDP to HWD, 7 October 1852, WMss 9-22013.

26 Baltimore Sun, 3 November 1852, HWD to SFDP, 3 November 1852, WMss 9-6515.
by their marriages.27

In the midst of the Whig national convention in June, Davis was informed that a young relative had arrived in New York. Hoping to see the "nomination game played out," he remained in Baltimore instead of rushing to New York to claim his nephew Henry Winter Syle, eldest son of his sister Jane in China. After he finally retrieved his nephew, he described his four-year-old namesake as "a sort of savage [who] runs and hides himself from every new person," including his "Uncle Davis." Davis seems never to have been close to his nephew who lived with him during school vacations. Young Syle came to worship his uncle—but deafness, which struck him after a severe bout with scarlet fever in 1853, was a barrier never penetrated. Closely following the "little Chinaman" came his mother. For months Davis consoled himself with Jane's company. On Christmas Day, 1853, he wrote Captain Du Pont: Jane "is now with me and today we took together our first Christmas dinner for nine long years—and inspite of our self the question will recur when the next will be."28

The visit by his sister and his nephew was all too brief for Davis and soon his black moods of loneliness returned. Again he plunged himself into his law practice. Although he specialized in suits before the United States Supreme Court and the Maryland Court of Appeals, he maintained a respectable Baltimore practice in addition

27HWD to SFDP, 20 October 1852, WMss 9-6503; Hayden, Virginia Genealogies, 166; HWD to SFDP, 6 November 1853, WMss 9-6874.

28HWD to SFDP, 25 January 1852, WMss 9-25815, 10 June 1852, WMss 9-25832, c. 18 June WMss 9-6402; SFDP to SMDP, 20 June 1852, WMss 9-1314; HWD to SFDP, 25 December 1853, WMss 9-6922.
to handling some of the Cazenove's affairs in Alexandria. His main
diversion from law remained politics.²⁹

As the election of 1852 destroyed the Whig party in Maryland new
alliances formed on new issues sprang up in the wards of Baltimore.
Since bloc voting by foreigners was believed to have defeated Scott,
the main platform of the new organization was opposition to foreign
influences in American politics. The rising rate of crime in the cities
was also attributed to the influx of "foreign criminals." But unlike
the wave of nativism which gripped the country following the Whig
defeat of 1844, the anti-Catholicism and nativism of the 1850s emerged
simultaneously with a hostility to politicians and impatience with the
established parties. In Maryland a plethora of splinter parties arose
to replace the Whig party well before the national Whig party was
destroyed by the Kansas-Nebraska Act of 1854.³⁰

Anti-Catholic and nativistic issues dominated the gubernatorial
and congressional elections of 1853. The first was the fate of the
public school system. A state legislator, Martin J. Kerney, reported

²⁹HWD to James L. Orr, 13 January 1853, Orr-Patterson Mss,
Southern Historical Collection.

³⁰George Vickers to John M. Clayton, 18 January 1853, Clayton Mss,
LC; HWD to SFDP, 3 November 1852, WMss 9-6515; Baltimore Clipper, 10
July, 16 October, 6 December 1852. Michael F. Holt in "The Politics of
Impatience: The Origins of Know Nothingism," paper delivered at the
Organization of American Historians Annual Meeting, New Orleans, 1971,
argues that "in the early 1850's an intensified anti-Catholicism
emerged simultaneously with a hostility to politicians and an impatience
with established parties that sapped huge numbers of voters from the
Whigs on the grassroots level." Holt has demonstrated for Pittsburg
that it was a revolt against the party system, the average citizens'
disgust with "court house cliques" and "wirepullers" which was the
impetus for the rise of the Know Nothing party in Forging a Majority:
The Formation of the Republican Party in Pittsburg, 1848-1860 (New
a bill denouncing the public schools as inadequate and providing public funds for private schools. Shortly thereafter the Roman Catholic Archbishop of Baltimore requested the City Council for a prorata distribution of the school taxes to the school of the parent's choice. The public reacted vehemently to this supposed threat to their children's schooling. "We are willing to be taxed for the support of the public schools, where all classes of society may send their children to be educated," protested the editorial writer of the Baltimore Clipper, "but will not consent to pay for sectarian schools of any denomination."

In March 1853 a "Mass Meeting of Mechanics" was held to protest this proposed impairment of the public schoolhouse. At that meeting prominent Protestant clergymen spoke. Dr. Johns denounced the attempt to secularize the schools. A Baptist minister castigated the Catholic Church for its opposition to public schools saying "Wherever the Catholic religion prevails liberty is not known." A leading Methodist denounced the Catholic Church as an enemy of education: "It is Jesuitism which imprisoned Copernicus and killed Columbus. It puts fetters on the intellect. They denounce Milton and Cowper, and condemn Locke on Human Understanding." He pleaded with his fellow citizens to maintain their local institutions against "the designs of a foreign Priesthood."\(^{31}\)

The decisive issue in the 1853 elections became the influence of German-speaking voters. During the campaign the German Organization of Baltimore sent a questionnaire to the congressional candidates asking

\(^{31}\)Baltimore Clipper, 26, 29 March, 12 April, 18 May 1853; Baltimore Sun, 30 March 1853.
if they would support the aims of that organization, chiefly the appointment of German-speaking justices of the peace and teachers in German areas of the city and if they would endorse two German immigrants for the state legislature. Immediately nativist emotions flared up. Five thousand men turned out for a public rally called by the United Sons of America, Maryland Camp, No. 1. Carrying banners reading "The Public Schools As They Are," "Americans Can Do Their Own Voting," "We Want No Foreign Organizations," and "Young Americans Assert Your Rights," they heard speeches calling for the organization of an American party which would revise the naturalization laws. Henry L. Smith of Philadelphia, an American party organizer, appealed to Whigs and Democrats alike to "rally under the banner of the American party" and cease the "pandering" of both parties to "foreigners." 32

While nativist feeling was still high, the Democratic and Whig parties met to nominate candidates for state offices. Speculation regarding the Whig gubernatorial nominee centered on Baltimore Mayor John H. T. Jerome, Baltimore & Ohio Railroad President Thomas Swann, General John G. Chapman, Congressman Richard Bowie and Henry Davis. Captain Du Pont advised Davis not to seek the nomination. "The confusion of parties just now makes it a very unpropitious moment," Du Pont warned, "and I think in Maryland the old cliques are not sufficiently broken up for the Whigs to bring forward new and shiny men." Davis initially discounted talk of his candidacy. But in August while on vacation in Saratoga, New York, "the matter was again brought

32Baltimore Clipper, 6, 16 July, 19 August 1853; Baltimore Sun, 19 August 1853.
to my attention and on getting home I found myself full up before the people—with a pretty fair chance for the nomination." Inflated by public notice, he boasted that he had "a better chance of success than any of the others spoken of." Having decided to accept the nomination if tendered, he discovered that the new Maryland constitution required a five-year residency. "My fourth is just ending!" he lamented. "So I have a note for the Convention requesting to be let alone. That's nice is it not?" At the Whig convention, Bowie was nominated over Swann in a sharp division of the slave and free counties. But a full Whig slate was not filed. The party instead allowed its candidates for the state legislature to run either as independents or on the Maine Law or temperance ticket.33

Early in the 1850s this temperance movement achieved all the force of a revival. Temperance enthusiasts, "the cold water army," succeeded in passing the first prohibition statute in Maine. Attempts to spread prohibition generally went under the heading of "Maine Law" movements. In Baltimore the Maine Law movement was joined by the United Sons of America, which was seeking to preserve the public school system. The Maine Law movement was in essence a nativistic movement as it objected to beer—a symbol of cultural conflict. The Germans had introduced lager beer in the United States and in so doing had removed one of the limiting factors of the use of alcohol—the price. With cheap beer, "grog shops" sprang up all over the city "like the

33Baltimore Clipper, 12 August, 7 September 1853; HWD to SFDP, 9 July 1853, WMss 9-6759; HWD to SFDP, 28 August 1853, WMss 9-6820; SFDP to HWD, 31 August 1853, WMss 9-1444; Baltimore Sun, 31 August, 2 September 1853.
frogs of Egypt." The United Sons of America sent questionnaires to all candidates asking if they were in favor of the Kearney School Bill. When the Democrats refused to answer the questionnaire, the U.S.A. endorsed the Maine Law Ticket and the anti-Catholic and anti-German forces were joined.34

The results of the election of 1853 graphically illustrate the confusion of party politics in Maryland. Despite extensive campaigning by the Whig candidates aided by Davis and others, the Democrats swept the state offices. But in Baltimore where the Democratic gubernatorial candidate rolled up better than a three-thousand vote margin over the Whig, the Maine Law legislative ticket beat the Democrats with an average majority of over one thousand.35

Davis pretended to be indifferent to the disaster which struck the Whig party. In fact, he shrank from political involvement. He returned to his "old habits of work, yawning, heels high on the mantle in proportion as the spirits sink low in the heart—a good hermit—who don't keep Lent." Disenchanted with his law practice, lonely, bored and confused by the upheaval of politics, Davis decided to travel for distraction. By the end of May he had completed his unfinished legal matters and turned the remainder over to his friends. Soliciting letters of introduction from the Du Ponts and others, he left Baltimore

34Baltimore Clipper, 1, 5 November 1853; Baltimore Sun, 2 November 1853.

35Baltimore Sun, 3 November 1853; Baltimore Clipper, 28 October, 7, 8 November 1853.
for New York on May 25, 1854. Within days he boarded an oceanic steamer bound for Europe.\[36\]

\[36\] HWD to SFDP, 25 December 1853, WMss 9-6922; HWD to SFDP, 1 April 1854, WMss 9-25912; SFDP to HWD, 20 May 1854, WMss 9-1511; HWD to Gustavus B. Alexander, June 1854, G. B. Alexander Mss, University of Virginia; SFDP to SMDP, 25 May 1854, WMss 9-1513; HWD to SMDP, 9 June 1854, WMss 9-25917.
Chapter 4

EUROPE GAVE ME NEW VIEWS

Describing his voyage to a friend, Davis wrote from Europe, "I kept my legs, for the sea was as smooth as glass with the exception of one day .... But alas! for my head, it swam as long and as well as the vessel--and sympathized with every pitch." He declared seasickness to be "of the head and not the stomach" for his head was "sick and reeling all the while--my stomach was very little affected and only occasionally." The entire voyage of two weeks was spent "lying on my back on deck wrapped in my shawl and overcoat laughing at the ridiculous figure I cut, playing baby on board, and living on brandy and ship biscuit." Feeling better one evening, he visited the dinner table only to find that "boned turkey on a voyage ten days out, is not boned turkey a la Baltimore supper." Lamenting to Captain Du Pont that "I have not fallen in love with the sea," he announced that "I rather think my voyage home will be my last for some time."¹

His spirits rose remarkably after the captain announced landfall. "Surely I thought the first glimpse of old Ireland was the prettiest land I ever did see," he wrote, "and no Paddy returning from exile to poverty could have been more gratuitiously patriotic with delight." The ship landed at Liverpool which he described as "about the age of

¹HWD to SFDP, 9 July 1854, WMss 9-7053.
Annapolis— the same bricks— window sashes— pitch of stories, and the like," but destitute "of the aristocratic dignity which appertains to the deserted mansions of the Maryland aristocracy." His drive around Liverpool, "John Bull's second city," convinced him of the superiority of American architecture. "The docks are noble and stupendous works," he conceded, but "they and William Huskisson seem all Liverpool can produce."

Having seen enough of England for the present, he took a train from Liverpool to London to Dover, and a boat to Calais, France. "I must do the English justice," he reflected upon leaving England, "to say I had more bows, met more politeness, heard more 'thank yous' for showing tickets and got more 'please sirs' for getting out of peoples way in a day, than I had heard or received for the current year" in America. Greatly impressed by the "extreme urbanity and deferential courtesy" of England, he vowed to visit it on his return.

As he was predisposed to find fault with commercial Liverpool, so he was predisposed to fall in love with Paris. "At first it looked just like the pictures of it— as everything with a ruff looks like Raleigh or Queen Elizabeth." On his first afternoon in Paris he strolled into the central avenue of the garden of the Tuilleries, saw the "barbaric magnificence" of the Palace of the Bourbons, and roamed up the Champs Elysees to the Arc de l'Etoile. It all appeared to him to be copied straight out of the Arabian Nights— the gayly decorated carriages and the laughing crowd seemed "to live with double life."

His first favorable impression did not last, perhaps because homesickness set in. Indeed, the city soon began to oppress him. The buildings took on "a physiognomy of their own— and then they all melted
into one broken and indistinguishable mass of yellowish whitish limestone." All the colonnades, the portals, and the gloomy courts appeared new for awhile, "then became familiar—and now is tiresome." He came to feel as if he had lived there for half a life. "Even the garden of the Tuilleries and the Camps Elysees have lost their magic splendor."

Depressed by Paris, Davis took the train to the Palace of Versailles, but that was no relief. The galleries of paintings he described as "miles of length and square acres of canvass oiled and colored—for the most part bad battles represented by worse paintings." He thought the busts of Napoleon were exquisite but that "his features [were] a little idealized—showing the first step by which in the process of time his face will be a myth and not a reality." After strolling "through the tiresome rows of tortured trees" to visit the beautiful villas surrounding the Palace, he pronounced the Lesser Trianon as "not so splendid as many a house in New York."

After watching a military parade in Paris, Davis decided the French people were unimpressive looking. "I am convinced the effects of Napoleon's wars are visible in the manifestly diminished stature of the present generation," he wrote. Davis, six feet tall, claimed he could look over the heads of all the soldiers and "but for their thickset figures and swarty visages I should suppose them youths."²

In Paris Davis met a number of Americans, and he arranged with two of them to tour the continent. One was an acquaintance of his from the University of Virginia, John Reuben Thompson, a personable

²Ibid.
young Richmond lawyer who had given up the law to edit the Southern Literary Messenger. The other, Henry S. Randall, younger than Davis and Thompson, was a proper Philadelphian who spoke nothing but English and was thus dependent on Davis' meager French and broken German to obtain the necessities of life. Davis also became acquainted with a group of Virginians who were on the staff of former Senator James Mason, the United States Minister, and shortly before he departed from France, he was invited to dine with Mason. Davis described the affair as being completely Virginian, "had a Virginia ham handed round—Virginia Madeira to drink—Va confab for talk and all very homish except that there were no vegetables on the table." His host was a "fine hearty good humored Va Gentleman" who had scandalized Paris "by his gothic ignorance of the use of the fork." Despite the company of the amiable Virginians, Davis continued to feel the old pangs of loneliness. From Paris he wrote Captain Du Pont that he regretted traveling to Europe alone. "If I had known as much as I do now I should have thought twice before leaping." Realistically he added that his life was "a series of hasty acts and leisurely repentance and so it will be to the end."³

One bright afternoon in mid-July Davis, Thompson, and Randall took the train from Paris to Brussels. "It is a sort of mild Paris," Thompson wrote. After an excursion to Waterloo, Davis and Thompson visited the Cathedral of St. Gudale, a church memorable for its stained

glass windows and oak carvings.  

It happened that the Sunday they visited the cathedral was one designated to celebrate an historical event. As tradition had it, four hundred years before unbelieving Jews had entered the Cathedral at night and stolen the consecrated wafers which signified the bodily presence of Jesus Christ. Carrying them to the synagogue, they had stabbed them with knives, whereupon great drops of blood had poured from the wafers and the Israelites were struck dead by divine wrath. "I happened there on that day," Davis recounted, "and went to witness the ceremony—in the midst of Brussels and in the middle of the 19th century." The mass was conducted "with great formality—candles flashing by the hundreds—troops of priests." It all struck Davis as a "Diogenean search for religion by candle light in day time." He scoffed at the Catholics for the procession, the Mass, and the granting of indulgences. "Now these thousands were not all fools nor all hypocrites—nor half one, one half the other," he reasoned. "Nor did they believe in any sense as a fact this lying folly." He finally decided that the people participated in this "senseless" ceremony because they equated tradition and faith; they feared discarding old traditions for fear of losing the faith. Less generous, Thompson pronounced the celebration as merely one aspect "of the charlatranry of Romanism."

From Brussels the three Americans traveled by railroad to Antwerp. The four-hundred-foot-tall spire of the Cathedral of Antwerp overwhelmed Davis. The idea that a comparatively insignificant city in the middle

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of the fourteenth century could build such a structure made him "more impressed with the absolute power with which the religious idea had seized the minds of the men of that day--where it could enable priests to cover the land with structures that now amid the wealth of the 19th century they find it difficult even to keep in repair."

After three days in fourteenth century Antwerp, Davis and his companions boarded a Dutch steamer to Rotterdam, and then a short train ride brought them to the Hague. Upon arriving in the capital of Holland, they took a carriage to the main hotel. But the King of Portugal and his young bride were staying there and taking up all possible accommodations. Finally talking the proprietor out of his own room, the Americans settled down for a rest. "I fear I am a very phlegmatic person in the matter of royalty," Davis noted. "All the house is agog and in a tremor except myself and Thompson--whose republican nerves are proof against any such excitements." After talking with local inhabitants, Davis concluded that "royalty in Europe is spoken of and looked on as a passing thing--veneration is gone for it--and men treat it as the priests do the religious ceremonies of antiquated superstitions--as things to be preserved because standing and closely interwoven with what they value rather than for any faith in them."5

From the Hague, Davis and his friends took a Dutch steamer to Prussia, arriving in Dusseldorf after eleven hot, weary hours on board ship. From there they took a train to Bonn, the beginning of the picturesque part of the Rhine "where gentlemen begin to quote Byron."

5Ibid., 700-706; HWD to SFDP, 17 July 1854, WMss 9-25920.
On their way to Bonn they stopped to see the Cathedral of Cologne and encountered another religious procession with "Priests, the vestal maidens, the host, the children, the swinging censers, the gaping crowd— the scene of Brussels on a smaller scale." Outside the cathedral they found a section of the city "looking nothing in the world so much as Bunyon's description of Vanity Fair— the cards, the gambling wheels, the stalls with Saints, and crucifixes." 6

Boarding another uncomfortable steamer, the Americans traveled to Biberich, Wiesbaden, and then to Strassburg. To visit Strassburg they needed to re-enter French territory, but they had failed to bring their passports. "We were inoffensive American citizens who had no wish whatever to disturb the tranquillity of the French empire," Thompson wrote, "but merely desired to see Strassburg Cathedral and eat a Strassburg pie." Davis, who spoke French, attempted to negotiate with the French police. "I am quite sure that we should have met with little difficulty on account of the passports had it not been for a hat which D--- had purchased in Wiesbaden— a sort of burnt-ombre colored sombrero," Thompson recalled. "It was a most preposterous, inflammatory, disorganizing hat ... and it fully warranted a gendarme in taking D--- for a Thug, a filibusterer or Signor Mazzini." 7

From Strassburg they moved on to Berlin which Davis described as a "place existing without reason— put where it is by man's device— and like a flower in a pot kept alive by artificial watering." An incident

6 HWD to SFDP, 6 August 1854, WMss 9-7074.

7 Thompson, "Notes of European Travel," Southern Literary Messenger, 21 (May, 1855), 309-310.
in Berlin soured the American entourage on Prussian militarism. Davis, "usually the most careful and trustworthy of men," lost their baggage tickets, Thompson recalled. In vain Davis searched his pockets. Although the trunks bore the initials of each traveler and "Pa.," "Va.," and "Md." designating their states, the Berlin officials would not let them have the baggage. "It was wonderful how strong D-- came out in this emergency," Thompson noted. "There are occasions when the sterling qualities of men are instantly developed and this was one of them."

Suddenly Davis, "by nature an orator as Brutus was, seemed endowed with an almost Pentecostal affluence of German" which he used to charm the officials out of the baggage. "I left Berlin heartily tired of it," Davis reported.\(^8\)

A twenty-five hour train ride brought them to Vienna. There customs officials rudely dismantled Thompson's luggage and seized a flask of cologne. Throughout their stay they were conscious of official surveillance. Davis charged that they were "dogged all through the country," and that everywhere they went, "everyone like negro slaves were obliged to show his pass." He and Thompson devised a law of nature declaring that there was an exact ratio between the degree of despotic rule and difficulties with passports. Tyrannical Austria and Prussia were impossible, despotic France was difficult, and only freedom-loving England was like America.

Davis' months in Europe had begun to give him a new perspective

\(^8\)HWD to SFDP, 6 August 1854, WMss 9-7074; Thompson, "Notes of European Travel," SLM, 21 (June, 1855), 341; J. R. Thompson to mother, 13 August 1854, Thompson Mss.
on American society. The low and poverty-stricken condition of Europe he ascribed to the Roman Catholic Church. "Every where the Catholicism of the country meets the eye," he noted. "Crosses decorate every house—paintings or images of the origin or crucifixion are on every building ... crosses by the roads, in the fields, on the hills are studeously brought before you." Poverty was widespread and "the proudest buildings are the vast monasteries which crown the loftiest hills surrounded by princely domains." The grandeur of the religious buildings only impressed him with "the power of the priesthood."³

Leaving Austria, the trio journed to Lindan, Switzerland, on the shore of Lake Constance. Davis hated to leave Italy so soon without visiting Milan and Venice, but he had resolved to see England thoroughly and decided to leave Italy for some future visit. Bidding farwell to Thompson and Randall, he "flew" to Paris on one of the best railroads in Europe. After a week there, he hurried to London to join his old friend Turnbull. Together they visited the countryside, toured castles and historical sites, and made a special visit to Westminster Abbey to see a Scotch National Church service. Disturbed by "the intrusion of music into the prayers" of the Presbyterian service, Davis became convinced "it is nothing more nor less than a piece of Romish alliance between sentiment and music to furnish a substitute for Religion." Even in England, he mourned, religion had fallen prey to Catholic influences. After a final tour of English castles and moors, he sailed for home on

³J. R. Thompson, "Notes of European Travel," SLM, 21 (September, 1855), 546; HWD to SFDP, 22 August 1854, WMss 9-7088.
On the long voyage home, Davis reflected upon his grand tour of Europe and his future prospects. Although interested in historic places, Davis never lost sight of the everyday life of the people of France, Prussia, Austria, and Italy. Along with the castles, he saw the slums, the poor educational and medical facilities, and the poor sanitation. He saw the rich monasteries side by side with dilapidated farmhouses. He blamed the widespread poverty and ignorance on "the opium of the people"—the Roman Catholic Church. Catholicism with its "aristocracy in religion," its absolute dogmas, and "its terrible anathemas" imposed restraints on the individual's intellect and industry. In America Protestantism fostered democratic institutions and lessened the distance between the rich and the poor; in Europe, Catholicism encouraged despotism and the accumulation of wealth in the hands of a few individuals.

While returning to America, Davis also pondered his political future. In London he had received news from Captán Du Pont concerning the rise of the Know-Nothing organization. The new party was spreading everywhere, the Captain noted, but added "there is a feeling, however, which indicates more a determination to change all men now in public life than to settle down on any new principles or organizations." The Know-Nothings were strong in Baltimore, Du Pont advised, and he predicted that incumbent Baltimore Congressman Henry May, a Democrat, "cannot be returned as the Know Nothings would go against him." Davis knew he would have to take a side upon his return. But the question remained,

10HWD to SFDP, 11 September 1854, WMss 9-1529.
"What shall it be?"11

On arriving in Baltimore he was immediately caught up in legal business. With suits pending before the highest courts of Maryland and Virginia and appeal cases not yet decided before the United States Supreme Court, Davis reported, "I have been on the go all the time." His practice became so involved that he rarely had time for politics. In the December 1854 term of the United States Supreme Court he achieved his greatest legal victory—a suit arising out of the Mexican War. By a five to four vote, the Supreme Court reversed a Federal District Court decision handed down by Chief Justice Taney. "This is a great triumph," Davis crowed, "for it is the first time the old chief has even been reversed."12

As involved as he was in the practice of law, Davis yearned for more information about politics, particularly the breaking up of the old political parties "which I have long looked for and heartily rejoice in." After a few weekends with Captain Du Pont and several discussions at the Friday Club he felt better informed. He was impressed with the American or Know-Nothing party's victories throughout the nation in the fall of 1854. They carried the Massachusetts and Delaware elections, supported Whigs to beat the Democrats in Pennsylvania and aided the Whig and Republican fusion ticket to victory in Ohio and Indiana. In October

11 Ibid.; SFDP to HWD, 7 August 1854, WMss 9-1529.

12 HWD to SFDP, 28 October 1854, WMss 9-7130; HWD to SFDP, 3 November 1854, WMss 9-7138; HWD to SFDP, 14 November 1854, WMss 9-7144; HWD to Wm. Morrison, 25 December 1854, Aldine Collection, MdHS; HWD to SFDP, 18 February 1855, WMss 9-7253. See also McBlair v. Gibbs et al. (17 Howard 274), Williams v. Gibbs et al. (17 Howard 239), and Goding v. Gibbs et al. (17 Howard 274).
1854, shortly before Davis' return to Baltimore, the Know-Nothings elected Samuel Hinks, a former Democrat, as mayor by a large margin and carried fourteen of twenty seats in the First Branch of the City Council and eight of ten seats in the Second Branch. The "dark lantern crusade" had clearly swept the country. "For my self I am free to act with any body for any object I approve," Davis declared. "Europe has fixed me in some notions and greatly strengthened others and given me new views and I am ready to set on them!"\textsuperscript{13}

Although generally pleased with the new party, he strenuously opposed the organization's secrecy and its rabid proscription of Catholics. He applauded the February 1855 resolutions of the New York Council of the American party which renounced secrecy. "At last they are beginning to clear up their unattractive feelings in the light of reason," Davis wrote Du Pont, "and to state their purposes and objectives in a prudent, moderate and defensible shape." He hoped that the American party in Baltimore and Maryland would "adopt those or analogous resolutions." If the local organization abandoned secrecy, he vowed he would join them, but until then he was "bidding" his time.\textsuperscript{14}

\textsuperscript{13}HWD to SFDP, c. October 1854, WMss 9-7144; Baltimore Sun, 12 October 1854. The exact year in which the Know-Nothing party was organized in Maryland is not certain. Sister Mary McConville in Political Nativism in the State of Maryland, 1830-1860 (Washington, 1928), pp. 64-65 cites authorities giving varying dates from 1851 to 1854; Lawrence F. Schmeckebier, History of the Know Nothing Party in Maryland (Baltimore, 1899), p. 13, concludes that the party was first formed in October 1852; the best analysis of the Know Nothing party is Jean H. H. Baker's "Dark Lantern Crusade--An Analysis of the Know Nothing Party in Maryland," (Johns Hopkins University: M.A. thesis, 1965).

\textsuperscript{14}Council No. XII, New York City, "Principles and Objects of the American Party," (New York, 1855); HWD to SFDP, c. 1 March 1855,
The June 1855 national convention of the American party marked the apex of the nativistic movement in the 1850s. Convening in Philadelphia, representatives from thirty-one states forged a platform abandoning secrecy, softening their denunciation of Catholicism, but splintering over slavery. Nearly all the delegates agreed that the naturalization laws should be amended to require a twenty-one year period before a naturalized citizen could vote. Many, though not a majority, favored the admission of American Catholics into the party. The most heated argument revolved around the restoration of the Missouri Compromise. "North Americans" favored the repeal of the Kansas-Nebraska Act, while "South Americans" adhered to the status quo and resolved not to agitate the sectional issue. The majority platform was adopted in a strictly sectional vote—only New York and California delegates voted with the southern and border states. Although the delegates resolved to meet in February 1856 to nominate a presidential candidate, the controversy over slavery virtually killed the organization as a national party at the moment of its birth. One disappointed Know Nothing lamented that such "a pitiful convention never assembled to perform such important duties. It is full of fools and demagogues."15

Reaction to the Philadelphia platform was mixed. Many condemned it as "outright bigotry" while another declared it to be "a second

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WMss 9-7311. Former President Millard Fillmore, who endorsed the party's objectives, was one of many who would not join because of the party's secrecy, see Fillmore to Alexander H. H. Stuart, 15 January 1855, A. H. H. Stuart Mss, University of Virginia.

15New York Tribune, 13, 14, 15 June 1855; Baltimore Clipper, 14, 15, 16 June 1855; A. T. Burnley to J. J. Crittenden, 12 June 1855, Crittenden Mss, LC.
Declaration of Independence." Davis was pleased with the platform but felt it was "pitiably spoiled by a bad statement," the eighth section. That article was intended to condemn the Roman Church for interfering in politics. But the wording of the section did not distinguish between condemning Catholics for holding their religious beliefs and condemning religious sects from influencing political affairs. "A simple change of expression would have saved the necessity of any explanation," Davis asserted, and "converted a source of weakness into one of strength." 16

To remove the charge of religious bigotry against the Philadelphia platform, "to defend it from its friends," Davis wrote another "Hampden" letter for publication in the local newspapers. Claiming that "the obscurity of its language and the inversion of the two clauses" created a misunderstanding, Davis declared that the article's real intention was to maintain the separation of politics and religion and not to condemn the Catholic faith as a religious belief. Catholics had "notoriously, palpably, and reiteratedly violated" that principle by active political efforts in recent elections—the presidential election of 1852, the Maryland gubernatorial election of 1853, and the mayoralty contest of 1854. "Every Whig Catholic has joined or voted with the Democrats," he charged. "They are now openly and everywhere a political sect." The American party only sought to preserve the republican principle of the separation of church and state. 17

16HWD to SFDP, 20 June 1855, WMss 9-7396; Alexander Boteler to wife, 12 June 1855, Boteler Mss, Duke University; Baltimore American, 19 June 1855.

In March, Davis had become aware that many in the American party in Baltimore considered him an ideal candidate for the congressional election in the fall. "I am very generally spoken of," Davis confided to Du Pont, as the opponent of "one William C. Preston—a low rascally lawyer—skilled in the criminal court—smart but utterly unprincipled." He considered the possibility of running for Congress. Captain Du Pont tried to discourage him by pointing out some of "the shoals and rocks and what was generally said." In spite of the captain's warnings, Davis had "surveyed the ground swell" and had determined "to take the leap."18

To clarify the misunderstood position of the American party, Davis published an unsigned pamphlet entitled "The Origin, Principles and Purposes of the American Party." For the third time in the country's history, Davis argued, political parties had dissolved. In place of the old issues—the Bank of the United States, the tariff, and internal improvements came new issues arising out of the Mexican War. But the existing parties had "compromised, disguised and patched up" real differences for the purpose of winning. "The voice of the people has not been expressed directly on any great public measure in either house of Congress for ten years," he declared. Politicians had maintained the old parties and themselves in office by "bribery, the abuse of patronage, the pandering to factious organizations, and the pampering of foreign influence."19

The first principle of the American party was to return the

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18HWD to SFDP, c. 1 March 1855, WMss 9-7311; SFDP to HWD, 8 July 1855, WMss 9-1623.

government to the people by removing all corrupting influences—bloc voting by foreigners, bloc voting by Roman Catholics, and presidential usurpations of power. To accomplish this goal, the American party proposed to exclude the newly arrived immigrant from voting. As the Negro, the Indian, and the Chinese were excluded from the franchise, so should the European immigrant until "Americanized." "It is folly," Davis claimed, "to apply laws made in 1802 for 10,000 emigrants in the year to a time when they have swollen to 500,000 in each year. Their character has changed as much as their numbers." For the new immigrants "remain a distinct class, voting apart, living apart, forming foreign associations, political, social and military, and demanding from political employers their share of political patronage." On the eve of every election they crowded the courts with naturalization petitions in order to "control American election the following day."20

Davis also argued that the state must be neutral in matters of religion. It should not interfere with any man's creed and it should be free from pressure by religious sects. For fifty years "the Baptist has been free to dip in the infallible water, and the Papist to confide in the Infallible Pope, the disciples of Calvin to preach the infallible decrees, and the disciples of Voltaire to mock at the fallibility of all the infallibles." But within the last ten years this principle had been gravely violated. The Mormons had established a church that usurped the authority of the state. Roman Catholics had sought to remove the Bible from the public schools, to divide the public school fund for sectarian schools, to concentrate church property under the control of the bishops

20Ibid., 11, 15, 16, 20, 25.
instead of laymen, and to influence state and national elections. It was the purpose of the new party to oppose the influence of religious organizations in politics in order to preserve religious freedom for all.21

The American party, he declared, would not tolerate any agitation of the subject of slavery in national politics for slavery was a "local issue." As to slavery in the territories, he declared that "each territory should be left free to decide that question by the first constitution it adopts as a state." Until that time the Federal government should ignore the territories and neither "encourage or discourage, extend or restrict slavery." The Kansas-Nebraska Act should not be repealed "for our policy is peace; and to open that question renews the terrible conflict."22

Finally, he declared that the people must regain control of the government. At present the President dominated the government to far too great a degree. He was only "the common executive head," and should have no influence on the legislative process. Davis railed against the perversion of the presidential veto and against the use of patronage. He suggested that Congress should deprive the President of the "absolute power of removal, by fixing a more permanent tenure of office than his will or party victory." The veto should be used only to protect the country from hasty action--as a form of injunction. A Congress freed from presidential domination would "again respond" to the will of the

21Ibid., 26-28.

22Ibid., 37-39.
people.\textsuperscript{23}

The appearance of the pamphlet established Davis as a spokesman of the American party and as a likely candidate for Congress on its ticket. While not openly announced as a candidate, Davis was quietly enlisting support in the lodges for the congressional nomination. He spoke at several American party rallies during the summer. His major opponent for the nomination was Anthony Kennedy, younger brother of novelist and statesman John Pendleton Kennedy. The younger Kennedy had joined the party in its earliest stage and had been one of the few leading men to be publicly associated with the clandestine movement.\textsuperscript{24}

Davis was out of town on business when the congressional nominating convention met on September 3. Shortly before the meeting, rumors spread around Baltimore regarding Davis' personal conduct. "The father of lies let loose a special brood of his children for the occasion," Davis later joked, "assailing my personal character by the grossest and most disgusting charges." One of the rumors, he noted, "was only the innocent peccadillo of having seduced a young woamn of most respectable family--then spirited her out of town .... The perpetuation was named Davis--and some scoundrel suggested my name as the first one. So Winter Davis it was." In addition there were stories of Davis being an abolitionist, a freesoiler, and an advocate of "Kossuthism." The stories spread all over town before Hugh Lennox Bond, James A. Partridge, and R. Stockett Matthews, Davis' personal friends, heard the

\textsuperscript{23}Ibid., 41-43, 45.

\textsuperscript{24}Baltimore Clipper, 19 June, 1 September 1855; SFDP to HWD, 12 August 1855, WMss 9-1639.
stories, tracked down the source, and secured a retraction.25

The congressional nominating convention consisted of eighty-four delegates, seven each from the twelve wards which composed the fourth congressional district, the north, south, and west sections of Baltimore City. They met at Armitage Hall and nominated three candidates: Anthony Kennedy, Henry Winter Davis, and Z. Collins Lee. On the first ballot Davis received forty-three votes, one more than necessary for the nomination. "The news of the result of the nomination met me in N. York before I knew of the meeting of the convention," Davis explained to Du Pont, "and no one was more surprised than I was."26

In a letter published September 11 Davis accepted the nomination and outlined his platform—the exclusion of illegitimate influences from politics and silence on the subject of slavery. Three days later he delivered his acceptance address before an enthusiastic crowd. His speech was typical of all those he delivered during the following campaign. He began by denouncing President Pierce as merely "an arbitrator between greedy and clamorous factions" for the spoils of office. He charged the Democrats with lighting "the fires of civil and sectional discord." His position in Congress would be "non-intervention on either side with the Slavery agitation." Peace between North and South was more important to Maryland than any other state, he warned, "for her soil must be the Flanders of America, if civil war breaks out."

He blamed the corruption of recent elections on the "new

25HWD to SFDP, c. 6 September 1855, WMss 9-7530.

26Baltimore Clipper, 4 September 1855; HWD to SFDP, c. 6 September 1855, WMss 9-7530; J. P. Kennedy Journal, 10 September 1855, Kennedy Mss, Peabody Institute.
immigration." In place of quiet, hardworking European refugees, "red republicans had been substituted, ignorant of our laws and usages—with wild European notions of liberty, which are licentiousness." Not only did they interfere with the election process, but "they are crowding our cities and competing, in every department, with our mechanics and operatives—giving more labor than the capital of the country demanded, and lowering the compensation." The newspaper reported that he captivated his audience and that "his speech was frequently interrupted by thunders of applause." Davis modestly reported that he had "bored them and they took it quite uncomplainingly for two hours or more."27

He estimated his chances of election as "pretty fair," but he feared it "will be a furious canvass and missiles will be hailed on me like bombs on Sebastapol." The first missile was an anonymous pamphlet entitled "Read and Judge for Yourself: A Review of the Pamphlet of Henry Winter Davis." It charged Davis with advocating the social and political disfranchisement of Catholics, and the Know Nothing party with encouraging "bloodshed, disorder and a disregard for everything sacred." A second entitled "Mr. H. Winter Davis and Freesoilism: His Hampden Letters, Ormuzd and Ahriman in the Nineteenth Century, Speeches, Conversations, etc." appeared shortly after the first. This pamphlet labeled every Know-Nothing Council north of Maryland as advocates of free soilism and as agents dedicated to the destruction of Southern rights. By quoting Davis' book out of context and by exposing his youthful 1849 Hampden letters, the author concluded that Freesoiler was

27Baltimore American Democrat, 14, 15 September 1855; Baltimore Sun, 12 September 1855; Cecil Whig, 15 September 1855; HWD to SFDP, c. 13 September 1855, WMss 9-7259.
"a soft term to apply to Mr. Davis, but that 'Abolitionist' would be more appropriate, because more just." A third missile, authored by Henry May, incumbent Democrat congressman running for re-election, was titled "Portrait of Henry Winter Davis, Esq. by His Own Hand. His Political Inconsistencies Daguerreotyped in Colors Warranted Not to Fade, as His Principles Have Always Done, Under the Corroding Touch of Times." May cleverly assailed Davis for supporting Kossuth but opposing immigrants; for advocating intervention in European wars in Ormuzd and Ahriman but advocating "as little political connection as possible" with Europe in "Origin, Principles, and Purpose"; for supporting Winfield Scott (an advocate of speedy naturalization) in 1852 and for proposing a probation period for naturalized citizens in 1855; for upholding the power of Congress to legislate against slavery in the territories in his Hampden letters, and for reportedly denying Congress' power in a speech in September 1855; for opposing the establishment of a free school system in Alexandria in 1849 and opposing the Kearney School bill in 1855. Davis denied May's charges.

Henry May challenged Davis to a series of debates. Davis accepted with relish; as the abler debater and lesser known of the two, he leaped at the chance. After consultation with his advisers, May backed out of the debates, claiming to be ill. This retreat gave the Davis campaign a boost. "Our canvass goes on well so far," he then reported, "our enemies bitter and rancorous and active and vigilant and scared into fighting. We are at work and cool and pretty confident." Eschewing the old Whig habit of merely writing letters stating positions and letting others do the speaking, Davis took to the stump. Nightly meetings in different wards featured processions, banners, music, fireworks, and
the traditional stump speeches. As the Democrats organized political clubs out of the volunteer fire companies in the Baltimore wards, so the Americans organized young men's political clubs, often with bizarre names, from the Know-Nothing Lodges. The Rip Raps of the 12th ward, the Jefferson Club from Old Town, the Plug Uglies of the 18th ward, the Guards of Liberty from the 12th and 20th wards were the most popular. Feeling secure of victory in his home district, Davis traveled the state campaigning for the American nominees for Comptroller and Lottery Commissioner as well as other congressional candidates.28

The first test of the American party's strength came in the election for the city council on October 10. The Democrats carried the majority of seats in the First Branch and almost swept the Second. "We did not expect with any sort of confidence to obtain a popular majority in the elections for councilmen," Davis explained. "We did not expect to get out our full vote." The Americans had spent less than five hundred dollars in the campaign, while the Democrats spent thousands. But even though "heaven and earth, money and lies" were used by the Democrats, they had not increased their total vote over the last election. In the congressional election, he calculated a victory by over one thousand votes. "Of course this is only calculation," he noted, "but we are quite sure of the result."29

Toward the end of the campaign both parties resorted to unfair

28HWD to SFDP, 22 September 1855, WMss 9-7518; Baltimore American, 28 September, 5 October 1855; Baltimore Sun, 26 September 1855; HWD to SFDP, c. 30 September 1855, WMss 9-7528.

29SFDP to HWD, 12 October 1855, WMss 9-1655; HWD to SFDP, c. 14 October 1855, WMss 9-7568.
tactics. The pro-Davis Baltimore Clipper charged that if workingmen voted for the Democratic party, a party "which invites a foreign competitor to your workbench, you vote yourself out of employment." The pro-May Baltimore Sun countered with doggerel rhymes taunting "St. Winter" as the "friend of Kossuth," and charges that if Davis were elected poor children would be compelled to go to school with Negroes. Davis was even attacked for wearing "his aristocratic and foreign mustache, so recently imported by him from Parisian circles."\(^3\)

Election day, November 7, 1855, was a pleasant, sunny autumn day. Aged John Pendleton Kennedy recorded in his diary that there was "great interest manifested on both sides. Great determination on the part of the Americans to resist bullying" by the Democratic clubs. The whole town was armed, as in past elections. But it was "a peaceful day" and everything went quietly. Police arrested several Germans and Irish trying to vote with other men's naturalization papers, but otherwise the contest was orderly--except for the shooting of Petty Naff, a local Irish ward heeler.\(^3\)

At midnight Davis wired Du Pont announcing his victory. The next day he explained the election in detail. "It has been far the most desperate battle waged in Maryland for thirty years and none has been

\(^3\)Baltimore Clipper, 26 October 1855; Baltimore Sun, 12, 16 29 October, 1, 2 November 1855; Baltimore Argus, 31 October 1855; Baltimore American Democrat, 5 November 1855. During the campaign Davis had sought to support his argument that Catholics had interfered in American presidential elections by writing former Secretary of State John M. Clayton regarding nine Catholic bishops who had bargained with Henry Clay, see HWD to John M. Clayton, c. 1855, Clayton Mss, LC.

\(^3\)J. P. Kennedy Journal, 7 November 1855, Kennedy Mss, Peabody Institute; Baltimore Sun, 8 November 1855; Baltimore Clipper, 9 November 1855.
crowned by so overwhelming a victory," he bragged. "Our whole ticket is carried in the city—all our state officers are elected." As the Americans had carried the state legislature, they were assured of electing a United States Senator. "But my election is the greatest miracle of them all and gives our friends more delight and our foes more chagrin than all else combined." He charged that the Pierce administration had spent between forty and fifty thousand dollars in his district to aid May. "The Catholics poured out money like water. Every man who could be bribed was bribed," he claimed. "The Irish were armed to the teeth." 32

It was the largest turnout in Baltimore's history. Over fifteen thousand men voted in Davis' district, over one thousand more than the turnout in the mayoralty election of 1854, the previous high. The largest increases were in the outlying wards, the 18th, 19th, and 20th. The corrected totals were 7,988 to 7,493, a margin of 495 for Davis. The election attracted men who had never voted before—men too apathetic to vote Whig or Democrat now were involved in a crusade, the Dark Lantern Crusade. 33

Overjoyed by his first political victory, Davis wrote that he was "nearly pulled to pieces by the enthusiastic greeting of our men everywhere." Within a week he was off to Washington to find lodgings. His thoughts turned to the upcoming session of Congress only weeks away.

32HWD to SFDP, 8 November 1855, WMss 9-7579; HWD to SFDP, c. 10 November 1855, WMss 9-7605.

33Baltimore Clipper, 8, 9, 10 November 1855.
"There will be a lively time in choosing a Speaker," he predicted to Du Pont, and "the result is inscrutable."34

34HWD to SFDP, 25 November 1855, WMss 9-7594.
The first session of the Thirty-Fourth Congress, Davis' freshman term, began at noon on December 3, 1855. Immediately the House of Representatives became embroiled in a controversy over the election of a Speaker. One congressman noted that there were "thirty modest men who think the country needs their service in the Speaker's chair. To get rid of this swarm of patriots will take time." The task of choosing a presiding officer was complicated by the fact that no party had a clear majority. Moreover, those opposed to the Pierce administration—Republicans, Freesoilers, Whigs, and Americans—were seriously divided. When the voting began, those opposed to slavery divided between short, nervous Lewis D. Campbell, an Ohio Whig-Free Soiler, and tall, sturdy Nathaniel P. Banks of Massachusetts, a former Democrat who had left the party to join the anti-slavery faction of the American party. The Democrats nominated William A. Richardson of Illinois, Senator Stephen A. Douglas' alter ego and an ardent supporter of the Kansas-Nebraska Act in the previous Congress. Davis and the Americans from the border states supported a fourth candidate, Humphrey Marshall of Louisville, who was a vowed opponent of sectional agitation. On the first four ballots no candidate received a majority vote.¹

¹Timothy C. Day to uncle, 6 December 1855, in Fred H. Harrington, "The First Northern Victory," Journal of Southern History, 5 (May, 93
As the session progressed several caucuses were held to attempt to arrive at a majority. The antislavery forces, led by Republicans Anson Burlingame, Schuyler Colfax, and Israel and Elihu Washburne withdrew Campbell and united on Banks in an effort to attract the entire American vote. The Democrats, hoping to divide the Americans by pressing the slavery issue, continued to back Richardson, but let it be known that another candidate might be substituted. Both strategies depended for success upon the American party. But the Americans, hoping to avoid sectional strife, kept their candidate in the field with the deciding thirty votes behind him. Later the Americans proposed a counter-strategy. They withdrew Marshall and substituted Henry M. Fuller, a Free-Soil American from Pennsylvania, but neither the Republicans nor the Democrats would join them. "The hostility to the Americans is utterly undescrivable," Davis reported. "We are treated as a sort of wolf-head to be smitten of all men. Anything is better than the Americans."²

Day after dreary day the contest wore on with innumerable caucuses and speeches. The administration and the press cried for an election. The Baltimore press urged Davis to aid a speedy organization, but not to ally with the Republicans. The American caucus of the Maryland legislature congratulated the Maryland Congressmen for protecting the House from being organized on a "sectional basis," that is, by the

¹Harrington's article is an excellent summary of this vital contest but seriously neglects the American party's influence; Horace Greeley to Schuyler Colfax, 13 November 1855, Greeley-Colfax Mss, New York Public Library; Congressional Globe, 34th Congress, 1st Session, p. 3, hereinafter cited as CG 34th-1st-3.

²HWD to SFDP, 12 January 1856, WMss 9-7684.
Before the House adjourned for Christmas, it almost succeeded in adopting a plurality resolution which would have given the election to Banks. "We shall elect Banks in the end," Colfax confidently asserted, "in one way or other." Davis was not so sure. The Democrats and the Americans could block the adoption of a plurality resolution, and that would stop Banks. But he was less confident about electing a compromise candidate. "There is no light," he reported,"--our fog bell is still ringing." He could not understand why the Republicans and certainly the North Americans would not desert Banks in favor of Fuller. "The pertinacity of the Banks men is utterly without precedent," he complained. On the other side the Democrats would not consider an alliance with the Americans: "The Locofocos are holding themselves quiet and clean from all questionable associations with a view to the Presidency."4

"Behold our life," Davis moaned. "Vote Vote Vote and then a gush of very poor thick-blue and half-sour stump oratory--and then vote and vote." On January 12, after over one hundred votes, the Americans arranged for the three candidates--Banks, Richardson, and Fuller--to define their political views to the House. The object was to attract Banks' supporters to Fuller, but it succeeded only in confusing the

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3Baltimore Clipper, 10, 25 December 1855; Baltimore American, 14 December 1855; American Organ, 7 January 1856.

already chaotic situation. Banks dodged questions about the equality of the races which disappointed many of his supporters; Richardson hedged on his answers regarding the power of Congress to legislate for the territories and the constitutionality of the Wilmot Proviso. Davis described this Congressional "catechism" as "a sick day." He felt that Fuller "was greatly the most explicit, manly, direct and sensible. Banks next and Richardson last, and last on all points." He concluded that the debate succeeded in "uncovering the trick which pushed off Richardson as a specially sound and safe man for the South." Now with Richardson discredited, he thought, "the locos will find great difficulty in justifying their allowing Banks to be elected when they could have elected Fuller."5

As the contest entered the seventh week, Davis wrote that plans were being made to get the Americans "of all quarters together and to select a candidate irrespective of the negro question." After another American party caucus, party spokesmen offered to withdraw Henry Fuller in return for any organization based upon broad national principles—but both the Republicans and Democrats declined. As every compromise offer of the American party was rejected, Davis thought the plurality rule came closer to adoption and "in that event Banks will be elected." He did not personally object to Banks, only to his abolitionist reputation and his Republican support. "In my view he is a safer man for the country than Richardson or any extreme Locofooco," Davis concluded.6

5CG 34th-1st-222-228; HWD to SFDP, 13 January 1856, WMss 9-7684.

6HWD to SFDP, 13 January 1856, WMss 9-7684; CG 34th-1st-282, 294. Baltimore Clipper, 24 January 1856.
"The present struggle burns along like a slow match smoking and
smouldering but with little flame," reported a former Congressman.
However, members were beginning to show signs of strain. Albert Rust,
a burly first-term Arkansas Democrat, accosted Horace Greeley outside
the House Chamber and struck him. On the floor of the House order was
difficult to maintain. "Mr. Cullen of Delaware, Mr. Bowie of Maryland,
and Campbell of Kentucky have been very drunk and others a little drunk,"
reported freshman Congressman Justin Morrill. "We have kept good-
natured, silly and noisy," he added. But soon Davis reported that "I
am patient and everybody is cool."7

On February 1, after nine weeks of the contest, the Democrats
surprisingly joined the Republicans to pass a plurality resolution. The
Democrats gambled that their new candidate, silver-headed, bewhiskered
little William Aiken of South Carolina would be elected by a coalition
of the Democrats and the Americans. "He is personally the most popular
man in the house, universally liked by everybody," Howell Cobb wrote
his wife. "He is a democrat and as national as a South Carolinian ever
gets to be. He was not in our caucus, though approving our platform,
and for that reason the National Know Nothings have agreed to vote for
him." At a White House reception after the announcement of Aiken's
candidacy, President Pierce greeted Aiken as "Mr. Speaker."8

Under the plurality resolution, the House agreed to four more

7Robert C. Winthrop to Howell Cobb, 5 January 1856, in Phillips
(ed.), Correspondence of Toombs, Stephens, and Cobb, 357; Justin Morrill
to wife, 10 January 1856, Morrill Mss, LC; HWD to SFDP, 4 January 1856,
WMss 9–7667.

8CG 34th-1st-335; Cobb to wife, 2 February 1856, in Phillips (ed.)
Correspondence of Toombs, Stephens, and Cobb, 358.
votes—the fourth vote being final. On the 130th ballot, the first under the plurality resolution, Banks received 102 and Aiken 93. But Davis and thirteen other Americans supported Fuller and so Banks was short of a majority. The excitement grew more and more intense on the next two ballots, but with the same results. Before the 133rd ballot, in which the plurality rule would be invoked, tremendous pressure was brought on the fourteen who had stuck with Fuller to join the Democracy and elect Aiken. Davis and five others refused to join the Democrats thus allowing Banks to win, 103 to 100. Wild applause greeted Banks' election. The Republicans were exhilerated by the victory, the Democrats were bitter.9

In Maryland there was an immediate reaction to Davis' final vote. The Baltimore American condemned him for not joining the rest of the Maryland delegation in supporting Aiken: "To use the mildest phrase," they wrote, "it was certainly a great mistake—and in politics as well as diplomacy a blunder is often worse than a crime." The editor of the American Democrat, which had supported Davis for election, disapproved of Davis' vote and applauded Aiken.10

Davis' friends were concerned about hostile reaction to his course. "I fear our friend Mr. Davis has ruined himself politically by his vote," Captain Du Pont wrote to his wife, "but he acted consciously and knew the sacrifice." In Washington, Du Pont reported, Davis' name was

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9CG 34th-1st-335; Harrington, "The First Northern Victory," 202-203; Thurlow Weed to N. P. Banks, 3 February 1856, Banks Mss, LC.

10Baltimore American, 4, 16 February 1856; Baltimore Clipper, 7 February 1856; Baltimore American Democrat, 13, 15 December 1856; Cecil Whig, 23 February 1856.
mentioned everywhere and often he had to leave a conversation when politicians condemned him. But eccentric Hugh Lennox Bond, a Baltimore attorney and a strong backer of Davis', wrote him that "if I had been in your place I should have voted as you did." The Democrats deserved the loss for so viciously insulting the Americans and spurning their compromise officers. "When folks understand the position and Banks turns out not to have hoofs, horns or tails," Bond assured him, "when they find out he permits white men to have white wives and is not generally Monstrum horrendum" they will cease to think of "your vote and you will be freed from your 'Aiken pains'."11

The political repercussions of Davis' vote against Aiken were immediate. The Maryland legislature, in which the American party held a majority, was then deliberating on a successor to United States Senator Thomas G. Pratt. Davis' commanding position in the fledgling party, secured by his campaigning all over the state that fall, made him a logical candidate despite the fact that he had barely warmed his House seat. The Cecil Whig, a Know Nothing paper, came out for Davis for Senator at the end of December 1855. Several newspapers considered him among the best qualified aspirants.12

11 SFDP to SMDP, 3 December 1855, WMss 9-1679; SFDP to SMDP, 10 December 1855, WMss 9-1684; SFDP to SMDP, 4 February 1856, WMss 9-1723; H. L. Bond to HWD, 4 February 1856, Bond-McCulloch Mss, MdHS; SFDP to SMDP, 5 February 1856, WMss 9-1724. Political disaster struck the other five Americans who stuck with Fuller on the last ballot: Elisha Cullen of Delaware, William Millward of Pennsylvania, and Jacob Broom of Pennsylvania were defeated for re-election; Thomas R. Whitney of New York did not even get renominated; Ezra Clark of Connecticut soon bolted the party, joined the Republicans, was elected to the Thirty-Fifth Congress and then was defeated for re-election.

12 Cecil Whig, 29 December 1855; Baltimore Clipper, 26 November, 18 December 1855.
The election of a Senator was delayed for over a month while the legislature dealt with an assault made upon the American party by Democratic Governor T. Watkins Ligon. In his annual message, the Governor denounced "secret societies" in Maryland as "a tide of evil flowing upon us." He accused the party of stirring "the most ungovernable passions and prejudices of the human heart." The American-controlled legislature responded to the Governor's charges by appointing a committee to investigate "secret societies" with Anthony Kennedy as its chairman. Democrats planned to take full advantage of this investigative hearing to expose the Know Nothings' pre-1855 secrecy, ritual, oaths, and religious extremism.\(^{13}\)

Davis shrewdly realized the danger posed by the investigation. In a letter to Anthony Kennedy he outlined a strategy to turn the hearings to the party's advantage. "I think it of the utmost moment that no examination in fact [be held], and the question is how to avoid it without losing your advantage." In Davis' view it was suicidal to allow the Democrats to call witnesses to explain the American party's platform. "Even if you choose them yet no one can answer for the consequences of cross examination," he advised. Fearing misrepresentation of the party philosophy "by men as witnesses whom you would never allow to go on the hustings," he suggested a solution.\(^{14}\)

The Americans should wait for the Governor's reply to the request

\(^{13}\)"Message of the Governor," Maryland House Documents--1856, Document A, 28-32; Baltimore Sun, 5 January 1856; Baltimore Clipper, 10 January 1856.

\(^{14}\)HWD to Anthony Kennedy, c. January 1856, Christopher Hughes Mss, William L. Clements Library, University of Michigan.
for specific charges, he suggested. Then, "if he point his charge at the American Party—you are the representatives of that party sent by the people of Maryland" and "can repel every insinuation and have a glorious opportunity of spreading our opinions on record and retaliating the Gov.'s imputations." If the Governor made his charges against the local lodges instead of the state party, "you reply that those Lodges are the form of organization of the American Party in each locality—differing in nothing from its principles, having no secret principles, not using any oath." Therefore the legislators could speak for them since "two thirds of the Legislature belong to them." If the Governor dealt only in general terms, Davis suggested that the legislature "but the Gov. for attempting to alarm the public mind by vague and unfounded rumors." Although the legislature should always be willing to investigate a specific danger existing in the state, the Governor had "called out wolf wolf without any fact on which to base his cry." Now he should be shown that the legislature "will not degrade the people of Maryland by instituting a general search warrant into their opinions on the vague charge of conspiracy." He urged Kennedy to follow his plan, but asked that the authorship of the plan be kept secret.15

Governor Ligon replied to the committee's request for specific charges on January 23. He declined to name either the American party or the Know Nothings lodges but instead made vague charges of religious intolerance and persecution. Kennedy scheduled hearings for the following week. The Democratic committeeemen presented a list of names of witnesses they wished called that included nine Baltimore Know

15Ibid.
Nothings who had left the party and were now ready to "expose" it. Following Davis' plan, Kennedy secured the defeat of the motion to call any witnesses saying, "The Committee are themselves the witnesses for the American Party ... and can speak authoritatively." The proposed investigation thus became a lengthy explanation of the party's position on immigration, the separation of church and state, and the influence of foreign bloc voting on democracy. Its majority report "butted" the governor's message as "an unfortunate exhibition of ill-timed and undeserved discourtesy." 16

Kennedy's handling of the investigation increased his prominence in the party and was contrasted favorably with Davis' vote against Aiken for Speaker. Newspapers switched their support from Davis to Kennedy. Four days after Banks was elected Speaker, the American caucus met in Annapolis. Davis' lieutenants were active in the caucus trying to retain support for him. On the first ballot Anthony Kennedy led with 14 votes, Congressman J. Dixon Roman was second with 13, state senator Coleman Yellot and Davis had 10 each, and 11 votes were scattered. On the second ballot Davis moved ahead to lead with 19 to Roman's 15, Kennedy's 14, and Yellot's 11. But then a secret caucus halted a Davis boom. On the third ballot Davis lost eight votes and after the fourth ballot his supporters withdrew his name from the contest. Anthony Kennedy was finally elected on the ninth ballot.

Davis' chief supporter in the legislature, Baltimore attorney James

16T. Watkins Ligon to A. Kennedy, 23 January 1856, Governor's Letterbook, Maryland Hall of Records; Maryland House Documents--1856, "Report of the Majority of the Committee on Secret Societies," 8; "Journal of the Select Committee on Secret Societies," 71-74; Baltimore Sun, 29 January 1856.
A. Partridge, wrote him that the moment his vote on the Speakership became known "a dozen aspirants started forth, and this added to the virulence with which he was assailed" lost him the Senate seat.17

After visiting Davis, Captain Du Pont wrote his wife that Davis thought his district was reconciled to his vote, but "there seems no question however that it lost him the Senatorship." Du Pont, politically shrewd, was less concerned over the loss of the Senate election than "oppressed at the idea that [Davis] should have separated himself from that sympathy and support in his State and Section of the Country." He hope that the controversy would all "blow over yet," but noted that "this slavery question is the touchstone of everything South." The Captain feared that the loss of the election had been a blow to the proud, self-confident Davis. "He bears himself like a man under it," Du Pont concluded, but "what the effect be to him to appear this way, I know not."18

If Davis' vote on the Speakership lost him a Senate seat, it gained him a ranking position on the House's most prestigious committee. Speaker Banks, perhaps in gratitude for Davis' neutrality in the contest and perhaps in recognition of his ability, appointed him to the Committee on Ways and Means. With the Speakership contest and the Senate election behind him, Davis now occupied himself with his legislative duties and his law practice. He rented two rooms, "not large but better

17J. P. Kennedy to George S. Bryan, 3 December 1855, Kennedy to Solomon G. Haven, 29 January 1856, Kennedy Journal, 6 December 1855, 4, 15 February 1856, Kennedy Mss, Peabody Institute; Baltimore Sun, 8, 14 February 1856; Baltimore Clipper, 9, 11 February 1856; Maryland House Journal—1856, 328.

18SFDP to SMDP, 14 February 1856, WMss 9-1731.
than any others I saw," on 15th Street, one block from the White House and across the street from the Treasury Department. "I shall have breakfast there or sent from Gautiers— and dine at Gautiers or elsewhere as my convenience may require," he wrote, but "I cannot endure a boarding house." As a freshman member of a third party, he did not have to deal with the many requests made of more influential members. However, with his district only a short train ride from Washington, he was within easy reach of constituents seeking favors. 19

During the early months of the session, Davis, as befitted a new member, rarely spoke on the floor of the House. During the entire speakership contest he never engaged in the sometimes heated debate. Throughout the first months he was engaged in committee preparing the appropriations bills to be passed that session. Desiring to please his constituents, Davis offered two local bills early in the session: one to improve the Baltimore harbor and one to clear the Susquehanna River in northern Maryland. 20

Anxious to make a name in Congress, Davis delayed his maiden speech until a major issue emerged. He found the opportunity in a contested election from the Kansas Territory. In the territory strife between supporters and opponents of slavery verged on civil war. A recent election to choose a delegate to Congress had resulted in both candidates claiming victory—John W. Whitfield, the "regularly elected" representative, and Andrew H. Reeder, the Free-State settlers' candidate. Both men presented themselves to the House, and this gave that body a

19CG 34th-1st-411; HWD to SFDP, 25 November 1855, WMss 9-7594.

20CG 34th-1st-533.
pretext to intervene in the affairs of the territory, an opportunity previously denied to it because administration of the territories was vested in the President. Particularly eager to intervene were the Republicans and antislavery forces. Consequently the Committee on Elections asked for authority to investigate the election and to send a sub-committee to Kansas, a move that was strenuously opposed by Southerners.

Davis obtained the floor on March 12 and spoke against the investigation. He began by questioning the purpose of such an investigation. "They do not propose, sir, to impeach Governor Reader for improper administration of the office of Governor." If that were the purpose, he would vote with them. "They do not propose to lay the foundation for an impeachment of the President of the United States for failure to execute the laws and to see that justice was administered in that Territory. If that were the question, my vote should be for the investigation." He was always ready, he said, to "investigate grievances alleged by either the North or by the South," but the proposed investigation was but "a wind cloud-boisterous, disturbing, casting dust in men's eyes, but not charged with any lightening." If the House wished an investigation into the situation in Kansas which would hold persons "high or low to responsibility for malfeasance, I should be in favor of such investigation." But to use a contested election case as a vehicle to examine the chaos in Kansas was a corruption of the election laws. When he concluded, both sides of the House rose, and many members, both Republicans and Democrats, crowded to shake hands with him. However, his hour-long speech failed to accomplish its purpose, a week later the House voted 101 to 93 to
establish such a committee.\textsuperscript{21}

His first speech in Congress attracted great attention. James G. Blaine, youthful reporter of the \textit{Kennebec Journal} in Augusta, Maine, wrote after the speech that "Davis is the most eloquent and promising member of his party in the House." The Philadelphia \textit{Inquirer} reported that when Davis was speaking House members "dropped their pens and papers, hushed their conversations and crowded around the speaker .... Mr. Davis, who has, for some time, been called the Henry Clay of Maryland, is one of the most promising men in the Thirty-Fourth Congress."\textsuperscript{22}

His maiden effort a success, Davis next sought an opportunity to speak on one of the major planks of the American platform—naturalization. His chance came when Humphrey Marshall of Kentucky introduced a bill requiring all citizens of the District of Columbia to live in the city "as citizens" for one year before they could vote. This bill would help stop corruption in elections in Washington, Davis alleged. Foreigners crowd the courthouses on the day before an election to take out naturalization papers and then vote the next day turning the balance against longtime citizens. These new voters can't speak the language, don't appreciate the problems of the city, and "in nine out of ten cases do not pay their own naturalization fees." They are "marched and dragged along before the tribunals of the United States" by unscrupulous

\textsuperscript{21}John Sherman, \textit{Recollections of Forty Years in the House, Senate, and Cabinet}, I, 114; \textit{CG} 34th-Ist-Appendix-227-229.

\textsuperscript{22}Kennebec (Maine) Journal, 17 March 1856; James G. Blaine, \textit{Twenty Years in Congress} (Norwich, Conn., 1884), I, 122; Philadelphia \textit{Inquirer}, 15 March 1856; SFDP to James S. Biddle, 17 March 1856, WMss 9-1752; Baltimore \textit{Clipper}, 19 March 1856.
politicians who pay the fees, hold the naturalization papers, and only allow them to have their papers when "they are marched up in files to the polls upon the day of election." After a hard fight in which Davis showed skill as a parliamentarian, a compromise election bill for Washington was passed. Davis termed it "another illustration of the American power in the House." 

As the presidential election of 1856 approached, debate over Kansas and slavery became more frequent and bitter. During a discussion of a routine appropriations bill, abolitionist Joshua Giddings rebuked the House Ways and Means Committee for including "obnoxious" funds for the enforcement of the Fugitive Slave Law. Boldly Davis rose to reply to the dean of the House. Conceding that the Fugitive Slave Law was "obnoxious in the northern country," he nevertheless condemned the "crazy and maniac idea that laws are nothing after they are enacted." When Giddings commented that he, like Thomas Jefferson, would refuse to execute an unconstitutional law, Davis replied, "I have never thought that Jefferson was the safest guide in construing the Constitution." Higher-law in Jefferson's day, he added, was "modified and limited, and not to the extent to which it has now gone, because that doctrine, like other noxious weeds, grows from year to year." 

The sectional animosity always latent in the Thirty-Fourth Congress erupted when Representative Preston Brooks of South Carolina

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23CG 34th-1st 729, 1225, 1232; HWD to SFDP, 16 May 1856, WMss 9-7903.

24CG 34th-1st-1177.
brutally assaulted Senator Charles Sumner of Massachusetts on the floor of the Senate. The House appointed an investigating committee to consider expelling Brooks. "The excitement here is intense," reported Congressman Justin Morrill, "scenes of great turbulence are expected." All business stopped in the House for weeks while each side attacked and defended Brooks' action. In mid-July the House finally brought itself to vote on a motion to expel Brooks. Going along with his party, Davis voted against expulsion. The motion was carried by a vote of 121 to 95, but as it lacked the requisite of two-thirds vote, Brooks was not expelled.  

The furor over "Bleeding Sumner" did not abate before "Bleeding Kansas" became the issue. Freshman representative John Sherman, recently returned from Kansas as part of the congressional investigating committee, introduced a proviso to the army appropriation bill to exclude the use of the army in enforcing the laws of the proslavery legislature at Shawnee Mission and to disarm the militia of the proslavery territorial government. The militia, acting with the approval of the legislature, had invaded the town of Lawrence, destroyed numerous buildings, and arrested scores of Free-State men on "high treason."

Day after day the debate continued on the proviso, the Republicans defending, the Democrats attacking, and the Americans remaining silent. In vain Davis protested the inclusion of the proviso to a needed appropriation bill. He agreed that the atrocities in Kansas ought to

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25See David Donald, Charles Sumner and the Coming of the Civil War (New York, 1860), 288-311, for a brilliant analysis of "Bleeding Sumner" upon the Congress and the country; Justin Morrill to wife, 25 May, 1 June 1856, Morrill Mss, LC; CG 34th-1st-1628.
be stopped, but declared the proviso was no solution. He consistently voted against it and urged the House to accept the Senate version of the appropriation bill which did not contain the amendment. As Congress adjourned without resolving the dispute over the proviso and without passing an army appropriation bill, President Pierce called it back into special session for that purpose.26

During the special session Davis voted for the bill with the proviso as a parliamentary maneuver. The following day he voted to strike it out. But his one vote for the proviso caused considerable uproar in Baltimore. Both Democratic and American newspapers berated him as a disunionist, an abolitionist, and a "black Republican." Throughout the presidential campaign he was called on to explain his vote on that occasion.27

When the special session of Congress adjourned, the presidential campaign summoned the efforts of politicians. In February the American party met in Philadelphia and nominated former President Millard Fillmore for president with Andrew Jackson Donelson, Old Hickory's nephew, as his running mate. After the nomination of Fillmore and Donelson, delegates from four New England states, Pennsylvania, Ohio, Michigan, Wisconsin, and Illinois withdrew from the convention to protest the party's noncommittal stand on slavery expansion. In early June the Democracy assembled in Cincinnati, and after a long contest

26Sherman, Recollections of Forty Years, I, 131; CG 34th-1st-2091-92; HWD to SFDP, 17 August 1856, WMss 9-8000.

27Baltimore Clipper, 22, 27, 30 August, 2 September 1856; Baltimore Sun, 29 August 1856, Cecil Whig, 6 September 1856; Baltimore Patriot, 9 September 1856.
nominated the most "available candidate," sixty-five year-old James Buchanan. Two weeks later the rump or North American convention assembled in New York and nominated House Speaker Nathaniel P. Banks for President, however, Banks withdrew when the Republicans assembled in Philadelphia and nominated John C. Frémont, "the Pathfinder."28

The American party entered the contest with high hopes of victory. Buoyed by their phenomenal success in 1854 and 1855, they had reason to hope for victory in 1856. The division of the party dimmed Fillmore's chances for outright victory, but many Americans thought they might be able to win if the election were thrown into the House of Representatives. If they could carry New York, Fillmore's home state, California, Louisiana, and the three border states of Kentucky, Tennessee, and Maryland they might accomplish their purpose. Based on past elections, the chances of carrying California and Louisiana seemed good and the other might also be won if they could enlist the old Whig vote.29

Davis seemed confident that Fillmore could carry Maryland. While in Congress he made a major campaign speech directed as much to his own state as to the members. His "Plea for the Country Against the Sections" speech was the model from which he patterned his later campaign speeches. The Democratic party was dead in the North, he argued, killed by its aggressive policy of slavery expansion. The Republican party was a

28Baltimore Clipper, 18 January, 2, 22 February 1856; New York Herald, 19-26 February 1856; Nevins, Ordeal of the Union, II, 466-69; W. G. Brownlow to John Bell, 15 January 1856, Bell Mss, LC.

purely sectional party incapable of governing effectively. That left
only the Americans. While the other parties cried "No Compromise" and
dedicated themselves to the conquests of each other, Fillmore and the
American party proposed "a moderate and middle position." Beware the
extremes, he pleaded. "Deliver us not over into the hands of the
Abolitionists." Many Southern extremists secretly wanted the election
of Frémont in order to cause the dissolution of the Union. But disunion
"would be an act of suicide"; it would be no peaceful separation "but
a sharp and jagged chasm, rending the hearts of great commonwealths,
lacerated and smeared with fraternal blood." The election of Fillmore,
the "Pacificator" was demanded by the times. "No law can quiet Kansas
unless a soothing administration soften the exacerbated feelings of the
people." Davis called his countrymen to Fillmore "in the name of the
Union he saved." His speech carried the condescending air of a wise
man instructing errant children, but its emotional impact, his rapid-
fire delivery, and his captivating voice made it a success whenever he
delivered it.30

To win the campaign in Virginia was Davis' immediate concern.
Vespasian Ellis, editor of the American Organ in Washington, printed
copies of his "A Plea for the Country Against the Sections" speech
and Davis distributed them throughout the old Whig areas of Virginia.
He planned rallies in Alexandria, Richmond, and Charlestown and enlisted
old Whigs to come and speak. "There is much as to induce a stormy
hope of carrying the state," he wrote Colonel Dick Thompson urging the
Hoosier to come to Virginia to speak. The enthusiasm that Davis saw

30Davis, Speeches and Addresses, 40-62.
in Virginia for Fillmore made him think that "the end of Locofocos" party was "at hand."  

In July, Davis spoke at a rally at New Brunswick, New Jersey. Defending Fillmore as the best hope for the Union, he denounced Buchanan as having been "all things to all men, and nothing long," and Frémont as "first at every feast, but last at every fight." Both Buchanan and Frémont, he alleged, were nominated principally because they were incapable and could be used as tools by the powers behind the throne. Both candidates represented sectional interests. The sole remedy was to rebuke sectionalism on either side and choose the conservative man--Fillmore. Davis' speech was so well received by the audience that he was invited back to New Jersey in September to speak at Newark.  

The tiny state of Delaware was the domain of Senator John M. Clayton, former Secretary of State under Taylor. A proud man, Clayton was asked to resign when Fillmore ascended to the presidency and would not openly support Fillmore in 1856. Davis, through Captain Du Pont, came to know and to respect Clayton. There were few men in Davis' life that he could admire without reservation, but Clayton was one. On several occasions Davis visited the Senator at his home in Delaware to urge him to support the American slate. Also on those trips, in addition to speaking at rallies in Wilmington and New Castle, he took time off to relax at the Du Pont's luxurious home, Louviers. That

31HWD to Richard W. Thompson, 21 August 1856, Thompson Mss, Rutherford B. Hayes Library; Richmond Whig, 26, 28 August, 23 September 1856; Baltimore American, 11 September 1856; Charlestown Free Press, 30 October, 6 November 1856.

32Baltimore Clipper, 18 July 1856; HWD to SFDP, 1 September 1856, WMss 9-8014.
estate constantly brought back memories of Connie and the weekends they spent with the Du Ponts. Davis enjoyed his stolen vacations during the summer and fall of 1856, for the campaign in Maryland soon became a free-for-all. 33

The presidential campaign of 1856 in Maryland was one of the most fiercely contested elections in the United States. There the Democrats and Americans were evenly divided with the old Whigs holding the balance. Throughout the summer Howell Cobb of Georgia, one of Buchanan's most trusted advisors, enlisted former Whigs to support Buchanan. In late July and early August Whig Senators James A. Pearce and Thomas Pratt defected to the Democracy and were followed by Maryland's senior statesman, Reverdy Johnson. The Americans countered by secretly organizing and financing a Whig convention in Baltimore. That meeting, led by old Whigs J. Hanson Thomas, Mexican War hero General John R. Kenly, and Baltimore American editor C. C. Fulton, denounced the defection of Maryland's Senators and endorsed the nomination of Fillmore and Donelson. 34

Winter Davis knew that the campaign in Maryland would not be won by endorsements of senior politicians, but by a well-organized campaign

33 SFDP to SMDP, 29 February 1856, WMsS 9-1739; HWD to SFDP, 9 September 1856.

34 James Buchanan to John C. Breckenridge, 20 June 1856, Breckenridge Marshall Mss, Filson Club; Cobb to Buchanan, 4 August 1856 in Phillips, (ed.), Correspondence of Toombs, Stephens, and Cobb, 379; James A. Pearce to James Buchanan, 16 July 1856, Buchanan Mss, HSP; Reverdy Johnson to James Buchanan, 17 July 1856, Buchanan Mss, HSP, Thomas G. Pratt to Editor, National Intelligencer, 30 July 1856; James A. Pearce to Editor, Baltimore American, 4 August 1856; Baltimore Clipper, 23 June 1856; Baltimore Sun, 11 July, 19 September 1856; Wm. Pinkney Ewing to Francis P. Blair, Sr., 29 September 1856, Blair-Lee Mss, Princeton.
that reached the entire state. He supported the decision of the State Central Committee which planned an exhausting schedule of rallies beginning in western Maryland, extending to southern Maryland, and ending on the Eastern shore. Davis spoke at most of the twenty-five state rallies and dominated the campaign in Baltimore, sometimes speaking at two ward rallies in one night.35

At a meeting in Baltimore's China Hall, Davis opened the campaign in Maryland with a fiery speech. "The room was crowded almost to suffocation," reported the Baltimore Clipper, "and hundreds were compelled to leave on account of not being able to press themselves within the doorway." Riot and bloodshed had spread over the territories, Davis stated, and it was necessary for all to lend their efforts to check its fearful march before it resulted in civil war. Over and over he stressed that the only decision to make before voting was to measure what each candidate would do for the good of the Union. Fillmore, the "Pacificator," had saved the Union in 1850 and would do so again. One reporter covering the speech was amazed at Davis' "ease, grace and eloquence," and the "clearness and cogency" with which he expressed his views. Like others, the reporter concluded that Davis promised "to become, in a very short time, one of the great men of the nation."36

As the campaign neared its close, estimates of its results varied sharply. Fillmore still had hopes that the election would be thrown

35Baltimore Clipper, 17 September 1856.

into the House of Representatives. Vespasian Ellis, party strategist, felt as late as October that New York, Tennessee, Kentucky, Florida, Louisiana, and California were "safe" for Fillmore with others a possibility. Democratic leaders predicted that Buchanan might carry all but three states, while a Republican newspaper asserted that Fillmore would not carry a single state.37

In Maryland, knowledgeable politicians made no bold predictions. Democrat Robert McLane wrote Buchanan that "on the Eastern Shore, there will not be a majority of more than two or three hundred votes either way, and on the Western Shore, outside of Baltimore, I look for about the same state of vote." Thus the election hinged on Baltimore and the mysterious Whig vote, he felt. The majority of the Whigs would go for Fillmore, but Senators Pratt and Pearce were making last minute efforts in Baltimore to change the tide. Also worried about the Whig vote was Davis. Although most of Maryland's Whigs had approved of Fillmore while he was President, now most "like Peter begin to curse and to swear that they do not even know Fillmore." As the campaign closed, he consoled himself that he had done all he could for "peace and moderation" and would "leave the result to God and the people, his instruments."38

Election day was marred by disgraceful rioting in Baltimore. Policemen battled the political clubs in several wards, five Americans

37Millard Fillmore to J. P. Kennedy, 25 October 1856, Kennedy Mss, Peabody Institute; Vespasian Ellis to J. Scott Harrison, 3 September 1856, John Scott Harrison Mss, LC; Vespasian Ellis to Alexander H. H. Stuart, 1 October 1856, Stuart Mss, University of Virginia.

38Robert McLane to James Buchanan, 1 November 1856, Buchanan Mss, HSP; HWD to SFDP, 29 October 1856, WMss 9-8058.
and one Irish ward heeler were murdered, and a general riot broke out in the 6th and 7th wards when the militant Irish Club of the 8th ward invaded the polls. Nationwide it was a peaceful contest. Buchanan carried the entire South, his home state of Pennsylvania, New Jersey, Indiana, Illinois, and California, and was the victor by a narrow margin.  

"However it may have you elsewhere—and it seems bad enough," Davis wrote Du Pont the day after the election, "you will join me in rejoicing that Md. stands firmly; and especially that Balto gives 7,000 [majority] for Fillmore; and more especially that 6,000 of the 7,000 majority are in my heretical and ostracized district." He considered that "rather a good endorsement on change" in the political life of Baltimore and Maryland. Indeed, Maryland was the only state Fillmore carried.

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39Baltimore Clipper, 5, 6 November 1856; Baltimore Sun, 5 November 1856.

40HWD to SFDP, 5 November 1856, WMss 9-8064.
"Women are the good beings whom ignorantly we worship and confide in during our simple childhood," Henry Winter Davis once speculated, "and who only lift the veil when maturer reason can appreciate the necessity, yet not cease to adore the source, of our happiness when found to be so much nearer and so much more real than we supposed."

There had been many women in Davis' life, but death and circumstances had separated all of them from him. His mother became mentally unstable when he was a boy and she died shortly thereafter. His aunt Elizabeth, who raised him and supported him through law school, was now in ill-health and lived a secluded life in Jefferson County, Virginia. His sister Jane had married a missionary and lived half way around the world in China. Six years had passed since Constance had died.

For five years after Connie's death, Davis remained virtually unattentive to women. The move to Baltimore, travel in Europe, his total engagement in law and politics, and time removed much of his sorrow. Eventually the painfulness of living alone dictated a change. The alteration was apparent in the summer of 1855. While vacationing at the Cape May, New Jersey, seashore, he was seen in the company of not one but several ladies. Mrs. Du Pont was scandalized. The gossipy old recluse had heard rumors that Davis was secretly engaged to several different women. She dismissed the tales as unfounded but noted that
"one report however was more repeated and dwelt on than the rest, and reached me thru three or four persons." She gave it little credence "because the lady in question, a widow, was described as a very gay, dressy, fashionable woman, to use the vulgar phrase a 'fast woman'." She knew "such a description would never be that of any one he could love."1

Davis' attentions to the widow Brown were probably only a cover for the real affair that he wished to keep secret. In August 1855, while engrossed in his first congressional contest, he visited New York with a party of Baltimore socialites, among them a Miss Nancy Morris. Shortly after his election to the House, he became secretly engaged to her and kept the secret for almost a year. In September of 1856 he finally disclosed to the Du Ponts that he was to be married within a month. But death of a relative of Nancy's postponed the occasion.2

In preparation for his marriage, Davis sought a larger home than the law office and "box" he rented in Baltimore. He purchased a house with a downstairs wing for his office, across the street from his former residence on Baltimore's fashionable St. Paul's Street, lawyers' row. The house was fairly large and well organized; a large brick building, it had an air of elegance as befitted the city's congressman. Aside from the kitchen and servants' quarters, it consisted of nine rooms. Davis' office, with large bay windows facing the street, occupied most of the first floor and became a frequent gathering place

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1HWD to SMDP, 24 December 1854, WMss 9-25940; SMDP to Jane Syle, 8 January 1857, WMss 9-22426.

2SMDP to Clementia Smith, 23 January 1857, WMss 9-22427.
for politicians in the city. Refurnishing the old residence was an
immense task. He plunged into "the great bother of papering, painting,
leading, etc., etc., etc., so as to be done with in once and for all."
The "piles of dust, literary and other" were soon removed and his "piles
of books waiting translation" were eventually installed in his new
office so that by the end of June 1856, he formally moved his law
practice there. With Nancy's help, he furnished his new residence.
The total cost for house and furnishing was estimated at $35,000, a
small fortune in those days.3

"My affair is to be closed some time between this and the 15th
January," he informed the Captain at the end of December. Unfortunately
his plans were again delayed. Finally on January 27, 1857, at nine
o'clock in the evening, Henry Winter Davis and Nancy Hollingsworth
Morris were married at St. Paul's Episcopal Church by old Dr. William
E. Wyatt. "The bride does not look Young," Du Pont reported to his
wife, "but she is pleasing .... A true lady in her manner and expres­
sion, but not at all handsome." Even by the standards of the day,
Nancy Morris was a homely creature, but she was educated, intelligent,
and the daughter of one of the wealthiest and most influential men in
Baltimore, John Boucher Morris, old-line Whig and president of the
Merchants Bank of Baltimore. Although five years older, Davis looked
younger than his bride. At thirty-nine years old, he was a boyish,
handsome man. His sturdy six-foot frame, his broad, massive forehead,

3HWD to SFDP, 14 June 1856, WMss 9-7923; Baltimore Clipper,
30 June 1856; SFDP to SMDP, 30 November 1856, WMss 9-1833; SFDP to
SMDP, 1 December 1856, WMss 9-1834; 1860 Census Population Schedule
Mss, Maryland, City of Baltimore, Ward 10.
with its full mass of auburn brown hair betrayed few signs of his age. The select party of one hundred and fifty guests included most of the city's dignitaries, as well as his first wife's mother, sister, and cousins. "The supper was very handsome and hot," Du Pont related, "with nice things which these Baltimore people go for--Mr. Morris was especially civil to me--all were home by 12 o'clock."

The following day, the newlyweds were on their way to Washington, D.C., for Congress was then in session. When Captain Du Pont met them at the train station, he thought "the Bride appeared younger" than the night before. With Du Pont and Elizabeth Glenn, Nancy's closest friend, the couple visited the Capitol where Davis took care of routine business, and then they roamed the avenues of Washington. After a full day in her company, the Captain judged Nancy to have "a quick mind," to be "refined," and "far from being a shy woman, she is very sociable--and seems with perfect taste." Du Pont was embarrassed that they received no callers upon arriving in the city. "Davis ... begins to regret, I can see, his not having paid more attention to his social duties about visiting." When they returned from dinner, Du Pont noted many calling cards in their basket at the hotel and was relieved that they had not been snubbed. A few days later their brief honeymoon was ended. Nancy settled into their new home in Baltimore and Davis turned his attentions to Congress, commuting to Washington four days a week.5

The Third Session of the Thirty-Fourth Congress convened on the

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5SFDP to SMDP, 31 January 1857, WMss 9-1853.
first day of December 1856. President Pierce's final message interpreted Buchanan's election as a vindication of his four years in office. This provoked extremists of both the Republican and Democratic parties into a lengthy debate. In the House, business was delayed while numerous speeches consumed the daily meetings. Davis took the first possible opportunity to join in the chorus berating Pierce.6

In a speech entitled "The Teachings of the Late Election," he labeled the President's message "the most ungracious sarcasm ever flung by a President on the people who lifted him above his fellows." It was "an evil example" he said for the President to have "departed, in the language of his message, from the severe courtesy, the respectful reserve, [and] the passionless dignity observed by his predecessors" and to have "poured out the bitterness of his heart" on the judgment of the American voters. Contrary to Pierce's claim that Buchanan's election was an endorsement of his rule, Davis declared that as only a minority elected Buchanan, that only a minority were in favor of the Kansas-Nebraska Act, and that only a minority approved of Pierce's administration.7

In language reminiscent of his fall campaign speeches, Davis pronounced the Democratic party to be at an end. "The death-wound, I rather think, has been dealt to that party which insolently boasted itself a perpetual plague to the republic." Divided on every question of domestic policy, the Democrats had long boasted that on the slavery question, the "shibboleth of their faith," they were united. But now, over the Kansas-Nebraska Act, they had divided: "It can not be pushed

6CG 34th-3rd-16, 26, 27.
7CG 34th-3rd-Appendix-122-126.
aside as a mere diversity of opinion on the Kansas-Nebraska Act, because it is carried back to the very foundation of the Constitution."

That act, passed by a Democratic Congress, was "an electioneering maneuver," which protected "neither a Territory, nor a state, nor a constitutional principle, nor peace." It was designed to elect a minority president and it had been successful. But in the process, he declared, it destroyed the Democratic party.

Davis predicted that the first morning reception of Buchanan's administration would be a ludicrous scene. Buchanan, "a quiet, simple, fair-spoken gentleman, versed in the bypaths and indirect crooked ways whereby he met his crown," would see how uneasy the crown set upon his head. For that morning, Southern Democrats would come and congratulate him for preserving the Union, and others, disunionists, would congratulate him for defeating Fillmore, "whose quiet administration might have postponed the inevitable"—"civil war." Southerners would celebrate the triumph over the North, while Yankees would only whisper "Buchanan, Breckenridge, and Free Kansas." The Democracy was divided into two wings and had little left in common outside its name. And the great lesson taught by the election was that sectional parties were condemned by the majority of the country "as common disturbers of the public peace."

In marked contrast to the section Democratic and Republican parties stood the national American party, "thinned by desertions, but still unshaken." Had the Northern Americans showed moderation and held to "the great American principle of silence on the negro question," he said, the Americans and Fillmore would have won. He appealed to the North Americans to return to their party; only a strong American party
could settle the sectional discord. "This is the great mission of the American party," he claimed. Halt the sectional agitation, he cried, or the country will find itself "in the midst of an agitation compared to which that of Kansas was a summer's sea; whose instruments will be, not words, but the sword." Although his speech was well received throughout the country, it did little to rally support for the sagging American party of sectional peace.8

In mid-January Davis was appointed by Speaker Banks as chairman of a five-man investigating committee to look into charges of bribery and malfeasance brought against four members of the House by the press. For weeks Davis conducted hearings to gather evidence against Representatives William A. Gilbert, Orasmus B. Matteson, and Francis S. Edwards of New York and William W. Welch of Connecticut, who were charged with accepting bribes in return for their vote on an Iowa land bill. In addition, Gilbert was accused of receiving kickbacks amounting to several thousand dollars on the publication of a House land document. The Davis committee hearings drew large crowds excited by the scandalous testimony. After the committee elicited all the pertinent facts it prepared its report which Davis attempted to present to the House on February 19. Many Republicans tried to block even a reading of the report on the four Republican Congressmen, but after skillful maneuvering Davis succeeded in reading the report and making a short speech. "Davis has again loomed up in the House in the largest proportions," Du Pont commented to his wife. He made a "short off hand speech of the most telling effect they say--so much at a certain part of it there was a

8Ibid.
loud utterance of 'Good, Good'." His comments won the House's approval.
"The silence it is said was breathless," Du Pont concluded.9

When the committee's report was considered for debate six days later, many members urged the dismissal of the case as beyond the authority of Congress. Davis rose to defend his report and the recommendations for the expulsion of Congressman Gilbert and the censure of Matteson for complicity with Gilbert. The investigation, he said, was without precedent in England, France, or even the United States. It was the first time a parliamentary body had ever exposed corruption among its own members. To investigate but not punish, he declared, was to "give immunity to the guilty, and to perpetuate corruption. It is to make the House the accessories after the fact."
He invoked the House to either acquit or condemn upon the evidence presented, but not to dismiss. The accused were all members of the majority party and thus "to punish them will be seen as a sorrowful act of high justice" and not as an act of revenge against the minority. The motion to dismiss the charges and the substitute resolutions were voted down, but before a direct vote of expulsion could be taken Congressman Gilbert resigned his seat. Davis' motion to censure Congressman Matteson was adopted by an overwhelming vote of 145 to 17. The appalling display of bribery and corruption he exposed brought him national prominence.

Newspapers throughout the country commended the Davis investigating committee and the vote by the House, but none were more enthusiastic

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than the Baltimore press which hailed him as "the incorruptible Davis." One newspaper commented that his "independent course" as chairman of the investigating committee was characteristic of his entire efforts in the Thirty-Fourth Congress. From the start Davis had supported efforts to avoid sectional discord by supporting an independent candidate for Speaker. He had opposed the establishment of the Kansas investigating committee as "more heated air." Moderation governed his votes on the Brooks-Summer affair as well as the controversial Kansas Proviso to the Army Appropriation bill. For Baltimore he had secured the passage of a harbor bill, and had engineered its passage over President Pierce's veto. He had also helped secure $300,000 for a new post office building and $200,000 for a federal court house for Baltimore. He won a minor victory by the passage of the Washington, D.C., Election Act. His most significant achievement in that Congress was to force Congress to discipline its corrupt members. That investigation did much to bolster his shaky political prospects and relieve many of his "Aiken Pains."  

Congress adjourned sine die on March 4, 1857, the day of James Buchanan's inaugural, and the following Sunday the Davises invited friends to their Baltimore home to join them in celebrating the end of his first term in Congress. Du Pont reported that "D. himself is suffering from a headache and the exhaustion of the last week of Congress has not yet passed off." Characteristically Davis brooded over affairs in Congress while the others made lively conversation. A

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10Baltimore Clipper, 24 February 1857; CG 34th-3rd-905; New York Herald, 25 February 1857; Baltimore American, 3 March 1857; New York Tribune, 6 March 1857; Dr. Henry to David Davis, 10 March 1857, David Davis Mss, CHS.
friend tried to break him away from his thoughts with the admonition, "Davis, you seem as if you were still on that investigation committee." ¹¹

During the spring of 1857 Davis and his expectant wife Nancy remained in Baltimore except for his frequent trips to Washington on legal business and her occasional visits with her relatives in the nearby Maryland countryside. Together they visited the Du Ponts at Louviers. Returning to his law practice, Davis told the captain, "every time I catch a sniff of fresh air untainted by legal dust I think of the Brandywine and envy you in Happy Valley." Du Pont reported that the new husband was "well and buoyant as ever—very happy in his second marriage evidently; though I was one that believed that Connie Gardner could not be replaced to him." Except that he still felt Davis "looks younger than his wife, which he is not by a proper number of years," Nancy seemed a perfect wife. "She is a very quiet, refined person, with a strong vein of wit kept in proper subjection." ¹²

Involved in his law practice, his family and friends, Davis was politically inactive during the spring and summer of 1857. Although he did not attend the American national convention in Louisville, he was appointed to its thirteen-member National Central Committee. Without his authorization, his name was presented at his party's city convention in June as a candidate for the at-large delegate to the state convention, but he was not elected. His indifference to politics, however, was of short duration. Having experienced no serious reverse in the previous

¹¹SFDP to SMDP, 8 March 1857, WMss 9-1875.

¹²HWD to SFDP, 2 April 1857, WMss 9-8243; SFDP to Edward Syle, 9 November 1857, WMss 9-1934.
Congress and harboring great political ambition, Davis probably never considered retiring after one term in the House. In July he was informed by "divers good sources" that his close friend in the Friday Club, Severn Teackle Wallis, a former Whig recently defected to the Democracy, was being urged to run against him, "with the distinct promise that failure will be rewarded by the Spanish or other mission of dignity." Davis regarded that as "good pay" for a "licking," but thought "Wallis has too much stomach for the stripes." When Wallis declined to run, Davis began to doubt that he would have even a "pro forma opposition."13

In the state American prospects looked particularly good. "We shall gain the Governor and one congressman more than last time," Davis predicted. He was certain that "the opposition is broken to pieces. The Locofocos can't even nominate a Governor." He was surprised when the Democrats named Colonel John C. Groome to oppose Thomas Holliday Hicks, a crusty old Eastern Shore farmer lately affiliated with the Americans. Davis considered Groome no competition for Hicks.14

Outside of Maryland, the American party's prospects were not encouraging. Davis was sorely disappointed with the recently adopted American platform—it was not specific enough on naturalization and not vague enough on slavery. When the southern states, particularly Kentucky, failed to swing back into the American column in summer elections, he began "to despond of any speedy turn of the tide." He

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14Baltimore Clipper, 24 July 1857, for details of the American state convention; Baltimore Sun, 31 July 1857, for the Democratic state convention.
feared that "the great dissatisfaction with Buchanan in the South will ... expire for want of vigorous nourishing." The permanent secession of the North Americans from the party was even more disastrous for the party's future. "Oh if our friends of the North had only been wise," he lamented to a New Jersey friend. If they had simply united "all who were Americans on the American issue" and "held the tongue on the negro issue--then the Union would now be as Maryland is." Still he had hopes for rallying the party and bringing "our people at the north back again," but it could only be on the principle of "silence and abstinence from agitation." The North and the South would never agree on the morality of slavery, "but the Locofoocos agreed to keep silence between themselves on the subject and why cannot we imitate their wisdom." All that was needed in place of "the trash of the 12th Section" of the 1856 American platform, "which ruined us," was "a simple declaration of the right of the citizens of a territory to form their own institutions when they form their Constitution--only let us draw the line excluding squatter sovereignty." Such a statement should be the American platform for the next presidential contest and the basis for actions of the Americans in Congress.15

On August 12 a specially elected American congressional convention met at the Temperance Temple in Baltimore to nominate a candidate for Congress. Present were sixty delegates, five each from the twelve wards that composed the Fourth Congressional District. After haggling over resolutions endorsing Davis for his "character and principles as

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15HWD to James Bishop, c. 1 August 1857, Davis Bishop Mss, Rutgers University.
a Southern man," for his "refusing to unite with the black Republicans of the North or with the ultra locofocos of the South," and for his vote on the Army Appropriation bill, the resolutions were tabled, and Davis was unanimously nominated.  

Davis' acceptance speech was actually a keynote address for his party's state campaign rather than a stump speech for his own candidacy. He attacked Colonel John C. Groome, a former Whig, as an "independent stooge" being used by the Democrats. After detailing the accomplishments of the American-dominated state legislature, he seized on an economic issue—the growing unemployment in Baltimore and the rising cost of living throughout the state. He noted that the Democratic administration in Washington had not spent the funds he secured from Congress for a new post office and courthouse, thus depriving Baltimore workmen of needed jobs. He closed with a sweeping indictment of President Buchanan and his position on "free Kansas."  

Economics and Kansas became the two issues of the 1857 campaign. Late in September, while the campaign was still young, the financial crisis that previously struck New York reached Baltimore. Stocks fell to extremely low levels, commodity prices dipped, and bankruptcies were frequent. Banks in Baltimore held an emergency meeting after which the city's leading financier, Johns Hopkins, announced the suspension of specie payment in the city. At campaign rallies throughout the state

16Baltimore American, 13 August 1857; Baltimore Sun, 13 August 1857.

17Ibid.; see the Baltimore Clipper, 13 August 1857, for the best report of the speech.
Davis emphasized the tax cut passed by the American-controlled legislature, the establishment of a ratio license system which aided smaller businesses, the Baltimore harbor improvement bill which made it possible for the port to receive the largest draft vessels, and the unwillingness of Buchanan's administration to spend the one-half million dollars appropriated for construction of federal offices in Baltimore. Editorials in American party papers blasted "the ruinous effects of Democratic measures," and the influx of foreign workmen who undercut American workers. Editorials also attacked the low Democratic tariff which was said to be the cause of the depression. "So long as Democratic legislation gives foreigners access to our market almost free of taxation," claimed one editorial writer, "the country must occasionally be drained of its specie."18

In other speeches Davis riddled Buchanan's Kansas policy as a "political trick--teaching one thing to the North, and another to the South." The entire administration he called a "conglomerate mass of deception calculated only to mislead the country." Buchanan was pledged to make Kansas a slave state, but all the while the President was using the army to protect the Free soil settlers so that Kansas would remain free. Buchanan's whole policy was misrepresentation in order to keep both factions mollified. But soon, Davis cried, the President's real course "would come out."19

Determined to win a smashing victory, Davis made an all-out

18Baltimore American, 28 September 1857; Baltimore Clipper, 28 September 1857; Baltimore Sun, 30 September 1857.

19Baltimore Clipper, 22, 29 October 1857.
effort to reach as many of the voters as possible. Tirelessly he traveled the state speaking at rallies and lodge meetings. His fearlessness in campaigning is shown in an anecdote told of a speech he made in a predominant Democratic ward. A local fire company had sworn to mob him if he spoke at the Cross Street Market Hall. On the evening of the scheduled speech, Davis arrived in an open carriage, wearing a full dress suit, white gloves and a silk hat. Stepping down from the carriage, he walked slowly, took off his gloves, placed them in his hat, and began the speech. The crowd, half American and half Democratic, were awed by his magnificent speech and listened intently. After he finished the hour-long speech, he bowed to the applause and freely walked out of the hall with no attempt made to stop him. After the speech one man was heard to say: "That's the man for my vote. He as good as said, 'damn you, I don't care for you—put that in your pipe and smoke it'."

The Democrats did not name a candidate to run against Davis until three weeks before the election. He was a former Whig, Henry P. Brooks, a relative of the famous cane-carrying South Carolinian, Preston S. Brooks. After their overwhelming defeat in the October city council elections, the Democrats had no hope of victory. Rather, Brooks was induced to run against Davis in the hope that excessive frauds at the polling places would enable the Democratic Congress to void the election. A week before the election, Governor T. Watkins Ligon wrote Mayor Thomas Swann asking what steps he had planned to ensure safety at the polls in Baltimore. Swann indignantly replied that the regular force

20Steiner, Life of Henry Winter Davis, 114.
plus extra police would maintain order. Not satisfied with the Mayor's plan, the Governor instructed the commander of the state's militia to have his entire troops ready to occupy Baltimore. Davis urged Swann to stand up to the Governor and not allow martial law to be proclaimed as President Buchanan had recently done in Washington, D.C. "I advised him to yield nothing to the Governor," Davis reported, "but let him call his military into the streets of Baltimore if he dared."21

On election day, the Governor recoiled from calling out the militia. Although the police were vigilant, fights broke out between the American political clubs, the Rip Raps, the Blood Tubs, and the Plug Unglies, and the fire companies on the city's east side. But on the city's west side, Davis' district, the police maintained substantial order. Several were arrested for fighting in the 8th and 9th wards, and an intruder from Washington was shot to death for interfering at the polls in the 12th ward. Although the city's Democratic newspaper, the Baltimore Sun, complained of brutal violence in Davis' district and the inability of any naturalized citizen to vote, the turnout in the Fourth District was normal for a non-presidential year. Over fourteen thousand votes were cast, of which Davis received 10,528 and Brooks only 3,999.22

A jubilant Davis wrote Mrs. Du Pont after the election results were known. "I think the Captain would enjoy the military aspect it

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21Baltimore Sun, 16, 29, 30 October 1857; Baltimore Clipper, 24 October 1857; T. W. Ligon to Swann, 27 October 1857, Swann to Ligon, 28 October 1857, Executive Letterbook, Governors Mss, Maryland Hall of Records; CG 38th-1st-2190.

22Baltimore Sun, 5, 6 November 1857; Baltimore Clipper, 6 November 1857.
at one time assumed and especially our backing out the Governor's soldiers and all then beating them 10,000 in the State," he chanted. He labeled the Governor's actions "a bold attempt to overcome the freedom of elections here as the President did in Washington." In Washington, twelve unarmed citizens had been gunned down by marines without warning, but the Democrats realized that in Baltimore the shooting would not all be on one side. "For three days however we were on the brink of civil war," he noted, "and the whole of last Sunday (the 1st) I was engaged in the negotiations to bring the Governor to his senses." In Davis' opinion it was a fair election and a victory hard-earned. He considered his overwhelming victory as vindication of his course in Congress by his constituents and proof positive that his "Aiken pains" were gone. But perhaps more satisfying than his re-election was the birth of his first child, Anna Hollingsworth Davis, born only four days after the election.23

23HWD to SMDP, 9 November 1857, WMss 9-26125; SMDP to SFDP, 22 November 1857, WMss 9-22525; T. Swann to Salmon P. Chase, 15 November 1857, Chase Mss, HSP.
Chapter 7

THE PREVENTION OF EVIL

The tiresome campaign for re-election and the birth of his first child, Anne, left Davis "worried to death" and "getting quite grey." But after the votes were counted and after the doctor pronounced mother and daughter as doing fine, Davis was off to Alexandria on legal business. Little in the practice of law interested him except thorny constitutional issues and cases that seemed impossible to win. In Alexandria Davis took on a client who was presumed guilty even by his family. An old friend was accused of arson—burning down his warehouse to collect the insurance. At the trial, Davis masterfully reconstructed the events of the evening of the fire and then presented a surprise witness who established an ironclad alibi for his client. After winning that case, Davis hurried back to Baltimore to defend a man indicted for murder. Although the man admitted his guilt to Davis, Davis won the jury with his summation and the accused escaped with a verdict of manslaughter. But the law was only a diversion and within a month Davis was commuting daily to Washington for the Thirty-Fifth Congress.¹

While the Congress assembled, Davis' former classmate at the University of Virginia, James L. Orr, a large, powerfully built man,

¹SMDP to SFDP, 22 November 1857, WMss 9-22525; SMDP to SFDP, 4 December 1857, WMss 9-22526; SMDP to SFDP, 27 December 1857, WMss 9-22533.
with a frank, ruddy face and a loud, booming voice was elected Speaker. The following day President Buchanan's message was read. It included a recommendation for a Pacific railroad, a condemnation of filibustering in South America, and a Kansas policy suggested by his Cabinet, principally by Howell Cobb, Secretary of the Treasury. Defending the Lecompton constitution, Buchanan urged the voters of Kansas to ratify it in the plebiscite to be held on December 21.²

The first issue to arise in the House, however, was not the railroad or Kansas, but the administration's efforts to save the economy in the aftermath of the Panic of 1857. While most Republicans and Americans—reflecting their old Whig origins—blamed the depression on the Walker Tariff of 1846 and the more recent tariff reduction passed in 1857, Buchanan—an old Jacksonian—saw the evil in the 1400 state banks. To remedy the shortage of funds in the Treasury, the President and Secretary Cobb proposed the issuance of twenty million dollars of treasury notes. A bill to that effect was introduced in the House by J. Glancy Jones of Pennsylvania, a close personal friend of Buchanan's and newly appointed Chairman of the Committee on Ways and Means. It met immediate and bitter opposition from Davis.³

Davis had a low opinion of Jones' financial knowledge. As an example of the chairman's ignorance Davis related that when Jones claimed the notes were to be issued at par "Jones maintained that par meant whatever any bidder might give for them!! The dems have added

²CG 35th-1st-2; Allan Nevins, The Emergence of Lincoln (New York, 1950), I, 248.

to their numbers" in the House, Davis noted, "but not to their intellectual strength either North or South."¹

Davis' primary objection to the President's plan was that it contained a "bankrupt bill" which would allow the government to close state banks which suspended specie payments. Temporary specie suspension such as that effected in Baltimore, Davis said, was merely "following the best precedents of the greatest financial minds of this country and England." By suspending specie payment for three months, he claimed, permanent defaults were prevented and economic disaster was avoided. Furthermore, Davis felt the introduction of treasury notes would merely inflate the currency now in existence. "In one breath, the honorable gentleman at the head of the Treasury Department talks about the danger of an inflated currency," Davis noted, and "in the very same breath desires to throw on the country $20,000,000 excess."

Davis also objected to the Treasury note scheme from fundamental principles. The panic and depression which followed were not a mere temporary disorder in the country. "I apprehend that it has affected the business of the country to its very foundations." Thus the situation demanded permanent reform instead of a temporary scheme. He urged the reestablishment of the sub-treasury system and the institution of a federal banking system with a federal currency. In addition, he called for an upward revision of the tariff, which he said would decrease the speculative tendency in the country. When he closed his speech, Davis felt "the Administration was rather staggered by the Opposition fire." Yet when the treasury note bill was put to a vote it

¹HWD to SFDP, c. 20 December 1857, WMss 9-8706.
passed, 118-86. The opposition's fire was not strong enough.\(^5\)

While discussing the Tariff of 1857, Davis aroused the press of the country to anger. A newspaper article charged that unnamed members had accepted bribes to influence the passage of that tariff. When an investigation similar to the one which he conducted in the previous Congress was proposed, Davis spoke in favor of such an inquiry. But at the end of his address he mentioned that one newspaper article was insufficient to bring about an investigation, for "there is no man who hold the comments of the political press of the country in more utter contempt than I do." Newspapers throughout the country reacted strongly to his speech, the Democratic newspapers coming down on him "tooth and claw," he thought. Even the Baltimore *American*, a Know-Nothing paper, accused him of slander and "an unfortunate proclivity for doing and saying unnecessary things that have on more than one occasion pained his friends." Although admitting his ability and integrity, the *American* decried his lack "of sound practical judgment" and his inability "to know when he has exactly said or done enough."\(^6\)

A week after his attack on the press, the University of Virginia withdrew an invitation that had been extended to him to address the student body of his alma mater. The Jefferson Society, a co-sponsor of the speech, held a meeting to condemn Davis. Commenting on the incident, the *New York Times* called Davis "perhaps one of the best abused men of the day." But the insults of the press and the University of Virginia


\(^6\)Ibid., 306; SMDP to SFDP, 23 January 1858, WMss 9-22549; Baltimore *American*, 19 January 1858.
only made him more impudent. In a letter to Mrs. Du Pont he claimed his attack on the press had "told—or they would not have set up such a howl of rage." The abusive editorials inclined him "to fling another stone in the same nest," but Nancy dissuaded him, saying he had become a "nuisance in the papers."  

Davis spoke on almost every issue that arose in the House during the Thirty-Fifth Congress—the Pacific railroad, the tariff, and the admission of Kansas under the Lecompton constitution. No longer a freshman Congressman, he began to assume the pose of the leader of the "Opposition" in the House, the uneasy alliance of those opposed to the administration.

Davis supported the establishment of a Pacific railroad. To Southern Democrats who attacked the constitutionality of Congress to build a transcontinental railroad, Davis replied that the authority was "where Mr. Jefferson found authority to commence the national road; where Mr. Monroe, Mr. John Quincy Adams, and General Jackson found authority to continue it." That authority was in the clauses of the Constitution which authorized Congress to provide for the common defense and to regulate commerce among the states. In order to adequately protect its Pacific coast the United States had to have a railroad that could speedily transport troops there. 

The most controversial issue of the Thirty-Fifth Congress was the admission of Kansas under the Lecompton constitution. A constitutional
convention representing less than one quarter of the territory's population met at Lecompton and framed a constitution. Davis considered it grossly unfair. Only the slave clauses of the constitution were submitted to the people for ratification; if they were approved, Kansas would come into the Union as a slave state; but if they were rejected, slaves already in Kansas would remain in slavery. Buchanan supported the Lecompton constitution on orders of the "fire-eaters," Davis wrote, but there were more than enough anti-Lecompton Democrats in the House to defeat the Southern locofocos. "My vote will certainly be on that side in spite of all consequences," he confided, "so that there is, I think, final breakdown of the Administration, and dissolution of the Locofocos at the threshold of the Administration." The final destruction of the Democratic party was "righteous retribution for the Kansas inequities." During the early weeks of the session he claimed he was "trying to beat common sense into the heads of the South Americans! and if I can the opposition will be united and the masters of the country." 9

The administration decided to make the admission of Kansas with the Lecompton constitution the test of party orthodoxy. This led to the most violent contest ever held in the House. "The pot is boiling and there are as many ingredients in it as ever the witches put in their caldron," wrote one Congressman. As the debates lengthened, tempers shortened. Pennsylvania Republican Galshua Grow while making a speech late one night happened to wander over to the Democratic side of the House. South Carolina Democrat Lawrence Keitt, wearied by the

9HWD to SFDP, c. 20 February 1857, WMss 9-8706; Nevins, Emergence of Lincoln, I, 261-262.
lateness of the hour—it was 2 A.M.—and perhaps under the influence of stimulants intended to keep him awake, yelled to Grow, "Go back to your side of the House you Black Republican puppy!" Grow defiantly replied with some comment that ended in "nigger drivers." A scuffle ensued in which Grow knocked Keitt down. A general melee then broke out between members on both sides. "Had it continued one minute longer," Congressman Dawes recounted, "It would have involved the whole house." During the scuffle, Washburne of Illinois knocked off Mississippian Barksdale's wig and in the commotion he put it back on with the wrong side out. Laughter halted the fighting and order was restored. At 6:30 in the morning the House adjourned till Monday when it agreed to take a vote on the Lecompton question.10

When the House reconvened, many of the members were armed with pistols, knives, or canes. On the question to refer the President's message to a select committee instead of to Alexander H. Stephen's Committee on Territories, the opposition succeeded, 114 to 113. But the "opposition" was not as strong as Davis had hoped—it was composed of all 91 Republicans, 22 Douglas Democrats, but only one American, Davis. The Democratic press immediately assailed Davis' alliance with the opposition. The Washington Star went so far as to claim that by his vote Davis had driven millions of dollars of trade from Baltimore. But Davis was resolute. "I am in for the war," he declared, "I may fall but I will not retreat."11

10Henry L. Dawes to wife, 3 January, 6 February 1858, Dawes Mss, LC; Nevins, Emergence of Lincoln, I, 288; Roy F. Nichols, The Disruption of American Democracy (New York, 1948), 165.

11Dawes to wife, 8 February 1858, Dawes Mss, LC; Washington Star, 24 February 1858; CG 35th-1st-622.
On March 30, Davis obtained the floor of the House to speak "Against the Lecompton Frauds," as his speech was entitled. He ridiculed Buchanan for claiming to be the "godfather of popular sovereignty" while opposing a popular vote on the entire Lecompton constitution. He said he opposed that "piece of parchment" but not because it contained slavery as his critics alleged. If slavery were included "by the will of the people, it ought not to weigh with the weight of the dust in the balance upon the question." It was not slavery, but the legality of the convention which led him to oppose the constitution. The call for the convention was "the first blunder--to be followed up consecutively and logically by other blunders in law, in policy as well as in morals." Not only was the constitution adopted by illegal methods, but also the territory's population was too small. Instead of the requisite 90,000 inhabitants, Kansas had barely 25,000 persons. In concluding his lengthy speech, Davis labeled the President's Kansas policy "high treason against the right of the people to govern themselves." To force the Lecompton constitution on the people would result in "civil war in Kansas." Give the people the opportunity to express their will on the document, he urged, and allow them to come in "at the proper time, with a proper population."12

On April Fool's Day the House voted on a substitute for the Lecompton bill submitted by anti-Lecompton Democrat William Montgomery of Pennsylvania. Montgomery's amendment, similar to one introduced by Senator John J. Crittenden and defeated in the Senate, proposed to have

12HWD to SMDP, 2 March 1858, WMss 9-26158; Davis, Speeches and Addresses, 83-86, 97-102.
the constitution resubmitted to the people of Kansas. "We had a very exciting time," Congressman Dawes reported, "not a noisy but a deep silent excitement—an intensity of feeling which forbid noise." The galleries were filled to capacity and for the first time that anyone could remember all members were present, including one infirm Democrat who had to be carried in on a stretcher. On the final vote, the Montgomery substitute was passed, 122 to 120. The opposition had finally united with 92 Republicans, 22 Douglas Democrats and 6 Americans, including Davis.13

When the Senate rejected House version, the bill went to a conference committee. There the administration coupled the Lecompton constitution with an appropriation of a large grant of public land. Thus, if the voters of Kansas rejected the constitution they would not only lose the land but they would be forced to wait until Kansas' population reached 90,000 before it could apply again. This "bribed compromise" was submitted to the House on April 23. Davis reported that "the contest still hangs with nicely balanced scale, so close that no one can be certain of either result." Davis rallied the Americans to oppose the conference report, but the opposition broke down when thirteen anti-Lecompton Democrats, "who in the wilderness of opposition longed for the fleshpots of Egypt," succumbed to pressures by the administration. The House adopted the conference report, 112 to 103, and the Senate also accepted it. The Buchanan administration claimed

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13Nichols, Disruption of American Democracy, 169-181; CG 35th-1st-1437; Baltimore American, 2 April 1858, New York Tribune, 2 April 1858; Dawes to wife, 2 April 1858, Dawes Mss, LC.
a victory.  

The opposition claimed a victory also. Davis wrote that after the administration was "beaten by Mr. Crittenden's amendment, they set to work to parody it, change its name ... and finally got some northern sneakers to join them in passing it." In Davis' view it was "our victory and their ruin. It yields everything we insisted on, and they have been compelled to adopt and pass it." But the real victory, Davis thought, was the union of the opposition. "The Northern men have behaved as wisely this Cong as they did foolishly last Cong," he reported. "They were induced to unite on Mr. Crittenden's proposition and to adhere to it--to hold their tongues and say nothing imprudent." And when the six Americans united with the Republicans and anti-Lecompton Democrats, they "took the first and most difficult step towards uniting the northern and southern wings of the opposition." He now thought the possibility of making "common cause" with them was good. "If I could have gotten them to do so two years ago Fillmore or John M. Lane would now be Prest. It looks well for the future."  

With Lecompton disposed of, relatively minor subjects occupied the rest of the session. The opposition united to pass the Morrill Land Grant College Act only to have the President veto it. Davis and the Americans protested the admission of Minnesota because its constitution conferred suffrage on unnaturalized foreigners. The Americans led by

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14 HWD to SMDP, 21 April 1858, WMss 9-26171; HWD to SMDP, 30 April 1858, WMss 9-26177; New York Tribune, 24 April 1858; CG 35th-1st-1906.

15 HWD to SFDP, 2 May 1858, WMss 9-8888; New York Tribune, 10, 17 April 1858.
Davis also attempted to get Congress to pass a residency requirement for voting in Washington, D.C., elections.\textsuperscript{16}

The greatest source of distraction to Davis during the first session of Congress was the fact that his seat was being contested by Henry P. Brooks. Brooks' object in challenging the seat was not to have himself declared the victor as was usual in contested election cases, but instead to have the election vacated on grounds the result had been obtained by fraud. Brooks charged that large numbers of persons had been excluded and large numbers had voted illegally. The most sensational of the charges, one which amused Mrs. Du Pont, was "that a great many ladies went to the Polls, dressed in men's clothes, and voted."\textsuperscript{17}

On February 12, in the midst of the debates over Kansas, the Elections Committee reported the Davis-Brooks election case in Davis' favor. Several members used the time allotted for debate to attack Davis and the Know Nothings. Most bitter of the hostile speakers was balding, anemic Thomas F. Bowie of Maryland. While insinuating that Davis was responsible for the violence in Baltimore's elections, Bowie said that Davis had a "flimsy-flamsy, namby-pamby" mind. When the Speaker called Bowie to order for such a personal remark, Bowie replied that if Davis has a "crooked mind, if it does not go in the straight direction, it is not my fault, nor is my remark personal." Bowie called the American party of Maryland "a bloody party, won by the siren songs

\textsuperscript{16CG} 35th-1st-1742, 1978, 2356-2358, 2361, 2386; HWD to Israel Washburne, 20 May 1848, Israel Washburne Mss, LC; HWD to SFDP, 2 May 1858, WMss 9-8888.

\textsuperscript{17HWD} to SFDP, c. 20 December 1857, WMss 9-8706; SMDP to SFDP, 29 December 1858, WMss 9-22534.
of the sitting members." Despite the railing of the Democrats, the contested election case was dismissed by a vote of 110 to 86. Davis had been uncertain about how his case would go. "Nobody can tell what will be done," he had said, "but of course I should go back [to Congress] in two weeks with a greater majority" if he lost. He thought that the vote to dismiss the case revealed a strong "opposition" and proved that there was no "disciplined Locofoco majority."18

By the time Congress adjourned in the middle of June, Davis was completely disgusted with Buchanan's and the Democrats' rule. "In one year," he complained, "this Adm. has done more vile things than any for thirty years." Davis spent the summer and the fall primarily engaged in his legal practice. The Davises spent most of their time in Baltimore for Nancy was expecting her second child and little Annie was too young to travel.

For months Davis pondered ways "to obliterate the foolish division which in 1856 entailed defeat of the majority of the people." In the last presidential election he had hoped for a union of "the great body of the people not democrats" but was disappointed when "the fury of the hour blinded them and they went fighting each other in 1856 instead of uniting." Convinced that the events of that election and the last session of Congress had "opened their eyes," he met with leaders from numerous states in Washington with a view to uniting the opposition in the 1860 election. With hope he noted that "the Republicans are forsaking their objectionable views and the Americans are ceasing to be

18 Baltimore American, 13, 17 18 February 1858; CG 35th-lst-725, 727, 729, 733, 745, 746; Baltimore Clipper, 20 February 1858.
exclusive and narrow minded."19

By the opening of the second session of the Thirty-Fifth Congress, the opposition was "in high glee." Victories in Pennsylvania, Indiana, Ohio, Massachusetts, Illinois, Wisconsin, and Michigan had guaranteed that the House of Representatives in the Thirty-Sixth Congress would be controlled by the opposition. Davis delighted to know that the President would be reduced "to impotence in his own house in his second year." And following the opposition's organizing of the House in 1860, "there is every prospect of a union of the whole opposition on such a man as Bell or Corwin in 1860."20

Arriving in Washington for the term which began on December 6, 1858, Davis wrote Captain Du Pont that he looked "for nothing good" in that session, "only the prevention of evil--till next Congress." With the Lecompton question settled, most of the business of the session would be concerned with economic matters: the transcontinental railroad bill, a homestead bill, various internal improvements, and a revision of the tariff. The railroad bill was doomed to defeat because the location of the eastern terminus could not be agreed upon. In the House, the Republicans, backed by western Democrats, passed a homestead act only to have it killed by Vice President Breckinridge's deciding vote in the Senate. One of the major goals of the Buchanan administration was to reduce the federal budget from $81 million to $41 million. In a speech on the floor of Congress in February, Davis protested what he

19HWD to SFDP, 2 May 1858, WMss 9-8888; HWD to SMDP, 17 September 1858, WMss 9-26210.

20HWD to SFDP, 6 December 1858, WMss 9-9104.
felt was harmful economy. Cut extravagance in the Quartermaster's department, end theft in the Navy Yards, suspend the allocation of miscellaneous funds in all departments, he urged, but do not stop clearing the rivers, the erection of fortifications, or the construction of lighthouses. "Democratic economy," he charged, was "a war on all that is useful in government expenditures." But his objection had little effect.\footnote{Ibid.; CG 35th-2nd-1470; Sherman,\textit{ Recollections of Forty Years}, I, 154; Nichols,\textit{ Disruption of American Democracy}, 226-245.}

Pressure for an increase in the tariff came from several sources. Ironworkers of Pennsylvania and Maryland were particularly hard hit by the depression of 1857. The cost of producing iron rails had gone up to $45 a ton while England could export the same product, pay the tariff, and still sell it cheaper. Furthermore, a shortage in the Treasury forced the President to recommend specific or item raises of the tariff. A subcommittee of the House Ways and Means committee headed by Justin Morrill, hard-headed Yankee businessman, William A. Howard of Michigan, and Davis authored a new tariff bill. But inspite of backing from the "House tariff bloc," the Morrill Tariff was defeated. It was just one of numerous measures, Davis wrote, that would need to wait "till next Congress." The second session of the Thirty-Fifth Congress which adjourned in March 1859 was unusually barren of action. As the Baltimore American commented, only "a negative sort of praise may indeed be claimed for what had not been done."\footnote{Nichols,\textit{ Disruption of American Democracy}, 237; HWD to Justin Morrill, 20 August 1859, Morrill Mss, LC; Baltimore\textit{ American}, 4 March 1859.}
Davis was particularly anxious for the session to close. In January, almost on his second wedding anniversary, his second daughter, Lydia, was born prematurely. Within days the baby died. "There is little cause for mourning," Davis stoically confided to Mrs. Du Pont. "There was no prospect that the little one could ever be well or enjoy life and surely that was the time to leave life before the bitterness was tasted." He rejoiced that "a merciful providence spared it till Nancy was well enough to meet the loss without danger; and now she is quite well though still weak."23

When summer arrived, Nancy was still not fully recovered. Consequently, Davis planned a vacation at Cape May, New Jersey, for most of July. The salt water and fresh air were beneficial to them both. Rising at 4 A.M., they swam in the breakers before breakfast and the morning nap. Horseback riding around the cape or rolling duck pins preceded the noon swim and a lunch of mint julips and raw oysters. Following an afternoon nap, the guests at the hotels were served magnificent dinners after which they joined the grand promenade on the beach. They day was concluded with a dance at one of the hotels. Nancy and Winter vacationed for a month before his law practice called him back to Baltimore. When they returned, they found that their one and one-half year old daughter had been critically ill, but soon fully recovered. With his family’s health restored, politics once again claimed Davis' attention.24

23 HWD to SMDP, 28 January 1859, WMss 9-26247.

24 HWD to SFDP, c. June 1859, WMss 9-9607; HWD to SFDP, 26 July 1859, WMss 9-9462.
Sometime that summer Davis decided to seek a third term in the House. "In Md. we are pretty safe," he estimated, but "there is a sharp underground contest against me organized with considerable skill." That was a revival of the old Whig party. Upper class businessmen and professional men like John Pendleton Kennedy had been distrustful of the workingclass and middle-class Know-Nothing movement from its beginning and had refused to join it. A few of the old line Whigs joined the Democracy, but the mass remained unattached. In the spring of 1859, a well financed group approached Kennedy about running against Davis. But the plan collapsed when Kennedy refused. "I am too much turned towards philosophic life for that," the always ambitious aristocrat confided to his diary.25

The second major challenge to Davis' re-election came from within his own party. "A small and active and desperate squad are struggling to prevent my nomination," he wrote his friend Justin Morrill. He did not consider the threat to be very great, but professed he would be satisfied with either result as Nancy opposed him returning to Congress. "There is no numerical strength in the opposition to me," Davis reported, "but a few desperados in our great cities may always occasion great trouble by stacking ward meetings, throwing in three or four votes at once ...." The real danger, he feared, was the over confidence of his supporters.26

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25 J. P. Kennedy Journal, 7 April 1859, Kennedy Mss; HWD to SFDP, 10 August 1859, WMss 9-9476.

26 HWD to Morrill, 20 August 1859, Morrill Mss, LC; HWD to SFDP, c. 20 August 1859, WMss 9-9495; SMDP to Edward Syle, 27 August 1859, WMss 9-22714.
On August 23, 1859, ward meetings were held throughout the city to choose delegates for a nominating convention that would meet on the following evening. As the results of the ward meetings became known, it appeared that Davis' supporters had captured the convention. But when the convention assembled the following evening a great many more delegates appeared. To accommodate the larger crowd the meeting was adjourned to the New Assembly Rooms, a larger meeting hall. Great disorder prevailed as the meeting was called to order by a temporary chairman. An unruly crowd outside, demanding admittance to the crowded room, finally broke the doors down and a general free-for-all ensued. The city marshall and a large body of policemen were called to restore order. After several arrests were made, the meeting adjourned to meet again the next night.27

At a conference that night Davis discovered what had occurred. State legislator Coleman Yellott, a formidable rival, had organized a secret movement to deprive him of the nomination. Yellott's supporters had packed normally safe Davis wards capturing a sizeable number of the delegates. The nomination was thus in doubt. When the convention reassembled, the chairman instructed the doorkeeper to allow only delegates into the room. Competing delegations from the 18th and 19th wards were referred to the credentials committee. Unable or unwilling to make a determination between the Davis and Yellott delegations from those districts, the convention referred contested cases to the voters in the wards. A special election was called for the following Monday

27 Baltimore Clipper, 24, 25 August 1859.
Davis' supporters turned out in great numbers at the ward elections, and his slate was easily elected. In the 18th ward there was a large vote with no disruption, but in the 19th there were frequent brawls and the police made numerous arrests. When the convention reassembled with the certified delegates from the two wards present, Davis was nominated by a vote of 35 to 15 with 10 abstaining.

Davis was pleased by the nomination. "The scuffle with the cut throats ended in their utter confusion," Davis announced. Yellott "turned out to have no strength among the people at all and could not throw 300 votes in the district." The fifteen delegates he did receive Davis attributed to fraudulent means—"throwing in hands full of votes at three or four wards." As Yellott's "scoudrels" could not control the convention, they tried "to bully it into nominating Yellott" and then they "tried to break it up—tried to deprive my majority of their seats, &c." Davis reported. "The result is important since it is the first time any such men have attempted to control us as they always controlled the democrats."29

The final, most dangerous, challenge to Davis' re-election was the appearance of a strong "reform" movement in Baltimore. As the Democratic party in Baltimore was too weak to elect anyone under its own banner, it enlisted "the mercantile gentry" to join in a movement to restore law and order to the city. Since the 1830s, Baltimore had been known as

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28Baltimore Clipper, 26 August 1859; Baltimore American, 26 August 1859.

29Baltimore Clipper, 29, 30, 31 August; Baltimore American, 30 August 1859; HWD to SFDP, c. 1 September 1859, WMss 9-9540.
"Mob Town" in the national press. In an era of urban violence, Baltimore led Philadelphia, Boston, and New York in the number and intensity of its riots. And though the American party had done far more to arrest violence and crime in Baltimore than its Democratic predecessors—for example, it hired full-time uniformed policemen to replace the part-time watchmen—the rate of crime rose.30

While the reform movement was gaining strength, Davis was losing supporters by his characteristic inability to know when he had said enough. On Monday, September 5, a large crowd gathered at the Maryland institute to hear Davis' acceptance speech. For over two hours the enthusiastic crowd listened to Davis chastise Buchanan's administration for shooting down voters in Washington, D.C., for persecuting the Mormons in Utah, for illegally declaring war on Peru, for invading Mexico's Sonora and Chihuahua provinces, and for trying to force the Lecompton constitution on the people of Kansas. But having won his audience on all the essential points, he ventured into risky territory. He called for an alliance between Maryland and the "Northern Oppo-

position." Maryland, he said, needed their votes for the protection and development of industry, for a higher tariff for coal, iron, and copper, for higher appropriations for improvements to the Baltimore port, and for a central route for the transcontinental railroad. Only the Northern opposition would vote with Maryland on these issues, he claimed. "Maryland is with the Opposition," he concluded, "and no combination can delude or over awe her."31

Although most Marylanders supported the economic program Davis outlined, they were opposed to any alliance with "the Black Republicans and abolitionists." The Democratic newspapers castigated Davis as fostering "abolitionism" and the amalgamation of the races, while the Know-Nothing papers denied that the "Grand Opposition" was a party principle. "It is merely one man's opinion" stated the Baltimore Clipper.32

While Davis was losing support through his advocacy of an alliance of the opposition, the reform leaders were gaining converts, among them Davis' close friends, former Whig George William Brown and former Know-Nothing Mayor Charles D. Hinks, both now in league with the Democratic party. In the city council elections, the reformers carried six out of twelve wards much to Davis' surprise.

Despite the growing reform movement, Davis felt he was in no

31Baltimore Clipper, 6, 15 September 1859.

32Easton Gazette, 17 September 1859; SMDP to Jane Syle, 28 October 1859, WMss 9-22738.

33Baltimore American, 27 August 1859; Baltimore Clipper, 9 September 1859; J. P. Kennedy Journal, 13 September 1859, Kennedy to Robert C. Winthrop, 19 September 1859, Kennedy Mss; Frederick Brune to wife, 13 October, Brune-Randall Mss, MdHS.
danger. "We are getting on well with our Canvass," he reported, "and the reformers are dwindling daily—as their Locofoco claws peep out."

He explained to Justin Morrill that "the town meeting and the reform association are Locofoco tricks to entrap some timorous and weak brethren," but even without "all who are fools enough to go and vote with them" the Americans had enough strength to carry the city.34

In late October, just three weeks before the election, the reform movement finally nominated a candidate against Davis. He was William Gilpin Harrison, a fifty-seven year-old former president of the Baltimore and Ohio Railroad and a leading merchant in the sugar and molasses trade. John Pendleton Kennedy and George William Brown had been asked to run but had declined. So Harrison was finally persuaded after his mother released him from a promise he made never to engage in politics.35

The reform movement received unexpected help when word was received in Baltimore of John Brown's raid on Harper's Ferry. Everything that was ever said about the "Black Abolitionists" now seemed true. Rumors again were started that Davis was an abolitionist and would defend John Brown.

To counteract the sudden impetus of the reformers, the Americans held a mass meeting on Federal Hill. All the political clubs were present with their political paraphernalia, drums, rockets, cannon, and huge signs called transparencies. In the preceding city council

34HWD to SFDP, 26 September 1859, WMss 9-9531; HWD to Morrill, 14 September 1859, Morrill Mss, LC.

35Brune to wife, 15, 18 October 1859, Brune-Randall Mss, MdHS; Ames, "Genealogies in Dorchester," 380-381.
election the shoemaker's awl had been used as a weapon by both sides at many of the polls resulting in numerous injuries. Banners above the speaker's stand provided by one of the young men's political clubs, the Plug Uglies, read "The Awl is Useful in the Hands of an Artist," "Come Up and Vote: There is Room for Awl," "The Third Ward is Awl Right," and equally ominous, "Reform Ticket and Reform Man, If you can vote, I'll be Damned." Above the speaker's platform hung a gigantic awl provided by another political club.

When Davis spoke that evening on the decorated platform, his speech was interpreted by the Democratic and independent presses as an endorsement of violence and illegal electioneering. Claiming that Davis belittled the violence that had previously occurred at elections as "a little fighting, and a few black eyes," the Baltimore American denounced his speech as "an apology for all the fraud, violence and dishonesty which characterized the municipal election."36

Equally disturbed by Davis' speech were his friends in the Friday Club. They met in a special session to revoke his membership. "I fear Mrs. Davis is married to an unprincipled if brilliant demagogue," one wrote. The majority considered that after the speech they could never meet on social terms with Davis again, and decided on a letter requesting an explanation for his action. Davis denied the things the newspapers attributed to him. The extract of his speech and the general report of it he pronounced as "a garbled, false, and I believe, malicious perversion of the language used by me on that occasion. He

36Baltimore Clipper, 18 October 1859; Baltimore Sun, 19, 20, 22 October 1859; Baltimore American, 22 October 1859.
said he had mentioned the newspapers' exaggeration of "isolated instances of wholly unjustifiable violence" but that he strongly disapproved of all illegal conduct. Despite Davis' explanation, he was asked to resign from the Friday Club.37

Election day was marked by bloody conflict. In the fourteenth ward a leading member of the Rip Raps was gunned down by an Irish mob, while in the 15th two brothers who were Democrats, were shot by a group of Know-Nothings. "We have carried the city," Davis wrote Du Pont, "amid considerable excitement and trouble." He had been overwhelmingly re-elected by a vote of 10,068 to Harrison's 2,807. He claimed that the violence was "chiefly occasioned by the incendiary and violent appeals of our opponents--followed up by a fair share of violence on their part." He noted that "one man on our side and one on their side fell victim to this bad blood they had excited." Expecting the Democratic newspapers to "howl and overflow with exaggerated detail," he prepared a detailed account of the election.38

A week later he announced that "the howl is dying away before the facts which are being day by day developed." The coroner's report of the death of the Democratic brother demonstrated that both brothers had pulled their weapons first on the Know-Nothings and that the dead brother had shot a young boy. Davis was certain that the facts would be "very undigestable for the peaceful reformers who marshalled themselves at the polls with pistol and Bowie knife ready for--voting, of

37Brune to wife, 19 October 1859, Brune-Randall Mss, MdHS; HWD to Editor, Baltimore American, 24 October 1859; HWD to Editor, Baltimore Patriot, 23 October 1859.

38HWD to SFDP, 3 November 1859, WMss 9-9570.
course!" The newspaper accounts were like "rattle snakes who infused all the venom into the contest, and have had the horror of leading the democrats as they led the Whigs to utter defeat, and still shake their rattles after their fangs have been knocked out by the elections."\textsuperscript{39}

Although Davis had won, his party had suffered badly. It lost its control of the Maryland legislature and hence would be unable to choose the next United States Senator. "I would cheerfully have been beaten to secure the legislature and a Senator from the Eastern Shore," Davis wrote. He believed that if he had had ten more days "to drive home the Harper's Ferry tragedy on their agitating and aggressive policy" the American legislative ticket would have won.\textsuperscript{40}

Shortly after the election Davis submitted his resignation to the Friday Club. "The beaten gentry," he complained, "are carrying their bitterness into all the relations of life. The fools suppose that they can effect my by such an effort." The social ostracism effected Nancy, however, and at her urging Davis rented a home in Washington for the coming session of Congress. By the end of the month they moved to their new home where Davis occupied himself with plans for an opposition candidate for Speaker of the House.\textsuperscript{41}

\textsuperscript{39}HWD to SFDP, 11 November 1859, WMss 9-9577; Baltimore American, 7 November 1859; Baltimore Sun, 2, 3, 4 November 1859; see also Maryland House Documents--1860, Document U, "Baltimore City Contested Election," for detailed testimony on violence on both sides.

\textsuperscript{40}HWD to SFDP, 11 November 1859, WMss 9-9577.

\textsuperscript{41}Ibid.; Friday Club Minutebook, 18 November 1859, HdHS.
Chapter 8

NO DEMOCRAT SHALL BE SPEAKER

By Tuesday, January 31, 1860, the House of Representatives had been in session for eight exhausting weeks, but it had not yet been able to elect a Speaker. Without a Speaker, the House could not commence business and could not deal with the numerous appropriation bills on which the operations of government waited. On that day, however, it seemed that the impasse might be broken. A compromise candidate, ex-Governor William Pennington, a Republican from New Jersey, had pulled within two votes of election. An estimated twenty to thirty thousand spectators mobbed the Capitol trying to gain admission to witness the election. "The galleries were more densely crowded than at any former period in the session," a reporter wrote. An hour before the session began all available seats were taken. "Crowds were wedged in the various doorways, while the lobbies were alike uncomfortable with persons of both sexes."\(^1\)

Three Congressmen wavered between rival candidates, and the combination of two of these three could elect a Speaker. For eight ballots, Winter Davis, the most prominent of the three, supported the candidacy of the American-Democratic coalition nominee, William N. H. Smith of North Carolina, against the Republican candidates. On the

\(^{1}\)New York Times, 12 December 1859, 31 January 1860.
forty-third ballot, however, the Democrats broke the coalition and switched their support from Smith to John A. McClernand, an Illinois Democrat, and Smith lost any chance of election.2

As the forty-third ballot progressed, numerous explanations were given as members were called to vote. "It was not until the name of Henry Winter Davis was called," wrote one reporter, "that every ear was strained to catch the response." At the rear of the hall pacing back and forth when his name was called, Davis stopped short, turned, and spoke. "His voice fell like a falling star upon the House and galleries as he answered 'Pennington'. Such a burst of applause, mingled with hisses, has never before deafened the hall." Congressman John T. Nixon added that "the showers of applause and hisses indicated the impression that the contest was over."3 Now only one vote short, Pennington had assurance from George Briggs, an American from New York, that he would change his vote if it would mean an election. On the next ballot, Davis and Briggs both cast their votes for Pennington, and the Republican was elected.4

Pennington's election brought to a close two months of conflict that threatened a division of the Union. It also gave the Republican party momentum for the upcoming presidential campaign. Pennington was the first Republican elected to a national position, and his office allowed the Republicans to organize the House. Controlling the House,


4Sherman, Recollections of Forty Years, I, 169; CG 36th-1st-2.
the opposition could continue to investigate charges of fraud in Buchanan's administration, secure the passage of a protective tariff, and decide all contested seats—which might determine the Presidency if the upcoming presidential election ended up in the House.

Pennington's election was also the first step in Henry Winter Davis' plan to elect an "opposition candidate" to the presidency in 1860. Since the election of 1856 when the Democracy triumphed over a divided opposition, Davis had sought the creation of an "opposition party" as the best way to defeat the hated Locofocos. When Congress rejected Buchanan's Lecompton constitution in 1858, Davis began to think there was a real possibility for a union of Republicans, Americans, and Anti-Lecompton Democrats. "There is every prospect of a union of the whole opposition on such men as Bell or Corwin in 1860," he wrote in December 1858. In February 1859 he proposed to Governor Thomas H. Hicks of Maryland that the Americans should cooperate with the Republicans in Congress in return for their support of Edward Bates of Missouri or some other suitable candidate for President. To achieve that goal he urged the Maryland American state council in April of 1859 to formally invite a union of the "opposition" in 1860.5

In an attempt to gain national attention for his plan of fusion, Davis wrote a letter to the editor of the New York Tribune in which he argued for an "opposition candidate" for President. The Republican party could rally others opposed to the Democracy if they would just soften their demand for a law to prevent the extension of slavery, Davis

5HWD to SFDP, 6 December 1858, WMss 9-9104; HWD to T. H. Hicks, February 1859 in George P. Radcliffe, Governor Thomas H. Hicks and the Civil War (Baltimore, 1901), 520; Baltimore Clipper, 7 April 1859.
argued. By law, all the territories are free. "No act establishing slavery has been passed for any territory," he wrote, "and the act of the New Mexico legislature was in conflict of the Mexican treaty and therefore void." To pass a law to restrict the extension of slavery, he noted, would require the Republicans to capture all three branches of government—the Congress, the Presidency, and the Supreme Court. No anti-slavery extension law could pass if the Democrats controlled even one branch of the government. "We say the President alone is sufficient" to reverse Democratic policy, Davis wrote. If the "opposition" controlled the presidency, they would control appointments to the Supreme Court "and between now and the end of the next term a majority of those judges now on the bench must, in the course of nature, be substituted by others." With opposition judges on the Supreme Court, the Dred Scott decision, "that ridiculous farago of bad history, worse law, and Democratic partisanship" would be reversed and thus no anti-slavery extension law would be necessary. With an opposition party President, the veto could be used to protect the territories from passage of a congressional slave code or the repeal of the prohibition against slave-trading. Thus, Davis reasoned, a platform calling for the restriction of slavery in the territories was not necessary to accomplish the purposes which moderate men wanted. The only thing the oppositions needed was the presidency.6

American party victories in congressional elections in North Carolina and Tennessee convinced Davis that the time was ripe for the formation of an opposition party. If the opposition could unite early

6Davis, Speeches and Addresses, 121.
on a candidate such as John Bell of Tennessee or Edward Bates of Missouri, he felt they could capture the border states and most of the North. "In my judgment," he wrote Congressman Justin Morrill in the summer of 1859, "the opposition are fools if they do not take the latter [Bates]; it will give us the Govt. for 12 years at least; and in the next six years every seat on the Supreme Court Bench will be vacated by the hand of time."  

The first step toward securing an opposition victory in the presidential election of 1860 was the election of an opposition candidate as Speaker of the House. Davis' plan was to get the Pennsylvania People's party to invite the South Americans to join with the Northern opposition (Republicans and Anti-Lecompton Democrats) in a caucus. The opposition would then "agree on some man not absolutely offensive to either branch for Speaker." In his opinion a northern man was preferable for Speaker "in view of the great preponderance of northern members and of the fact that we ought to induce them to take Bates or Bell or Stanley or some other Southern man for President." Davis considered the ideal combination to be Sherman for Speaker and Bates for President, but he noted that "all is open for conference and remonstrance."  

On the eve of the meeting of Congress, Davis had despaired of effecting his plan. The Pennsylvania delegation failed to make the necessary arrangements for an opposition coalition. "There was a lack

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7 HWD to Justin Morrill, 20 August 1859, Morrill Mss, LC.
8 HWD to Alexander R. Boteler, 9 November 1859, Gratz Mss, HSP.
of conciliation at the beginning among my friends and lack of tact among
the northern people," Davis explained. But he gained hope when the
Republicans decided not to nominate a candidate in caucus, but to rally
behind the Republican who polled the most votes on the first ballot for
Speaker. On that first ballot, young, handsome, bearded John Sherman,
an Ohio Republican and Davis' favorite, led burly Galusha A. Grow, a
Republican from Pennsylvania, and thereby became the Republican nominee.
Davis was delighted with the Republicans choice of Sherman and hoped
that the opposition might be rallied to support him.\(^9\)

Southern Democrats suspected Davis' fusion plans and set out to
dismantle it. Treasury Secretary Howell Cobb, himself a former House
Speaker, warned Alexander Stephens before the session began of "Winter
Davis ... and other Southern oppositionists who are supposed to be quite
ready for a bargain." To prevent the Southern opposition from uniting
with the Northern opposition, the Democrats purposely and skillfully
agitated sectional feelings.\(^10\)

After the first ballot for Speaker was tallied, Missouri Democrat
John B. Clark presented a resolution which stated that no member who had
of the South—How to Meet It* or the compendium from it, was fit to be
Speaker of this House." Thaddeus Stevens of Pennsylvania opposed the
resolution on the grounds that no motion was in order until the Speaker
was elected, but the clerk chose not to rule on Steven's objection and

\(^9\)HWD to SFDP, 28 November 1859, WMss 9-9594.

\(^10\)Cobb to Stephens, 14 November 1859, in Phillips (ed.),
*Correspondence of Toombs, Stephens, and Cobb*, II, 449; Radcliffe,
*Hicks and the Civil War*, 18.
submitted it to the House for a decision. This opened up a debate which was to continue for eight weeks and was only interrupted for occasional balloting.11

The controversy over Helper's book arose because in March 1859, John Sherman, Thaddeus Stevens, and other leading Republicans had signed a certificate endorsing the publication of a summary of Helper's work for circulation throughout the country. Many Southerners considered the book insurrectionary. Helper had appealed to the poor whites of the South to support the abolition of slavery. He argued that the death of slavery would improve the economy of the South by helping manufacturing interests and commerce. Industry would greatly increase the value of poor farmer's land and provide new jobs. Helper's reasoning, supported by a mass of statistics, was impressive and frightening to the slaveholding South.12

On the second day of the session, the Helper book was discussed again. Clark read his resolution and extracts from The Impending Crisis compendium. He charged that anyone who had signed the endorsement was "advising rebellion and treason; advising steps that will result in insurrection." John S. Millson of Virginia went even farther when he added that "one who consciously lent his name and influence to the propagation of such writing is not only not fit to be Speaker, but is not


12Sherman, Recollections of Forty Years, I, 170-171. The most complete account of John Sherman's attempt to secure the Speakership is Ollinger Crenshaw's "The Speakership Contest of 1859-1860: John Sherman's Election a Cause of Disruption?," Mississippi Valley Historical Review, 29 (December, 1942), 323-338.
fit to live."\textsuperscript{13}

Although Sherman explained that he had never read Helper's book or the compendium, and that he did not even recall signing the endorsement of it, extreme Southerners continued to berate him and the Republican party. Lawrence M. Keitt of South Carolina, L. Q. C. Lamar of Mississippi, and Roger A. Pryor of Virginia charged that the Republicans who signed the endorsement were responsible for John Brown's raid on Harper's Ferry. Martin J. Crawford of Georgia said the South would "never submit to the inauguration of a black Republican President." The depth of Southern indignation was voiced by Jabez L. M. Curry of Alabama when he declared to the House that if "Wm. H. Seward or Salmon P. Chase, or any such representative of the Republican Party was elected upon a sectional platform, [that it] ought to be resisted to the disruption of every tie that binds this confederacy together."\textsuperscript{14}

The attack on Sherman ended any hope that the South Americans could be brought to support a Republican for Speaker, Davis predicted. There was still a chance for the election of an opposition Speaker, Davis thought, but only if the plurality rule was adopted. He vowed that if his vote would decide the contest "I have resolved to cast it for Mr. Sherman and face the storm. No Democrat shall go into the Speakers chair if my vote can prevent it." He regarded Sherman as "the best man in the House for the place. He will organize the Committees on the basis of recognizing all the opposition whether they voted for him

\textsuperscript{13}Nixon, "Election of Pennington," 210; CG 36th-1st-95.

\textsuperscript{14}New York Times, 10 December 1859; New York Tribune, 12 April 1860; also see Clement Eaton, The Freedom-of-Thought Struggle in the Old South (New York, 1964), 139-142.
or not." With the opposition in control of the committees, they could "stifle the negro agitation" and "turn the whole activity of the session on exposure of the administration." Until such time as his vote would be needed, he resolved to "shut my mouth and spend the day lying on the sofas possessing my soul in peace and saving my ears from the negro ding dong."\textsuperscript{15}

The balloting for Speaker began rather slowly. There were but four votes in the first ten days. After the first ballot the voting changed very little. Day after day Sherman polled almost all of the 109 Republican votes, Thomas S. Bocock of Virginia received all 88 administration Democratic votes, the 26 Americans including Davis supported John A. Gilmer of North Carolina, and the anit-Lecompton Democrats divided their thirteen votes between several candidates.\textsuperscript{16}

"We still hang," Davis wrote the Du Ponts on Christmas Day, "but the temper is getting rather better indoors as it seems to be getting worse out of doors." On the twenty-first ballot, the last before the Christmas recess, all coalitions except for the Republicans dissolved. Talk got angrier and angrier. Discussions of secession became commonplace as Southern fire-eaters decried Sherman's election as "an open declaration of war upon the institutions of the South." Davis discounted talk of civil war. The steadiness of Virginia and North Carolina would prevent a collision. But if it had to come Davis wished it to come before Winfield Scott died, he said, for "that old

\textsuperscript{15}HWD to SFDP, 27 December 1859, WMss 9-9629; HWD to SFDP, 20 December 1859, WMss 9-9625.

\textsuperscript{16}New York \textit{Times}, 2 February 1860, for a complete summary of the balloting.
fool" President would not have enough sense to replace him with Robert E. Lee. "My own impression," Davis confided to Du Pont, "is that the chief obstacle to the [secession] attempt is that no one has yet made up his mind to put his neck in John Brown's halter if enough do not follow."17

When Congress re-assembled after Christmas, Republicans introduced a motion to elect a Speaker by plurality vote. Speculation was widespread as to which party would have the advantage in a plurality election. One newspaper reporter thought "the Republicans may be able to cast their whole vote, 113. The Democrats by a union of the Southern opposition, can reach 110." He concluded that "there would still be left a balance of power sufficient to determine the result in favor of either party." The political uncertainty of this pivotal group, which included Winter Davis, kept both parties from agreeing to a plurality vote as in the deadlocked speakership contest in 1856.18

The Speakership deadlock dragged on through the month of January. The New York Times berated Congress for wasting its time in "idle and mischievous debate." Congressman John Nixon of New Jersey recalled that "the tedium of debate was varied now and then, by a vote for Speaker," but that "each ballot would seem to bring to the surface some new expression of sentiment of new political combination, which furnished topics for renewed discussion." Davis was infuriated by the Americans who joined in the debate. "They argue vigorously that

17CG 36th-1st-247; HWD to SFDP, 25 December 1859, WMss 9-9628.

18New York Times, 12 December 1859; Sherman, Recollections of Forty Years, I, 167.
democrats agitate the slavery question," he said, "and they vote with them to prove to the South that it is the Republicans and all northern men who are responsible for it." The solution evaded him. "What can you do with such people?" he complained.19

At the end of January, the Democrats, dedicated to preventing a fusion between the Republicans and the Americans, attempted a coalition of their own. On Sunday, January 22, the Democrats decided to support a compromise candidate, William N. H. Smith of North Carolina, "an Old-Line Whig ... acting with the South Americans." When they received assurances that Smith was not a member of the Know-Nothing Order, he was selected. On January 25, before the thirty-fifth ballot, Smith was placed in nomination and supported as "a new member, onobtrusive and quite unknown to his fellow members, but his colleagues presented him to be a gentleman of character, intelligence and worth, firmly a Whig, elected an American, and hostile to the administration."20

Friday, January 27, was the day to test the coalition.
"Revolutionary passions," Davis thought, "were ready to explode."
Robert Mallory, an American from Kentucky, announced during the voting that the American party was ready for the election of William Smith.
"Every member of our party has voted for him," Mallory declared. "That was the condition precedent, I understand, prescribed upon the other side of the House, for obtaining their votes." On the thirty-ninth


ballot, Smith received all the American votes, a large number of Democratic votes, and even five Republican votes. When Mallory made his appeal, enough Democrats switched their vote to give Smith enough to elect him, but the Republicans quickly exerted great pressure on members of their party who had supported him to switch back. One Republican who supported Smith, John Nixon of New Jersey, refused to switch his vote unless the Republican leadership promised to withdraw John Sherman as the Republican candidate. After assurances were given by Owen Lovejoy of Illinois that Sherman would step down, Nixon changed his vote and Smith was stopped just short of election.21

On Saturday, January 28, the Republicans met in caucus to make a new nomination for Speaker. Sherman withdrew as a candidate saying "Duty to himself, duty to his party, and above all, duty to his country dictated his course," but actually it was dictated by Congressman Nixon. Thad Stevens praised Sherman and pledged as he had before to support him "until somebody was elected, or until the crack of doom." Charles Francis Adams, the presiding officer, nominated William Pennington, Nixon's close friend and freshman Congressman from New Jersey. Adams informed the caucus that Pennington would have support from two Anti-Lecompton Democrats from New Jersey, and two Americans, George Briggs of New York and Winter Davis. Thus Pennington could be elected. Thad Stevens rose to second Pennington's nomination. "Mr. Chairman, I have said that I should continue to vote for Sherman until the Crack of doom," Stevens said. But, added the crusty old Pennsylvanian, "I heard that

21CG 36th-1st-611-619; Nixon, "Election of Pennington," 216; HWD to SFDP, 3 February 1860, WMss 9-9698.
crack on Friday last!"\textsuperscript{22}

On January 30, Sherman formally withdrew from the contest. Immediately the fortieth ballot was taken and showed Pennington leading with 115 votes, Smith had 113, and five votes were scattered. With the number necessary for election at 117, Pennington was only two votes short. The forty-first and forty-second ballots were taken but the election promised by Adams did not occur.\textsuperscript{23}

The New York Times reported that during the forty-first and forty-second ballots "the Republicans brought every lever possible to bear on Mr. Davis of Maryland and many consultations were held as to how his vote could be secured." Davis told them that he could not vote for Pennington as long as his party's candidate, Smith was in contention. But then Davis softened his position and promised to switch to Pennington on the second or third ballot of the next day. "The Republicans now lacking only two votes are promised aid and comfort tomorrow by Mr. Davis," the Times reported.

The Democrats caucused that evening to find a new candidate who could stop Pennington. They selected John A. McClernand of Illinois, a Douglas supporter thought to be popular with both the Anti-Lecompton Democrats and "the entire Southern opposition vote except Mr. Davis, of Maryland." The following day, when the Democrats dropped Smith and backed McClernand, Pennington picked up one more


\textsuperscript{23}CG 36th-1st-634.

\textsuperscript{24}New York Times, 31 January 1860; Sherman, Recollections of Forty Years, I, 179.
vote—that of Henry Winter Davis.25

On the forty-fourth ballot, George Briggs changed his vote and Pennington was elected. Congressman Nixon recalled that this act gave Briggs "the conspicuous part in the organization of the House which he seemed to crave." The New York Times concluded its eight-week coverage of the contest reporting that "the close of the Speakership scene was impressive and imposing. The galleries were crowded but orderly" in marked contrast to the day before when Davis made his change to Pennington.26

Winter Davis explained his switch to his confidant, Captain Du Pont. Although he admired Pennington from the start, Davis explained, he was obliged to support Smith, his party's choice. But when "the Dems. resolved to leave him for McClernand—a Douglas dem. from Illinois and all voted for him but a few S. C. men, I then was free and voted for Pennington—all my colleagues refusing," Davis reported. "Now for the howl and yell. But it is a good days work to put an old whig in the chair who will constitute the committees on a basis of common opposition." With the presidential contest always in view Davis added that "as good luck would have it" Pennington was a Bates' man too.27

The reaction to Davis' vote for Pennington was widespread. Several newspapers praised him, but many reported that Davis was involved in a "deal for filthy gain." A New York Times correspondent

27HWD to SFDP, 3 February 1960, WMss 9-9698.
wrote that Davis' vote was regarded by many "first, as a bid for Republican support to retain his seat; secondly, as a bid for the Attorney-Generalship under a Republican President; and lastly, as resulting from a "Plug Ugly nature, perverted into channels of philanthropic heresy." The first charge had an appearance of reality. When William G. Harrison, Davis' Reform party opponent in the recent Baltimore congressional election, moved to have the election voided, Elections Committee Chairman John Gilmer, Davis' "beloved friend" and an American from North Carolina, and the Republican committeeemen voted to sustain Davis' election.\(^\text{28}\) The second charge, that Davis traded his vote for a cabinet seat, was preposterous. No man could have predicted who would be president thirteen months later, much less who would be in the cabinet.

Several newspapers charged that Davis was involved in "deals" for patronage and power. Indeed, Davis' old friend and former American Congressman from Cumberland, Maryland, Henry W. Hoffman, was nominated for Sergeant-at-Arms by the Republicans and elected by the House. Undoubtedly Hoffman had Davis' support, but Hoffman was also widely respected when he served in the House and might have succeeded without Davis' aid.\(^\text{29}\) Davis admitted to Du Pont that because of his support for


\(^{29}\) HWD to SFDP, 3 February 1860, WMss 9-9698. For the "deal"
Pennington the Speaker had given him his pick of committee assignments. "Pennington gave me a choice of any place but chairman of Ways and Means which belonged to Sherman by all laws of decency," Davis confided to Du Pont. "But I told him he had better put men further South in high places—where they could be seen and leave me where I was: and so it will be." Davis remained on the Ways and Means Committee where he had served for two terms. 30

Southern newspapers vied with each other in heaping condemnation on Davis. The Fayetteville North Carolinian labeled Davis a Judas. The Petersburg Press mocked that with the election of Pennington, the Republicans had "come forth out of their den of hypocrisy, and are running under their true colors, with the ensign of Black Republicans flying from their masthead" with "that wheel-horse of Black Republicanism, Know-Nothingsm, Americanism, Whigism, and all other vile isms, Henry Winter Davis, of Maryland, as their Captain and leader!" Public reaction was equally sharp, and newspapers carried accounts of public demonstrations in the leading southern cities where Davis and Pennington were burned in effigy. 31

Several Congressional leaders also denounced Davis. James A. Stewart of Maryland, a member of the House and a candidate for the

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30 Washington Constitution, 3 February 1860; Baltimore Sun, 1, 8, 10 February 1860; Baltimore American, 2 February 1860.

31 The North Carolinian (Fayetteville), 11 February 1860; Petersburg (Va.) Press, 3 February 1860; Easton (Md.) Star, 21 February 1860; Baltimore Clipper, 2 October 1860.
Senate, accused Davis of having tried to "immortalize himself ... by aiding the destruction of the constitutional rights of the South."

William Barksdale, a Mississippi Democrat, said that Davis, "a representative of a slaveholding constituency" was "responsible for the election of Pennington" and that all the "blame" for it was on him.32

On both sides of the House, however, there was much praise for Davis' vote. John Nixon called it "an exhibition of moral courage ... as extraordinary as it was rare." A Southern Senator was reported as saying "let not Winter Davis be blamed for at least he had the merit of candor in his vote" while others "had not the manliness to avow what they wished." A slightly intoxicated Congressman, F. Burton Craig of North Carolina, privately congratulated Davis for "having the pluck to do as you choose—which five or six of your friends wanted to do and were too cowardly to do."33

Even a few Maryland newspapers reluctantly defended Davis' vote, calling Pennington an old Henry Clay Whig and not a Republican. The Baltimore Clipper called Pennington's election "a defeat of Republicanism" for it smashed up "the Seward faction" and caused the Republicans to "abandon their ultraism and their ultra candidate." Various public meetings throughout Baltimore and western Maryland adopted resolutions complimenting Davis and praising his independent position. Within a week of the vote, Davis wrote that his supporters were only slightly

32James A. Stewart, Maryland Politics and the Election of the Speaker, a speech delivered in the House of Representatives, June 2, 1860 (n.p., n.d.).

discontented with his course. "The great mass not only approve but applaud the vote .... It is for Maryland the strongest vote possible. It takes some time to digest the word republican," he added.\textsuperscript{34}

The most vehement condemnation of Davis' vote was a resolution passed by the Maryland House of Delegates censuring his action. In early January the lower chamber unanimously passed resolutions threatening any Congressman with censure should he contribute to the election of any member of the "Black Republican party." The resolutions, however, were stalled by the Maryland Senate. "The resolutions to frighten me still hang in the Senate," Davis reported in January. "When they come here I shall have something to say. A man indicted for kidnapping [George Freaner] is their author!!" When the election of the Speaker was over, the House of Delegates made good on its threat. By a vote of fifty-eight to one it passed a resolution of censure charging that Davis had "misrepresented the sentiments of all portions of this State, and thereby forfeited the confidence of her people."\textsuperscript{35}

On February 21, 1860, Winter Davis answered this action by the Maryland House of Delegates in a carefully prepared and memorized speech to the House of Representatives. "The honorable the Legislature of Maryland has decorated me with its censure," he mocked. "It is my purpose to acknowledge that compliment." The members of the House of Delegates who voted for the resolution should take their message to

\textsuperscript{34}Baltimore Clipper, 6, 24 February 1860; Easton Gazette, 4 February 1860; Cecil Whig, 18 February 1860, Cumberland (Md.) Civilian, 20 February 1860.

\textsuperscript{35}Journal of the Proceedings of the Maryland House of Delegates, January Session, 1860, 16-17, 353-354; Baltimore Clipper, 7, 9 January, 7, 10 February 1860; Baltimore Sun, 7 January 1860.
their constituents, for "I speak to their masters face to face, and not through them." He said he had no apologies to make for his vote and thought his fellow Marylanders would sustain his decision. "I told my constituents that I would come here a free man, or not at all; and they sent me here on that condition." He also denied that he represented only the Fourth Congressional district, saying he had "a wider constituency, a higher duty." He repeatedly referred to Pennington as a Whig, calling him "a Whig in the day of Whig greatness" and a symbol of the newly established sectional peace. Because of the election of Pennington, "chafed passions explode less violently in the House" and the possibilities of permanent peace grew. There was now no sectional questions to divide the country. "We must banish from our minds those 'gorgons, hydoras and chimeras dire', amid whose hideous forms we have so long pursued our weary way," he concluded.36

Davis' speech was a remarkable feat. Charles Francis Adams thought it "one of the most effective, if not the most effective I ever listened to." James G. Blaine wrote that for "eloquence of expression, force and conclusiveness of reasoning," Davis' defense was "entitled to rank in the political classics of America."37

"It was well received by the Democrats," Davis wrote Du Pont; "the Republicans were greatly pleased and my weak friends stiffened up .... They all agree the Legislature got thirty nine well laid on."

36CG 36th-1st-117-120.

Indeed, perhaps as a result of Davis' speech the resolution of censure failed in the Maryland Senate. "So it is possible," Davis concluded, "to frighten men in Maryland into common sense as well as into folly." 38

It was a masterful speech—Davis was always brilliant when on the defense—but it did nothing to restore Davis' divided and dying party. What the Reform party's onslaught on the American party began, Davis' vote for Pennington had finished. The southern oppositionists failed to follow Davis' move toward the Republican party. The members of his own party in the Maryland legislature censured him, and he in turn scathingly attacked them. Instead of building a united opposition, Davis cut himself off from his own party. But he clung to a vision of a united opposition in the upcoming presidential contest.

38HWD to SFDP, 29 February 1860, WMss 9-9723; HWD to SFDP, c. 15 March 1860, WMss 9-9807.
"I am no prophet but I have faith that the hour of retribution is sounded," Winter Davis wrote in 1858. After those opposed to the administration had united in defeating the Lecompton Constitution, Davis was confident that there would be "a union of the whole opposition on such a man as Bell or Corwin in 1860" to bring about the defeat of the Democracy.¹

In Maryland Davis and the Kennedy brothers led a movement for the formation of an "opposition party." John Pendleton Kennedy dreamed of a rebirth of the old Whig party with the Americans merged into it; his brother, Senator Anthony Kennedy, wanted a coalition of old Whigs and disaffected Democrats into the broad structure of the Americans. Davis thought in bolder and more imaginative terms. Alone in Maryland and with little company nationally, Davis realized that any winning combination must be formed of not only the old Whigs, anti-Lecompton Democrats, and the Know-Nothings, but also the conservative elements of the Republican party.

In August 1859, Davis wrote Republican Congressman Justin Morrill

¹HWD to SFDP, 6 December 1858, WMss 9-9104. See Boston Atlas and Bee, 5 May 1859; Baltimore Clipper, 17 May 1859; Richmond Whig, 5 June 1869.
that either John Bell of Tennessee or Edward Bates of Missouri would be sound candidates for the opposition. Either man could win, Davis predicted, and "there can be no remedy for locofoco law but the wresting the appointment [power] out of Locofoco hands." Within the next four years every seat on the Supreme Court "would be vacated by the hand of time." With the appointment of opposition justices the Dred Scott "folly" could be reversed. Without control of the Supreme Court, Davis noted, the House and Senate "are worthless for reforms--with it they are useful, without them it is adequate alone to accomplish almost everything." But to secure control of the Supreme Court the opposition would have to win the presidency.2

"We have a man on whom we can unite for President," Davis announced to Du Pont during the speakership contest. As between Bell and Bates, Davis had decided upon aging, white-bearded Judge Bates as his ideal candidate. A Virginian by birth, a conservative Whig in principle, Bates was the logical man to unite the opposition of dissident elements. "Northern people are willing to take him," Davis thought, "and he secures every right southern conservatives claim." Davis was disturbed that his political friends, instead of joining behind a conservative Republican like Bates, were "playing the old game of trying to elect one of themselves by a minority of the people .... They are now trying to make a President out of Americans and Whigs who are in a minority in both ends of the Country!" Uniting all the opposition but the Republicans was like trying to play magician

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2Anthony Kennedy to S. S. Nicholas, 7 June 1859, J. P. Kennedy Journal, 25 January 1860, Kennedy Mss, Peabody; HWD to Justin Morrill, 20 August 1859, Morrill Mss, LC.
with the ballot box: "put in American votes—and take out a democratic President." For without the Republicans, the Democrats would surely win. Defeating the Democracy was the entire purpose of the opposition for Davis. The country had been brought to the brink of disunion by two Democratic administrations and he feared that one more might be fatal.3

Davis informed Judge Bates of his intention to support him for the presidency during the Speakership contest. "I have just recd. a letter from Winter Davis of Md., who is the leading South American in the House," Bates confided to his diary. "He is serious and sad about the bad spirit prevailing in Congress and the Southern Democracy in the country, but he is firm and hopeful of better things." Davis wrote that there was "a good likelihood of a concentration of all the opposition" on Bates. Satisfied with Bates' present position, Davis urged him not to further define his views, and to "write no more public letters—let well enough alone."4

Throughout 1859 efforts were made to bring forward a coalition candidate. The Baltimore Clipper proposed Virginian John Minor Botts as a likely opposition candidate. New Englander James Shepard Pike wanted "a Conservative republican, good against stealing, for a 'judicious tariff', and not obnoxious to the remainder of the K.N.'s." In December the National American Central Committee met in Philadelphia led by Representative James Brooks of New York, his brother, editor

3HWD to SFDP, 20 December 1859, WMss 9-9625.

Erastus Brooks, Senator John J. Crittenden, old Whig Emerson Etheridge of Tennessee, John Gilmer of North Carolina, and J. Morrison Harris of Baltimore. They agreed to join with the National Union Committee to form the Constitutional Union party under the leadership of senior statesman Crittenden. In late December the Republican National Committee, meeting at the Astor House in New York City, issued a call for a national convention to be held in May. Instead of calling for a strictly Republican convention, the committee specifically designated the Pennsylvania People's party and the New Jersey Opposition party in the call, thus stressing the idea of "opposition" to the administration.5

These December developments brought a mixed reaction from Davis. "That preposterous squad of antiques," he labeled the National Union Committee. Their goal, to slay "the whole Democratic and Republican parties and make bone dust of them in their coffee mills," was in his opinion entirely unrealistic. "They had an idea that at their whistle and after a little 'union' shrieking all would rush to them to save it." After Crittenden and the Americans joined the National Union Committee, Davis was pleased to see "more practical men" in control and hoped that now "the movement will work to the practical point of union with, not opposition to, the Republicans: and that they will see in Mr. Bates the only practicable point of union."6

Davis was optimistic about Bates' chances of capturing both the

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6HWD to SFDP, 27 December 1859, WMss 9-9629.
fledgling Constitutional Union party nomination and the Republican party nomination. The Baltimore Patriot came out in support of Bates for President on January 4, 1860. Upon learning of the Patriot's endorsement, Bates commented: "My nomination for the Presidency, which at first struck me with mere wonder, has become familiar, and now I begin to think my prospects very fair."  

Others began to think Bates' chances good and a Bates bandwagon began to form. Francis P. Blair, Jr. of Missouri was confident that Bates could carry Missouri and could also run strong in southern Illinois, where the Republicans were weak. Davis assured Blair that if Missouri declared for Bates Maryland would follow. After conferring with leading Delaware oppositionists, Captain Du Pont wrote Davis that the Delaware convention would be instructed "to vote first, last, and always, for Bates." Throughout the North Bates had influential men supporting his candidacy. In Indiana the leading Bates supporter was Schuyler Colfax. Rotund Orville Hickman Browning deemed Bates' chances good in Illinois and attempted to rally his friends, including prairie lawyer Abraham Lincoln, to Bates' cause. Perhaps the most influential of Bates' northern advocates was Horace Greeley, editor of the New York Tribune.  

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7Baltimore American, 29 December 1859; Baltimore Patriot, 4, 5 January 1859; Bates, Diary, 81.

The Bates' boom never got a firm start. At the Missouri opposition convention on February 22, the delegates were clearly in favor of Bates but deadlocked over whether to send delegates to the Republican or the Constitution Union convention. A January letter to the St. Louis *Daily Missouri Republican*, designed by Bates to prove his Republicanism, hurt him with the Americans. In the Missouri Republican convention, Bates captured the majority of delegates but his friendship with the American party hurt him with the Missouri Germans. In Indiana on February 22, an opposition convention struggled to nominate Bates over the strong opposition of German leaders.⁹

In the border states there was little enthusiasm for Bates because of his Republican party connections. "The Southern oppositionists are utterly incorrigible, utterly incapable of seeing the result of a nomination by them of anyone but Bates," Davis complained. "Indeed they are bent on a third candidate and are fools enough to think that the Republicans will disband before nobody!!" Other oppositionists in the border states, secretly Republican, supported Bates but dreamed of a more fervently Republican candidate. "We are pushing Bates as a pisaller," a last resort, wrote Worthington G. Snether, the editorial writer of the Baltimore *Patriot*, "because by such a movement we can plead for a united opposition and give circulation to more republican sentiments than in any other way." Despite Bates' declining course, Davis insisted that the proper course was to support him for both

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⁹St. Louis Missouri Republican, 20 January 1860; St. Louis Democrat, 29 February 1860; St. Louis *Daily Evening News*, 21 March 1860; Luthin, *First Lincoln Campaign*, 64; James W. Nye to T. Weed, 8 March 1860, Weed Mss, University of Rochester.
A severe setback to Bates' chances in Maryland came at a meeting of the Baltimore Constitutional Union party on Henry Clay's birthday, April 12. The city's old Whigs, backed by prominent Reform party leaders, challenged the Americans for control of the convention. When the Americans won only half of the city's delegation to the state nominating convention, the American party leadership balked and called on ward councils to elect their own slate to the state convention.11

At the Constitutional Union state convention, which opened on April 19 in Baltimore, the competing delegates from Baltimore were both seated in an effort to achieve party unity. But unity was not possible. Baltimore Mayor Thomas Swann made some remarks which offended many Americans. Governor Thomas Hicks called the Whigs "an old broken down party whom the Americans will not allow to regulate matters."12

As the voting for delegates to the national convention began a debate began between Grayson Eichelberger and J. M. Kilgour over Winter Davis' position. Kilgour attacked Davis and his "fusion" plans. "During the remarks of Mr. K., the crowd outside applauded and hissed vehemently," one reporter commented. Eichelberger defended Davis' congressional conduct and also supported Davis' plan for Bates' candidacy. Halfway through the balloting, the American party delegates

10HWD to SFDP, 29 February 1860, WMss 9-9723; J. M. Botts to S. P. Blair, 15 December 1858, Blair-Lee Mss, Princeton; W. G. Snethen to T. Weed, 11 March 1860, Weed Mss, LC.

11J. P. Kennedy Journal, 14, 17 March, 2, 3, 10 April 1860, Kennedy Mss, Peabody; Baltimore Clipper, 13 April 1860.

12Baltimore Clipper, 19, 20, 27 April 1860.
walked out of the convention which then voted it "inexpedient" to nominate a candidate for the presidency. Maryland's delegation to the Constitutional Union convention would thus not be committed to Bates. Davis was sadly disappointed that the convention had not endorsed Bates. However, he was pleased when the tiny Republican state convention, dominated by Francis P. Blair, Sr., and his son, Montgomery, pledged its delegates to Judge Bates.  

Four days after the Maryland Constitutional Union convention adjourned, the Democratic national convention convened in Charleston and proceeded to tear itself apart. After a dispute over the platform, the Southern delegations walked out of the convention and the remnant was unable to nominate a candidate. The convention adjourned to meet later.  

Hardly had the old Democratic party broken up than the new Constitutional Union party met in Baltimore. Delegates from twenty-one states were called to order with the words, "Let us know no party but our country, no platform but the Union and the Constitution." Present were prominent Whigs and Americans from all sections of the country. Former New York Governor Washington Hunt and the Brooks brothers represented New York, Henry M. Fuller led the Pennsylvania delegation, Parson William Brownlow and Andrew Jackson Donelson headed the Tennessee group. Other prominent leaders included Richard W.  


14Nichols, Disruption of American Democracy, 288-304.
Thompson of Indiana, Alexander H. H. Stuart and Alexander Boteler of Virginia, the Bishop brothers of New Jersey, and Joshua Hill of Georgia. Mayor Swann and Congressman J. Dixon Roman headed the Maryland delegation. The convention adopted a simple and evasive platform pledging only adherance to the Constitution and the Union. On the second day came the nominations. Bates, while still popular in several states, was clearly unacceptable to the convention after his letter to the St. Louis newspaper. The clear choice of the convention was Senator John J. Crittenden but "Henry Clay's heir" did not wish to run. The nomination fell to Senator John Bell of Tennessee, former Speaker of the House and former Secretary of War.\textsuperscript{15}

As Bell was totally unacceptable to the Republicans, almost all hope of a united opposition faded. Horace Greeley summed up the Republican case against Bell: "I venture to say that Bell's record is the most tangled and embarrassing to the party which shall run him for President of any man's in America. And as to his wife's owning the slaves--bosh! We know that Bell has owned slaves." As the "Old Gentleman's Party" (as Greeley irreverently referred to them) adjourned in Baltimore, attention was focused on the Republican convention assembling in Chicago.\textsuperscript{16}

The Republicans gathered in convention at Chicago amid bright auguries of victory. The division in the Democratic party gave promise

\textsuperscript{15}J. J. Crittenden to Logan Hunton, 15 April 1860, Crittenden Mss, Duke University; J. P. Kennedy Journal, 9, 10 May 1860, Kennedy Mss, Peabody; Baltimore Clipper, 10, 11 May 1860.

\textsuperscript{16}James W. Pike, First Blows of the Civil War (New York, 1879), 499-500; M. Blair to wife, 11 May 1860, Blair Mss, LC.
of being permanent, and with the enemy split the Republicans did not have to worry so much about the identity of their nominee—any reasonably strong candidate was likely to win. Nor did they have to make overtures to the Constitutional Union party, which had repelled many Republicans with the nomination of slaveholder Bell. Their problem was to find the most "available" candidate, the man least offensive to most factions. To many delegates, the front-running candidate, William H. Seward seemed to radical to carry the doubtful states of Illinois, Indiana, Pennsylvania, and New Jersey. Some delegates in these states were willing to support Bates as a more conservative candidate. Frank Blair addressed the Indiana and Pennsylvania delegates in Bates' behalf. When Lincoln's supporters heard of this, Gustave Koerner rushed over to attack Bates for heading the Whig National convention in 1856 and for supporting the Know-Nothings in St. Louis elections. It readily became apparent that Bates, like Seward, was unavailable.17

A committee of the leading delegates of the four doubtful states met for five hours the first night of the convention to decide on an alternative candidate to Seward. The Illinois delegation was led by David Davis, Henry Winter's cousin, who secured promises from the New Jersey and Pennsylvania delegations to support Abraham Lincoln. Having decided on a presidential candidate, the committee turned to the problem of choosing his running mate. Probably at Judge Davis' urging, Winter Davis was endorsed, perhaps because it was thought he would bring strength to the ticket in nativistic Indiana and tariff-minded

Pennsylvania. The judge was instructed to telegraph his cousin to ask if he would run with Lincoln.  

The telegram startled Winter Davis. In a hastily dispatched reply he declined the offer to run. Consequently the Lincoln support went to Senator Hannibal Hamlin of Maine, who led the first ballot with 194 votes. Kentucky abolitionist Cassius M. Clay was second with 101, and scattered votes went to John Hickman of Pennsylvania, Nathaniel P. Banks of Massachusetts, Sam Houston, and Davis. On the second ballot, Hamlin was selected.

In a private letter to his cousin, Winter Davis explained his reasons for declining the nomination. "I did not think it advisable to allow myself the nomination for V. P. even if there had been any prospect of it which I am far from thinking." His name would have "embarrassed the ticket in the North West: and it would in common with my vote for Pennington have been seized on to justify every species of personal imputation." In Maryland his political friends were so "entangled with Bell and Everett nomination to such an extent that my nomination at Chicago would have give the state to the democrats--cost

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18 King, David Davis, 140; HWD to David Davis, 10 June 1860, Davis Mss, CHS. The Lincoln supporters were not the only ones seeking Davis as a running mate. "What I hear inclines me to believe that Winter Davis would be glad to go on the ticket and could draw a large vote after him," candidate William Seward wrote his campaign manager, Thurlow Weed, in April 1860; see Seward to Weed, 25 April 1860, Weed Mss, University of Rochester. Early in May, managers for perennial presidential candidate, colorless Judge John McLean of Ohio also approached Davis about running for Vice President, but Davis flatly declined; see SFDP to SMDP, 10 May 1860, WMss 9-2137.

19 Luthin, First Lincoln Campaign, 166-167; Baltimore Clipper, 19 May 1860.
us a Senator so greatly needed and our whole state government."  

Davis considered the nomination of Lincoln and Hamlin wise "under the circumstances," and he wished them success. "In my judgment it is the only mode of shaking off this democratic domination: and I greatly prefer Mr. Lincoln to any democrat." The Chicago platform he felt was "like others I ever saw—supremely foolish," but the platform was not important. "The man is the President and he suits me."  

As Lincoln had no chance of carrying Maryland, Davis and his allies resolved as "the next best thing" to support the Constitutional Union ticket at home. "We can thus hold the state from any democrat unless Mr. Lincoln's friends are so confident as to name an electoral ticket—in which event the Democrats will assuredly have 8 votes." Maryland Republicans were determined to run a Lincoln slate whatever the cost. "I think our true policy is to force them [the Constitutional Unionists] to take sides either with the Democrats or the Republicans," wrote one party leader. "Davis is cowering from the reproach of Republicanism yet planning to derive the highest honors from its success."  

Davis attempted to make an arrangement with Lincoln through his campaign manager, David Davis, not to run a Republican ticket in Maryland. "I have been doing all I can to have the canvass so conducted

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20 HWD to David Davis, 10 June 1860, CHS.

21 Ibid.

22 T. H. Hicks to Editor, 24 May 1860, Robert Todd Lincoln Collection of Abraham Lincoln Mss, LC, hereinafter cited as TRL, LC; W. L. Marshall to M. Blair, 27, 30 May 1860, Blair, LC; Baltimore Clipper, 30 May 1860.
that Bell shall not cross the path of Lincoln in the free states," he wrote his cousin. "I feel sure I will so far succeed as to prevent any serious division in Pa. and N.J. and they will probably settle the contest." The Democrats, he predicted, would carry all the Southern States "except Md. and possibly Tennessee and Texas." But they might capture Maryland if the Republicans insisted on running a slate there. If the Republicans would stay out of Maryland, Davis pledged to see that Bell did not hinder Lincoln's chances in the crucial states.23

When David Davis delivered Henry Winter's message to Lincoln, the candidate wrote Colonel Dick Thompson, Davis' friend and a Constitutional Unionist in Indiana, to discuss alternatives with Davis. As a result of that meeting Davis addressed another letter to his cousin to be handed to Lincoln. "I find our mad men are bent on a Lincoln ticket in Md.," he complained, "and I and Blair can do nothing to arrest it." Any split in the opposition, Davis argued, would give the state legislature to the Democrats. And the next legislature, he noted, would elect a Senator to replace Anthony Kennedy, hopefully someone favorable to Lincoln's administration. "You know the power of names enough to know that till Lincoln's policy is developed and our people begin to feel confidence in him personally, it will be impossible to carry the state for him under the name republican, yet it can be done under our existing organization." If the Republicans oppose the Constitutional Unionists in Maryland, "it will embitter our people and make them look on the republicans as their opponents instead of regarding them as they now do as only a part of the unhappily divided opposition." The local

23HWD to David Davis, 10 June 1860, CHS.
Republican leaders were still pushing for a separate ticket. "Perhaps a hint from Lincoln might be useful," he concluded. David Davis presented the letter to Lincoln and urged him to do something "to prevent the thing."24

At Lincoln's request, David Davis replied with "a hint" that he desired no Republican ticket in Maryland, the hint obviously coming from Lincoln. Winter Davis showed the letter to all those prominent in the Republican movement but with little success. Montgomery Blair reported to his father: "I told him [Winter Davis] that it could not be prevented, that our Ex-Committee was determined to start a ticket."

Blair's closest advisors were "rampant for a ticket" and "savage on the KN's." Davis made a final appeal to Montgomery Blair to prevent a Republican ticket from being entered in Maryland. "There is great force in your observations about the moral power of a big vote" for Lincoln, Davis wrote Blair. "But as I am to suffer under the physical power of a democrat hue in Md. for 10 years to pay for that moral power, I had rather not!" Blair agreed to do his best.25

During the pre- and post-convention activity, Congress was barely active. Only in the last days of the session was even the most rudimentary business of the country acted upon. Part of the delay arose out of the protracted Speakership contest, part out of Pennington's inability to control the House, but mainly because it was an election year. The opposition-controlled House was in an electioneering mood.

24Lincoln to Richard W. Thompson, 18 June 1860, HWD to David Davis, 28 June 1860, D. Davis to Lincoln, 5 July 1860, RTL, LC.

25M. Blair to F. P. Blair, Sr., 28 June 1860, Blair, LC; HWD to M. Blair, n.d., Blair Mss, LC.
It passed Morrill's Homestead Bill knowing Buchanan would veto it.\(^{26}\)

A sub-committee of the House Ways and Means Committee composed of Morrill, Davis, and William A. Howard prepared a protective tariff which they frankly admitted had little chance of passage. The bill established protection for America's ailing industries, such as the Maryland coal and iron companies, as well as a general rise in tariff duties. Although it was one of the most carefully drawn tariff bills ever written, it was primarily concocted to be a campaign issue. After a lengthy struggle in the House, it was passed but then buried in a Senate committee.\(^{27}\)

The transcontinental railroad issue occupied the House for several days. Davis opposed the Pacific Railroad Bill not because he opposed the railroad, but because he opposed creating "the most stupendous monopoly that the country ever saw." He preferred a railroad built and operated by the government "exactly as it builds forts and improves harbors."\(^{28}\)

Much of the session was devoted to exposing graft and corruption in Buchanan's administration. The House Ways and Means Committee, of which Davis was a ranking member, charged the administration with fraud in the procurement of coal and timber for the Navy. The administration's use of patronage at the Navy yards, particularly the Brooklyn Navy Yard, in return for votes on key issues was paraded before a disbelieving

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\(^{26}\)CG 36th-1st-1115.

\(^{27}\)Parker, *Morrill*, 103-104; Sherman, *Recollections of Forty Years*, I, 182; HWD to Justin Morrill, 1 August 1860, Morrill Mss, LC; CG 36th-1st-2015-2016.

\(^{28}\)CG 36th-1st-2448, 2800.
public. Finally, the Covode Committee exposed corruption in the post offices, custom-houses and printing offices.29

The Thirty-Sixth Congress, at Superintendent Robert E. Lee's urging, established a commission to investigate the course of instruction at the United States Military Academy at West Point. The commission was to consist of two members of the Senate, two from the House, and two army officers. "I think the Speaker will name me and John Cochrane and the V. P. will name Jefferson Davis and somebody else," Davis reported "and all will meet at W. Point to consult with him in the summer and report in Decr." As he guessed, Pennington named him to the West Point commission.30

When Congress adjourned in June, Davis and Nancy and pudgy Anne returned to Baltimore. "I find my people here in Baltimore all perfectly satisfied with my conduct in Washington," Davis proudly reported. He gloried in the "complete, hearty, rancorous, and satisfactory" division of the Democratic party between Breckenridge and Douglas. "We are sure of the State without any trouble at all," and even the "crazy squad of republicans" would not hurt them. But he was disturbed by an apparent move to Breckenridge. "The Whigs and independents and reformers, the newly rich, who are afraid to be in a majority, and the old rich who can't get into one" seemed to be moving to Breckenridge from Bell. All the members of the Friday Club had become "Bucks," he wrote. "In a word, everybody who can rise himself

29Ibid., 2950-2951.
30Ibid., 2309, 3003, 3169; HWD to SFDP, 17 June 1860, WMss 9-10276.
and don't like me to rise is a democrat on one side or the other of the split."

Politics took a secondary position in Davis' life that summer. In July he and Nancy and the baby left for West Point. "My glory is culminating," he announced from the Military Academy. "First I was called Colonel ... then our Commission received a salute national of 33 guns. Only think of that!" He felt embarrassed to review the Corps of Cadets, "I representing the disorderly House of Reps. in an informal and irregular and unmilitary straw hat." The commission's work progressed slowly. Davis, former West Pointer Jefferson Davis, Senator Solomon Foote, Representative John Cochrane of New York, and Major Robert A. Anderson met daily at the library of the Academy. "We have examined the English Report of 1857, the military Schools of the Continent, and find it bungling, irregular, unsystematic John Bullish as was to be expected." The Prussian military education system seemed superior to both Congressman and Senator Davis because it required practical training in addition to "the more abstract and scientific" studies. But both men doubted that Congress would see the necessity of establishing a separate "school of practice."

The vacation from politics benefited Davis' health and attitude. "Nancy and I are at a Hotel a mile from the Point and Nannie is enjoying herself on the most extensive scale," he wrote his aunt, "trees and grounds all round and plenty of little children to play

31 HWD to SFDP, c. July 1860, WMss 9-10345.

with—besides one to scratch her." Mrs. Du Pont reported that she had never seen Henry look in as good health or as strong as during his summer on the Hudson River. Nancy regained the weight she lost after the death of her second child, while Anne, her proud father reported, "is sturdy and stout to a scandalous degree." 33

In the midst of his West Point visit, Davis met his cousin David Davis at the Astor House in New York for a personal and political conference. David reported the conference to Lincoln: "Henry has a strong desire that your administration should be a success. Henry dislikes the union movement generally, and the Union with either branch of the democracy is condemned by him emphatically." Winter Davis reported the meeting to Captain Du Pont: "Lincoln has the prestige and is now as good as elected. The coalitions attempted or made [to defeat him] are the efforts of despair." He told Du Pont that though still seeming to support Bell, his position was taken "merely for local policy. I am disgusted at the coalitions and shall say what I think of them when I get home." 34

David and Winter also discussed the formation of Lincoln's cabinet at their Astor House meeting. Winter urged his cousin to support Seward as minister to the Court of St. James instead of for Secretary of State. "If Seward will go to England he may have Buchanan's luck; and Lincoln will be relieved." Davis favored Thomas Corwin of Ohio for

33 HWD to Elizabeth B. Winter, 27 July 1860, Davis Mss, CHS; HWD to SFDP, 25 July 1860, WMss 9-10337.

the head of the cabinet. The Lincoln administration would have but two opportunities to show its nationalism before the congressional elections next year—the inaugural address and the cabinet appointments. "To them every eye will be turned: any error in either is fatal." The appointment of a conservative man like Corwin, Winter assured his cousin, would dispel the cry being raised that Lincoln would have extremists around him.35

On September 6 Davis and his family left West Point, the commission's investigation being finished and its report practically written. Returning by way of New York City, Mrs. Davis shopped while Davis conferred with politicians. "Nancy exhausted Broadway in a day," her husband reported, so they took a train to Philadelphia. From there they went on to the Du Pont's estate. After enjoying "a day with the ticks," they returned to Baltimore and the fury of politics.36

As Davis suspected before leaving for the summer, the Breckenridge movement was gaining momentum. A vote for the Southern Democratic candidate was justified as a vote that would unite Maryland with the South and rebuke the fanaticism of the North. The Vice President's candidacy was supported in Baltimore as the best way to save the Union—and that was to defeat Lincoln and thus prevent secession. Davis was disgusted with the mass defections from the Constitutional Union party. "I see that my wise colleague Harris is canvassing Md. with the

35HWD to David Davis, 22 August 1860, RTL, LC; HWD to David Davis, 10 September 1860, Davis Mss, CHS; SFDP to HWD, 20 August 1860, WMss 9-2196; HWD to SFDP, 24 August 1860, WMss 9-10451.

36HWD to SMDP, 11 September 1860, WMss 9-17137; SMDP to Edward Syle, 19 September 1860, WMss 9-22822.
declaration that he prefers and would vote for Breckenridge to defeat Lincoln." Davis privately accused Harris of defecting in order to obtain support for Governor or Senator. "There is more prospect of losing the State," Davis confided to Du Pont.37

At the end of September Davis decided to abandon his aloof position and publicly announce his position. For the occasion he rented the New Assembly Rooms and ran advertisements in the newspapers. The address was scheduled for 8 P.M. on September 28. An hour before the speech was to begin, people packed the hall and an estimated two thousand stood outside in a slight drizzle to hear Davis speak. When he appeared on the stage, he was received with deafening cheers and applause. William Alexander, President of the American Party Superior Council, introduced Davis. The crowd immediately settled as he began his speech.38

The Democracy was finally dead, he declared, and Breckenridge and Douglas were fighting over who would have the honor of burying the corpse. In fiery words Davis blasted the whole record of the Buchanan administration beginning with its handling of foreign policy and the recourse to the sword to solve international problems. He flayed the Democrats' mishandling of the crisis of 1857. He denounced the party's corruption, citing the Fort Welling Report, the Willett's Point Report, the Covode Committee Report, and the brokerage of Navy Yard offices. He berated Buchanan for his support of the Lecompton Constitution. The Democracy had ignored the interests of the "great agricultural classes"

37HWD to SFDP, 3 August 1860, WMss 9-10431.
38Baltimore Clipper, 28 September 1860.
by opposing the Agricultural College bill, the interests of the workingman by refusing to remodel the tariff, and the interests of the commercial classes by opposing the Pacific Railroad. It was time for a "new deal," a time to "sweep out from the office the flocks of unclean birds that have been nesting for the last four years." For as long as the Democracy reigned, "so long there will be nothing but one eternal howl on the negro question to keep itself in power."

A major part of his speech was devoted to a defense of the "opposition"—the Constitutional Unionists and the Republicans. The opposition parties needed each other. Bell, if President, could not be successful without the congressional support of the Republican party; and Lincoln, if President would not have broad enough support without the help of the southern opposition Congressmen. The Republicans and the Unionists agreed that the slavery question is completely settled, Davis claimed; "in the language of Mr. Webster, there is not a foot of Territory within the jurisdiction of the United States of which, slave or free, is not irrevocably settled by some law." The conservative Republicans had "acquiesed in the fugitive slave law, in the existence of slavery in the District of Columbia, and in the right to carry slaves from one State to another." No question on slavery now existed "except such as the Democrats may see fit to open." The way to settle the slavery question, Davis concluded, "is to be silent on it."39

Discounting threats of disunion as "a cry of wolf, with no wolf threatening the fold," he denounced the coalitions forming to defeat

39Ibid., 29 September 1860.
Lincoln. In Maryland "we do not make bargains with our political opponents and lie down in the same bed after they have slobbered over us for years." If the coalitions succeeded and no candidate was elected, the election in the House of Representatives would be a "bloody scene." If no selection would be made there, the office would be vacant and the union might be dissolved. "Peace is within our grasp, if we only see fit to hold fast. If we choose to encourage war, we may encourage it too far." He urged his fellow Marylanders not to fall prey to the Democratic howl, but to remain firm for Bell.

He closed with a story from his favorite work of history, Gibbon's Decline and Fall of the Roman Empire. An iconoclastic rage had induced the people of Egypt to sweep away all idols. In Alexandria was a temple with a great image of Serapis. Legend told the people that if the statue of Serapis was destroyed the world would crumble to dust. The Christians stood in awe before that heathen statue until one strong man seized an axe, mounted the ladder and struck the idol repeatedly, until it fell piece by piece to the ground. The trembling multitude waited for the Heavens to fall and the earth to crumble. As the minutes passed, the people realized that they were foolish for fearing the idol. "I take it that they who smite the Democratic party," he concluded, "will find that no disaster will follow its destruction."^0

The address was well received by the audience, Davis wrote Du Pont, "though it was so directly counter to everything that had been said and done during my absence, that I was very doubtful when I began whether I should finish without a row." To defend the Republicans in

^0Ibid.
Baltimore was a dangerous undertaking, but Davis' ability as an orator and his bold and independent stand won the crowd. "So much for my enemies," he crowed.41

Newspaper reaction to Davis' speech was savage. While applauding Davis for supporting Bell, the Baltimore Clipper blasted him for his support for Lincoln and the Republicans. The Baltimore American called the speech "a Lincoln pronunciamento in Bell clothing, or rather an eccentric Republican sheep with a Union Bell on its neck." Distinguished lawyer and scholar William Price, a Bell elector, wrote an article attacking Davis as "the first missionary of the Republican church" and "an enemy in the guise of a friend."42

Despite Davis' appeal for unity within the Union party, the friends of Bell continued to fight each other. In October the party split over the mayoral contest. The Reform party nominated Davis' former friend, George William Brown, and the old Americans nominated former Sheriff Samuel Hindes. Brown overwhelmed Hindes by an 8,000 vote majority. "It is worse than I supposed," Davis lamented. "The result of yesterday is the work of Mr. Bell's friends of the shop-keeping and trading classes--never reliable in an emergency and always ready to follow a false lead of their enemies."43

As the presidential election drew near, Davis doubled his efforts

41HWD to David Davis, 1 October 1860, RTL, LC; HWD to SFDP, 8 October 1860, WMss 9-17139.

42Baltimore Clipper, 1, 2 October 1860; Daily Baltimore Republican, 3 October 1860; Baltimore American, 1 October 1860.

43Baltimore Clipper, 20 August, 3, 13, 20 September, 10 October 1860; Cecil Whig, 20 October 1860; HWD to Nicholls, c. 1860, in Steiner, Davis, 191; HWD to SFDP, 12 October 1860, WMss 9-17138.
to keep the Union vote together and minimize Republican defections. "The Republicans are all now crazy with the hope of a very large vote in Md.," Davis noted, "and they are fools enough to think a good vote here is worth what it costs—a Senator next year who would actually hold the balance of power in the Senate." Davis' speeches began to have an effect. Many voters who were planning to defect to the Republicans after the bitter mayoralty contest were returned to Bell. Old Frank Blair complained that the stampede to Lincoln was intense in Maryland "but Winter Davis told them that this was not the way to win favor from Lincoln ... This suggestion has influenced multitudes all over Maryland and will make our vote meagre, where a week ago promised to be very considerable."44

The night before the election Davis predicted victory for Bell in Maryland "by a plurality, not a majority." He continued, "in the City reigns confusion worse confounded. The fool drygoods men who elected Brown are now heartily sick of their folly." Davis thought that Bell would get all of the Hindes vote, "and if half of the shopkeepers and jobbers vote for him who voted for Brown we shall have a plurality."45

Election day was peaceful and orderly in Baltimore. One of the last acts of the American-dominated city council was to divide the wards into precincts and thus reduce the large crowds at the polls who precipitated violence. All day long Davis surveyed the polls and was disappointed at the large number of Whigs who were voting for Brecken-
ridge and was amazed at the small turnout for Douglas. That the night
the results of what Davis termed "the insane canvass" were known. While
Lincoln swept the North and captured the Presidency as Davis expected,
Breckenridge carried Baltimore and Maryland. 46

"We have lost Maryland by a hundred or two votes owing to the
Republican diversion," Winter complained to his cousin David. The one
thousand Lincoln votes in Baltimore which "proved fatal" were "chiefly
instigated by an insane desire to be first at the distribution of
offices," Davis charged. His disgust at losing the State was "balanced
in great measure by my profound satisfaction at this demonstration that
my policy is the only one which can rescue Md." The loss of the state
seemed to be too great a price to pay for a few votes for Lincoln. He
was disgusted with the Maryland Republican leadership who ran a ticket
only to advance themselves in the national party. "Whether Mr. Lincoln
will appreciate the service of jeopardizing a Senator who will hold the
casting vote of the Senate during half his term remains to be seen." 47

46 HWD to SFDP, 6 November 1860, WMss 9-17143.
47 HWD to David Davis, 8 November 1860, Davis Mss, CHS; HWD to
SFDP, 7 November 1860, WMss 9-17144.
HENRY WINTER DAVIS:
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in

The Department of History

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"The Govt. is in the hands of its enemies," Winter Davis lamented as the second session of the Thirty-Sixth Congress assembled in Washington. By early December, the legislatures of South Carolina, Georgia, Mississippi, Florida, and Alabama had ordered the election of constitutional conventions to prepare for secession. "I confess," he wrote Captain Du Pont, "I see no escape from revolutionary conflicts or disgraceful dissolution."

President Buchanan's annual message, Davis thought, was "the final blow to the Government he is sworn to support." The message displayed the President's inability to come to grips with the crisis; instead of providing solutions, it dispensed blame. It laid emphasis on the wrongs committed on the South by the North. Although he noted that the states had no right to withdraw from the Union, Buchanan ended his address with a long argument to prove that he, as President, had no constitutional authority to coerce a state. Davis considered the message "a party diatribe against the republicans to inflame and justify the revolutionists." Buchanan's denial of the legality of secession and his

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1HWD to SFDP, 10 December 1860, WMss 9-17147. This chapter originally appeared as "Pre-Civil War Compromise Efforts: A Re-Evaluation," in Louisiana Studies, XII (Spring, 1973), 376-382.
disavowal of authority to prevent secession "in the same breath,"
Davis thought, was "wholly without precedent and could proceed from
none but so treacherous, selfish, and timid as the President." With
frail and pliant Buchanan in office, Davis predicted that "from now
till the 4th March is haymaking time for those who wish to make a safe
revolution!"²

On the second day of the session, Davis' close friend, Congressman
Alexander R. Boteler of Virginia, proposed to send the part of the
President's message which related to the "present perilous condition
of the country" to a special committee of one member from each state.
By an overwhelming majority, indicating the conviction of the country
that something needed to be done, the Committee of Thirty-Three was
established. "I voted for it," Davis explained, "but why I don't know
except that everybody seemed to be for it."³

Davis' devotion to the Union was strong. The first article of his
political faith--as a Whig, then an American, and now a Constitutional
Unionist--was that the Union was paramount and indivisible. As there
was no legal way to dissolve the Union, initially he saw no need to
compromise with the South.

The Constitution provided adequate authority to deal with
secession. Revising the preamble, he wrote:

We, the people, to establish justice (which S. C. has destroyed)
assure domestic tranquility (which S. C. troubles) &c &c
to ourselves and our posterity (when does that end?) do
ordain (any high churchman will admit orders to be indelible)

²HWD to SFDP, 10 December 1860, WMss 9-17147.
Article I, Section VIII provided for calling the militia to execute the laws of the Union and to suppress insurrection, but apparently, Davis noted, Buchanan never read that section. Davis found further support in Section X of Article I which prohibited a state from making treaties with other states or from maintaining an army or navy without the consent of Congress. Buchanan obviously ignored this, Davis wrote, when he allowed Georgia's legislature to appropriate one million dollars for defense.

Davis found Article VI of the Constitution to be the strongest legal obstacle to "peaceful secession." That article declared the Constitution and all federal laws to be "the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Thus, any act a state passed contradictory to the laws of the United States was unconstitutional. Davis contended that if South Carolina declared herself out of the Union, that is, not subject to the Constitution, her judges were bound to disregard that declaration. The same provision and oath bound state executives and legislators. "It is rather difficult to see how there is any loop-hole to creep out at," he argued, "for every officer of the State must be sworn to take the Constitution as the supreme law over that of his own State; and if he refuse to take it, he cannot be an officer of the State."
Peaceful secession he summarily dismissed. "A State can therefore get out only by breaking out." General Jackson, whom he abhored as an authority on every other topic, was his source for dealing with forceable secession. "Jackson did not mince words. He calls Secession 'insurrection and treason'." As Buchanan would not resist secession forcefully, Davis did not see how any good could come out of the congressional compromise committee. "The Committee of 33 is a humbug," he decided, "but as it will amuse mens minds it may do no harm."7

Two days after its creation, the Speaker announced the membership of the Committee of Thirty-Three. Pennington appointed sixteen Republicans, fifteen Democrats, a pro-secession American, and Winter Davis. Ohio's Thomas Corwin, Davis' candidate for Secretary of State, was named chairman. Several members who were offered appointments refused to serve. Representative William Boyce of South Carolina naturally declined as did secession-minded George Hawkins of Florida, who complained that he would not participate because he felt the committee would accomplish little and because he objected to the make up of the body. He claimed Davis was not a fair exponent of the opinions of the people of Maryland. "Mr. Speaker," Hawkins addressed the House, "there was a Stewart, a Hughes, a Kunkel, a Harris, and a Webster, from whom a selection could have been made, neither of whom comes here with a marked and emphatic disapprobation of the State of Maryland." The Baltimore Clipper echoed Hawkins' discontent with Davis' appointment. "Mr. Davis does not, and cannot reflect the sentiments of the majority of the people in this State," it argued in

7Ibid.
an editorial. "His appointment upon this important Committee of Adjustment, by whatever hocus pocus it was compassed, is nothing more nor less than an outrage upon the people of Maryland."8

Davis reasoned that the attack by Representative Hawkins was inspired by his Maryland colleagues, J. Morrison Harris, Edwin Hanson Webster, and James Stewart. "I wish either of them were in my place," Davis grumbled. Pennington told Davis that he had hesitated to name him on the committee because the Republicans hoped to see him in the Cabinet. "I found there was an effort making to keep me off for home influence and I resolved that I would go on it." He easily persuaded Pennington to appoint him. But when he contemplated the difficulty in arriving at a comprehensive plan of adjustment, he began to have reservations. "I wish heartily I could have been spared from this thankless service—like Anderson at Fort Moultrie."9

The Committee of Thirty-Three held its first session on Tuesday, December 11, and thereafter meetings were scheduled daily. Initially, Davis felt the possibility for a compromise solution was good for secession-fever seemed to be abating. Boyce of South Carolina, who swore he would not serve on the committee, attended the second session. Crawford of Georgia told Davis he doubted that his state would follow South Carolina's lead. Davis was encouraged by a conversation with his old friend Representative Andrew Jackson Hamilton of Texas who reported that four out of five men in Texas were for the Union and opposed to

8CG 36th-2nd-22, 37; Baltimore Clipper, 7 December 1860; A. C. Robinson to A. Boteler, 7 December 1860, Boteler Mss, Duke; W. G. Snethen to Lincoln, 8 December 1860, RTL, LC.

9HWD to SFDP, c. 12 December 1860, WMss 9-17149.
breaking it up. Most encouraging of all to Davis was the fact that Representative John D. Ashmore of South Carolina arrived in Washington without his family but sent for them within a week "and expects to stay till March 4th."  

From the outset of the committee's deliberations, Davis was sure that everything which "any man of honesty can ask will be granted--the fullest assurances against any desire to trouble slavery in the States, D. C., Dock Yarks &c, Slave trade between states, repeal of Liberty bills, enforcement of the fugitive slave law," would be conceded to the South. Despite these concessions, he felt the "mischief makers" would push for more. "Now in my judgment nothing can be done to restrain S. C. (and possible Ga. and Miss.) but such declaration and enactments must deprive the Secessionists of the countenance of men of position and honesty." He felt sure that "the plague can't spread beyond S. C. and the Gulf." 

On December 13 Davis presented a series of resolutions designed to begin the committee toward the process of eventual compromise. The first called for the states to review their statutes and repeal any which hindered the execution of the laws of the United States—a diplomatic appeal to the northern states to annul their personal liberty laws. He coupled that with a bill to mitigate the most

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11HWD to SFDP, c. 12 December 1860, WMss 9-17149.
bothersome aspects of the Fugitive Slave Law of 1850. His bill provided for trial by jury, and exempted citizens of the North from being compelled by law to aid in the return of a fugitive. A more just and effective fugitive slave law, Davis thought, would go far to soothing sectional controversy. With snow beginning to fall, Congress hastily adjourned for the weekend when private conferences and dinner parties focused on compromise. On Monday morning, the committee decided to begin consideration of compromise by taking up Davis' proposal, and the following day the committee agreed to his resolution on Personal Liberty Laws and sent his bill amending the Fugitive Slave Act to a special sub-committee headed by Davis. "We begin to obtain results," Davis reported.\(^\text{12}\)

Throughout December Davis contemplated a comprehensive three point settlement: first, the repeal of the Personal Liberty Laws; second, a new and less obnoxious Fugitive Slave Act; and third, Charles Francis Adams' proposal to prohibit interference with slavery in the states by an irrevocable Constitutional Amendment. "These matters really cover all the bad ground and if treated fairly ought to soothe the existing irritation," Davis predicted.\(^\text{13}\)

Two opposite influences began to shatter all hope of compromise. President-elect Abraham Lincoln wrote Representative William Kellogg, the Illinois member of the committee, to "entertain no proposition for


\(^\text{13}\)HWD to SFDP, 29 December 1860, WMss 9-17148; Journal of the Committee of Thirty-Three, 11-12.
a compromise in regard to the extension of slavery." Lincoln further outlined his policy to Senator Lyman Trumbull, a member of the Senate compromise committee. He wanted no compromise on the territorial question, although as a sop he stated that he was for "an honest enforcement of the constitution—fugitive slave clause included." At the same time that the Republican party's chief was declining substantive compromise, the Democracy revealed what seemed to be its true objective—the restoration of the Missouri Compromise line. "Be not deceived by those venerable words," Davis warned, "they mean something quite new." The Missouri Compromise line adopted in 1820 referred only to the territory acquired by the Louisiana purchase. The Democrats now proposed to extend the 36° 30' line to the Pacific and demand recognition and protection for slavery in the territories south of that line "hereafter acquired"—an open invitation to Southern expansionists to agitate for the acquisition of Cuba, Lower California, Sonora, and Central America. At a minimum this was a demand to make slave states out of the Mexican Cession territory, Davis explained, and more probably "to carry slavery to the South pole." 14

On December 20, the day South Carolina seceded, Davis broke up an unproductive session with a proposition that stunned both Republicans and Democrats. The session was dull, Charles Francis Adams recorded in his diary, "until Mr. Winter Davis first broke in with a cannon shot clear through the line." Davis called for the immediate admission to

statehood of New Mexico including the Arizona Territory. His proposal was as adroit as it was bold, for it slipped through the horns of the slavery extension dilemma. As the Democrats demanded that slavery be protected in the territory of New Mexico, the only area south of the proposed 36° 30' line, and as Lincoln and the Republicans adamantly opposed the extension of slavery into any territory, the admission of that territory as a state, letting its people decide for or against slavery, solved the problem. The chances were that New Mexico would enter as a slave state—its territorial legislature in 1859 established slavery. But not even Lincoln proposed to intervene with slavery in the states.15

The Republicans supported Davis' proposal but the Democrats repudiated it. "It is now apparent," Davis concluded after the meeting, "that the Southern Locofocos do not care for the present territory—but are struggling for leave to conquer Mexico with a pledge that it shall be slave." Annexing territory seemed to be their goal. "I for one will never yield that bribe to land piracy and

15Charles Francis Adams, Diary, 20 December 1860, Adams Mss; HWD to SFDP, 1 January 1861, WMss 9-17150. Some historians—notably Allan Nevins—have claimed that Davis' resolution to admit New Mexico was more advantageous to the North than to the South. Nevins claimed that although New Mexico might enter as a slave state, she would soon become free because of her "terrain, climate, products and traditions were hostile to slavery." Nevins, The Emergence of Lincoln: Prologue to Civil War, 1858-1861 (New York, 1950), II, 408. This argument, however, is simply a refinement of Charles W. Ramsdell's article, "The Natural Limits of Slavery Expansion." Only if one equates slavery with the cotton economy can New Mexico be written off to the South. But in fact, informed Southerners who demanded the New Mexico territory most often spoke of minerals, not cotton. For an excellent critique of the Ramsdell thesis see Eugene D. Genovese, The Political Economy of Slavery: Studies in the Economy and Society of the Slave South (New York, 1967), 251-264.
perpetual war, let who else will," Davis vowed.16

The day after Davis shocked the committee with his proposal, he offered three resolutions to solidify his plan. His first resolution proposed immediate statehood for New Mexico, including Arizona, with any constitution it may adopt. The second balanced the first by admitting Kansas as a free state. The third eliminated the final Republican objection by prohibiting the acquisition of future territory by the United States, "by conquest, discovery, treaty, or otherwise, nor shall any State not formed of territory of the United States be admitted into the Union" except by a two-thirds vote of the Congress and with the approval of the President. Davis explained his proposals to Charles Francis Adams as an attempt to break the combinations the Southerners were trying to form. "His amendment was intended to force a refusal on their part as evidence of the hollowness of their claim of the Missouri Compromise," Adams wrote. "I am not sure that it would be wise to adopt it in that sense ourselves." Indeed, the Republicans in caucus decided to support Davis' proposals.17

The question of compromise in the House committee revolved around the status of the territories and future lands acquired by the United States. In the meetings after Christmas the Republicans, as a party maneuver, supported Davis' plan for the admission of New Mexico with a

16HWD to SFDP, 1 January 1861, WMss 9-17150. Republicans may have been converted to Davis' scheme by testimony of the New Mexico delegate that it would soon be another free state, but Southerners would have disputed this contention.

17Journal of the Committee of Thirty-Three, 14; Charles Francis Adams, Diary, 21 December 1860, Adams Mss.
provision to prohibit the future acquisition of territory. The Democrats, unwilling to rule out future expansion, consistently opposed a plan they had previously espoused. Davis' earlier efforts to secure the repeal of Personal Liberty laws now seemed worthless. "Personal Liberty Bills are of no importance at all," wrote Justin Morrill. "Privately here they admit all this." Adams agreed that repeal of the laws would not count "a feather's weight" in preserving the Union.\(^{18}\)

The proposal that appealed to Southerners was the work of Senator John J. Crittenden. The Kentucky Senator's resolutions extended the Missouri Compromise line to California with protection for slavery in territories south of that line and territories "hereafter acquired." This would be included in an unalterable constitutional amendment. The second and third parts of the Crittenden Compromise deprived Congress of the power to abolish slavery in the District of Columbia as long as Maryland or Virginia held slaves and prohibited Congress from interfering with the interstate slave trade. A fourth part fortified the Fugitive Slave Act.\(^{19}\)

As popular as the Crittenden Compromise was with Democrats, North and South, Whigs, and moderate Republicans, it was unacceptable to Lincoln and the bulk of the Republican party. Davis opposed Crittenden's plan from a practical as well as a philosophical ground. "It is impossible to get 2/3 in the H. R. and S. and 3/4 of the States

\(^{18}\)Journal of the Committee of Thirty-Three, 15-19, 20-21; Morrill to wife, 29 December 1860, Morrill Mss, LC; C. F. Adams to Dwight Foster, 31 December 1860, Adams Mss.

\(^{19}\)J. J. Crittenden to Orlando Brown, 6 December 1860, Orlando Brown Mss, Filson Club; CG 36th-2nd-114, for text of the Crittenden Resolutions.
"afterwards" to support such a plan, he argued. Besides, "it yields to revolutionists in one end of the country but it arouses the intensest agitation in the majority of States." The plan was "mischievous in itself" and was proposed by "a man who wants to see mischief" to Crittenden "who innocently accepted them."²⁰

Throughout the early days of January 1861, Winter Davis chaired a subcommittee which arbitrated the numerous compromise provisions that had been submitted. What had begun as a sincere effort to find a solution to the secession crisis degenerated into an atrocious patchwork compromise. After deliberating over the Crittenden Compromise at the expense of Davis' proposal for several days, the Committee finally acted on the report of Davis' subcommittee. Davis' proposal to admit New Mexico as a state passed by a close vote. A constitutional amendment providing that the Constitution should never be altered in such a way as to abolish or interfere with the domestic institutions of any state, including slavery, was passed by a four to one margin. Then, Davis presented five resolutions— to enforce federal laws, to uphold the Constitution, to urge the states to repeal personal liberty laws and enforce the Fugitive Slave Act, to protect travelers, and to punish invasions such as John Brown's. These five were all passed. The committee then adjourned for the weekend.²¹

On Monday, January 14, the Committee of Thirty-Three met in final session to adopt its report to the House of Representatives. Absent were the members of the seceded states of the South—South Carolina,
Florida, Mississippi, Georgia, and Alabama. Chairman Thomas Corwin read his report of the committee's accomplishments and asked that it be read to Congress. But on the vote, only five members supported in total what the committee had passed in segments: Corwin, Davis, Dunn of Indiana, Stout of Oregon, and Stratton of New Jersey. Twenty-three members were in opposition. Albert Rust of Arkansas, who had been critical of the committee from its inception, moved that the entire proceedings be dismissed and no report adopted. There was still enough desire for compromise to allow reference of the issue to the House itself. Hence, the chairman was authorized to report to the House the accomplishments of the committee with his own views as to its merits. But in addition to Corwin's report, six others were submitted as minority reports—thereby eliminating whatever impact Corwin's report might otherwise have had on the confused situation.22

"My disgust equals yours," Davis wrote Du Pont, "but I have been gritting my teeth and have sworn to be patient till the 4th of March." Again he was impatient with the extremes. "For me I wish the question whether this is a Government or a Society of Friends to be settled: If the latter we can save some money and be as respectable." His willingness to compromise with Democrats he had long opposed was becoming exhausted. Each time he proposed a solution they pressed for more. There was "no assignable cause for the excitement" in the South, he complained. First it was personal liberty laws, then New Mexico, and now future territories. "It flits like the neuralgia from point to point," he said, "--it is never where it was a moment before when the

22Ibid., 37-40.
remedy is suggested."23

Corwin's report of the Committee's actions and the six minority reports touched off a month of heated debate. Many members made lengthy speeches discussing the propositions in minute detail. While the opposing sides were willing to reach agreement on personal liberty laws (Rhode Island repealed its law at the end of January) and on a fugitive slave law, they could not agree on the status of slavery in New Mexico and the conditions under which new territory could be acquired. Pennsylvanian Thaddeus Stevens reflected many Republicans' disgust at admitting New Mexico. He called it an attempt "to seduce back rebellious States" by making a state out of "two hundred and fifty thousand square miles of volcanic desert, with less than a thousand white Anglo-Saxon inhabitants, and some forty to fifty thousand Indians, Mustees, and Mexicans, who do not ask for admission."24

On February 7 Charles Francis Adams reported that "the galleries showed decided indications that something was expected. ... The speech of the day was Winter Davis's." Taking the floor, Davis retraced recent events, blasting Buchanan as "the chief destroyer of his country's greatness." Peaceful secession was an unacceptable alternative, Davis argued. To allow the South to depart was to yield free commerce forever, to create a thousand miles of interior border to be protected with a vast standing army, to invite the aggression of Europe, to open the door to the conquest of Mexico, and to "abandon the high perogative

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23HWD to SFDP, 15 January 1861, WMss 9-17151; HWD to SFDP, c. 12 December 1860, WMss 9-17149.

of leading the march of freedom, the hope of struggling nationalities, the terror of frowning tyrants, the boast of the world, the light of liberty."  

Davis then discussed the alternative to peaceful secession, coercion, possibly followed by armed conflict. He declared that the laws must be enforced "and they who stand across the path of that enforcement must either destroy the power of the United States, or it will destroy them." He trusted that conflict was centuries off. Peaceful methods of enforcing the laws of the United States would allow time for reflection and cooling off. The Constitution provided adequate power to meet every emergency and it required Congress to guarantee a republican form of government to every state. He urged citizens in the seceded states to form their own governments which the President could support. That would not mean war, he said; "it is no more war than arresting a criminal is war."  

He attributed the cause of the excitement to the Democrats. They "exaggerated and blackened the purposes" of the Republicans in the House and Senate and purposely incited the South. No amendments to the Constitution were necessary if the Southern politicians would only go to the people with the views of such moderate Republicans as Corwin and Adams. Having little hope of that, he urged passage of his resolutions on the Personal Liberty laws and the Fugitive Slave Act. He warned that Southern demands for the reinstatement of the Missouri

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25Charles Francis Adams, Diary, 7 February 1861, Adams Mss; Davis, Speeches and Addresses, 203-205.

26Davis, Speeches and Addresses, 206.
Compromise line so as to enable the South to extend slavery "over the whole of Mexico—over all the regions of Central America" were "absolutely impossible." Neither the House nor the Senate nor three-fourths of the states would agree to the extension of slavery "one inch." "Scale the heavens, if you please, without wings; pass the abyss which divides heaven from hell, but do not talk about a thing like this." Instead he urged the admission of New Mexico as a state. That simple act, he said, would eliminate the controversy, not by compromise, but by an act of justice. Statehood for New Mexico could be accomplished by a simple majority in the House and Senate and the signature of the President. Statehood for New Mexico would remove the last source of controversy. It was either the creation of New Mexico as a state or the destruction of the nation.

Davis pleaded for the preservation of the Union and pledged that Maryland would not join the conflict. He appealed to the rest of the South for moderation. "In Maryland we are dull," he said, "and cannot comprehend the right of secession. We do not recognize the right to make a revolution by a vote." He closed with an appeal for reconciliation under the guarantees of the Constitution.

Charles Francis Adams felt that the speech was impressive, but noted that Davis "is too much in antagonisms to rise above the partisan." Still he thought Davis "fastened the House completely." Reaction in Maryland was sharp. His strong appeal for the enforcement of the laws was attacked in unmeasured terms in mass meetings across the state.

27Ibid., 207-210.
28Ibid., 211-215.
Even in Baltimore, Davis' views were considered too extreme. Coercion of the South was more opposed than secession.29

In the House, Davis' speech, despite its immediate impact, had little effect. At the close of the session, Davis' amended amendment to the Fugitive Slave Act was passed by a vote of 92 to 83. But his motion to admit New Mexico was lost, the Crittenden Compromise was defeated, and the report of the Washington Peace Conference was ignored. Only Corwin's revised constitutional amendment, which simply declared that slavery could not be interfered with by the federal government, was passed with the necessary two-thirds vote. When the Senate passed the Corwin amendment on March 2 by a vote of 24 to 12, the proposed thirteenth amendment was sent to the Senate where it died. Three months of committee meetings, conferences, and debates had produced no comprehensive measure to ease the crisis. Whether the crisis would worsen depended on the actions of the new administration.30

29Charles Francis Adams, Diary, 7 February 1861, Adams Mss; Baltimore American, 8, 12 February 1861; "The Vice-Presidency," (n.p., 1868), in Bradford Mss, Maryland Hall of Records; W. P. Fessenden to family, 10 February 1861, in Francis Fessenden, Life and Public Services of William Pitt Fessenden (Boston, 1907), I, 122.

30CG 36th-2nd-855, 1403.
Chapter 11

THE VILE SCRAMBLE

Washington City on March 1, 1861, was noisy and nervous. The inauguration of President-elect Abraham Lincoln was to take place three days hence. Throughout Willard's Hotel, where Lincoln's party was staying, rumors spread of definite Cabinet appointments and other rumors of changes in those appointments. One story was that Lincoln had decided to exclude Montgomery Blair from his council and instead appoint Winter Davis. Late that Friday evening, Norman B. Judd, the Illinois Republican who had nominated Lincoln for the presidency, came to speak with the President-elect. In great agitation Judd inquired, "Is it true, Mr. Lincoln, as I have just heard, that we are to have a new deal after all, and that you intend to nominate Winter Davis instead of Blair?" Lincoln answered this question as he did all others; first pausing, smiling, and then quietly replying, "Judd, when that slate breaks again, it will break at the top."¹

True to his word, Lincoln gave a place to Montgomery Blair, making him Postmaster General. In deciding on Blair instead of Davis, Lincoln made a choice of great significance. Although Blair was from a powerful political family, he had no standing in the South and his appointment

would not propitiate the Southern oppositionists. Lincoln's decision to recognize Blair and his Maryland Republicans over Davis and his Unionists indicated to many that Lincoln would make no concessions to the South. Secondly, Lincoln's choice set Davis and Blair at odds with each other and created a feud which had lasting import for Maryland politics. And finally, Lincoln's decision to pass over Davis for the Cabinet and later for the diplomatic corps wounded Davis' pride and helped turn him into a critic of the administration, a position he would sustain throughout the war.

From the day of Lincoln's election, newspapers throughout the country had speculated that Davis might go into the Cabinet. His vote in the important speakership contest of 1860, his campaign support of Lincoln, his leadership of the Southern opposition, and his national reputation made him a logical candidate. The New York Times reported that "prominent politicians most intimate with the President-elect" considered Davis to be Lincoln's choice for Attorney-General. The New York Herald concurred regarding Davis' probable selection, while disagreeing with the Times over the rest of the Cabinet positions. Throughout the months of November and December Davis was constantly mentioned as a Cabinet possibility.2

The rumors were not surprising to Davis. In the heat of the presidential campaign Captain Du Pont advised him that certain unnamed Republican leaders had spoken with confidence regarding Davis' appointment as Attorney General. While disclaiming any desire for a Cabinet

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seat, Davis nevertheless took an active interest in the rumors and speculation, particularly those which concerned himself. Davis was irritated by a letter from a local New York politician describing a plan to keep Davis out of the Cabinet in order to elect him Speaker of the House.3

Despite his seeming interest in a Cabinet post, Davis refused to be an active candidate or to allow others to campaign for him. In November, while visiting Baltimore, Captain Du Pont spoke to him about efforts being made to secure him a portfolio. Davis insisted that Lincoln must not be pressured into appointing his advisors. "Mr. Lincoln must be free and keep himself free," Davis insisted, "or he will make shipwreck of himself and the Govt." If there was to be a struggle by states and individuals for patronage, Davis wanted no part of it. "I never canvassed for a nomination or election in my district," he swore, "never asked a man in any conviction of society for his vote, never crossed the threshold of a Mechanics house." When laughed at for not seeking votes and for wearing gentleman's yellow gloves, Davis replied that he was always willing to go into public life, but it had to be on "his own terms."4

Davis had powerful backing for a Cabinet post. James R. Partridge, Secretary of State for Maryland, wrote Davis' cousin and Lincoln's campaign manager, David Davis, regarding Henry Winter's future. Partridge protested the scheme to withhold Davis from the

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3SFDP to HWD, 10 October 1860, WMss 9-2205; HWD to SFDP, 17 November 1860, WMss 9-17145; HWD to SFDP, c. 12 December 1860, WMss 9-17149.

4SFDP to SMMDP, 25 November 1860, WMss 9-2216.
Cabinet in order to elect him Speaker. Partridge declared that because of Davis' pro-Union, anti-secession stand "he could not be returned from this District." Davis passed Partridge's letter on to Lincoln.5

Winter Davis also had powerful backing from his cousin, David, for the Illinois Davis was the closest friend Abraham Lincoln had. They had ridden the circuit together for years before Lincoln became involved in Republican politics and Davis moved to the bench. Judge Davis served as floor manager for Lincoln in the Chicago convention and had engineered Lincoln's successful campaign. The Judge's opinions thus carried great weight with Lincoln, and although the cousins had political differences, the Judge supported his younger relative for the Southern position in the Cabinet.6

The most vocal of Davis' supporters was the political wizard of New York, Thurlow Weed. On December 20, Weed met with Lincoln in Springfield to discuss the composition of the Cabinet. As Seward's political manager, Weed was determined to secure a Cabinet that Seward would approve. After Lincoln disclosed his preferences for the top positions, naming Seward, Bates, and Chase, considering Cameron, Welles, and Smith, and mentioning others, Weed asked Lincoln to give one or two posts to border state Unionists. Lincoln balked, demanding to know whether such men would be forced to surrender their political views to him or he to them. Weed replied that loyal men could be found in

5J. R. Partridge to David Davis, 21 November 1860, RTL, LC.
6King, David Davis, 168-170.
Maryland, Virginia, Tennessee, and North Carolina. "Well, let us have the names of your white crows," Lincoln retorted.

"Henry Winter Davis of Maryland," Weed replied.

"David Davis has been posting you up on this question," Lincoln said. "He came from Maryland and has got Davis on the brain." Lincoln then changed the subject by telling a story about an old farmer in court who replied on being asked his age, "Sixty." The judge told the old man that he knew him to be much older than that. "Oh," said the farmer, "you're thinking about that fifteen years that I lived down on the Eastern Shore of Maryland; that was so much lost time and don't count."

Undaunted by Lincoln's dismissal of Davis, Weed suggested instead John A. Gilmer of North Carolina. Lincoln said that Gilmer was acceptable, but so was Montgomery Blair. When Lincoln mentioned Blair, Weed caustically asked, "Has he been suggested by anyone except his father, Francis P. Blair, Sr.?"

Weed's interview with Lincoln indicates that while Davis was not objectionable to Lincoln, he was more inclined to Gilmer or Blair. Davis had made many enemies in Maryland who vented their disapproval of Davis to the President-elect. The most vitriolic of all was Worthington G. Snethen, a former editor of the Baltimore Patriot. Snethen represented the "pure" Republicans in Maryland who eschewed any connection with the American party in the election of 1860. "Mr. Davis was not then a Republican in principle, and is not now," Snethen wrote Lincoln's friend, Senator Lyman Trumbull. "The Republicans of Md. would

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never permit themselves to be smothered to death under his incubation and that of his Plug-Ugly party," Snethen warned. Snethen wrote Senator Chase that Davis was leading a conspiracy to deny a "Republican administration in personnel as well as policy," and described to Senator John P. Hale Davis' "unfair hostility" to the Republicans of Maryland. Finally, Snethen complained directly to Lincoln: "We Republicans of Maryland know not Mr. Davis. He is not of us."8

Montgomery Blair was a much more "available" candidate than Davis. The son of old Frank Blair, an advisor to presidents since Jackson, Montgomery Blair represented the fledgling Republican party in Maryland. He had the unanimous support of the Republican delegates to the Chicago convention as well as the Republican electors in Maryland. In addition, the Blairs had gone to great troubles to obtain Montgomery a position. The President-elect was deluged with letters of recommendation for him. Frank Blair, Jr., Montgomery's brother and a prominent Republican in Missouri, visited Lincoln in Springfield on December 11, after which he wrote his father saying that he had no doubt that Montgomery would get the nomination, but urged him to continue to apply pressure. Blair concluded his letter in a typical Blair manner: "I think that you ought not to be too delicate or squeamish about this manner."9

8Snethen to Chase, 14 November 1860, Chase Mss, LC; Snethen to Trumbull, 21 November 1860, Trumbull Mss, LC; Snethen to Lincoln, 26 November 1860, RTL, LC; Snethen to Hale, 28 November 1860, John P. Hale Mss, New Hampshire Historical Society; Snethen to Lincoln, 8, 13, 21 December 1860 RTL, LC.

9Preston King to Lyman Trumbull, 15 November 1860, Trumbull Mss, LC; F. S. Corkran to M. Blair, 18 November 1860, Blair-Lee Mss, Princeton; B. F. Wade to P. King, 20 November 1860, RTL, LC; Maryland Citizens to Lincoln, December 1860, RTL, LC; F. P. Blair, Jr. to F. P. Blair, Sr., 23 December 1860, Blair Mss, LC.
The day after Frank Blair's visit, Lincoln wrote Trumbull that he expected to be able to offer Blair a cabinet position, but it was evident that he was still uncertain about his intentions. Seeking to secure more definite information on prospective appointees, Lincoln dispatched his trusted friend, Leonard Swett, to consult with various leaders in Washington regarding the Cabinet appointments.10

In early January Davis met Swett in Washington. Maintaining his pose as a non-candidate, Davis urged the appointment of John A. Gilmer. He summarized his feelings in a letter to his cousin David. The condition of the country "imperatively requires that one Cabinet office be taken from North Carolina," and Gilmer was "the mainstay of the Union in N. C." Swett was impressed with Davis. He knew many preferred Gilmer to Davis, but Swett had doubts about the North Carolinian. "They all say he is a timid man, changeable, no opinion of his own," Swett advised Lincoln. Swett then recommended Emerson Etheridge of Tennessee and Davis. "Etheridge is a talented but a rattling man," Swett concluded; "Henry Winter Davis, it seems to me, has more ability than any of them."11

Despite the Blair's intrigues and Swett's recommendation of Davis, Lincoln decided upon Gilmer. In December the President-elect wrote

10 Lincoln to Trumbull, 24 December 1860, CWAL, IV, 162; William E. Smith, The Francis Preston Blair Family in Politics (New York, 1933), I, 513-515; M. Blair to F. P. Blair, Jr., 27 December 1860, Blair Mss, LC; F. S. Corkran to Lincoln, 31 December 1860, RTL, LC; M. Blair to Lincoln, 29 January 1861, RTL, LC.

11 Seward to Lincoln, 25 December 1860, CWAL, IV, 164; L. Swett to David Davis, 1 January 1861, Davis Mss, CHS; L. Swett to Lincoln, 5 January 1861, RTL, LC; HWD to David Davis, 5 January 1861, Davis Mss, CHS.
Gilmer inviting him to visit him in Springfield, but Gilmer ignored Lincoln's letter. By mid-January Gilmer had still not replied, but Lincoln had not given up hope that he would. Lincoln confided to Seward, his choice for Secretary of State, that he preferred Gilmer because he had "a living position in the South," but that Gilmer was "only better than Winter Davis in that he is farther South." Lincoln realized that if Gilmer would serve he would have to exclude Davis. One man in the Cabinet not a Republican was sufficient; two would put him in danger of losing the confidence of his party.12

While the dilemma over the Southern appointment grew, Swett counseled Lincoln on January 15 to delay any appointment for Maryland until it was certain Maryland would not secede. Needing time to settle the pieces into place, and perhaps heeding Swett's warning, Lincoln let it be announced that he had selected Bates and Seward for the Cabinet and that no further selections would be announced until he arrived in Washington. In spite of a second visit by Frank Blair to Springfield to press his brother's claim to a Cabinet post, Lincoln maintained his silence.13

In February, the President-elect left for Washington, his two week trip ending suddenly with an early morning flight through Baltimore to foil a rumored assassination plot. With his arrival on February 23, the pressure to appoint either Montgomery Blair or Winter Davis reached a feverish pitch. Seward and Bates had already been selected; Caleb

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12Lincoln to Seward, 29 December 1860, CWAL, IV, 164; Lincoln to Seward, 12 January 1861, CWAL, IV, 173.

Smith, Gideon Welles, Salmon P. Chase, and Simon Cameron were assured a position. All the positions were therefore awarded except for the Postmaster Generalship. As it was conceded on all sides that this last post should go to a Southerner, the choice was limited to Davis and Blair. "Something of the obstinacy and bitterness of the entire contest was infused into this struggle over a really minor place," wrote Lincoln's secretaries, John G. Nicolay and John Hay. "This was partly because it was supposed to be the casting vote of the new Cabinet, which should decide the dominancy of the Whig Republicans or Democratic Republicans in Mr. Lincoln's administration." The excitement over the last position "expanded beyond any original design until Mr. Lincoln realized that it was no longer a merely local strife between Blair and Davis in Maryland, but the closing trial of strength and supremacy between Whigs and Democrats." 1

Lincoln's train arrived in Washington City at 6 A.M. By early afternoon Old Frank Blair and Montgomery himself called on the presidential party at Willard's Hotel to urge the latter's appointment. Other Blair supporters greeted the President-elect in the following days. Willard's was crowded with people who came to ask Lincoln for some favor. One who was unable to see Lincoln, Francis S. Corkran, a Baltimore merchant, Quaker, and founder of the Republican party in Maryland, left a note. "Let not our labours for years be blasted," he pleaded. "Republicanism in Maryland is dead if Winter Davis is

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allowed to sit at thy Cabinet board."  

Aware of the efforts made in Blair's behalf, Davis' supporters—without his encouragement—redoubled their efforts. Governor Henry Smith Lane of Indiana, an old Whig turned Republican, was in Washington for the inaugural. Having carried Indiana for Lincoln, Lane sought to be heard in Republican councils. An advocate of compromise and conciliation, he urged Lincoln to name Winter Davis to the Cabinet—and assured him that the appointment would be pleasing to Indiana Republicans. The same day Lincoln received an even stronger endorsement—that of sixty-nine Representatives in the Thirty-Sixth Congress. Signed by the entire delegations from Connecticut, Minnesota, Rhode Island, and Vermont, and the Republican delegations from Indiana, Michigan, New Jersey, Pennsylvania, Ohio, and New York, it carried great weight. But impressive as the list was (it included the names of Speaker William Pennington, Henry L. Dawes, William A. Howard, John Bingham, Galshua Grow, John Covode, and Justin Morrill), it contained not one name from a slave state—not even Maryland!  

The following day, Wednesday, February 26, Lincoln received Governor Thomas Holliday Hicks of Maryland. Hicks was called to Washington by Lincoln to determine his views on Blair and Davis. No record of their conversation has been found, but the substance of what Hicks told Lincoln was soon "leaked" to the press. As a long-time

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15Baltimore Sun, 25 February 1861; Allen C. Clark, Abraham Lincoln in the National Capital (Washington, D. C., 1925), 9; F. S. Corkran to Lincoln, 26 February 1861, RTL, LC.

16H. S. Lane to Lincoln, 25 February 1861, RTL, LC; Petition of Representatives of the House to Lincoln, 25 February 1861, RTL, LC.
member of the American party, Hicks was understandably opposed to Blair, whom he considered a non-resident who had only lately moved to his father's estate from St. Louis. Surprisingly, Hicks also opposed his long-time ally Davis, who he characterized as obnoxious to the people of Maryland. Following Hicks, Lincoln received Mayor James G. Berrett of Washington who strongly supported Blair over Davis.  

Secretary of State-designate Seward and Thurlow Weed gathered all their strength for one last effort in Davis' behalf. On February 28 Seward's friend, Elbridge G. Spaulding of Buffalo, gave a dinner at the National Hotel for Lincoln. Among the guests were General Winfield Scott, Senator Crittenden, Judge Bates, Charles Francis Adams, Simon Cameron, Seward, Weed, David Davis, and Henry Winter Davis. "It was quite formal and a little dull," Adams complained. "All the candidates talked of for the Cabinet seemed to have been gathered together." The occasion was more significant than Adams recorded in his arid diary. For within two days after the dinner—after meeting Winter Davis for the first time—Lincoln decided to appoint Montgomery Blair.  

"I am far from being disappointed about a seat in the Cabinet," Davis protested to Captain Du Pont, "for I always knew that however public opinion and public policy might concur in assigning me a place there, yet at the last the pressure of particular interests and combinations and the pertinacity of selfish solicitation would carry the day." Again and again, like a man haunted by a spector, he

17Baltimore Sun, 28 February 1861; Baltimore American, 2 March 1861; Cecil Whig, 9 March 1861; Radcliffe, Hicks and the Civil War, 552; Charles Halpine to J. G. Berrett, 16 March 1861, RTL, LC.  

18Charles Francis Adams, Diary, 28 February 1861, Adams Mss.
professed that he did not care. "No one is less discontented with the result than I am," he wrote Du Pont. "Nobody sheds fewer tears or was less disappointed than I about the Cabinet," he wrote a week later.¹⁹

Undoubtedly Davis feigned a lack of concern to hide his wounded pride. He thought that his services to the Republican party and his support of Lincoln in New Jersey and New York entitled him to a Cabinet post. Urged on by the Du Ponts, he followed with increasing interest the rumors regarding the Cabinet that flowed from Springfield and Washington. In mid-February he asked both Captain and Mrs. Du Pont for their opinion as to whether or not he should accept a Cabinet position if tendered to him. When both replied "no emphatically," Davis was grieved and requested an explanation. "My present resolution is to accept if tendered," he wrote on February 20. A week later he was still considering his chances. While publically discounting any possibility of appointment, privately he told friends that there would be three Southern members—Bates, Gilmer, and someone else, probably himself. But he still refused any efforts on his behalf; he declined to join "the vile scramble for Cabinet appointments." An appointment to a Republican administration would end his political career, he wrote, "but it is quite as certain that this administration ends the Government if it be a failure; and I will not shrink from any responsibility cast on me without any solicitation on my part. While not joining "the vile scramble" it seems clear that Davis coveted an appointment

¹⁹HWD to SFDP, 12 March 1861, WMss 9-17158, 20 March 1861, WMss 9-17160.
and was deeply disappointed when it was not forthcoming.20

Openly he complained about the absence of Southern men in Lincoln's administration. "The really important thing," he wrote, was that there should have been three men from the slave states. Any Union men from the South would do, "the individuals were wholly or comparatively unimportant." He was disappointed that Gilmer of North Carolina had declined Lincoln's invitation, for he felt that allowed Chase, Cameron, and Blair to enter. Unrealistically he argued, "Had Gilmer entered, I suspect all three would have been excluded."21

Privately he complained about the "pressure of particular interests" and "the pertinacity of selfish solicitation." "Blair and Chase and Wells (sic) were pushed in," he complained, "not for political reasons, but by personal pressure and by combinations of private interest and against the almost unanimous wishes of the great mass of the Republicans in the H. R." He consoled himself by saying that in a fair and open process he would have been selected before Chase, Welles, and Blair. He seemed pleased that the majority of his supporters had "very properly remained quiet spectators." But he was sorely abused by rumors that Governor Hicks had opposed him, that Senators Anthony Kennedy and James A. Pearce had denounced him, and that Baltimorians who professed themselves to be Constitutional


21 HWD to SFDP, 12 March 1861, WMss 9-17158.
Unionists had protested against him.\(^{22}\)

Davis laid the ultimate blame for overlooking him on President Lincoln. For months, through campaign threats and the secession of the Gulf South, Davis had yearned for the arrival of the Republican administration. "Contain your disgust till the 4th March," he advised. Inauguration Day was "as anxiously looked for now as were night or Blucher at Waterloo," he wrote. Now the Lincoln administration had arrived and he was disappointed. "Lincoln is doing worse than even his enemies ventured to impute to him," Davis complained. Opponents had charged that Lincoln would be too "soft" on the South--that he would appoint a disproportionate number of Southern men to high places; on the contrary, Davis thought that Lincoln was "bent on excluding them from every post of power and honor."\(^{23}\)

As soon as the Cabinet was announced, the rush began for diplomatic posts. Having been passed over for the Cabinet, Davis was immediately considered in newspapers as a logical candidate for a foreign post. Rumors reached Davis in mid-March that Lincoln was about to offer him a mission. Which post he was to be offered was not clear; whether to accept it troubled him greatly. "How about accepting it--I mean politically?" he questioned Captain Du Pont. "Some friends say take it--others say no--I don't care and don't know what is best. I feel no disposition to go abroad in the present condition of the country, and if I accept the offer it will be said I am willing to

\(^{22}\)Ibid.

\(^{23}\)HWD to SFDP, 1 January 1861, WMss 9-17150; HWD to SMDP, 2 January 1861, WMss 9-26330; HWD to SFDP, 20 March 1861, WMss 9-17160.
take anything." The appointment to Italy appealed to him because he thought Nancy would like the country. Any other mission seemed less appealing. He was sure his political picture had been "promoted by exclusion from the Cabinet. I am not sure it will not be so again by not taking a foreign appointment."24

Davis expected that the diplomatic appointments would be determined in the same way as the Cabinet posts—by political pressure instead of merit, and he once again refused to allow any application to be made in his behalf. He assessed his prospects correctly. Lincoln, after consulting with Secretary of State Seward, passed over Davis again. Charles Francis Adams, on Seward's urging, was appointed minister to England. Republican Vice Presidential candidate in 1856, William L. Dayton of New Jersey, was awarded the mission to France. Illinois political ally Norman Judd went to Berlin. Senior Republican and Chairman of the Committee of Thirty-Three, Thomas Corwin, secured the post in Mexico. That still left eight full missions to be dispersed. For these positions—Austria, Sardinia, Russia, China, Spain, Brazil, Peru, and Chile—Lincoln bowed to political pressure and nominated men of less stature and qualifications than Davis. Anson Burlingame, a "lame duck" Congressman from Massachusetts, received the Austrian mission, while George Perkins Marsh of Vermont, a financially generous Republican supporter, was named for Italy (Sardinia), the post Davis wanted. Lincoln acknowledged that he had named Burlingame and March "because of the intense pressure of their respective states." Other appointments were made in a similar fashion. Carl Schurz went to Spain

24HWD to SFDP, 12 March 1861, WMss 9-17158.
as a sop to German Republicans. The Russian mission went to Cassius Marcellus Clay to satisfy the radical abolitionists. Peru went to defeated Republican Congressman Christopher Robinson of Rhode Island. Chile was awarded to Thomas H. Nelson, an Indiana lawyer.25

Instead of using the diplomatic appointments to strengthen his administration in the unseceded South where it was in serious trouble, Lincoln awarded all but one of the missions to the North. And the one Southerner, Cassius M. Clay, an abolitionist editor, was a man without respect in his own state. As in the Cabinet selection, so in the diplomatic nominations, Lincoln allowed himself to be pressured into appointing Northerners, "pure" Republicans, with little regard for the perilous condition of the South.

The Fourth of March—the date long awaited by Davis—turned out to be a disappointment. Davis bitterly complained to his long-time friend in the House, Justin Morrill. "Alas! for in this world as in the next to those who ask it shall be given and ... to those who do not ask nothing will be given. Therefore nothing was tendered to me at all." If Lincoln had offered him a Cabinet position, he would have accepted it "--not for the honor but for the work and the responsibility." No diplomatic position interested him except Italy and perhaps France. "I should have considered them reluctantly and only because I think Mr. Davis would have like the frolick; and I don't know that I could have resisted the lobby on that question."26


26HWD to J. S. Morrill, c. March 1861, Morrill Mss, LC.
Davis considered the appointments at both the Cabinet and diplomatic level an "irretrievable blunder." While he thought the nominees generally able, he despaired at the "senseless greediness" which excluded all representatives of the slave states "where alone the President needs strength." How long, he wondered, would it be before men understood that "it is impossible for one half the Country to govern the other half." The Republican party was a strictly Northern organization. This was acceptable to Davis prior to Lincoln's inauguration, but now was the time "to consolidate and re-unite the solid masses of the two regions who agreed in everything but the negro question." He still dreamed of a union of the Northern and Southern opposition. The secession of the Gulf South made a policy of reunion "unexpectedly easy and more wise," he argued, "for the Administration was forced into being the symbol of the national existence; and to it everybody was bound however he might think on the negro question." But Lincoln, by refusing to acknowledge Southern Unionists, "white crows," had undermined their strength in the South.27

In Maryland, the strength of the Unionists was weakening. For weeks, secessionists had been pressing Governor Hicks to call a special session of the legislature to deal with the crisis of the Union. Hicks, backed by Davis and Partridge, had thus far succeeded in containing the secessionist spirit. The upcoming fall elections would determine the sympathies of the state. Davis was particularly bothered about the unstable situation in Maryland, but felt that if Lincoln would only follow his counsel in dispensing local patronage, that his supporters

27Ibid.
could carry the state and sustain the administration. "But this will not be done," he lamented. The most he expected was "a division between the small squad of men who call themselves republicans and are injurious as Garrisonian is in [Vermont] and the Union masses of the State."28

After being excluded from an office of his own, Davis appealed to Lincoln for justice concerning the appointments in Maryland. He assured the President the great majority of Marylanders were "unionist unconditionally," opposed to the Democratic party, adverse to the "small band of men calling themselves Republicans," but "not proslavery." Maryland could be won to support the administration if the President would broaden his base and show them something besides "a northern anti-slavery policy."29

Davis suggested removing all federal office holders in Maryland saying they were "generally disunionist, either absolute or conditionally." He also warned the President of the so-called Reformers, many of whom claimed to be Unionists but whom Davis labeled as "supporters of the democratic party and the bitterest opponents you can have." Instead of appointing Republicans exclusively, he urged Lincoln to award the majority of the Maryland patronage to those who opposed the Democratic party. The Republicans need not be excluded from their "fair share" of the patronage, which he estimated to be the Republican vote in Maryland versus the Constitutional Union vote in the presidential election, or as 2,000 is to 40,000. The appointment of Unionists,

28Ibid.

29HWD to Lincoln, c. March 1861, RTL, LC.
instead of Republicans or Reformers, he argued, would "stand as symbols of your policy to the whole mass of the people." If the administration backed the opposition leaders, Davis predicted, "thousands who have no hopes or care for office at all will yield your administration a hearty support," the Union men would carry the fall elections for Congress, for Governor ("so important in these revolutionary times"), and for the legislature which would elect a United States Senator. "An opposite policy," he warned, "entails absolute defeat."30

There is no evidence that Lincoln ever replied to Davis' appeal but Montgomery Blair soon contacted Davis and promised to be fair regarding local appointments. "We agreed not to quarrel about the Cabinet," Davis reported to Du Pont. Blair pledged to consult Davis before the Maryland appointments were made. "I expect him to do so," Davis wrote, but having been twice disappointed added, "but I will feel more certain when it is done."31

In early April, Davis called a meeting of Unionist leaders from across Maryland to confer at his home in Baltimore regarding the federal appointments. The day after the Baltimore meeting, William H. Purnell went to Washington with Davis' slate and presented it to Blair. A compromise was struck between Davis' slate and Blair's Republican friends. For the position of Collector of the Port of Baltimore, a job which in addition to carrying a generous salary also meant control of several hundred lesser offices, Davisite Henry W. Hoffman was agreed upon. For Postmaster of Baltimore, the second most lucrative post,

30Ibid.

31HWD to SFDP, 20 March 1861, WMss 9-17160.
Blairite William H. Purnell, comptroller of the treasury under Hicks, was selected. For Appraisers, three Unionists were picked, Frederick Schley, Charles P. Montague, and Joseph F. Meredith. Two of Blair's associates, Francis S. Corkran and William Pinkney Ewing, both Republicans, were chosen Naval Officer and Naval Agent at the Custom House. Washington Bonifant and William L. Marshall, both delegates to the 1860 Republican Convention, were named United States Marshall for Maryland and Customs House Surveyor respectively. The list of top appointments included five Unionists and four Republicans.32

On April 11, the day before the firing on Fort Sumter, Governor Hicks accepted Lincoln's invitation to come to Washington to discuss the perilous state of the nation and the Maryland appointments. Hicks urged the President to accept the advice of Davis, Purnell, and Thomas Swann in making appointments, but in any event to delay doing anything for several days.33

The majority of the local patronage positions were dispensed by two departments, Treasury and Post Office. Salmon Portland Chase, newly appointed Secretary of the Treasury, was unpopular with Davis for his Democratic antecedents and his "radical" anti-slavery views. Davis felt Chase had been forced into the Cabinet for "personal reasons,"

32"List of Suggested Candidates for Public Office in Maryland Submitted by Winter Davis," RTL, LC; HWD to M. Blair, 6 April 1861, Blair Mss, LC; HWD to SFDP, 6 April 1861, WMss 9-17162; W. P. Ewing to Lincoln, 2 February 1861, RTL, LC; Snethen et al. to Lincoln, 4 February 1861, RTL, LC; Snethen to Lincoln, 25 March 1861, RTL, LC; F. S. Corkran to Chase, 17 December 1860, Chase Mss, LC; F. S. Corkran to F. P. Blair, Sr., 7 March 1861, Blair-Lee Mss, Princeton.

33Hicks to Seward, 28 March 1861, RTL, LC; Lincoln Memorandum on Maryland Appointments, 11 April 1861, CWAL, IV, 328.
that is, he had been offered a position out of respect and had clung to the offer "with the tenacity of a bull dog." Chase also was not disposed to listen to Davis regarding appointments. On April 13 he presented the President with his own list of nominations. Despite a letter from Old Frank Blair on the necessity of creating a "Union party" in Maryland, Chase recommended an almost straight Republican slate. For Collector of Customs he suggested Judge Marshall in place of Hoffman, and for General Appraiser he suggested John Fulton in place of Schley. Lincoln, on Hicks' advice, disallowed Chase's nominations, and named the slate recommended by Davis and Blair.34

At long last Lincoln's policy of "justice to all" had been extended to Davis and his Unionists. But by the time the Unionists and Republicans were appointed on April 13, the situation in the United States and in Maryland had drastically changed. For on that day, the garrison at Fort Sumter in Charleston Harbor, South Carolina, surrendered after forty hours of bombardment and civil war had begun.

34HWD to SFDP, c. 1 March 1861, WMss 9-17156, 12 March 1861, WMss 9-17158; F. P. Blair, Sr. to Chase, 26 March 1861, Chase Mss, HSP; John P. Kennedy Journal, 2 April 1861, Peabody; J. Morrill to Seward, 10 April 1861, Seward Mss, Rochester; Chase to Lincoln, 13 April 1861, RTL, LC; Baltimore Clipper, 16 April 1861; also see Reinhard H. Luthin, "A Discordant Chapter in Lincoln's Administration: The Blair-Davis Controversy," Maryland Historical Magazine, 39 (March, 1944), 25-48.
Chapter 12

ARRESTING THE REVOLUTION

On Sunday, April 14, the first act of the great American tragedy was concluded. Three miles out in the Charleston harbor, Major Robert Anderson, Winter Davis' old friend from their days on the West Point commission, surrendered Fort Sumter to the Provisional Forces of the Confederate States. In Washington, Lincoln and his Cabinet met. They framed a proclamation naming the states of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas as having "combinations" too numerous to be suppressed by the available forces of the government. They called for the militia of the states of the Union to furnish 75,000 troops to "suppress said combinations, and to cause the laws to be duly executed." The proclamation also called both Houses of Congress to convene in special session at noon on the Fourth of July.

The following day, when Lincoln's proclamation was made public, mass meetings were held in scores of cities, towns, and villages. Veterans of the War of 1812 and the Mexican War paraded. Prominent citizens made speeches. The crowds sang "The Star Spangled Banner" and "America." But in Baltimore the citizens were sullenly silent. No rallies, no meetings, no speeches were made in support of the Union. The only meeting of any significance was that held on Fell's Point where the raising of a secessionist flag caused a great crowd of
Southern sympathizers to form.  

Baltimore and Maryland had wavered in their sympathies since the election in November. Almost every day legislators petitioned the governor to convene the legislature in order to enact an ordinance of secession. Politicians estimated that half the legislature was out-and-out secessionist. Even the Unionist support was conditional. At his inaugural, the mayor of Baltimore declared that the true policy of Maryland was to remain in the Union, but only "so long as she can do so with honor and safety." Instead of rebuffing the commissioner from seceded Mississippi, Governor Hicks told him that Maryland was "devoted to the Union" but "unquestionably identical with the Southern States in feeling." Throughout the months of November and December secession fever mounted in Maryland. Many newspapers called for a convention to let the people decide. The Baltimore Exchange, edited by Davis' brother-in-law, Frank Key Howard, called for a special session of the legislature, "a people's assembly." The issues of the day, the Exchange wrote, could not be solved by dodging them. The day of "masterly inactivity" was gone. Even the Baltimore Clipper, heretofore staunch in its devotion to the Union, began to waver.  

The success of secession depended upon Governor Hicks. If he succumbed to pressure and called a special session of the legislature, 

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1Baltimore Clipper, 15 April 1861.

2Baltimore Exchange, 23 November 1860; Baltimore Clipper, 13 November, 20 December 1860, 12 January 1861; Richard W. Thompson to Lincoln, 25 December 1860, RTL, LC; T. H. Hicks to John Contee, (copy), 6 December 1860, Edward McPherson Mss, LC; T. H. Hicks to J. J. Crittenden, 9, 19 January 1861, Crittenden Mss, LC; T. H. Hicks to A. H. Handy, 19 December 1860, Executive Letterbook, Maryland Hall of Records; Thomas Swann to S. P. Chase, 28 January 1861, Chase Mss, HSP.
there was little doubt that Maryland would soon have a secession
convention. Although Hicks declined to convene the legislature (he
called it a "party trick"), the governor was not firmly committed to
keeping Maryland in the Union. He wrote to a friend that "if the Union
must be dissolved, let it be done calmly, deliberately, and after a
full reflection on the part of a united South."3

To counteract the growing secessionist fever, Davis began to
rally the Union forces of Maryland. "I have been deluging Md. with
letters," Davis wrote Du Pont in late December. He urged Baltimore
merchants and political friends throughout the state to support Hicks.
Although cheered by their replies, he was shocked to discover a
"conspiracy to revolutionize Md." A petition signed by one-half of
the Maryland Senate was presented to Governor Hicks in late December
urging him to call a special session of the legislature.4

To counter the new secessionist thrust, Davis issued a special
New Year's Day letter to his constituents of the Fourth Congressional
District. It constituted the most forceful and dramatic appeal against
secession issued in Maryland. He called peaceful secession a delusion.
"The soil of Maryland will be trampled by armies struggling for the
national capital," he warned. If Maryland joined the Confederacy,
commerce with the North would be broken, fugitive slaves would no longer

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3Hicks to John Contee, (copy), 6 December 1860, Edward McPherson
Mss, LC; "Proclamation to the People of Maryland," 3 January 1861,
Executive Papers, Maryland Hall of Records.

4HWD to SFDP, 29 December 1860 (misdated 18 December), WMss
9-17148; HWD to Dear Sir, c. late December 1860, Aldine Collection,
MdHS, for an example of Davis' letters; HWD to SFDP, 1 January 1861,
WMss 9-17150.
be returned, and Baltimore's railroad ties with the North would be useless. The South's position of free trade would prostrate the iron and machine works of Maryland before European commerce. Without the Fugitive Slave Act, slaves would "walk over the Pennsylvania line unmolested," he predicted. The re-opening of the African slave trade would reduce the market value of Maryland slaves below the cost of raising or supporting them. And taxes would increase he argued. The cost of an army to defend the Mason-Dixon line would be "ruinous," he declared.

Despite the disastrous consequences of joining the South, there were men in Maryland, he noted, "madly bent on revolution," conspirators who would instigate a state convention. Such a move, Davis warned, would solve nothing. If the state had been subjected to unconstitutional and oppressive acts by the Lincoln administration, then it would be proper to convene the legislature and seek redress. "But also let the people prepare their hearts for War, and their fields for desolation, and their children for slaughter," he exclaimed. "Let them prepare for an era of proscriptions, confiscations, and exiles, to be followed by anarchy, and be closed by the rude despotism of the sword." Therefore he urged Marylanders to remain loyal. A firm attitude in Maryland would strengthen Union sentiment in the other border states and that was the chief hope of peace. "Your example will arrest the spirit of revolution," he predicted.  

5"Addresses to the Voters of the Fourth Congressional District," in Speeches and Addresses, 189-198. Governor Hicks, at the urging of Davis and Partridge, issued a similar proclamation to the people of Maryland. While advocating the maintenance of the Union, Hicks nevertheless emphasized his sympathy for the South. "I am a slave holder
Davis was encouraged by the reaction to his address. The demand for extra copies was so great that the Baltimore Evening Patriot published one thousand extra copies of it and then republished it in the following day's edition. "In Md. I think we have the revolutionists down," Davis boasted.6

Week by week the citizens of Maryland moderated in their opposition to a Republican administration. Secession fever, which had mounted as the lower South seceded, dwindled as Virginia and North Carolina resisted the stampede to leave the Union. Confederate-sympathizers in Maryland came to agree more and more that some form of overt threat had to be forthcoming from Lincoln's administration before they would leave the Union. They also began to demand that no action by taken by the Federal Government to compel the Gulf South to return to the Union. "No coercion," they cried.7

Winter Davis opposed the war, but saw no alternative to "coercion." After the secession of South Carolina, he predicted that there would be civil war in six months. In January he lamented to his cousin David that the Lincoln administration would be "summed up in history as the suppression of the Southern rebellion." According to Davis, Lincoln

not by accident but by purchase," he emphasized, and he vowed that he "should be sorry to be obliged to live in a state where slavery does not exist." "Proclamation to the People of Maryland," 3 January 1861, Executive Papers, Maryland Hall of Records.

6HWD to SFDP, 2 January 1861, WMss 9-26330; Baltimore Clipper, 2 January 1861; SFDP to SMDP, 4 January 1861, WMss 9-2231.

7HWD to John B. Morris, 2 January 1861, Autograph Collection, Maryland Hall of Records; HWD to SFDP, 14 February 1861, WMss 9-17154; Lewis H. Wheeler to John V. Pomeroy, 8 January, 10 March 1861, Baker-Wheeler Mss, University of Virginia.
could dismiss every political question currently debated "and open the history of revolts and their suppression for his daily reading. He will be inaugurated under the protection of U. S. cannon and cannot be inaugurated without it." Even if Lincoln used "all proper forbearance," Davis thought there would be war. Despite his earnest efforts in behalf of congressionally-sponsored compromise and his appeals for a coalition cabinet, Davis had little hope that secession could be dealt with peacefully. At times he favored war to the peaceful destruction of the United States. "I prefer a vigorous collision, a permanent separation and a decent death if that is all God has allowed this great fabric of civil liberty to be reared for," he wrote one gloomy day in March. "But death by a vote—only think of it in history!!"8

Secession had to be dealt with forcefully, Davis held. To allow the Gulf South to secede and do nothing about it would only encourage secessionists in the border states and eventually in Maryland. The independence of the Gulf States was "a perpetual excitement to rebellion" elsewhere. Under the Constitution, only the Congress has authority to call forth the militia "to execute the Laws of the Union, suppress Insurrections and repel Invasions." Accordingly, Davis wrote and introduced a Force Bill similar to that enacted during the nullification crisis of 1833. Opposition from Southerners who opposed "coercion" kept Davis' bill from ever being reported by committee. Davis also supported a bill reported by Benjamin Stanton of Ohio for the House Committee on Military Affairs which would have authorized the

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8HWD to David Davis, c. 5 January 1861, Davis Mss, CHS; HWD to SFDP, 20 March 1861, WMss 9-17158.
President to accept volunteers into the regular army. The volunteer bill, opposed by Democrats as a virtual declaration of war upon the South, was debated in the House for over a week before being killed without ever coming to a vote. "The 4th March will find us at war and unarmed," Davis complained. "If Anderson be regularly besieged we have no body to raise the siege."9

Davis played no role in the events leading up to the attack on Fort Sumter. As he strongly favored the reinforcement of the fort, he was intensely interested in the deliberations of Lincoln's cabinet. He was relieved to learn in late March that it had been decided—largely at Postmaster General Blair's urging—not to surrender the fort. When in April the flag came down at Sumter, Davis was as surprised and bewildered as other Americans.10

Lincoln's April 15 call for 75,000 militia also contained a call for Congress to convene in special session in July. As elections would be necessary in Maryland before the meeting of the new Thirty-Seventh Congress, Davis announced on April 16 that he would be a candidate for re-election "upon the basis of the unconditional maintenance of the Union." Unconditional meant that he would support any measure designed to restore the Union—any measure including coercion.11

Lincoln's call for troops provoked Virginia to secede on April 17. In Maryland it brought angry protests and repeated demands for a

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9HWD to SFDP, 20 February 1861, WMss 9-17155; HWD to SFDP, 28 February 1861, WMss 9-17157.

10HWD to SFDP, 24 March 1861, WMss 9-17161.

11Baltimore Clipper, 16 April 1861.
secession convention. Rumors that Federal troops would pass through Baltimore stirred secessionist fever. Secretary of War Cameron urged Governor Hicks to take "immediate and effective measures" to prevent "unlawful combinations of misguided citizens" from trying to prevent the transit of troops across Maryland. But when confronted at a mass meeting in Baltimore by three cheers for Jefferson Davis and three groans for Governor Hicks, the governor seemingly succumbed to the crowd and pledged that no Maryland troops would be sent south.12

The morning of Friday, April 18, 1861, dawned clear and bright. The town was resonant with rumors and excitement. Newsboys peddling the Baltimore Sun, the Exchange, and the South shouted, "All about the Yankee invaders." Men congregated on street corners where talk was loud and sentiment ran high against the "Northern Scum." That afternoon, the Sixth Massachusetts Regiment was attacked by a Confederate mob as it attempted to pass through Baltimore.13

The Massachusetts troops were on route to Washington, D. C. As there was no direct railroad route from Philadelphia to Washington, the regiment was forced to cross Baltimore from the President Street Depot to the Camden Station on the south side. During their march, a crowd gathered and began pelting the soldiers with stones, brickbats,

12John P. Kennedy Journal, 16 April 1861, Kennedy Mss, Peabody; Nicholas B. Wainwright (ed.), A Philadelphia Perspective: The Diary of Sidney George Fisher Covering the Years 1834-1871 (Philadelphia, 1967), entry for 18 April 1861, p. 385; Cameron to Hicks, 18 April 1861, Executive Papers, Maryland Hall of Records; Baltimore Clipper, 19 April 1861.

13Ernest H. Wardell, "A Military Waif: A Memoir of the Old South," (1907), MdHS.
and oyster shells. In an attempt to quell the disorder, Mayor George William Brown moved to the head of the line of Massachusetts troops. But the mob, estimated at ten thousand, continued to hurl bricks and to fire randomly at the troops with revolvers and muskets. It was an "awful melee," a wild mob of crazy men and boys shrieking their desire to annihilate the hated Yankees. Four soldiers were killed, eight were seriously wounded, and a number suffered cuts and contusions. Soon the troops fired back, killing twelve persons and wounding dozens.14

After the troops departed, the mob took over the city, gunshops were plundered, stores were closed, and a rally was called for four o'clock in the afternoon. At that meeting, Governor Hicks, intimidated by the scores of secessionist flags and badges, seemed to capitulate to the disunionists. "I bow in submission to the mandate of the people," he shouted to the angry crowd. "If separate we must, in God's name let us separate in peace."15

That evening an emergency conference was held at Mayor Brown's home. Brown and Hicks afterward telegraphed the President to demand that no more troops be sent across Maryland. To ensure that no troops could pass through the state, the mayor, with the governor's consent, ordered the railroad bridges north of Baltimore burned. At four A.M. on Saturday morning, police and civilians led by the marshall

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14"Record Proceedings of the Governor 1855-1861, Memorandum of 19 April 1861," pp. 396-397, Maryland Hall of Records; Hicks and Brown to Lincoln, 19 April 1861, RTL, LC; Henry Winter Davis, "Memorial Concerning the Events of 19 April," MdHS.

15Baltimore American, 20 April 1861; Lewis H. Wheeler to John N. Pomeroy, 20 April 1861, Baker-Wheeler Mss, University of Virginia.
of Baltimore burned bridges at Harris Creek, Bush River, and Gunpowder River. Baltimore was isolated and Washington stood in danger.16

Davis' patient efforts to rally Unionist support vanished in an afternoon of hate and violence. "I find everything reversed in an hour," he wrote on the evening of the riot. He blamed the conflict on "raw troops" and "that Old Fool" Hicks. The governor, he wrote, "got frightened" and failed to stand up for the Union. Other Unionist leaders like Reverdy Johnson and Columbus O'Donnell were "decoyed to the Mayor's office and instantly took the tone and policy of the secessionists." The Union people in Baltimore were "demoralized—and utterly unarmed." It was even thought unsafe for Davis' wife and daughter to remain in their house on St. Paul Street, and Davis convinced Nancy to leave Baltimore and stay at her father's estate outside the city. Nancy agreed "only on condition that I would not sleep there either," Davis confessed later.17

The day after the riot Davis and his allies moved to "arrest the revolution" in Maryland. Edward H. Petherbridge, a Davis partisan and Crier of Judge Bond's Criminal Court, secured a temporary colonel's commission from the governor and immediately set off with sixty other Davis men to guard the state arsenal at Pikesville. With the state armaments in possession of the Unionists, Davis stealthily rode to Washington to see President Lincoln. His goal was to convince Lincoln

16George W. Brown, Baltimore and the 19th of April 1861 (Baltimore, 1887), 58; David Creamer's Diary, a Transcript of Notes taken at Grand Jury Investigation in Reference to the Riot in Baltimore, 19 April 1861, David Creamer Mss, LC.

17HWD to SFDP, 19 April 1861, WMss 9-17163; HWD to SFDP, 29 April 1861, WMss 9-17164.
and Seward to act boldly to save Maryland. When he arrived he discovered that Lincoln had telegraphed Hicks and Brown a conciliatory reply promising that he would not bring any troops through Baltimore. Davis pressed Lincoln to be firmer on that issue and unequivocally state the necessity of occupying the state. At Davis' insistence Lincoln telegraphed an invitation to Hicks and Brown to come to Washington by special train to discuss the crisis. The result of their meeting on Sunday was an arrangement whereby Federal troops would be brought to Washington without entering Baltimore if the state and city officials would restrain the mobs.

On Monday afternoon Lincoln addressed a group of Baltimore citizens who came to plead with him not to allow the passage of any more "Yankee troops" across Maryland. Lincoln's reply indicated his growing impatience with "luke-warm Unionism." "Our men are not moles, and can't dig under the earth," he told them. "They are not birds, and can't fly through the air. There is no way but to march them across, and that they must do. But in doing this there is no need of collision. Keep your rowdies in Baltimore, and there will be no bloodshed." That evening Davis called on Secretary of State Seward to ask for a proclamation to "secure the quiet of Md. and to warn the people of the resolution of the Govt. to bring troops through." Seward, interrupted in the middle of writing to Hicks, promptly inserted Davis' suggestion into the letter. "The letter has produced the happiest effects," Davis

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18Tyler Dennett (ed.), Lincoln and the Civil War in the Diaries and Letters of John Hay (New York, 1939), 3; HWD to SFDP, 29 April 1861, Wmss 9-17164; Lincoln to Hicks and Brown, 20 April 1861, CWAL, IV, 341.
boasted later.\textsuperscript{19}

On April 25 Davis returned to Baltimore. With the railroads still severed, he was forced to take a carriage and "had to go out of the ordinary route to avoid being turned back— for roving bodies of horse [men] swarmed on the road wild with excitement and searching and arresting suspicious or obnoxious persons." To the secessionists Davis was both suspicious and obnoxious. The Baltimore correspondent of the New York World reported that "there is a very bitter feeling here against Henry Winter Davis. The mob are thirsting for a victim, and many are the threats uttered against him." Despite the dangers to him personally, Davis returned to Baltimore and with his appearance Union men began to organize. "I am happy to say that a great reaction has set in," Davis wrote Seward. After Davis' men organized an armed guard for the public buildings, the newly appointed federal officeholders took their positions. "We are now up and doing and feel that we are still masters of the State," he wrote several day later. Maryland Unionists were unexpectedly aided by the arrival in the Annapolis harbor of the Eighth Massachusetts Regiment under command of Benjamin F. Butler. Although requested by the governor not to land, Butler, fearing that the city was in danger and that the great ship Constitution might be seized by a mob, nevertheless landed at the Naval Academy, occupied the capital city, and secured the territory between Baltimore and Washington for the Union.\textsuperscript{20}

\textsuperscript{19}Lincoln to Baltimore YMCA, 22 April 1861, CWAL, IV, 341-342; HWD to SFDP, 29 April 1861, WMss 9-17164.

\textsuperscript{20}J. P. Kennedy to S. P. Chase, 24 April 1861, Chase Mss, HSP; New York World, 25 April 1861; HWD to Seward, 26 April 1861, Seward Mss, Rochester; HWD to SFDP, 29 April 1861, WMss 9-17164.
While Davis lobbied in Washington, the governor had finally yielded to secessionist pressure and issued a call for the state legislature to convene. Secretary of State Partridge, incensed at Hick's weakness, resigned in disgust. As the last legislature had unseated the Unionist Baltimore delegation, a new local election was necessary before the legislature reconvened. A Southern and States' Rights party convention met and selected a slate composed of pro-Southern sympathizers, almost all former "Reformers." The following day the election was held and the Confederate sympathizers were elected without opposition. In Davis' absence the Union men had disorganized. "We made no opposition," reported John Pendleton Kennedy, "being quite willing that they should take the responsibility of their own policy."21

Davis called it an "illegal election" and said that it demonstrated that not one-third of the people of Baltimore sympathized with the secessionists. The threat of force used by the State's Righters to nominate their slate had exposed their aims, he thought, and had "united all good men for the Government on terms which no one would have believed a week before."22

When the legislature convened in Frederick, the new Baltimore delegation, led by Coleman Yellott, introduced a bill to appoint a Committee of Public Safety whose six commissioners would control the militia in place of the governor. Of the six commissioners named in

21"Record Proceedings of the Governor 1855-1861, 22 April 1861," p. 397, Maryland Hall of Records; G. S. Blake to G. Welles, 22 April 1861, Welles Mss, LC; J. P. Kennedy Journal, 26 April 1861, Kennedy Mss, Peabody; John G. Proud to Mark Howard, 14 May 1861, Welles Mss, LC.

22HWD to SMDP, 5 May 1861, WMss 9-17165.
the bill, five supported secession. Davis strongly opposed the passage of the Public Safety Bill labeling it "a military despotism." To his surprise, the Democrats who controlled the legislature buried the bill in the Committee on Federal Relations as well as refusing to pass an ordinance of secession.23

Davis watched the proceedings in Frederick while campaigning for the special congressional election set by Governor Hicks for June 13. Prior to the riot in Baltimore, he had announced for re-election "upon the basis of the unconditional maintenance of the Union." He felt his strong support of the Union would be a more popular position than the Unionist position taken by former Douglas Democrats and Reformers. "My ground of unconditional maintenance of the Union is the only one tolerated at all and I think three fourths of the State are on that basis." Davis thought his chances good when the city Union convention met on May 4 and passed his resolutions. The next step was to secure the Union party nomination.24

The competition for the Union party endorsement was intense. Henry May, who lost his seat in Congress to Davis in 1855, was a strong contender. "I can beat them all," Davis predicted, "especially as May has been on both sides of the Union question." Millionaire secessionist Ross Winans, whom General Butler had considered "a very proper specimen of traitor to be hanged," was put forward by many leading businessmen

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23Ibid.; also see Jacob Englebrecht Diary, 27 April 1861, MdHS; Jean H. Baker, The Politics of Continuity: Maryland Political Parties from 1858 to 1870 (Baltimore, 1973), 55-57.

24HWD to SFDP, 12 March 1861, WMss 9-17160; HWD to SMDP, 5 May 1861, WMss 9-17165.
of the city. Reverdy Johnson called on John Pendleton Kennedy to urge him to seek the nomination. Although Kennedy professed to be unwilling to go back into public life, he said he would accept the nomination if all other candidates withdrew. "I must beat everybody combined or I am beaten," Davis wrote, "for I am the wolfshead."25

When the congressional nominating convention assembled on May 17, Davis' supporters were in the majority. Opposition delegates sought to postpone the nomination, but their efforts at delay were overruled and the convention proceeded. After Henry May offered a resolution that was defeated, the opposition withdrew from the convention. Davis and Kennedy were then nominated and on the vote Davis won handily, 42 to 18.26

The nomination was clouded by charges issued by Henry May and others that the ward meetings had been rigged in Davis' favor. They charged Davis' men with "trickery" and "rowdyness" and with using the ruffian tactics of the old Know-Nothing clubs—the same charges in the 1859 election. Davis was troubled by the charges brought against his supporters, but dismissed them as partisan politics. May's charges lacked specifics, Davis reasoned, and furthermore they assailed "responsible men." Although he decided to campaign "on the question of conditional union, i.e. secession open or disguised, and unconditional Union," he first sought to publicly allay the charges of

25HWD to SFDP, 12 March 1861, WMss 9-17160; John P. Kennedy Journal, 16, 17 May 1861, Kennedy Mss, Peabody; The South, 15 May 1861; HWD to SFDP, 14 May 1861, WMss 9-17166.

26Baltimore Clipper, 18 May 1861; The South, 18 May 1861; J. P. Kennedy Journal, 18, 19 May 1861, Kennedy Mss, Peabody.
On May 20, a storm of applause and cheers greeted Davis' entrance to the hall where he was to make his acceptance speech. Immediately he announced his decision to accept the nomination in spite of rumors of "circuitous circumstances." If there was fraud, let it be found. The charges of corruption and fraud were the same as those arraigned against him and his friends at every preceding election. He had never countenanced rowdyism at the polls, he claimed.

Having dismissed the damaging charges against his supporters and himself as a "miserable libel," he moved to a defense of his record. He covered the election of Speaker Pennington in detail. On the eve of a "great revolution" there was danger in allowing the Speaker's chair to remain vacant, and he had felt it his duty to place a man of conservative views such as Pennington in control. "If any one could say that the Republic received any damage from that vote, let him rise and say it, or forever after hold his peace." The audience, silent for a minute, burst into applause.

He explained his role in the efforts to achieve compromise. The Crittenden plan, he charged, was nothing more than the Breckenridge platform "dressed up in Constitutional amendments." Instead, he had urged the passage of an amendment to guarantee the existence of slavery in the states where it existed. He vowed to seek a reunion of the

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27 HWD to SFDP, 19 May 1861, WMss 9-17167; Baltimore Clipper, 20 May 1861.

28 Baltimore Clipper, 21 May 1861.

29 Ibid.
country on that basis and be silent on issues which divided Americans. But the South, having departed by arms, "must fall by arms." Like others of his day, Davis emphasized Southern Unionism. The majority of the South, he said, were still loyal to the United States and would rally if the government sent a force to enforce the laws. As usual, Davis had been eloquent and almost brilliant. His oratorical talents were never displayed to better effect as he lashed his opponents with sarcasm and invective. But oratory alone would not persuade all Marylanders of his position—particularly his view of the necessity of "coercion."30

Soon after Davis accepted the Union nomination, Henry May declared to run as an independent candidate. But before May's candidacy was established, the Southern and States' Rights party met and nominated Robert McLane, formerly Buchanan's minister to Mexico. McLane, characterized by Unionists as a "trading politician," had initially pledged that he would repel "invaders" and make "the Susquehanna run red with blood." Although McLane had cooled in his disunionist sentiments, he was supported by the secessionists. After pressure from William W. Glenn, owner of the Baltimore Exchange and a former Friday Club friend of Davis', McLane declined the nomination and the States' Rights party united behind May.31

"Our canvass is proceeding well and I hope for good results," Davis wrote Du Pont, "but prediction is out of the question. Party

30Ibid.; The South, 21 May 1861.

31Baltimore Clipper, 27, 31 May, 1 June 1861; Samuel Harrison Journal, 1 June 1861, MdHS; National Intelligencer, 3 June 1861; New York Tribune, 5 June 1861; William W. Glenn Diary, 8 June 1861, MdHS.
lines are obliterated and my bitterest opponents are zealously working for me and my late friends against me." Indeed, the position of the Germans and the Americans were reversed. At the meetings of Germans and other immigrants, he was cheered for his unconditional Unionism where previously he had been detested for his Americanism. And at a meeting of the twentieth ward, formerly a Davis stronghold, the crowd was listless and indifferent. Only a small crowd showed up to listen to him in the eighteenth ward where he normally drew enthusiastic audiences and where he had polled a one thousand-vote majority.32

Baltimorean Samuel Harrison, in his important journal, related the difficulties which Davis faced in his campaign. "Mr. Davis labors under the disadvantage of having been the Candidate of the party which has had the support of the political clubs in this city," Harrison wrote. "Whether he was really implicated in the enormous frauds which were perpetrated in the last election for Congress is not known; but it militates against him that he accepted the election in which was attended the most outrageous corruption." Nevertheless, Harrison supported Davis in the present contest because of his "open and unequivocal position." Henry May, Harrison felt, was "crying peace—peace—" which he took as a disguised plea for the dissolution of the government. But no one could really say where May stood on secession, Harrison concluded. His position was "shrouded in a mist." While Davis was committed to a firm defense of the nation, May's appeals to Unionism

32HWD to SFDP, 1 June 1861, WMss 9-17168; J. A. J. Creswell, "An Oration," Speeches and Addresses, xxvi; Baltimore Clipper, 28, 29 May, 4 June 1861; The South, 4 June 1861.
and patriotism served as a successful mask for specific policies.\textsuperscript{33}

Although Davis feared violence at the polls and sought to have a Federal marshall's posse patrol the polls, the election proceeded orderly and quietly. Davis lost by a wide margin, 6,290 to Hay's 8,328. "I am defeated by a combination of the Secessionists with the namby pambies of the peace party which elects Mr. May," Davis lamented election night. He had polled about the same vote as previous elections in the ninth through the sixteenth wards, those which composed the commercial and residential areas of the city. But in the heavily populated, industrial, working class wards, the seventeenth through the twentieth, where he had previously polled between 4,500 and 5,000 votes he got a bare 2,300. Many of his old friends and supporters in the heavily Know-Nothing wards had deserted him. "The Bell men party staid at home or partly voted against me," he decided.\textsuperscript{34}

\textsuperscript{33}Samuel Harrison Journal, 6, 8, 12 June 1861, MdHS. There was also the possibility of a sizeable lack of support for Davis' campaign from the Republican Unionists. The division of the "spoils" between the Americans and the Republicans had been complicated by the inability of many to assume their duties because of the riot. Davis recommended that any not standing firm be replaced. Among those he named was Washington Bonifant, Federal marshall-designate and a close friend of Montgomery Blair. Other patronage squabbles followed. See Lincoln to H. W. Hoffman, c. 15 April 1861, CWAL, IV, 333; Hoffman to Chase, 23 April 1861, Chase Mss, LC; HWD to Thurlow Weed, c. late April 1861, Weed Mss, Rochester; Baltimore Sun, 24, 25, 27 April 1861; Dennett, Diary and Letters of John Hay, 1 May 1861, p. 16; Edward Bates to M. Blair, 4 May 1861, Blair Mss, LC; HWD to Seward, 8 June 1861, Seward Mss, Rochester; Lincoln to Hoffman, 11 June 1861, CWAL, IV, 404; HWD to M. Blair, c. 12 June 1861, Blair-Lee Mss, Princeton.

\textsuperscript{34}N. P. Banks to E. Bates, 12 June 1861, Banks Mss, Duke; Samuel Harrison Journal, 13 June 1861, MdHS; HWD to SFDP, 13 June 1861, WMss 9-17169; The South, 14 June 1861; Baltimore Sun, 14 June 1861, Baltimore Clipper, 14 June 1861; John T. McPherson to Edward McPherson, 6 July 1861, McPherson Mss, LC; A. D. Evans to B. F. Butler, 15 June 1861, Butler Mss, LC.
"My failure has disturbed me less than I fear it has troubled my friends here and elsewhere," he wrote. "I was always doubtful of the result." He thought that his defeat could be attributed to a coalition of "3,000 peace union men, anti-coercionists and personal enemies, with 5,000 Secessionists in the District—everyone of whom voted for May to defeat me. All party lines were swept away." May told the Union men he was for the Union and that he was "a States right man, as good as Jeff Davis to the Secessionists," Davis complained. And the Union men "were fooled into voting for him and led to do it by personal hostility." The secessionists, Davis reasoned, voted for May "from hate to me, and because it was the best they could do."\(^{35}\)

Despite his defeat, there were certain things in which Davis could rejoice. The rest of the Unionist congressional slate was elected. "Our success has surpassed my own expectations," he noted. "In every district but mine the candidates were elected by the people to support the Government and to aid it to suppress the rebellion." It had been his desire to settle the issue of Maryland's loyalty and to find out "in the event of a renewal of domestic trouble how many could be really counted on to put down the revolution." The vote statewide left little in doubt. Even in Baltimore, he concluded, secession was dead.\(^{36}\)

Years later his colleague, Judge Len Bond, recalled the bitter election of 1861. Davis "single handed and alone, without the aid of a solitary journal, surrounded by but a few friends, amid the denunciations of conservative union men and the maledictions of rebels" had

\(^{35}\)HWD to SFDP, 15 June 1861, WMss 9-17170.

\(^{36}\)HWD to SMDD, c. late June, 1861, WMss 9-17181.
campaigned on the platform that "there was to be no compromise, and that the only road to safety was across the battlefield." Bond related that although defeated, Davis was satisfied with the result. "With six thousand of the workingmen of Baltimore on my side, won in such a contest," Davis boasted, "I defy them to take the state out of the Union."37

He tried to take his defeat philosophically. Nancy was bitterly disappointed at the result and saddened that secession and the election had marred the cordiality of Baltimore society. Initially Davis was relieved to be free from the pressures of public life and looked forward to having "plenty of time to renew broken studies and almost forgotten pursuits and to re-chew my law dust." He considered his public career closed. "I have no sort of expectations of being called again into public life," he wrote Mrs. Du Pont. "I think it quite probable that having played my brief part to my own satisfaction I may have the fate of surviving on the very memory of myself in the minds of other people" while others could "float on the tide which perhaps without my, little aid might not have turned." He was proud of his part in "arresting the revolution" and hoped the memory of it would sustain him. But in less than one week his thoughts returned to political life. He began to regret not having been appointed to the Cabinet. "I confess I never felt the objection that many of my friends expressed to my entering the Cabinet if asked," he wrote Captain Du Pont. "I always knew that there would be work to do which will not recur again in my life: but it is ordered otherwise." But within

37H. L. Bond to Editor, 13 January 1866, New York Evening Post.
months he embarked on the most important work of his life—the emancipation crusade in Maryland.38

38SFDP to SMDP, 30 June 1861, Hayes (ed.), Du Pont Letters, I, 87–90; HWD to SMDP, c. June, 1861, WMss 9-17181; HWD to SFDP, 5 July (misdated 3 June) 1861, WMss 9-17159.
Chapter 13

TWO YEARS OF DISAPPOINTMENT

At the age of forty-four, when many politicians are just beginning their careers, Henry Winter Davis was out of office, out of favor, and out of sorts. The boldness of his statements and the independence of his course during his three terms in the House of Representatives had established him as a leading political figure. But now he was out of power. And although he professed to be satisfied with being a private citizen again, he was too much engaged in the events of the time to sit idly by while other men directed the greatest event of the age—the American Civil War.

"Your Maker has a task for you yet and we must abide His will," counseled Captain Du Pont shortly after his congressional defeat. But not even Du Pont could say what that task would be. Some friends encouraged him to pursue a career in the diplomatic corps, some suggested a military position, and still others pushed him for the United States Senate. But none of their wishes were realized and eventually Davis found his own task—emancipation in Maryland.¹

Shortly after Davis' loss to Henry May, it was widely rumored that he would be named as minister to Austria. He had long coveted the position, but friends of Anson Burlingame of Massachusetts had pressured

¹SFDP to HWD, 18 July 1861, Hayes (ed.), Du Pont Letters, I, 104-106.
Lincoln into appointing their "lame duck" Congressman. When Burlingame was declared persona non grata by the Hapsburg court, Lincoln was compelled to appoint someone else. Bowing to pressure from Senator Charles Sumner, the President gave the post to historian John Lothrop Motley. Captain Du Pont was disturbed by the apparent slight to Davis. "As it was the only first class mission left, he felt convinced it be offered to you," Mrs. Du Pont wrote Davis. "The omission is so glaringly ungrateful and unjust," she complained.2

The Union rout at Manassas Junction in July 1861 turned Davis' attention to the war. He began to follow troop movements as well as to read and study all available books on military history and strategy. What he read convinced him that the commanders at Bull Run were incompetent. They had neglected the principle of massing forces. It was not enough, he reasoned, simply to defeat and drive back the Southern army; the government had to gather "a force great enough to destroy the military array of the Confederates." He hailed the promotion of General George McClellan as commander of the Army of the Potomac and predicted that "the next fight will be with combined masses."3

As the Union army routed at Bull Run rushed pell-mell to Washington, Davis realized that Baltimore was not safe. Maryland needed a home guard to defend the city and to relieve the Federal

2Carman and Luthin, Lincoln and the Patronage, 88; David Donald, Charles Sumner and the Rights of Man (New York, 1970), 16; New York Tribune, 15 June 1861; SMDP to HWD, 13 August 1861, WMss 9-22986.

3HWD to SFDP, 23 July 1861, WMss 9-17172; HWD to SFDP, late July, 1861, WMss 9-17173; HWD to Justin Morrill, c. late July, 1861, Morrill Mss, LC; HWD to SMDP, 4 August 1861, WMss 9-17174.
troops there for duty elsewhere. Coincidentally William Henry Purnell, postmaster of Baltimore and organizer of Purnell's Legion, an upper Maryland local defense unit, wrote Davis about accepting a possible commission. The idea of raising and commanding an army was new to Davis. But as other politicians—Nathaniel P. Banks, Benjamin F. Butler, John C. Frémont, and John McClernand—held high ranking positions in the army, he considered it a possibility. "I know I could keep Md. quiet with more ease and certainty than anyone the Administration could send here, not a Marylander—if I had Carte Blanche," he wrote. He feared that under the system established by Lincoln he would be no more effective than General John Dix, who commanded the Department of Maryland. If all orders were to be dictated by a small band of Republicans in Washington, he vowed he would not place himself under their control. "I should resign or be Court-martialled in a week."

As in the distribution of cabinet positions, Davis kept a firm policy of not actively seeking a commission. But he did make known to numerous influential citizens his plan for enlisting his followers in Baltimore into a home guard which would relieve 10,000 troops for the front lines. A 5,000 man local defense unit could easily replace Dix's forces for "in a civil war partisans on the spot are worth twice as many stronger troops." But months passed and Davis received no orders. "Not a word has been said about my commission," he lamented in September 1861. "I can't ask favors and shall live in the midst of

\[^{4}\text{HWD to SFDP, 29 August 1861, WMss 9-17178; SFDP to HWD, 4 September 1861, Hayes (ed.), Du Pont Letters, I, 141-143; HWD to SFDP, 9 September 1861, WMss 9-17180.}\]
While Davis would not actively pursue an appointment in either the cabinet, the foreign service, or the army, he actively sought election to the United States Senate. On the day the Union party nominated Augustus W. Bradford for governor, Davis offered Bradford his support and volunteered to campaign for him across the state. Naturally Davis was concerned to see Bradford elected, but undoubtedly he was also trying to keep his chances as a Senatorial candidate alive—the support of the new governor would be crucial in the contest. In September he was certain of Bradford's election but continued to stump the city and state to secure the election of pro-Davis state legislators.

Typical of his campaign stump speeches in that contest was an address to the Union party rally on October 16. Long before he appeared, the crowd chanted his name and when finally he made his entrance into the hall, he was greeted by "a shout of applause that seemed to shake the building to its centre." For over two hours he held the crowd spellbound by railing against secession, King Cotton, and traitors. "The time for 'doubting men' has gone," he cried, "even the time for 'peace' men has gone." Maryland must declare itself "redeemed." He particularly lashed out at Benjamin C. Howard, a cousin of his brother-in-law and now States Rights candidate for

5HWD to SFDP, 9 September 1861, WMss 9-17180; John A. Dix to Chase, 10 September 1861, Salmon P. Chase Mss, HSP; HWD to SFDP, 22 September 1861, WMss 9-17182; HWD to SFDP, c. 4 October, 1861, WMss 9-17183.

6HWD to Augustus W. Bradford, 15 August 1861, Bradford Mss, MdHS; HWD to SFDP, 9 September 1861, WMss 9-17180.
governor. These "Peace Party" men were no better than secessionists, he said, for peace to them meant submission to the rule of Jefferson Davis. The only kind of peace he supported was "the restoration of the United States authority in every State from which it has been driven. That every rebel soldier with arms in his hands shall lay them down or be destroyed."7

Not content to blast the Democrats, he continued in this speech and later ones to criticize officials in Washington. He reproached the War Department for not using Maryland soldiers to defend Maryland, the Cabinet for its inefficiency, the President for declaring martial law, and those "ignorant fanatics" who talked about "decrees of emancipation." Although openly critical of some of the administration's policies, he praised Lincoln's administration as "the last and only hope of the American people."8

Campaign oratory was only part of Davis' role in his quest for the Senate. He organized and financed legislative candidates pledged to support him in the upcoming Senatorial contest. Supporters of Montgomery Blair and Reverdy Johnson—those who gained control of the Union State Central Committee—were less organized and needed to appeal to outside sources for campaign funds. Reverdy Johnson appealed to Secretary Chase and his trusted assistant, Hiram Barney, the Collector of the Port of New York, for thousands of dollars for Union candidates. Davis urged Barney not to give them the money. "It is throwing money away to send it," he wrote Barney, for "our party machinery has gotten

7Baltimore Clipper, 19 October 1861.
8Ibid.
sadly out of gear."9

"We are here now safe," Davis reported before the election, "and I trust in a week we will have a loyal Government as well as people." On election day the Union party triumphed. The whole ticket was elected in a victory which matched victories in the same week by Unionists in Massachusetts, New York, Michigan, New Jersey, Illinois, and Wisconsin. Bradford beat Howard by a margin of better than two to one, with the largest margin polled in Baltimore. "Our domestic traitors are prostrate," Davis rejoiced. While savoring the victory, Davis received word that Captain Du Pont's squadron had attacked and captured Port Royal, South Carolina, the first naval victory of the war.10

In the weeks between the Union party victory and the meeting of the legislature, Davis rallied his supporters in quest of the Senate seat. But then, as he had done so often before, Davis overstepped his bounds. Always a man of principles, always outspoken on the issues, Davis never knew quite when he had said or done enough. He accepted an invitation to speak in Brooklyn, New York, in November 1861, and used that platform to attack the Lincoln administration for using illegal measures to suppress the rebellion, for suspending the writ of habeas corpus, for declaring martial law, for silencing newspapers, and

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9Hiram Barney to Chase, 18 October 1861, Levin E. Straughn to E. Humphreys, 25 October 1861, Chase to Barney, 28 October 1861, W. W. Hoffman to Barney, 29 October 1861, HWD to Barney, c. October 1861, HWD to Barney, 31 October 1861, Montgomery Blair to Chase, 2 November 1861, Chase Mss, HSP.

10HWD to SMDP, 26 October 1861, WMss 9-17186; HWD to SMDP, 15 November 1861, WMss 9-17187; HWD to SFDP, 15 November 1861, in Hayes (ed.), Du Pont Letters, 1, 243; Baltimore Clipper, 7, 16 November 1861; Baltimore American, 6 November 1861.
for resorting to arbitrary arrests. The Constitution gave Lincoln sufficient powers, he said, and "I will not add to it a dictatorship—arbitrary and discretionary power without the guidance and above the control of written law. I protest against it in the name of republican liberty."11

Public reaction to his Brooklyn speech was hostile. Several newspapers berated him for raising a discordant voice. His Maryland friends who had applauded his lesser criticism of the administration during the previous campaign now began to question his intentions. Even his wife Nancy scolded him saying, "You are always getting your friends into hot water and disturbing the public peace generally." "My Brooklyn speech—My Brooklyn speech!" he grumbled, "Is it not of sinister import that a simple defense of the principles of American free government—on the basis of Webster and John Marshall sould like an attack on the administration?" He could not understand why men found it objectionable. "I was terrified at the exercise of arbitrary and illegal power by the Govt ... and I thought it time that some one who is on the side of the Govt should tell a few plain truths and rescue the cause of the Constitution." He had intended his speech to be an impetus to reform. "When they call my speech an attack of the Adm. they little know what it would have been had I wished to injure and not to save them; for no administration has been so incompetent and so corrupt—not even Buchanans." But his speech could not be explained away. It was a shrill attack on the administration when Unionists were calling for

11Speeches and Addresses, 262, 265, 289.
Davis' Brooklyn speech dimmed his previously bright prospects in the upcoming Senate race. His early work had brought results—endorsements by several newspapers on both the Eastern and Western shores, the election of pro-Davis legislators, and the selection of his friend, Colonel John Summerfield Berry as Speaker of the House of Delegates. But when Berry organized the committees, he gave the chairmanships to supporters of Reverdy Johnson and United States Attorney for Maryland William Price. "The is the old story of my treatment by everyone on whom I rely on outside of the great mechanical class," Davis lamented. Particularly upsetting to Davis was the appointment of Reverdy Johnson to head the Committee on Federal Relations "as if to patronize his claims for the Senatorship!!" As the session progressed support for his candidacy dissipated. "I have more friends in the Legislature than either of the aspirants—and if they be not bullied or fooled I shall have a majority," Davis confidently predicted. But the defection of Speaker Berry broke the confidence of his supporters and he "fully expected a Bull Run—a shameful and causeless rout after a victory."13

The Maryland legislature met for weeks without passing any worthwhile legislation and without electing a Senator. For two months the election was delayed during which time Davis' support waned and outside forces were brought to support other candidates. Shortly before the Union caucus met, Davis lost his confidence. "Everybody has

12 HWD to SMDP, 4 December 1861, WMss 9-17190.

13 HWD to SFDP, 18 December 1861, WMss 9-17192.
gone to sleep in Maryland," he complained. Governor Bradford no longer supported him; Speaker Berry turned on him; his friends in the legislature vacillated in their support. "Every other man is a candidate," he reported. "It is like the College of Cardinals—and likely to follow the policy of electing the oldest man (Price) that he may speedily die and make a vacancy."14

When the caucus met on February 26, 1862, many of Davis' supporters defected to William Price leaving Davis a distant third behind Price and Reverdy Johnson. On each succeeding ballot his friends deserted him and on the fifteenth ballot Reverdy Johnson won the nomination. Davis was furious about letting former Douglas Democrats like Johnson into the Union party. "We were fools," he exclaimed. He was equally distressed by the conduct of his professed friends. "The bad faith of persons, long devoted friends, which occasioned the result is annoying. I consider my public life ended, and I shall occupy my time as best I may in reading and study, Law there is none to practice here." He took the defeat very hard and none of the kind words offered by his friends that he was being saved for "some wise purpose" helped. He needed a chance to stay active and to be involved. Without that he suffered.15

Personal suffering followed his political defeat. In January 1862 he received first a rumor and then the fact of his aunt Elizabeth

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14HWD to SFDP, 8 February 1862, WMss 9-17198.

15Reverdy Johnson to Chase, 27 January 1862, Chase Mss, LC; Baltimore Clipper, 1, 5 March 1862; E. W. Syle to SMDF, 11 March 1862, WMss 9-26650; HWD to SMDF, 18 March 1862, WMss 9-17202; SFDP to SMDF, 15 March 1862, in Hayes (ed.), Du Pont Letters, I, 367; SFDP to HWD, 13 April 1862, WMss 9-2560.
Brown Winter's death. "I have never known such another—so unselfish—so devoted—so abounding in good deeds—so untiring in well-doing," he wrote of her. He was grieved that when the war began she was visiting in Virginia and could not get out. "It would have been a great consolation to her and to me had I been with her at the last," he wrote, for she "was to me in the place of a mother."16

His aunt's passing was followed by other family problems. His late sister's youngest son died suddenly in Washington. Communications with his first wife's family—always a source of joy—were cut off as the Cazenoves and the Lees turned rabid secessionists. War claimed the lives of many favored relatives—Madison Tyler, Augustine Washington, and Robert Scott—"a long list for a short time," he mourned. And closest to home was the arrest and imprisonment of his brother-in-law, editor Frank Key Howard, the husband of Nancy's younger sister. Davis never cared for Howard either politically or socially, but the burden the latter's imprisonment placed on his sister-in-law and his nieces and nephew caused him grief.17

With his law practice suffering from the economic depression in Baltimore, with his political career seemingly ended, and with hostility daily shown toward him in Baltimore, Davis began considering Nancy's

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16HWD to SMDP, 5 January 1862, WMss 9-17194; HWD to SMDP, c. January 1862, WMss 9-17197; E. W. Syle to SMDP, 15 January 1862, WMss 9-26628; HWD to N. P. Banks, 15 January 1862, Banks Mss, LC; HWD to Seward, 28 January 1862, Banks Mss, LC.

17HWD to N. P. Banks, 26 March 1862, Banks Mss, LC; HWD to SMDP, 20 June 1862, WMss 9-17206; F. K. Howard to L. Trumbull, 8 December 1861, Trumbull Mss, LC; F. K. Howard to T. Bayard, 25 December 1861, Bayard Mss, LC; HWD to SMDP, 4 December 1861, WMss 9-17190; SMDP to HWD, 7 January 1862, WMss 9-23087.
request that they move to New York City. "Possibly I may gratify her," he wrote. He was "eminently uncomfortable," reported his brother-in-law Edward Syle. "Something to do what he felt was worth doing would be a great boon to him," Syle thought. Although the Reverend Mr. Syle advised him to "bide his time," Davis, as impatient as always, sought "something to do." Haltingly at first, but then vigorously he joined the crusade to eradicate slavery. He became the foremost leader of the emancipation movement in Maryland.¹⁸

From his boyhood, Davis had opposed the peculiar institution, but his dedication to the law and the Constitution forbid him from opposing it politically. Although he attacked slaveholders and the slave power in speeches in the House, he was careful not to assail slavery, private property, itself. During 1861 and 1862 his opinions began to change. Captain Du Pont's successful attack on Port Royal placed the Federal government in control of thousands of slaves who were left when their masters fled. Often Du Pont wrote Davis of the condition of the Port Royal slaves: "We have some ten thousand negroes within our lines, almost starving and some naked or nearly so. The negroes want arms very much! and what is more seem brave." Du Pont was impressed with "contraband pilots" who guided his ships under fire. "What is to become of all these people, when the rebellion is put down," he asked Davis. "Surely they cannot be returned as slaves."¹⁹

"Your letter impressed me deeply with the miserable condition of

¹⁸E. W. Syle to SFDP, 22 April 1862, WMss 9-12493.

¹⁹SFDP to HWD, 25 February 1862, WMss 9-2490; SFDP to HED, 24 June 1862, WMss 9-2618.
of the negroes under their Patriarchal tortures," Davis replied. He
was not willing, however, to settle for an illegal method of freeing
them. General John C. Frémont's proclamation confiscating all slaves
in Missouri was not the proper way, he thought. He rejoiced at the
recall of Frémont whom he considered the "chief instigator of the
abolition onslaught in Congress." He agreed that it was "a great
temptation to seek a short remedy" for slavery and conceded that the
"fanatics are half justified in their views." Nevertheless he still
eschewed proclamations. "Slavery receives its death wound in this
struggle; it may languish for years but is not likely to be again a
power," but the death of slavery by illegal means might kill the nation
in the process.20

In May 1862, when Captain Du Pont's army counterpart, General
David Hunter, issued a proclamation freeing the slaves in his district,
Davis protested. "He is not the authorized instrument," Davis wrote,
"and his proclamations and those like them will merely aggravate the
difficulties of the inevitable transition." The loss of life and the
senselessness of the killing will eventually turn people to emancipation,
he predicted. "The only alternatives seem to me the sudden and bloody
extinction of slavery or its languishing, wasting death of exhaustion."
He preferred the latter.21

When Mrs. Du Pont asked Davis if immediate emancipation was both
"impolitic" and "unjust," he replied that it was impolitic because it
was impossible without a gross violation of the fundamental principles

20HWD to SFDP, 20 May 1862, WMss 9-17204.
21HWD to SMDDP, 20 May 1862, WMss 9-17204.
of the government. "Unjust it is not and cannot be to restore freedom to any one in slavery." He granted that there may be suffering and inconvenience and confusion from emancipation—but "no injustice." Slavery was "an evil very grievous, a wrong wholly indefensible," but it had to be dealt with as a doctor deals with cancer—carefully removed and not rashly torn out. The evil must be tolerated until time and circumstances permit its eradication, "but no longer."22

Confiscation of enemy property, particularly slaves, seemed to be a much more legal and therefore practical method, Davis wrote. The first Congressional confiscation act in 1861 was strenuously opposed by many Congressmen on the grounds that although Congress could confiscate slaves, it could not free them. Davis thought this was illogical; the United States was to be a proprietor as other proprietors and could deal with its property in any way it saw fit.23

The most sweeping confiscation act, the second, came under attack by moderates and conservatives who labeled it a bill of attainder. In two lengthy letters to Congressman Justin Morrill, Davis defended the constitutionality of confiscation. It was not a bill of attainder, he argued, because it did not punish past action but future action. The Constitution said that forfeiture of property should not be a sentence for treason—but it did not prohibit Congress from making forfeiture the consequence of other acts. Davis suggested other precedents. First, the slave trade laws for over sixty years had established confiscation of property as punishment. Persons found

22Ibid.

23HWD to SFDP, 18 December 1861, WMss 9-17192.
guilty of illegal slave importing were fined and imprisoned and their ships were confiscated and their slaves freed. Second, persons caught selling "spirituous liquors" to Indians were liable for imprisonment and confiscation of their boats, stores and packages. Davis also argued around the constitutional prohibition against confiscation as a punishment for treason. "The traitors who burned the Maryland bridges and shot the Massachusetts men on the 19th of April were guilty of treason," he wrote, "but they were also guilty of resisting the laws of the United States, and of a riot, and of obstructing mail routes, and for any of those crimes any punishment, any confiscation may be constitutionally imposed."24

The bill which came out of Congress was not at all to Davis' liking. He wrote that it "authorizes the President to inaugurate a revolution in order to suppress the insurrection." As drawn, the act was "one of those shapeless agglomerations which comittee's of conference after long labor bring forth— with the features of both parents and usually the worst of both." Although he pleaded with Morrill to include legal protection for the freedmen, the bill was devoid of such a clause. Furthermore, the Confiscation Act of 1862 freed only slaves who escaped or were captured. "Surely a fool drew that section," he wrote. "I am for freeing every slave of every rebel."25

In March 1862, to resist the rising tide of abolitionism, Lincoln recommended compensated emancipation to the Congress. He urged an appropriation to purchase slaves from loyal owners in the

24Speeches and Addresses, 292-302.

25HWD to SFDP, c. 19 July 1862, WMss 9-17209.
border states. His proposal met opposition from both radicals and conservatives, and resulted only in a bill for compensated emancipation in the District of Columbia. In July the President appealed to the border states once again and sent a bill to Congress to compensate any state that might abolish slavery. Few in Maryland approved such a plan except Davis and his friends.26

When Davis' old ally, Representative John A. Bingham of Ohio, introduced a Maryland compensation bill in the House, opponents tried to block its passage by insisting on exorbitant compensation. Davis petitioned key Congressmen and Senators regarding a fair evaluation of slaves. Using tax and census figures, he demonstrated that the assessed value of slaves in Maryland was about fourteen million dollars and that the average value was only $163 a slave. As the legislature was always controlled by the slaveholding counties, he felt it only just to use the tax values they created. "There is no market in the South, and sales in the State seem to show that the assessed value is quite as much as the slaves will sell for here, if not more," Davis argued. The appropriation of ten million dollars suggested in Bingham's bill he declared to be "more than ample." But conservatives in Congress, led by Maryland's John Crisfield, succeeded in having the bill recommitted to committee, where it died.27

26"Appeal to the Border State Representatives to Favor Compensated Emancipation ... address by Lincoln at the White House," CWAL, V, 317-319; Lincoln to Congress, 14 July 1862, CWAL, V, 324; David Davis to L. Swett, 26 November 1862, David Davis Mss, CHS.

27CG 37th-3rd-381; HWD to William Pitt Fessenden, 3 February 1863, Miscellaneous Collection, New York Historical Society; HWD to Ira Harris, Harris Mss, Brown University; CG 37th-3rd-1293-1294.
As the long summer of 1862 drew on, President Lincoln sought a means of quelling the pressure of the abolitionists. On July 13, while riding back from a funeral, he told Secretaries Welles and Seward that he was prepared to issue a presidential proclamation emancipating Southern slaves. Rumors of his impending action stung Washington City. "The President can issue no decree of emancipation," Davis wrote Du Pont; "If he could he would be my master and could take my home and imprison me at pleasure." Davis argued that the military, including the President as Commander-in-Chief, could under certain circumstances take slaves, but he could not alter the legal relationship of the master and slave, "any more than he can that of a horse." When Lincoln issued his preliminary Emancipation Proclamation after the battle of Antietam, Davis was appalled. "Poor fool," he sneered, "he does not know what he is doing." Davis declared the proclamation to "powerless but for mischief" and an offspring of the President's terror. "The defeats before Washington frightened the Prest. into the emancipation," he reasoned.28

When Lincoln issued the permanent Emancipation Proclamation on New Year's Day, 1863, Davis was utterly disgusted with the President's action. Davis thought it discredited Lincoln's former proposal of compensated emancipation and destroyed any chance to get the Congress and the loyal states to change the Constitution. "I fear the best hope of ending slavery is gone."29


29HWD to SMDP, 2 January 1863, WMss 9-17228.
As early as May 1862, Davis began to propose another way of abolishing slavery, a way which was both constitutional and effective. Under Article IV, Section 4 of the Constitution, Congress was charged with guaranteeing "to every State in this Union a Republican Form of Government." He held that there were no state governments in the rebellious states until new governments were organized. Thus the states were subject to the legislative control of Congress. It would be "unfair and impolitic" to make a radical blow at slavery before the loyal people had an opportunity to resume the responsibilities of government and abolish slavery themselves. "But if they fail or refuse for any considerable time," Davis noted, "—and that is not unlikely in S. C., Miss., Ala.—then Cong. is the government of the State ... and it may free every negro in the State by act of Congress just as it has forbidden slavery in the Territories and freed slaves in the D. C." 30

Davis found further validity for his plan in the arguments of Southerners made in favor of secession. Secession asserted the right of self-government independent of the Constitution of the United States. If Congress could not legislate for any state which threw off its allegiance to the United States, then the state was in fact independent. "So the denial of secession," he argued, "carries with it the right to govern the State if it will not govern itself in subordination to the Const. of the U. S." 31

In the fall of 1862 Davis drew up a bill embodying his view of

30HWD to John Sherman, 30 May 1862, Sherman Mss, LC; HWD to SFDP, 11 July 1862, WMss 9-17208.

31Ibid.
reconstruction which he had Senator John Sherman submit to the Congress. He had acted after visiting Congress for a day and seeing "the cloud of opposition overshadowing the face of everyone—there was the light of battle nowhere—but the depression and gloom of defeat." He believed that if Congress would enact his bill it might regain its lost stature. His position in that bill and in speeches around the country later that year indicate a middle position between the conservatives who held that the states continue to exist with their rights impaired and the radicals who thought that the southern states were alien enemies. "To call them alien enemies admits that their secession was effectual," Davis wrote. "It admits that they are not traitors, but enemies. I say they are traitors and not enemies; citizens under the law." He refused to go along with those radicals who claimed that the South had become a territory. He criticized the concept of "territorialization" on the ground that the states were "continuing, perpetual elements of our Union, and their citizens always beneath the Constitution." When the Thirty-Seventh Congress adjourned on March 3, 1863, it had failed to act on his bill which disappointed him greatly.32

Long before that early "reconstruction" bill failed in Congress, Davis was working on an additional plan to end slavery— to secure abolition by enlisting slaves in the army. This seemed to make good practical sense. The Union needed all the troops it could get to prosecute the war. Moreover, since the war was drifting into a war against slavery, it was right that the Negro should be allowed to fight

32Sherman, Recollections of Forty Years, I, 359; HWD to SFDP, 2 January 1863, WMss 9-17227; HWD to SFDP, 28 January 1863, WMss 9-17230.
for his emancipation. Finally, in Davis' opinion, the enlistment of slaves into the army was a legal and efficacious means of securing their freedom.

When General David Hunter in May 1862 announced the formation of a black brigade composed of captured slaves from the Sea Islands, Davis was curious. "Can you make soldiers of them?" he inquired of Du Pont. As a student of history, he deemed the idea of arming of slaves eminently suitable. He noted that Napoleon incorporated blacks into his army in Egypt and that they fought well. "Why will they not do as well as the Bengal Sepoys?" Du Pont responded with high praise for Hunter's South Carolina black volunteers. "The battalions, after six weeks, drill better than my men after sixteen months of drilling," Du Pont answered. A second testimonial came from a slave Davis had inherited from his father. Old Frank Garner, "who went gunning with me to prevent my shooting myself instead of the birds" when he was a boy, paid Davis a surprise visit after many years of separation. A teamster who drove an ammunition wagon for the Army of the Potomac, Garner told Davis of black men's courage in battle. Davis soon discounted reports that blacks ran under fire saying they couldn't run worse than the white soldiers at Bull Run. "Let us hope the best and read in History and law that all men are of one blood and that not race but discipline and organization and a cause make soldiers of every race."33

On October 30, 1862, at Concert Hall in Newark, New Jersey, Davis

33HWD to SFDP, 11 July 1862, WMss 9-17208; SFDP to HWD, 8 July 1862, in Hayes (ed.), Du Pont Letters, II, 156; HWD to SFDP, c. 19 July 1862, WMss 9-17209.
announced his support for enlisting blacks and for a strict confiscation bill, the two methods he preferred until a constitutional amendment establishing compensation could be passed. He urged a confiscation bill that went "deeper into the skin" than the "flimsy thing" passed by Congress. He wanted a confiscation bill that would sequester the lands of the Southern leaders and redistribute them as bounties to blacks who enlisted in the fight for freedom. Confiscation and a black army were the two legal methods he advocated for achieving emancipation.\textsuperscript{34}

In Maryland the question of emancipation was widely discussed throughout 1862. Few politicians agreed with Davis that "the suppression of the rebellion carries with it the ultimate and not distant extinction of slavery everywhere." In January 1862 the "loyal" Maryland legislature, the General Assembly minus its imprisoned secessionist members, ratified the constitutional amendment that would forbid the Congress from ever abolishing slavery in the states. Almost all of Maryland's leading politicians were opposed to emancipation; every one of the six Maryland Congressmen owned slaves. Governor Bradford bitterly complained to Lincoln about the interference of the Federal government with Maryland slavery. While Congress debated an act to abolish slavery in the District of Columbia, the Maryland legislature unanimously opposed its passage, and when Congress enacted the bill former Governor Thomas Hicks pleaded with the President to veto the bill. When Lincoln proposed compensated emancipation for the border states, the entire Maryland delegation voted against it and Congressman Crisfield led the opposition. When Senator Pearce died in late

\textsuperscript{34} Speeches and Addresses, 303-306.
December 1862, Governor appointed Hicks to the unexpired term, signifying his conservative position on the slavery issue. Except for a small band of friends and the Republicans, Davis was alone in his fight for Maryland emancipation—alone except for Montgomery Blair.\(^3^5\)

Postmaster General Blair was a longtime advocate of gradual, compensated emancipation with colonization. As a self-styled "dry nurse" to Maryland emancipation, he opposed immediate freedom for fear that such a move would bring on race war. Blair insisted on deportation and colonization since he opposed "the amalgamation of the races" and feared the creation of a "hybrid nation." Only an emancipation coupled with colonization on a separate continent or island would satisfy Blair. Davis disagreed. Colonization of blacks was an "impossibility," he declared; "and if it were practicable, it would not be desirable." The lands of the South needed to be cultivated and the nation could not afford to lose its agricultural labor force even if it was possible "pecuniarily or physically to remove four millions of them from the country." There was clearly a difference between the views of Davis and Blair.\(^3^6\)

\(^{3^5}\) *Maryland Senate Journal 1861-1862*, 164, 173; *Maryland House Journal, 1861-1862*, 97; *Baltimore American*, 9 January 1862; Bradford to Bates, 9 May 1862, Executive Letterbook, Maryland Hall of Records; Hicks to Lincoln, 26 May 1862, Hicks Mss, MdHS; Charles B. Calvert to Lincoln, 10 July, 3 August 1861, 6 May 1862, RTL, LC; J. A. Pearce to W. P. Fessenden, Fessenden Mss, LC; J. Crisfield to wife, 27 January, 25 April 1862, Crisfield Mss, MdHS; Crisfield to Hicks, 28 June 1862, Hicks Mss, MdHS; Bradford to Hicks, 29 December 1862, Executive Letterbook, Maryland Hall of Records; *Baltimore Clipper*, 30 December 1862; HWD to Lincoln, 9 February 1863, John G. Nicolay Mss, LC.

\(^{3^6}\) M. Blair to D. Wallack, 21 June 1862, Blair Mss, LC; M. Blair to Lincoln, 21 November 1861, in Smith, *Blair Family in Politics*, II, 195; M. Blair to Allen B. Davis, 8 April 1862, Blair Mss, LC; "Speech of Hon. Montgomery Blair at the Union Mass Convention, Concord, N.H."
Although Davis spoke of himself as being excluded from Maryland politics because of his emancipationist views, he was not, in fact, without political friends. Even in conservative Baltimore there were men, not only Republicans but Unionists, who came to favor a moderate emancipation program. In May of 1862, led by Archibald Stirling, Jr. and Henry Stockbridge, both close friends of Davis, the City Union Convention, the controlling body of the Union party in Baltimore, passed a series of resolutions which would have been inconceivable even a year before. They approved the President's plan for compensated emancipation and censured the legislature for not calling a constitutional convention at its last session, a convention to destroy slavery and the slave power of the Maryland tidewater. Throughout 1862 they lobbied in Washington for passage of the ten million dollar compensated emancipation bill.37

During the Christmas season of 1862, Lincoln installed Major General Robert C. Schenck as the military commander of the Middle Department which included Maryland. Fifty-three year-old Schenck, Representative-elect from Ohio, soon became a close personal friend and political ally of Winter Davis. With Schenck's support the Union League was founded in Maryland and soon became the most powerful political organization in the city. The Union League, with John

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37"Baltimore City Union Convention Resolutions--Archibald Stirling, Jr., President," (Baltimore, 1862), Thaddeus Stevens Mss, LC; Baltimore Clipper, 22, 29 May 1862.
Dukehart, an old Davis Know-Nothing ally as president, was a military and patriotic association with passwords, hand shakes, and ceremony similar to the old Know-Nothings. Thus, even without aid from Bradford, Hicks, Blair and company, Davis was able to rebuild a powerful organization. "Our newly baptized Republican brothers of the Church of Davis and Co," as one critic labeled them, soon began to agitate for emancipation and to boom Davis for Congress.38

By March 1863 Davis had decided to run for Congress in the fall. His opponent for the Union party nomination was a formidable one, Thomas Swann, former mayor of Baltimore and former president of the Baltimore and Ohio Railroad. But Davis' friends had the advantage of being better organized. In addition, Davis received word from the President that he would not intervene in the contest to support one Unionist over another. Davis' campaign manager, Judge Hugh Lennox Bond visited Lincoln after hearing rumors that Secretary Chase would throw the patronage of the powerful Treasury Department behind his old friend Swann. The President, concerned over the possibility that the Democrats might gain control of the House of Representatives, promised Bond he would be neutral. "Ah!" Davis crowed when informed of Lincoln's decision, "they are coming to their senses. I'll go now and see them." The President received Davis on March 17 and afterward wrote Davis a letter. "The supporters of the war should send no man to Congress who will not go into caucus with the unconditional supporters of the war," Lincoln wrote. "Let the

38Baltimore Clipper, 20 December 1862; HWD to SMCP, 1 January 1963, WMss 9-17226; "Opening, Initiatory, and Closing Ceremonies for Union Leagues, August, 1862," (Baltimore, 1862); F. S. Corkran to M. Blair, 6 June 1862, RTL, LC.
friends of the government first save the government, and then administer it to their own liking." Davis used Lincoln's letter to secure the impartiality of Secretary Chase and Postmaster General Blair.39

In May ward meetings were held all over the city to select delegates to the City Union convention. His supporters worked the ward meetings countering rumors that Swann was the candidate of the administration, endorsed by Blair and Chase. On Friday, June 5, 1863, the City Union congressional convention met at Temperance Temple. Davis and Swann were nominated whereupon the outnumbered Swann delegates walked out of the convention in protest over the selection of the delegates. A ballot was taken despite the protest and Davis was nominated by a vote of 47 to 2.40

"I don't know whether to rejoice or mourn my nomination," Davis wrote Mrs. Du Pont, "—what follows no one knows." There was reason to rejoice. The disaffected Swann supporters were soon reconciled to the Union party by hopes of electing Swann to the Senate to succeed Hicks. Swann, although bitter about the tactics of Davis' friends in the convention, nevertheless agreed not to run against Davis. But there was also much to mourn. Instead of supporting Davis, Postmaster General Blair refused to endorse his nomination and began to mount a

39H. L. Bond to Kate, 16 September 1862, Bond-McCulloch Mss, MdHS; Bond to SFDP, 1 March 1863, WMss 9-14336; Bond to SFDP, 23 March 1863, WMss 9-14525; Lincoln to HWD, 18 March 1863, CWAL, VI, 140-141; HWD to Lincoln, 20 March 1863, RTL, LC.

40Baltimore Clipper, 19, 27 May, 6 June 1863; Hicks to James L. Dorsey, 4 June 1863, Dorsey Mss, MdHS. Also see Nancy Anne Miller, "Thomas Swann: Political Acrobat and Entrepreneur" (Virginia Polytechnic Institute: M.A. thesis, 1969), 65, for Swann's efforts to secure the nomination.
strong opposition. "My nomination ought to be equivalent to an
election," Davis wrote, "and it would be were Blair anything but a
trickster utterly unreliable and treacherous as a monkey." Blair
pushed Swann into the chairmanship of the Union State Central Committee,
and urged Swann to make a run against Davis. Without Secretary Chase's
backing, Swann refused. Despite Blair's call for a "man of stature" to
oppose Davis, none volunteered except an alcoholic attorney, Henry
Stump.

Having won control of the Baltimore Union party, Davis' friends
set out to capture the Maryland Union party. In the spring of 1863
the Maryland Union League challenged the Union State Central Committee
for leadership of the Union party. At Davis' suggestion, the Union
League called a convention to nominate candidates for the top state
offices contested in the upcoming election. Although startled by the
transformation of the previously non-political Union League into a
political party, the State Central Committee proceeded with a convention
to nominate its own candidates.

Sometime before either convention met, young William L. W.
Seabrook, Commissioner of the Land Office, encountered Davis on a
steamer from Baltimore to Annapolis. Seabrook protested the "irregular"

41HWD to SMDP, 12 June 1863, WMss 9-17260; W. G. Snethen to
Chase, 8 June 1863, Chase Mss, LC; Swann to Chase, 8 June 1863,
Chase Mss, HSP; HWD to Morrill, 11 August 1863, Morrill Mss, LC;
Bond to Chase, 18 August 1863, Chase Mss, HSP; HWD to SFDP, 24
August 1863, WMss 9-17273; Blair to Bradford, 12 September 1863,
Bradford Mss, MdHS; Donald (ed.), Inside Lincoln's Cabinet, 186;
Blair to Swann, 17 October 1863, Blair Mss, LC; Baltimore Clipper,
22 October 1863; Speeches and Addresses, 387.

42Baltimore Clipper, 29 May, 2 June 1863.
action of the Union League. Unmoved, Davis replied that the loyalty of those who did not sustain emancipation was questionable and he had grown "impatient" with the "halfway measures" of the State Central Committee. Nevertheless, Davis did not discourage Seabrook from attempting to effect a compromise between the two groups.  

No arrangement was possible between the warring Union State and Union League conventions. They met separately and nominated separate slates for comptroller and land commissioner. The Union League convention also organized a new state central committee with an aim of carrying each Congressional election. In the First Congressional District, Davis' men nominated John A. J. Creswell to oppose the regular nominee, incumbent John W. Crisfield. In the Second District, incumbent Edwin H. Webster changed his views on emancipation sufficiently to be endorsed by the "Unconditionals." The radicals of the Fourth District supported incumbent Francis Thomas after Thomas made a pledge to support Lincoln's administration. The slaveholding counties which made up the Fifth Congressional District put Benjamin Gwinn Harris as the States' Rights party candidate and were surprised to see the Unconditional Unionists nominate John C. Holland. With a state wide ticket, Congressional candidates, and a legislative ticket, the Union League backed Unconditional Union party began its campaign for emancipation in the South and a new constitution abolishing slavery in Maryland.

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^4*Baltimore Clipper*, 17, 24 June 1863.
The major issue raised in the campaign was the arming of slaves. While Davis was in Maine advocating the use of black soldiers, his campaign manager Judge Len Bond issued a public letter to Secretary of War Stanton requesting the Federal government to draft Maryland slaves to help fill Maryland's quota under the Conscription Act of 1863. Military service was the duty of all persons who enjoyed the protection of the government, Bond claimed, be they slave or free. If Congress allowed minors to serve in the army without compensation to their fathers, it should require service from a slave without compensation to his master. The protection of slaves from the draft was both unequal and unjust. "The government makes no such allowance to a poor father whose son is enlisted nor to a mechanic who apprentice is drafted," Bond concluded. The drafting of Maryland slaves became the central issue in the campaign.45

Although the enlistment of slaves was opposed by Postmaster General Blair, Governor Bradford, Senator Hicks, former Mayor Swann, and others, enlistments continued under the direction of General Schenck. General William Birney, son of the abolitionist James G. Birney, directed the recruitment of a black brigade in Maryland. Davis and the Unconditional Union party upheld Schenck's policy. In a speech at Philadelphia that was widely reprinted in Maryland, Davis advocated arming slaves. He applauded the conduct of black soldiers in the American Revolution, the War of 1812, and recently at Port Hudson, Louisiana. "Men are men in spite of the skin, and deeper than skin,"

45HWD to SFDP, 21 August 1863, WMss 9-17272; Baltimore American, 19 August 1863.
he lectured, and "without a negro army an attempt at emancipation is idle." Once blacks were made soldiers they would have to be freed and given the rights of free laborers for "there is mighty little of the slave left in the man who has a musket on his shoulder."

Support for a black army was support for emancipation, he cried, "and the only question is whether the enlistment of the slaves will leave any to emancipate." 46

Throughout the state Davis took his message of emancipation and black soldiers. In Baltimore, Rockville, Towsontown, and even on Maryland's Eastern Shore in such hostile towns as Cambridge, Denton, Easton, Salisbury, and Snow Hill, Davis attacked slavery and defended the arming of slaves. He capitalized on the widespread opposition to conscription by advocating the enlistment of slaves to fill the draft quota. His intense campaigning produced surprising results. "All opposition has been disorganized— even Blair has been obliged to call off his dogs," Davis noted. He credited "the astonishing development of the emancipation feeling" in Maryland to his "resolute determination."

In October he wrote Senator Sumner that he was "certain of a popular majority for emancipation" and the election of at least three members of Congress and a majority of the Maryland General Assembly. With that "cometh the End," the end of slavery. 47

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46 Bradford to Thomas, 9 September 1863, Swann to Bradford, 14 September 1863, Bradford Mss, MdHS; Donn Piatt, Memoirs of the Men Who Saved the Union (New York, 1887), 44-45; Baltimore Clipper, 16 September 1863; Speeches and Addresses, 307.

47 Baltimore Clipper, 25 September, 13, 15, 16, 29 October 1863; HWD to Morrill, c. 26 September 1863, Morrill Mss, LC; HWD to Sumner, 21 October 1863, Summer Mss, Harvard University.
On election day, Davis was jubilant. The Unconditional Union candidate for comptroller won by a two to one margin, Davis and three other Unconditional Unionists were sent to Congress, and the party captured forty-seven of seventy-four seats in the House of Delegates, a majority sufficient to call a constitutional convention. "The revolution in this state is wonderful beyond all former experience in the U.S.," he wrote Du Pont. "Emancipation is the will of three-fourths of the people." Although the party was aided by a proclamation from General Schenck ordering the arrest at the polls of any man not willing to swear a loyalty oath, the victory was nevertheless an overwhelming endorsement of Davis' emancipation plan.48

Davis' re-election was a great personal triumph. His victory ended "two years of disappointment." After his defeat in 1861 he had watched the events of his time with dismay. "Oh! if there were only an ounce of brains in Washington!" was his constant cry. Everything seemed to be done too much, too little, or too late. In 1861 he had pleaded for 9,000 old muskets to arm a home guard when Baltimore was in perilous condition, but was refused. In July 1862, when Maryland was

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48HWD to SFDP, 4 November 1863, WMss 9-17279. On the extent of military interference in the election see Charles L. Wagandt, The Mighty Revolution: Negro Emancipation in Maryland, 1862-1864, especially Chapter 11, "Election by Sword and Ballot," 155-184. Wagandt's otherwise excellent study overstates the extent of interference and its significance. Instead see Jean H. H. Baker, Politics of Continuity, 88-91. J. G. Randall in Lincoln the President, III, 287-288, notes that the formula for the 39th Congress called for one representative for every 122,614 persons and that as Davis polled only six thousand votes it is questionable how much Davis represented the sentiment of Baltimore. Randall concludes, "His heavily overweighted influence in Congress was out of proportion to the constituency whose views he reflected." But Davis' vote in this election, as he had no formal opposition, compares favorably with the rest of the Unionist ticket and his vote in 1855 and 1861.
secure, Blair asked Davis to raise a brigade. "It was pretty cool to ask me to spend $10,000 for them after a year of neglect and every species of annoyance in my state affairs," Davis complained. "The fools at the head of affairs!"\(^{49}\)

Davis was troubled by the handling of military affairs. "Military force scientifically handled could have extinguished the rebellion" in one year, he thought. He was pleased when Lincoln dismissed Cameron as Secretary of War, but dismayed to find that Stanton had been appointed. "If the American government is to be subject to the crazy caprices of Stanton, I dont think it is worth the trouble that is taken to preserve it," he wrote.\(^{50}\)

Davis' confidence in Secretary of State Seward declined as the war progressed. Seward's handling of the French invasion of Mexico was incompetent and degrading according to Davis. "Seward's tone is a whine of complaint—alternating with childish illusion," Davis noted. "He seems more bent on getting cotton for France and England than letting them know that they must submit to the inconveniences our war imposes on them." As the administration would not stand up to Louis Napoleon, Davis vowed that he would.\(^{51}\)

\(^{49}\)HWD to SMDP, 9 October 1862, WMss 9-17221; HWD to SFDP, 14 August 1862, WMss 9-17212; HWD to SFDP, 13 April 1863, WMss 9-17243; HWD to SFDP, 11 July 1862, WMss 9-17208.

\(^{50}\)HWD to SFDP, 10 March 1862, WMss 9-17200; HWD to SMDP, 9 August 1862, WMss 9-17213; HWD to Morrill, 16 August 1862, Morrill Mss, LC; HWD to SFDP, 3 September 1862, WMss 9-17216; HWD to SFDP, 28 January 1863, WMss 9-17230.

\(^{51}\)HWD to SFDP, 10 February 1863, WMss 9-17234; HWD to SFDP, 3 March 1863, WMss 9-17233; HWD to Summer, 21 October 1863, Summer Mss, Harvard University.
Even silverheaded Attorney General Edward Bates, formerly Davis' favorite for the presidency, came under Davis' attack. The Marylander had been extremely disappointed over the suspension of the writ of habeas corpus by Lincoln and blamed this unconstitutional act on faulty legal advice. When Davis was engaged by Admiral Du Pont to represent him in the adjudication of prize cases, Davis was dismayed to see the incompetence in the Justice Department. Bates claimed to be ignorant of "salt water law" and turned the case over to a Buchanan Democrat. "I begin to wonder over the absolute death of all high legal knowledge in the country," he lamented.52

Whatever the motives that initially brought Davis into conflict with other departments of the government, loyalty to his closest friend impelled him to break with the Department of the Navy. Late in 1862 Secretary Welles and Assistant Secretary Gustavus Vasa Fox had ordered Admiral Du Pont to attack Charleston, South Carolina. Although Du Pont doubted that his monitors could take Charleston, Du Pont nevertheless led a massive attack on Forts Sumter and Moultrie. After his fleet was hit 439 times by enemy artillery, Du Pont, fearing complete disaster, called off the attack. His failure before Sumter was severely criticized by correspondnet Charles C. Fulton, editor of the Baltimore American, the political organ of Postmaster General Blair. Recriminations for the defeat followed. Du Pont blamed poor planning and the previously untested monitors. The Navy Department blamed Du Pont and relieved him from duty. Davis was infuriated by the treatment Du Pont received.

52 HWD to SFDP, 20 February 1863, WMss 9-17237, 23 February 1863, WMss 9-17238, 1 March 1863, WMss 9-17232.
received at the hands of the President, Welles, Fox, Fulton, and Blair. "Fulton is a fool and scoundrel combined," "a dirty puppy," Davis growled. When he found out that Fulton was with the fleet as Blair's post office agent he was indignant. "So Fox and Blair and Blair and Fox use Fulton--It seems as if my enemies were spiting me by attacking Du Pont. I am sorry he suffers for my sins." 53

Davis' view that Du Pont's troubles were the result of "a Blair-Fox conspiracy" deepened his troubled relations with Blair. Their ties had never been very strong--Davis blamed Blair for losing a cabinet position and Blair was envious of Davis' following. They broke finally over the slavery issue. While Davis' forces swept Maryland for "unconditional emancipation," Blair was condemning the "radicals" and their policy of "amalgamation, equality, and fraternity." Blair worked hard to get Swann to run against Davis and tried to turn Lincoln against him. "Blair took the ground that I would go to Cong. to oppose the Adm.!” Davis remarked. "He thinks he is the Adm. If so, he is not far out about me." Blair was not far wrong. After "two years of disappointment" Davis returned to Congress to settle his differences with Lincoln, Seward, Bates, Welles, and particularly Blair. 54

53John D. Hayes, "Introduction," Du Pont Letters, I, lxxvii-xc; HWD to SFDP, 13 April 1863, WMss 9-17243; 14/15 April 1863, WMss 9-17244; Baltimore American, 15 April 1863; HWD to SMDP, 22 May 1863, WMss 9-17254.

54HWD to SFDP, 28 May 1863, WMss 9-17256; "Speech of the Hon. Montgomery Blair on the Revolutionary Schemes of the Ultra Abolitionists, and in Defense of the Policy of the President, Delivered at the Unconditional Union Meeting at Rockville, Montgomery Co., Maryland," (New York, 1863); HWD to SFDP, 4 November 1863, WMss 9-17279.
Winter Davis went to Congress in December 1863 to settle some old scores with the Lincoln Administration. The latest issue to arouse his anger was the appointment of Brigadier General Henry H. Lockwood to succeed General Robert Schenck as commander of the Middle Department. When Schenck resigned his position to enter Congress, Davis urged the appointment of Colonel Don Piatt, who would continue Schenck's policy of recruiting Maryland slaves for a Negro regiment. Lincoln considered Piatt a "good fellow," but thought Schenck and Piatt ran Maryland too independently. Davis saw Lincoln's action as a personal affront. "If this is the final answer of the Adm. to our application for Piatt to continue Schenck's policy," Davis thundered, "I have a debt to pay which I am too honest to leave long due."\(^1\)

If Davis' vow to "pay debts long due" gives some clue to his motives in the Thirty-Eighth Congress, so too does a close examination of what he hoped to achieve—emancipation in Maryland, a constitutional amendment prohibiting slavery everywhere, reform of the Navy, aid to French-occupied Mexico, and an end to the arbitrary encroachments and usurpations of the President. There was a confusion between Davis'\

\(^1\)HWD to SFDP, 5 December 1863, WMss 9-17284; Donn Piatt, *Memories of Men Who Saved the Union*, 46.
personal and political purposes and his genuine interest in reform—a confusion which Davis himself never resolved.

Before Davis could mount his campaign against the administration, he became engrossed in the organization of the House of Representatives. The acting clerk of the House, Emerson Etheridge, attempted to throw control of the House to a coalition of Democrats and border state Unionists by omitting names on the House roster of sixteen members pledged to support the administration, including the entire Maryland delegation. Etheridge, an old American party ally of Davis', omitted the names of the sixteen on the contention that their certificates of election were not valid according to the requirements of a law enacted the previous March. When apprized of Etheridge's "plot," Davis fumed that this was just what he had warned the last Congress might occur when they were considering the law.2

At an administration caucus on Sunday, December 6, a committee of five was appointed to deal with the "Etheridge plot." While committeemen Henry L. Dawes and Frederick A. Pike visited Etheridge in an attempt to dissuade him from his purpose, committeemen James A. Garfield and Davis plotted more direct action. "We have planned a small campaign which has a fight as one of its remote contingencies ...," Garfield stated. Davis was ready to install a Republican "by any means necessary"—including force. Fortunately for the public peace, Etheridge allowed a motion by Dawes to add the names of the Maryland members after the roster was read. A test of strength developed on a

motion to table Dawes' resolution, and the Republicans won. The names of the Maryland delegates and other excluded members were then added to the roll.³

With the addition of the sixteen, the administration had sufficient strength to elect Republican Schuyler Colfax of Indiana as Speaker. But Davis predicted that the administration's supporters would not be "tame or subservient—It will hold the Adm. responsible—or revolt." He considered the balance of power in the House lay with "Schenck, Garfield, the Missouri men, and myself and Creswell, Smithers and some others" who would not fear to oppose Lincoln.⁴

Colfax's election was followed by what Davis termed the "wretched scramble for places"—the committee appointments. He sought the chairmanship of the Committee on Naval Affairs, but instead had to settle for the chairmanship of the Committee on Foreign Affairs. Whereas Charles Sumner found the chairmanship of the Senate Foreign Relations Committee more influential than any cabinet post, Davis belittled the House committee for being largely occupied with "clerk's duties." He yearned for some larger, more challenging task.⁵

³S. S. Colfax to Charles Lanman, 16 August 1863, Charles Lanman Mss, LC; Lincoln to James W. Grimes, 29 October 1863, Lincoln to Hamlin, 29 October 1863, Lincoln to Frederick F. Low, 30 October 1863, CWAL, VI, 546–552; Lincoln to Zachariah Chandler, 30 October 1863, Chandler Mss, LC; Justin Morrill to Emerson Etheridge, 17 November 1863, Morrill Mss, LC; Dennett, Diaries and Letters of John Hay, 123; Cox to Manton Marble, 5 December 1863, Manton Marble Mss, LC; Henry L. Dawes to wife, 6, 7 December 1863, Dawes Mss, LC; CG 38th-1st-4, 5; Garfield to home, 9 December 1863, in Theodore C. Smith, Life and Letters of James Abram Garfield (New Haven, 1925), I, 365; HWD to SFDP, 11 December 1863, WMss 9-17286.

⁴CG 39th-1st-7; HWD to SFDP, 11 December 1863, WMss 9-17286.

⁵HWD to SFDP, 11 December 1863, WMss 9-17286; David Donald,
Davis' major concern in the Thirty-Eighth Congress was the issue of reconstruction. On December 8 the President issued his annual message to Congress with an attached "Proclamation of Amnesty and Reconstruction." This pronouncement laid out the President's program for an orderly transition from military rule to civilian government for the Southern states. It extended a full pardon to anyone who would take an oath of loyalty to the Constitution of the United States, excepting high civil, diplomatic, and military leaders of the Confederacy. When the number of white males equal to ten per cent or more of the state's vote in the Presidential election of 1860 had taken the oath, they could then re-establish the civil government by holding elections for state and local officials.

The immediate reaction to Lincoln's "Ten Per Cent Plan" was highly favorable. "Men acted as if the millennium had come," wrote the President's secretary, John Hay. Both radicals and conservatives seemed satisfied with Lincoln's course. Republican Senators Zachariah Chandler and Charles Summer and Democratic Senators James Dixon and Reverdy Johnson joined in praising the document.

Shortly, however, a hostile reaction emerged. As Hay noted, "the millennium had not arrived." Thaddeus Stevens objected to the plan as undemocratic. "If ten men fit to save Sodom can elect a thousand Sodomites in Virginia," Stevens said, "then the democratic doctrine that the majority shall rule is discarded and ... we no longer have a repub-

Charles Sumner and the Rights of Man (New York, 1970), 14; CG 38th-1st-18.

6CG 38th-1st-12.

lic, but the worst form of despotism." Others felt the proclamation would hinder the war effort. Senator William Pitt Fessenden of Maine wrote: "Abraham's proclamation, take it altogether, was a silly performance .... Think of telling the rebels that they may fight as long as they can, and take a pardon when they have had enough of it."8

To Winter Davis, Lincoln's proclamation was not merely inept, it was "a grave usurpation upon the legislative authority of the people." In his view Congress was charged under Article IV, Section 4 of the Constitution to "guarantee to every State in this Union a Republican Form of Government." The Southern states had rebelled and overthrown the legal governments. It was Congress' duty, not the President's, to restore the states to their proper condition. Davis had been appalled by Lincoln's proclamations, executive orders, and military regulations which invaded fields previously the domain of legislative action--his proclamation of martial law, the suppression of newspapers, the emancipation proclamation, the suspension of habeas corpus, the arbitrary arrests of citizens, and now a plan of reconstruction. Davis was determined to put an end to such sweeping presidential actions in the absence of congressional authorization.

When Thaddeus Stevens moved to send the President's plan to a standing committee, Davis moved that it be referred to a special select committee. After a short debate, the House sustained Davis' resolution for a special committee by a vote of 91 to 80. The following day, the

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8Nicolay and Hay, Abraham Lincoln, IX, 112; John Hope Franklin, Reconstruction: After the Civil War (Chicago, 1961), 19; Francis Fessenden, Life and Public Services of William Pitt Fessenden, I, 266-267.
Speaker announced the membership of the Committee on the Rebellious States and named Davis as chairman. He and the other members faced an enormous task. Not only did they have to consider the President's plan, but as Congressman Henry Dawes' reported, "everybody abounds in schemes for settling the troubles in the rebel states—and at least six plans are offered in the House in the shape of a Bill."9

While deliberating reconstruction formulas, Davis found time to load a "mine to explode the Navy Dept." Admiral Samuel Francis Du Pont, his closest friend, became involved in a protracted controversy with Secretary Welles and Assistant Secretary Gustavus Fox. It began April 7, 1863, when Du Pont's ironclads had attacked Fort Sumter and were pounded by Confederate artillery. Four of his ships were disabled and a fifth was so severely damaged that it sank the following morning. After consulting with his top commanders, Du Pont made a decision not to continue the attack the next day—a decision which proved highly controversial. Secretary Welles was extremely embarrassed by the failure of the attack on Charleston and blamed Du Pont. Admiral Du Pont, a proud man, accused Welles of forcing an ill-conceived plan of attack on him.10

One reporter among the score of correspondents with Du Pont's fleet was Charles C. Fulton, editor and reporter for the Baltimore American, the political organ of Postmaster General Blair, and a fierce critic of Winter Davis. Fulton received special privileges from

9CG 38th-1st-33; Henry L. Dawes to wife. 16 December 1863, Dawes Mss, LC.

10HWD to SFDP, 16 January 1864, WMss 9-17298; Hayes, Du Pont Letters, I, liii-lxxv.
Assistant Secretary Fox, Blair's brother-in-law, to cover the Charleston attack. When Fulton filed his report, he was fiercely critical of Du Pont. Under the headline "A Disgraceful Result," Fulton charged that Du Pont alone called for a halt to the attack, that seven of the nine monitors were still in fighting condition, and that if the attack had been continued for three hours longer Fort Sumter would have fallen. As Assistant Secretary Fox had authority to censor Fulton's remarks, Du Pont and Davis assumed that the report had official sanction. In official reports and letters Du Pont defended his course. A bitter exchange of letters with Welles led to his removal as commander of the South Atlantic blockading squadron, and Du Pont retired, an extremely bitter and wronged man.\footnote{Hayes, Du Pont Letters, I, lxxiv-xc.}

Throughout the entire period of dispute with the Navy Department Davis had been Du Pont's closest counsellor. Initially, Davis had advised patience, a courteous appeal to the President to review the case, and a possible libel suit against Fulton. Davis' cousin David, now a Supreme Court Justice, assured him that Lincoln would certainly restore Du Pont to his command or otherwise rectify the situation after he received all the facts. As time passed and the department and the President failed to act, Davis became increasingly impatient and critical of Welles and Fox. He enlisted two colleagues, Representative Jesse O. Norton of Illinois and Senator Benjamin Franklin Wade of Ohio, to offer resolutions calling for the Navy Department to make public the correspondence between Du Pont and his superiors. When the full facts were made public, Davis thought, Du Pont would be exonerated by
the people, if not the government. But administration supporters, on Welles' advice, blocked efforts to make the correspondence public.12

In late February 1864, Davis became embroiled in a bitter debate with Representative Frank Blair, Jr. of Missouri, the younger brother of Montgomery. When the Charleston attack was mentioned during a discussion of a naval appropriations bill, Davis took the floor to say "if there be shame and humiliation in connection with the attack on Charleston, it is because the Department thought a cotton-spinner was better than an admiral to plan the execution," a sarcastic reference to Assistant Secretary Fox's former employment in textiles. Frank Blair rose to defend his in-law Fox from the charge of "cotton-spinner" whereupon Davis deftly challenged him to call for the facts. The following Monday, Frank Blair introduced a resolution calling on the Secretary of the Navy to submit all correspondence on the attack on Charleston, including Welles' and Fox's evaluations. This went beyond Davis' request for the correspondence and allowed the department to color the case.13

Welles responded to the House's request with a six-hundred page, self-serving document entitled Report of the Secretary of the Navy in Relation to Armored Vessels. Its ponderous size and style gave the appearance of being a substantial rebuttal to Du Pont's charges. The report brought the controversy to a stalemate, and both Admiral and

12CG 38th-1st-38, 43; HWD to SFDP, 19 December 1863, WMss 9-17289, also in Hayes (ed.), Du Pont Letters, III, 297; HWD to SFDP, 26 December 1863, WMss 9-17292; HWD to SFDP (Private), 26 December 1863, WMss 9-17293.

13CG 38th-1st-830, 877; Beale (ed.), Diary of Gideon Welles, I, 531; HWD to SFDP, 1 March 1864, WMss 9-17303.
Mrs. Du Pont requested Davis to drop the case. Du Pont had not been reinstated or vindicated by the department. Nevertheless, he was pleased with Davis' efforts. If it had not been for "fear of my friends, particularly of Winter Davis whose tongue and pen they greatly fear," Du Pont wrote, the Navy Department would have arrested him and court-martialed him before a packed court.14

Unwilling to drop the matter until he had the upper hand, Davis devised a "mine" to explode Welles. It was a bill to create a "Board of Admiralty." Convinced that "Welles is a fool," Davis wanted a board of naval officers to limit the power of Welles and Fox over technical and operating matters. In Davis' view, it was Welles' unquestioning confidence in the monitors which had led to Du Pont's drubbing at Charleston. The monitors could withstand punishment fairly well, but they could not inflict great damage. Davis' proposed board would make decisions regarding "such grave questions as how to construct an Ironclad Fleet and proper Engines." On April 11, 1864, he introduced the bill which was referred to the Committee on Naval Affairs where it remained submerged for the rest of the session.15

Not all of Davis' attention that winter was directed at antagonists in Washington. As undisputed Unconditional Unionist leader in Maryland, he directed his forces in the Maryland legislature to complete

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15HWD to SFDP, 24 December 1863, WMss 9-17291; HWD to SFDP, undated, January 1864, WMss 9-17296; SFDP to HWD, 25 January 1864, in Hayes (ed.), Du Pont Letters, III, 310; CG 38th-1st-1531; HWD to SFDP, 21 April 1864, WMss 9-17315; HWD to SFDP, 17 or 18 May 1864, WMss 9-17322.
the job that had begun with the election in November. The Unconditional Unionists, those who supported immediate emancipation in Maryland, had secured a majority in the upcoming Maryland General Assembly where they planned to call a constitutional convention to rid the state of the "peculiar institution." Between the November election and the January session, however, Davis' control slipped while conservative Unionists Montgomery Blair, Senator Hicks, and Mayor Swann's strength increased. Stunned by the overwhelming mandate for emancipation in Maryland, Blair, Hicks, and Swann began to advocate immediate emancipation with some form of compensation. "The creeper Blair was among the first—with the marvelous instinct of his class—to hear the sound of the people's feet coming to him," Davis commented. Many not as ardent for emancipation as "the Davis school," but who nevertheless opposed slavery, turned to Blair, Hicks, and Swann for leadership. In addition, Davis' supporters fought among themselves for position and patronage. A contest between two Davisites, William J. Jones of Cecil County and Henry S. Stockbridge of Baltimore City, resulted in the election of conservative Thomas H. Kemp of Queen Anne's County as Speaker of the House of Delegates. The election of Kemp "gave our enemies everything," Davis complained. Early in the session came another example of Davis' lack of control. Judge Thomas A. Spence, a Davis partisan and an Unconditional Unionist, was defeated in the caucus by incumbent Senator Hicks for the nomination of the United States Senate. Davis worried about the future of emancipation in Maryland if it was controlled by "those creeping things"—Blair, Hicks, and Swann.16

16Levin E. Straughn to Creswell, 23, 28 November 1863, John A. J. Creswell Mss, LC; Samuel Harrison Journal, 25 November 1863, MdHS;
Davis' worry was not whether there would be a constitutional convention, for all Unionists agreed upon that. The issue was how the call would be made. While many conservative Unionists wished to postpone the convention for from two to four years, the Davisites wanted an immediate election to decide for or against a constitutional convention with a simultaneous selection of delegates. Davis also feared that Confederate sympathizers would be allowed to vote, which would result in throwing the control of the convention to those in favor of compensated emancipation. The convention bill which finally passed the General Assembly was a compromise. It provided for an immediate convention and selection of delegates. But gone from the Unconditional Unionists' bill was the oath of allegiance which would have prohibited Confederate sympathizers from voting. Included were provisions to prohibit uninvited Union army troops from patrolling the polls as in the 1863 election. All this spelled trouble to Davis. He charged that lukewarm emancipationists and proslavery advocates had formed a coalition to try "to get the majority of the convention and plunder the State treasury of six or seven million of the sinking fund or create a new debt to pay the slave owners who refused what Congress offered last year."17

To ensure the success of the convention and his unconditional emancipationists at the polls, Davis wanted a more resolute man than General Lockwood as commander of the Middle Department. On January 25, 1864, he called on Lincoln at the White House. He urged the appointment

Thomas Swann to Chase, 27 December 1863, Chase Mss, HSP; William J. Jones to Creswell, 12 January 1864, Bond to Creswell, 19 January 1864, George Earle to Creswell, 18 January 1864, Creswell Mss, LC; HWD to SFDP, 16 January 1864, WMss 9-17298.

17 HWD to SFDP, 28 January 1864, WMss 9-17299.
of Colonel Don Piatt or even Brigadier General William Birney, both strong emancipationists, to replace Lockwood. Lincoln refused with unusual bluntness. Lincoln said "he considered the difference a personal quarrel and would do nothing to aid one set to vent their spite on another." Davis was insulted by the President's reply and without speaking took his hat and left the room. Davis considered the break complete. Henceforth there would be no need for further political connections with Lincoln.\(^{18}\)

On the following day the President sent David Davis to visit his cousin. The rotund Supreme Court Justice assured Winter that Lincoln had not meant to be offensive. The insult did not matter, Winter replied, "the important part of this is that Lincoln is thoroughly Blairized" and would not aid the emancipation crusade in Maryland. If unconditional emancipation was lost in Maryland, Davis threatened, he would make sure that Lincoln did not get Maryland's electoral votes in November. A month later Justice Davis again visited his cousin with a peace offering from Lincoln. Anyone Davis wanted whom Stanton would approve would be given command of the Middle Department. Major General Lew Wallace, later famous as the author of *Ben Hur*, received the commission and was instructed to aid the cause of emancipation, but not to have it said that "the bayonet had anything to do with the election."\(^{19}\)

Lew Wallace proved to be a very able politician. After negotiating with Davis, he paid a full-dress uniform visit to Governor

\(^{18}\)Ibid.; Blair to Bradford, 26 January 1864, Bradford Mss, MdHS.

\(^{19}\)HWD to SFDP, 28 January 1864, WMss 9-17299; Lew Wallace, *Lew Wallace: An Autobiography* (New York, 1906), II, 668; HWD to SFDP, 5 March 1864, WMss 9-17305; S. T. Wallis to W. W. Glenn, 9 March 1864, Glenn Mss, MdHS.
Augustus Bradford in Annapolis. Bradford promised to call for troops when local officials asked for them, and he agreed to a loyalty oath more stringent than Schenck's oath in 1863. Davis was delighted with the transformation Wallace had effected in Bradford.20

With typical energy Davis entered the campaign for emancipation in Maryland. He crisscrossed the state stumping for the convention and in behalf of Unconditional Unionist candidates. Typical of his many speeches was his address to the Maryland Unconditional Union convention on April 1. He told the spellbound audience that a new constitution would not only end slavery but crush the slaveholders who controlled the state. Through "rotten-borough counties," he said, the slave power dominated the legislature taking "to themselves the lion's share of our political honor, and to cast upon you the ass's share of every political burden." He spurned compensated emancipation. Two years before the comptroller's report had estimated the value of slaves at fourteen million dollars for tax purposes. Now, he railed, when slavery is threatened, they claim the value to be thirty million dollars. Slavery was just another political institution like the tariff, he argued. When the tariff was changed and fortunes were destroyed, no compensation was offered. None should be offered now. "Four generations of uncompensated labor" was the slaveholders' compensation.21

A central argument of the Blair-Hicks-Swann faction was that

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21*Speeches and Addresses*, 385-392.
Davis stood for Negro suffrage which would lead to Negro equality. Again and again they tried to pin the label of "amalgamationist" upon him. In speech after speech, Davis countered the charge while never directly refuting it. "I am perfectly content that the negro shall be equal with them, but not with me or my friends," he mocked. Those who were afraid of Negro equality were not much above it. "In my judgment, they that are afraid of marrying a negro woman had better go to the Legislature and petition for a law to punish them if they are guilty of that weakness." He labeled the charge of being in favor of Negro equality a "smear" to defeat emancipation.22

On election day the voters of Maryland approved the convention by a vote of 31,593 to 19,524 and gave Davis' Unconditional Unionists majority control of the convention. Pleased by the results, Davis wrote two letters. To General Lew Wallace he wrote a congratulatory letter praising him for his part in the "great cause." Davis was particularly grateful for Wallace's conversion of Governor Bradford from foe to a friend of unconditional emancipation. "You managed Bradford to a marvel," Davis wrote. But to President Lincoln he sent a short, factual note relating the returns. "All the free counties--electing half the delegates, 48--are unanimous for emancipation .... The emancipationists can count now a clear majority." There was no thanks for Lincoln's letters, appointments, or other aid for "the great cause."23

22M. Blair to T. G. Pratt, 27 March 1864, Blair Mss, LC; Baltimore Clipper, 8 April 1864; Speeches and Addresses, 389.

23HWD to Lew Wallace, undated, in Wallace, Lew Wallace, II, 683; HWD to Lincoln, 7 April 1864, RTL, LC; HWD to SFDP, 8 April 1864, WMss 9-17309; George Vickers to Bradford, 8 April 1864, Bradford Mss, MdHS; for a complete account of the election see Wagandt, The Mighty Revolution, 197-220.
Wholey disenchanted with Lincoln, Davis hoped for a change in the leadership of the country in the upcoming presidential election. "I really fear Lincoln is inevitable" as the Republican party nominee, Davis wrote Du Pont, but "still the matter is not yet settled." But he refused to join the group organizing to support Treasury Secretary Salmon Chase for the presidency. "Mr. Chase professes well but practices poorly," Davis contended. Like Lincoln, Chase tried to remain friends with both factions in Maryland. "They can't be friends with me and my enemies at once," Davis said. He feared that the time was coming when he would be forced to either "retire into myself where I dwelt for the last two years and a half--or come to an open war" with Lincoln.

Davis was not the type of man to walk away from a fight. And his position as chairman of two committees, the House Committee on Foreign Affairs and the House Committee on the Rebellious States, gave him ample opportunity to make a fight and try to bring Lincoln down.21 The House Foreign Affairs committee was occupied with commonplace business until the young Mexican Minister, Matías Romero, interested Davis in Mexico's problems. In later 1861 and early 1862,

21HWD to SFDP, 11 December 1863, WMss 9-17286; HWD to SFDP, 31 December 1863, WMss 9-17295. Several historians have incorrectly associated Davis with the "Chase Boom" and even with the "Pomeroy Circular" of February 1864; see Fawn M. Brodie, Thaddeus Stevens: Scourge of the South (New York, 1959), 197, among others. Often the source for the charge is a letter written by the author of the Pomeroy Circular, J. M. Winchell, to the New York Times on 15 September 1874 (see Brodie, Stevens, 197, 397 fn. 42). In his article Winchell makes no mention of Davis. It is hard to form a conclusive judgment about a negative issue, but the evidence strongly indicates that Davis did not have a part in the Pomeroy Circular and did not support Chase, although many of his friends did; see "Organization to make S. P. Chase President, 9 December 1863," signed by Henry W. Hoffman, Frederick Schley, and John F. McJilton, Chase Mss, LC.
France, Spain and England had sent troops to Mexico to force the collection of Mexican debts. Even after the three nations negotiated a settlement with the government, the French remained, augmented their troops, and began to make war upon the government of President of Benito Juarez. This flagrant violation of the Monroe Doctrine was largely ignored by Secretary of State Seward who did not think that Mexico was an immediate problem. The Civil War and the possibility that some European nation might recognize and assist the Confederacy occupied Seward's time and he preferred a policy of "masterly inactivity" in regard to Mexico.25

Congress, too, was disinterested in the French invasion of Mexico. Only a hard-drinking Democratic Senator from California, James A. McDougall, championed the Mexican cause in Congress. A political opponent of the administration, McDougall was also genuinely disturbed by the disruption of trade on the Pacific coast. But other than McDougall, the Congress was silent on Mexico.26

Although long sympathetic to the struggle for republican government in Mexico, Davis decided to take up Mexico's cause in Congress only


after Romero convinced him that the Mexican question might decide the next American presidential election. Since the election of Polk, policy toward Mexico had influenced presidential campaigns. It seemed logical to Davis that the crisis in Mexico might again affect the election despite the Civil War. Long a critic of Seward's policies and his conservative position on emancipation, Davis took up the French intervention in Mexico as a potential campaign issue as well as from a sincere desire to aid the Mexican people.27

Davis' involvement in the Mexican question began gradually. Several times in Congress he denounced France's designs on Mexico but without offering a resolution condemning France's course. However, when Representative John A. Kasson of Iowa introduced a joint resolution declaring that Congress opposed the imposition of a monarchial system of government in Mexico, Davis became more deeply involved for the resolution was referred to his committee. The administration pressured Davis to delay action on the resolution. "Seward thinks Louis Napoleon wants to get out of Mexico," Davis confided to Du Pont, "and does not want any declaration of policy in Congress."28

To counter Seward's influence, Romero, one of the most skillful diplomats and political intriguers of his day, sent Davis copies of the official French newspaper Moniteur which reported that Lincoln and Seward approved Napoleon III's course in Mexico. Then Romero visited Davis and insisted that if the House approved Kasson's

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27On Davis' early interest in the Republic of Mexico see his speech on 24 September 1863, "No Peace Before Victory," Speeches and Addresses, 336.

28CG 38th-1st-410; HWD to SFDP, 4 March 1864, WMss 9-17304.
resolution it would increase the unpopularity of the expedition in France and would make the Mexican people redouble their efforts to resist the invasion. Finally Romero interested Davis in the political angle. "It is believed here, and not without foundation," Romero wrote, "that the Mexican question can decide the next presidential election."29

Convinced by Romero of the necessity and the political expediency of a congressional statement on the French intervention, Davis, on April 4, abandoned Kasson's mild resolutions and introduced a strongly worded joint resolution. It declared,

That the Congress of the United States were unwilling by silence to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the Republic of Mexico; and that they therefore think it fit to declare that it does not accord with the policy of the United States to acknowledge any monarchial government erected on the ruins of any republican government under the auspices of any European power.

Davis coupled his resolution with an impassioned speech in which he pleaded for a reversal of the Democratic party's expansionist foreign policy and instead urged Americans to cultivate the friendship of "the sisterhood of American republics."30

After a brief discussion, Davis' resolution was adopted by a vote of 109 to 0. The overwhelming approval of the resolution indicated


30CG 38th-1st-1408.
the growing popular indignation over the French intervention in Mexico and growing disapproval of Seward's handling of it. The resolution went to the Senate where Charles Sumner, at Seward's request, buried it in committee.31

The Davis resolution had an immediate effect both at home and abroad. The New York Herald endorsed the House action and criticized "the namby-pamby, wishy-washy foreign policy of the administration." It editorialized that if the administration could not remedy its faulty policy, then "it must be superseded. This is really the position of the House of Representatives." The Washington Daily Morning Chronicle, the Philadelphia Age, the Cincinnati Gazette, the New York World and many other journals agreed with the unanimous vote of censure and urged the administration to reform its ways. Even the proadministration New York Times declared that the vote on the resolution was "but the expression of the universal feeling of the people."32

The government of France reacted sharply to the Davis resolution. The French charge d'affaires in Washington demanded an immediate explanation from the State Department. But before Seward's explanation could be conveyed to France, the French Foreign Minister, Dryouyn de l'Huys, was informed of the resolution and called for the American minister. "Do you bring us peace of war?" de l'Huys asked. The American minister brought peace. Seward's explanation arrived shortly informing the

31Ibid.; Edward L. Pierce, Memoirs and Letters of Charles Sumner (Boston, 1894), IV, 193; Donald, Sumner and the Rights of Man, 142-143.

32New York Herald, 6 April 1864; Washington Daily Morning Chronicle, 8 April 1864; Philadelphia Age, 6 April 1864; Cincinnati Gazette, 13 April 1864; New York World, 7 April 1864; New York Times, 6 April 1864.
French government that although the resolution "was a true interpretation of the unanimous sentiment of the people of the United States," the House of Representatives could not determine the policy of the government. Any change in that policy, Seward wrote, would come from the Executive. Seward's explanation of the Davis resolution eased the crisis in Franco-American relations. But Louis Napoleon's Moniteur touched off a controversy in America when it published statements that the United States had given "satisfactory explanations" of the House resolution.33

One week before the National Union party nominating convention, Davis launched a major attack on Seward and the administration. On May 23 he pushed a resolution through the House calling on the executive department to communicate to the House the explanation given to the French government. That evening Lincoln and Seward met at the White House to draft a reply to what John Hay called "Winter Davis' guerilla Resn." Hay worried that Davis' call for the correspondence between Seward and the French was "introduced from the worst motives" and that if made public might cost Lincoln his party's nomination. To appear to truckle to the will of a foreign power was a weakness the American people would not tolerate. But Hay worried for naught. When Davis tried to introduce a resolution condemning the administration for commenting on his earlier resolution to the French, the House refused to suspend the rules to entertain his motion.34

33Van Deusen, Seward, 368; Callahan, American Foreign Policy, 295; W. H. Seward to W. L. Dayton, 7 April 1864, in CG 38th-1st-356; CG 38th-1st-2427.

34CG 39th-1st-2427; Lincoln to the House of Representatives, 24 May 1864, CWAL, VII, 359; John G. Nicolay and John Hay, Complete Works of
In June, after two weeks of illness, Davis returned to the House and continued his attack on Lincoln and Seward. On June 27 he introduced the following resolution: "Resolved, That the Congress has a constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States ... and it is the constitutional duty of the President to respect that policy." This resolution was both a political maneuver designed to discredit the President's foreign policy and an earnest attempt to restore to Congress its constitutional role in developing foreign policy. Secretary of State Seward saw only the political angle and called the resolution "a fulcrum" to pry the administration from office. Attorney General Bates thought Davis a "bold man" who was shooting for "the leadership of his faction" by tying to establish the supremacy of Congress over the President. Bates predicted that Davis would "kill himself off" for "the original radicals will not trust him—His knavery is of a different sort from theirs." Bates was correct. The House of Representatives proved to be in no mood to embarrass the President or to engage in a constitutional struggle in the midst of a presidential campaign. It voted to print Davis' resolution, but despite Davis' demand for a vote on it, the resolution was tabled and effectively killed for the session.35

Step by step Davis had tried to settle "old debts." He failed

Abraham Lincoln (New York, 1905), X, 121, 136-137; Dennett, Diaries and Letters of John Hay, 184; HWD to SFDP, c. 1 June 1864, WMss 9-17328; CG 38th-1st-2741, 2776.

in his fight with Welles and then with Seward. But it was not over
the administration of the Navy or the conduct of foreign policy—but
over Lincoln's reconstruction plans that Davis made his most determined
effort.
Chapter 15

NO CONFIDENCE IN LINCOLN

No President asserted his right to govern in the absence of congressional authorization more than Abraham Lincoln. To save the Union he ignored the Constitution and the laws. "As commander-in-chief," he said, "... I suppose I have a right to take any measure which may best subdue the enemy." Accordingly he raised armies, spent money, suspended habeas corpus, suppressed newspapers, and dictated the terms by which the South would re-enter the Union, all without congressional sanction.¹

Winter Davis was out of Congress during the first two years of Lincoln's administration. He returned the week Lincoln proclaimed his policy of reconstruction. Davis called Lincoln's Ten Per Cent Plan "a grave usurpation upon the legislative authority of the people." In place of the President's plan, the Committee on the Rebellious States on February 15, 1864 reported Davis' own plan for reconstruction of the Southern states. After a brief debate, the House ordered Davis' bill, H. R. No. 244, to be printed and referred back to committee.²


²The origins of the Davis Bill are uncertain. John Sherman in Recollections of Forty Years, I, 359, states that sometime during the
On the following day the House took up the question of admitting representatives from newly reconstructed Arkansas. Davis objected to seating them on the ground that "the admission of a member of the House presupposes the existence of the State." Lincoln's proclamation was insufficient for establishing state governments in Arkansas, Louisiana, or elsewhere, he insisted. He labeled the government established under Lincoln's direction in Louisiana as an "hermaphodite government, half military, half republican, representing the alligators and frogs of Louisiana." The establishment of state government must be done by the House, the Senate and the President, he argued. He therefore called on the House to call up his bill from committee—but his motion was defeated.  

37th Congress (of which Davis was not a member), Davis drafted a bill "to guarantee to each state a republican form of government." The bill provided for the orderly return of the rebellious states to the Union, for the election of a constitutional convention for each state, and for the election of Senators and Representatives to Congress. "I introduced it at his request," Sherman recalled. "It was referred to the judiciary committee, but was not acted upon it." Sherman wrote that this was the "same bill" Davis later introduced as H. R. No. 244. In his penetrating study of war-time reconstruction, Reconstructing the Union: Theory and Policy during the Civil War (Ithaca, 1969), 319, Professor Herman Belz doubts the accuracy of Sherman's recollections of the origins of the bill. However, among Sherman's undated correspondence in the Library of Congress (Vol. 54) is a letter from Davis that begins: "I send you the draft of a Bill embodying the principles we were discussing the other evening." As the body of the letter discusses the admission of West Virginia and the possibility of Governor Francis Pierpont moving to Alexandria, it most probably was written sometime between 10 December 1862 and Pierpont's move to Alexandria on 20 June 1863. A search of the Senate Committee on the Judiciary's records in both the National Archives and the Library of Congress (printed bills) failed to uncover a copy of a bill resembling Davis'. Thus, the question of whether Davis drafted the bill in 1862 or as a response to the President's proclamation of December 1863 remains in doubt.

3CG 38th-1st-682-686.
It was not until March 22, over three months after he was named chairman, that Davis was able to bring up H. R. No. 244 for a third reading and debate. His bill embodied his most matured thoughts on reconstruction. Though more stringent than Lincoln's plan, his bill was significantly more conservative than the program later adopted and known as Radical Reconstruction. Furthermore, his plan was a congressional one and was a step toward limiting the growth of the war powers of the Executive in time of peace.  

Davis' bill was divided into fourteen parts. The first authorized the President, with the advice and consent of the Senate, to appoint a provisional military governor for each seceded state. Whenever in any state military resistance ceased, the governor was to enroll each male citizen who would take an oath of allegiance. When a number equal to ten per cent of the 1860 electorate took such an oath, the state could then election delegates to a convention. The third section established the size of the convention and representation based on the white population. The fourth declared that the delegates would be elected by "white male citizens." The fifth excluded from voting any person who held "any office, civil or military, state or confederate, under the rebel usurpation," as well as any man who had "voluntarily borne arms against the United States." The sixth concerned the convening of the convention. The seventh established two important stipulations. First, the convention acting for the state had to declare "their submission to the constitution and laws of the United States." Second, it had to write into its new constitution provisions to exclude

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*Ibid., 1243.*
high-ranking Confederates from voting or office-holding, to abolish slavery forever, and to repudiate the Confederate debt. Section eight provided that when the constitution had been approved by a vote of all qualified citizens, the governor could call state elections, and the final result was to be approved by Congress. Then Congress would authorize the President to issue a proclamation declaring that the state was restored to the Union. The tenth section re-established the laws of the states before rebellion, except those pertaining to slavery. The eleventh stipulated that taxes should be collected as before the rebellion.

The remaining sections included highly controversial provisions. Long doubtful of the legality of the Emancipation Proclamation, Davis provided in section twelve "that all persons held in slavery were freed." Davis also thought the Emancipation Proclamation was insufficient to protect the rights of freedmen. Thus section thirteen extended the protection of the courts to the newly freed slaves. It provided that any person interfering with the liberty of a person declared free by this act would be fined no less than $1,500 and imprisoned not less than five nor more than twenty years. The final section declared that all persons who after the passage of the bill held office in the rebel government or military were not citizens of the United States.5

Many provisions of the Davis Bill coincided with many terms in Lincoln's Proclamation of Amnesty and Reconstruction, but several were

5Among the places "An act to guarantee to certain States whose Governments have been usurped or overthrown a Republican Form of Government" can be found is Henry S. Commager's Documents of American History (8th ed.; New York, 1968), 436-439.
sharply antagonistic to it. The two plans were in agreement on the exclusion of higher ranking officers of the Confederate government and army, on the appointment of provisional governors, and surprisingly, on the exclusion of Negroes from oath-taking, voting for representatives and office-holding.

But Davis and Lincoln disagreed on emancipation, the loyalty oath, and control of reconstruction. Both Lincoln and Davis favored the adoption of an amendment to the Constitution prohibiting slavery, but until one was adopted Lincoln thought that the President had the power to free the slaves whereas Davis felt it was a congressional responsibility. Lincoln held to the theory that in time of war the Constitution restrains the President less than it does the Congress. He conceived of his Emancipation Proclamation as an extension of his war-making powers. Ye Lincoln, himself, in conversation with a trusted advisor, doubted that if he freed the slaves during the war that they would remain free after the war. Davis held that Congress had the power to emancipate the slaves. As the southern states were in rebellion, there were no duly constituted governments in those states. And the Constitution provided that "the United States shall guarantee to every State in this Union a Republican Form of Government." Therefore, the Congress became the legislative body for the states in rebellion and as their government could abolish slavery.6

A second major difference in the President's and Davis' plans was over the loyalty oath, a good illustration of the difference in spirit between the two plans. Lincoln's plan appealed to the potential Unionism of the Southern people. He wished to show "charity" to the South in order to heal the wounds and quickly restore the Union. Davis and other Radicals felt that the South would never voluntarily come back into the Union—it would have to be coerced. In his opening speech on the bill Davis stressed that no Southerners who came North "from the darkness of that bottomless pit" showed any sign of repentance.

Lincoln's oath stipulated that a person would pledge "future fidelity to the Union," whereas Davis' required the so-called "ironclad oath" which declared that the person never voluntarily aided or participated in the rebellion. In Davis' bill loyalty included past conduct and excluded those who might change their faith and return to the Union. Davis felt that few would "repent"; Lincoln thought many would. "On principle, I dislike an oath which requires a man to swear he has not done wrong," Lincoln said. "It rejects the Christian principle of forgiveness on terms of repentance. I think it enough if a man does no wrong hereafter."  

The major difference in the two plans was over which branch of government should control it, the President or the Congress. Lincoln viewed reconstruction as an executive function, since the commander-in-chief first had to establish military control in the rebellious states. Also his pardoning power was of great importance for it would be used

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as a weapon to get the process started. On the other hand, Davis saw Congress' role as supreme. The questions to be dealt with were not really military, he held, but civil and thus legislative. Furthermore, Congress would decide when the elected representatives would be readmitted. Congress would also initiate constitutional amendments if they proved necessary. Congressional reconstruction was not based on "revolutionary authority," he explained, but as "an extension of the Constitution of the United States, of the fourth section of the fourth article ... which not merely confers the power upon Congress, but imposes upon Congress the duty of guarantying to every State in this Union a republican form of government." He concluded that "there is no government in the rebel States except by the authority of Congress."

In a sense, the Davis bill was as much an instrument for striking at the President's war-time extension of power as a process of reconstruction.8

After its presentation on March 22, 1864, the bill was not discussed on the floor of the House again for almost a month. Then, from later April through mid-May, the bill was debated each day after the morning calendar was cleared. Evening sessions were held so that everyone might be heard. Yet as the President's secretaries reported, "the bill was not opposed to any extent by the Republicans in the House; the Democrats were left to make purely partisan opposition to it. The President declined to exercise any influence on the debate."9

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8For a variant discussion of the features of the bill see Belz, Reconstructing the Union, 198-210, and William B. Hesseltine, Lincoln's Plan of Reconstruction (Chicago, 1960), 112-114.

9CG 38th-1st-1243; Nicolay and Hay, Abraham Lincoln, IX, 119.
On Wednesday, May 4, after six weeks of debate, Davis reported from his committee two amendments which significantly changed the bill and eased some of the objections to it. His first amendment removed the ten per cent provision and required a loyal majority before a constitutional convention could be held. Practically this meant that reconstruction would be postponed until the end of the war, but certainly until after the 1864 presidential election. The second amendment softened the operations of the clause which excluded officers of the state and Confederate governments and military from voting or office-holding. The amendment excluded only civil officers of the ministerial rank, and military offices with the rank of colonel or above. The House approved the two amendments by a voice vote.10

Davis opposed further amendments including Republican efforts to "radicalized" the bill. Thaddeus Stevens, described by Davis as "grum, savage, sarcastic, mordant as ever—living on brandy and opium to subdue perpetual pain," proposed a preamble to the bill. It stated that when a rebellious state came under federal control it would be deemed and held to be a territory of the United States subject to the control of Congress. This "conquered territory" theory was more radical than the Davis bill which held that the states were still states. Steven's preamble was defeated when seventeen Republicans (including Davis' lieutenants, John A. J. Creswell, James A. Garfield, and Nathaniel Smithers) joined the Democrats.11

On a roll call vote on the passage of the bill, these seventeen

10CG 38th-1st-2107.

11Ibid.
Republicans joined with their Republican colleagues to pass the bill by a vote of 73 to 59, with Thaddeus Stevens and forty-nine others absent or not voting. The Davis Bill passed the House in a strict party vote, which was an indication that the measure was not considered "radical" by the party.\textsuperscript{12}

Upon passage by the House, the Davis Bill went to the Senate where it was referred to the Committee on Territories, chaired by Benjamin Franklin Wade. One of the original anti-slavery Senators, "Bluff Ben" Wade, as he was familiarly known, was "stout, sturdy, and muscular, a little above medium height" with "iron gray hari, sharp bright eyes, and firm-set jaw" that characterized his combative personality. Wade became a valuable ally for Davis when he finally chose to act. But Wade did not present the Davis Bill until all other attempts at Congressional emancipation failed. It was only after the antislavery amendment was defeated in the House on June 15 that Wade presented the Davis Bill, the only practical antislavery action possible before the upcoming campaign.\textsuperscript{13}

With only a few weeks left in the session of Congress, Davis wrote Wade: "Can you not do something practical towards emancipation this session by getting a vote on H. Bill 244 relative to the Rebel States which you have reported?" He reminded Wade of the strong points of the bill. "It provides you know not merely to govern them till fit to govern themselves, but also to emancipate all slaves, to give them

\begin{itemize}
\item \textsuperscript{12}Ibid., 2108; Samuel S. Cox, \textit{Three Decades of Federal Legislation} (Providence, 1885), 602.
\item \textsuperscript{13}CG 39th-1st-2117; Noah Brooks, \textit{Washington in Lincoln's Time} (New York, 1895), 25-26; CG 38th-1st-2995.
\end{itemize}
and their posterity the writ of Habeas Corpus in the U. S. courts
wherenow if free they could seek protection." Noting that "the
constitutional amendment is dead—as I always knew and said it was,"
he repeated that "the Bill before you is the only practical measure of
emancipation proposed in the Congress." And congressional emancipation
was necessary because Lincoln's Emancipation Proclamation "if valid
expressly exempt large regions in the rebel States." Davis concluded
by urging to get a vote on the bill and not to allow delay by a lengthy
debate among Republicans. "It will be a beautiful crown to our session,"
he predicted.14

On July 1, with but two working days remaining in the session,
Wade succeeded in having the bill brought up and discussed. After the
entire bill was presented, Wade offered two amendments from the
committee. He read and then withdrew a minor amendment dealing with
the compensation of the provisional governor. The second amendment was
an attempt to create universal manhood suffrage by striking out the
word "white." Although an advocate of Negro suffrage, Wade urged that
the second amendment too be dropped because it would "jeopardize the
bill." The amendment was defeated by a vote of 5 to 24.15

Then Senator B. Gratz Brown, a Blair relative from Missouri,
offered a substitute bill which dealt only with the electoral votes
of the seceded states in the upcoming presidential election. The effect
of Brown's amendment would be to deny the rebellious states the right
to vote for electors for President and at the same time to continue

14HWD to Wade, 21 June 1864, Benjamin F. Wade Mss, LC.
15CG 38th-1st-3448.
Lincoln's plan of reconstruction. Wade spoke against Brown's amendment. He urged positive action instead of Brown's negativism, congressional rather than presidential reconstruction. Conveniently forgetting that Davis had originally proposed a ten per cent provision, Wade launched a bitter attack on the President's use of the one-tenth provision by calling it "anti-republican, anomalous, and entirely subversive of the great principles" of America. The Davis Bill was the only "honorable" plan to adopt, he concluded. Despite Wade's oratory, six Republicans joined the Democrats to approve Brown's substitute bill by a vote of 17 to 16. The entire bill, which now consisted of merely Brown's amendment, passed the Senate on a 26 to 3 vote.\(^\text{16}\)

The evening of July 1 was quite bleak for Winter Davis. With but one working day left in the session, the Senate had amended beyond recognition his reconstruction bill. Normally a conference committee would be appointed by each house to reconcile the differences. But the lack of time made such a strategy impossible. Most probably Davis and Wade met that evening and decided to urge the passage of the original Davis Bill. In the House, Davis would recommend not to concur in the Senate substitution; with that done, Wade would endeavor to have the Senate recind its substitution.

On July 2 the House began its last business day. Judging from the number of speeches given, it must have been at least one o'clock before the Speaker took up the Senate amendment to H. R. No. 244. Davis immediately moved that the House not concur with that amendment and appoint a conference committee instead. In a strict party vote,

\(^{16}\)Ibid., 3449, 3550, 3457-3461.
the House rejected a Democratic move to table the bill. By another party vote the Senate amendment was rejected. Davis, James Ashley of Ohio, and John Dawson, a Pennsylvania Democrat, were named to the conference committee. Within minutes, the Clerk of the House, Edward McPherson, one of Davis' closest friends, reported the action of the House to the Senate.

It was not until just before the dinner recess that Wade obtained the floor. He implored the Senate to recede from its amendment and adopt the House version. Democratic Senators James McDougall and Thomas A. Hendrick repeatedly interrupted Wade to demand a dinner recess—a respite that would allow them time to round up additional votes. With Sumner's aid, Wade outmaneuvered his Democratic colleagues and secured a vote. By a vote of 18 to 14 with 17 absences (including Gratz Brown) the Senate receded from the Brown amendment. The Davis Bill, now known as the Wade-Davis Bill, had been enacted.17

On the last day of the session, the Fourth of July, the Speaker of the House, Schuyler Colfax, signed the bill and sent it to the President pro tempore of the Senate, Daniel Clark, who also signed it. Clark placed it with several other bills and sent it to President Lincoln who was in his office at the Capitol signing bills. When the Wade-Davis Bill was placed on the President's desk, Lincoln put it aside and continued with his work. Several members of Congress who had come to see him sign the bill remained silent. Finally Senator Zachariah Chandler asked the President if he was going to sign the bill.

"This bill has been placed before me a few moments before Congress adjourns," Lincoln replied. "It is a matter of too much importance to be swallowed in that way."

"If it is vetoed," Chandler retorted, "it will damage us fearfully in the Northwest. It may not in Illinois; it will in Michigan and Ohio. The important point is that one prohibiting slavery in the reconstructed States."

"That is the point upon which I doubt the authority of Congress to act."

"It is no more than you have done yourself," snapped Chandler.

"I conceive that I may in an emergency do things on military grounds which cannot be done constitutionally by Congress," Lincoln replied.18

After Chandler abruptly left the room, Lincoln spoke to his secretaries: "I do not see how any of us can deny and contradict what we have always said, that Congress has no constitutional power over slavery in the states." He feared that the Radicals might make trouble over this issue. "If they choose to make a point upon this I do not doubt that they can do harm. They have never been friendly to me. .... At all events I must keep some consciousness of being somewhere near right: I must keep some standard of principle fixed within myself."19

Lincoln had decided to pocket veto the Wade-Davis Bill. Although not a new use of the veto power, it had previously been used by

18Dennett (ed.), Diaries and Letters of John Hay, 204-205.

19Ibid., 206.
Presidents only on less consequential matters. And as Lincoln had not tried to influence Congress during the long debates over the bill, no one expected such a course of action.20

Rumors spread through Congress that the President would pocket veto the bill. It was confirmed when Thaddeus Stevens, Elihu Washburne, and John Dawson waited on the President to inform him that the House was ready to adjourn. Lincoln greeted the committee with "a pump handle shake" but spoke not a word. Stevens delivered the message for the House and Lincoln maintained his stony silence. After a few minutes the committee left.

"The Prest. has not much grace, Mr. Stevens," Dawson said while returning to the House.

"Damned littled!" replied Stevens.

"It seems to me the Prest. hasn't much courtesy."

"Not a damned bit."

"Mr. Stevens, the Prest. looked to me as if he were ashamed of himself--out of place--like a tom boy at a feast," Dawson ventured.

"Damned like--I think!" snarled Stevens.21

A few minutes after the House adjourned sine die, the committee informed Davis that Lincoln would not sign the bill and had not returned

20In accordance with Article I, Section 5 of the Constitution, a bill automatically becomes law if not acted upon by the President within ten days if Congress is in session, but automatically fails if Congress is adjourned. Prior to Lincoln's pocket veto fo the Wade-Davis Bill, this power had been used only nineteen times and only once by Lincoln. The pocket veto had generally been used on private bill, never on a piece of legislation as important as the Wade-Davis Bill. See Carleton Jackson, Presidential Vetoes, 1792-1945 (Athens, 1967).

21HWD to SFDP, 8 July 1864, WMss 9-17329.
it with his veto to Congress. He had pocket vetoed the bill. Davis stood at his desk staggered by the news. "Pale with wrath, his bushy hair tousled, and wildly brandishing his arms," he cursed the President "in good set terms" to the largely vacant hall of the House.\(^{22}\)

Lincoln's action was an extremely hard blow for Davis. His long labors for the bill had been to no avail. "Blair and Dolittle etc. could not abide my carrying what everybody said was impossible," Davis wrote Du Pont, "and nobody else would undertake it except a few energetic friends with whom I asked throughout to compel reluctant submission." His only consolation was that he thought Lincoln might find the veto "a mill stone to swim with" in the upcoming election.\(^{23}\)

On July 8, in a totally unprecedented action, Lincoln issued a proclamation detailing his reasons for not accepting the Wade-Davis Bill. He explained that he was unprepared "to be inflexibly committed to any single plan," moreover, he was unwilling to undo the work already begun in Louisiana and Arkansas, and he was unable to believe that Congress had the "constitutional competency" to abolish slavery. However, he stated that he was willing to let any state choose the congressional plan if it desired.\(^{24}\)

Lincoln gave another version of his argument to John Hay. He said that it was "unwise for either Congress or himself to prescribe any fixed and formal method" for reuniting the Union. He recalled he


\(^{23}\)HWD to SFDP, 8 July 1864, WMss 9-17329.

\(^{24}\)"Proclamation concerning Reconstruction, July 8, 1864," CWAL, VII, 433-434.
read somewhere "of a robber tyrant who had built an iron bedstead on which he compelled his victims to lie. If the captive was too short to fill the bedstead, he was stretched by main forces until he was long enough; if he was too long, he was chopped off to fit the bedstead." Lincoln thus analogized the Wade-Davis Bill to the Procrustian bed. "If any state coming back into the Federal relations did not fit the Wade-Davis bedstead, so much the worse for the state," Lincoln concluded.25

Lincoln's proclamation angered the Radicals. "What an infamous proclamation!" wrote Thaddeus Stevens. "The President is determined to have the electoral votes of the seceded States .... The idea of proscribing a bill and then issuing a proclamation as to how he will conform to it, is matched only by signing a bill and then sending in a veto. How little of the rights of was and the law of nations our Prest. knows! But what are we to do? Condemn privately and applaud publicly?" Davis agreed with Stevens. "The chief motive for the pocket veto was to keep open the field to supply by sham states any deficiencies in the votes of the real States," he wrote. Davis was not willing to "condemn privately and applaud publicly." He determined to issue a public protest against Lincoln's veto as a first step in a remarkable and unprecedented plan to replace Lincoln with another candidate for President.26

Since his stormy conference with Lincoln on January 25, Davis


26Stevens to E. McPherson, 10 July 1864, Thaddeus Stevens Mss, LC; HWD to SFDP, 9 July 1864, WMss 9-17331.
had worked to block Lincoln's renomination. He encouraged John C. Frémont to announce that he would be a candidate for President if Lincoln were renominated, but that he would acquiesce in any other selection. But Davis noted, "I don't think he has sense enough for this; for it does good to the country but does not advance him toward the Presidency." In Maryland, Davis' supporters gained control of all but two of the delegates to the National Union party convention. Although instructed by the Maryland convention to vote for Lincoln, the delegates "are all anti-Lincoln and will show it if a result can be accomplished," Davis boasted.27

Everywhere the opposition to Lincoln's renomination was growing. Davis noted. Historian George Bancroft assured him that Lincoln was unpopular "among thinking men" in the country. Davis wrote that "everybody in Washington is opposed to Lincoln" and "only one man in the H. R. is known to favor him." But despite the growing opposition he feared that "Lincoln will be nominated by acclamation." The nomination for the Vice Presidency concerned him also. "Several persons have mentioned the V. P. to me—but I have said I have no ambition for the place." He feared Lincoln would offer the position to Andrew Johnson of Tennessee "who will cheat us if he gets into power." When the Union convention at Baltimore enthusiastically nominated Lincoln and Johnson, Davis' fears were confirmed.28

During the three weeks following Lincoln's renomination, Davis

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27HWD to SFDP, 27 March 1864, WMss 9-17307; HWD to SFDP, c. 1 June 1864, WMss 9-17328.

28HWD to SFDP, 27 February 1864, WMss 9-17301.
was confined to bed with a case of variloid, a mild form of smallpox. He was still not fully recovered when he returned to Washington to push for Senate action on his reconstruction bill. Lincoln's veto piqued him but he saw in it an opportunity to bring about the President's withdrawal as a candidate. "I should not be surprised if you see a great change by Sept.," Davis predicted to Du Pont, "and Lincoln pushed off or another able man put in the field who will bring the election to the H. R." ²⁹

In consultation with supporters of General Benjamin F. Butler and other Radicals, Davis decided to issue a public reply to the President's veto proclamation as the first step in a plan to force him off the Union ticket. After securing Senator Wade's signature to it, he published his manifesto in the New York Tribune on August 6, 1864. ³⁰

The Wade-Davis Manifesto was extraordinary document. Berating Lincoln in the most severe language, it accused him of the most "studied outrage on the legislative authority of the people" that had ever been committed. It accused him of holding the electoral votes of the seceded states "at the dictation of personal ambition" and of establishing "dictatorial usurpation in Louisiana." In ringing language the document declared "that the authority of Congress is paramount and must

²⁹HWD to SFDP, 22 June 1864, WMss 9-17327; HWD to SFDP, 8 July 1864, WMss 9-17329.

be respected." If the President "wishes our support, he must confine himself to his executive duties—to obey and execute, not make the laws—to suppress by arms armed rebellion, and leave political reorganization to Congress."31

The protest caused an uproar in the White House and across the nation. "We have Lee and his --- on one side, and Henry Winter Davis and Ben. Wade and all such Hell cats on the other," blasted Postmaster General Blair. "The assaults of these men on the Administration may break it down," worried Secretary Welles. "It is not worth fretting about," the President told some friends. "It reminds me of an old acquaintance who, having a son of scientific turn, brought him a microscope. The boy went around, experimenting with his glass upon everything that came in his way. One day, at the dinner table, his father took up a piece of cheese. 'Don't eat that, father,' said the boy; 'it is full of wrigglers.' 'My son,' replied the old gentleman, taking at the same time a huge bite, 'let 'em wriggle; I can stand it if they can!'" Privately, however, the President was troubled. Thurlow Weed and Henry Raymond both advised him that he could not be re-elected. Washburne in Illinois and Cameron in Pennsylvania agreed with their assessment. On August 23 Lincoln wrote a memorandum stating that it "seems exceedingly probably that this Administration will not be re-elected."32


32J. K. Herbert to Butler, 6 August 1864, in Marshall (ed.), Butler Correspondence, V, 8-9; Beale (ed.), Diary of Gideon Welles, II, 95; Francis B. Carpenter, Six Months at the White House with Abraham Lincoln (New York, 1867), 145; J. G. Nicolay to Therena, 21 August 1864, RTL, LC.
The first reaction of the national press to the Wade-Davis Manifesto was shock. "Very bad taste," said the Chicago Tribune. The pro-administration New York Times wrote that the "real objective" of the protest was to defeat Lincoln's re-election and that it was "by far the most effective Copperhead campaign document thus far issued."

Two weeks after its publication, Davis bitterly complained that "Wilkes' Spirit of the Times is the only decided paper now! All the rest are trimming--None heartily for Lincoln—all afraid to speak ... None attack our Protest but the Times--none venture to controvert or approve it." The wavering of the newspapers disturbed him. "Papers are money machines," he wrote, "and as timid and uncertain as all other capital." Whatever the reason, the Manifesto had failed to trigger a reaction against Lincoln in the press.33

Despite the Manifesto's seeming unpopularity, Davis pressed for further action. He helped organize a meeting of Republicans opposed to Lincoln which met at the home of former New York Mayor George Opdyke on August 18. Among those attending were Davis, Governor John A. Andrew of Massachusetts, editor George W. Wilkes, John Austin Stevens, Jr., President of the New York Chamber of Commerce, David Dudley Field, and Colonel J. W. Shaffer, General Butler's aide. A decision was reached at that meeting to circulate a call for a convention to meet in Cincinnati, Ohio, on September 28 to nominate another Republican candidate.34


34HWD to SFDP, 5 August 1864, WMss 9-17336; HWD to SFDP, 11 August 1864, WMss 9-17337; J. W. Shaffer to Butler, 17 August 1864, in
After the meeting, the group split up to enlist others to join their movement. General J. K. Herbert went west to see Secretary Chase and others. Governor Andrew returned to New England to gather names to add to the call. Davis remained in New York to co-ordinate the plan, and wrote letters to Senators Zachariah Chandler and Ben Wade and others seeking support. Soon it was evident the movement was not taking hold. The leaders had underestimated Lincoln's popularity with the rank and file. Du Pont wrote Davis that Delaware Republicans believed "Old Lincoln was sent down from above to meet the rebellion." Davis was not deterred. He replied that "those who think Lincoln came down from Heaven will soon be convinced that he was on his way lower down and was not intended to stop here much longer." But when others, including Wade, cautioned no action until after the Democrats nominated a candidate, Davis despaired "at the loss of time occasioned by the perverse arrangements of snails," his fellow conspirators.35

Shortly before a second meeting of the conspirators was held at the New York home of David Dudley Field, the Democratic national convention in Chicago nominated General George B. McClellan for President on a "Peace Platform." The nomination of McClellan, the bête noire of the Radicals, and Sherman's capture of Atlanta the day after the meeting terminated the plot. Although Horace Greeley,

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35J. A. Stevens to Trumbull, 24 August 1864, Lyman Trumbull Mss, LC; HWD to Chandler, 24 August 1864, Chandler Mss, LC; HWD to J. A. Stevens, 24, 25 August 1864 in New York Sun, 30 June 1889; J. G. Nicolay to Major, 25 August 1864, Nicolay Mss, LC; HWD to SFDP, 24 August 1864, WMss 9-17339.
Whitelaw Reid, Field, Opdyke and others abandoned the cabal, Davis refused. Reid and Stevens urged him to drop the call for the convention and support Lincoln's re-election. "I hope that you will draw the flaming sword of rhetoric shortly too and deal some heavy blows at the 'Peace Party' and their peaceful chief 'little McClellan!'" Stevens wrote. Passionately opposed to Lincoln, Davis was not likely to support the President unless Davis would force some major reform in the administration.36

While the plan was collapsing, Senator Zachariah Chandler began a series of efforts designed to reconcile the Radicals to Lincoln. According to Davis' account, Chandler arrived in Washington on August 26. He found out who Lincoln's "boon companions are, the men who crack jokes Sunday night till 1 A.M.—not politicians or Cabinet members but the President's familiar spirits—imbued them with the darkest views of Lincoln's prospects, and sent them night after night to regale him [Lincoln] with some new tale of defection or threatened disaster, never appearing himself for eight days till Lincoln was in the condition of a child frightened by ghost stories and ready to take refuge anywhere. He sat and said let us sit upon the ground and tell sad stories of the death of kings—or would have said, had he read Shakespeare."37

36SFDP to HWD, 26 August 1864, in Hayes (ed.), Du Pont Letters, III, 375; HWD to SFDP, 31 August 1864, WMss 9-17340; Whitelaw Reid to John Opdyke, 2 September 1864 in New York Sun, 30 June 1889; John A. Andrew et al. to Greeley, Godwin and Tilton, 3 September 1864, Theodore Tilton Mss, New York Historical Society; George Wilkes to Butler, in Marshall (ed.), Butler Correspondence, V, 134-135; HWD to J. A. Stevens, 4 September 1864 in New York Sun, 30 June 1889; J. A. Stevens to HWD, WMss 9-17343.

37Chandler to wife, 27 August, 2, 6, 8, 18 September 1864, Chandler Mss, LC; J. K. Herbert to Butler, 3 September 1864, in Marshall
Then Chandler took Senator James Harlan, Congressman Elihu Washburne, and Union League President James M. Edmunds to visit Lincoln, and they "accidently fell into the same strain of dolorous music which had so depressed his nerves—till it seemed that all the world thought him dead. They then intimated that the country thought well of him ... and if he would remove Blair all might still be well." But Lincoln refused to remove Blair. The next morning the group went again and this time put the proposition to him directly. If they would induce Frémont to withdraw and Wade to support Lincoln, then would "the swimming Lincoln drop the weight which was sinking him," Montgomery Blair? The President agreed.

Chandler hurried off to New York to see Wade and Frémont. He could not find Wade but explained the bargain to Frémont. After consulting with his advisors, Frémont decided to withdraw but without demanding any conditions. Then Chandler discovered that Wade was about to endorse Lincoln anyhow. The Michigan Senator quickly returned to Washington and told Lincoln that the deal was fixed. Unfortunately, the Pathfinder's letter of withdrawal was already received in Washington and it was highly denunciatory of Lincoln. The President was irritated by the tone of the letter and wished to back out of the bargain.

Finally Lincoln yielded and wrote Blair requesting his resignation.  

"Blair is gone! Our necks are relieved from that galling humiliation," Davis exclaimed upon hearing the news from Chandler. Almost immediately he agreed to enter the campaign to re-elect Lincoln. It was not an easy decision to make. He was so disgusted with Lincoln that he could hardly bring himself to endorse him. He wrote Du Pont that he had "no confidence in Lincoln" but he was "terrified at the prospect of McClellan." The Democratic platform, he wrote Charles Sumner, "compelled people to swallow their disgust and elect Lincoln." He complained to Thaddeus Stevens that he would not campaign outside Maryland so great was his aversion to Lincoln and would not even enter the contest in his home state except that "the Blair vomit does me great good."  

Many doubted that Davis' support would aid Lincoln very much. Davis' endorsement, according to one ally, was that Lincoln "is neither wise nor honest, good people, but if I can vote for him, it would be ridiculous for you to be more squeamish." John Hay advised the President that Davis was stumping for Lincoln but doubted that his advocacy would be effective. Lincoln replied, "If he and the rest can succeed in carrying the State for emancipation, I shall be very willing

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38H. L. Bond to Kate, 27 September, Bond-McCulloch Mss, MdHS; HWD to SFDP, 24 September 1864, in Hayes (ed.), Du Pont Letters, III, 394.

39Ibid.; Chandler to wife, 24 September 1864, Chandler Mss, LC; HWD to SFDP, c. 28 September 1864, WMss 9-17344; HWD to Summer, 29 September 1864, Summer Mss, Harvard University; HWD to Stevens, 30 September 1864, Thaddeus Stevens Mss, LC.
to lose the electoral vote.\(^{40}\)

The new "free" constitution in Maryland, largely drafted by Davis' lieutenants Archibald Stirling, Jr. and Henry Stockbridge in the recently adjourned constitutional convention, was in jeopardy. The mayoralty election in Baltimore seriously distracted Unionists from campaigning for the new constitution. Davis' candidate, Stirling, was engaged in a fierce struggle with the Blair-Swann candidate, John Lee Chapman, for control of Baltimore. Davis' opposition to Lincoln and to his Maryland opponents severely undermined Stirling's candidacy. "He never lets up on Hicks or Swann or anybody," an associate wrote of Davis. "They differed from Davis, \textit{ergo} they are fools. Being fools they cannot be good for anything as long as they live. So with Lincoln--Davis has written him down as an ass, and on all occasions he deplores the cruel necessity of voting for him."\(^{41}\)

On October 12, the new constitution was ratified by a small majority. "Emancipation is now accomplished," Davis exclaimed. "Nearly all the poor whites who voted for Creswell and negro enlistments last year voted now against the Constitution which freed the negroes." They were joined by Democrats and slaveholders in opposing the constitution. "Such a coalition never before existed in Md. and that it failed is a \textit{miracle}," Davis thought. The soldiers' vote saved the constitution, but it did not save Stirling who was routed by Chapman

\(^{40}\)Peter G. Sauerwein to Edward McPherson, 8 October 1864, McPherson Mss, LC; Dennett (ed.), \textit{Diaries and Letters of John Hay}, 216.

\(^{41}\)Sauerwein to McPherson, 8 October 1864, McPherson Mss, LC; also see William Starr Myers, \textit{The Maryland Constitution of 1864} (Baltimore, 1901) and Baker, \textit{The Politics of Continuity}, 104-109.
in the contest for mayor.\textsuperscript{42}

Stirling's defeat signaled Maryland's dissatisfaction with the Davis wing of the Union party. That displeasure was soon manifested again in the Union party convention. As the new constitution mandated new state-wide elections, the party met on October 18. It was chaired by Henry Hoffman, long-time Davis associate, who had recently been won over to Lincoln by the offer of another four years as collector of customs in Baltimore. With help from Hoffman the convention nominated an anti-Davis slate led by Thomas Swann for governor. Davis accused Blair and Swann of using rebel votes at primary meetings; he accused Hoffman of "cowardly and selfish hesitations and trimmings." He despaired that "not a man who carried the constitution is nominated for office under it!" Tired and unwell, Davis was not able even to secure his own renomination. On October 21 he was passed over in the Third Congressional convention in favor of a war hero, Colonel Charles E. Phelps. Having lost his party's nomination, he decided not to run independently for Congress because "the demoralization is so great that I do not feel inclined to go through the labor it would require to make it successful."\textsuperscript{43}

Davis' radicalism had cost him the leadership of the Union party and his seat in Congress. His opposition to Lincoln was too strident

\textsuperscript{42}HWD to SFDP, 19 October 1864, WMss 9-17347; Wagandt, The Mighty Revolution, 258-263.

\textsuperscript{43}Thomas Swann to James Orme, 13 October 1864, Gratz Collection, HSP; Baltimore Clipper, "The President to be Protected Against His 'Friends'," 15 October 1864; Jacob Engelbrecht Diary, 19 October 1864, MdHS; HWD to SFDP, 19 October 1864, WMss 9-17347; Baltimore Clipper, 22 October 1864; Swann to Chase, 24 October 1864, Chase Mss, HSP; Mark Howard to Welles, 28 October 1864, Welles Mss, LC.
for even his most loyal supporters. His forthright advocacy of
emancipation, labeled by Blair and Swann as the first step toward Negro
equality, was too advanced for conservative Maryland. His supporters
had forced the convening of the constitutional convention, had driven
Blair and Swann to support emancipation without compensation, had
written the free constitution, and then were "pitched overboard,"
wrote one Davis ally. "We owe everything to D's genius. He did not
appear in public and the outside world have no idea of his activities.
But he created the emancipation party in this state. He educated and
stimulated us who wrote for the newspapers, made the speeches, affected
the organizations and secured the victories. But for him Emancipation
instead of being a fait accompli would hardly be whispered this day in
Maryland. He is a glorious fellow: but confound him! He ruined us as
a party in the very hour of our triumph. We have died in childbirth."44

On election day in November, Maryland went for Lincoln, Swann
won the governorship, while Creswell, "Davis' echo," was defeated on
the Eastern Shore. The big loss, however, was the fact that Davis, who
did not seek re-election, would not be in the Thirty-Ninth Congress.
The eccentric Radical, Count Adam Gurowski, called the loss of Davis' services "a public, and at any rate ... a parliamentary calamity."
At the White House, Lincoln's secretaries were elated at Davis' defeat.
"You have more of the feeling of personal resentment than I," Lincoln
told them. "If any man ceases to attack me, I never hold the past
against him." It seemed to Lincoln that recently Davis had been

44Peter G. Sauerwein to E. McPherson, 22 October 1864, Edward
McPherson Mss, LC.
"growing more sensible" and had ceased assailing him. "I hope for his own good he has," Lincoln added. But Radical Peter Sauerwein of Maryland knew Davis better: Davis "is up when he is down. Look out for him at the next Session."

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45Wagandt, The Mighty Revolution, 266; Baltimore Clipper, 29 February 1864, Gurowski, Diary, III, 380; William E. Barton, The Life of Abraham Lincoln (Indianapolis, 1925), 303; Dennett (ed.), Diaries and Letters of John Hay, 234; Sauerwein to McPherson, 22 October 1864, McPherson Mss, LC.
Chapter 16

BEFORE I GO

When Congress reconvened in December 1864, Winter Davis was in an angry mood. Denied his party's nomination by a surprise maneuver, he was a "lame duck" Congressman with but three months to serve. Despite his short remaining tenure, Davis emerged as one of the top leaders in the second session of the Thirty-Eighth Congress, ranking in importance with Thaddeus Stevens. Visitors to Washington thought Davis the most conspicuous member of the House; Davis and Stevens, it was said, were the only members who could command the attention of the otherwise inattentive House. Recently turned forty-seven years-old, Davis nevertheless still appeared "boyish" to his friends. His thick auburn brown hair and mustache showed only a trace of gray. His well-knit frame was without a pound of superfluous flesh and his "high, clear, ringing voice" showed the vigor of a man many years younger.¹

Davis had many plans for the second session. "Before I go I have two works I am bent on doing if possible," he disclosed privately, "--one is to develop the Mexican game of France and Seward's part in

¹SFDP to HWD, 30 December 1863, in Hayes (ed.), Du Pont Letters, III, 303; David Davis to Julius Rockwell, 13 March 1864, David Davis Mss, CHS; Brooks, Washington in Lincoln's Time, 18; Ainsworth P. Spofford, "Washington Reminiscences," Atlantic Monthly, 81 (June, 1898), 754.
it—the other to show what the Navy is and why it is so." In his mind the two questions were interrelated. Seward had so mishandled the situation in Mexico that Davis felt only force could remove Napoleon III's troops. And that war, "which is at the threshold when the rebellion is suppressed," would rely heavily on the Navy which Davis considered to be woefully mismanaged.2

His first objective was Seward. On December 15 he re-introduced his resolution declaring Congress's right to develop foreign policy. By Davis' own description, the statement was also a rebuke to "Seward's mean apology to France for my Mexican Resolution." As the adoption of the resolution would have been an outright censure of Lincoln and Seward as well as a precedent-setting assumption of power, administration supporters succeeded in tabling it by a vote of sixty-nine to sixty-three. "Most so voted from fear of following me," Davis explained, but "many from sycophany--some from surprise and misapprehension."

Galled by the defeat, he scolded the members of the House for their timidity. Through Seward's explanations to the French, "the world was given to understand ... that Congress is such a thing as the French Assembly--the docile reflex of the executive will--its resolution a vain and presumptuous usurpation." He charged that before all the nations of Europe Seward had "slapped the House of Representatives in the face."

As the House refused to assert its dignity and its control of foreign policy, Davis refused to serve any longer on the Committee on Foreign Affairs.3

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2HWD to SFDP, 20 December 1864, WMss 9-17352.

3Ibid.; CG 38th-2nd-48, 49.
His request to be excused from the committee touched off a sharp debate. From all quarters members rose to sustain him while others rose to ridicule him. Committee member "Sunset" Cox declared that if Davis was excused he too wished to be discharged. "The gentleman from Maryland, not only in this matter but in others has asserted the congressional right against executive usurpation, and he deserves the thanks of every national man of every party for it," Cox said. James G. Blaine, who favored Seward's handling of the affair, nevertheless urged Davis to continue as chairman of the committee. Thad Stevens asked the House not to excuse Davis. The acidic Henry Dawes said he thought it best to "bear yet a little longer their [Davis' and Cox's] presence here, and not to part company with them before it had been so ordered by the people of their district." On the vote, the motion to excuse Davis was not agreed to. The request to be excused did much good, Davis thought. "This opened people's eyes. I revolved to move it [his Mexican resolution] every resolution day till the end of the Session."4

On Monday, December 19, 1864, Davis again submitted his resolution, but this time it was moderated and separated into two parts. The first declared that Congress had a constitutional right to "an authoritative voice in declaring and prescribing the foreign policy of the United States ... and it is the constitutional duty of the executive department [formerly read 'the President'] to respect that policy." Administration supporters voted in favor of the first part in hopes of defeating the second denunciatory section. "They voted the first and

4Ibid.
most essential but most questionable part almost unanimously," Davis crowed, "only 8 nays!!" The second part contained the censure of Lincoln, now worded to strike only Seward. It stated that "any declaration of foreign policy by Congress ... while pending and undetermined, is not a fit topic of diplomatic explanation with any foreign power." On the vote, many Republicans joined the Democrats and the resolution carried by a sixty-eight to fifty-eight margin. The Democrats "stood up like men and saved me from an utter overthrow," Davis wrote Du Pont. When the Republicans saw that the Democrats could force through the resolution, "self preservation took precedence of Abraham's devotion and they sacrificed him on the altar they had prepared for me."5

Seward was angered by Davis' resolutions. While discussing them with a New York Congressman, Seward suddenly exploded: "Seward said incoherently he didn't care for the H. R., that he would not for the world the resolution should go abroad as it would in the next steamer; that he had saved the country and nobody mentioned him while they went mad over Farragut and Grant!" While shouting, Seward's "veins swelled—his arms were widely tossed" and the Congressman expected "to see Seward tear his hair before the scene closed."6

Seward soon overcame his personal bitterness toward Davis. In

5CG 39th-2nd-65; HWD to SFDP, 20 December 1864, WMss 9-17352; HWD to SFDP, c. early January 1865, misdated 1864, WMss 9-17297; Van Deusen, Seward, 399; Hugh Lennox Bond thought Davis' "flank movement on Lincoln by attacking Seward's pusillanimous explanation of the House of Representatives resolutions respecting Mexico" passed because of the disgust which followed the St. Alban's, Vermont, raid; see Bond to Kate, 17 December 1864, Bond-McCullouch Mss, MdHS.

6HWD to SFDP, 15 January 1865, WMss 9-17353.
front of the White House several days later, Davis suddenly encountered 
the Secretary of State. "It was a gloomy day," Davis recounted, "but 
a wide space was illuminated by the radiant smile with which he greeted 
me; and though very cold my hand glowed with the warmth of the cordial 
grasp!!—Funny," Davis noted, "but sad!"7

Secretary Welles was also offended by Davis' resolution. "It 
was conceived in a bad spirit and is discreditable to the getters up 
and those who passed the resolutions," Welles noted in his diary. 
"Davis has never been and never will be a useful Member of Congress. 
Although possessing talents he is factious, uneasy and unprincipled," 
Welles concluded.8

Davis maintained an equally low opinion of Welles. In December 
when it was rumored that Welles would be replaced by Du Pont, Davis 
was delighted. "Now that is altogether too good to be true and too 
wise to be accomplished I fear," Davis wrote. "Still no body can tell 
when a gleam of common sense may strike Lincoln." Weeks later 
Assistant Secretary of War Richard Henry Dana told Davis that Stanton 
and Welles, "the Sword of the Lord and Gideon," would soon leave the 
Cabinet. Davis replied that the only interest he had "was that the 
sword of the Lord should take off Gideon's head and be done with it." 
According to one source, Davis was so "very bitter against the Secretary 
and his assistant, and his feelings are so personally engaged" that 
Davis would "use every means in his power to injure them."9

7Ibid.
9HWD to SFDP, 4 December 1864, WMss 9-17351; HWD to SFDP, 15
In late January rumors spread that Davis was about to attack the Navy Department. Welles and Fox also heard the rumor when editor Charles Fulton wrote Fox that "Winter Davis is about to annihilate the Navy Department." Fulton advised them to remain silent. "I know of no man, except General Butler, who is so apt to annihilate himself as Mr. Davis, if he is only let alone. If attacked he is good on the defensive." Mrs. Du Pont, worried that Davis' newest attack might further implicate her husband, pressed Davis not to make any allusion to the Admiral on the floor of Congress.10

In the middle of a debate on a naval appropriation bill, Davis brought up a bill to reform the Navy department, his "Board of Admiralty" bill. The chairman ruled it out of order. When Davis appealed, the House overruled the chair and Davis was allowed to begin his attack. The department was grossly mismanaged, he argued. The Secretary of the Navy, "his irresponsible assistant secretary, who is the real and acting Secretary of the Navy," and the Chief of the Bureau of Engineers were the only three policy-makers in the department. No other naval power in the world had such an inadequate planning body and thus suffered such misconduct. What was needed, he claimed, was a board of naval officers to guide the department's decisions.11

"Costly failures" and "scandalous improvidence" plagued the


10 C. C. Fulton to Fox, 24 January 1865, in Hayes (ed.), Du Pont Letters, III 430; SMDP to HWD, 25 January 1865, WMss 9-23678; HWD to SMDP, 27 January 1865, WMss 9-17355.

11 CG 38th-2nd-509; HWD to SFDP, 8 February 1865, WMss 9-17356.
department's war efforts. The naval battle at Hampton Roads, "an accidental collision between one vessel and another, without its scientific bearing having been adjudged and considered by competent officers," led to the spending of $9.2 million for twenty monitors. Of the twenty built, Davis charged, five were so heavy that their gun turrets had to be removed and fifteen had to have their decks raised to keep them from sinking. Failure had followed failure. The department then decided to build two swift ocean-going iron-clads. It spent $2.3 million to build the Dictator and the Puritan, but the Dictator could not carry enough coal to cross the Atlantic and neither ship could go faster than six knots.

If the Department had not "gone crazy on monitors," Davis said, it would have followed the recommendations of its senior officers and produced Monadnocks or New Ironsides. He cited Admiral David D. Porter who claimed that the Monadnock design was the best iron-clad vessel and "could destroy any vessel in the French or British navy." Finally, Davis charged that the boilers designed by the department for the monitors were, by their own examiner's reports, inferior in quality to ordinary commercial steam machinery. All these failures proved that the Department needs "some supervising board, some advisory power beyond authority which is at the head of the Navy Department ... to secure to the nation the benefit of the money that it is now expending in the structure of vessels."12

As the "Board of Admiralty" bill was not merely a reform but an attack on the department, administration supporters rallied to Welles'
and Fox's defense. Alexander Rice of Massachusetts, chairman of the Committee on Naval Affairs, labeled Welles' department "the most complete and among the most efficient of all the Departments of Government." Rice decried what he called Davis' double purpose in proposing the Admiralty Board—to denounce the leadership of the Navy under a guise of reforming it. He did not deny Davis' charges of engineering blunders, but dismissed them as "slight variations from the calculations."  

The following day others rallied to the department's aid. Frederick A. Pike of Maine called the blunders Davis cited as insufficient reason to change the structure of the department and chastised Davis for his attack. Fernando Wood of New York City noted that the criticism were well founded, but claimed that no one man could be blamed for the mistakes. John A. Griswold of New York rebuked Davis for holding the Navy up to ridicule. Before Davis could reply, debate was closed and his amendment was defeated by a vote of forty-three to fifty-five.  

By chance, Robert Schenck, Davis' ally, was in the chair when the naval appropriations bill was next discussed in the Committee of the Whole. Normally an amendment once considered cannot be brought up again. But Davis moved his Admiralty Bill, Schenck ruled it in order, and on an appeal from the chairman's decision, Schenck's decision was sustained. "Then I replied to the Naval Com'ttee at length and without gloves," Davis reported. He charged Rice and Pike with being bought off by the department with favors, and Griswold with being connected

13CG 38th-2nd-Appendix-41-45.

14Ibid., 2nd-597.
with the construction of the Dictator. If the efficiency of the Navy was so high, Davis asked, then how did five rebel cruisers sweep American commerce from the sea and avoid six hundred Navy cruisers? "I am here to-day pleading the cause of the American navy against the Navy Department," he cried. "I am saying what four of five officers of the navy would say had they a voice in this House." He closed by condemning the department for its "tyranny" in silencing the officers of the Navy.15

The Board of Admiralty bill passed the Committee of the Whole but was defeated by the House, sixty to seventy. "My Bill has failed," Davis complained to Du Pont. He accused Naval Committee chairman Rice of "begging his friends to vote against it on personal grounds." The Connecticut and New Hampshire delegations were forced to vote against it because of a forthcoming election in which "a Welles clique jeopardizes their success." Others were influenced by the promise of new ship yards for their districts and additional appointments to the Naval Academy. "I am not in the least degree sore at the loss of the Bill," Davis professed. "It was hardly possible to expect anything else."16

At Du Pont's urging and expense, Davis kept up the assault on Welles and Fox by having his speeches on the Admiralty Board bill printed in pamphlet form and distributed. He enlisted his old ally Senator Wade to introduce his bill in the Senate where it was soundly defeated. Unwilling to face defeat, Davis vowed that if any naval bill came up in the House before the session closed he would again introduce

15Ibid., 623; HWD to SFDP, 8 February 1865, WMss 9-17356.

16Ibid.; G. V. Fox to W. E. Chandler, 6 February 1865, William E. Chandler Mss, LC.
his bill.\footnote{HWD to SFDP, 15 February 1865, WMss 9-17359; CG 38th-2nd-823-826; William Whettan to SFDP, 16 February 1865, in Hayes (ed.), Du Pont Letters, III, 433; CG 38th-2nd-853.}

Davis had hoped that his attack would lead to the dismissal of Welles and Fox and perhaps even precipitate a general reshuffling of the Cabinet. He was pleased by a lengthy doggerel which General Schenck composed while Davis was speaking to the House on his bill.

\begin{center}
In Esop's day Wells were agape  
And thus in one a Fox was found  
But Reynard made his own escape  
And left a silly Goat their drowned  
But Davis now with cruel facts  
Driven straight home with sturdy knocks  
In spite of all their cunning acts  
Shuts up the Wells and drowns the Fox!
\end{center}

In expectation of Welles' removal Davis had purchased a bottle of 1802 vintage French wine which he planned to share with Admiral Du Pont upon the "Neptunian exit." As late as February 21, Davis still thought that "Welles cant stand these attacks and must succumb." But Welles and Fox retained Lincoln's confidence. "It looks as if Welles and Fox are to remain," Davis dejectedly wrote at the end of the session. Recognizing that he failed, Davis directed Du Pont to drink the long-cherished bottle, not to the dismissal, but "to the confusion of Welles and Fox!!"\footnote{HWD to SFDP, 15 February 1865, WMss 9-17359; HWD to SFDP, 21 February 1865, WMss 9-17361-A; HWD to SFDP, 1 March 1865, WMss 9-17363; HWD to SFDP, 12 March 1865, WMss 9-17364.}

Preoccupied with Seward and Welles, Davis played only a minor role in the effort to effect compromise between the President and the Congress over reconstruction--the central issue of the second session. While Davis...
remained firm in his conviction that the Congress should control the process of reconstruction, other Radicals sought a compromise with Lincoln. Instead of allowing restoration measures to be sent to Davis' Committee on the Rebellious States, the House twice in the first week ordered bills to be sent to the judiciary committee. Even in Davis' committee, compromise efforts were underway led by James Ashley of Ohio. On December 15 Ashley reported a modified Wade-Davis bill in which Congress would recognize Lincoln's ten per cent government in Louisiana in return for Lincoln's acceptance of political equality for freedmen. Lincoln read Ashley's bill carefully and according to his secretary "liked it with the exception of one or two things"—principally Negro suffrage and the Congressional emancipation clause.19

On December 20, two days after Lincoln reviewed Ashley's bill, Ashley reported it out of committee with two compromise amendments. First, in place of universal manhood suffrage, it now extended the franchise to those blacks who served in the army or navy. Second, in contrast to the Wade-Davis bill which declared slaves freed in parts of states exempted by Lincoln's Emancipation Proclamation, the revised bill emancipated slaves "in the States or parts of States in which such persons have been declared free by any proclamation of the President.20

Reluctantly Davis agreed to the compromise Ashley Bill. "Banks has been pressing his Louisiana govt.," Davis informed Du Pont. "All Mass. took his part and the Prest. joined. It was plainly a combination

19CG 38th-2nd-12, 26, 53; Dennett (ed.), Diaries and Letters of John Hay, 244-246.

20CG 38th-2nd-81.
not to be resisted—so I had to let Louisiana in under Banks' govt. on condition of its going in the Bill defeated by the Prest. last year." Although assured by Ashley and Charles Sumner that Lincoln would support the bill, Davis remained in doubt. "I think he is being manipulated by persons hostile to me in a very ugly frame of mind—though he has no malice towards anyone," Davis wrote.²¹

He was disturbed by a report from General John Schofield, one of Lincoln's White House advisors. Schofield told Davis that he urged Lincoln to confer with Davis regarding reconstruction as he had done with other Congressmen. Lincoln told Schofield, "If I do, he will want to govern me!!" This greatly annoyed Davis. "Because I will be treated with respect and insist that Congress has a voice in the Govt. that is governing the Prest. in his view!!" He informed Du Pont that Schofield's story was "not pleasant nor very hopeful for the future."²²

In an effort at reconciliation with the President, Davis changed his long-time habit and attended the White House's New Year's Day reception. "It was horrible beyond expression," Davis related. "We were nearly torn to pieces by a struggling rabble trying to get in—when in there was not a gentleman or lady to be seen—the vulgarest dirtiest rout I ever saw on such an occasion." Davis could not even get an interview with Lincoln so pressed was the President by "devout worshippers."²³

In mid-January, when the House again considered the revised Wade-

²¹HWD to SFDP, 20 February 1864, WMss 9-17352.
²²Ibid.
²³HWD to SFDP, c. early January 1865, WMss 9-17297.
Davis Bill, new opposition developed from opposite viewpoints. Instead of suffrage limited to black soldiers, the Radicals now demanded universal manhood suffrage. The conservatives objected that the bill would disrupt Lincoln's governments in Louisiana and Arkansas. When opponents of the bill moved to postpone consideration of it, Davis protested that "a vote to postpone is equivalent to a vote to kill the bill." Despite Davis' warning, the House voted overwhelmingly to table the measure.24

During most of February, Davis was ill and confined to bed suffering from fever and general exhaustion. He was absent when Ashley attempted to amend the bill by including universal suffrage and then compromised to exclude all blacks—even soldiers. The amended bill as presented to the full House on February 21, 1865, contained neither recognition of Louisiana and Arkansas nor an extension of the suffrage. It was a compromise bill intended to assert congressional control over reconstruction.25

Not fully recovered from his illness, Davis returned to the House to counter Henry Dawes' speech which many observers felt would prove fatal for the bill. Davis carefully prepared his reply to Dawes. As in most of his speeches to the House, Davis assumed the air of a teacher instructing his pupils—this time on the niceties of constitutional law. Methodically he explained the provisions and the modifications of the bill, all in very restrained language. But when he came to Lincoln's

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24Sumner to Francis Lieber, 27 December 1864, in Pierce (ed.), Sumner, IV, 205; CG 38th-2nd-280, 301.

25CG 38th-2nd-967; Belz, Reconstructing the Union, 262-267.
handling of the original Wade-Davis Bill he flared up. The President "without authority of the law" first declared that he would not sign the bill and then usurped power to execute the parts of the bill he wanted. We need "reason and not executive wishes," Davis ranted. Congress must pass a bill to guide the Southern states which would be conquered by the Fourth of July or certainly by December. If this bill did not pass, at the next session of Congress there would be "at our door, clamorous and dictatorial ... sixty-five representatives ... and twenty-two senators" claiming admission. If any man thought that when the Southern representatives arrived, "they will not cross the threshold of the House," then that man was a fool and "had better put his puny hands across the flowing flood of the Mississippi and say that it shall not enter the Gulf of Mexico." The time to stop the flood was now, not when it arrived. And if the Southern representatives who appeared were not rebels but representatives "of the bayonets of General Banks and the will of the President," they would be but "servile tools of the executive" would "embarrass your legislation, humble your Congress" allow the South to rise up in its rath and "swamp you here with rebel representatives and be your masters."26

The bill the committee presented, he said, attempted to lay down the law for the President's guidance. "When I came into Congress ten years ago," he concluded, "this was government of laws. I have lived to see it a government of personal will." In a decade the Congress had dwindled from a powerful legislative body to "a commission to audit accounts and appropriate money to enable the executive to execute his

26CG 38th-2nd 967-970.
will and not ours." 27

The House had long been accustomed to the venom of Davis' remarks, but had rarely such a fervid plea. His cold, clear rhetoric, his hard reasoning, and his forcefulness of delivery combined to produce a masterful speech. But the conservative opposition remained unmoved, and the House voted to table the bill, ninety-one to sixty-four. Few members were farsighted enough to see the need for a reconstruction bill before the war ended. Many later regretted the loss of the bill. 28

With his term in Congress nearly expired, Davis mounted one last crusade—to close military courts trying civilians in loyal areas. Numerous Marylanders, including his brother-in-law, editor Frank Key Howard, had been placed under arrest and imprisoned after the suspension of the writ of habeas corpus. Davis agreed that swift and sure measures were necessary to protect the public peace. But the suspension of habeas corpus was intended to "avert dangers, not to punish crimes."

Recently several cases had come to his attention, the most prominent being that of Moses Weisenfeldt, a Baltimore merchant convicted by a military tribunal of trading with the Confederacy. 29

On March 2, when an army appropriations bill was under consideration, Davis introduced a bill by way of amendment that would prohibit trials by military commissions in any state or territory where the

27Ibid., 970.

28Ibid.

29Lincoln to Joseph Holt, 17 February 1865, CWAL, VIII, 303; Secretary of War—Pardons, 18 February 1865, Record Group 94, Adjutant General, Letters Received, P 269, National Archives; Stirling to Creswell, c. 1 March 1865, Creswell Mss, LC.
courts of the United States were open. Several members objected that Davis' amendment was not germane to the subject, and the chairman ruled it out of order. But Davis appealed the decision and won. Then he explained to the House that his bill, although presented hastily, was a necessity. American citizens were being tried illegally. Cadaverous old Thad Stevens asked him for an example. Davis mentioned one Baltimorean charged with counterfeiting Confederate money.

"Well," said Stevens, "I think that a man who was fool enough to spend his time in such work ought to suffer severe punishment."

"If all fools are at the mercy of the military courts," Davis replied, "and they are to judge of it, they have a wide jurisdiction."

On a call of the House, Davis' amendment to the army appropriations bill was passed, seventy-three to seventy-one. When the Senate refused to concur in the "Winter Davis amendment," Davis again addressed the House. With less than one and one-half hours remaining in his congressional career, Davis made a stirring speech in support of civil liberties. He decried the new crimes, "Military offenses," that were without the authority of law; he denounced the use of military tribunals; and he censured Lincoln for refusing to "stop the illegal proceedings and submit the cases to the courts of the United States." By parliamentary tactics and sheer stubbornness, Davis succeeded in keeping the House's amendment attached to the bill. But when the Senate again refused to concur with it, both the bill and the amendment died when

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30CG 38th-2nd-1323.

31Ibid., 1326.
the House adjourned at noon, *sine die*.32

Within a few days, Davis, Nancy, and their daughters, Nannie and Mary, returned to Baltimore. Out of political office Davis devoted his attention to his law practice, now badly neglected. In December 1864 it was rumored that Davis would succeed Attorney General Bates, but again Davis was excluded.33 Admiral Du Pont pressed him about his prospects for an appointment. "Is anything in contemplation for you—are not the Republicans going to insist upon something?" "Of course not," Davis replied. Although he claimed he had "three friends where any one else in the House had one," his colleagues had to take care of themselves, their "clamorous constituency behind them," and would support him "at the hazard of the executive displeasure!" Few would risk annoying Lincoln by recommending his greatest tormentor in the Congress for an appointive post. Davis insisted that none of his colleagues "compromise himself on my account—for then I dont feel free to compromise myself when the occasion requires it and that is all the time—if every idea of republican government is not to be forgotten in the pursuit of office and favor." Although he attempted to philo­sophical about his situation, he was nonetheless plainly irritated. "I ask for nothing, expect nothing, and can do nothing, either for the

32Ibid., 1333, 1421.

33HWD to SFDP, 4 December 1864, WMss 9-17351. When former Comptroller of the Treasury Hugh McCulloch was moved up to Secretary of the Treasury, Consul General John Bigelow promoted to Minister to Paris, and when Iowa Senator James Harlan was appointed Secretary of the Interior, Davis was surprised and disgusted at the appointment of subordinates. He quipped, "If Madam die, chief cook promoted to wife." HWD to SFDP, 19 or 20 March 1865, WMss 9-17365.
country, my friends, or myself."34

With no prospect of an appointive position, Davis began to eye the one major elective office open in Maryland—the United States Senate seat held by the late Thomas Holliday Hicks. Hicks had been planning to resign his seat and take over Henry Hoffman's position at the Custom House, a far more lucrative position. Then Montgomery Blair, disappointed over losing the Chief Justiceship to Chase, would receive Lincoln's support for the Senate. But the "tyrant death" interfered with their scheme. Hicks died while the Maryland legislature was in session, thus necessitating an election instead of an appointment by the governor.

The Blairs' plottings were well known to Davis. "Greeley is in coalition with the Blairs to get one of them into the Senate from Md.—the Prest. and [Senator Edwin D.] Morgan both working in the same cause," Davis reported. Although many urged Davis to run for the Senate, he decided to forgo the race and support a more "available" candidate. The new state constitution no longer mandated the election of one Senator from each shore, but Davis decided to support an Eastern Shoreman for the old "Eastern Shore seat," a move calculated to scuttle the Blairs. "I think I will foil them and put Creswell in over their heads." Creswell, a Davis ally since early 1863, was from Elkton, on the Eastern Shore.35

34SFDP to HWD, 1 January 1865, in Hayes (ed.), Du Pont Letters, III, 420; HWD to SFDP, c. early January 1865, WMss 9-17297.

35HWD to SFDP, 13 February 1865, WMss 9-17358; HWD to SFDP, 15 February 1865, WMss 9-17359; Thomas H. Hicks to Blair, 29 December 1864, Blair Mss, LC.
"We are in the biggest kind of fight now over the U. S. Senator in Hicks' place," reported Judge Hugh Lennox Bond, Davis' chief political strategist. "Blair is on the rampage but if he does not get his horns sawed off mark me for a dead Radical." The first goal was to get the General Assembly to agree to the old system and elect the Senator from the Eastern Shore. Rivalries were high between the two shores. "Our men will never desert their shore," wrote one Eastern Shore politician. By playing on the loyalty of the Eastern Shore Democrats, the Radicals succeeded in the first part of their plan. The next step was to unite support for Creswell by getting the lieutenant governor, Dr. Christopher C. Cox to withdraw. When Cox quit the race, Creswell received the Union party nomination and was elected by the General Assembly on March 9, 1865.36

The election was shadowed by charges of corruption. There were a number of men who charged that bribery was used to gain votes. Gustavus Fox, Blair's brother-in-law, accused the Treasury and the War Departments of using their influence against Blair. In a speech months later, Blair accused Davis' associates of assessing Baltimore merchants doing business with the Federal government for funds to finance Creswell's campaign. A special committee was appointed by the General Assembly to investigate the charges. The committee pronounced the charges as entirely without foundation. But many politicians, including Davis' friends, continued to believe that Lieutenant Governor Cox had been

36H. L. Bond to Kate, 22 February 1865, Bond-McCullough Mss, MdHS; HWD to Bond, c. February 1865, Bond-McCollough Mss, MdHS; George M. Russum to Creswell, 2 February 1865, W. L. Frazier to Creswell, 17 February 1865, Creswell Mss, LC; William W. Glenn Diary, 10 March 1865, MdHS; Maryland House Journal 1865, 386.
"run off the track for the U. S. Senate by the threat of a Court Martial" for accepting bribes in his position as a medical purveyor for the draft. That some contracts and patronage were used to influence the senatorial contest is undoubtedly correct. But it must be remembered that Blair's men controlled the Post Office and used its considerable patronage in his behalf. The charge that Cox was intimidated into withdrawing is less plausible. Davis would never allow an associate to make such a threat. Moreover, Cox's position as lieutenant governor was too important in the evenly divided state senate, and further, there is no indication that even if Cox had made the race he would have defeated the Davis forces.37

"Creswell's election is the coup de grace to my enemies in the State," Davis predicted. With Creswell in control of federal patronage owing to his position as the only Republican Senator, Davis was confident of the success of "the whole company of the radically righteous." The day after Creswell's election Davis wrote the new Senator with a request and some advice. He asked Creswell to "empty some saddles," to remove from office "those who skulked" as well as those who openly opposed them. His counsel concerned the way Creswell should proceed in the Senate. "If you wish to be anybody and to do anything, be independent of the cowardly sycophants of the President who surround you,"

37Earle to Creswell, 3 February 1865, W. S. Reese to Creswell, 3 February 1865, Earle to Creswell, 7 February 1865, C. C. Cox to Creswell, c. early March 1865, Creswell Mss, LC; W. H. Purnell to M. Blair, 9 March 1865, RTL, LC; Baltimore Clipper, 10 March 1865; William W. Glenn Diary, 29 March 1865, MdHS; Peter G. Sauerwein to McPherson, 1 August 1865, Edward McPherson Mss, LC; "Speech of Montgomery Blair delivered at Clarksville, Howard County, Md. on August 26, 1865," p. 21
he suggested. "Make him feel the Legislature is above him, and he must obey its will, and never ask how a vote will affect your election on any future occasion and you will be a power, useful to your country and appreciated by the State."  

Davis was adamant that his "radically righteous" wing of the Union party should control the federal patronage. When Blair and Swann's men came to Davis after Creswell's election "in the purest of garbs of heartfelt repentance," Davis saw no need for Christian charity. "I think fasting is a prescription of the Church to accompany prayer in such cases," he noted sarcastically. The top position was the Collector of the Customs, the dispenser of several hundred other jobs. Hoffman, having betrayed Davis, was to be replaced. But the leading candidate, Edwin Hanson Webster, former Union officer and incumbent Congressman from the Fourth Congressional District, was unsatisfactory to Davis. "This won't do," Davis wrote Creswell. "No one can hold that place but one on our side or Hoffman." Nevertheless, Creswell, hoping to conciliate the factions, kept negotiating with Webster, Swann, and Mayor Chapman. Davis consulted his advisors, Bond and Archibald Stirling, and wrote Creswell again. "I have been reflecting on the proposed Custom House arrangements and the more I think of it the more serious and dangerous it looks." If the Collector was "not with us—as you are—he would be our master." The Collector would also be a strong candidate for Reverdy Johnson's Senate seat in 1868, a position which Davis wanted for himself. Bond and Stirling would agree to accept

38HWD to SFDP, 12 March 1865, WMss 9-17364; HWD to Creswell, 10 March 1865, in Cecil Whig, 25 January 1879.
Webster only if the rest of the patronage "be disposed of wholly to our satisfaction, you of course included; and that a distinct pledge about the Senatorship should be given."39

On March 20 Lincoln wrote Governor Swann asking him to locate Senator Creswell and bring him to a meeting at the White House. Following his long established policy of "Justice for All," Lincoln had decided to let Swann and Creswell, representing the two factions, make up the new slate of officeholders. Davis wanted no compromise with Swann and Blair. "In your arrangement with Swann you ought to press him on the question of his patronage as Governor and if he don't yield on the equivalent in U. S. patronage, the Prest. cant fail to see that in doing nominal justice he is really giving a dominant influence to one wing," Davis wrote Creswell.40

Creswell continued to balk at Davis' direction. He was willing to compromise on the issue of patronage in hopes of reuniting the wings of the party behind him. He secured the selection of General Andrew Denison, a Davisite, for Postmaster of Baltimore and the appointment of Davis men to lesser offices. But Creswell also agreed to Webster as the man for Collector of Customs. "Our friends will not agree to Webster unless first he will agree not to remove but to retain all our friends now in office," Davis declared, and also to pledge "not

39HWD to SFDP, 12 March 1865, WMss 9-17364; HWD to Creswell, 15 March 1865, RTL, LC; HWD to Creswell, c. April 1865, Cecil County Historical Society.

40Lincoln to Swann, 20 March 1865, CWAL, VIII, 369; Swann to Lincoln, 20 March 1865, RTL, LC; Sauerwein to McPherson, 27 March 1865, McPherson Mss, LC; Lincoln Memorandum--Maryland Appointments, 9 March 1865, RTL, LC; John A. Bingham to HWD, 11 March 1865, Creswell Mss, LC.
Davis explained to Creswell the necessity for demanding all those conditions regarding the patronage in Maryland. His whole political course had been blocked by men who agreed with him in principle but who were not resolute enough to put it into action. "I will not sink to an office hunting politician, but I will pursue the interests of this country alone, and that over every interest personal and party," he assured Creswell. "It is not my purpose to change my style of supporting the Administration; I will neither be driven into opposition nor silent ...." Undoubtedly Webster agreed to Davis' conditions since Creswell and Swann soon nominated him along with Denison and others to Lincoln for appointment. On April 14 Lincoln initialed the slate. In Davis' words Lincoln also agreed to remove "all the men who so treacherously smote me last fall at the President's instigation, Hoffman and all."42

On the evening of April 14 Davis was jubilant. "Everybody was lifted from the ground—in exultation and joy at the end of the war," he reported. He and Nancy bantered about what they would now do for news—now that the war was over. Before he returned to Washington, Davis was informed by Creswell that Lincoln was in "high glee" and that "we should have peace and quiet at once!"

The next morning Davis was awakened early by his servant calling

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41HWD to Creswell, c. April 1865, Cecil County Historical Society.

42Ibid.; HWD to Creswell, c. March 1865, Creswell Mss, LC; Lincoln Memorandum, Maryland Appointments, 14 April 1865, CWAL, VIII, 411; HWD to SFDP, 15 April 1865, WMss 9-17370.
to him, "Mr. Lincoln is killed!" Davis was stunned. "This kind-hearted man had fallen a victim to the scoundrels he was trying to protect and conciliate! I feel thankful now that however indignant at his conduct I never felt any personal bitterness towards him," Davis professed.43

On April 19, exactly four years after the attack on the Massachusetts troops in Baltimore, Davis attended Lincoln's funeral in Washington. "The ceremonies in the Prest. house were very well conducted," Davis reported. "The prayers and discourses were full of bad eulogy, questionable politics, doubtful prophecy bordering on the boastful--some religion but no Christianity--This I stood and endured an eternity of two or three hours!"44

His four years of struggle with Lincoln were over and a War Democrat, Andrew Johnson, was President. While others recalled the war and the slain President, Davis was preoccupied with the future.

43HWD to SFDP, 15 April 1865, WMss 9-17370.

44HWD to SFDP, 19 April 1865, in Hayes (ed.), Du Pont Letters, III, 468.
"What of the future?" Winter Davis asked Du Pont. "That is the great question." What type of man was Andrew Johnson? What type of president would he be? What course would he follow? Davis had long harbored grave doubts about Johnson. In 1864, when the Tennessean was nominated for Vice President, Davis had predicted that Johnson will "cheat us if he gets into power." Now Johnson was in power.¹

Davis also worried about the return of the Blairs. At the inaugural in March, Johnson had gotten drunk and publicly humiliated himself. He had been taken by the Blairs to their Silver Spring, Maryland, estate to recuperate. "If sober," Davis conjectured, Johnson might deal more severely with the seceded states, "but his advisers—only think how the Devil takes care of his own—will be Old Blair! and young Blair!" The Blairs' act of kindness toward Johnson had sealed a bond between them, all old Locofoco Jacksonian Democrats. With "alcoholic" Johnson and his Blair advisers in control, the future seemed bleak to Davis.²

After arriving in Washington for Lincoln's funeral, Davis'

¹HWD to SFDP, 15 April 1865, WMss 9-17370.
²HWD to SFDP, c. 1 June 1864, WMss 9-17328; HWD to SFDP, 15 April 1865, WMss 9-17370; Smith, The Blair Family, II, 327.
opinion began to change. Of the six hundred mourners in the dimly lit East Room of the White House, "the Blairs were not visible!" Davis considered it "a prophecy—the shadow of the coming change at last." Ohio Radicals Wade and Schenck assured Davis that Johnson would change the Cabinet, would not rely on the Blairs, and would consult the Radicals.3

Explanations of Johnson's insobriety also proved satisfactory. Former Vice President Hanibal Hamlin gave Davis his account of Johnson's inaugural drunkenness. According to Hamlin, Johnson had been perfectly sober when he arrived at the Capitol for the ceremonies but was still suffering from typhoid fever and exhaustion. He requested "some stimulant" to help him through the long day. Hamlin brought him two very large drinks of brandy "and that on his weak nerves upset him." In addition, other Congressmen and Senators assured Davis that Johnson did not drink heavily when formerly in Congress, and General Ambrose Burnside denied charges that Johnson had been intemperate while military governor of Tennessee.4

On April 20, after coaxing by Schenck and Wade, Davis called on the new President at the White House. Davis found him surrounded by callers but he "had more revelation of his mind and purposes and of the man in him in ten minutes that I got in four years out of Lincoln." The assassination was "a great crime—but the change is no calamity," he concluded after his brief visit. "I suppose God had punished us

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3HWD to SFDP, 19 April 1865, in Hayes (ed.), Du Pont Letters, III, 468.

4Ibid.
enough by his weak rule—and undid it! I spoke to no man in Washington who did not consider the change a great blessing."\textsuperscript{5}

In the days that followed, Davis had frequent meetings with the President and Radical leaders. Wade, Chandler, Julian and others told him that Johnson would soon appoint a new Cabinet, retaining only Stanton. Former Senator Preston King, a close friend of the Blairs and Johnson, swore that "Blair will have no influence." Senator Solomon Foot of Vermont convinced Davis that "Johnson behaves with great gravity and solemnity as if sensible of the responsibility thrown on him—which is more than can be said for his predecessor. So there is hope," Davis concluded.\textsuperscript{6}

His hope soon faded. Unlike other Radicals who honeymooned with Johnson well into 1866, Davis soon began to distrust the President. After a month in office Johnson had not replaced a single Cabinet officer. "It is still \textit{rumored} that Cabinet changes impend—but Johnson is silent and cautious," Davis noted with suspicion. It seemed to him that the President was "reaping the fruits of keeping Lincoln's advisers," particularly following their advice on the trial of Lincoln's alleged assassins. The Cabinet, after hearing an opinion by Attorney General Speed, held that the assassination was a military crime since it struck down the commander-in-chief and therefore approved a trial of the alleged assassins by a military commission instead of a criminal

\textsuperscript{5}HWD to SFDP, 22 April 1865, WMss 9-17372.

\textsuperscript{6}Ibid.; HWD to SFDP, 19 April 1865, in Hayes (ed.), \textit{Du Pont Letters}, III, 468.
A military court of ten officers, headed by Judge Advocate General Joseph Holt, quickly found the eight accused guilty of complicity in the assassination. David E. Herold, Lewis Payne, George A. Atzerodt, and Mrs. Mary E. Surratt were condemned to death. Herold, Payne, and Atzerodt had participated in the plot to kill Lincoln and Seward, while Mrs. Surratt had merely kept the boarding house where the conspirators met with John Wilkes Booth. Mrs. Surratt steadfastly denied any part in the plot. Dr. Samuel A. Mudd, who set Booth's broken ankle, and Samuel B. Arnold, who provided him with horses, were sentenced to life imprisonment. A stage carpenter, Edward Spangler, and a youth, Michael O'Loughlin, were given six years in prison.

The investigation soon spread beyond the eight. The commission tried to associate the assassination with a conspiracy which included the raid on St. Albans, Vermont, on October 19, 1864, and the burning of ten hotels in New York City in November 1864. Stanton privately told Davis that Confederate Minister Jacob Thompson and others in Richmond were involved in the plot and that $100,000 was raised to execute it. On May 2 President Johnson asserted that the government had sufficient evidence to implicate Jefferson Davis, Jacob Thompson and other Confederates in the assassination plot.8

On May 13, Davis, who had strongly opposed the use of military commissions in the last session of Congress, wrote the President pro-

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7HWD to SFDP, 11 or 12 May 1865, WMss 9-17375; HWD to SFDP, 7 May 1865, WMss 9-17374.

8HWD to SFDP, 22 April 1865, WMss 9-17372.
testing the use of a military court to try the alleged assassins. A resort to such agencies would "prove disastrous to yourself, your administration, and your supporters who may attempt to apologize for it," he predicted. "The only safety is to stop now, deliver the accused to the law and let the Courts of the United States satisfy the people that the prisoners are either guilty or innocent in law; for the people want justice not vengeance." Privately Davis doubted that Jefferson Davis was implicated in the plot but felt convinced of the guilt of the eight accused. Nevertheless, he protested the way in which they were tried. Despite his and others' objections, Johnson signed the death sentences for Herold, Payne, Atzerodt, and Mrs. Surratt and they were hanged on July 7. Mudd, Arnold, and Spangler were sent to Dry Tortugas to serve their sentences.\(^9\)

Davis was also disturbed by the illegal action Johnson directed against John T. Ford, owner and proprietor of Ford's Theater, the site of the attack on Lincoln. For unknown reasons, Johnson ordered the theater permanently closed. Ford retained Davis to represent him. After protracted negotiations aimed at reopening the theater, Davis advised his client to sell his property to the Federal government, which converted it to a Confederate archives. The illegal destruction and occupation of the theater offended Davis' sense of justice, and he refused to absolve the President from major responsibility for those illegal actions.\(^10\)

\(^9\)HWD to Johnson, 13 May 1865, Andrew Johnson Mss, LC; HWD to SFDP, 18 or 19 May 1865, WMss 9-17376; War Department Orders No. 356, Stanton Mss, LC.

\(^10\)HWD and Wm. Schley to Stanton, 18 July 1865, Andrew Johnson to Stanton, 19 July 1865, Stanton to HWD and Wm. Schley, 19 July 1865,
Bad as was the President's course on military commissions, even worse in Davis' view was his handling of patronage. The Creswell-Swann agreement, which divided patronage between Davis and his conservative opponents, was initialed by Lincoln on the day he was shot. On the advice of the Blairs, Johnson ignored the agreement and authorized the ever-pliable Creswell and Democratic Senator Reverdy Johnson to compose a new slate. Upon hearing of Johnson's decision, Davis wrote Creswell, "Is Johnson to Tylerize us?" meaning to follow the example John Tyler and desert the party that elected him. Clearly that was what Johnson planned; he sought to force a coalition of conservative Republicans, Northern "War" Democrats, and white Southerners while excluding Radical Republicans. Apprised that the Creswell-Johnson agreement almost totally excluded his supporters in favor of Blair men, Davis led a delegation which called upon the President on July 24, but with no result. Feeling betrayed, Davis pleaded with Senator Sumner for help. "Our affairs in Md. may well puzzle you," he noted, "but they are clear enough now and draw light on the purposes of the Prest." Johnson's appointment of Edwin H. Webster to the Customs House and William H. Purnell to the Post Office in Baltimore gave the patronage to the conservatives. "Unless their confirmation be refused," Davis predicted, "—goodbye to radical representatives and Senators from Md."11

Stanton Mss, LC; HWD to Creswell, 13 December 1865, Creswell Mss, LC.

11HWD to Creswell, 17 April 1865, Aldine Collection, MdHS; HWD to Chandler, 1 May 1865, Chandler Mss, LC; Reverdy Johnson to Andrew Johnson, 10 July 1865, Creswell to Andrew Johnson, 10 July 1865, Andrew Johnson Mss, LC; HWD to Creswell, 14 July 1865, Creswell Mss, LC; HWD to Sumner, 26 July 1865, Summer Mss, Harvard. For the best analysis of Johnson and Blair's design for a new party see La Wanda and John H. Cox, Politics, Principle, and Prejudice, 1865-1866 (Glencoe, Ill., 1963), Chapters 2-3.
The major cause of Davis' growing discontent with Johnson stemmed from the President's handling of reconstruction. With the war at an end, Davis' views advanced over those expressed in the Wade-Davis Bill. A few days before the President's proclamation on reconstruction was expected Davis encountered two Virginia Unionists. The "probable alternatives" of the President's policy, he predicted, "were negro suffrage—or ostracising all who had been in arms or office." When one of the Virginians "pleaded his prejudices" against Negro suffrage, Davis "left them with an admonition that we had learned that prejudices could be swallowed in a pinch."12

In a letter to House Clerk Edward McPherson, Davis laid out his new thoughts on reconstruction. Johnson had only three possible choices, Davis declared. First, the President could allow governments to be established by the entire white population of the South. That would fill Congress with former Confederates and would "place the sceptre in the hands from which we have just wrested the sword." Self-interest would compel the "rebel representatives" to repudiate the public debt, restore their officers to the army and navy, place their veterans on the pension rolls, restore slavery under the form of apprenticeship, and pass discriminatory legislation against the freedmen. Should the President decide to establish the Southern states on that basis, Congress should refuse to accept their representatives, Davis argued.13

Or the President might establish governments based only on the

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12HWD to SFDP, 22 May 1865, WMss 9-17377.
13HWD to Edward McPherson, 27 May 1865, Edward McPherson Mss, LC; this letter is reprinted in Speeches and Addresses, 556-563.
support of loyal Southerners by excluding from voting all who gave aid and comfort to the rebellion. This plan, Davis wrote, had two defects. First, the mass of the Southern people had supported the rebellion; and second, the Unionists who were unable to oppose secession would be no more successful in controlling the government now. If power were centered in "an odious oligarchy" of Southern Unionists, the masses would soon rise up, overthrow them, and the "rebel representatives" would soon be in control.14

The only course "consistent with the national peace and safety" was one "recognizing the negro population as an integral part of the people of the Southern States, and by refusing to permit any State government to be organized on any other basis than universal suffrage and equality before the law." Negroes depended on the continued supremacy of the United States for their freedom and they would work to keep it in power. "To permit the white to disfranchise the negroes is to permit those who have been our enemies to ostracize our friends." To those who claimed that the Negro was ignorant and incapable of voting Davis replied: "If they be ignorant, they are not more so than large masses of white voters of the South, or the rabble which is tumbled on the wharves of New York and run straight to the polls."15

A government established on the basis of universal suffrage was not an idealistic or premature idea. "Premature agitators are cocks which crow at midnight; they do not herald the dawn, but merely disturb natural rest by untimely clamor," he concluded. Negro suffrage was not

14Ibid., 557.
15Ibid., 562.
premature agitation, but a political necessity to preserve "the chief fruits of the war." But to effect this result, Davis mourned that he had no power. He could only "hope and fear."\(^{16}\)

Davis' fears were well founded. On May 29, when Johnson issued two proclamations, Davis was clearly disappointed. The first one offered amnesty to certain former Confederates while excluding several groups from the general amnesty including everyone having $20,000 worth of taxable property. The second one re-established civil government in North Carolina based on an all-white electorate. "Johnson still hugs Lincoln's cabinet and is getting his reward," Davis lamented. "The Va. and N. C. reorganization will cost him the confidence of his friends I suspect; and what is more and worse if persisted in will throw the Govt. into the hands of its enemies."\(^{17}\)

Charles Sumner, also disappointed in Johnson's proclamations, wrote Davis seeking his opinion. Davis responded: "I do not think they [the Republicans] can either coax or compel Prest. Johnson to change his course. They can drive him to Tylerize the party--but that is no remedy." The only possible means of opposing Johnson's governments and securing Negro suffrage, Davis predicted, was "to fix the eyes of the country not on the rights of the negro--nor the general requirements of justice and humanity--they are vague generalities that solve nothing--but on the direct and practical consequences" of allowing the South to return to power "with the men who led or the men who followed in the rebellion." When the Northern people saw that Negro

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\(^{16}\)Ibid., 563.

\(^{17}\)HWD to SFDP, 18 June 1865, WMss 9-17381.
suffrage was the only way to make sure that the interest is paid on the war debt, that Confederate officers were excluded from the army and navy, and that basic freedoms were given to the freedmen, then they would agree to universal suffrage.18

Davis advised Summer that there were two means to establish Negro suffrage. The Congress could require it as a condition of the recognition of any state "declaring none republican in form which excluded negroes from voting." Or the Congress could initiate a constitutional amendment prescribing universal suffrage "as the basis of every State," submit it to the legislatures of the states "now represented in Congress," and declare it ratified when three-fourths of them passed it. "This is the safer course," Davis thought, but he doubted that Congress had nerve enough to pursue either. "The Republicans allowed themselves to be dragged at Mr. Lincoln's tail for four years; I am not sure they will not trot at Prest. Johnson's tail for another four years," he concluded. "I trust you are not as I am in despair."19

As his Maryland friends and enemies always claimed, Winter Davis was up when he was down. Although despairing of success, he sought to mobilize public opinion against the President's policy and for universal suffrage. He accepted an invitation to speak at Chicago's Fourth of July celebration. "I had rather have held my tongue and staid at home if that had been possible," he confided to Du Pont, but to stay home meant to make himself available to speak in Baltimore "where I should

18HWD to Sumner, 20 June 1865, Summer Mss, Harvard.

19Ibid.
have been stifled by people I detest and who detest me but did not dare to pass me over; and as good luck would have it Chicago saved me."\textsuperscript{20}

All over the country, the Fourth of July that year was celebrated by huge crowds jubilant at the end of the long war. In Chicago's Sanitary Fair gathered an audience of over ten thousand headed by dozens of dignitaries. After the reading of the Emancipation Proclamation, Lincoln's Second Inaugural Address, the Declaration of Independence, and a song by a chorus of one thousand singers, Davis rose to deliver the main address.\textsuperscript{21}

The Declaration of Independence had been made a reality by the expulsion of slavery from the land, he said. Precious blood had crushed slavery and the false ideology which supported it. Who did not now know that secession was not a peaceful remedy, he asked? Who did not now know that the South could be defeated? And who did "not now know that the negro is a man? for he has proved his manhood at the point of the bayonet."\textsuperscript{22}

Now that the United States had passed through "the valley of the shadow of death" what course should it follow? In foreign policy it should insist that the French leave Mexico. With flights of rhetoric he blasted Napoleon III and the French for placing a European prince on a hereditary throne in Mexico. "Let them leave Mexico," he shouted. They are a "perpetual menace to us .... We wish for no conquests, but we have established freedom here, and we will have freedom from here

\textsuperscript{20}HWD to SFDP, 18 June 1865, WMss 9-17381.

\textsuperscript{21}Speeches and Addresses, 565.

\textsuperscript{22}Ibid., 567-569.
In domestic policy he urged his latest plan of reconstruction. He said he opposed extremes. Hanging Confederate leaders would only multiply the number of martyrs. Military occupation of the South was inconsistent with democratic ideals. But he greatly feared turning the governments over to former Confederates. Although some Confederates might have accepted defeat, he had met none who were repentant. And there was no loyal white population in the South strong enough to form a government. The Unionist strength in the South was as weak as it had been before the war when it failed to prevent secession. Only by including Negroes among the loyal could governments be established. "It was not a matter of justice or humanity to the negro ... as if justice or humanity ever determine any great question of the world," nor was it "the rights of the negro," but "our safety" that was at stake. "It is a question of power, not right—a question of salvation, not of morals." The black vote in South Carolina, Mississippi, Alabama, Louisiana, and Georgia "can break the terrible unity of the Southern vote that plunged us into the rebellion." He said he had known many Negroes, lived near them, and supposed he had as much prejudice as any in the audience. But if the black man was an equal on the battlefield, then he should be an equal at the ballot box.24

President Johnson's proclamations, he claimed, placed undue confidence in the white people of the South. Southerners would never enfranchise the Negro. An amendment to the Constitution was needed

23 Ibid., 573.

24 Ibid., 578-582.
to consecrate "forever the mass of the people as the basis of the republican government of the United States." The purpose of such an amendment was not "philanthropy" or "justice and humanity" but "the integrity of the government." "We need the votes of all the colored people; it is numbers, not intelligence, that count at the ballot-box."25

No speech Davis ever made met with such approval. The crowd applauded for an indeterminable time. He was mobbed as he left the platform. Newspapers were almost unanimously laudatory. He had managed to state his case for Negro suffrage in such a way as to appeal to the whites of the North.26

The trip to Chicago had been an exhausting one for Davis. A week before he left he had a bad shock. His friend Admiral Samuel Francis Du Pont died from an early morning bronchial attack. "My loss is irreparable," Davis wrote Mrs. Du Pont, "not merely in the loss of my best friend but of the only adviser whose judgment I was willing to take against my own." This friendship, while close, had nevertheless been formal. There was little jocular exchange between them, only discussions of men and events between two highly educated, reserved, and somewhat aristocratic men. Du Pont's death was both a personal and political tragedy for Davis.27

25Ibid., 583.

26Sarah Davis to George P. Davis, 9 July 1865, David Davis Mss, CHS; Beale (ed.), Diary of Gideon Welles, II, 325; Chicago Tribune, 5 July 1865, New York Times, 6 July 1865.

27HWD to SMDP, 17 July 1865, WMss 9-17382; Davis wrote biographical sketches of Du Pont and sent them to several newspapers, see Philadelphia North American, 27 June 1865, and New York Evening Post, 26 June 1865. Davis also prepared a pamphlet biography for family and friends, see Henry Winter Davis, Sketch of the Public Services of
Still despondent over Du Pont's death, Davis returned from Chicago looking forward to a summer of escape from politics and law. In late July, Davis, Nancy, eight-year old Nannie, and three-year old Mary left for Long Branch, New Jersey. "Nancy feels little like going to any watering place," Davis wrote, "but the children require it." For two months Davis and Nancy spent long afternoons in quiet conversation, dozing, and playing with their daughters on the Jersey shore. "We find a few acquaintances here," he reported, "but generally it is a desert with water and cool air in which the children luxuriate." By the end of August, restless and inquisitive, Davis left his family at Long Branch to spend a week in Saratoga, New York, discussing party intrigues and political events with vacationing politicians. In late September, the Davis family returned to Baltimore after visiting with Mrs. Du Pont at Louviers for a few days.28

Upon returning to Baltimore Davis encountered "the press of worrying duties which accumulate as a penalty of absence." After consulting with his political advisers in Baltimore, he decided to renew the attempt to block the appointment of Webster and Purnell to Collector and Postmaster. "I have seen Stirling and Bond," he notified

Rear Admiral S. F. du Pont, United States Navy (Wilmington, 1965). Du Pont's old adversary, Secretary Welles, treated him as badly in death as he had in life. Welles wrote: "Rear Admiral Du Pont ... died this A. M. in Philadelphia. Du Pont possessed ability, had acquirements, was a scholar rather than a hero. He was a courtier, given to intrigue, was selfish, adroit, and learned. Most of the Navy were attached to him and considered his the leading cultured mind in the service. He nursed cliques .... Although very proud, he was not physically brave." Beale (ed.), Diary of Gideon Welles, II, 320.

28HWD to SMDP, 8 August 1865, WMss 9-17383, 25 August 1865, WMss 9-17384, 31 August 1865, WMss 9-17385.
Creswell, "and we will be down on you on Tuesday like the wolves on the fox." Week after week he barraged Creswell with petitions and remonstrances against Webster and Purnell. Again he petitioned Sumner for help. "In Maryland our condition is bad enough—under the heel of Blair and his trimmers. Will not the Senate repeal such nominations?"29

From September to November elections were held in the North for state and local offices, and the results were "very gratifying" to Davis. In state after state the Republicans had been denounced as the "nigger party." At a rally in New York City, Montgomery Blair declared that "This is a white man's country" and called Negro suffrage the first step toward Negro equality, amalgamation of the races, and Negro domination. When the Democrats, exploiting the anti-Negro sentiment in the North, were defeated in all eight gubernatorial races, it was nor possible for Republicans to insist on Negro suffrage for the nation. Should Congress pass a constitutional amendment requiring universal suffrage, he advised Sumner, "I will undertake to carry it in Maryland—if we can get the administration off our backs." He said he would insist on the enforcement of the Maryland registry law which executed the disfranchising portions of the new constitution. Only when the conservatives agreed to allow blacks to vote would he permit ex-Confederates to vote, "which then can be safely done; for 30,000 negro votes will balance 8,000 rebel votes!"30

29HWD to SMMD, 21 September 1865, WMss 9-17386; HWD to Creswell, c. October 1865, Creswell Mss, LC; H.L. Bond to Chase, 13 November 1865, Chase Mss, LC; HWD to Creswell, 18 November 1865, 5, 9, 22 December 1865, Creswell Mss, LC; HWD to Sumner, 5 December 1865, Sumner Mss, Harvard.

30HWD to Creswell, c. October 1865, Creswell Mss, LC; New York Times, 19 October 1865; M. Blair to S.L.M. Barlow, 19 November, 9 Decem-
In hopes of rallying support in Congress for a constitutional amendment, Davis wrote a lengthy article on reconstruction and Negro suffrage which was published in The Nation, a new weekly magazine. Boldly breaking with President Johnson, Davis assailed the President's reconstruction policy. Johnson's proclamations supposedly summoned the "loyal people" of the Southern states to reorganize their state governments, but in "reality they exclude the whole negro population, half the aggregate population and nearly the whole of those who have always been loyal in these States." Whatever Johnson's purpose might be, his policy was that of the enemy, Davis wrote. The President had not punished traitors. He had pledged that only loyal men would control the South, but he had delivered the South to the disloyal. He had pledged "that the aristocracy should be pulled down, yet he has put it in power again; that its possessions should be divided among Northern laborers of all colors, yet the negroes are still a landless, homeless class; that he was opposed to military commissions, yet they still defile the land, and others for higher victims are said to be in preparation!" The President had said that the states should decide the question of suffrage, but instead he was leaving it to the whites to decide whether the blacks should vote. The President had disobeyed the Constitution in not requiring an oath as a qualification of suffrage. "His whole conduct was a usurpation .... The President's intermeddling is wholly illegal," Davis charged.31

ber, Barlow Mss, Huntington Library; M. Blair to J. Van Buren, 10 November 1865, Gratz Collection, HSP; for the results of the fall elections of 1865 see Eric McKitrick, Andrew Johnson and Reconstruction (Chicago, 1960), 76; HWD to Sumner, 5 December 1865, Summer Mss, Harvard.

31HWD to J. M. McKim, 13 November 1865, Department of Rare Books,
Davis suggested that Congress not acknowledge any state which disfranchised blacks on the grounds that the state government was not "republican." To avoid the charge of hypocrisy (Connecticut, Minnesota, and Wisconsin had recently turned down amendments extending the franchise to blacks), Davis offered a new approach. Connecticut's refusal to allow blacks to vote did not interfere with "the republicanism of her government, for the persons excluded form no material or appreciable portion of her citizens," he wrote. "But negro suffrage is one thing in Connecticut and another thing" in the South where blacks constituted from one-third to two-thirds of the population. "If two thirds who are black may be excluded in South Carolina," he argued, then "two thirds who are white may be excluded by the blacks in North Carolina." Congress had never admitted a state which excluded one-third of its male citizens from voting, and he urged it not to admit one now.32

Congress should require states to be reorganized on the basis of universal manhood suffrage and institute a "universal suffrage amendment" to the Constitution. Only the vote could protect the black man. "Power alone is security, and with it comes respect, and dignity, and education," Davis reasoned. "They who propose to postpone negro suffrage till the negro is educated, need political education more than the negro."33

If Johnson refused to support universal suffrage, then "we must break the coalition at any cost. The President can have our support

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32Speeches and Addresses, 590.

33Ibid., 593-594.
only by conforming his conduct to our principles."

This article in The Nation was as bold and astute as anything he had ever written—including the Wade-Davis Manifesto. It announced for Negro suffrage and declared that the President must either adhere to the policy or be deserted by his party. While others still expressed hopes that the President might yet come around to some form of Negro suffrage, Davis clearly saw Johnson's design. While others called for conciliation, Davis denounced the President's "usurpations" and his "illegal intermeddlings" in language as shrill as he ever used on Lincoln.

His call for universal suffrage was politically shrewd. To regain his political control of Maryland, Davis had become the arch-radical. Just as in 1863 when he carried emancipation in Maryland by appealing to the poor white men in the southern portion of the state by showing them that the Negro would relieve them from the draft, so in 1865 he was "radical" again with a "practical" solution. Negro suffrage, he argued, was not necessary for reasons of "justice" or "humanity," but to uphold national safety, to protect the victory so dearly won, to ensure "republican government," and continue the right of the people (read the Republican party) to rule.

As the Thirty-Ninth Congress convened in December 1865, fifty-eight Confederate senators and representatives, including four Confederate generals and six Confederate Cabinet members, appeared in Washington demanding to be seated, just as Davis had predicted. Davis' friend Edward McPherson omitted the names of the Confederates from the roll of the House and his decision was sustained by a vote of the House.

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34 Ibid., 596.
Davis was "greatly relieved and delighted by what I hear and see of the spirit of the new Congress," he wrote Sumner. It looked to him "as if the days of Congressional subserviency were passed and the fate of the nation in the keeping of the people."35

During the second week of the session, Davis visited Washington on legal business. Not finding his cousin, David Davis, at the Supreme Court, he went to the Capitol. Upon entering the Hall of the House he received a "general, spontaneous, and cordial" greeting from members on both sides. The crowd which gathered around him became so boisterous that he was forced to leave the Hall for an anteroom. The general reception by his former colleagues "touched his heart most sensibly."

While in Washington he pressed Creswell and others to work steadfastly to secure a change in the patronage appointments, and he urged speedy adoption of a bill to provide for Negro suffrage in the District of Columbia. Naturally he returned to Baltimore discontented—anxious to be back in Congress. "I see few people and hear little of the world out of my office where I divide my time between law and looking over old letters," he complained to Mrs. Du Pont. "Political affairs I fear are drifting into a bad way," he advised his cousin, "but I

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35HWD to Summer, 5 December 1865, Summer Mss, Harvard. Many historians have claimed that the Radicals including Davis were still eager at this time to come to an agreement with Johnson. Many cite a letter from William A. Howard to Charles Summer in which Howard wrote, "I learn that Winter Davis has written Wade that he is getting more and more reconciled to Johnson and urges him to forbear all attacks." Howard to Summer, 12 November 1865, Summer Mss, Harvard. There seems to be little evidence for this contention. Davis' letter to The Nation was a strong attack on Johnson and no such letter from Davis to Wade appears in Wade's correspondence.
A few days before Christmas, Davis attended a political meeting at the Union Club on Charles Street, only a few blocks from his home. Walking with Davis to the meeting, John T. Graham lectured him for not wearing an overcoat on a cold December night. Ever boyish, Davis poked fun at Graham's scolding. But by the time they reached the club, Davis was cold. Leaving the meeting early, he went home. He was perfectly well on Christmas day, making calls and attending church, but that evening he was seized by a chill followed by a fever. The next day the doctor diagnosed it as pneumonia. The fever mounted, his pain increased, and he lapsed into delirium. Within two days, he was much better, and the doctor assured Nancy that his inflamed lung had entered into the convalescent stage. Relieved that "all cause for anxiety had ceased," Nancy wrote Mrs. Du Pont the good news. But on the evening of December 29 his condition once again became critical. Still conscious, he suffered greatly. When Nancy spoke of a planned trip to visit Mrs. Du Pont, Davis replied, "Oh, the folly of making plans for a day, much less for a year." He sank rapidly that night and died at 2:30 P.M. on Saturday, December 30, 1865.37

On the morning of January 2 visitors flocked to the Davis home. Chief Justice Salmon P. Chase was among the first to arrive. Davis

36HWD to SMDP, 15 December 1865, WMss 9-17392; HWD to Creswell, 22 December 1865, Creswell Mss, LC; HWD to David Davis, 23 December 1865, David Davis Mss, CHS; CG 39th-1st-Appendix-161.

37Steiner, Henry W. Davis, 372; Nancy Davis to SMDP, 28 December 1865, WMss 9-27548; Philadelphia Public Ledger and Daily Transcript, 1 January 1866; Nancy Davis to SMDP, c. January 1866, WMss 9-27606; Henry T. Blow to Lyman Trumbull, 1 January 1866 (telegram), Lyman Trumbull Mss, LC; Baltimore American, 3 January 1866.
was lying in a casket in the front parlor. "His face was pale—very pale," Chase recorded in his diary, "but it was difficult to think of him as dead." For several hours "a continuous stream of people of all classes and colored as well as white were passing up taking their last look, and returning down the stairway." Some of Nancy's relatives "who did not sympathize with the liberal and reforming spirit of Davis" objected to allowing Negroes to enter the home. But Nancy insisted saying, "Let every one who loved Winter Davis and wishes to look on him for one last ime be gratified." 38

After the Episcopal service for the dead at one o'clock, the funeral procession slowly moved to the cemetery. At the head was Chief Justice Chase, Secretary of War Stanton, Senate President L. S. Foster, Interior Secretary James Harlan, Senators Charles Sumner, Edwin D. Morgan, S. C. Pomeroy, William Sprague, the Maryland Congressional delegation, other Congressmen, Judges, Governor-elect Swann, Lieutenant Governor Cox, Mayor Chapman, members of the Baltimore bar, and the family including Justice David Davis. Nancy too walked in the procession. "She seemed petrified with grief," Chase recorded. "Not a tear, nor a sob, but anguish that seemed hardly to comprehend itself." Late in the afternoon the graveside prayers were said and Henry Winter Davis was laid to rest. 39

Newspapers throughout the land carried notices of Davis' death, some saccharine, but others sober and balanced. Several of the men

38Salmon P. Chase Diary, 7 January 1866, Chase Mss, HSP.
39Ibid.; Baltimore American, 3 January 1866; David Davis to E. W. Syle, 8 January 1866, David Davis Mss, CHS.
who served with him in Congress left evaluations of him in their autobiographies and memoirs. Taken together, the obituaries and contemporary opinions provide a just estimate of Davis that included his virtues, his vices, his accomplishments, and his failings.

Davis' greatest assets were his quick mind, his electrifying eloquence, and his fearlessness. As a child he received special tutoring and very early acquired a love of learning. At Kenyon College and the University of Virginia, he received a classical education and training in "the labor of law." Throughout his life he read widely in the classics, literature, history, religion, philosophy, and law. Although frequently described as "that rare specimen of the scholar in politics," it was less his learning than his natural brilliance that made him widely respected. As one contemporary wrote, Davis saw clearly where other men groped in darkness. His restless, active mind cut through difficult problems. As Charles Sumner noted, Winter Davis "abounded in ideas."

Although an accomplished writer, Davis achieved his greatest success as an orator. He made his ideas come alive and hypnotized his audiences. A master of the English language, brilliantly logical, with a keen understanding of a crowd, he was in all respects one of the finest, if not the finest, orator of his day. Instead of flowery speeches filled with rhetorical extravagancies and classical quotations, he was direct, concise, and clear. He could hold the attention of audiences of thousands for hours. And he could make them believe him.

40 Charles Sumner, Works (Boston, 1870-83), X, 104; Raymond W. Tyson, "Henry Winter Davis: Orator for the Union," Maryland Historical Magazine, 58 (March, 1963), 18.
His colleagues in the House remembered his numerous speeches before that body. John Sherman called him "the most accomplished orator in the House while he was a Member." S. S. Cox, a frequent opponent of Davis, declared that he was "the most gifted in eloquence and logic of any member within the author's acquaintance." James G. Blaine called Davis' speech in reply to the censure of the Maryland legislature as "entitled to rank in the political classics of America." Blaine also thought that "as a debater in the House, Mr. Davis may well be cited as an exemplar. He had no boastful reliance upon intuition or inspiration or spur of the moment," but carefully prepared his speeches in advance. "In all that pertained to the graces of oratory," Blaine concluded, "he was unrivaled."¹

Visitors in the House galleries rated Davis the most eloquent member. Correspondent Whitelaw Reid recorded that the normally chaotic House would be tamed only by Davis. Reid had seen "even Thad Stevens speaking in the midst of as much confusion as ever prevailed in a large primary school during a temporary absence of the teacher; but I never saw Winter Davis adress the Chair two minutes till there was a sudden hush among all the members and every eye was turned from documents or letters to the member from Maryland." Ainsworth Spofford, head of the Library of Congress, noted that whenever Davis spoke "the hush of absorbed listeners was such that even his slightest tones penetrated to the remotest corners of the galleries." Young Henry Adams frequently visited the House during "the secession winter of 1860-60." "It is

¹Sherman, Recollections, I, 194; Samuel S. Cox, Three Decades of Federal Legislation (Providence, 1885), 92; Blaine, Twenty Years in Congress, 499.
very seldom in that noisy, tumultuous body that any member can command
attention," Adams noted; "but when Mr. Davis rose, members dropped
their newspapers, put down their pens, stopped their conversations and
crowded around him." Based on these and other evaluations, one can
hardly disagree with publisher John W. Forney of the Washington Daily
Chronicle who concluded that Davis was "the most incisive and brilliant
orator of his time."42

Davis had extraordinary courage to speak and act on his strong
convictions. "Above all," wrote the New York Times, "he had courage;
courage to think and courage to speak. He had convictions, and was
bold in pursuing them to their consequences." He lived the advice he
once gave an associate: "If you wish to be anybody and do anything,
be independent ... and never ask how a vote will affect your election
on any future occasion and you will be a power, useful to your country
and appreciated by the State." As Justice David Davis said of him,
"He bent the knee neither to power nor constituents." For his inde­
pendence in speech and action, he was excluded from Baltimore society,
censured by the Maryland House of Delegates, vilified by the press,
passed over for appointments, and voted out of office. "Such were his
independence and self-reliance that they sometimes alienated personal
friends and political allies," wrote one observer, "but he believed in
choosing his own path and following his own advice."43

42 New York Times, 14 January 1866; Ainsworth P. Spofford,
"Washington Reminiscences," Atlantic Monthly, 81 (June 1898), 753;
15; John W. Forney, Anecdotes of Public Men (New York, 1873), I, 374.

43 New York Times, 2 January 1866; HWD to John Creswell, 10 March
1865, in the Cecil Whig, 25 January 1879; David Davis to Rockwell,
11 March 1866, in King, Lincoln's Manager: David Davis, 308.
When Davis arrived at a course of action, he would not tolerate those who went only half-way or those who would not go at all. "He will hold no terms with the 'Softs'—the Eleventh Hour men," wrote a friend. "He turns violently against even his friends if they hesitate to go his lengths or oppose his ideas. There never was a prouder or more intolerant man. We think he is great—our greatest man in power and ability by long odds; but no constituency ever had so much trouble with their pet." When Davis came out for immediate, uncompensated emancipation, for example, he labeled the gradual emancipationists as "trimmers."

"With him was no trimming, no half-hearted advocacy or opposition, none of the double-faced subserviency which discriminates the demagogue from the statesman," wrote Spofford. "His yea was always yea, and his nay, nay, whether in speech or in vote." A man who incurred Davis' displeasure was rarely forgiven. "He never lets up on Hicks or Swann or anybody," wrote a supporter. "They differed from Davis, ergo they were fools. Being fools they cannot be good for anything as long as they live." ④④

Davis carried his opposition to men and measures to an extreme. When the Bishop of Maryland, the Governor, the "Locofocos," the "Secesh," or even Presidents Pierce and Buchanan acted in a way he disapproved, he denounced them as "usurpers," "timeservers," or "tyrants." When the Republicans came into power, he hurled his verbal shrapnel at Lincoln, Seward, Bates, Welles, Fox, and particularly Blair. He dismissed them all as "fools" and Lincoln as "an ass." His inability to know when he

④④Peter G. Sauerwein to McPherson, 8 October 1864, McPherson Mss LC; Spofford, "Washington Reminiscences," 754.
had said or done enough crippled his effectiveness as a Congressman.

Although always prominent, Davis was not always productive in Congress. John Sherman thought him "a poor parliamentarian, a careless member in committee, and utterly unfit to conduct an appropriation or tariff bill in the House." Sherman described him as "impatient of details, querulous when questioned or interrupted." In many ways Davis was a "political outsider." He did not perform well on committees except where he was chairman, he was not a leader on the floor, and he authored few pieces of legislation. Politicians distrusted him because of his independence and eccentric behavior. They considered him "what a balky horse is to the driver, or an enfant terrible in the household--a man upon whom they could not depend." 45

Winter Davis was a maverick, an independent spirit, an outsider, who had confidence in his ability to see "as clear as the sunlight." Once deciding upon a course he pushed ahead without reservation. His greatest accomplishments resulted from his uncompromising stand and his shrewd decisions. He was an early and consistent opponent of the admission of Kansas under the Lecompton constitution. When the word "Republican" still signified some hoary-headed abolitionist, Davis defied all by voting for Pennington for Speaker. When Massachusetts soldiers were murdered in the streets of Baltimore, Davis spoke out for the Union. "To him before and above all other men," wrote James G. Blaine, "is due the maintenance of loyalty in Maryland." "He made no compromises. He stood by the flag at all hazards," wrote Charles Sumner.

45Sherman, Recollections, I, 194; New York Evening Post, 13 January 1866.
Davis early recognized that slavery would be a victim of the Civil War. Thus, when border state politicians rejected Lincoln's offer of compensated emancipation, Davis led the fight in Maryland for unqualified, uncompensated, immediate emancipation. When returned to Congress, he became noted for his attempt to restore to Congress its constitutional role of developing foreign policy and directly reconstruction. He distinguished himself by opposing arbitrary arrests and the use of military courts to try civilians. And when most politicians feared to even mention Negro suffrage, Davis embarked on his last cause—the ballot for all men. "He looked to nothing less that the complete enfranchisement of his country," recalled Sumner, "and the redemption of all the promises of our fathers in the Declaration of Independence."46

Years after his death, James G. Blaine speculated about Davis' career had he lived. "The friends who knew his ability and his ambition," Blaine recalled, "believed that he would have left the most brilliant name in the Parliamentary annals of America." Sumner wrote that "had he lived, I know not what height he might have reached." But Salmon Chase thought no speculation necessary. Davis had already completed "his noblest monument." To Henry Winter Davis "especially belongs the great honor of breaking the bonds of every slave in his native State," Chase declared. "The Free Commonwealth of Maryland, better than any star-pointing pyramid, will commerate his genius and his labors."47

46 Blaine, Twenty Years in Congress, 498; Summer, Works, X, 105-106.

47 Ibid.; Chase to Nancy Davis, 3 January 1866, in Steiner, Davis, 384-385.
A NOTE ON THE SOURCES

Henry Winter Davis was concerned about his place in history. In the last year of his life he began an autobiography. Carefully he collected his correspondence, notes, newspaper clippings, and speeches and arranged them in a scrapbook. When Edward McPherson was preparing his history of the rebellion, Davis offered him the scrapbook containing Union party resolutions on the condition that he "be very careful of them." After Admiral Du Pont's death, Davis urged Mrs. Du Pont to save all the Admiral's papers, separate those of general interest, and make provision in her will for their publication. "If left to chance," he warned her, "they may be lost or mutilated or suppressed."

Ironically, Davis' own letters were either lost, mutilated, or suppressed after his own death. His wife carefully preserved her husband's letters and scrapbooks. She arranged for the return of many originals. When she died in 1902 her estate was left to her sole surviving daughter, Mary Winter Davis. When Miss Davis died in 1921 she left her estate to her Howard family cousins. The only surviving descendant of the Howard family, Mrs. Lydia Howard de Roth of New York City, speculated that Davis' papers were destroyed in a 1904 Baltimore fire which burned several warehouses belonging to the family. Events tend to substantiate Mrs. de Roth's speculation. In 1916, Bernard Christian Steiner, Librarian of the Enoch Pratt Free Library in Baltimore, published a biography of Henry Winter Davis with his
daughter's cooperation. Davis' manuscript autobiography compromises the first three chapters of Steiner's book. Had Davis' correspondence still existed in 1916 it is probable that Miss Davis would have allowed him access to it also.

Fortunately for the historian, Mrs. Du Pont hired a copyist, Miss Charlotte C. Russell, to make transcripts of 256 Davis letters before exchanging the originals with Mrs. Davis. The transcripts of the 1860 to 1865 letters along with 194 Davis originals covering the period 1850 to 1860 constitute the largest and most important collection of Davis correspondence. In addition to the 450 originals and transcripts, the Henry Francis du Pont Collection of Winterthur Manuscripts at the Eleutherian Mills Historical Library in Greenville, Delaware, contains over 700 pieces of ancillary correspondence which amplifies Davis' life. There are 190 letters from Du Pont to Davis, 120 letters from Mrs. Du Pont to Davis, and letters between Mrs. Du Pont and Constance G. Davis, Nancy M. Davis, Mary Winter Davis, Jane Mary Winter Davis Syle, the Reverend Edward Syle, Henry Winter Syle and others.

Additional letters were uncovered by Willard L. King in the attic, library, basement, and carriage house of the David Davis mansion in Bloomington, Indiana. Mr. King also photocopied some correspondence in the possession of Miss Irene Marguerite Syle of Philadelphia. Mr. King's collection of David Davis Manuscripts at the Chicago Historical Society was a valuable source for the study of the Maryland Davis.

Other Davis letters are scattered throughout the country in a wide variety of collections. A list of manuscript sources is included in the bibliography. An asterisk denotes those collections which contain Davis letters.
When quoting from his letters, great care has been taken to transcribe Henry Winter Davis' often illegible handwriting. The spelling, capitalization, and punctuation of quoted passages has been faithfully reproduced except where confusion would have resulted. The abbreviation sic has not been used.
This Bibliography is organized as follows:

I. Source Materials

A. Manuscript Collections
B. Government Documents
C. Published Collections of Letters and Documents
D. Autobiographies, Memoirs, Diaries
E. Books, Articles, and Pamphlets by Contemporaries
F. Newspapers

II. Secondary Materials

A. Reference Works
B. Unpublished Doctoral Dissertations, Masters Theses, and other Manuscripts
C. Books and Articles

I. SOURCE MATERIALS

A. MANUSCRIPT COLLECTIONS

Asterisk (*) denotes those collections which contain Davis letters.

BANCO De MEXICO, Mexico City, Mexico
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BROWN UNIVERSITY LIBRARY, Providence, Rhode Island
- Samuel S. Cox Mss
- Ira Harris Mss*

CECIL COUNTY HISTORICAL SOCIETY, Elkton, Maryland
- John A. J. Creswell Mss*
- Henry Winter Davis Mss*

CHICAGO HISTORICAL SOCIETY, Chicago, Illinois (CHS)
- Williard King Collection of David Davis Mss*

CORNELL UNIVERSITY LIBRARY, Ithaca, New York
- Regional History Collection; Abolition and Slavery
DUKE UNIVERSITY LIBRARY, Durham, North Carolina
- Nathaniel P. Banks Mss*
- Alexander Boteler Mss
- John J. Crittenden Mss
- Protestant Episcopal Church, Diocese of Maryland Mss
- Bishop W. R. Whittingham Mss

ELEUTHERIAN MILLS HISTORICAL LIBRARY, Greenville, Delaware
- Henry Francis du Pont Collection of Winterthur Mss (WMss)*

HARVARD UNIVERSITY, Houghton Library, Cambridge, Massachusetts
- Charles Sumner Mss*

RUTHERFORD B. HAYES LIBRARY, Fremont, Ohio
- Richard W. Thompson Mss*

HISTORICAL SOCIETY OF PENNSYLVANIA, Philadelphia, Pennsylvania (HSP)
- James Buchanan Mss
- Salmon P. Chase Mss*
- Gratz Collection*

HENRY E. HUNTINGTON LIBRARY, San Marino, California
- S. L. M. Barlow Mss

FILSON CLUB, Louisville, Kentucky
- Breckenridge-Marshall Mss
- Cassius M. Clay Mss
- Orlando Brown Mss

ILLINOIS STATE HISTORICAL LIBRARY, Springfield, Illinois
- Nathaniel P. Banks Mss
- Civil War Collection

KENYON COLLEGE LIBRARY, Gambier, Ohio
- College Archives

LIBRARY OF CONGRESS, Washington, D. C. (LC)
- Nathaniel P. Banks Mss*
- Edward Bates Mss
- Thomas F. Bayard Mss
- John Bell Mss
- Francis P. Blair Family Mss*
- Benjamin F. Butler Mss
- Louis A. Cazenove Mss
- Zachariah Chandler Mss*
- Salmon P. Chase Mss
- John M. Clayton Mss*
- Thomas Corwin Mss
- Schuyler Colfax Mss
- David Creamer Diary
- John A. J. Creswell Mss*
- John J. Crittenden Mss
- Henry L. Dawes Mss
LIBRARY OF CONGRESS (continued)
-William Pitt Fessenden Mss
-Horace Greeley Mss
-John Scott Harrison Mss
-Andrew Johnson Mss*
-Reverdy Johnson Mss
-Charles Lanman Mss
-Robert Todd Lincoln Collection of Abraham Lincoln Mss (RTL)*
-Manton Marble Mss
-Justin Morrill Mss*
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-John G. Nicolay Mss
-Edwin M. Stanton Mss
-Thaddeus Stevens Mss*
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-Israel Washburne Mss*
-Thurlow Weed Mss
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-Bond-McCulloch Mss*
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-John W. Crisfield Mss
-Henry Winter Davis Mss (Autobiography)*
-James L. Dorsey Mss
-Jacob Engelbrecht Diary Mss
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-William W. Glenn Diary Mss
-Samuel Harrison Diary Mss
-Thomas H. Hicks Mss
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-Autograph Collection*
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NEW JERSEY HISTORICAL SOCIETY, Newark, New Jersey
-Dormitzer Mss
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NEW YORK HISTORICAL SOCIETY, New York City, New York
-Horace Greeley Mss
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NEW YORK PUBLIC LIBRARY, New York City, New York
-Salmon P. Chase Mss
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PEABODY INSTITUTE LIBRARY, Baltimore, Maryland
-John Pendleton Kennedy Mss

PRINCETON UNIVERSITY LIBRARY, Princeton, New Jersey
-Blair-Lee Mss*

SOUTHERN HISTORICAL COLLECTION, University of North Carolina, Chapel Hill
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Title of Thesis: Henry Winter Davis: Border State Radical

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EXAMINING COMMITTEE:

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Date of Examination:

May 15, 1974