THOMAS EWING, LAST OF THE WHIGS.

DISSertation

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By

PAUL INGERSOLL MILLER, B. A., M. A.

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Approved by:

[Signature]
Adviser
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Early Life

In the year that witnessed the inauguration of George Washington, Thomas Ewing was born in a log cabin on the western frontier. The "rich, the well born, and the able" who danced at the inaugural ball beneath prismatic chandeliers represented the same Republic as did the hardy pioneers who gathered in hearthlit cabins to celebrate a wedding or a christening. Not all the pioneers were unlettered men moving westward simply because there the opportunity for building a fortune was greater. There were those who migrated because they could not endure penury among people with whom they had associated as equals or superiors. During the Revolution they had exchanged their property for Continental currency, and at its close had found themselves poor, while their more fortunate fellows clipped the coupons from their state bonds, which had not depreciated in value as had the currency issued by Congress.

George Ewing, school teacher in Ohio County,
Virginia, was one of these ex-gentlemen. Born in New Jersey in the home occupied by generations of his fathers, he inherited a modest patrimony. Then the Revolution broke out. He exchanged all his property for bonds and took a commission in the Continental Army; when the bonds fell due they were paid in Continental money, which was legal tender. At the close of the war this money was almost worthless. He taught school in Pennsylvania, and then, joined by his family, moved on to western Virginia where, on December 28, 1789, his son Thomas was born. He wished to use the scrip which he had received as pay for his services in the army to purchase land in the Northwest Territory, but hesitated because of the danger of Indian raids. In April, 1792, he determined to wait no longer; he put his family and goods on a flatboat and drifted down the Ohio River to Marietta. From this young settlement they made their way up the Muskingum River to the mouth of Olive Green.

1 The facts of Ewing's early life are taken from his own autobiography, written for his children and grandchildren in 1869, edited by Clement L. Mertzolff and published in the Ohio Archeological and Historical Society publications, vol. XXII, pp.126-204. Also from a biographical sketch in the New England Magazine no. XLVII, May 1835, being "the first of a series of sketches of some of the prominent members of the United States Senate," written by Charles B. Goddard of Zanesville, Ohio, a close personal, professional, and political friend of Ewing. (The authorship is established by a letter of Goddard's to Thomas Ewing Jr. June 1, 1849, found in the Ewing Papers in the Library of Congress). Also from a biographical sketch by Henry Stanbery, a professional and political pupil of Ewing. This sketch was published several years before Ewing's death in the Cincinnati Commercial, and republished in Ellen Ewing Sherman's Memorial of Thomas Ewing.
Creek, where a frontier garrison was stationed. Near it they settled, on a tract of one hundred acres—the amount donated to any settler who could bear arms.

George Ewing was well educated in English, was a wide reader, and had good literary taste. His wife, Rachel Harris Ewing, a New Jersey girl, was a woman of good intellect and great energy. She had had little education, but she loved to read and recite popular poetry, and even had in her repertory a few odes of Anacreon. Little Thomas was taught to read by an older sister before he was six years old, and read everything he could lay his hands on. In 1795 there were rumors of an Indian raid, and the Ewings joined the garrison. There Thomas spent most of his time reading the Bible, which fastened upon him the nickname "The Bishop," already applied to him because of his precocity in reciting the song of Robin Hood's adventure with Old Bishop Aymer. In his brother's outgrown hunting shirt, which reached his ankles, he must have looked the part, but he found the name distasteful.

Thomas had read the entire Bible long before his eighth birthday, and was sent back to West Liberty, his birthplace, to live with his aunt and go to school the winter that he became eight. During this winter he read a novel entitled The Fool of Quality! In the spring he returned to his family who had moved to Ames Township, now in Athens County, where their nearest neighbor lived fourteen miles away. He continued his reading and soon came to rank next to his father as the
scholar of the family. Mr. Ewing and Ephraim Cutler, who had settled nearby in 1800, joined in buying Morse's Geography for their sons, but young Cutler was not interested in the book so Tom kept it. He had a remarkable memory; he quoted in his autobiography from a book of poems which he obtained that year and which he had not, he said, seen since. During his whole life he drew from his early reading quotations to illustrate his speech.

Before he was ten years old the family doctor offered to lend him an interesting book. To get it he had to walk to Waterford, twenty miles away, and back. And there was no dwelling for a stretch of thirteen miles of that distance! He made the trip, with only Ring, a little spaniel, for a bodyguard. The book was a translation of Virgil's Aeneid. He read it and memorized parts of it. During the next three winters he attended school, taught by an eastern college graduate. These three terms and the one at West Liberty constituted the whole of his formal education before entering college, but he read and studied by himself during the intervening years. Many of the books for this reading were drawn from the "Cooskin Library." This library was founded in 1804 by the citizens of

2 Son of Manasseh Cutler of the Ohio Land Company.

Ames Township, Athens County, who organized the "Western Library Association" and collected a fund with which to buy books. Tom contributed ten raccoon skins—all his hoarded wealth. So many of the contributions were in coonskins that the library was later referred to by that name. Of the first accessions to the library he wrote in later years:

We got some sixty or seventy volumes tolerably well selected—they were brought from Marietta in sacks on horseback and emptied out on the floor at Capt. Benjamin Brown's where I was present to witness the exhibition. It seemed to me like an almost unbounded intellectual treasure—the Library of the Vatican and all other libraries of which I had read were trifles—playthings—compared with it. It indeed served me well—and with subsequent purchases from year to year, and with my Father's aid in selecting it furnished me abundant and excellent reading for the seven or eight years that I afterward remained at home.4

These years at home were spent in farm work, reading, and pondering over the choice of a profession. In the summer of 1808 a farm hand regaled him with stories of his adventures and stimulated his desire for further education. In August they set out together for the Kanawha Salt Works, near Charleston, Virginia, by way of Marietta, travelling by keel boat. Ewing was not yet nineteen, of powerful physique and well developed muscles. He began to boil salt, and during a few months earned eighty dollars. From this time until his death sixty-three years later there were only a few short periods when he was not associated with salt boiling, as a worker or an owner. He

4 Autobiography p.150 f.
here laid the foundation for many a vote later, for "Tom Ewing the Salt-Boiler" was an effective Whig campaign cry. He triumphantly returned home with his earnings as evidence of his ability to make his way in the world. He began to make plans to enter college, but a mortgage on his father's farm ate up the entire sum. Early the next spring he returned to the salines and worked until November, clearing about four hundred dollars. When the salt works closed for the winter he entered Ohio University which had been opened only a few months before, the first college in the Northwest Territory. He dazzled the instructors there, mastering English grammar in ten days. Why not? He had been reading the best English authors for years, and from them he had learned his writing and speaking habits. His progress convinced him that he had ability and strengthened his determination to secure an education. In the spring he returned to the salines. Beside boiling salt he was assigned the job of taking a boat load of salt to Marietta. There he had some time to spare, and idly entered the court house, where the Common Pleas court was in session. He had never visited a court room; so he went in. He heard that day one of the ablest of early Ohio advocates, E. B. Merwin. He was charmed, and decided at once that he would like to be a lawyer. Money was needed to finish the payment of his father's mortgage and to save a sum for college so he worked on at the salt mines until the fall of 1812. He paid off the mortgage and returned
to Athens. The faculty allowed him a great deal of freedom in choosing his subjects. His ability for logical thinking and his ready use of language confirmed him in his intention to study law, and he selected his course of study in preparation for that end. In 1813 his funds were low and he took a school in Gallipolis. He studied French there with one of the French residents. When a company of militia was formed to march to the relief of Fort Meigs, then besieged by the English and Indians, he joined it. He disapproved of the way in which the war was being conducted; he was opposed to an invasion of Canada, like many other good Federalists, but ready to defend his own state. ⁵ Even then we may suspect that the chief attraction for him to the military life was the masterly speech of the commanding officer to the regiment. ⁶ The war scare passed and he was soon back at Ohio University, which he described as a respectable academy. He delivered a sophomoric Fourth of July oration in 1814 which ended:

⁵ Letter of J. A. Ewing, of Trenton New Jersey, his great Uncle, to T. Ewing, Mar. 8, 1813. Ewing Papers vol. I.

⁶ The earliest Ewing letter extant is one written from Gallipolis August 2, 1813, to his classmate John Hunter at Athens. Two pages of it are given to a detailed account of the commanding officer's speech to the regiment the day before.
And you, my beloved country, young and free and happy, may you endure forever—esto perpetua. When the thrones of Tyrants crumbled into dust lie in undistinguished ruin, and Europe from her present shattered state if she be doomed to sink again to barbarism, still may the unfading ivy twine around thy brow, peace, freedom and concord bless you, till Time shall have finished its destined course and Earth by his command who called it into being return again to former Chaos.

In 1814 and 1815 Ewing made part of his college expenses by surveying. The Athens County Commissioners employed him to survey various roads in the county; he received a dollar and a half a day but evidently had to pay his own chain carriers, axemen, and other helpers.

On May 3, 1815, a committee appointed by the Board of Trustees of Ohio University to examine Thomas Ewing and John Hunter recommended that each be granted the degree of Bachelor of Arts and Sciences. The examining committee of four, including the President of the University and Charles R. Sherman, an eastern college graduate who had recently come to New Lancaster, had waived Ewing's lack of Greek—his only deficiency. These were the first degrees granted in the Northwest Territory.

Ewing went home after graduation and began at once to read Blackstone's Commentaries. In July he set out for New Lancaster. A neighbor boy, A.B. Walker, went along to bring home the horse he rode. Nearly fifty years after, this friend recalled how Ewing during a rest in their journey took a book
from his pocket and read and laughed heartily. It was Shakespear's Midsummer Night's Dream. Arrived in Lancaster, he began studying in the law office of General Philemon Beecher.

Lancaster, or New Lancaster as it was still called in 1815, was a promising western town, built on the site of an early Indian village in the valley overlooked by legend-laden Mt. Pleasant. It was the county seat of rich Fairfield County, and it had been seriously considered for the state capital at the time when Columbus was chosen. Its population included many Germans, indeed the newspaper which had been founded there six or seven years before was Der Adler. It was on the stage routes from Wheeling to Maysville, Kentucky and Wheeling to Columbus. As late as 1827 it was still running a neck and neck race with Columbus in population. By 1828 four newspapers,

7 This paper, for many years one of Ewing's severest critics, still exists, as the Lancaster Eagle.

8 Ohio State Journal, April 26, 1827 copied a statement from the Ohio Eagle that the population of Lancaster was 1384; 74 of whom were colored; while males 710, while females 600. The population of Columbus then was about 1500. Lancaster contained 251 houses to Columbus' 259; had 7 taverns, 6 churches, 1 academy, and 5 common schools; and 21 mails arrived and departed weekly.

For a description of early Lancaster see also Lewis, Sherman, Fighting Prophet, pp. 17-19.
two German and two English, were published there.

For thirteen months Ewing studied assiduously with General Beecher, who was then the leading lawyer in Lancaster and a state legislator. In August 1816, at the age of twenty-six, he was admitted to the bar.
Chapter II.

From Prosecutor to United States Senator.

A few months before he was admitted to the bar Ewing began to be especially interested in a niece of Mr. Beecher, Maria Boyle. She was only fifteen, and he twenty-six. Her father, Hugh Boyle, an Irish immigrant, was Clerk of Courts in New Lancaster. Her mother had died while the children were small and they were brought up by their aunt, Mrs. Philemon Beecher. The relationship between them and the foster parents was so close that in after years Ewing, in his letters home, referred to Mr. Beecher as "your Pa Beecher" while Hugh Boyle was simply "your Pap."

His interest in the beautiful niece had become so great in 1816 when he was admitted to the bar that it was the deciding factor in his decision to accept Beecher's offer of partnership. In the spring of 1819 he began to press his suit, his contract of partnership with Beecher would expire on June first and "whether it will be renewed or whether I shall remain in this place longer than that term... depends much on you." He visited his Uncle Morgan near Urbana with the thought that he might establish himself there, but he stayed

1 Thomas Ewing to Maria Boyle, May 13, 1819, Ewing family letters in the possession of Thomas Ewing of New York. Typed copies loaned to the writer.
only a few days and returned to Lancaster. Maria went on a visit to Brownsville, Pennsylvania that spring. He wrote to her often; she carefully preserved the letters but did not write to him often enough; so he made a trip there to see her. The broadshouldered handsome young attorney, who had rapidly gained a private practice and had been appointed Prosecuting Attorney, could not be resisted. On January 7, 1820, Thomas Ewing, of Presbyterian stock but himself of no church affiliation, was married to Maria Boyle, devout Roman Catholic, by Father Fenwick. On November third a son was born and appropriately named Philemon Beecher Ewing. Six other children followed: George, born August 23, 1822, died September 28, 1823; Eleanor Boyle, born October 24, 1824; Hugh Boyle, October 31, 1826; Thomas, August 7, 1829; Charles, March 6, 1835; and Maria Theresa, May 2, 1837. The death of George from malarial fever in the fall of 1823 helped to decide the parents to move to the "hill" at the eastern edge of town, and on April 6, 1824, they bought for $475 a corner lot overlooking Lancaster.

In addition to the six children of their own Ewings raised several other children. The one who subsequently


3 In addition to Sherman they raised, Charles Clark, who was sent to Ohio University. He died in 1831, this was a severe blow to Ewing who regarded him as a son. Two sisters, Abigail and Rachel Clark were raised and educated. These three were the children of Ewing's sister, Sarah Clark. Lewis Wolfley, whose father was Ewing's cousin, lived at the Ewing home for several years.
became most famous was Tecumseh Sherman. "Cump" was the son of Charles R. Sherman, one of the Trustees who examined Ewing for his degree at Athens. Sherman was also a friendly rival of Ewing's at the Lancaster bar. From 1823 until his sudden death on the Circuit in 1829 he was a judge of the State Supreme Court. He left a wife and eleven children. The seven oldest children were adopted by friends of the family. Ewing and Beecher sent out a joint circular to neighbors and friends in the legal profession asking contributions to a fund for the support of the widow and four youngest children. Ewing contributed fifty dollars, and took charge of the investment of the entire funds. He described his adoption of Cump as follows:

As soon as the widow's first burst of grief was over I called on her—said to her it was not possible for a widow to take proper care of six boys, all children—that I wanted one of hers & she must give me the brightest of the lot & I would make a man of him—She selected Cump who was playing in the street—I took him home with me & he was thereafter my boy.  

Cump was only a few months older than the oldest Ewing boy, Philemon.

Ewing was a home loving man. When he was detained in Columbus to assist in presenting impeachment charges against two judges before the Senate in 1820 he wrote that nothing could divert his thoughts from home.  

4 T. Ewing to his daughter Ellen, Feb. 13, 1865. Thomas Ewing Papers, Press copy of letters sent.  

5 Ewing to wife, Feb. 7, 1820. Ewing Papers.
trip he bought gifts for the children. From Philadelphia in 1829 he wrote that he had money enough left to "buy something pretty for Ellen and a cap each for Phil & Cump & Bub." He was anxious that the adopted children should feel at home; Maria was to have Abby and Rachel help in the work, reading, music etc. so that they would get over their diffidence, "and there is Cumpy too—he is disposed to be bashful and not quite at home. This we talked of before I left—endeavor to inspire him with confidence & make him feel that he is one of the family." 7

Ewing was deeply interested in the education of the children. One of his first acts when he went to Washington as Senator was to purchase the works of Peter Parley—nine volumes—which he sent home to "furnish matter for evening's amusement & recreation to the children during the winter—keep them out of idle and evil habits & at the same time give them much useful information." 8 Maria was to preside at their evening's reading; she should gather the whole family around the table and let all look at the pictures; Phil and Cump could take turns reading the stories. The geography was to be read and discussed first, with the boys!

6 Ewing to wife, Oct. 22, 1829. In possession of Thomas Ewing.

7 Ibid., Dec. 13, 1831. Ewing Papers.

8 Ibid., Dec. 9, 1831. Ewing Papers, vol. III.
school atlases at hand so that they could point out to the audience (the younger children down to Tom, just past two years) the places mentioned by Peter Farley in the narrative. Maria was to be an interested listener to the reading, giving an occasional word of approbation to the reader, and now and then asking where the country mentioned was, so that the boys could show their learning. The reason for Ewing's minute instructions lay in his belief that this reading in the family circle, if made interesting enough for the boys, would keep them out of idle or vicious habits.

Ewing corresponded with the boys, and showed interest in their studies and pastimes. His letters to Maria were frequent, long, and detailed, containing the news of the capital, with such gossipy bits as the course of the Calhoun-Jackson break over Mrs. Eaton. He described dining with the President at "the palace," where the President requested "four of the Old Senators to take charge of the Ladies—very civilly took me under his special care—Well it had to be so you know." He remarked that the manners of the President were exceedingly fine, though he was neither wise nor learned and could not converse on topics of a wide general range, and he admitted that the choice madeira and champaigne almost made a Jackson man of him.

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He was lonely in Washington and wanted Maria to come there. She did not wish to leave the children, but he pointed out that they would be in school as usual and would surely be no worse than children sent away to boarding school; relatives could come and take charge of the household. She dreaded the trip, especially travelling in the mountains. Each of his letters urged her to come and offered further suggestions for her safety and comfort. Coming by stage was not considered, she could either come in her own carriage, or hire a cab to bring her. This plan had the advantage that they could return in the summer, by the northern cities and the canal. He wrote that if a driver were hired to drive their own carriage, Mrs. Ewing would be able to bring certain friends with her too, seven people in all—and the whole train could come to Washington at an expense of fifty or sixty dollars! Little Ellen was determined to come along, but was finally left at home that first winter, with the promise of many gifts.

Prosecuting Attorney

In 1818 Ewing was appointed Prosecuting Attorney of Fairfield County. Before the depression which began in 1819 he received $250 per year, but later the salary was reduced. In 1824 and thereafter as long as he held the office the salary was only $150 per year. He resigned the

These letters are in the family letters, through January, February and March, 1832.
position in June 1829. One of his biggest jobs as Prosecuting Attorney was to protect the people from counterfeiters who swarmed through the newly settled state. Some idea of the seriousness of this menace may be gained from this news item in the Columbus Gazette of June 3, 1819: "Almost every day some miserable wretch, engaged in this business, is committed to prison in this and neighboring counties." The libel case between the Gazette and the Ohio Monitor and Patron of Industry had its origins in attempts to trace some counterfeiters. In Fairfield county the young Prosecutor decided to take a bold step. Having cautiously learned where the counterfeiters were staying over night he organized his own posse, took along the half-drunk deputy sheriff and captured the men.

A Rising Member of the Bar.

Ewing rose rapidly to the position of public prosecutor because he had already shown ability in court. Kindly Mr. Beecher had Ewing assist him in some cases at Circleville immediately after his admission to the bar, and when Beecher announced after Ewing had opened the argument in a case that Ewing had presented the defense fully,

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12 Annual Reports of the County Commissions (by whom the Prosecuting attorneys were then chosen) in Ohio Eagle, Sept. 23, 1819; Oct. 7, 1824. Lancaster Gazette, July 31, 1827, and Aug. 11, 1829. According to Walker's History of Athens County, p. 403, Ewing was appointed Prosecutor of that County in 1816.

13 Columbus Gazette, Jan. 7, 1819. See also Autobiography p. 165 f. for Ewing's description of the event.
the bar was impressed. He soon built up a large practice both in civil and criminal cases. By September, 1817 he was engaged in collecting debts for clients as far away as Albany, New York and Trenton, New Jersey. He was made a partner, and when Beecher went to Congress in the fall of 1817 he was left in charge of much of the business, though they of course corresponded in regard to some cases. This partnership agreement was renewed in June, 1819, and was still in effect in 1824. Beecher and Ewing continued to be very close friends as long as Beecher lived.

In November, 1816 Charles R. Sherman had allowed Ewing to aid him in a case at Lancaster. This won him more business. While at court in the south eastern part of the state in 1817 he met two young lawyers who came to be his intimate lifelong friends, Charles B. Goddard and Samuel Finley Vinton. Goddard, of Zanesville, was a close professional friend for the next twenty years and the biography of Ewing which appeared in The New England Magazine of May 1835 came from his pen. They were close personal and political friends to the time of Goddard's death. Vinton, of Gallipolis, was probably the

15 Ewing Papers, passim.
closest personal friend Ewing ever had. The two were in business together in the salt works at Chauncey for many years. Ewing is reported to have said shortly after Vinton's death, "When he died the wisest statesman in Washington died."

An idea of the amount of business Ewing had in these early days may be obtained from the following quotation from a letter to his fiancée dated Marietta, Nov. 28, 1819.

..... Since I wrote, I have been to Meigs county, about fifty miles below this, on the Ohio. There is there a rude race of men, but the business in court is considerable, and the prospects to me flattering. I was engaged in all the litigated cases, and had the good fortune to succeed against Vinton and King in the only two important causes which were tried.

King was the son of Rufus King of New York.

Ewing's discussion of the two men which follows is also interesting.

I became better acquainted with King than I had been, he is a man of good talents, easy and forceful elocution, and graceful and elegant diction. But he is idle, dissipated, and I fear, unprincipled. He is puffed up by self deceit, ruined by flattery. He has more talents than Mr. Vinton, but he has not half his merits. Vinton, I think, must ultimately make the greater man.

One of the most interesting of the early cases in which Ewing was counsel was the libel case of Olmsted vs. Smith.


18 He had written her nine days previously. These letters are in the Thomas Ewing Collection.
editors of rival Columbus newspapers. Phio H. Olmsted edited the Columbus Gazette, the forerunner of the Ohio State Journal. David Smith edited the Ohio Monitor and Patron of Industry. The former was the paper of the classes which later became the Whig organ; the latter, the paper of the masses which became the Jacksonian paper. Smith had been missing type from his office and after finding some of the type which had been used by a confessed counterfeiter, he published a communication, the essence of which was that one, Pratt, had confessed himself the go-between who procured the type from Olmsted for the counterfeiter. The implication of course was that Olmsted had stolen the type from the Monitor office. Olmstead sued Smith for libel. The case first came before the court in 19 August 1818. The case was argued before a jury by Thomas Ewing, John R. Parish and Gustavus Swan for the Plaintiff, while J. A. M'Dowell was counsel for the Defendant. The jury brought in a verdict of guilty and damages for $200 were assessed. Smith appealed to the Supreme Court. In 1819 Wm. W. Irvin appeared as attorney for Smith and got a continuance because of a technical error in a new deposition presented. The case was again continued the next year. Finally in 1821 the case was heard. Ewing was still one of Olmsted's counsel. The judgment of the lower court was affirmed.

19 This account is taken from the Ohio Monitor, Feb. 2, 1822.
20 Lemuel Pratt, Smith's star witness kept eluding Smith in his efforts to get a good deposition from him.
Meanwhile more important cases had come his way. In February 1820 he arrived in Columbus at the time the House managers were opening the impeachment cases against two Columbiana judges, Brown and Smith, on charges of corruption. The managers immediately solicited Ewing's aid as counsel. According to Ewing's letter home there were only two lawyers among the managers, McDowell and Slaughter. These two men, with Ewing's aid, presented the charges. J. C. Wright and Edward King, able lawyers, were counsel for the defendants. The judges were acquitted by the Senate, but Ewing had had a chance to appear before the highest court the state knew.

Ewing's practice rapidly expanded and he soon had all the cases he wanted. These were the days when if one lawyer could not attend a certain court he sent word to a friend to handle his business for him. Ewing and C. B. Goddard seemed to exchange business a great deal to suit their convenience, although they were not in partnership. It was also common practice for one man to send advice on a case to another lawyer. One of Ewing's most regular clients was his

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21 Feb. 21, 1820. Ewing Papers.

22 There are in the Ewing Papers quite a number of old Court dockets. One of these, the docket for Washington County Common Pleas Court for 1822 shows Ewing's name as an attorney in almost monotonous regularity.
brother George. Shortly after Ewing settled in Lancaster, his father and brother had sold the farm in Athens county and moved to Indiana along the Ohio river. But the purchaser of the land refused to pay for it, and after years of trying to get the money Ewing had him imprisoned until he paid it.

Many of his early cases dealt with land titles. Many tracts of land had doubtful titles and others were incorrectly listed. The John Cleves Symmes military tract especially was a fruitful source of contention for the lawyers, because of incorrect listings and overlapping claims.

In 1820 Ewing first practiced before the United States courts, appearing before the United States Circuit court at Chillicothe. Here he became acquainted with Charles Hammond, probably the leader of the Ohio Bar at that time. Years later Ewing wrote that Hammond "spoke at the bar as good English as Mr. Addison wrote in his Spectators."

There was in Ohio a great deal of opposition to the Second bank of the United States. Even though the

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23 Ewing to Thomas Worthington, May 20, 1823, and Ewing to --- Aug. 16, 1824, both in the Private Collection of Dr. Lindley.

24 Ewing, Autobiography, p.171.

25 To W. H. Smith, Nov. 13, 1867. Lindley Collection.
Supreme Court had declared in McCulloch vs. Maryland that a State could not tax a branch of the bank the Ohio Legislature levied a high tax on a branch in that State. When the bank refused to pay the tax the State officials seized some money of the bank in lieu of the tax. The resulting case was United States vs. Osborn. It was tried in the Circuit Court and Ewing later wrote:

"... I and most of the young members of the Ohio bar were present. ... Mr. Clay on the one side and Mr. Hammond on the other were the intellectual champions. It was an action of Trespass for breaking the close of the Bank and carrying off its goods. ... The breaking of the Plaintiffs Close was of course the gist of the action.... Mr. Hammond took exception to the title of the Bank to the close broken—an artificial person it could exist and act only as authorized by its Charter, in form and manner and it was not authorized to take or hold title in this way—Mr. Clay felt that he was floored—he took snuff with both hands for a while and asked leave to withdraw a juror and amend—Mr. Hammond said he did not desire postponement—Mr. Clay might amend instanter and proceed with the cause—we were all proud of the victory of our Ohio Hero and the magnanimity with which it was waived and Mr. Hammond was thereafter our great Apollo at the Bar."

Ewing had a large practice before the State Supreme Court in Columbus. Years afterward he wrote of this period

26 To W. H. Smith, Nov. 13, 1867. Lindley Collection.
"I was usually at my table by 4 o’clock in the morning and had about four hours without interruption and was always fresh for my task."

An interesting case dealing with title claims was the so called "great Columbus Cause" which was tried before United States Judge Trimble in 1827. It was an action of ejectment brought to recover the ground on which Columbus now stands. The lawyers "employed and liberally fed" by the defendant were Henry Baldwin, Judge of the United States Supreme Court, Thomas Ewing and Edward King. Charles Hammond was one of the lawyers for the plaintiff. The decision was in favor of the defendant and an old account relates that "throughout the night there were serenades and marching and cries of 'Hurra for Henry Baldwin,' 'Hurra for Ewing' and 'Hurra for Ned King, too.'"

With a commanding practice in Ohio it is no wonder that Ewing decided to begin a practice before the United States Supreme Court. In January 1828 he made his first trip to Washington city and was admitted to practice before the Supreme Court. Ten years earlier Beecher had written him from

27 "Sketches of the Western Bar- The Great Columbus Cause". In Atkinson’s Saturday Evening Post, Feb. 14, 1835.

28 In his first letter home from Washington he wrote that the ladies there were "ugly" and that he had resolved "to remain as heretofore your most faithful & loving Husband,

T. Ewing."
Washington that the Western bar was not inferior to the great lawyers of the East. Beecher was serving his first term in Congress and he attended the Supreme Court several days and heard "all of them—and as to manner and matter, I have seen their equals." Ewing was engaged in three cases before the court that year. His description of his first few days in Washington is worth reproducing because of the light it throws on his character, interests and attainments.

Washington City Jan'y 29, 1828

My dear Maria

Since I wrote you last I have been busily engaged in seeing whatever of novelty or interest is to be seen in the city—My first excursion was a morning call on the President, [J. Q. Adams] to whom I was presented by Gen. Beecher. He lives as you may well suppose, in a very splendid mansion, but he is one of the plainest little old men, that you ever saw—His portrait as we have it is pretty correct, but his appearance is rather less prepossessing than that would represent, his little bald head is thin and wrinkled from the brow upward—[his person is] rather ungainly and his manners awkward, and he has all the diffidence and abstraction of a clout student—Still there is a plain blunt honesty about him which possesses him at once of our confidence, and I like him well.

Evening before last I attended a levee at the British Minister's (Mr. Vaughan) where I was taken by Gen. Harrison—There was an immense conourse present, of the very first order of talent, taste and fashion,—the three rooms in which he received his guests were literally wedged full, so that there was no room to move,

29 March 3, 1818, Ewing Papers.
30 Ewing Papers.
except in the limited space set apart for the dancers-they had fine music, and waltzing which as now practiced has become a decent and a very graceful dance-the entertainment was in every respect splendid, and the evening past off pleasantly-Last evening Gen. Beecher and myself dined with the PostMaster General- Today I dined with Messrs. Vinton, Dwight and Dood [?] and a select company of gentlemen and this evening I attended Mr. Clay's levee from which I have just returned and sat down as in duty bound to give you an account of myself-

But first of all I must retract the unfounded slander which I aided in circulating (I mean in my last letter) about the Ladies now at the ...... There are about ten or fifteen as ugly old things as you ever saw, and the fashion of the day, which they follow most punctiliously, renders them hideous- The evening dress is somewhat slight- no kerchief- the bosom open as low as is consistent with modesty, and the whole shoulder, including the point entirely uncovered- now this (when there is a clear complexion, a plump and finely rounded form, with a graceful fall of the shoulders) is a fashion which exhibits the person to great advantage and the very beautiful women, of whom there were many at the Levees, show well-But those old hags, O Lord! But I will not attempt to describe them- you have Burns' poems, just turn to the tale of 'Tam O' Shanter and read with especial care that verse which commences "Oh Tam, Oh Tam" and you will see the whole force of the contrast-

On the whole I have every reason to be pleased with my visit here- I have already heard in debate the first talents of the nation, in the senate, the house, and at the bar- I have met with a large number of friends and acquaintances who have paid me the most satisfying attention- and I have formed many new acquaintances with whom I have every reason to be pleased- But still I am already anxious to return to my home and to you for, however I may be led abroad by the calls of business, curiosity, the love of knowledge or desire of improvement, it is at my own quiet home, in the bosom of my family, with you and our little ones, that I enjoy that tranquil happiness, the dearest and the best, that it is my lot to meet amid the chequered scenes of life-
Less than twelve years before, Ewing had been admitted to the bar, without funds or backing. Now he had won his way to a place of leadership in the State. He was the acknowledged head of the Ohio bar with a large practice before the Supreme Court where he practiced with the best the nation could produce, at a time when the bar of the United States Supreme court contained some of the most brilliant lawyers ever to argue there. Where should he turn? Where but to politics? Were not Webster, Clay, Hayne, Calhoun and Sargeant all in politics?

As early as 1823 Ewing had been engaged in semi-political business. On January first of that year the Ohio Legislature passed a law authorizing and requiring the Governor to appoint a commission to revise the general laws of the State and report to the next General Assembly. Within a few days the Senate "resolved" that the Committee of Revision amend the laws so that imprisonment for debt be abolished except in certain cases. No other instructions were given the Committee. On January 22, 1823, Governor Morrow appointed Ewing a member of the Committee. D. K. Este of Cincinnati and Thomas Scott of Chillicothe were the other appointees, but Este declined and Francis Dunlevy of Lebanon was appointed in his stead. The latter, a veteran lawyer was made

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31 Ewing to his son Hugh, June 3, 1856, in private collection of Mrs. Maria E. Montgomery. Autobiography, p. 176. When Hammond forsook the bar in 1829 to become an editor he turned all his business over to Ewing.

32 Columbus Gazette, Dec. 19, 1822, Jan. 16, 1823.

33 Ibid., Jan. 25, and Feb. 20, 1823.
chairman by the committee. Scott was an experienced lawyer who had been prominent in Ohio since territorial days. At the first meeting they "made division of their business, and adjourned, to meet again on the 18th of April." At the next session of the Legislature Mr. Dunlevy, chairman of the committee, made a report, consisting of 18 proposed bills, to the Legislature. The work of the committee was received in a none too kindly fashion by the Legislature, but that body did revise the laws along the lines suggested by the committee in a day when many of the legislators were inexperienced, and did not care much for precedent it was necessary that some one with a legal training revise the laws. It was a time too in which the country was changing so rapidly that the laws needed bringing up to date. And finally the leaders seemed to abhor a legal system cluttered up with obsolete laws.

The Legislature in the same year, 1823, appointed Ewing a Trustee of Ohio University, which position he held until 1832. It probably was in recognition of this service as a Trustee that his Alma Mater granted him the M. A. degree in 1825. In 1857 the University conferred on him the LL.D.

Financially, too, Ewing travelled a long way during the period from 1816 to 1828. By the latter year he was one of the directors of the local bank in Lancaster, a position

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34 Columbus Gazette, Dec. 11, 1823. Ohio Monitor, Mar. 1, 1823.

35 C. Hammond to J. C. Wright, Dec. 11, 1823 and ibid., Mar. 5, 1824. Lindley Collection.
he maintained until the bank disappeared in 1842. The
directorship of thirteen included several other lawyers, a-
mong them Beecher and Henry Stanbery, but Ewing took care
of the bank's legal business.

He enjoyed buying nice things for his home and his
business trips to the East gave him opportunities to select
home furnishings. When he went to Philadelphia in 1829 he
bought "a set of China but say nothing about it ... But as
to the service of Liverpool dining dishes I have nearly given
them over—they are too heavy and cumbersome for land carriage.
We had better leave them until the canal is open in the spring
and bring them with the piano..."  

The building of Canals.

The period of the eighteen twenties saw great plans
being made for the building of canals in Ohio. Internal im-
provements generally met with favor in the new northwest, and
after it appeared that "Clinton's Litch" in New York might be
a success the Canal fever spread to other states. Even before
1820 there had been agitation in the Ohio Legislature for canals.
Soon after, a board of Canal Commissioners were chosen and in
due course work was begun. Those were the days when a public

36 Lancaster Gazette, Jan. 8, 1828; Jan. 5, 1830. See also
copy of letter to John McLean, Apr. 18, 1828, Ewing
Letter Book.

37 To Maria, Oct. 22, 1829. Thomas Ewing Collection.

38 For a brief account of the canals see Huntington, C. C.,
and McClelland, C. F., History of the Ohio Canals, passim.
event such as digging the first shovelful of earth for the canal was a time for a public festival. On June 8, 1825, there was a meeting in Columbus, at which the Governor pre-
sided, for the purpose of "adopting measures for the celebration of the Commencement of the Ohio Canal on the Licking Summit." As one writer has phrased it, the "People expected great things of the canals and were determined that the Commencement should be attended with due ceremony." The Columbus meeting approved the plans of the Canal Com-
missioners, viz. that the Commencement be held July 4th, that Governor Morrow of Ohio and Governor DeWitt Clinton of New York be the honored guests and that Thomas Ewing, Esq. of Lancaster be the orator of the day.

The oration which Ewing delivered that day was given complete in various newspapers. An account of the whole day's proceedings, containing an introduction, Ewing's speech and Governor Clinton's reply was printed in pamphlet form by John Herman of Lancaster. A rare copy was preserved

39 Columbus Gazette, June 16, 1825.
40 History of the Ohio Canals, p.20. See also Bates, Alfred Kelley, p.76, passim.
41 Columbus Gazette, op.cit. This paper also contained a copy of Governor Clinton's acceptance, and a statement that Henry Clay would probably attend the Commencement.
42 Editor and Publisher of the Ohio Eagle.
and has been reproduced in the Ohio Archeological and Historical Quarterly of January 1925. The description of the day's proceedings throws a great deal of light on the people of the times, their delight in formalities, their high hopes for the benefits to be gained from the canal, and their love of meeting together in large numbers. All roads leading to the place selected for the celebration were crowded with people on foot, on horseback, and in every kind of vehicle. Almost every house within five miles was entertaining visitors, but a large crowd was at Newark where Governor Clinton was to arrive. When his approach on the Mt. Vernon road was announced, on the morning of the fourth, "His Excellency Governor Morrow's aids, the Canal Commissioners and Commissioners of the Canal Funds, accompanied by a number of gentlemen on horseback and in carriages and a detachment of cavalry" immediately set out to meet him. After breakfast the whole group marched to the spot selected for the ceremony, about an hour's travel from Newark. After an opening prayer the orator of the day spoke.

Speeches in those days were no mere statement of the occasion and purpose. In his speech Ewing, according to the custom of the times, retold the benefits gained from the American Revolution and "its perfect consummation in the adoption of our Federal Constitution." He dwelt at length on the failure of the French Revolution because the French "had not, like our fathers, been reared, from childhood, in the calm and sober contemplation of their rights." He reviewed
ancient history and urged the European Lover of Liberty not to despair, for soon some Washington or some Bolivar would arise. He then reviewed American history, and especially Ohio history, since the Revolution. He dipped readily and easily into economic questions, production, supply and demand, loans, money value, debts and world trade. He paid a high tribute to Governor Clinton and then addressed himself to the citizens of Ohio, urging them to continue their efforts in this undertaking.

After Ewing had finished his oration Governor Clinton replied and then a grand procession was formed to proceed to the spot selected to begin the canal.

"... The effect was grand and imposing beyond all description. It was a scene seldom witnessed, and never to be forgotten. The spectacle of a great people, moving slowly and firmly to the Commencement of a work upon the success of which their future prosperity was staked...[was indeed impressive]." After the procession had arrived at the designated place there were other ceremonies to be held. "Messrs. Kelley and Williams, the Acting Canal Commissioners, after a short...address by Mr. Kelley, presented two spades to Judge Minor, the President of the Board of Canal Commissioners, requesting him to hand them to Governors Morrow and Clinton.

43 Pamphlet account of the celebration, reproduced from original by "Ohio Archaeological and Historical Association" in Quarterly for Jan., 1825, p.9.
Judge Minor received the spades and presented them to the Governors, desiring them in the name of the people of Ohio, to begin the work. This was done, simultaneously by the Governors, standing immediately opposite each other. The moment this was announced, it was received by a shout, that might be heard even above the roar of artillery. It was the glad voice of a happy people."

But Ewing's interest in Canals did not cease with the celebrations at Licking Summit. There had been organized the Lancaster Lateral Canal Company, to build a branch canal from Lancaster to the main line. At the organization meeting seven commissioners, of whom Ewing was the second, had been appointed to take charge of selling stock, making surveys, and obtaining a charter from the Legislature.

Near the end of January 1827 the stockholders met at the Court House and chose nine directors of whom Ewing was one, and the next evening the directors met and elected "Col. Thomas Ewing, President, and Michael Garaghty, Treasurer of

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44 Ibid., pp.9-10.

45 Columbus Gazette, Mar. 24, 1825.
said company." The Lancaster company was able to get the line of the State Canal changed so as to come nearer to their own city, but some of the stockholders of the company were dissatisfied with the position of the branch line. The canal continued to be a center of great interest, though the work progressed but slowly. It proved difficult to get all the subscribed stock paid for. Ewing did not remain long as President although he continued to serve on the board. Bids were let late in August 1831. Later collections of stock were payable at the law office of Ewing and Hunter. In 1833 a bill passed the Ohio Legislature "to aid the Lancaster Lateral Canal Company." The canal was opened for use in October 1835. Three years later it was purchased by the State

46 Lancaster Gazette, Jan. 30, 1827. Those were the days when most public men were anxious to have Gen. before their names. A little service in the public militia would qualify them. In 1818 Ewing had been appointed an aid-de-camp, presumably to the Adjutant General of the State (Columbus Gazette, May, 1818). Among the Ewing Papers is a letter dated July 21st 1821 from one Michael Ruffner to Ewing Contesting "Your election to the office of Major of the 1st Regiment..." The Contestant declared that there were illegal votes cast, that the ballot box was stuffed, that tickets for the Contestant were thrown away and those were "in opposition to the candidate declared elected who had but one of a majority." Ewing was one of the few who did not rely on his army titles.


48 Lancaster Enquirer, Feb. 10, 1832.
and made a part of the Hocking Canal which extended to Athens from Lancaster.

As A Young Politician.

Ewing came of staunch Federalist stock. His father had been a supporter of both Washington and Adams, and when the Ohio Convention met to frame the first Constitution for the State, Ephraim Cutler, a neighbor and close friend, kept the Ewings informed of the excesses of the Jeffersonians in that convention, especially when they made the "Executive too feeble." Studying law under a State Legislator, and one who soon became a member of Congress increased Ewing's interest in politics. He followed closely Beecher's course in Congress and wrote to him suggesting certain actions which he thought advisable. For example, on January first 1820, he wrote a long letter telling Beecher why he should oppose the admission of Missouri as a slave state. Beecher had, the year before, voted to allow slavery in Arkansas territory. Ewing proceeded to state his ideas on slavery. He here took occasion to answer the argument advanced by Clay and others "that the extention [sic] of the limits and the prohibition of importing slaves will drain them from the States where they are now holden in bondage and make the local evil the lighter by making it more extensive-such would not be the case, at least if it were it would be but temporary-wherever unqualified

49 Autobiography, p. 152.
slavery subsists, the slaves will multiply far beyond that of the freemen-care is taken by their masters to make them increase until their numbers are sufficient to supply their wants and convenience, and when arrived at this point no policy of state has been heretofore effectual, to prevent them from becoming so numerous as to be terrible." He also answered the argument that the climate makes slavery necessary. He concluded by urging Beecher to make an "appropriate and spirited speech" on the subject, which would "do much for you with the people-the question with regard to our own Constitution aroused them, and no detail of the question will now pass them unheeded."

In the same month-January 1820-J. B. Orton of Somerset was writing to "Friend Ewing" relative to the postmastership at Somerset. He appealed to Ewing as a strong party leader, and an influential friend of Beecher, to sign and circulate petitions. Other party workers wrote to Ewing giving the political news and discussing the chances of various candidates.

In the fall of 1823 Ewing came before the home town folks and asked for their votes for the office of State Legislator. His own account of this campaign written forty-six years later stated that there was no doubt of his election until

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50 Ewing Papers, Vol. I.
51 Ibid.
he espoused a proposed tax change which would have fixed
the land tax according to value rather than quality. The
rich farmers interrogated him through the papers; he promptly
replied stating his position; and was defeated in the election.
One might, in the fashion of Nicholay and Hay in their
biography of Lincoln, rejoice that Ewing was defeated in this
election, since it allowed him to give his sole attention dur-
ing the next few years to the pursuit of his law business.

During the summer of 1827 he was a delegate from Ohio
to the Harrisburg convention of friends of Farming and Manufac-
turing. Only seven delegates, headed by ex-Governor Morrow
and including John C. Wright and John M'Ilwain in addition to
Ewing, were sent. These seven were chosen at a meeting held in
Columbus July 12. The committee on resolutions at the Colum-
bus meeting, headed by Thomas Corwin, declared in part:
"that the claims of the Farmer and Mechanic to ... protection
are of equal magnitude with those of the Merchant.... We can-
not perceive any good reason why the cultivator of the soil,
the grower of wool, and the manufacturer of cloth, are not en-
titled to governmental aid in the same degree as the builder
of ships, and the importer of manufactured articles from abroad.

52 Autobiography, p. 175.

53 A rising young political leader from the Southwestern part
of the State. He was later a member of Congress, Governor
of Ohio, Senator, Secretary of the Treasury under Fillmore,
and Minister to Mexico under Lincoln.

54 Lancaster Gazette, July 17, 1827.
Thirteen states were represented by delegations varying in size from Virginia's two to New York's twenty-one. After several days' deliberations, the several committees on protection for woolen goods, iron, hemp and flax, glass, printed calico and on cotton goods reported. A memorial to Congress was drawn up and signed by the delegates. The major concern of the Convention, according to this memorial was the protection of raw and manufactured woolens. Others "not in such crying need" of further protection, but which "would amply repay...such adequate protection" as Congress would give were listed. The signatories to the memorial included, Gideon Welles of Connecticut, Naudain of Delaware, Abbot Lawrence and Joseph Sprague of Massachusetts, Lord, Tallmadge and Granger of New York, C. J. Ingersoll, Matthew Carey, Walter Forward and Joseph Ritner of Pennsylvania.

After the convention adjourned Ewing went on a short tour of the East. He was able to enlarge his political acquaintance, traveling part of the way with the Kentucky delegation. In December of 1827, he headed the delegation

55 Ohio State Journal & Columbus Gazette, Aug. 14, 17 and 21, 1827. Welles later became Secretary of the Navy under Lincoln and Johnson, Naudain, Sprague, and Tallmadge were later in the Senate, Lawrence and Lord were bankers, Granger was member of Harrison's cabinet and the Peace Convention, Forward followed Ewing as Secretary of the Treasury, Ritner was Speaker of the Pennsylvania House, later Governor. The others were politicians of importance.

56 Letters to his wife, passim. Thomas Ewing Collection.
from Fairfield county to the State convention of the Adams' men at Columbus. He was one of sixteen members of the Resolutions Committee appointed by ex-Governor Morrow, chairman of the convention. One of the resolutions called for a State Central Committee to be appointed by the chairman. Ewing was one of the men appointed. The business of the Central Committee included in addition to the regular work of such committees that of deciding on Ohio's choice for a Vice-Presidential candidate to run with Adams.

With this political training Ewing decided to stand as a candidate for United States Senator in the fall of 1830. Soon after the State elections in October he received letters from political leaders from various parts of the state discussing the results of the election and his chances for the Senate. He wrote to Calvin Pease, a prominent political leader from northeastern Ohio, on November ninth stating his desire to be a candidate and asking what his chances were on the Reserve. Pease himself was favorable to Ewing and agreed to do what he could to aid him.


58 For example, C. Hammond to Ewing Oct. 18, 1830; Calvin Pease to Ewing Nov. 24th, 1830. Ewing Papers.

59 Ibid., The "Western Reserve" district, comprising several counties in Northeastern Ohio, was a political conundrum. The sentiment in other sections of the State was no criterion by which to judge the "Reserve."
He also pointed out that several members of the State Legislature were elected on the Anti-Masonic ticket and would vote for no mason. Pease concluded by urging him to "mount his nag and enter the lists."

At this time party lines were not closely drawn and it was uncertain whether a Jackson man or an opposition candidate would be chosen to the Senate. About three weeks after the election one Jackson paper claimed that there were nineteen Jackson Senators to sixteen Clay men and one doubtful, with the Jackson party sure of at least a tie in the House, and concluded that they were sure of electing a Senator.

In an editorial in the same paper of Nov. 13, entitled United States Senator, the various "Federal" candidates were listed, W. H. Harrison, J. C. Wright, W. Silliman, Gov. Trimble and others, but Ewing was not mentioned. By December first, Ewing was staying in Columbus, as was his custom during sessions of the courts. He wrote home "It is thought by some here that I am electioneering, and indeed as I believe, it is said so openly (what a slanderous world we live in!)" in the same letter he observed that Ned King (his strongest competitor in

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60 Ewing never believed in secret societies of any kind, though he was not a rabid opponent.
61 *St. Clairsville Gazette* Oct. 30, and Nov. 6, 1830.
62 Letter in Thomas Ewing Collection.
the Clay ranks) "& eighty or ninety of the chillicothe heathens" had been converted, joined the church and now prayed "stoutly." On December 21, 1830 after an election of judges, the Ohio State Bulletin, a Jackson paper observed that the Legislature contained fifty-five administration men and fifty-three opposition.

It seems that there was some desire on the part of the ardent Jacksonians to delay the election because one of their men was ill at home, but they claimed a majority even without him. In those days Senators were elected by joint ballot of the two Houses of the Legislature. December 29 was the day set for the election. Ewing's account of this election contains some interesting information. It seemed that just a few days before the election Ewing's agent in the Legislature, Howell of Licking county, informed him that a caucus had been arranged at which the agent felt sure Ewing would be nominated — The latter replied

and as certainly defeated - King thinks that I - a lawyer- have no right to come in and supersede him. .... He will be dissatisfied and feel himself wronged by the result, and a day's reflection and discussion of the matter with his wife and friends will the more embitter him and them and he, or if not he some one or more of his ardent friends will refuse to vote for me and I shall be defeated. But if you go into the election without further committal and he finds me far in advance of him and when the scattering votes are all given to me, and some of his less decided friends vote for me, though disappointed, his first impulse will be a generous one — he

63 In his Autobiography, p. 176.

64 Edward King, State Senator from Ross County, a lawyer of ability as well as a political leader, see p. 19 supra.
will give me his vote and take care that his few remaining followers give me theirs.

On the first ballot Williams the Jackson man received 49 votes, Ewing 33, King 21, Scattering 3. On the next ballot Williams gained 1, Ewing gained 4, and King's vote remained the same. On the third ballot five of King's men switched to Ewing, on the fourth the count was Williams 52, Ewing 46, King 9. The fifth ballot stood Williams 53, Ewing 51, King 5, blank 1. Evidently there was stuffing of the ballot box somewhere as the two Houses contained 108 members, one of whom was not present. At this point in the balloting, according to Ewing, King wrote my name on his ticket, held it up and showed it to his friends who were around him. ... I was elected but he was next day and for a long time a soured and disappointed man—though afterwards we were friends as before.

The sixth ballot stood Williams 51, Ewing 54, blanks 2.

On the same day John C. Wright, another Clay man was elected to the State Supreme Court, but David Smith, editor of the Ohio Monitor and a most rabid Jacksonian was elected State Printer. A few days later a Jacksonian received a decided majority (62 votes, as opposed to 42 votes which were divided between two other candidates) for a judgeship, so that Ewing's election was not a strict test of party strength. He however was regarded as a Clay man. John Q. Adams wrote in his diary on January 5, 1831,

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65 The figures are given in the Ohio State Bulletin of Dec. 31, 1830. Some accounts give other figures.
65a Autobiography, p. 176.
66 Delaware County Journal, Dec. 30, 1830.
He (Taylor) said that last evening there was great anxiety and alarm among Clay members from Ohio for the issue of the election to the Senate of the United States in the place of Judge Burnet. It was feared that a Jackson man named Williams would be chosen. But this day they have news of the election of Thomas Ewing, a Clay man. ... 67

The Ohio State Bulletin, in a leading editorial bemoaned the fact that the State Journal exulted in the election of "decided friends of Mr. Clay." The editor proceeded with "Has the time indeed come, when the sole passport to office in Ohio, is to be, 'Is he the friend of Henry Clay?'' Ten days later the same paper devoted a long column to "Messrs. Ewing and Wright." The editor was disappointed that the Ohio Eagle, published in Ewing's town, supported him. He asked,

Did he [editor of the Eagle] go for Mr. Ewing when he stood a candidate for the State Legislature in Fairfield County? ... What new discovery has been made of his merits that he can now approve his appointment?

The Bulletin admitted "Mr. Ewing, we know, as a man and a lawyer stands deservedly high." The editor thought that the cry of "no party" which had recently been the catchword of many Clay men would no longer be used, since Clay men had effected their purpose.

67 Memoirs, Vol. 8, p.263.

68 Jan. 4, 1831.
The St. Clairsville Gazette charged that the Clay men pushed through the election while one member—a Jackson man—was absent, and made the claim at that early date that Ewing would misrepresent a majority of Ohio's citizens. The same paper then quoted from the Cincinnati Republican

... however enviable the reputation of Mr. Ewing may be as a lawyer, he is notoriously incompetent as a statesman, ... and perhaps hardly an individual could be found in our state, of equal general standing, who can bring less to recommend him for the responsible station of United States Senator. 69

It is evident that the Jackson leaders in Ohio were under no misapprehension as to Ewing's politics, and it is equally certain that they were hostile to him.

In February Ewing was in Washington. On the twentieth day of that month he wrote home about the Jackson-Calhoun break.

... Calhoun has published a severe pamphlet against Gen. Jackson and their friends on each side are at open war. The Jackson papers abusing each other like pickpockets. I like to see them fighting. ... 70

On March 5th he wrote:

Yesterday being the 4th of March, the day on which I became Senator, I called to see Mr. Calhoun. He received me with great cordiality—told me that Mrs. Calhoun's maiden name was Ewing, said that he was struck with my strong resemblance to her family— and ... [we] discovered that we are in fact very remotely connected—

69 Jan. 15, 1831.
70 Letter in Thomas Ewing Collection.
He gave me to understand, though not in express terms, that he would be a candidate for the presidency, and stated expressly that all connexion [sic] between him and Gen. Jackson was forever at an end— I encouraged him to persevere, at the same time giving him distinctly to understand that I was a friend of Mr. Clay and should give him my decided support. ... 

Calhoun then recited the Eaton affair as it stood to date.

From Washington, Ewing went to Richmond, Virginia, and described political events there. He thought that Ritchie (of the Enquirer) and his Jackson friends there were losing their importance. "... in my opinion the wand of the Magician is broken and Virginia disenchanted." 

Early in April he wrote home from Philadelphia, where he called on Judge John McLean, an Ohioan on the Supreme Court, then visiting his daughter in Philadelphia. He also went to the United States bank where he first met Nicholas Biddle, the President. The same evening he spent at the Biddle home.

Ewing could afford to look with pride on his achievements since he had been admitted to the Bar. In fourteen years he had risen from an inexperienced and unknown young lawyer to a position of leadership at the Bar of the State, and now to the Senatorship of the United States; a position

71 Ewing Papers, Vol. I.
72 Ewing to Compton of N. Y., Mch. 22, 1831. Ewing Papers. The Magician was Martin Van Buren, Jackson leader in N.Y.
73 Ewing to Maria, Apr. 5, 1831. Thomas Ewing Collection.
which was to one who liked to wield power, to associate with
great men, and to hold a highly respected office, the most
desirable office in the gift of the State. He had worked
hard and long, with few vacations. During this time and all
through his life the only occupation which approached a
hobby [Webster liked to fish, Crittenden went often to hunt
in the mountains, Corwin fished, etc.] was that of reading.
At his death a judge in an address before the Columbus Bar
said: "... in matters of science he was the most cyclopaedic
scholar I have ever known."

As early as 1820 Ewing subscribed to (and lent to
his neighbors) the Edinburgh Review. His library was already
large enough so that neighbors borrowed novels from it.
In December 1831, when he was in the Senate he sent home a
music catalogue and "the Albion- a British Colonial paper
which I think well of. You may keep a file of them while I
continue to send it. ... I want to give you as many of these
periodicals- the best that can be selected, as you can read,
but not overburden you with a multitude." His literary

74 Judge W. Johnson, Dec. 1871, in Mrs. Sherman's Memorial,
p. 172.

75 Note to Mrs. Ewing signed "Catherine Taylor" 1820 in
Thomas Ewing Collection.

76 Written Dec. 20, in Thomas Ewing Collection. The regularity
with which Ewing wrote home may be noted from the dates of
those letters during Dec., 1851, which have been preserved,
Viz. Dec. 7, 9, 12, 13, 16, 18, 20, 22, 23, 25 (more than 2
typed pages), 2 on the 26, one on the 28, and 29.
interest may be further ascertained from the following letter:

Lancaster Decb 9th 1822.

Madam

I hope you will pardon me for so long neglecting to send you the promised book—my volume of Molier had been mislaid—and of my irregular and accidental collection of French books I know not what will please you—I will send the Henriade of Voltaire—Of the merits of the poem I can say nothing—I am not an admirer of French poetry—It is generally feeble and inflated from which even M Voltaire is not entirely exempt—Racine is, however, an honorable exception—his tragedy has all the energy of Molier—feeling of our best English Dramatists—I have one volume of his works but that I am unable to find—I send you also the confessions of J. J. Rousseau—Do not startle at the name, read and I think you will be pleased with it—The French prose writers possess a peculiar charm for me, I admire them much and none more than Rousseau—He is the child of nature and feeling, all his works bear the impress of a superior genius but tinged by a cynical melancholy which clouded his latter days—His moral character, I know was in many ways exceptionable—but it is not generally estimated with fairness—He occupied no neutral ground in public estimation—he was either loved or hated—hence the partiality of his friends and the malice of his enemies have alike done injustice to his memory—in the memoirs which I have lent you he avows his object (1) to show to his fellow mortals a man in all the unity of nature and that man himself, and he has done so—The man still lives in the memoirs—In them you will find much to admire, much to censure and still more to pity—

I am Madam with much respect your obt humble servt

77

T. Ewing.

77 In Ewing Papers, Vol. II.
Ewing was one of the founders of the Lancaster Academy and when in 1824 a teacher was needed he went to Athens, selected a student whom he thought would do, took him to Lancaster and when the committee met that evening to ratify Ewing's choice: "...Mr. Ewing took from his pocket a pocket edition of Horace and turned to one of his odes, which he requested me to read to him... When it was done he remarked that that was satisfactory."

In their professional correspondence C. B. Goddard and Ewing sometimes indulged in gossip and pleasantry written in French. In 1829 Ewing was a director of a local library known as the "Lancaster Ohio Athenaeum." He was also a charter member and a director of the Lancaster Library Association formed in February, 1833, manager of the Lancaster Institute formed in 1830. But in a day when all the Joiners, and especially those interested in politics, belonged to Temperance Societies and less frequently to Anti-Slavery Societies, I do not find Ewing connected with either. Neither did he appear to have any very marked religious feelings.

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78 Brazee, John T. Autobiography, p.6, Brazee was the prospective teacher.
79 Lancaster Gazette, July 14, 1829.
80 Political leaders, such as Corwin, and leaders at the Bar, such as Gustavus Swan (both close friends of Ewing), were active in the Ohio State Temperance Society, and at least the former was active in lodge affairs.
81 His father writing to a brother-in-law on Feb. 21, 1822, a couple years before his death said: "My prayer is that God in mercy may shortly visit Thomas." Ewing Papers.
Chapter III.

In The Senate Financial Questions.

If one were to choose the greatest periods in the history of the American Senate, and should base that choice on the quality of its membership and the importance of the questions dealt with, the last six years of the "reign of Andrew Jackson" would undoubtedly be included as one of the periods. A mere recital of the member's names has somewhat the sound of a roll call of a hall of fame. Among the most active and well-known were Webster, Clay, Hayne, Calhoun, Ewing, Preston, Buchanan, Dallas, Wright, Tallmadge, Crittenden, Benton, King of Ala., Forsyth, Hives, Tyler, Leigh, Tazewell, Clayton, Grundy, Porter, Mangum, Poindexter, Southard, 1 and Frelinghuysen. When Harriet Martineau came to America she was intrigued by the Senate. She described it as a "most imposing assemblage," and in a day when phrenology was in vogue she thought that she had never seen a "finer set of heads than the forty-six before my eyes;—two only being absent, and the Union then consisting of twenty-four States." She discussed

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1 Miss Martineau came to America in 1834 and spent two years travelling in the country. Her Society in America based on her observations while travelling in the United States is a classic in American travel literature. Her comments on American life show remarkable discernment.
twelve by name:

... Mr. Calhoun's countenance first fixed my attention; the splendid eye, the straight forehead, surmounted by a load of stiff, upright, dark hair; the stern brow; the inflexible mouth; - it is one of the most remarkable heads in the country. Next him sat his colleague, Mr. Preston, in singular contrast, - stout in person, with a round, ruddy, good-humored face, large blue eyes, and a wig, orange today, brown yesterday, and golden tomorrow. Near them sat Colonel Benton, a temporary people's man, remarkable chiefly for his pomposity. He sat swelling amidst his piles of papers and books, looking like a being designed by nature to be a good-humored barber or inn-keeper, but forced by fate to make himself into a mock-heroic Senator.

Ewing, who often crossed swords with Benton in the Senate, and who so exasperated Benton on one occasion that the latter called Ewing a hypocrite, must have enjoyed Miss Martineau's characterization of Benton. She continued:

... Opposite sat the transcendant Webster, with his square forehead and cavernous eyes; and behind him the homely Clay, with the face and figure of a farmer, but something of the air of a divine, from his hair being combed straight back from his temples. Near them sat Southard and Porter; the former astute and rapid in countenance and gesture; the latter strangely mingling a boyish fun and lightness of manner and glance with a sobriety suitable to the Judge and Senator. His keen eye takes in everything that passes; his extraordinary mouth, with its overhanging lip, has but to unfold into a smile to win laughter from the sourest official or demagogue. Then there was the bright bon-homme of Ewing of Ohio, the most primitive-looking of senators; and the benign, religious gravity of Frelinghuysen; the gentlemanly air of Buchanan; the shrewdness of Foindexter; the somewhat melancholy simplicity of Silsbee, -- all these, and many others were striking; and for nothing more than their total unlikeliness to each other.

... The stamp of originality was impressed on every one, and inspired a deep, involuntary respect.

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2 Retrospect of Western Travel, Vol. I, p.300f.
Claude Bowers asserts that the tourist in Washington in the 1830's would "want to have "webster, Clay, Benton, Forsyth, Preston, and Ewing pointed out" in the Senate. The same writer lists Calhoun, Clay, Clayton, Ewing, and Webster as the leaders of the opposition in the Senate. In February 1832, when Ewing had been in the Senate less than three months, Mr. Brooks, editor of the Portland Advertiser, wrote in his paper that Ewing was among the first in the Senate "not, perhaps, in oratory, though he is a good speaker, but among the first for grasp of mind, for correct, logical & national views... [Ewing had] clothed the Hacknied topic of the tariff in a new dress, ... and has developed many points of Political Economy quite New."

Perhaps the best evidence of Ewing's rapid rise to importance in the Senate is to be found in the fact that within six weeks of his entrance to that body he was placed, by vote, on what was probably the most important committee of the session—the special committee appointed pursuant to the application of the United States Bank for a new charter. President Biddle of the Bank chose a bank Democrat, Senator Dallas of Pennsylvania, to present the petition. As a matter of course, Dallas was made

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3 The Party Battles of the Jackson Period, p.9.
4 Ibid., p.176.
5 This was recopied in many newspapers throughout the country; see Lancaster Enquirer, March 23, 1832.
6 Catterall, The Second Bank of the United States, p.223 passim. Webster was from Massachusetts, Hayne from South Carolina, and Johnston from Louisiana.
chairman of the committee. The other members of the com-
mittee were Webster, Ewing, Hayne, and Johnston. It is un-
likely that Ewing was included at the behest of Biddle.
It was scarcely nine months since they had first met; more-
over, Clay, whom Ewing delighted to follow, and whose man
Ewing admitted that he was, did not have Biddle's entire
confidence at this time. Nor has evidence been found to
support the allegation later made by the Democratic papers
that Ewing was, at this time, heavily indebted to the bank.
Later, on Aug. 29, 1832, he negotiated a loan of $10,000 with
Biddle for which he pledged stock in the Lancaster, Ohio,
Bank, but this was after the bill for the recharter of the
bank had been vetoed. Again, in January, 1833, Ewing asked
Biddle to accept his signature as security for a $5,000 loan
to Henry Stanbery, his recent law partner, to buy land scrip,
and asked that further loans to Stanbery might be secured
by landscrip.

The committee contained only one enemy of the bank,
Sen. Hayne. On the floor of the Senate the "pompous" Benton
soon found opportunity to introduce various troublesome

7 Ibid., p.217.
8 Ewing to Nicholas Biddle, February 10th, 1833, Letter in
the manuscript collection of the Historical Society of
Pennsylvania.
9 Ewing to N. Biddle, January 10th, 1833.
resolutions. Yet there were many who believed the bank would be rechartered. On January 28th Thomas Corwin, a member from Ohio, wrote from his seat in the House that "the U.S. Bank will be rechartered." Friends of the bank, including Ewing, presented numerous memorials from state banks and other commercial institutions, praying for a recharter of the bank. On March 13, Mr. Dallas from the select committee reported a bill to modify and continue the charter of the bank. It passed the first reading that day and May 22 the second reading. May 23 it was made the unfinished business of the Senate, which means that it was the order of the day until disposed of.

This bill continued the original charter for fifteen years, with certain modifications. Ten amendments were added to placate the opposition of states and state banks. The second of the amendments provided that the bank must pay all of its notes of a less denomination than five dollars at the place of issue. This provision, according to Catterall, would tend to destroy the slight depreciation which existed, and to place a check on overissues. The same writer goes on to say that the effect would certainly not have been injurious.

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10 Senate Journal, 22nd Congress, first session, pp. 71, 74, 95, 107, 136, 173, 266, 270, 281, 323, 331; see also Catterall, \textit{ibid.}, pp. 228 ff.

11 "To J. Heaton, Esq. in the James Heaton Papers.


13 Catterall, \textit{op.cit.}
from a business point of view, but it was so annoying to the bank that Biddle protested vigorously against the provision. But remonstrance was useless, "for Senator Ewing, the champion of the amendment declared flatly that unless it were incorporated in the bill many of the western members would not vote for the bank." Ewing was an important member in shaping the new bill, but he was not the puppet of the bank, as is shown by his sponsoring an amendment not agreeable to Biddle.

The Senate passed the bank bill on June 11 by a vote of 28 to 20, and on July 3rd it passed the House. On July 10th the President returned the bill to the Senate with his objections. It is not intended here to review this message. Most historians agree that the economic reasoning of the message was unsound. But the reasoning was intelligible to the average voter, and here Jackson's advisers showed their political superiority over Biddle, Webster, Clay, Ewing, and the rest. The veto appealed to the poor against the rich, to democracy against aristocracy, to Americans against Europeans, and to the West against the East. It required several years longer for the opposition leaders to learn that reason was not the basis on which an appeal to the voters was likely to be made with the most success.

Webster first attacked the veto message at great length and with force. After him White, an administration man from Tennessee, made a short defense of the veto. There followed a few unreported remarks by Holmes, and then Ewing opened the second attack on the message, limiting himself to points untouched by Webster. For the most part he proceeded in regular order to quote parts of the veto message and then to demolish them. He pointed out that in no petition and in no complaint was it alleged that the notes of the bank, whenever payable, were not made a tender at all places for the payment of individual debts to the bank. Yet the message pointed to this as an odious omission.

In answering the statement that the bill did not mete out equal justice to the high and the low, the rich and the poor, Ewing argued that most of the stockholders were old people who had saved a little, while the borrowers were young active people. Neither class were rich, nor were they poor.

In answer to the thrusts at foreigners who held capital of the bank, he touched one of his favorite themes:

Capital is, indeed, the great desideratum in our country; it is the want of it which disables us from competing with foreigners in many articles of manufacture, and all the capital which we have

15 Debates in Congress, 22nd Congress, 1st Session, July 11, 1832, pp. 1248-1265.
received, or shall receive, from England, or elsewhere abroad, and all the interest we pay them, is saved thrice told, in the products of our home industry, which it creates and sustains.

In answer to the President's assertion that if the bank could not withdraw its business without injury to the country, the bank had evidently been mismanaged, Ewing said that on the contrary it proved that the bank ministered to the actual wants of the country; and when those wants ceased to be supplied, and the fund was withdrawn misery and distress ensued.

Finally Ewing said: "But, on the supposition that the evils which have been anticipated must flow from the present destruction of the United States Bank, the President in this message inquires, 'Will there ever be a time when this reason will be less powerful'.... to acknowledge its force is to admit that the bank ought to be perpetual." If destruction of the bank would bring evil, why hasten the evil, Ewing asked. If the stockholders and the people generally profited by the bank, why should it not be made perpetual? Even if destruction must come ultimately, why should it be hastened? Was the fact that all must die sometime reason to hope for death immediately?

The purpose of the opposition leaders in making speeches against the veto message was not to secure the repassage of the bill, but to prepare campaign documents to be franked
to the voters. Ewing had written jubilantly to Hammond, an experienced political leader and newspaper publisher of Cincinnati, on the day after the Senate passed the bank bill, that better hopes were dawning for the defeat of the present Executive. That astute leader had replied that the "discordant rash and selfish counsels of those opposed to Jackson have led them into difficulties which I am still fearful we can not surmount." He had added that it would make little difference in Ohio whether Jackson vetoed the bill or not. In the campaign of 1832 the Democrats broadcast the veto message, while the bank made use, especially, of Webster's, Clay's and Ewing's speeches, printing and dispensing them in large quantities. But the wisdom of Jackson's advisers proved itself in the election which resulted in an overwhelming victory for Old Hickory.

A decisive victory by Jackson after a campaign so bitter as the one just passed meant that he would not now be satisfied with merely refusing to renew a charter which still had more than three years to run. In his annual message he devoted considerable attention to the bank and its misdeeds. He

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16 The leaders realized that the bill could not be passed over the presidential veto.

17 C. Hammond to T. Ewing, June 17, 1832. In the private collection of Dr. Harlow Lindley, hereafter referred to as Lindley Collection.

18 Biddle to John Tilford (pres. of a branch bank in Kentucky), Sept. 26, 1832; given in McGrane, Correspondence of Nicholas Biddle, p. 197; see also Catterall, *op.cit.*, p. 241n.
recommended a Congressional investigation to determine whether the public funds were safe. He also suggested the sale of the government stock in the bank. It was not long before the possibility that the President would remove the deposits of the Government from the bank became apparent. Late in February the "Spy in Washington" was writing that there was "some clamor" for the removal of the public deposits. He thought that Jackson would "countenance and justify" such a procedure but that Mclane, Secretary of the Treasury, had too much good sense to do it. The letters of the Spy were widely copied by other papers from the New York Courier and Enquirer. The "Spy in Washington" wrote political articles to the New York Courier and Enquirer beginning in December, 1832, and continuing during the sessions of Congress for several years. The author's identity was never publicly avowed and the Courier and Enquirer stated repeatedly that they did not know who he was.

His comments were remarkable for their grasp of the questions of the day and especially for their apparent knowledge of the secrets of both the administration and the opposition. After the first year "the Spy" leaned more and more toward the Whigs.

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19 An example of the political astuteness of the Spy. Both Jackson and Mclane did as he predicted.

20 Hudson, Journalism in the United States from 1690 to 1872 asserts that the Spy was Mathew L. Davis; and others assume that he was, though at the time John Quincy Adams doubted that Davis was the Spy; Cf. Memoirs, Vol. IX, p.56. Davis was the Washington Correspondent of the (London) Times for a number of years.
Jackson felt that so long as the U. S. bank had the federal money there was danger that members of Congress would be bribed to recharter the bank. The law stated that the deposits could be removed only by the Secretary of the Treasury and McLane did not think he was justified in removing them at that time. So Jackson shifted his cabinet, placed McLane, a man valuable to the party, in the State Department; and brought in W. J. Duane, a known opponent of the bank, to head the Treasury Department. It soon became apparent that Duane had scruples about his power to remove the deposits—a Congressional committee had reported the bank in sound condition and the deposits safe. When Duane finally refused to resign, he was summarily dismissed and R. B. Taney, the Attorney General, was made Secretary of the Treasury. Within three days the latter issued an order that no further deposits of United States funds be made in the United States bank. A few days before Duane was dismissed, Jackson had read to his cabinet a paper the contents of which soon leaked out; the essence of it was that the President had determined to remove the deposits.

But the leaders opposed to the President were marshaling their forces. In October, Duff Green had issued the prospectus of a proposed semi-monthly paper which should be devoted to a "full, free and candid examination" of public questions, with especial emphasis on the nature and extent of the powers

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22 Editor of the U.S. Telegraph, and close friend of Calhoun.
of the federal government, abuses of the executive power, and the remedies, a proposed amendment in regard to the election of the President, and the currency question. It was time, he concluded, that those who would resist the usurpations of the Executive should unite. Senatorial leaders and political writers arrived on the scene early. Ten days before Congress met, the "Spy in Washington" was there, making his contacts, and his first letter appeared in the New York paper to which he contributed before the end of November.

One of the first acts of the Senate was to take from the hands of the President pro-tem the naming of the committees, and to choose committees by ballot. The personnel of the committees showed the temper of the majority. For example, since he first entered the Senate, Ewing had been a minority member of the Committee on Post Offices and Post Roads, and though Grundy remained as Chairman of the Committee, Ewing was named second and given a majority of the membership so that to all intents and purposes he was the Chairman, and the partisan reports of the Committee were made by him. Furthermore, he was given a place on the powerful Committee of Finance, which would be, under the plan of the opposition, a committee from which a strong attack would be made on the Administration. This committee included Webster, Ewing, Tyler, Mangum and

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24 Ibid., Nov. 30, 1833.
Wilkins.

One of the first acts of the Senate was to pass a resolution asking the President to furnish the Senate a copy of the paper published (by the Globe) and said to have been read by the President to the heads of the Executive Departments, dated September 18th last, relating to the removal of the Public deposits from the Banks of the United States. The next day the President refused the request and a few days later the Senate referred the refusal to a select committee of seven, of whom Ewing was one.

On January second Ewing introduced a motion, which was agreed to, that the Secretary of State lay before the Senate a copy of the commissions of Duane and Taney as Secretary of the Treasury.

Meanwhile Henry Clay had introduced two resolutions condemnatory of the President and his Secretary of the Treasury. The debate on these resolutions lasted for months, "calling out," says Clay's biographer, "on Clay's side the best debating talent of the Senate,—Webster, Calhoun, Ewing, Southard and others." Ewing took three days for his speech,

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25 Senate Journal 23rd Congress, 1st Session, p.45. Tyler was a leading Democrat from Va., who soon joined the Whig party. Mangum of N. C. remained in the Senate for many years. He was an ardent whig. Wilkins was a Jacksonian Senator from Pa.

26 The administration organ published by Frank P. Blair, a member of the Kitchen Cabinet.

27 Senate Journal, op.cit., p.58.

beginning on January 20. This was one of the ablest speeches Ewing ever made. It was largely an exposition of Constitutional law, and as such it was an answer to the speech of Senator Rives of Virginia, one of the ablest supporters of Jackson in the Senate. The course of Ewing's reasoning was that the removal of the deposits was a presidential act. When Wilkins of Pennsylvania questioned that statement, Ewing entered into an argument to prove that the responsibility rested with the President. In the first place he noted the elevation of McLane to the position of Secretary of State, and the selection of Duane, a known enemy of the bank, as Secretary of the Treasury. Five days after his appointment, on June 3rd, Duane was told that he was to remove the deposits. He asked for time to study the question, and when he was pressed for a decision he again asked for more time. In September he came to the conclusion that he could not remove the deposits without the consent of Congress. On September 20 while Duane was still in office it was announced in the official organ of the Administration (the Globe) that the deposits would be removed on or before October first. On September 23 Duane

W. C. Rives had been Ambassador to France and had returned to accept a seat in the Senate, no doubt to bolster the Jackson forces there. He later became a political friend of Ewing's and their lives touched at several places. Unfortunately his papers, in the possession of a descendant, are not available to scholars.


Ewing did not refer to the paper read to the Cabinet on Sept. 18 by the President practically ordering the removal of the deposits. Probably this was due to the fact that the President had officially refused to divulge the contents of that paper to the Senate.
was summarily thrust from office and R. B. Taney appointed. On September 26th the latter ordered the removal of the deposits. It was impossible that Taney could learn much of the safety or security of the deposits in the United States Bank in three days. Surely then, the President must take the responsibility.

Ewing readily admitted the right of the President to remove a secretary of the treasury,"... but the object which was effected by that removal, the control thus taken and exercised over the public treasure, I hold to be an infraction of the Constitution." In answer to the statement that the Constitution vested the Executive power in a president, Ewing noted that the separation of powers in the Constitution was not perfect, especially as regards the Legislative and Executive powers. Section I of Article I asserted that: "All legislative powers herein granted shall be vested in a Congress...," but, Ewing argued, the Executive veto, which "has grown up to great importance in the present day, and which threatens to absorb or paralyze all the powers of legislation," is a legislative power. In Section I of Article II, which deals with Executive power, the word "all" is omitted. Although this is not very important, at least the powers of the Executive are not more comprehensive than those of the Legislature.

The deposits were not actually removed at that time, but an order was given that all future deposits of public monies should be in other banks, while the payrolls and other debts were still made from monies in the United States bank, so that soon there were no U. S. monies in the bank.
Ewing then enumerated the powers of the executive as given in Article II Section II, and noted that the Executive was given no power over the treasury, or the collection or disbursement of the revenue. He continued:

But, mark, Sir, the duties specially assigned to Congress by the eighth section of the first article: 'to lay and collect Taxes, Duties, imposts and excises, to pay the Debts...' Congress not only lays, but collects duties and imposts. Why collect? "The Senator from Virginia (Mr. Rives) pronounces the collection of the revenue an act appropriate to the executive; and it might well be so, if the Constitution had not vested the duty in another department of the Government; and there is no accidental misuse of language here, for it is carried through in all the provisions of the Constitution whenever the fiscal concerns of the Nation are the subject of provision; and not only the laying and collecting of taxes, but the disbursement of those taxes.

Ewing proceeded to point out that although Congress was authorized to "pay the national debt" yet Congress was authorized only to "provide for the common defense," not to defend. Again Congress was to "provide and maintain a navy" not to command it, "to provide for calling forth the militia," not to call it forth. Ewing showed that in all matters relating to the levy, collection, safe keeping and disbursement of the public treasure, executive interference had been carefully excluded by the framers of the Constitution, and that the power of Congress extended to the minutest details; but, on all subjects in which power was intended to be reposed in the Executive, Congress was merely required to provide the means by which the power might be exercised.
Henry Clay had hinted at a difference between the Secretary of the Treasury and the other heads of Departments. Ewing went into this point in detail. When the three departments of Foreign Affairs, Treasury, and War were organized in 1789, the same congressional committee handled all three bills. Two of them, War and Foreign Affairs, were called, in their titles "executive departments," while the other was simply styled "the Treasury Department." It was hard to believe that the difference in title was only a slip, when the same committee reported them all at the same session of Congress. But the title was a small matter. In the body of the three bills there was also a difference. The duties given to the head of the department of foreign affairs were to "perform and execute such duties, as shall... be enjoined on, or intrusted to him by the President...agreeable to the Constitution, relative to..."etc. Ewing commented that "no single duty is annexed to his office...which is not part and parcel of the duty of the President.... This then is properly called an executive department." He noted that the bill creating the department of war was, in these respects, identical. But the act creating the treasury department did not, either in the title, or in the body of the act, style it executive. The duties of the Secretary of the Treasury "coincide in all respects with those which arise out of the powers granted to Congress by the Constitution, none of them

33 Debates in Congress, op. cit.
touch the prescribed functions of the Chief Magistrate."
Only the Secretary of the Treasury, of all the Department
heads, was required to "make report and give information
to either branch of the Legislature, in person or in writ-
ing, as he may be required, respecting all matters which may
be referred to him by the Senate or House of Representa-
tives, or which shall appertain to his office." He was not an execu-
tive officer, and the President had "no more right to order
and direct how he shall perform any of his appropriate duties,
or take their performance out of his hands," than Congress
have to interfere in the Departments of State or War.

Ewing also pointed out that the constitution pro-
claimed that "no money shall be drawn from the treasury but
in consequence of appropriations made by law." By the bank
charter of 1816, the Secretary of the Treasury was required
to deposit the public funds in the Bank of the United States.
This was a portion of the Congressional duties, and the
Secretary was made responsible for their performance to Con-
gress. The President was never given power over these funds.
Since the Bank of the United States was the repository of
the money of the government, it was in a legal sense the
Treasury. The law provided that money could not be removed
from the Treasury except by appropriation by Congress. There-
fore it had been illegal to put the public money in other banks.

34 Ewing here adopted the definition of a Treasury as given
by the Jacksonian Senator, Rives of Va. An effective de-
vice of Ewing's was to adopt his opponents thunder to prove
his own point.
To the claim that the funds were still under the control of the Treasurer and no more within the power of the executive than they were while in the vaults of the Bank of the U.S., Ewing answered

Is this the fact? Far from it...While the United States' Bank was the depository of the public funds, no money could be drawn from it without an appropriation made by law, and it could lend no money beyond a specified sum, 'for the use or on account of the Government of the United States,' without incurring a forfeiture in treble the amount of the 'sums so unlawfully advanced or lent.' The money...while left in that place...could not be seized by the Executive.

But now the money was being distributed among a host of rival state banks. These banks had to maintain the good will of the Executive. What was to prevent them from lending to him whenever he applied? Did anyone doubt that Jackson would apply for loans? Ewing answered his own query:

Is the idea chimerical? Look...at the response of your Postmaster General to the recent call made on him by the Senate, and see how much reality there is already in this hypothesis. The Post Office Department, flourishing...as it has been represented by annual reports from the functionary at its head...has already borrowed from a few of these deposit banks, on interest, three hundred and fifty thousand dollars of the public funds, which the Secretary has lent to those banks without interest; and he has overdrawn his account in others, he does not know how much, but he thinks fifty thousand dollars is very near the amount. 35

Ewing did not see how these banks could keep out of politics. So in answer to the President's assertion that the Bank of

35 Probably this gives us an additional clue as to why Jackson and his advisers were so anxious to remove the deposits, and why the opposition were so incensed at that action. Of course the deposits were made in banks run by administration men, and opposition bankers were left out in the cold.
the United States had interfered in the use of the elective franchise, Ewing saw one hundred of the banks then used as depositories interfering in the elections far more than the Bank of the United States ever could have done. If one of the banks did not take an active part in the elections and a treasury agent offered the alternative of removing fifty thousand dollars of deposits, what could the bank do?

Ewing continued in a lighter vein to refute Rives' arguments. A careful reading of this three day speech will explain why Ewing was called the "Logician of the West."

One after another he marshalled facts and built up a case filled with reasoning so cogent that the speech must rank as one of the most potent given in the Senate during this period which was later called the Augustan Age of the Senate. His familiarity with history and the great writers of the past is also apparent. He quoted Necker on executive power, and his familiarity with English history led the Washington Correspondent of the Baltimore Patriot to note gleefully "one of the handsomest and best pick ups...was that which Ewing of Ohio, this day gave to Rives of Virginia." The correspondent playfully asserted that it was unkind in the wild Ohiccan, "rough from the woods," thus to "unhorse" the "court-bred Virginian." Rives in justifying the use of the veto had

36 This is probably a reference to Rives' recent ambassadorship to France.
said that it had been used for liberal purposes, and that its only use in England, for a long time, had been its use by a Whig King, William III. The same correspondent continued:

Mr. Ewing let us know what this single instance was; and after citing the tyranny which English kings, at different times had exercised over English Judges... came the reign of William, and... this veto by the Whig King, was a veto upon a law which fixed the salaries of Judges, and gave them their offices for life—thus putting them above the control of the King... That Ewing is a book worm, and looks like a black letter man;.... it is a shame for Ohio, way over the mountain, in the backwoods, nobody knows where, to be teaching the sons of the Ancient Dominion lessons in history, in broad day, in "the American Senate" to quote Col. Benton's phrase. 37

Clay had said a few days before that the country was in the midst of a Revolution. Rives had admitted it and had boasted that one man, Jackson, had made it, as Jefferson had made the revolution of 1801. Ewing retorted that it was not the kind of Revolution of 1801, but the kind of the first Caesar.

Shortly after Ewing's address the committee of finance, to whom the report of the Secretary of the Treasury, made at the opening of Congress and dealing with the reasons for the removal of the deposits, had been referred, made a twenty-one page report and recommended the adoption of Clay's resolution declaring that the reasons assigned by the Secretary

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37 Ohio State Journal, Feb. 1, 1834, quoting a letter from the Washington Correspondent of the Baltimore Patriot. The letter was dated Jan. 21, 1834.

for the removal of the deposits were "unsatisfactory and insufficient."

Meanwhile Ewing was getting many requests for copies of his speech. This meant a great deal of work for Ewing, for as one English traveller wrote:

It is not the custom for the reporters to take down the speeches in Congress at length, as with the French and ourselves. The inhabitants of Manchester or of Rouen may read the next day the whole of what has been said in the House of Commons or the Chamber of Deputies; but the good citizens of Washington itself may wait for weeks, and even months, before they know, unless they were present, what has been uttered within the walls of the capital. The honorable members frequently prepare their own speeches for the press; and a long time sometimes elapses between the delivery and the publication.

Immediately after the delivery of the speech Ewing started preparing it for publication which required about two weeks, "attending in the meantime to my other duties."

As soon as the speech was ready for publication and distribution, he sought relaxation by attending some parties to get "information" to send home. He found the ladies were as much disposed as ever to hang on a Congress-man's arm... I was at a very brilliant party at Mr. Swann's last week—one of the finest I have seen in the city, but I cannot tell you much about it except that there was dancing & waltzing & flirtation, all going on, and as I did not dance,-- Why I had but one other resource. I also dined at Mr. Vaughan's (the British minister's) on Sunday, with the Chief Justice, Mr. Webster and

40 e.g. from Geo. Sanderson, Feb. 11, J.V. Cushing, Feb. 15, Dan Call, Feb. 18, et al. in Ewing Papers, Vol. IV.
42 Ewing to Maria, Jan. 24, 31, and Feb. 5, 1834, Thomas Ewing Collection.
43 Ibid.
some others. We had a very social dinner, but nothing especially splendid about it.... On the whole the news here is dull news & I am getting homesick, but there is no hope of getting away before July. So you must come & see me here if you want to see me again this season.44

And finally on February 13th he wrote: "I am sorry that you, or any one who regards me saw my speeches reported in the Telegraph. It is a most villainous butchering both of my language and ideas. I have sent corrected copies of it to almost everybody and hope that will set the matter right. The debate still goes on in the Senate..... [It would probably last a month yet]."

On February 26 the "Spy in Washington" wrote:

The Senate have been engaged, this day as they were yesterday, in discussing sundry memorials which were presented, on the subject of the removal of the public deposits. There was some fine speaking, Mr. Clay, Mr. Ewing, Mr. Clayton and Mr. Webster, on the one side; and Mr. Tallmadge, Mr. Wright and Mr. Forsyth, on the other partook in debate. From the developments which were made, it appears that the farmers in Ohio, very prudently, are demanding specie for their Bank notes.47

With the fluctuations in money values which the removal of the deposits caused, many of the Western farmers, Ewing's constituents, demanded specie in exchange for the Bank notes which they had been receiving. The party of Clay,

44 To Maria, Thomas Ewing Collection. It would appear that Ewing moved in the most select social circles.

45 The U.S. Telegraph, published by Duff Green.

46 To Maria, Thomas Ewing Collection.

47 Taken from the State Journal, Mar. 15, 1834. This is one of the very few occasions on which the "Spy" mentioned Ewing by name, although he mentioned most other leaders often.
Ewing, and Webster was trying to show the weakness of the Jackson program in that it was causing a depreciation in the value of Bank paper.

Memorials came into Congress by the dozens. Strangers wrote to Ewing, asserting that they were "original Jackson men," but that they concurred in the sentiments expressed in Ewing's speech. Other correspondents asserted that sentiment in their part of the country was decidedly in favor of the stand taken by Ewing and his group. During this session Ewing took an active part as an opposition whip, meeting sundry arguments of administration men, bearing a heavy share of the opposition speaking, both extempore and prepared, moving for adjournments when pressed by circumstances, and generally handling affairs as a leader.

In March Webster presented a plan for the renewal of the bank charter, but of the members of the finance committee only Ewing supported his plan. Even he did not like it because he feared it would alienate more of the state banks from recharter, and thus aid in defeating a recharter. He supported it because he felt that it would at least give temporary relief from the financial pressure. Tyler and

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48 e.g. from Asa Child, Mar. 3, William Cannon, Mar. 9, Ewing Papers. Late in Feb. Ewing complained to his wife that his correspondence was very heavy.

49 Debates, in re the Virginia Memorial (e.g) op.cit., pp. 284 off, and passim.

50 Ewing to C. Hammond, Mch. 16, 1834. Lindley Collection.
Mangum of the finance committee opposed Webster's plan on constitutional grounds, and of course Wilkins could not support any plan which had the opposition of the President.

The plan was also opposed by Clay, who objected to its temporary character. Calhoun's position was characteristic of the man, for although he was

in favor of a measure now... [he was] not [in favor] of this measure—He thinks the opposition should place itself upon the strong ground of principles—& propose nothing but what can be defended on principle as the best measure for the country—and as it is in our power to pass nothing, that which we propose should be something which we can defend. 52

Hammond, to whom Ewing wrote the above replied that Webster's bill was "all that ought to be asked or attempted—fiddle faddle with Mr. Calhoun's standing upon principle! Wasn't last year's tariff law a matter of expediency? Was it not a temporary measure? The same reason now exists for temporizing." But Webster's bill had to be abandoned.

Late in March Clay's resolutions came to a vote. The one favorably reported from the finance committee which declared the reasons given by the Secretary of the Treasury for the removal of the deposits to be "unsatisfactory and insufficient" was passed 28 to 18. Clay modified the other to read: "Resolved, That the President, in the late executive
proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both." This passed 26 to 20—King of Georgia and Hendricks of Indiana had been willing to censure the Secretary of the Treasury but not the President.

April 17th the President answered this censure in his well-known Protest. One Ohio Congressman wrote on that day "The President...sent an abusive and demagoging message to the Senate which that body will probably kick out of doors by refusing to receive it." The President devoted a great deal of attention to Ewing's constitutional argument, asserting that until recently no one questioned that the Secretary of the Treasury was other than an executive officer, "the mere instrument of the Chief Magistrate in the execution of the laws."

The opposition now turned their guns on this Protest and on April 21, Ewing spoke at length. The first thing he attacked was the use of the words "My Secretaries" with reference to heads of departments. He also noted that when a copy appeared in the Globe, the organ of the Administration, the words had been changed to "the Secretaries," and that the private

54 Senate Journal, 23rd Congress, 1st Session, pp. 297, 299.
56 Debate in Congress, 23rd Congress, 1st Session, pp. 1317-1336.
secretary of the President had attempted to get the Senate Secretary to change the words in the Senate copy. Ewing sarcastically asked what this paper, sent to them by the President, was; it was not a message, under the Constitution, giving information on the state of the Union, or recommending legislation. He recalled that the Senate once asked for the President's version of the removal, i.e. the paper read to the Cabinet on September 18, which had been refused. But now he sent a protest, saying he had entered the same on the Executive Journal. "If the Executive have a Journal," and if this is the usual procedure, let him enter it. The Senate had entered its protest on its Journal; if the President wanted to enter his protest on his Journal, well and good. "But he goes further, he wants to enter his protest on our Journal." Surely the President would not grant the Senate a similar privilege.

Ewing proceeded to answer the intimation that the Senate had tried and had preferred criminal charges against the President. He asserted that such was not the case.

... I will not say that there was not crime in the acts which he admits he has done, and which we say were against the Constitution and the law, but we have not accused him of crime, nor have we thought proper to acquit him... We have not passed judgment upon him.... It is not true that he had no notice of the inquiry.
At an early day of this session "his" secretary of the Treasury sent to the Senate his reasons for the removal of deposits. Later the same man sent another document containing further reasons and an official answer to statements made "on this floor." But the President said he disliked the moral effect of the censure. Ewing enlarged on this, and pointed to the great number of office holders whom Jackson had dismissed to beggary, without a charge, and without a warning.

But the Protest of the President contained this political masterpiece: "The resolution of the Senate contains an imputation upon my private as well as upon my public character." In a time when newly enfranchised hordes were looking upon the Senate as a bulwark of privilege and monopoly, the thought that such a body had attacked the private character of a President who was a leading exponent of popular rights was one well calculated to make votes. One clever political leader wrote to Ewing at the time: "I am afraid that the members of the Senate are not rightly apprized of the perilous predicament in which they stand. It is a body against which popular prejudice is easy excited. Its measures have excited the country." It mattered little whether

57 Ewing thought the President was right in calling this Secretary "his" since the Senate had not had part in confirming him as provided by law.

58 C. Hammond to T. Ewing, Mar. 27, 1834, Ewing Papers.
the President's statement were true or not. He, no doubt, intended to clinch the point, by adding (and it must be remembered that this was in a day when people's "countenances were suffused with tears" over statements no more relevant); "I have lived in vain, if it be necessary to enter into a formal vindication of my character and purposes from such an imputation. In vain do I bear upon my person enduring memorials of that contest in which American liberty was achieved." How could any senator destroy the effect of that statement? Ewing tried manfully.

Now, if this be true... that, boy or lad, he got hurt anywhere, or anyhow, at any time, or by any accident, during the revolutionary war, what effect ought it to have, or should it have had, if urged in time, in the grave judgment of the Senate, upon their construction of the Constitution? The Senate say to the President, you had no right to seize the public purse, the Constitution intrusts its custody to Congress; pray restore it. Hear the reply: 'you are mistaken in your construction of the Constitution; I got hurt when I was a boy... in the time of the Revolution, and I have the scar on me yet.' This argument, if it be worth anything, must be decisive of the question; for no man can answer it. If it be not, the next in its order is: 'I commanded an army and won a battle in the late war.' These, sir, are in substance a part of the arguments by which the Constitution of our country is... to be settled between the great departments of our Government.

But Ewing was not yet through with the President.

The latter had asserted that had he been ambitious, he would have "sought an alliance with that powerful institution which even now aspires to no divided empire." Ewing thought the President did not really want an alliance for he wanted to
ride over the bank. The President had continued "If I had been venal, I should have sold myself to its designs."

Ewing asked "Is it the President of the United States that speaks this language, who makes a merit of having forborne to sell himself for money?" But Ewing did not believe the bank had made an offer. If it did, some kind of an investigation ought to be initiated.

The President, in the Protest had referred to the instructions sent to Ewing by the Ohio Legislature. These instructions had been passed as Joint Resolutions "instructing our Senators in Congress, and requesting our Representatives" to use their influence to prevent the rechartering of the Bank of the United States, to sustain the Administration in its removal of the Public deposits, and to oppose the passage of Clay's land bill. The instructions offered a Senator the alternative of resigning. If he resigned the dominant party of the Legislature could then choose a member of their own party to succeed him.

Such procedure raised some interesting questions. For example, should a Senator allow the State Legislature, which chose him for his office, to decide all questions of policy for him, and he vote merely as an automaton? In which case why should his term be for a stated period of six years, since he would be subject to removal as soon as a state election should return a majority of members of an

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opposite party in the state legislature? On the other hand, if the people had expressed at the polls a choice for another party was it democratic to allow the Senators elected by a discredited party to continue in office? One writer of the day suggested that Senators were elected to offer stability and lasting character to Congress, and hence the six year term should be maintained unimpaired. This early form of the recall caused a great deal of trouble to Ewing and the Whigs generally who did not favor it.

Ewing, however did not hesitate a moment as to how he should vote, for on January 9th he wrote that he would not omit to do his "duty to the State and the People," nor did he fear for his standing among those with whom he wished to stand well. He maintained that the Ohio Legislature had no authority to instruct him, since the matter of instruction had not been agitated in the campaign of 1833, and he declared he would listen only to a consensus of opinion as expressed by local meetings until "Instruction" had been a campaign issue.

Immediately after the passage of the resolutions of instruction by the Ohio Legislature, meetings were held at various cities in Ewing's home state denouncing the action of the State Legislature. At Cincinnati the meeting was presided

60 "The Spy in Washington." Letter dated Dec. 17, 1834, in State Journal, Dec. 31, 1834. This writer was plainly a Whig sympathizer by this time.

61 Ewing to ( ), dated Jan. 9, 1833, but the contents show it to be 1834. Ewing Papers, Miscellaneous Vol.
over by Gen. Harrison. One of the Vice-Presidents was "an original Jackson man" as were also both Secretaries. The committee which drew up the resolutions was composed of four Jacksonians and four anti-Jackson men.

Then the Whigs of Ohio made a campaign issue of the instruction question in the fall of 1834, asking the voters to vindicate Ewing's action of the past year. The result was a comfortable majority of Whigs in the State Legislature, and the instructions of the previous year were promptly rescinded. Since they denied the right of a legislature to instruct they did not themselves issue any instructions, but proceeded to forget the question. The following year the Democrats gained control of the legislature, when other issues were agitated, and they issued new resolutions of instruction dealing with the question of expunging the Presidential Censure. The right and the propriety of a Legislature to instruct a Senator was one of the most hotly debated questions in the papers of the day. The Whigs of the Ohio Legislature entered on the Journal of each House a long and solemn protest against such procedure.

Of course these instructions were intended as a political move, a manoeuvring for position. The Jacksonian Senators loudly proclaimed that Whig Senators should follow

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64 Ibid., Jan. 8, and Jan. 29, 1836.
the instructions of Democratic legislatures. The Whigs of
the North denied the right of the legislatures to instruct,
so they could not consistently instruct Democratic Senators,
even though they may have wanted to do so when they con-
trolled the state legislatures. In Virginia, however, the
Whigs did not agree. Tyler, a Whig of Democratic background
resigned on the issue of the validity of instructions, while
Leigh refused to do so. Sprague, of Maine, and Mangum, of
North Carolina, also refused to resign.

To state that "it was supposed by many that Ewing
would curb his feelings in view of the State's well-known adv-
vocacy of the democratic ideals" and vote with the administra-
tion was assuming that "many" Democrats or Whigs failed
entirely to understand the intensity of party feeling. As
was pointed out at the time, several anti-Adams men remained
in the Senate during the Adams Administration after their
legislatures had become favorable to Adams. Among them were
Woodbury and McLane, then in Jackson's Cabinet, Livingstone,
recently in Jackson's cabinet, and such friends of the
Administration as Chandler of Maine, Ridgely of Delaware,
and Smith of Maryland. Furthermore when the Ohio Legislature
became Whig in December, 1834, Thomas Morris, an ardent
Democrat, did not resign his seat in the Senate.

65 McGrane, R.C., William Allen, p. 47.
66 "The Spy in Washington" quoted in State Journal & Gazette,
   Dec. 31, 1834.
To return to Ewing's speech on the Protest. He informed the President that he had known of Ohio's resolutions for some time. He recalled that some members had already attacked Senators who did not act according to instructions but he had not seen fit to defend himself. He had regarded it as a matter between his constituents and himself. Since the President had broadcast the Ohio resolutions it was due the people of Ohio that he should publicly defend himself. He held that Senators represented the States— not the Governor or the Legislature, the latter were merely the instruments used in the selection. The legislature acted as trustee for the people for certain specified objects. It had its own appropriate functions to perform. Senators represented only the sovereign power, the people. In answer to the argument that because the people could not practically assemble and instruct the Senators it was essential that the legislature have this power, Ewing reasoned:

Singular logic, this! It supposes that public functionaries, charged with a high and sacred trust...must not only in theory, but in practice obey somebody; that they must have some master who shall stand by and command them ...in the present day all must be in leading

Earlier in his speech Ewing had noted that Senator King, of Ala., had said that Sprague of Maine was not obedient to anybody. "It was said in a tone of reproach and probably meant for him (Ewing) too." Ewing maintained that when instructions ordered him to disobey the Constitution that he was "bound to the performance of my duty by the solemnities of an oath," and "the Senator— will excuse me if I am not ready to obey those who have no right to command, but who do command me to disregard and to violate that oath."
strings. But...the will of the people of a State can, to all reasonable certainty, be ascertained by a Senator...on all great and momentous questions.

Ewing and his party always maintained that these resolutions of instruction were written in the Kitchen Cabinet and sent out with orders that they be adopted. Whether or not this was the case, we now know enough of the methods of Kendall and Blair to make the accusation seem plausible. Ewing continued:

[The resolutions] were the result of party discipline and party organization... The vote upon them was strictly a party vote, and they did not pass through the usual forms of legislation.

Ewing pointed out that these resolutions passed the Ohio Senate within three hours of their introduction. He said that one man who voted with the majority moved a reconsideration the next day after he had had time to sleep on his vote, declaring with indignation that those resolutions had come ready to hand from Washington.

I believe that they were manufactured by the Kitchen Cabinet here [said Ewing]... and imposed upon many honest and unsuspecting members of that legislature; strong party men, but honest men... shall I receive this, and obey it as the will of the people of my State? 71

68 The Whigs continually, in private letters and in the public papers, referred to the Jacksonians as "collar men" with the implication that they went only where they were led.

69 Jackson's extra legal inner circle of advisers.

70 Amos Kendall and F. P. Blair were both members of the Kitchen Cabinet. The former held the office of fourth auditor of the Treasury, while the latter was editor of the administration paper, the Globe. For an excellent discussion of their methods see Bowers, Party Battles of the Jackson Period, passim.

71 Debates, 23rd Congress, 1st Session, pp. 1404-1420.
It was of this time that Calhoun later wrote:

I know of no period of equal length, i.e., during the discussion of the removal of the deposits, Clay's resolution of censure and Jackson's Protest] that involved more important Constitutional questions, the discussion of which threw much light on the nature of our political system, but which unaccountably excited but little public attention.

Memorials began to pour in upon the Senate from every part of the country. Some demanded simply the restoration of the deposits, others wanted, in addition, the recharter of the bank, and some only asked for measures of relief. It is obvious that one cannot gauge the sentiment of the people entirely from resolutions and memorials, since those who want a change are always loudest in their speech, while those who approve the acts are apt to endorse in silence. Some of the memorials, such as the Albany Memorial, and the Ohio Memorials called forth extended debate. Finally the Senate instructed its Secretary to prepare a statement showing the number of persons who had signed memorials for and against the Executive measure of removing the deposits. In the report five classes were listed, viz.

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<tr>
<th>No. of signers</th>
<th>Description</th>
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<tr>
<td>1.</td>
<td>For restoration of deposits to the Bank</td>
</tr>
<tr>
<td>2.</td>
<td>For restoration of deposits and recharter of bank</td>
</tr>
<tr>
<td>3.</td>
<td>For recharter of the bank</td>
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<tr>
<td>4.</td>
<td>For adopting measures of relief</td>
</tr>
<tr>
<td>5.</td>
<td>Against restoring deposits &amp; vs. recharter</td>
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</tbody>
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73 Debates, op.cit., pp.1219-1227, & 1290ff.

74 Senate Documents, 23rd Congress, 1st Session, Vol. 6, no.459.
Ewing received letters of commendation in great numbers, as no doubt did also the partizans of the President.

The tenor of the following extract was typical of many others:

Situated as you are—acting upon a theatre entirely new in the annals of our history... and standing as it were in the breach, determined to stand or fall in defense of the Constitution—in defense of the liberty and freedom of the people... and next to an approving conscience [you must] feel the deepest anxiety to know how far you are sustained by your constituents... many, very many, of those who heretofore contributed to the support of the present incumbent [of the presidency], have abandoned their idol and are now sustaining those who are so manful, sustaining the Constitution and laws... in the body of which you are a member. 75

Before Congress adjourned the Senate decided that the finance committee should sit during the recess to complete the business assigned to it and "to inquire whether the Bank of the United States has violated its charter; whether any monies of the United States remaining in said Bank are safe;" and to investigate generally the affairs of the Bank. 76 The membership of this committee had been changed because Wilkins, the only strict adherent of the Administration on the committee, was now Minister to Russia. The committee conducted an investigation during the summer, sending letters of inquiry, taking testimony,

75 D. L. Collier to Ewing, May 15, 1834, Ewing Papers, Vol.IV.
76 Senate Journal, op.cit., June 30, 1834, p.391.
On December 18th the committee reported through Mr. Tyler. The members had formulated five questions which they attempted to answer. (1) Had the Bank violated its charter? (2) Had the management of the Bank been other than the best? (3) Had the Bank meddled in politics? (4) Did the Bank make unusual loans on insufficient security? and (5) Did the Bank bestow gratuitous rewards on editors, or make them extravagant loans; did the Bank pay for unnecessary publications? With the exception of a slight censure on the President of the Bank for not always making expenditures public, the report was a complete vindication of the Bank or a complete "whitewash," depending on the point of view. The report covered 340 printed pages beside some additional documents.

Meanwhile the stage was being set for the second act in the battle of the instructions. In the State campaign of 1834 the Whigs in Ohio had appealed to the voters to return a legislature friendly to Senator Ewing and thus to prove that his actions of the past year were endorsed by the electorate. Governor Lucas, a Jacksonian, who was popular, partly because he had assumed a bold front on the

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77 Ewing to the President of the Branch Bank at Louisville, Aug. 13, 1834, Ewing Papers.

78 Senate Journal, 23rd Congress, 2nd Session, p.52. Probably it was a tactical move to have a strong States Rights man make the Report.

boundary dispute between Ohio and Michigan, was rejected, but the Legislature contained a comfortable Whig majority. So in January, 1835, a preamble and Resolution passed the House, and in February the Senate, declaring that the right of Instruction belonged to the people; and rescinding "the instructions" of the previous year. The Jacksonian forces rallied around Medary in the House, and tried desperately to defeat these resolutions, but without avail. The Whigs, however, refused to "instruct" Senator Morris, an administration man; though the Democrats tried to get them to do so, in order to thus commit the Whigs to "instructions."

It was during the winter of 1835 that Miss Martineau attended a presidential dinner at which the members of Congress whose names began with J., K. and L. were being dined. Miss Martineau later wrote:

I was most struck and surprised with the President's complaints of the American Senate... He told me that I must not judge of the body by what I saw it then; and that after the 4th of March I should behold a Senate more worthy of the country... The ground of his complaint was, that the Senators had sacrificed their dignity by disregarding the wishes of their constituents.

A further insight into the intensity of party feeling in the Senate may be gained from the following incident remembered years later by Ewing when he was writing his

81 Sam Medary, at this time in the State Legislature, was for the next thirty years one of the outstanding Democratic editors of the Ohio Valley.
recollections of Clay for the *Magazine of Western History*. These comments were written February 16, 1864. Clay, in a speech, had fixed his eyes on Senators Wright and Buchanan, and had spoken of the "leaders of the Democratic party."

Buchanan replied to the remarks, whereupon Clay said he did not mean him, but the "leader" of the party. Buchanan, somewhat flustered, appealed to the Senate asking if Clay had not looked at him. (Ewing said that Clay "obviously [had] directed his remarks to one or both of them"). Mr. Clay "in his softest and most conciliatory tone and phrase, said he could well perceive how the gentleman from Pennsylvania had fallen into this error—"I often" said he, "suppose that gentleman is looking at me, when in fact he looks quite another way." (Mr. Buchanan had a cast of the eye)" Ewing said to Clay when he took his seat, "your first blow was cruel, but magnificent, the last savage warfare—... 'Ah, d—n him' said Mr. Clay 'he writes letters.'" Clay referred, no doubt, to the practice of leading Jacksonians, of sending letters to all parts of the country where these letters were published as the opinions of local people on National questions. These were then collected by Blair and published in the *Globe*, the Administration paper, to show the sentiment in the various parts of the country.

83 See Bowers, C., *Party Battles of the Jackson Period*, for an account of the methods of the Jackson leaders.
The next phase of the "instructions" question came the following year when the Democrats controlled the Ohio legislature. Ewing was "instructed" to vote to "expunge" the resolution, passed by the Senate, censuring President Jackson. Ewing had no intention of obeying the instructions. As the friendly Journal and Sentinel of Columbus pointed out, the Whigs felt that the question had not been agitated in the campaign of 1835, and hence the legislature had no authority to speak on that issue and the people would, so argued the editor, support Ewing at the next election if he disobeyed the instructions. The expunging resolutions were sponsored in Congress by Benton. The Ohio resolutions of instruction were pushed through both Houses of the Legislature with substantial majorities in December and January.

But the struggle between the President and the Whig leaders was becoming neither more statesmanlike nor more dignified. The President and his party continued to attack the bank, holding it responsible for all the financial ills of the day. The Whigs retaliated by attacking the credit of those banks in which the President had chosen to deposit Government funds. Ewing pointed out the possibility of the Executive controlling the policies of these banks, and asserted that of thirty-five of these deposit banks only eight

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84 Journal & Sentinel, Dec. 18, 1835 et seq.
could exist without the government subsidy. When Senator Morris of Ohio presented the resolutions of instruction passed weeks before by the Ohio Legislature and asked why Ewing had not presented them to the Senate earlier, Ewing, somewhat ruffled and obviously embarrassed, resorted to poking fun at Morris' inability to give a speech without reading it.

By the end of the winter of 1836, the control of the Senate had passed to the Democratic party, but Benton's expunging resolutions were not pressed at that session. The Whigs contended that the Democrats dared not pass them until after the election of that year for fear that Van Buren would be defeated.

In April Ewing headed the attack on the Administration in another quarter. He introduced and supported with a speech, a resolution asking the Secretary of the Treasury whether money was being transferred in large amounts from the deposit banks of the West to those of the East, and if so, why? He further asked who had instructed the deposit banks to accept only certain funds for public lands? He presented as evidence a circular of the deposit bank in Columbus, Ohio, which required that its own notes or specie be used

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85 Debates, 24th Congress, 1st Session, p.846. In Jackson's annual message of 1836 he was still pointing out the evils of the bank; see Senate Documents, 24th Cong., 2nd Sess., Vol. 1, no. 1. The bank did not then exist as a national institution, but operated under a state charter.

86 Debates, ibid., pp.970-977.
as payment for lands or other payments to the Government. This meant that the notes of other banks, though sound, were refused. The reply of the Secretary of the Treasury did not satisfy Ewing and in May he asked for additional information. He alleged that the Secretary had hidden the information that he desired in a mass of irrelevant details. He thought also that the report was unwarrantedly optimistic in regard to the present "ease of the market."

When on May 31 the Senate decided to refer the bill to regulate the public deposits to a select committee of nine members, without instructions, Wright, Webster and Ewing of the finance committee were included. Late in June a bill for the purpose of regulating deposits was carried through both Houses.

Shortly after Congress adjourned, the Secretary of the Treasury, on July 11th, issued an order now known as the "specie circular," which provided that only gold or silver could be received in payment for public lands. The first resolution introduced into the Senate in December 1836 was Ewing's resolution to rescind this Treasury circular. On December 14 Ewing defended the resolution in a partizan speech. But he marshalled facts and figures in such an able

87 Ibid., pp. 1464ff.
way that the Democratic majority dared not bury the re-
solution.

Webster described the fate of the resolution in a speech in New York on March 15, 1837, so well that I quote:

At the commencement of the last session, as you know, Gentlemen, a resolution was brought forward in the Senate for annulling and abrogating this order, by Mr. Ewing, of Ohio, a gentleman of much intelligence, of sound principles, of vigorous and energetic character, whose loss from the service of the country I regard as a public misfortune. The Whig members all supported this resolution, and all the members, I believe, with the exception of some five or six, were very anxious in some way to get rid of the treasury order. But Mr. Ewing's resolution was too direct. It was deemed a pointed and ungracious attack on executive policy. It must therefore be softened, modified, qualified, made to sound less harsh to the ears of men in power, and to assume a plausible, polished, inoffensive character. It was accordingly put into the plastic hands of friends of the executive to be moulded and fashioned, so that it might have the effect of ridding the country of the obnoxious order, and yet not appear to question executive infallibility.

When the bill was finally presented, Ewing felt that he could support it as it then stood. It passed the Senate by a vote of 41 to 5. Only the closest of Jackson's friends could resist Ewing's logic. The bill went to the House where the Administration forces kept it buried in committee until late in the session. When it was allowed to come to a vote

89 Debates, 24th Congress, 2nd Session, pp. 8-17.
it passed the House by a large vote, but the session was nearly over and the President used a pocket veto to defeat it. Webster asserted in the New York speech, already quoted, that had the bill been vetoed in the regular manner, it would have been passed over the veto by large majorities. Webster maintained:

...It was not approved, it was not returned; it was retained. It had passed the Senate in season; it had been sent to the House in season; but there it was suffered to lie so long without being called up, that it was completely in the power of the President when it finally passed that body. Here again the representatives of the people, in both houses of Congress, by majorities almost unprecedented, endeavored to abolish this obnoxious order. [specie circular] On hardly any subject, indeed, has opinion been so unanimous, either in or out of Congress. Yet the order remains.

The final act in regard to the legislative instructions so far as Ewing was concerned was enacted in the Senate on January 16, 1837. It has already been noted that Benton, of Missouri, had in the session of 1835-36 introduced the so-called "expunging resolutions," and that even though his party, during that session, had obtained control of the Senate, the resolutions had not been pressed. It has also been noted that the Ohio Legislature had instructed Ewing to vote for expunging the Senate resolutions of censure from the Journal.

90 This speech may be found in Webster, Works of Daniel Webster, Vol. I, p.371f.
Late in March, 1836, Calhoun introduced a resolution to provide for guaranteeing the safe keeping of the Senate Journal. The Whigs argued that the Constitution provided that each House should keep a record of its proceedings, and this injunction would be violated if part of the proceedings were expunged. While Calhoun's resolution was before the Senate, several Whig leaders spoke against the "mutilation" of the Journal, and consequently the Expunging resolutions were allowed to slumber until the next session.

In the winter of 1836-37 another oratorical tournament on this question was presented to the Senate, although most of the speaking was done by the opponents of the Administration, who numbered among their ranks the best debaters. It was the sort of question on which satire could be used devastatingly by a skilled opponent of the President in the use of satire Ewing excelled. It was due partly to his biting ridicule that he received such sincere opposition from Democratic leaders. And his tongue was probably sharpened at this time by the thought that he would hardly be reelected to the Senate by the Ohio Legislature, and it would be due to the machinations of this same Democratic leadership, and not to the sentiment of the people at large, that he would be defeated.

91 Debates in Congress, 24th Congress, 1st Session, p. 970.
Carl Schurz in writing many years later of this debate, said:

The evident superiority of the argument on the side of the opposition was felt so keenly, even by some of the supporters of the resolution, that Ewing of Ohio, speaking of the expungers as the servants of a superior will, 'compelled to go onward against all those feelings and motives which should direct the actions of the legislator and the man,' could add: 'Why do I see around me so many pale features and downcast eyes, unless it be that repentance and remorse go hand in hand with the perpetration of the deed?' 92

Ewing made the final speech of the opposition. One hearer said he spoke with "extraordinary earnestness and power;" and that "some of his passages were full of noble and impassioned eloquence—others were of the most sarcastic and withering character." He made a strong plea against Executive usurpation of power, and asserted that the Administration party were trying to place the President's acts above criticism. Ewing quoted Buchanan as applying the term "immaculate" to Jackson. Ewing thought that a word used only in worship was hardly appropriate to the occasion. The constitution said Ewing provided that the Senate keep a Journal; if it be "expunged" or destroyed the constitution is violated.

When Ewing sat down, Benton called for the question and the yeas and nays were ordered, but before they could be taken Webster arose. Drama was in the air. One writer noted that:

93 "Correspondence of the Baltimore Patriot", in the Lancaster Gazette, Feb. 2, 1837.
Instantly the most perfect silence reigned over the whole chamber...His appearance was most solemn and imposing...He began to read a manuscript which he raised from his desk. The circumstance was singular that so skillful and practised an orator should read the remarks he thought fit to offer.

But it was not a speech—it was a solemn protest, in behalf of himself and colleague, as Senators in [sic] Massachusetts, against the proceeding in which the Senate was about to engage.

After the reading of the protest the vote was taken, which was, ayes 24, noes 19. King of Georgia left the chamber before the vote was taken. He had voted for the censure in 1834, but he was now a staunch supporter of the President. Hendricks of Indiana, and White of Tennessee had not voted for the Censure but they now voted against expunging. To explain the other votes, it must be remembered that the personnel of the Senate had changed in the three years that had elapsed so that now the Administration held the balance of power.

Immediately after the vote Benton proposed that the expunging be done at once. King of Alabama, the President pro-tem of the Senate, ordered the Secretary to bring in the manuscript Journal of the earlier session and to draw heavy lines through the obnoxious resolution. But before this could be done Webster, Clay, Ewing and the rest of the Whigs, except one or two, stalked grandly from the Senate chamber. The galleries had been crowded and now the people began to hiss those Senators who were "mutilating" the Journal. The chair

95 "Correspondence of the Baltimore Patriot" op.cit.
96 Debates, 24th Congress, 2nd Session, p.504.
ordered the galleries cleared, but before this could be done
the "pompous" Benton, whom Miss Martineau called "a mock-
heroic Senator," sprang to his feet, and was reported to have
exclaimed:

Let the disorderly persons be taken
into custody! I hope the ruffian will
be instantly seized and brought before
the Senate! The Bank Ruffian Sir-
The United States Bank Ruffian! I hope
the Senate will not permit themselves to
be insulted by ruffians of the Bank!
ruffians, Sir, who during the panic,
used in these galleries armed with dirks
and pistols to overawe our deliberations?
---and with this explosion down sat
Thomas H. Benton.

The President then directed the Sergeant-at-Arms to
take into custody the man designated by Benton. Benton con-
tinued to call the man "Bank Ruffian" and other names. A
motion to discharge the prisoner was made. Senator Morris
of Ohio urged that the man be heard in his own defense; but
he was shouted down. It was then intimated that the prisoner
would answer questions, but "this privilege and birthright
of every American was denied him." Finally the man was dis-
charged; and the Senate adjourned. Then the man appealed to
the Chair to be allowed to speak; but he was immediately ordered

97 Taken from the "Correspondence of the Baltimore Patriot"
op.cit. The account of this scene in the Debates is en-
tirely inadequate, since little was put there except the
speeches furnished to the secretary by the one who made
the speech. The democratic papers say little of the
incident. It must be remembered, though, that this ac-
count is seen through Whig eyes.
out of the house. "The twenty-four Knights of the Black lines then broke up their club and dispersed."

The "Bank Ruffian" was William B. Lloyd of Ohio. The next day he handed a memorial to Senator Morris asking him to present it to the Senate. Morris refused to do this so Lloyd published the memorial in the National Intelligencer. In this memorial he refuted Benton's charges by maintaining that he was not acquainted with any of the officers of the bank; that he had never been indebted to the bank; and that he had no interest in that bank or any other. He stated further that the hisses had proceeded simultaneously from various parts of the gallery; and that he had been ready and willing to obey the order to clear the galleries.

The Reorganization of the Post Office Department.

Ewing's work in connection with the Bank of the United States, and related questions, brought him to the front as one of the ablest debaters and parliamentarians in the Senate; yet it was as a member of the committee of Post Offices and Post Roads that he rendered his greatest service to the Whig party and it may be added that it was in this capacity that he made his most inveterate enemies among the politicians on the

98 The Knights of the Black Lines was a name given them by Clay. This account is taken from the Lancaster Gazette, Feb. 2, 1837.

Democratic side and ended his chances for higher office. Before Ewing came to the Senate there had been rumors of mismanagement in the Post Office Department, but attempts to institute an investigation had been futile, because the Administration forces were in the majority. When Jackson's first cabinet had resigned, the Postmaster General had been the only member retained. When the standing committees were announced in December 1831, Ewing was placed on the Committee of Post Offices and Post Roads, of which Felix Grundy of Tennessee was chairman.

The work of a minority committee member was quite a matter of routine. He presented petitions of "sundry citizens" praying for extension of postal routes, or for a reduction in postage, or asking why the mails were not delivered more regularly for some constituents. When the Committee, through its chairman, reported against granting a reduction in newspaper postage, in May, 1832, Ewing did not agree. Furthermore, he did not like the fact that he, as a member of the committee, could get no information from the Post Office Department except through the chairman of the committee. This restlessness and

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100 The other members were, Ellis, Hill and Tomlinson. Ewing also served an apprenticeship on the Committee on Engrossed Bills, with Robinson, ch., and Buckner. The Committee Assignments, for the standing Committees, so far as Ewing was concerned, were the same for both sessions of the 22nd Congress.

101 Debates, 22nd Congress, 1st Session, Appendix, pp.148-152.
displeasure was displayed in a speech in the Senate on January 2, 1833. Sprague of Maine had submitted a resolution instructing the Post Office committee to report a bill reducing the rates of postage. Ewing maintained that "if we have any action on the subject there [in committee] it [the resolution] must come to us charged with instructions from the Senate." He was in favor of some reduction and of some modification. He agreed with Benton that a reduction of impost was not always a reduction of revenue. He also agreed with him that there was an unreasonable discrimination between single and double letters, and, he pointed out that at the last session, he had suggested [in committee] a modification which was intended to remove the inequality, but which was not acted upon.

It was not until more than a year later, in May 1834, in the midst of the actual investigation, that Ewing introduced a resolution which instructed the Post Office committee to inquire into the expediency of placing the postage on periodical pamphlets and newspapers on the same basis. This brought quick action, for on June 2, chairman Grundy reported a bill reducing the rate of postage on periodical pamphlets.

102 Debates, 22nd Congress, 2nd Session, pp. 27-41.
103 He went on to explain that a letter written on a large sheet of foolscap paper paid 25 cents if sent 400 miles, while one-half a sheet, no matter how thin and light, if it contained a separate scrap of paper, must pay double; if it contained two bank notes, it must pay treble postage.
The bill was immediately passed to a second reading.

In January 1833, Ewing thought the facts contained in a report made by chairman Grundy furnished strong reasons for the adoption of the resolution. If the department was self-sustaining and also transmitted free official letters and documents annually to the amount of one half million dollars in postage, it was time that the rates should be reduced, and that the department be reimbursed from the Treasury for an amount equal to the value of the gratuitous service rendered. Further, it was a better principle that the Post Office Department should rely on Congress for an annual appropriation, and thus Committees of Congress could scrutinize the disbursements. "... it is unsafe and contrary to the whole theory of our Government," he argued, to intrust to any officer the disbursement of large sums of the public money without accountability and without scrutiny.

I bring no charge against the present head of this department. I rest my views on general principles, and hold it most certain that if there be not now waste and mismanagement there, there will be; for it is inherent in the very nature of the system, as it now exists.

The country was later to learn the extent to which waste and mismanagement, and indeed, fraud and corruption had become entrenched in the system.

The housecleaning in the Post Office Department could not be attended to at that session, for the question of nullification, and a new tariff occupied the attention of Congress; and
it was not until the meeting of the next Congress that the in-
vestigation could be carried out. As intimated above, the
opposition leaders were expecting to do great things at this
session. "The Spy in Washington" was on hand early and with
the familiarity which he displayed with regard to the condition
of affairs in both camps, he wrote on November 21:

The post Office Department is laboring under
various embarrassments and difficulties.
Those embarrassments can no longer be covered
up, by extra appropriations, for contingencies,
clerk hire, &c. It is said, and I believe it,
that the large contractors are becoming
clamorous. The funds are deficient, and in
some instances have been anticipated. "It is
added, that without the authority of law,
money has been borrowed and interest paid there-
on to meet daily expenses."

In his next article the same writer noted that there had been
some floundering in official circles in consequence of his
earlier article. He added that he had not told one quarter of
the story. He thought it would require nearly one million
dollars to repay the money borrowed.

It was stated above that the opposition decided to
choose the committees in the Senate by ballot; the vote on
this question was 22 to 18, which pretty well reflected

104 sufra pp. 64 ff.
105 Quoted in State Journal, Dec. 4, 1833.
106 Ibid., Dec. 14, 1833.
107 Lancaster Gazette, Jan. 9, 1834.
the strength of the parties. Though Grundy remained as chairman of the Post Office Committee Ewing was named the second ranking member, as majority leader. Administration strength was augmented by the addition of Rives, of Virginia, one of the most powerful Jacksonians, while Knight of Rhode Island, and Clayton of Delaware, both able Whigs, completed the committee.

In his annual message of December 1833, the President could not well ignore the condition of the department. He said: 
"... It has recently been discovered, that from the earliest records of the Department, the annual statements have been calculated to exhibit an amount considerably short of the actual expense incurred for that service." These illusory statements, plus the expense of carrying into effect the establishment of new routes ordered by Congress, and the disposition of the head of the department to gratify the wishes of the public in extension of mail facilities, had induced him to borrow money. The President attempted to forestall criticism by adding: "These expenses were incurred for the public good..."

This statement led the editor of the Ohio State Journal to speak of the "singular manner" in which the deficit was accounted for.

But the Whigs dealt cautiously with the administration. It was not until December 31 that Ewing introduced a resolution

109 Dec. 11, 1833.
asking the Postmaster General to inform the Senate of the "amount of money, if any, which has been borrowed within the current year for the use of the Department; and that he designate the persons or corporations from which such loans, if any, may have been made, and the date, amount, and terms of each loan." Ewing was anxious to show that one reason why the public deposits were placed in "pet banks" rather than in the Bank of the United States was to enable the administration to borrow money from them—which could not be done from the United States Bank. In his speech on the removal of the deposits, later in the same month, Ewing referred to the $350,000 which the department admitted had been borrowed from these banks at interest, though placed there without interest by the Secretary of the Treasury. In other words, the Government placed its funds in banks run by friends of the administration, without interest; and these banks then loaned the money to another department of the Government at interest. On March 11 Ewing brought in five more resolutions (which were agreed to) calling upon the Postmaster General to: (1) report the amount of compensation and extra allowance for transporting mail, omitted in the Blue Book of 1833, if any, and the names of individuals concerned; (2) requesting a report on the incidental expenses of the Post Office department from October 1, 1831, to January 1, 1834 with names and the reason why the money was spent; (3) a report of the amount due, if any, to contractors

110 Senate Journal, 23rd Congress, 1st Session, p. 70.
on February 1, last, unpaid; also the amount overdrawn by
the department, sums due from any Postmasters and their
names, and the amount borrowed by the department and from
what banks; (4) an itemized statement of such sums in former
reports, and (5) a statement from the secretary of the Treasury
of all contracts entered into since June 30, 1825 for mail
transportation. Senator Clayton, another majority member
of the committee added two more resolutions. One asked for
a list of the men hired and those dismissed in the Post Office de-
partment since March 3, 1829, and the other asked what news-
papers were used by the department in advertising for bids for
carrying mail.

On March 29 Ewing submitted (and it was immediately
passed) a more sweeping resolution. It provided that the
committee on Post Offices and Post Roads be instructed to
examine and report on the present condition of the Post Of-
office department, with power to send for persons and papers,
and to take testimony for that purpose. In the debate that
day Ewing commented on the fact that it had been three or four
weeks since the Senate had asked the Treasury department for
information respecting mail contracts and extra allowances
which were to be deposited there shortly after being made.
Only the evening before Ewing had been informed verbally that
most of those papers had been burned and among those remaining

112 Ibid., p. 182.
113 Ibid., p. 199.
no extra allowances appeared. Those allowances, the informant had told him, appeared only in pencil marks on the books, or on the copies of the contracts in the Post Office Department. Ewing regarded this as truly startling. He commented that those allowances, stated in the Blue Book to amount to nearly four hundred thousand dollars, had been made by a department rendered insolvent by waste and extravagance, and avoiding the only check which the law imposed by neglecting to report to the Treasury department. The only record was in pencil marks, and could be altered or removed as might best suit those who had access to the books.

On June 8th the "Spy", in discussing the work of the Post Office committee, predicted that its findings would "astonish a confiding people." He predicted a report the next day, and added that it would be a specimen of Jackson's reform. Since the "Spy" practically ignored Ewing in all his writings during this period and commented at length on most other Senate leaders, (for example, on the very days that Ewing was making his very effective speech on the removal of the deposits, when the Washington Correspondent of the Baltimore Patriot, another keen political writer, was admiring Ewing in his dispatches, the "Spy" was writing about trivial matters, an unusual practice with him) and since Ewing was generally known as the majority

114 Debates, 23rd Congress, 1st Session, p.1203.
leader on the Post Office committee, the following comments
by the "Spy" made in his article of June 8th are interesting:

This report [not yet read in the Senate]
should be read by every freeman in our land.
it should be carefully preserved, as a book
of reference, in after times. If any con-
fidence can be placed in the rumors of the
day, it will develop transactions, calculated
to appall the stoutest heart, of the most
daring corruptionist...Whether the committee
have extended their inquiries beyond the
General Post Office, and its alleged waste
of public money, I know not. But from the
representations which some of the witnesses
have made in my presence, I do know that
the report may be considered the most im-
portant document which has emanated from
any committee of Congress, during the ad-
ministration of General Jackson. 115 It
cannot have too extensive a circulation. 116

On June 11 the same writer observed that the reports
on the Post Office Department "are as I anticipated in my last
letter." He thought that the minority report had been written
by a clerk in the department, though Senator Grundy may have
written some parts of it. Both reports admitted that the de-
partment was insolvent. This, added the "Spy", was Jackson
reform, for prior to his administration the department had
been a source of revenue.

As was predicted, Ewing reported to the Senate on
June 9. The report, together with the minority report and
accompanying documents, fills 385 pages of Senate Documents.

115 A rather sweeping statement, but the "Spy" was not given
to making rash assertions.
116 Quoted from the Ohio State Journal, June 28, 1834.
117 Ibid.
118 Senate Documents, 23rd Congress, 1st Session, Vol. V, no. 422.
It seems absurd to maintain that either report was animated wholly by the spirit of altruism, or by a desire only for better government. For Ewing and the other Whigs this was a grand opportunity to uncover gross frauds and corruption in a government department controlled by political foes. The recital of these facts would make splendid propaganda for coming campaigns.

As far as the Administration was concerned it must be said that there was much to uncover. Too much of the history of American politics has been the history of the attempt of the party in power to get all it can, and of the other party to get all it can on the party in power. There was one result of the report which it is doubtful if Ewing anticipated, at least in its magnitude; the attack at once made upon him. Outside the post Civil War period, very few public men, belonging to a major party, have been so violently assailed and vilified by opposition press and speakers, as was Thomas Ewing after the Post Office report. Not, at least, until the Civil War (when he was past seventy) was Ewing free from these assaults. The attacks did not make him change his course; throughout the remainder of this term in the Senate his ardor against the abuses in the department was not relaxed.

The report concluded with fourteen resolutions, each one attacking a specific evil. The first, which was adopted unanimously by the Senate on June 27, read as follows:
Resolved, That it is proved and admitted that large sums of money have been borrowed at different banks, by the Postmaster General, in order to make up the deficiency in the means of carrying on the business of the Post Office Department without authority given by any law of Congress; and that as Congress alone possesses the power to borrow money on the credit of the United States, all such contracts for loans by the Postmaster General are illegal and void.\textsuperscript{119}

Not a single Senator voted nay, and the 41 yeas included such staunch administration men as Benton, Forsyth, soon to be Secretary of State, Grundy and even Isaac Hill of the Kitchen Cabinet.

The remaining resolutions were, on motion of Webster, laid on the table. The second resolution had attacked the reliability of the reports of the Postmaster General. The third, fourth, and fifth asserted that contracts for the carrying of mail were not fairly let, and were altered after the letting, in favor of friends of the department. The sixth attacked the extra allowance money as "unreasonable, extravagant, and out of all proportion to the increase of service." Number seven accused the Postmaster General of establishing steamship lines for mail transportation without authority of law. The eighth and tenth accused the Department and some of its chief officers of having irregular "pecuniary transactions" with some contractors. The ninth

\textsuperscript{119} Senate Journal 23rd Congress, 1st Session, pp.306,363f.
\textsuperscript{120} Ibid., p.365.
\textsuperscript{121} The reports of the Postmaster General showed many of the large contractors getting as much "extra allowance" as the original contract called for.
attacked the establishment of more numerous mail deliveries than was necessary. The eleventh resolved that the Post Office Department needed radical reform, and the twelfth favored the reduction of the incidental expense. Number thirteen attacked the absence, by agreement, of competition as a means of raising rates on certain routes. The fourteenth asserted that mail contractors had received large extra allowances, and have at the same time become proprietors of partizan newspapers, and have used other artifices tending to unite the press with the Post Office Department, which "is a dangerous abuse, and ought to be corrected."

This report was received by ardent Whigs everywhere with great joy; and with great criticism by ardent Jacksonians. It is probably needless to add that among the documents presented by the committee there was ample proof of the allegations of waste and corruption. On June 25 the Senate ordered the committee to sit during the recess of Congress and to continue their "searching operations." Only ten Senators voted against this resolution, even Benton and Grundy supported it. The ultra-administration group tried to get the resolution referred to the President and thus to give him the responsibility, but the Senate ordered the Committee to proceed.

122 Debates, 23rd Congress, 1st Session, pp.1914f
123 Richland Whig, (Mansfield, O.), June, 1834, passim.
Gazette & Enquirer, (Lancaster, O.), June 26, 1834, State Journal, June and July, passim.
124 Clayton was replaced by Southard on the Committee.
In his speech of June 27, attacking the Department, Ewing put forth his best efforts. Remembering that he was styled the "Logician of the West," that he was then probably the best advocate in Ohio, and one of the Nation's best in debate, still one is struck by the efficient manner in which he presented the case against the Department. Truly the Whigs chose well when they designated him the leader of the committee. He considered each resolution in turn, used reports of the Department, cited letters to and from the Chief Clerk, and the sworn testimony of witnesses, to expose the evils inherent in the situation. The speech was not eloquent - the subject did not allow of eloquence, and Ewing was not an eloquent speaker - but it was a scathing denunciation of the mismanagement and malpractices of one of the most important executive departments in the government.

The committee continued its search during the recess, and when Congress reassembled in December, Ewing was kept on both the Post Office and the Finance committees. The work of the former was still heavy and on January 9, the Senate gave the committee leave to sit during sessions of the Senate. The committee was busy preparing a bill, as well as a further report of frauds and corruption. On January 26, 1835, Ewing again reported for the Committee on Post Offices

125 *Senate Journal*, 23rd Congress, 2nd Session, p.35f.
and Post Roads. It was another expose of graft, fraud and corruption in the Department. Southard relieved Ewing in reading the report, and then Ewing concluded the reading the next day. Grundy again read a minority report. Both reports were read to what Senator Buchanan referred to as a "Sleepy Hollow." Of course both reports were intended to be used for campaign purposes. The main question was to decide how many copies were to be printed by the Government. Twenty thousand was the number finally agreed upon.

The committee reported, too, a bill for the reorganization of the Department. It was read and passed to the second reading. Grundy wanted it read a second time and then recommitted, since it needed revision and the committee could best do it. Ewing admitted that the committee had been too busy to bring in a finished bill. Clay opposed a recommittment and then Ewing moved that it be made the order of the day for Monday next. At this point Calhoun, followed by his colleague Preston, made a speech the gist of which was: Did the proposed bill intend to correct the abuses of the Department? In reply Ewing said the committee did not feel that the corruptions and abuses discovered by them were consequent on the defective organization of the

Buchanan said also that no Senator was giving the reports the attention they deserved. Southard retorted that the Senate Chamber was indeed a "Sleepy Hollow" and Buchanan was one of the Sleepers. He hoped Buchanan would wake up sooner than "Ryp" did.

Department, but that the corruptions and abuses could never have been so gross as they were shown to be in the report had the Department been organized properly. He added that the Committee did not hesitate to say that the "President of the United States ought long since to have hurled from their offices, with indignation and disgrace" those responsible for the mismanagement and fraud.

On January 28 Isaac Hill, member of the Kitchen Cabinet and Senator from New Hampshire, attacked the motives of the majority of the Committee, and said that partial evidence had been taken for an exparte purpose. This was the lead which the administration press followed throughout the country. Senator Mangum of North Carolina, a staunch Whig, attempted to call Hill to order, but Ewing suggested that he be permitted to proceed. After he had finished Ewing denied the allegations and defied Hill to adduce proof. Grundy, strong administration member of the committee, supported Ewing by saying the motives had been correct and that evidence had been obtained in the best way possible. The Administration press however, followed the lead of Hill, and ignored Grundy's explanation.

Presumably the majority of the Committee, Ewing, Knight, and Southard.

Postmaster General Barry was retained for several months yet and then "retired" as Minister to Spain. He died soon after.

Debates, 23rd Congress, 2nd Session, p.272.
On February 4, Ewing took charge of the bill. Grundy moved certain amendments; those favored by Ewing were adopted; those which he did not sanction were lost. The next day Clay made a few remarks against the extra allowance system as practiced by the Department, noting that the bill was in such excellent hands that he would not have said anything were it not that he considered those "extras" of great importance. Occasionally, the discussion veered from the bill to an attack on the Department. Staunch administration men like Buchanan were anxious to pass the bill, but also anxious to hush debate on the abuses. Finally on February 7, nearly a month before adjournment, Ewing asked for the yeas and nays on the bill. The vote was yeas 44, nays—none—a great tribute to Ewing's ability to get legislative action on his bill. But the House delayed action, the bill was smothered in Committee by Administration force, and did not become a law.

The next December Ewing again introduced a bill to change the organization of the Post Office Department. It passed immediately to a second reading. But the control of the Senate passed from the Whigs and it was not until June that Ewing was able to get the bill discussed adequately. He was still the prime sponsor of the movement, and on June 20

131 Ibid., pp. 316 ff.
132 A full Senate at this time contained 48 Senators. 44 was a large attendance.
the bill was passed in the Senate. It was time for a new election, a new Postmaster General was in office, and the Administration allowed the bill to become law. The law, approved July 2, 1836, provided that all revenue should be paid into the United States Treasury, the Postmaster General should submit estimates to Congress for money needed for the coming year, under designated heads. It also provided that the Department could spend only the money appropriated by law and paid by the Treasury, for which the Secretary of the Treasury must have receipts. The law contained forty-six sections.

After this strenuous struggle both Ewing and Grundy were willing to retire from the Committee on Post Offices and Post Roads, and at the next session of Congress, when all the committees were reorganized under administration control, there was a new committee.

An Ardent Devotee of the "American System."

Ewing's effective work in preparing the bill for the reorganization of the Post Office Department gained for him in December, 1835, the chairmanship of the Committee

134 Amos Kendall, a member of the Kitchen Cabinet had replaced Barry.

135 Debates, 24th Congress, 1st Session, Appendix, pp.XXIX-XXXIII.
136 It was in the year 1836 that the P.O. Department first used the railroads to carry mails, following a favorable report by the Senate Committee.
on Public Lands. In the Public Land Office there also was need for reorganization. In his annual message of December 1835, the President had referred to needed improvements in the land system and especially in the General Land Office. On December 16, Ewing was elected Chairman of the Committee on Public Lands. The other members were Moore of Alabama, Prentiss of Vermont, McKean of Pennsylvania, and J. J. Crittenden of Kentucky. The latter became Ewing's close friend and their friendship continued until Crittenden's death during the Civil War.

But there were, no doubt, other reasons why Ewing was made chairman of the committee dealing with the Public Land question. The attitude which the Government should take toward the sale of Public Lands was inextricably interwoven with the whole question of the "American System" of tariffs and internal improvements. To this system Ewing had at an early time in his Senatorial career given a sincere and unequivocal allegiance. Within a few weeks of his entrance into the Senate Ewing lined up with Clay on the tariff question.

His first prepared speech delivered in the open Senate was on that subject. He prepared carefully for this speech,

\[137\] Senate Documents, 24th Congress, 1st Session, Vol. 1, No.1.
\[138\] Senate Journal, 24th Congress, 1st Session, p.42.
\[139\] Journal, 22nd Congress, 1st Session, p.421, passim. Speech of Jan. 16, 1832; also Ewing to Maria, Feb. 2, 1832, Thomas Ewing Collection. Claude Bowers well says "In Thomas Ewing of Ohio, a robust partizan and able debater, he [Clay] found a fighter after his own heart." Party Battles of the Jackson Period, p.176.
and after he had delivered the first part of it he wrote home joyfully that "all listened to me attentively for about two hours."

This speech, which occupied parts of three days in its delivery, and covers twenty-two pages in the Debates, was one which revealed in detail his complete political philosophy. Ewing wanted a paternalistic government, because such a government meant greater profits to his constituents. In answering an argument of Senator Grundy that the evils of the tariff should be laid at the door of New England, Ewing asserted that the earlier tariffs had been forced upon New England. He observed: "The germ of prosperity is inherent in the habits and genius of this people; we may check and retard its development, but we cannot, if we would, destroy it." He proceeded to eulogize the habits of industry, perseverance, prudence, and thrift of the American people. He liked to refute the Jeffersonians by showing that the agricultural market was glutted and that it was in the manufacture of iron, etc., necessitating factories and factory workers, that profits could be made. He also maintained that the blessings of a tariff would be diffused through the entire population. "But this... annual wealth, created by the

Feb. 16, 1832. Letter in Thomas Ewing Collection. He had previously spoken in Executive session and at another time on the spur of the moment with no preparation.
establishment of these manufactories is not confined to them alone; it distributes itself through all portions of the community, by various interchanges;—” Ewing was heart and soul in favor of the "American system." A high tariff to protect American manufactures, with high wages to the laborer, the government to use the revenue on internal improvements, and the American consumer to buy in the home market, was as dear to his heart as it was to the heart of ardent Republican protectionists like Senator Smoot one hundred years later.

This tariff speech won him instant recognition in many parts of the country. A political writer of New England reported that Ewing had clothed the "hacknied topic of the Tariff" in a new dress; while one ardent constituent divided all mankind into three classes—damned rascals,—damned fools— and Thomas Ewing. Ewing at this session successfully engineered an amendment making the duty on articles manufactured of wool, or containing wool,

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141 Debates, 22nd Congress, 1st Session, pp. 416-438. This sounds like the arguments recently advanced by such Republican leaders as Coolidge and Hoover. There may have been more cause to expect this diffusion one hundred years ago than there is today.

142 Mr. Brooks, Editor, in the Portland Advertiser.

143 Letter of C. B. Goddard to Ewing, Mch. 28, 1832, reporting statement of Bill Adams. Ewing Papers, Vol. III.
thirty-five percent. Wool growing was an important industry in Ohio. When events of the next winter, arising from nullification in South Carolina made a lower tariff necessary and Clay's Compromise Tariff was under discussion, Ewing regretted that the tariff of the last year had to be altered.

In the field of internal improvements Ewing was ardent paternalistic and nationalistic. As early as February of his first session he presented a memorial of the Ohio Legislature praying for a National Road from Zanesville, Ohio, to Florence, Alabama. But the road for which he asked appropriations most diligently was the Cumberland Road. This arterial highway was the great connecting link between Ohio and the Seaboard. In March and April of 1834, a bill for the improvement of this road was presented by Hendricks of Indiana of the Committee on Roads and Canals, but the main supporter of the bill seemed to be Ewing, who spoke at least three times in one day on various aspects of the bill. The bill was defeated, and the next day a vote to reconsider carried twenty-eight to eight. The Senators from the West, and those from the North who wanted a tariff,

144 *Debates*, op. cit., July 6, 1832, p.1200.
146 *Lancaster Enquirer*, March 2, 1832.
voted for the improvement, while the South objected to the activity of the federal Government in spending so much money, to be raised by higher tariffs. There was log rolling in connection with this road. It was, however, an important national highway; even President Jackson in traveling to Washington from his home in Tennessee had used it, at least from Wheeling to Frederick, Maryland, while for those going to Washington from Kentucky, Indiana, Illinois, Michigan, Ohio and Western Pennsylvania this road was unavoidable. Its improvement was a perennial question.

Other internal improvement projects which Ewing supported were the Louisville and Portland canal; the improvement of the harbor at the mouth of the River Raisin, in Michigan Territory, and a bill granting land to the states for female education. He did not believe in a penurious National Government and when an opportunity was offered to buy some valuable pictures for the President's House at a rather large expenditure for that day, Ewing forgot that the pictures would adorn the home of Jackson and voted with Benton, Cuthbert— a strong administration man from Georgia— King, of Alabama, McKean of Pennsylvania, Robinson of Illinois and Tallmadge and Wright of

\footnote{See \textit{Ohio State Journal}, \textit{Baltimore Patriot}, and the "Spy in Washington" in the \textit{New York Courier & Enquirer}.}

\footnote{Debates, \textit{passim}.}

\footnote{Ewing fathered a bill for this project.}

\footnote{Debates 22nd Congress, 2nd Session, p.82. Ewing gave a good education to his daughters and even sent the two girls who were his wards away to school.}
New York, to secure the passage of the appropriation.
Strange company indeed, when we consider that he voted op-
posite to Calhoun, Clay and Frelinghuysen who were with
the majority against the purchase.

But Ewing did not wish to spend money just for the
sake of spending. When a bill to remit to some New York
importers the duties on goods destroyed by warehouse fires
was before the Senate, he objected that it was unconstitutional
in that it allowed special rates to one city over all others,
and that it gave no relief to merchants of another city who
may have lost in the same fire. He took a liberal position
in the matter of pensions for Revolutionary soldiers.
When a new committee on Revolutionary claims was added to the
list of standing committees in December 1832, Ewing was
one of the members.

His liberality in favoring land warrants to Re-
volutionary soldiers led later to rather serious charges be-
ing lodged against him. The facts as brought out by reports
of the Secretary of the Treasury, clarified by his personal
correspondence now available, appear to be as follows: months

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151 Debates, 23rd Congress, 2nd Session, p.313.
152 Debates, 24th Congress, 1st Session, pp.120-127.
153 Remarks, April 27, 1832. Debates, 22nd Congress, 1st
Session, p.868.
154 The members were, Moore of Ala., Black, of Mississippi,
Ewing, Seymour of Vermont, and Buchner of Missouri.
Ewing was an ever present help when new committee
members were needed. The committee on claims had
formerly handled Revolutionary pensions.
before Ewing took his seat in the Senate he was engaged in speculating in Virginia landscrip. He employed agents in selling the warrants which he bought from recognized dealers who purchased from the soldiers or their heirs or assigns. When he later voted in the Senate to increase the amount of land to be paid to holders of this scrip he placed himself in a delicate position, and exposed himself to censure. One may recall, however, that Webster and many other Senate leaders thought nothing of voting to renew the charter of the United States Bank while at the same time they accepted large retainer fees from the Bank. The action of Ewing in the landscrip business was certainly no more culpable than that of his distinguished colleagues. Retainer fees for prominent Senators was a practice that did not die with the period covered by Ewing's lifetime.

Ewing went security to the United States Bank for large sums of money to Stanbery, which the latter used to buy scrip; Ewing also borrowed money at the same place to buy landscrip for himself. It is no wonder that the Democrats, their animosity stirred by the Post Office Reports, found this vulnerable spot in the armor of the Whig Senator from Ohio, and made

See Ewing papers, Vol. III, passim. E.g. these letters: from Ewing to Joseph H. Larwill, Tiffin, Ohio, Oct. 1831; Thos. M. Bayly of Virginia to Ewing, June 21, 1832; Ewing to Henry Stanbery, Oct. 1832; Ewing to Maria Ewing, Dec. 26, 1832; T.V. Cushing to Ewing, Nch. 4, 1834.
much of Ewing's speculations.

On June 16, 1834, Clay introduced a resolution which was agreed to, requiring the Secretary of the Treasury to report to the Senate the amount of landscrip issued and the persons to whom it was issued. This report was made the following December and showed that of 810,000 acres appropriated to date 796,321.12 acres had been issued, and of this amount Ewing had taken a few thousand acres.

Early in January, 1835, Clay introduced a bill appropriating more land for Revolutionary land warrants, which passed the Senate on February 27. The next year Ewing, as chairman of the Committee on Public Lands, introduced and steered through the Senate a bill extending the time for issuing scrip certificates. This law enhanced the value of Ewing's holdings and made it possible for him to engage in further speculation in landscrip. By the time it was adopted, the Democratic papers were accusing him of having bought 192,000 acres of scrip with money borrowed without security from the United States Bank at the time he was urging the recharter of that Bank. The facts in the case were that Ewing first borrowed money of the United States Bank in August, 1832.

156 Senate Documents, 23rd Congress, 2nd Session, Vol. 1, No. 4.

157 It is impossible to tell just how much was bought for Ewing by others, acting as his agents. Not all that Stanbery bought, for example, was intended for Ewing, though some of it was.

whereas the bill for the recharter of the Bank had been vetoed in the preceding July. In December 1832, Ewing had written to his wife that he was tired of the scrip business; but he continued to buy land and speculate in it almost to the end of his life.

Ewing's position on the question of the price of public lands was in strict accord with the position held by Clay. His first extended speech on the public land question was made in June 1832. In this he endorsed Clay's project for the distribution of the proceeds of the sale of public lands among the several states, to be by them applied to internal improvements, the colonization of free people of color, and education. If it is recalled that Ohio and other states were then engaged in vast projects of canal building, one can understand why the States were so anxious for distribution.

In this speech Ewing asserted that the public lands were the property of the United States, vested in them in trust for the common benefit, and that the faith of the Nation was pledged for the "honest execution of ... that trust, bona fide for the common benefit of all." To substantiate this contention, he quoted from the Virginia act ceding her Northwest Territory to the United States. He thought that a literal

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159 Ewing also made a speech in the Senate favoring the payment of the revolutionary, or the "continental" currency, as it was called.

160 Debates, 22nd Congress, 1st Session, pp.1132-1145; see also Hammond to Ewing, Mch. 9, 1832, Lindley Collection.
compliance with the terms would have required that all proceeds from the sale of public lands should have been distributed among the States, since it was not stated in the acts that the proceeds could be used as ordinary revenue to pay the expenses of the Government.

In answer to the statement that the price of land should be reduced Ewing used an illustration to which he referred many times in later years. Suppose a man to have bought one hundred sixty acres recently at the current price of $1.25 per acre. He had invested $200. in land. Reduce the price to fifty cents per acre and the man's land would then be worth only $80. Is not this confiscation, he asked? He added:

These violent changes in the value of private property, especially of landed estates, bring misery and ruin in their train; they should be avoided whenever it is possible, by a wise and beneficient Government; but it is worse than madness in a Legislature to voluntarily inflict them upon a people. 161

The following January Ewing spoke for two days in the Senate upon this matter. Again he entered into constitutional arguments. On the question, whether Congress or the states had the right to sell this land, he quoted Article IV, Section II, which gives Congress "power to dispose of, and make all needful rules and regulations respecting the territory...belonging to the United States." He reiterated

161 Debates, op.cit.
that Congress was a trustee, for all the states, of the public lands. He did not wish to have this land settled speedily. Let the thrifty and courageous people go there, but do not pay them a bounty to do so. He saw danger also of a possible overproduction of agricultural products if the West were settled too rapidly.

With Ewing's record on internal improvements, on the reorganization of the Post Office Department, and his known personal interest in the distribution of the public funds, it is not surprising that he was made chairman of the Public Land Committee, in December, 1835. In January, 1836, he reported a bill appropriating the proceed of the sales of public lands among the states. The administration forces divided on this bill. In March Ewing made an extended speech in support of the measure. He presented many figures showing the mounting income from the sale of lands. The remedy, he felt, was to distribute the surplus. The bill finally passed the Senate in May.

The reorganization of the General Land Office was provided for in a bill brought in by Ewing from the committee on Public Lands, on March 2, 1836. With the vast increase of

162 Debates, 22nd Congress, 2nd Session, pp.159-174.
164 Debates, 24th Congress, 1st Session, p.1396.
business incident to the renewed westward rush of the twenties and thirties the old land office machinery was creaking very noticeably. The office was not only poorly organized for the amount of business to be done, but it was also sadly undermanned. The commissioner of the General Land Office was Ethan Allen Brown, a former Ohio Governor, and, though a Jackson appointee, a friend of Ewing.

The bill which Ewing proposed went into minute details of the work of each officer in the department—even to providing that they should work eight hours per day from October 1 to April 1, except Sundays and Christmas, and ten hours per day from April 1 to October 1, except Sundays and July 4. This act antedated Van Buren's advance to the ten hour day for Federal employees. The House suggested a few minor amendments to the bill and it was signed July 4.

Ewing also brought in a bill changing the mode of receiving bids when lands were offered for sale. He favored sealed bids for each tract. Much fraud was being committed at the sales of land. But by this time (June 1836) the Administration controlled the Senate, the bill became a party measure and was lost.

In a letter to Brown dated Oct. 22, 1836, Ewing discussed further needed changes in the laws regulating public land sales, and added: "I am sorry to hear that you are about to resign your office—though I am not surprised at it—You have been for some time suspected of being an honest man and I was aware that when fully convicted of the fact you would be compelled by all sorts of vexation and embarrassment which could be thrown around you, to abandon your station—'There shall no honest man come into my closet.' Yours with Esteem" etc.

Lindley Collection.

For the provisions of the act see, Debates, 24th Congress, 1st Session, Appendix, No. 68.
Nullification
and other Sectional Issues.

Ewing entered the Senate at a time when the rift between the North and the South was becoming serious. The South Carolina Exposition and Protest had recently been published, Webster and Hayne had just concluded their great debate on the nature of the Union, William Lloyd Garrison was already publishing the Liberator, and Nat Turner's insurrection was fresh in the minds of Southerners. Clay soon marshalled his forces for a tariff adjustment which would not be a reduction, and John C. Calhoun wrote to a correspondent: "... When to this [the present corrupt and dangerous state of things] I add the peculiar character, and action of the opposition, under the direction and control of Mr. Clay, which has brought the great interests of this country into a state of most dangerous conflict, I feel that we are rapidly approaching the most dangerous crisis [sic] through which our country has ever passed."

The new high protective tariff bill of 1832 was signed by Jackson, and South Carolina took steps to nullify the law. Federal laws had been nullified before and were to be so treated again, but South Carolina under the leadership of

167 Calhoun to Samuel L. Gouvernor, Feb. 15, 1832 in "Correspondence of John C. Calhoun," Annual Report of the A. H. A. for the year 1899, Vol. 11; see also Calhoun to his daughter, Anna Maria Calhoun, Mar. 10, 1832. ibid., p.316.
Calhoun worked out a political theory for nullification and called its acts by the right name. In the eyes of Clay, Webster, Ewing, and their group, if the tariff could be nullified by one state what would happen to the great American System? Early in the session of 1832-33 the so-called "Force Bill" or the Revenue Collection Bill was introduced. Ewing proposed one clarifying amendment to this bill which was adopted. Although he was anxious to speak on this bill, Ewing waited until nearly all the others had spoken and then he took his turn in support of the measure. With the exception of a few introductory remarks devoted to an explanation of why he was willing to give more power to enforce the laws of the United States to the President who had already absorbed too much power, Ewing dealt entirely with constitutional questions. It was a strange spectacle to watch Ewing, Clay, and Webster lining up with the President on a great controversial question. It was even rumored that Webster was about to accept a position in the cabinet. But, much as these men disliked Jackson, a disruption of the Union with the consequent loss of their nationalist hopes would be a greater calamity than to line up with the great enemy of the bank.

South Carolina had thrown herself into direct conflict with a law of the Union. Therefore, reasoned Ewing,

169 ibid., pp. 676ff.
170 Ewing thought that they were compelled by the exigencies of the times to strengthen the power of the Executive.
the ordinance amounted to a declaration of war—a war which
would not be fought if the United States would repeal the
obnoxious law, or withdraw her customs-houses. The question
resolved itself into this: Has South Carolina the right to
cast off the laws of the Union at pleasure? In support of
this thesis the State maintained that sovereignty was inalien-
able, and so the people of South Carolina, assembled in con-
vention in 1788 could not transfer sovereignty wholly to the
Federal Government; and they could not surrender it in part
and retain it in part because sovereignty was indivisible.
Ewing argued that when the people of South Carolina ratified
the Constitution they transferred their first allegiance to
the National Government. The fact that South Carolina existed
prior to the present National Government gave the people of
that state no more right or control of its acts, its power,
or its being, than they would have had if the whole system,
state and nation, had sprung into existence by a single ef-
fort of the will of the whole people. He quoted Rousseau
that the very assembling of the people in convention did,
_ipso facto_, suspend the delegated powers of Government. From
this Ewing reasoned that the assembling of the people in con-
vention, changed or dissolved the form or character of the
former government and it could not control the power or limit
the existence of the new government, which thus arose out
of its ashes.171 The act of the people of South Carolina in

171 _Debates_, 22nd Congress, 2nd Session, pp.676 ff.
Convention, then, in ratifying the federal constitution, transferred whatever sovereignty remained with the people of that state, (after the power of Great Britain had been overthrown) to the new government under the Constitution. In this transfer there was a concurrence of all the powers necessary to make that transfer valid; all the pre-existing elements of government, every functionary in which a portion of sovereignty might be supposed to rest, had united in it. The old Confederation, by its Congress, the state of South Carolina, by her legislature, and the people of the state, met in solemn convention, agreed to, and sanctioned the federal constitution. If sovereignty, then, rested with the national government it could not be moved without the consent of that government.

It was a fallacy to say, that, because the Constitution was a compact, it was subject to the same principles which governed the ordinary agreements between man and man. It was rather a compact out of which government arose; it was a compact which made a nation by the assent and concurrence of individuals; and individuals could not retract that assent without the concurrence of the nation. No more could a state or a community within that nation absolve itself from obedience to the terms of that compact.

In answer to the question was sovereignty indivisible. Ewing fell into the same error of reasoning as other political thinkers of his day. The theory that sovereignty is divisible
and that part of it might reside in the state and part in the nation was held by practically all nationalists of that day. But Ewing pointed out that if the position of South Carolina were valid, i.e., if a state might obey only those laws of the federal government which it wished to obey, then in time of war a state, within the union, could, if opposed to the war, actually aid the enemy and not be guilty of treason, for it was contended that if an individual bore arms against the union in obedience to a law of the state of which he was a citizen, that law was his shield, and he was therefore, guiltless.

Ewing then entered into a discussion of citizenship. It had been affirmed by friends of South Carolina, that no man could be a citizen of the United States except as a citizen, or by reason of being a citizen of some one of the states. This was contrary to fact. Ewing believed that "An individual born in a Territory; in the District of Columbia; one who was born abroad, his parents being absent in the service of the United States, are all of them citizens of the United States..." He held that citizenship had relation to the nation, not to the government, while allegiance which a citizen owed was to a government. He continued:

The State, reasoned Ewing, could make a separate peace, withdraw from the Union or form an alliance with the enemy.
The statesmen of South Carolina seem to be of opinion that a law of that State, commanding her citizens to do an act which were treason against the United States, if done without her mandate, will, by virtue of that mandate, cease to be a crime, and become a duty... But if the United States be the paramount power, as the constitution certainly has made it, this can avail them nothing... the allegiance which a citizen owes to his State [should] yield to that paramount allegiance which he owes to the Union."173

The so-called Force Bill was soon passed, and also a new tariff law, which provided for a tariff to be gradually reduced during the next ten years. South Carolina now claimed that she had received what she wanted, and proceeded to repeal her nullification of the tariff, but to show her position, would nullified the Force Bill, a law which never be used anyhow unless South Carolina tried to carry out her nullification of the tariff. Both sides had shown where they stood, and neither had yielded in theory.

Another bitter sectional controversy arose over the question of slavery in the District of Columbia. As early as January, 1834, Ewing presented petitions of his constituents 174 praying for the abolition of slavery in the District. At first these petitions were referred, in the regular order, to the Committee on the District of Columbia. But the petitions came faster and faster, and the Southern Senators

173 Debates, op.cit.
174 Senate Journal, 23rd Congress, 1st Session, p.95 and p.213.
became more and more disturbed, and less willing to listen to them. Ewing's attitude toward this question was, without doubt, that of a statesman. Though far from an Abolitionist himself he insisted that the memorials were dictated by a "spirit of pure philanthropy and Christian piety," and that they were entitled to respectful consideration from the Senate.

Ewing thought that Senator Tyler, of Virginia, Chairman of the Committee of the District of Columbia, should bring in an answer to the petition setting forth to the nation the views of the committee on the subject. The petitions continued to come in more rapidly, and after the House adopted the so-called "Gag Resolution," the Senate was almost deluged with petitions.

On March 8, 1836, when the Southern strength in the Senate was greater and when the question arose concerning the receipt of a petition against slavery in the District of Columbia, presented by a group of Philadelphia Quakers, Ewing stated his views at length. He thought slavery was an evil, he felt that Southerners would agree with that in the abstract. He was sure that public opinion on the question of abolition in Ohio was such as Southern gentlemen would consider sound.

Debates, 23rd Congress, 2nd Session, p.399.

By the "Gag Resolution", one of the standing rules of the House, it was provided that any petition dealing with the abolition of slavery was to be tabled without being read, thus effectually destroying the right of petition, guaranteed by the Constitution, in this respect.
Only a small minority wished Congress to abolish slavery in the District of Columbia. These few were not incendiaries, but humane, orderly and peaceful. Still he believed the abolitionists, even those moderate and rational ones found in Ohio, were doing evil instead of good. They did evil because their views and wishes could not, in the estimation of most Southerners, be separated from fanatics who incited the slaves to insurrection.

Since the distinction between these two classes could not be fully kept in view in the Senate it was no wonder that the Southerners in general confused them. These petitions tended to stir up alarm and to sow distrust in the South. Furthermore, he warned the northern abolitionists, if the prayer of the petitioners were granted, it would not free a single slave, for all would be hurried off in anticipation of such a law and sold to the cotton and sugar planters of the South. This would be worse for the slave than life in the District of Columbia.

But another question to consider, said Ewing, was, what did the people in the District wish in the matter? Unless he was satisfied that they desired it Ewing could not vote for the proposal, even if he could vote for it on other grounds. He would not, however, vote to refuse to receive the petition, for the right of petition was guaranteed by the

177 Probably this is a reference to the Garrisonian school.
Constitution. And even if the Senate had the right it was not sound policy to refuse to receive the petition, for:

Opinion is not to be controlled by harsh or violent measures; and it is better that an investigation should be had, and a reason given in all our communications with a reasoning people.

He preferred a report explaining, in a calm manner, the reasons why the Senate did not favor abolition in the District. Or, he would even be satisfied if some of the leading reasons on which the Senate acted were appended to the resolution rejecting the prayer.

Such advice was wise indeed, and if followed would have averted much bad feeling, and might have had some bearing on the events leading to the Civil War itself. But the extremists of both North and South rejected this policy. Before the motion to reject the petition was adopted, Senator McKean of Pennsylvania moved to amend by inserting "that it is inexpedient, at this time, to legislate on the subject of slavery in the District of Columbia." The vote was yeas 2, nays 37; Ewing being one of the majority. Then McKean moved to amend by inserting the same statement except that now he omitted the phrase "at this time." The vote then was yeas 3, nays 36. Ewing was the Senator who changed his vote. This was Ewing's position, he agreed with the small group who, though they would not deny the power to Congress, yet thought it

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inexpedient for Congress ever to interfere with slavery in the District. A year later when the question came up again Swing repeated much the same arguments.

Ewing did not forfeit the friendship of all anti-slavery people by refusing to become the champion of the abolitionists. Many of the moderates looked to him for leadership. The Zanesville and Putnam, Ohio, auxiliary of the moderate "Colonization Society" chose him as their delegate to the annual meeting in 1835.

Party Matters

One of the first party questions to arise after Ewing entered the Senate was the confirmation of Van Buren's appointment as Minister to England. Most of the anti-Jacksonians favored withholding assent to the nomination, although ex-President Adams, then in the house, had warned Senator Bell of New Hampshire that it should not be opposed and had predicted that if it were, Van Buren would "come back with increased power and do mischief here." Clay and Webster made speeches attacking Van Buren; Ewing, following Webster's lead, attacked him on the basis of his instructions when Secretary of State to McLane, Minister to Great Britain 1829-1831, maintaining that he had not upheld the dignity of

179 Ibid., p. 804.
180 Ibid., 2nd Session, p. 707f.
181 Letter of the Secretary to Ewing, Dec. 25, 1834, Ewing Papers, Vol. IV.
182 Memoirs, V. 8, n 440.
the United States, when he repudiated the course of the preceding administration. The Jackson men charged that the opposition was jealous because the Jackson administration had obtained a treaty admitting the United States to the colonial trade, which the Adams administration had been unable to do. The nomination was defeated by the vote of Vice-President Calhoun.

Another party move was one engineered by Ewing, when he introduced, during the controversy over Van Buren's appointment and the recharter of the Bank, two resolutions, one against executive removals without the consent of the Senate, the other against Senate confirmation of appointments to positions made vacant by the President without the consent of the Senate. He kept calling these resolutions up for discussion, during this session, but never allowed them to come to a vote. Three years later when a bill embodying these principles was before the Senate he spoke at length in favor of the curtailment of executive patronage.

The United States was without a minister to England for four years, 1832-36. In 1835 the Senate had refused to confirm Andrew Stevenson, who was at that time Speaker of the House. The Whigs, then in control of the Senate, charged that Stevenson had been promised the post nearly a year before, in return for the service he might, as Speaker, render to Jackson. When his name was submitted again in 1836 a Jackson Senate quickly confirmed him.
True to Adams' prediction, Van Buren returned from England to become the heir-apparent to the throne. He was placed on the ticket with Jackson in 1832. The opposition was divided, Wirt running as the Anti-Masonic candidate, and Clay as the National Republican. In Ohio an effort to consolidate the anti-Jackson parties was made as early as April of that year, but by June many of the National Republican leaders (Hammond, Kelley, Bailhache, King, and Burnet) were despairing of success. Duncan McArthur, the Ohio Governor, was the choice of the Clay men for reelection. The Anti-Masons at their convention in June offered the nomination to Calvin Pease, then to Alfred Kelley, and then to Darius Lyman, who accepted. The success of the electoral ticket was regarded as the main issue by the whole Clay party. McArthur authorized Bailhache to withdraw his name at any time if his withdrawal would facilitate the all important object of defeating Jackson. It was his understanding that Lyman, too, would withdraw, and that a candidate suitable to both parties would then be named. In September McArthur surprised some of his friends by withdrawing his name. Lyman did not withdraw; the National

183 Calvin Pease to Ewing, April 4, 1832. Ewing Papers.

184 C. Hammond to Ewing, June 17, 1832. Copy in Lindley Collection. Bailhache was Editor of the Ohio State Journal, and long a leader of the anti-Jackson forces in Ohio.

185 Duncan McArthur to Ewing, Aug. 16, 1832. Ewing Papers.

186 Ibid., Sept. 21, 1832.
Republicans after some floundering agreed to support him. In all this manoeuvring Ewing was the close adviser of the Clay men of Ohio, and had some influence on the Anti-Masons. Although the two parties finally agreed on an electoral ticket Jackson's party won both the State and national elections.

A question which, although not a partizan one when first raised, yet became one before it was settled was the matter of the Ohio-Michigan boundary dispute. This had been an open question for several years. When Ohio was organized as a State the map that was used in determining the boundary was the old Mitchell map which had been used in determining the boundary between the United States and Canada in 1782. It later proved to be inaccurate. The northern boundary of Ohio had been the line running due east from the southern extremity of Lake Michigan to Miami Bay on Lake Erie. But just before the Ohio Constitution had been sent to Congress for acceptance, a rumor reached the convention that it was impossible to draw such a line; so a final proviso had been added that if Lake Michigan did extend so far south as to make such a line impossible, the line should be so drawn as to include the desired territory. Congress took no action on this proviso at the time. Ohio Congressmen tried often to get the line recognized. Meanwhile the territory of Michigan

187 Alfred Kelley to Ewing, Sept. 12, 1832. Ewing Papers; see also Ewing to Hammond, Sept. 29, 1832 in Lindley Collection.
claimed the line based on Mitchell's map.

Ewing's first act in the Senate looked to the settlement of this dispute. He presented a memorial from the Ohio Legislature praying for settlement of the dispute by Congress. He asked for a special committee to consider measures for deciding on the boundary. He was made chairman of the committee. Maps were struck for the use of Senators and a bill providing for the taking of certain observations by the Chief Engineer was passed. The latter reported to the next Congress.

In 1834 Ewing introduced a bill to settle the boundary line. It was referred to the committee on the Judiciary of which Clayton was chairman. He reported the bill without amendment and it passed the Senate against the wishes of the partizans of Michigan territory. The question was beginning to assume a partizan character, and it died in the House. An attempt to pass an enabling act for the admission of Michigan, at this session, was defeated by the Whigs.

Early the next session Ewing was back again with his bill to settle the boundary. It became Senate Bill No. 1, and passed immediately to a second reading. It passed the Senate early in January against the determined opposition of the administration group, but failed again in the House.

Meanwhile the people of Michigan had become restless and were clamoring for admission. Intense feeling was being aroused along the Ohio-Michigan border. When Congress met in December, 1835, two "Senators elect" from Michigan were asking for admission to the Senate. They were staunch Democrats, and Benton, a party whip, moved that they be, by courtesy, admitted to seats in the Senate. Ewing succeeded in getting that motion laid on the table. Late in December Ewing reintroduced his bill and made an extended speech on the constitutional right of Congress to draw the boundary line. This bill passed the third time on March 10. It also passed the House and was approved by the President.

During the same session, the administration group having gained control of the Senate, a bill, drawn up by that group, was pushed through Congress, providing for the admission of Michigan. One clause established the same boundaries provided in Ewing's bill. This bill also provided that when Michigan accepted the boundary proposed she would automatically become a full-fledged State. The Michigan convention refused the terms. Later an extra legal convention ratified the

189 Senate Journal, 24th Congress, 1st Session, p.37. There was little love lost between Ewing and Benton. Without a doubt Ewing agreed whole heartedly with Miss Martineau that Benton was "remarkable chiefly for his pomposity." Benton often expressed his dislike for Ewing, e.g., when the Senate was discussing the election of a printer to Congress at one time, Benton had maintained that the printer should be favorable to the Administration. Ewing thought it a poor reason to give for voting for a certain man that he would laud the administration. He thought it as reasonable to select a man to cart fuel, on the basis of party. This stirred Benton. According to the Debates: "Mr. Benton said he was not one of those hypocrites who pretend to act without reference to political party. He made no sermons, no homilies, against party action." Debates, 22nd Congress, 2nd Session, p.588.
conditions, so that when Congress met in December the question was still unsettled. The Whigs accused the Jacksonians of trying to get Michigan into the Union in order to count her Democratic votes for Van Buren for President.

The idea of stating to Michigan on what terms she could enter the Union enraged Ewing as well as the more ardent states' rights men. Calhoun wrote to a friend on January 7, 1837, that the Government was still verging more and more toward anarchy and revolution. They had had strong proof of that tendency in the principle on which it was proposed to admit Michigan.

Fortunately for the controversy, it developed that Van Buren had enough electoral votes without those of Michigan, while Johnson, the candidate for Vice President, did not have enough votes even with Michigan's votes, so it was decided to announce two results: the number of votes for each candidate with Michigan's vote counted, and the number without counting them. The election of a Vice President was decided in the Senate by a strict party vote. Johnson was elected.

A question which early attracted the National Republicans of Ohio was who should be their candidate for President in 1836. It was clear that Van Buren would be the choice of the Democrats. At least as early as January, 1834, one of Ewing's

Calhoun to J.B. Mathews, Calhoun Papers, Library of Congress.
correspondents wrote from the Ohio Legislature, endorsing
John McLean, who would be assured, said the correspondent, of
a large Jackson following.

but the national leaders were divided. In March
Ewing wrote to Hammond that Clay, Calhoun and Webster were
each trying to capture the prize, and not one of them would
give way for another. Hammond replied in disgust:

...That contemptible bauble, the Presidency,
is to separate [sic] those, who but for it
could save the country—... As practical men
it is worse than idle to deceive ourselves.
Neither [Clay and Webster] is willing to aid
the other in doing anything that may cause
him [i.e. the other] to be looked upon as a
public benefactor.... But to write to a name
'resident of the United States', after Andrew
Jackson has written it should be no object of
ambition to any honorable man. God help us,
when honorable men sacrifice a country for
succeeding such a man as Andrew Jackson as its
Chief Magistrate!193

Farther on in the same letter this experienced
political leader, after warning that McLean was then supported
by the anti-bank people, (those who had supported him in December
"are hauling off" ), advised that Webster, Clay and Calhoun
each find an occasion to decline, and then let some "respect-
able, sound" politician be selected. He closed by assuring

191 Calvary Morris to Ewing, Jan. 31, 1834. Ewing Papers, Vol. IV.
McLean had been head of the Post Office Department under Adams.
He had switched his allegiance to Jackson at the proper time
to retain his position. He had then been promoted to the
Supreme Court. From this position he was ready to nibble
at the Presidential bait for the next thirty years.

192 Ewing to Hammond, Mch. 16, 1834. Ewing Papers, Lindley
Collection.

193 Hammond to Ewing, Mch. 27, 1834. Ewing Papers, Vol. IV.
Ewing that he had no personal object in view.

Another Ohio politician preferred Webster for the presidency, but thought that neither he nor Clay could be elected; he was personally much opposed to McClean but thought that McClean could carry Ohio unless he avowed Southern doctrines.

In the State election of 1834 the leaders allowed the presidential question to lie dormant and spent their energies in securing a legislature favorable to their interests. Ewing was dined and banqueted at many places over the state. An invitation came from Charlestown, Va., to stop there on his way home for a dinner in his honor. If he accepted, so the committee said, Leigh, Tyler, Clay and Vinton would also be invited. At Columbus, Chillicothe and Zanesville he spoke at public dinners given in his honor. Other public meetings were held; the voters were requested to endorse Ewing's opposition to the encroachments of executive power, his ignoring of the instructions of the Ohio Legislature, and his exposure of the corruption in the Post Office Department.

194 Walter B. Beebe to Ewing, Apr. 10, 1834. Ewing Papers.
195 Leigh and Tyler had both been in the Senate that year from Virginia, though Tyler had resigned on instruction. Vinton was long a member of Congress from Ohio and often a mess mate of Ewing's in Washington.
196 Lancaster Gazette and Enquirer, July 31, 1834, Nov. 6, 1834. State Journal, Aug. 23, 1834.
The result of the election was a comfortable Whig majority in the Legislature.

After the election the Ohio Whig leaders turned their attention again to the coming presidential campaign. Early in December a movement was started among the Whigs in the State Legislature to secure the nomination of McLean. A letter asking McLean to run was circulated for signatures. Fifty Whigs signed it; of the ten who did not, several were McLean men, who thought the action was unwise at that time. The circulators of the letter had decided not to present it unless 55, a majority of the Legislature signed it. Members of both groups wrote to Ewing explaining their action or asking his support of their position. The Speakers of the House wrote to him twice in three days. Hammond, who was in Columbus reporting the Legislature proceedings for his paper, the Cincinnati Gazette, wrote to Ewing that the attempt to nominate McLean by legislative caucus had failed and suggested that the Ohio Whigs announce their approval of McLean and their belief that he could carry the State, but that they would support any other Whig generally favored.

197

198
Hammond to Ewing, Dec. 22, 1834, Ewing Papers, Lindley Collection.
Ewing thought that no action more decisive than the one already taken should be adopted. The action of the Ohio Whigs was well received in Washington, said Ewing, although there was a "good deal of Kicking with some of them especially those who have and those who would be candidates."

McLean's chances waned during the winter. Plans to take action in his favor in Connecticut, Delaware and New Jersey were dropped because of the determined opposition of Clay and Webster. Ewing wrote to Hammond in February that "I believe, though perhaps the opinion is uncharitable, that neither of them [Clay or Webster] could endure to see any man except himself come into the Presidency by the vote of our party—probably neither of them is aware that such are his feelings, but still I believe it is—"

Ewing felt sure that Judge White, Senator from Tennessee, would carry the South, and even though Webster should also be a candidate, McLean should not withdraw from the race, because if the election were thrown into the House he might have a good chance there.

By the late fall Whig support in the Northwest was shifting to another Ohioan, General William Henry Harrison.

199 Ewing to Hammond, Jan. 6, 1835. Ewing Papers, Lindley Collection.

200 Ibid., Feb. 8, 1835, Lindley Collection.

201 Ibid.
He had made a reputation in the War of 1812, had been a member of the Ohio Legislature, and of the United States Senate, and he had been sent to Bogota, as United States Minister, by Adams. He was formally nominated in December by a Whig convention held at Harrisburg, Pennsylvania. The Whig strategy now was for him to run in the Northwest, Webster in New England, and White, who had the support of many former Jackson men, was to run in the South.

While the Ohio Whig leaders were much concerned in 1835 about the Presidential election the next year, the Democrats carried the Ohio elections to the State legislature with an overwhelming majority. That they would proceed to instruct Ewing on the various questions of the day, especially in regard to the expunging resolution, was to be expected. But for Ewing a far more serious matter was the fact that it was time to redistrict the state for the next legislature. The size of the Democratic majority insured that any item of their program could be pushed through quickly. So the redistricting bill was not introduced until within a short time of adjournment. If this bill had been an ordinary gerrymander Ewing would still have had a good chance of being reelected. In order to make certain of his defeat the floating membership had to be manipulated considerably. The legislature consisted

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202 Ewing to Hammond, Dec. 22, 1835, Lindley Collection; see also James Dunlop to Ewing, Dec. 30, 1835, Ewing Papers, Vol. V.
of 36 Senators and 72 members of the lower House. The latter were elected annually, the Senators held office for two years, one-half being elected annually. United States Senators were elected by joint ballot of the two houses of the State Legislature.

The State was at that time redistricted every four years. If, for example, a group of three counties was entitled to four representatives each year, and if the population of one of these counties was considerably larger than either of the others, each county might be given one representative each year and the additional member be given to the large county for three years and to the other counties jointly for the fourth year. This member was then known as the floating member. The Whigs maintained and the leading Democratic papers and speakers did not deny that all these floating members were given in 1836 to counties known to be strongly Democratic. The fact that the floating member must go to Whig counties in each of the three succeeding years did not seem to deter them.

Although the Whig papers attacked this law continually from April 1st to election time, the first detailed defense of the bill in the leading Columbus Democratic paper, the Western Hemisphere, edited by Medary, appeared on October 5. In this article the only defense given was to present a four year's view of the law, thus tacitly admitting that the purpose of the law was to defeat Ewing.

The following tables, taken from the Ohio State Journal, show how the representation worked in 1836.
<table>
<thead>
<tr>
<th>Name of County</th>
<th>No. of voters</th>
<th>No. of Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuyahoga</td>
<td>5921</td>
<td>1</td>
</tr>
<tr>
<td>Huron</td>
<td>5445</td>
<td>1</td>
</tr>
<tr>
<td>Muskingum</td>
<td>6316</td>
<td>1</td>
</tr>
<tr>
<td>Belmont</td>
<td>5703</td>
<td>1</td>
</tr>
<tr>
<td>Trumbull</td>
<td>6820</td>
<td>2</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>30205</strong></td>
<td><strong>6</strong></td>
</tr>
</tbody>
</table>

These counties were all known Whig strongholds.

The following were known Democratic counties. (The table published by the Western Hemisphere on October 5, agreed with these figures but showed that over a period of four years the representation was more nearly equal).

<table>
<thead>
<tr>
<th>Name of County</th>
<th>No. of voters</th>
<th>No. of Representatives in 1836.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knox</td>
<td>3630</td>
<td>2</td>
</tr>
<tr>
<td>Tuscarawas</td>
<td>3446</td>
<td>3</td>
</tr>
<tr>
<td>Harrison</td>
<td>3698</td>
<td>2</td>
</tr>
<tr>
<td>Ferry</td>
<td>3062</td>
<td>2</td>
</tr>
<tr>
<td>Preble</td>
<td>3615</td>
<td>2</td>
</tr>
<tr>
<td>Morgan</td>
<td>2835</td>
<td>1</td>
</tr>
<tr>
<td>Clinton</td>
<td>2536</td>
<td>1</td>
</tr>
<tr>
<td>Holmes</td>
<td>2466</td>
<td>1</td>
</tr>
<tr>
<td>Coshocton</td>
<td>2886</td>
<td>1</td>
</tr>
<tr>
<td>Monroe</td>
<td>2490</td>
<td>1</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>30,504</strong></td>
<td>14</td>
</tr>
</tbody>
</table>

Thus ten normally Democratic counties with a population of 30,504 voters elected fourteen representatives in 1836, while five normally Whig counties with 30,205 elected only six representatives that year. The only arguments offered by Democratic papers were that the Whigs had done similarly in 1832, and that the floating membership would equalize matters.

Ohio State Journal, Sept. 9, 1836. For a more complete chart see the Olentangy Gazette, published at Delaware, Ohio, copied in the Ohio State Journal, for Aug. 5, 1836. These are Whig figures.
in the three succeeding years. In regard to the first allegation, though it was a common political practice to gerrymander, not much was said about it in 1832, so it must not have been a very serious issue at that time. By using the second argument it was admitted by the Democrats that the legislature of 1836-37 was to be packed against Ewing.

The best example of the unfairness of the law, one which Whig papers kept even before their readers, was Muskingum County with 6316 voters and one representative while the adjoining county of Perry with 3062 votes (when the Democratic papers quoted figures they used the same ones as the whig papers, except they only claimed 3022 votes for Perry) had two representatives. One writer asked why the vote of a farmer living in Perry County was worth four times as much as his neighbor's vote in Muskingum County? The Democratic answer to this example was that in four years Muskingum would have seven representatives, while Perry would have only five. Still five representatives to seven was out of all proportion to the population. The Democrats were going a long way in order to insure Ewing's defeat. Many other examples might be cited.

The whigs made valiant efforts to reelect Ewing. They claimed that the people would be so nauseated by the action of the Democrats that they would return a Ewing Legislature.

204

Western Hemisphere Oct. 5, 1836.
Throughout the state the Whigs denounced the apportionment act and asserted that the reason the Democrats were so anxious to defeat Ewing was their despair at his energy and diligence in ferreting out corruption in the Post Office Department. The important issue in the state elections centered around the election of a Senator.

Though the Democratic press practically ignored the apportionment law, they did not ignore Ewing. In an age of a plain and blunt speaking press, no soft words were wasted on him. He had at one time during the bank struggle predicted that the financial policies of the Democrats would make of Ohio's canals a "solitude," and the lake a "desert waste of water." This prediction had not yet come to pass, and Ewing was now designated, in derision, "Old Solitude." He was attacked viciously for campaigning in his own behalf. One Democratic paper, after commenting at length on this practice, concluded:

It is necessary that the ablest man of the Whig party should travel through Ohio and electioneer for the Whig candidate for the Senate. Thomas Ewing is the ablest man of his party, and therefore Thomas Ewing...consents to prostitute his talents and influence in the unworthy employment of electioneering for himself.

Ohio State Journal and the Western Hemisphere passim; also Ewing to his brothers George, Sept. 20, 1836, Ewing Papers.

Western Hemisphere, Sept. 14, 1836. Reprinted from the Cleveland Daily Advertiser.
Thereafter Ewing was usually referred to in that paper as "our travelling Senator."

The election resulted in the return of 35 Whig Representatives and 37 Democrats, while to the Senate were sent nine of each party. Of the old senators there were seven Whigs and eleven Democrats, giving the latter party a majority of six votes on joint ballot. The State Journal pointed out that the 35 Whigs in the lower House represented 127,116 voters, while the 37 Democrats represented only 109,077 voters. The editor still thought that Ewing had a chance of election, for the representatives surely would listen to the voice of the people. Eleven of the nineteen Congressmen chosen were Whigs, and the Whig candidate for Governor was elected by a handsome majority. In November Harrison the Whig candidate for president carried the State by an even larger majority.

When the legislature met in December the question of electing a Senator was taken up immediately. On the one side there was determination to elect at once, on the other to postpone the election as long as possible, with the avowed purpose of delaying until the next year. The Whigs felt

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207 Western Hemisphere, Sept. 1836, passim.
208 For an election of Senator both houses met together and balloted jointly.
210 See State Journal and Western Hemisphere, Dec. and Jan., passim.
certain that with the change in the floating membership which would take place by that time they could be sure of carrying the legislature the next year. In the lower House there was one Democrat who was pledged to vote for Ewing, (he had announced before election that if his district, where he was the only candidate, went Whig for Governor he would vote for Ewing). Since a switch of one vote in the House meant a tie there, and since the Whigs there were led by such an able parliamentarian as Alfred Kelley, the election 211 was postponed for several weeks.

An example of the tactics will illustrate the procedure. The Senate adopted a resolution setting the 10th of December as the day for the election of a Senator. The House postponed action on this resolution until December 13, and then adopted a substitute setting the election "on the second Saturday of January next." The Senate did not act on this resolution until January 12, and then adopted it. Now the Whigs claimed that since the resolution was adopted on January 12, the wording of the resolution precluded the holding of an election prior to "next" January.

The Whigs railed much, too, at the methods of the Democrats in selecting their party candidate. While the House was discussing the time of holding the election, Kelley suggested the following amendment:

211 Even the standing committees were not appointed until after the members had debated on the Senatorship for some time. Journal, Dec. 9, 1836.
[Resolved,] That the members belonging to the party, self styled Democratic party, otherwise known as the Van Buren party, shall meet in secret conclave at the place usually known as the Tin-pan, or such other secret place as they may agree upon, on Friday night next, between the hours of seven and eleven in the evening, and then and there, in accordance with 'usages of said party,' designate, determine on, and decree, who shall be the Senator...to supply the place of the Hon. Thomas Ewing...; and that all the members of the said party (according to the usages thereof) be bound by said decree. But as the laws of the land require that said decree shall be registered in a joint meeting of the members of both houses of the General Assembly; and as the Constitution of this state requires that two thirds of the members of each branch shall be present in order to constitute a quorum; and whereas the said party unfortunately does not include two thirds of the members of either branch; Therefore, Resolved, That the Whig members of this General Assembly be required to be present at such meeting of both branches...for the sole and only purpose...to register and give legal...effect to the said decree of the most august conclave of the Tin-pan. 212

Finally on Wednesday, January 18, the Whigs could postpone the election no longer, and it was held. There were 51 Whigs in the Assembly. Ewing received 52 votes on each ballot except the sixth, when he received 51. William Allen, the Democratic choice, received 53 votes on nine ballots, and 54 votes on three ballots. On the thirteenth ballot Allen received 55 votes and was elected. 108 votes were cast on each ballot.

212 Quoted in the Ohio State Journal, Jan. 30, 1837.
213 Ohio State Journal, Jan. 30, 1837.
Politically, Ewing never recovered from this defeat. Though he later sat again in the Senate, and served in the cabinet of each of the only two Whig Presidents elected by the people, he never again had as bright a future beckoning to him in the field of politics. In his statement to his brother that he was not at all disappointed at the loss of the election he was probably whistling to keep up his courage. In his further statement that the loss would not do him the slightest injury, he was right if he meant so far as his law practice was concerned. He now had an extensive practice before the Supreme Court, he had measured swords with the country's best, seldom to his own disadvantage, and he had the entrée accorded an ex-Senator. And finally his statement that the people of the State were with him, "& that too in earnest & with zeal." was probably true, at least to a considerable degree. He had no intention of giving up politics, as his subsequent actions showed, and he was the undoubted leader of the Ohio Whigs, besides being a Whig of great national importance.

The Ohio Whigs decided to show their appreciation of his work in the Senate by giving him a public dinner. The dinner was given in a grove near Chillicothe on June 10, 1837. Ewing delivered on that occasion a long speech in which he

214 Ewing to George Ewing, March 16, 1837, Ewing Papers, Vol. of George Ewing correspondence.
reviewed his six years in the Senate. He pointed out what he regarded as the dangerous tendency of the time, by which he referred to the concentration of too much power in the hands of the President. The President had used this power in making appointments and removals to control elections, and to control the action of Congress, by holding the patronage whip over them. This concentration of power had also been expressed through the control of the public money, through the unusual exercise of the veto, and through the administration of the pre-emption laws.

The Attempted Comeback.

The Whigs held their state convention at Columbus on July fourth in 1837. Their efforts to carry the state election in the fall resulted in a decided Whig triumph. 

During the debate on the election of a Senator in January 1837, the Whigs had pointed out that the same districts which returned 35 Whigs to that House would, under the law in regard to floating members, return 40 members the next year. In 1837 the Whigs of Ohio obtained 40 seats in the House, and elected eleven of the eighteen Senators. Their majority on joint ballot was twelve. Unfortunately there was no vacancy in the United States Senate to be filled that year.

This speech has recently been republished and issued in pamphlet form by Thomas Ewing of New York. In his logical and forceful manner, Ewing in this speech piled up the arguments against the Jacksonians.

Ohio State Journal, May 19 and July 7, 1837.

Ibid., Oct. 20, and Dec. 5, 1837.
In July, 1837, the Calhoun wing of the Whig party was ready to support Ewing for the vice presidency in 1840. The *Reformer*, Duff Green's successor to the *United States Telegraph*, suggested Calhoun for President. Duff Green was always a Calhoun man and a spokesman for the great Carolinian. He added, "Take a Southern man, and put Mr. Ewing of Ohio, on the ticket for Vice President, and we would not be afraid to stake our head upon the hazard. We would beat the Usurper [Van Buren] five to one. This is no sudden impression— it is an opinion deliberately formed after months of anxious reflection."

In the *Ohio State Journal* a series of articles addressed "To the Young men of Ohio" and signed Patrick Henry, were also favoring Ewing for that office. The concluding letter contained the following admonition: "Let the States Rights' party of Ohio, then immediately organize and rally in support of Mr. Calhoun of South Carolina, for President, and Thomas Ewing, of Ohio, or some other sound democrat, for Vice President..."

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218 Quoted in the *State Journal*, Aug. 4, 1837. In the debate on the admission of Michigan in Jan., 1837, Ewing had opposed the pending bill on the ground that Congress could not dictate to a State on such matters as terms of admission.

These schemes would have had much more influence if Ewing could have pointed to a solid majority behind him in his own state. The loss of his Senate seat in 1837 might be looked upon as the unhappy result of Democratic chicanery, if Ewing could gain the other Senate seat from Ohio which was about to be vacated by Thomas Morris. Ewing was the central figure in the Whig state convention at Columbus on May 31, 1838. He led the delegation of more than sixty members from Fairfield County, and was one of the leading spell-binders of the meeting. Indeed Ewing was so prominent, that Editor Medary of the Democratic Ohio Statesman, successor to the Western Hemisphere, claimed that the convention was Ewing and Murphy. The latter was a prominent Whig spell-binder from Chillicothe.

When the platform on which Ewing was speaking suddenly gave way in the midst of Ewing's speech at the young men's Whig convention at Mt. Vernon, in 1838, the Whigs maintained that the hickory withes used in lashing the stage together were cut by a Loco foco knife. The account given in the hostile Statesman was not only humorous, but it threw a good deal of light on the scurrility of the party press.

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220 *bid.*, June 6, 1838.

221 The Whig papers usually referred to the Democratic Conventions as meetings of "office holders." Medary referred to this convention as an "office seekers" convention.

222 A name applied at times to a wing of the Democratic party but often applied in derision by the Whigs to the entire party.
...and while, with an uplifted arm he was...uttering the sentence, 'Fellow citizens, our Government is going down step by step', down went the scaffolding upon which they were...at an elevation of some ten feet,- down went Tippecanoe (223) first, and Vance (224) on top of him, and Murphy astride his Excellency, while Ewing was seen 'suspended' upon the railing like a wounded coon, holding on as long as there was a twig to catch by, just as he clung to his seat in the Senate, when we wished to instruct him out. 225

It was a fierce campaign. One can imagine that the Democrats were very anxious that the author of the Post Office Reports, and of so many party thrusts in the Senate should not come back to Washington. Senator Allen, Ewing's successor, challenged him to several debates. They met once at St. Clairsville, and comment is scarce in the Whig Journals as to the outcome. The Democratic accounts suggested that the Senator did not exercise much restraint in dealing with Ewing. To people still suffering from the panic of 1837, the rapier thrusts of the Senator probably appealed far more than the solid logic of Ewing.

223 William Henry Harrison already chosen as Ohio's selection for Whig candidate for President in 1840. He had spoken earlier in the day.

224 The Governor of Ohio, campaigning for reelection.

225 Ohio Statesman, Sept. 25, 1838.
The Democratic victory in 1838 seemed to bear out the impression that when a Senator was to be chosen the Democrats always carried Ohio, though the Whigs were often successful in other years. In the Ohio legislature, elected that year, the Democrats had a majority of six on joint ballot. The election for Senator resulted in 57 votes for Benjamin Tappan, and 50 for Ewing.

In a long editorial accounting for the Democratic victory of 1838, Medary asserted that the election was a repudiation of Ewing by the voters of the state. To a limited degree the country at large agreed, for Ewing was no longer mentioned for the Presidency, to which office Medary claimed he had been promised a sure succession. Party leaders prefer sure vote-getters. Twice in two years Ewing had failed to get Ohio's vote for the Senate. There were, no doubt, other factors contributing to the Whig defeats, but to the leaders Ewing had run for high office and had lost.

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227 The figures were taken from the Ohio Statesman, December 21, 1838.
Chapter IV.

In State and National Politics 1840 to 1851.

"Heaven, and historians, alone know, now, what it was all about." Thus writes Minngerode in his discussion of the campaign at the beginning of the decade as he attempts to present a picture of the life of the eighteen forties. The national Whig convention was held at Harrisburg in December 1839. The Ohio delegation did not include the elite of Whiggery, if we may believe an opposition paper, although Jacob Burnet, Reasen Beall, and W.G. Pendleton were there. The convention represented all the opponents of the Van Buren administration who could be gathered into an opposition camp. To agree on a platform was unthinkable, so no statement of principles was attempted. Of the men before the convention, Clay, who had gradually forged to the front of the Whig party during its short life, had the most pledged votes. Harrison was second and General Winfield Scott was third. No one had a majority and after several ballottings Harrison was chosen. He had been Ohio's

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1 Minngerode, Meade, The Fabulous Forties, p. 51. An excellent account of the Campaign is given in his chapter, "Tippecanoe and Tyler Too."

2 Ohio Statesman, Dec. 9, 1839.

3 The Convention adopted what was essentially a unit rule. This worked against Clay.
choice from the first, probably because he was an Ohioman and had carried Ohio in 1836, while Clay had lost the state in 1832. The convention named John Tyler, former Jackson States Rights man from Virginia, for Vice President.

As was customary in those days, meetings to ratify the action of the Harrisburg Convention were held throughout the Union. The one in Columbus assembled in the Presbyterian church. Ewing was one of the speakers. The Ohio State Journal remarked that his "exertions" were rewarded with "one long and lengthened peal of rapture, from throats and hands." The Statesman, on the other hand, remarked that "Solitude Ewing, with his pockets full of land scrip" spoke. Ewing was made chairman of a committee on resolutions which reported the usual endorsement of the action of the National Convention and issued a call to action.

The Whigs decided to hold a state convention in Columbus on Washington's Birthday, to give opportunity for a general Whig rally and to decide on a state ticket. In an effort to find out the wish of the state for the office of Governor the Ohio State Journal on January 15 published a list of eighteen possible candidates. The list included the most prominent Whigs of the state, Corwin, Whittlesey,

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4 Dec. 21, 1839.
5 Dec. 20, 1839.
6 Ohio State Journal, op. cit.
Burnet, Murphy, Vance, Kelley, Ewing, Vinton, and Morris. The next issue of the Journal contained Ewing's letter refusing the further use of his name in connection with the forthcoming gubernatorial election.

When the state convention met on the afternoon of the twenty first the popular demand was for speeches by Ewing and Murphy. When a committee to select a candidate for Governor was chosen, Ewing headed the list from the Ninth Congressional District. The committee selected Corwin and its choice was ratified by the convention.

No attempt will be made here to detail the hysteria of the campaign. The only concern is to determine why the Whig leaders, cultured gentlemen like Webster, Clay, Ewing, Tyler, et al, were willing to conduct such a campaign. One

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7 Corwin, Whittlesey, Vinton and Morris were Congressmen from Ohio; Murphy was a popular Spell-binder, Vance was an ex-Governor, and Kelley had been a Canal Commissioner and State Legislator.

8 Jan. 18, 1840. The Journal was then a tri-weekly.

9 Ohio State Journal, Feb. 26, 1840.

10 Minnigerode's chapter, referred to above, gives what is perhaps the most interesting approach in this campaign. Another interesting account is given in Ewing, Thomas, Jr. The Ohio Presidents, an address delivered at the Ohio Centennial Celebration, Chillicothe, Ohio, May 20, 1903. It has been issued in pamphlet form. A third account is Holt, E.A., "Party Politics in Ohio, 1840-1850," Ohio Archeological and Historical Quarterly, 1929.
reason—not the only one surely, but one which has been neglected—was that they had finally learned a lesson from the Jacksonians. For twelve years the opponents of Old Hickory had been trying to appeal to the voters' reason and had failed. In 1828, when they had pointed out the superior training and experience of Adams, the reply had been "Corrupt bargaining." In 1832 they had pointed out that the bank was a sound financial institution and the reply was, "It has meddled in politics." They later pointed out the gross corruption and fraud in the Post Office Department, and had been answered "The bank is a monopoly." When they asserted that the President was exerting too much power, the reply was, "The bank is a monster"; and when they asked for change in the sale of public lands the answer was simply another verse of the bank song. That the Whig leaders consciously adopted the Democratic tactics may not be susceptible of proof, but that they improved upon them, in the sense of making them more effective, is evident from the results.

As has been suggested, Ewing was one of the leaders of the campaign in Ohio. Plans were made to have a big celebration at old Fort Meigs on June 11. This was the scene of one of Harrison's triumphs in the War of 1812. Ewing was president of the meeting and made a two hour speech to the huge crowd of 40,000. All summer, so it seemed, the people

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11 Harrison received 234 electoral votes to Van Buren's 60. McMaster, J.B., History of the People of the United States, Vol. IV., pictures effectively the hysteria of 1840.

12 The Log Cabin, June 27, 1840.
of the country went from one mammoth meeting to another. Sixty thousand paraded in Boston, a like number in Syracuse, New York, while at Dayton, Ohio, a crowd estimated at one hundred thousand "came rolling in, and after the cider had been consumed, went rolling out again, looking for the next convention." A log cabin was built in almost every city. People travelled in canoes, on wheels, in wagons, on horseback and on foot to these conventions.

Numerous newspapers sprang up in support of the Whigs one of them the Log Cabin, published at Dayton, Ohio. It resembled a huge log on both front and back with a log cabin at the top. Another interesting paper was the Harrison Flag, published at Delaware, Ohio, which had on its editorial page a picture of a log cabin, with a cider barrel near the door, coon skins on the wall, and a cannon guarding the United States flag surmounted by an eagle.

As Carl Schurz wrote, "There was probably never been a presidential campaign with more enthusiasm and less thought." Many of the campaign songs were mere doggerel, such as that of the Ohio Whigs mentioning Corwin and Ewing:

13 Minningerode, op.cit., p.58.

14 This paper is now very rare. There are three issues in the newspaper library of the Ohio Archeological Historical Society. McMaster says it was edited by Horace Greeley, op.cit., p.577.


They cannot spoil her

While we have Tom the Wagon-boy, 17
And Tom the old salt-biler.

Even a brief account of the campaign in Ohio would be incomplete without mentioning the "Buckeye Blacksmith." He was John W. Bear of Zanesville, a man of almost no education. He was a natural born orator who appealed effectively to class prejudices. He spoke at the convention of February 27 at Columbus with such success that he was used throughout the state and in other states.

The election resulted in a sweeping victory for Harrison. The electoral vote stood 234 for Harrison to 60 for Van Buren. Harrison's plurality was more than 150,000, the popular vote being 1,275,011 to 1,122,912, ample proof of the success of circus methods.

Shortly after the election Harrison began to pick his cabinet. Even before the election there had been the usual speculation as to who should be included in this group. Caleb Atwater, a former Jacksonian who retained his dislike for Whig leaders even while stumpimg the state for Harrison, as a bait to other Jacksonians promised that no members of Congress would be appointed to office, and said specifically that neither Webster nor Ewing would be members of the cabinet.

17 Quoted by Ewing, op.cit., p.521.
18 Holt, op.cit., p.33.
19 Atwater to McClean, Sept. 24, 1841, McClean Papers, Vol.X; see also Holt, op.cit., p.54.
In November however the Ohio Statesman quoted an article from the Cincinnati Gazette which suggested Ewing as Postmaster General.

Harrison went to Frankfort, Kentucky, shortly after the election and urged Clay to accept the office of Secretary of State. But Clay had decided to accept no cabinet position, whereupon the president-elect wrote to Webster on December first informing him of Clay's refusal and stating that his original plan had been to offer the Treasury to Webster. He now asked him to choose between the State and Treasury departments, and expressed the hope that he would choose the latter. But Webster chose the former. About this time Ewing was generally conceded to be the Postmaster General designate, and he so understood it. As late as February 2, 1841, Webster thought Ewing would be the new Postmaster General.

As early as December, however, Ewing's friends had begun to urge him for the Treasury Department. One Ohio Whig wrote from Washington on December 27, 1840, that no one was more competent, and no other would be as satisfactory to the Whigs generally. Governor Davis of Massachusetts would not

20 Harrison to Webster, Writings and Speeches of Daniel Webster, ed. by Curtis, Vol. 18, p.90.


22 Webster to E. Everett, Writings of Webster, op.cit.,p.99.
be acceptable to the South because of his tariff views. Sargent was a bank man, and besides no Pennsylvania man would dare accept the high office without ruining the Whigs there due to the feuds in the Whig ranks. "To you," the writer continued in his letter to Ewing, "no objections, on account of Bank or anti bank- tariff or anti-tariff notions can be urged, and he concluded that the good of the party and the welfare of the country demanded that Ewing should have the Treasury appointment even though it would be against his own personal advancement. In reply Ewing wrote that between the two offices he had little choice, and would leave the matter of mentioning the subject to Harrison in the hands of "our friends" in Washington.

When the new Cabinet was announced four of the positions were filled by Clay men and two by Webster men. Ewing in the Treasury headed the Clay men. John Bell, was Secretary of War, George Badger, Secretary of the Navy, and John J. Crittenden, Attorney General. Webster at the head of the Cabinet as Secretary of State was supported by Francis Granger, Postmaster General.

A Cabinet Member.

From a party standpoint the most important problem

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23 Allen to Ewing, op. cit.

24 Ewing to Allen, op. cit. If one is to maintain, that Ewing preferred one of these offices he must read it into the lines.
before the new cabinet members was to distribute the spoils. Although the Whigs had attacked the spoils system of Jackson and Van Buren for many years, the responsibilities (and possibilities) of office sobered them. Should those partisans who had been most active for the Democrats be retained in key positions where they could work daily to undo the Whig program? Two letters selected from the "Miscellaneous Letters Sent" in the Archives of the Treasury Department, illustrate the problem. T. G. Bradford, a clerk in the office of the Secretary of the Treasury wrote to enquire why he had been dismissed, and he was informed that he had been removed because of his interference in elections while he held office, and not for any cause affecting his moral character. A letter of the Secretary to Mrs. Elizabeth Riley informed her that she had kept the lights at North Point faithfully, and so long as this continued, she should retain her office.

Nevertheless scores of people were dismissed, and dozens of federal employees received letters like the following:

Sir:

Your Services in commanding the Light Boat at Upper Cedar Point, are no longer needed by the Government.

Many of Ewing's friends sought jobs. Elisha Whittlesey was made Treasury Auditor for the Post Office.

26 Ewing to Mrs. Elizabeth Riley, Apr. 16, 1841, op.cit.
27 Ewing to Capt. Benjamin Howe, Mch. 16, 1841, ibid.
Department. Ewing had to refuse, for lack of a vacancy, a petition of Joseph Vance, former governor of Ohio. Thomas Erwin, neighbor and relative of Ewing who had introduced him to Washington society wanted his brother retained in a judgeship in Wisconsin. The number of those who wanted jobs for their constituents was appalling. J. J. Crittenden recommended a different friend, or batch of friends, every few days. Archer of Virginia, J. W. Berrien of Georgia, H. H. Hunter and J. R. Giddings of Ohio, and A. Hamilton of New York were only a few of those who had such friends to recommend. Besides these there were the President's friends to placate. It was not always easy to determine which of two factions should be satisfied. This was especially the case in Philadelphia where Webster and Ewing found great unrest over the appointments.

The many duties of office which had to be attended to before Congress should convene left little time for the perplexing questions of the distribution of patronage. The New York Custom House was an especially difficult issue. Some of the inspectors were receiving bribes from importers and were informing falsely on other inspectors. Ewing determined to send a commission to New York to investigate

28 Ewing Papers, Vols. V. & VI., passim.
29 Webster to Ewing, Sunday evening, Tyler to Ewing, May 14, 1841, Ewing Papers, Vol. VI.
conditions there. Alfred Kelley of Ohio, and George Foindexter, former governor and senator from Mississippi during the Jackson period, constituted the committee. A third member was appointed but declined.

Characteristically, Ewing gave definite and detailed instructions to these commissioners. He instructed them to find answers to these seven questions: (1) Had there been defalcations? (2) Were too many clerks employed in the naval office? (3) Had frauds been committed by importers? (4) Had there been discrimination and partiality? (5) Were there too many inspectors? (6) Was the present adjustment of duties correct? (7) Was there evidence of bribery? The commissioners did find a great deal of graft and corruption. As a result the Custom House was re-organized and the situation much improved.

Another administration matter which engaged Ewing's attention was the proper expenditure of public funds for the care of disabled seamen. In a memorandum to the President he called attention to the huge sums of money wasted each year on men who were not entitled to help. On the other hand,

31 President Tyler to Ewing, May 10, 1841, Ewing Papers.
33 Ewing to the President, "Miscellaneous Letters to the President From the Secretary of the Treasury." Treasury Archives.
Ewing did not wish to have needy, disabled seamen neglected. When James Smithson, of London, died, leaving $515,169 to the United States to found "At Washington an establishment for the increase and diffusion of knowledge among men," Congress was not ready to undertake the project at once. So by Act of July 7, 1838, it was made the duty of the Secretary of the Treasury to invest the money in State Stocks. Ex-President Adams called on Ewing several times in regard to the investment. On one occasion he wrote Ewing a long letter in which he entered upon a discussion of the entire system of the administration of the finances of the nation.

Ewing even took a hand in the McLeod affair, which was a case in the courts of New York growing out of a disturbance on the Canadian-American frontier. The British Government maintained that the United States should free the prisoner. Ewing wrote to Governor Seward of New York that since the United States held Great Britain responsible for the "Invasion of our Soil & the Distru[ctu]on of the life & property of our citizens" no individual could be responsible. Therefore McLeod should be set free. Seward, in his reply, complained that the National Government had not kept his state informed as to its policies, and that the state's trial would have to

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34 See Diary for March 26, April 16, 19 and June 4, 1841, Memoirs of John Quincy Adams, Vol. X. See also Ewing to Adams, July 13, 1841, "Letters to Members of Congress." Treasury Department Archives.

35 Ewing to Seward, May 12, 1841, Ewing Papers, Vol. VI.
be carried out.

The Dragoman of the United States Legation at the Porte (The United States Minister to Turkey) sent Ewing a detailed statement as to how the finances of Turkey were handled, and as to the present status of the Turkish Treasury. He enclosed, also, a painting of Mehement Ali. Whether the Dragoman, John P. Brown, was a personal friend of Ewing's, or whether he wanted a friend in the Cabinet at the time of a change in the Administration is not clear from the correspondence.

When Ewing entered the Treasury Department the finances of the country were not in the best of condition. The Treasury was practically empty, and the country was in debt, most of the debt not funded. The Department had been issuing due bills or interest bearing Treasury notes to meet expenses, and it was necessary for him to continue this practice for a time. In his first report to Congress, Ewing pointed out the evils of issuing certificates, and suggested an immediate funding of the debt. In order to increase the revenue, he advocated a revision of the tariff on those articles not included in the compromise of 1833. The first issue of certificates which he floated had to bear 6%
interest. As his policies gained the confidence of bankers he was able to float large loans at 5 1/2%, but his suggestion to raise the tariff brought a reply from the French Minister, frankly hinting at reprisals.

The paramount issue during Ewing's term of office was whether a National Bank should be chartered. On February 2, 1841, Webster, writing to Everett, had outlined the Whig program as follows: (1) An upward revision of the tariff, (2) A new Distribution bill, (3) A bankruptcy law, (4) "A bill creating a Bank of the United States." Webster felt sure that the first three would be adopted, and perhaps the fourth also. On March 17 Adams had written in his Diary that Ewing was for banks, discriminating duties, distribution and "ample provision" for the payment of the public debt.

39 Ewing to A. Lawrence, Joshua Stevens, Morris Ketchum, and other Eastern bankers, "Miscellaneous Letters" in Treasury Archives. Late in July Ewing sent his son Philemon, who was his private Secretary, to New York and Boston to negotiate some of the loans.

40 Executive Documents, 27th Congress, 1st Session No's 31 and 46. The French minister, De Bacourt, in his Souvenirs d'un Diplomat, (a translation by Holt & Co. n. y. 1855, p. 275f) gives some interesting sidelights on members of the Cabinet. The Minister went to call on the Secretary of the Treasury, who he found had good manners. Badger came in, however, for a chat, smoking a "cigar which he did not extinguish." When Bell entered he lay down on a sofa and placed his feet on the arm. When Crittenden entered he removed his coat, filled his mouth with tobacco and proceeded to chew.

41 Writings and Speeches of Webster, op. cit.
Clay, the real leader of the Whig party, expressed his program in a series of resolutions presented to the Senate in December 1840 and again in June 1841 at the time of the special session. A new bank was one of the major items in his program.

President Harrison died one month after his inauguration. Before his death he had issued a call convening Congress in special session on the last Monday in May. The man upon whom the duties of president fell was John Tyler, a Virginian of the States Rights school. The Whigs now paid the penalty for trying to entice into their ranks in 1840 every one opposed to Jackson or Van Buren. Tyler's known ideas were not in accord with those of the great leaders of the party. Why should they be? No Vice-President had ever before become president, and the Whigs wanted Southern votes in 1840. Nor did they feel that they now needed to give much weight to the opinions of the Virginia wing of the party, for they had failed to carry even Tyler's own state.

Tyler had always been opposed to a United States Bank on constitutional grounds, but there was some hope that a charter could be arranged that would overcome his scruples, or that he might let such a bill become a law without his signature.

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43 Ewing's report to Congress intimated that a bank could be chartered which would not run counter to Constitutional scruples of the State Rights School.
The struggle over a bank charter was acrimonious, and the testimony is of such a conflicting nature that it is impossible to determine exactly what happened. The President's side of the question has been presented in an energetic fashion by his son, Lyon G. Tyler, in his *Letters and Times of the Tylers*. Ewing best explained certain phases of the Whig attitude in his letter of resignation published in *Niles' Register* of September 18, 1841. In his diary he recorded the considerations which led to his decision to resign. Another view was presented by Thomas H. Benton in his "Secret History of the Second Bill for a Fiscal Agent" in his *Thirty Years' View*. Probably parts of the real story are to be found in each of these accounts.

In Ewing's first report to Congress he maintained that the sub-treasury was inefficient, cumbersome, inconvenient, full of risk, expensive, and favorable to the Eastern cities. He recommended the repeal of the act creating it, and this was soon accomplished. He then pointed to the losses which had been sustained by the Government by placing the public money in State Banks, and maintained that every one of these defects could be obviated by a United States Bank. He personally had no doubt of the constitutionality of a Bank, but he believed it should be so organized as to eliminate the objections and reconcile the differences of those who had doubts.

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44 Published in the American Historical Review, for Oct., 1912.
45 Vol. 11, pp. 343ff.
As has been indicated, though the Whigs may have decided during the campaign of 1840 to say little about a Bank, there can be no question that the great majority of them wanted a bank. Simple proof of this may be found in the readiness with which they passed a bank bill, and when it was vetoed passed another which was understood to have the president's sanction.

As Clay announced his program in his resolutions of December 1840 and June 1841 (and surely his wing of the Whig party was larger than any other) he included a Bank as one of the most important items. As early as the middle of April, James M. Berrien, a Whig Senator from Georgia, wrote to Ewing

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46 Ewing had written to Luther Barker, July 18, 1840, that he (Barker) did right in asserting for Ewing that the real question of the campaign was not the Bank question, but that it was the "restriction or extension of executive power." This certainly does not imply that the Whigs were not interested in a bank, but that they felt that an issue which would obtain more votes was the question of executive power.

47 L. G. Tyler, an able historian, does not accept this view. His position is that Clay and his followers betrayed the Whig party which had been the States Rights party in 1840. It seems to the writer that the Whig party of 1840 included National Republicans, (by far the largest percentage) States Rights men, (many of whom had recently left the Democratic party) Anti-Masons, and some whom their opponents dubbed "Old Federalists." The Whigs realized that they could not agree on a platform and simply nominated candidates for the offices.
to ask for a copy of his proposed bank bill. On April 30
Clay wrote to Ewing to explain his views "on the two important
subjects, a Bank & Tariff," so that Ewing could refer to them
in preparing for the special session of Congress, although
Ewing warned Clay that little could be said in his report
about a bank unless Congress asked him for it. The new ad-
ministration should not be guilty of the same dictations to
the Legislature for which it had criticized its predecessor.
Ewing thought too, that the President could not endorse a bank
in his message because of his earlier statements, but that if
Congress should take favorable action he would acquiesce. Ew-
ing advised that the State Legislatures instruct their Congress-
men to favor a Bank.

Grittenden wrote to Ewing on April 30 that no ad-
ministration that was not in favor of a Bank of the United
States could safely calculate on retaining the support of
Kentucky, and that four fifths of the people of the state want-
ed a bank.

The House called on Ewing to prepare a plan for a
bank. In the preparation of this plan he consulted closely

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48 Ewing to Clay, May 8, 1841, In Henry Clay Papers, Vol. 23; see Ewing to Seward in regard to Legislative instructions, op.cit.

49 J. J. Grittenden to Ewing, Apr. 30, 1841, Ewing Papers, Vol. VI.
with Clay and other leaders. Ewing's plan as presented to
the House differed from Clay's plan in the Senate in that
Ewing required the assent of the states before a branch might
be established within their borders. Ewing's restriction
was designed to satisfy Tyler's objection.

The first bank bill, known as "A bill to incorporate
the subscribers of the Fiscal Bank of the United States,"
came to the president with the approval of both Houses on August 6.
According to Senator Benton the Democrats believed the bill would
be signed, and their only hope was that some future Democratic
Congress would repeal it. The President did not take the members

Clay to Ewing, June 14, and June 16, 1841, and the following
undated letters of Clay to Ewing, in Vol. VI, of Ewing Papers
No's 3723, 3724, and 3726, also a manuscript in the Lindley
Collection, marked "Sketch of letters to Mr. Ewing & Mr.
Freston," undated and unsigned. The writer tells Ewing of
his conference with Clay on presenting to him the proposed
amendments" prepared at your lodging last evening." Ewing's
plan may be found in Executive Documents, op.cit., No. 22.

Adams, Diary, Vol. X, p.493f. McMaster implies that Ewing
presented a plan to the Senate. Informally, and as a
leading Whig, he talked over his plans with Senate leaders,
but he presented no plans except in answer to a request
from the House.

Webster to Ewing, 5 A.M., July 15, 1841, Ewing Papers, Vol.VI.
Webster made this Presidential approval even clearer in his
speech at the Reception at Boston, Sept. 30, 1841, Webster,
of the Cabinet into his confidence as to what action he
would take on the bill. On August 8, Webster wrote:
"He [the President] keeps his own counsel as to approving
or disapproving...By agreement, I say nothing to him on the
subject,..." On August 16 the President sent his veto
to the Senate. The same day Ewing, scenting the imminent
dissolution of the Cabinet, began to keep a diary. In
this diary he kept a minute record of his conversations with
the other members of the Cabinet, the President, and various
political leaders.

In the veto message the President stated that the
bill provided for the creation of a bank to operate over the
whole Union, and was therefore unconstitutional. He be-
lieved a bank of discount was unconstitutional, and he op-
posed the bill because it did not limit the bank to the power
of dealing in exchange. Finally, the assent of the states
was not sufficiently secured. Ewing recorded that the day
the veto was sent to the Senate the President had told him
and Bell that he had intended from the first to veto the
measure but that he had waited as long as possible in order
that the Whigs might become quieted. He further said to

53 Webster to Mrs. C.L.F. Webster, Aug. 8, 1841, in Webster
Correspondence, op.cit., p.107f.

54 The Manuscript of the diary is in the Ewing Papers, it
has been edited by C.L. Martzolff and published in the

contains a good summary of the veto message. The mes-
 sage is given in Richardson, Messages and Papers, Vol.IV.
pp.63-68.
them that no difficulty ought to arise since he had sufficiently indicated in his veto message what kind of bank he would approve, and Congress might pass such a bill in three days if it saw fit.

The next day Sargent, Representative from Pennsylvania, and Senator Berrien, waited on the President to obtain the outlines of a bill which would be acceptable to him. Ewing was called in to take part in the discussion. When Sargent tried to draw out the President on specific points he replied that the message was sufficiently explicit. He doubted the propriety of his giving the details to Congressmen. Later in the conversation, when Ewing expressed what he understood the President would approve, the President did not offer any objections.

The day following August 18, when the Cabinet members arrived for their regular meeting they found the President again closeted with Berrien and Sargent. After their departure the Cabinet discussed the subject of a new bill. Ewing stated what he understood the president would approve. At one point the President corrected him. Webster expressed his views to supplement Ewing's and the President asked that "the Bill should assume that form," but also asked that he be not committed personally to the bill. He agreed that Sargent should have charge of the bill in the House.

The "Coffee House Letter" appeared on the twenty-second. It was written by John M. Botts, a Virginia Congressman. In it he accused the President of turning and twisting and

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56 Diary, passim.
changing his ground so often that it would be hard to tell on what ground he would veto the bill. One sentence in the letter which caused especial anxiety among those who were trying to draft a bill suitable to the President, ran as follows: "Our Captain Tyler is making desperate efforts to set himself up with the Locofoos, but he will be headed yet, and I regret to say it will end badly for him." This letter troubled the President and he soon expressed a desire that the entire matter of a charter be postponed until the regular session. Webster wrote in this vein to the Massachusetts Senators. But Clay was impatient and insisted on forcing the bill through Congress.

At the President's request, Ewing prepared a twelve page argument, stating his reasons why the second Bank bill should be signed, and this paper was submitted to the President while the bill was still in the House. On September third the second Bank bill passed the Senate. In his diary the same day, Adams sourly predicted that the bill would be vetoed.

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57 It is difficult to understand all of Webster's actions at this time. The following entry in Adams' Diary of Apr. 20, 1841, may be suggestive: "In my conversation with Mr. Bell last evening, I had reason to conclude that the policy of Mr. Tyler will look exclusively in his own election for the next four years' term as President, and that of Webster will be to secure it for him; that Mr. Clay will be left to fight his own battles with the Land Bill,...; and that between Tyler and Webster there will be a concert of mutual concession between the North and the South. Clay will soon be in unequivocal opposition, and the administration will muddle along,...; for as to any great, commanding, and compact system, Webster is 'a great baby,' and Ewing is another, of course this administration will be a failure,..."

Why did the President veto this bill after giving assurances to Cabinet members and Congressional leaders that he would sign it? Any answer to this question must be partly speculative. His constitutional objections were known and sincere—but so were they when he assured the Cabinet that he would favor the bill. Some credence should be given to Benton's so-called "Secret History" of the veto. It is true that Benton was not in full accord with Tyler, but it would be hard to prove that he was more nearly in accord with the Whigs, his lifelong enemies. The essence of Benton's account is that a small group of leaders, largely Whigs, decided to form a third party around Tyler. These men, by flattery of the President, expected to gain control of him and thus rule the country. Their first task was to pry Tyler loose from his Cabinet, and the Whig leadership generally. Democratic doctrines (States Rights doctrines, at least in part) were to form the basis of the new party. The nucleus was opposition to a bank. Two newspapers readily fell into line with the project. The Madisonian at Washington, and the Herald at New York, were very vituperative against the Whig party, and even the Cabinet. That there was a sort of inner Cabinet headed by Henry A. Wise and other Virginians cannot be doubted. Whig speakers referred to it frequently in Congress, and John Bell in letters to Ewing of October 23 and 26, 1841, referred to Tyler's secret advisers and his attempt to rally members of both parties around him.


60 Vol. VI, Ewing Papers.
Benton's evidence showed that Tyler had committed himself to support the second bill. In addition to the statements of Ewing and Bell of the Cabinet, Benton quoted a long statement by Congressman Stuart of Virginia that he, Stuart, waited on the president with a proposed bill, got the president to make alterations in his own hand, and then as a member of the Committee of the House had those alterations included in the second bill. The original paper which had Tyler's corrections on it was carefully kept by Benton but was destroyed when his house, books and papers burned in 1855. Benton also listed nine items which showed that the President was really against the bill and that his inner circle knew it all the time.

Another consideration influencing Tyler's final decision may have been a growing restlessness under Clay's dictatorial methods. Clay and Webster could not get along, and Ewing believed that Clay wished submission from the Cabinet. Harrison had found it necessary to tell Clay who was the President. Ewing noted in his diary several times that Clay was becoming impatient for the passage of the bill.

When on September 9 Tyler sent to the House his second veto, members of the Cabinet had for some time been considering resignation. The attacks upon them in the New York Herald,

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62 Richardson, op.cit., p.68-72.
which was supposed to speak for Tyler, were becoming more savage.

On September 1 Ewing weighed and recorded in his diary the pros and cons for resignation in the event the President should veto this bill. He conferred with Bell and Granger who concurred with him. On the second Webster dined with the President, Cabinet, and the chairmen of Foreign Relations Committees of both Houses, and in the evening all attended a large party at Bell's. On the same day Ewing consulted with Representative Summers from Virginia, and with Representatives Goode and Stokely from Ohio, and with Alfred Kelley, each of whom advised against resignation, on the ground that General Harrison and the Nation had assigned them their posts and they should not leave them until they were dismissed.

On September 3 Ewing talked with Webster about a dissolution of the Cabinet. Webster said he could not sleep at night because of worrying about it; if he were rich he would not mind it, but he felt great unwillingness at his age to return to the Bar. "We agreed that the situation at the head of a department here was enviable, if the President had intellect and was in harmony with the Cabinet and all supported by a good majority in the two houses. Spoke of resignation in a certain event but desired to ascertain whether the President had been bargaining with the adversary." recorded Ewing.

63 Webster was then almost 60.
64 Diary, op. cit., p.109. Webster had written on Aug. 22 to Mr. Ketchum "there is no doubt that violent assaults are made upon him from certain quarters, to break with the Whigs, change his Cabinet, etc."
On September 4 the President informed the Cabinet that he would probably veto the second bank bill and criticize it severely. Webster replied that such a course would not be entirely consistent with official dignity. On the way home from the Cabinet meeting Webster suggested that the public be prepared for the veto. The next morning Ewing's hope revived and he took to Webster a detailed plan by which Webster might prevent a veto. Webster agreed to see the President. Ewing's diary closed on the sixth, but as soon as he heard of the veto he wrote his resignation and sent it to the President. Webster held up this paper, called Ewing to see him, and remarked that it was a harsh paper, and the President had not seen it. Webster then informed Ewing that the President had authorized him to offer Ewing his choice of Foreign Missions if he would depart in peace. This Ewing rejected, insisting that he could not honorably remain in the Cabinet, and that the people must know why he resigned.

Webster called the Massachusetts delegation to his home to ask their advice as to whether he should resign. Ex-President Adams, a member of that delegation, faithfully chronicled the events of that meeting in his "diary". He perceived that Webster did not wish to resign though he wanted

65 The ministry to England was then vacant.
the state delegation to make the decision for him. Adams added that "We all felt that the hour of the requiem of the Whig party was at hand."

Ewing took the lead and resigned on September 11. He had not consulted with Clay since the differences had arisen between Clay and the President. His letter of resignation was long and detailed and drew down upon him the wrath of the opposition. The Democratic papers insisted that his political future was sealed. He was attacked with especial violence because he had "betrayed Cabinet secrets." Adams was not the only leader who regarded the break between the President and the Clay wing as disastrous to the Whig party. In November Calhoun wrote to a correspondent, J. B. Mathews, "Whiggery as well as Whigs, is defeated. The party will dissolve never to rise again, under its present name or garb."

For Ewing, personally, his resignation meant a return to private life. Again, when he was in line for a bright political future his hopes were dashed to the ground. In the very prime of life, not yet fifty-two, he went home to a law partnership with his oldest son, Philemon.

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67 In his detailed account he listed the assurances which the President had made in Cabinet meetings that he would sign the bill.

68 In Calhoun Papers, Library of Congress.
Continued Interest in Politics.

Ewing did not lose interest in politics after leaving the Cabinet. Less than two months after the break-up of the Cabinet he received from Winfield Scott, as "a mark of respect to a private friend," a copy of a nine and one-half page letter stating Scott's position on current questions, and what he would do if chosen president.

A rival within the Ohio Whig ranks was gradually contesting Ewing's leadership. This was Thomas Corwin of Lebanon, a stump speaker who could sway crowds more easily than could Ewing, but who did not have the logical, forceful reasoning which was Ewing's forte. Corwin had been a member of Congress from his district for several terms, and in 1840 had been elected governor of the state. There was no rivalry over the governorship since Ewing was never interested in any state office after he had been Senator. If Ewing felt chagrined to have a county Whig meeting, whose invitation he had accepted in October 1842, suddenly change to another date to suit the convenience of Governor Corwin, he did not show it.

Ewing still was the Whig candidate for the United States Senate, and that was the position he wanted. But in 1842, true to their custom during this period whenever a state legislature was concerned with the Senatorial election, the

70 Logan County Whig Central Committee to T. Ewing, Sept. 5, 1842. Ewing Papers, Vol. VII.
Democrats swept the state. On the first ballot Senator Allen, the incumbent, received 63 votes and Ewing 44. Corwin had been a candidate for reelection as governor that year, and now, defeated, he began to look toward the Senate. He was able to make a claim on Whig generosity in that though few conceded him a chance in 1842, and though all signs pointed toward a Democratic victory, he had been willing to be "sacrificed" for the good of the ticket. The rivalry between Ewing and Corwin was always quite friendly, but Corwin began as early as March, 1843, to organize his home districts.

Though Ewing himself wanted the Senatorship from Ohio, his great concern was the election of Clay to the presidency in 1844. To attain this he worked unceasingly. Ever since the Cabinet split in 1841 Clay had been the acknowledged candidate of the Whigs for 1844. The only questions were, who would be the candidate for Vice President, and would the party adopt a platform? Webster, who had finally left Tyler's Cabinet with a stately tread, now began to be interested in the Vice Presidency. The position had assumed new importance since Tyler had been president for all but one month of Harrison's term. Webster had probably receded also from his earlier position that he did not want to see Clay elected President by the Whig party. As soon as Clay heard of the movement to run Webster with him on the ticket he wrote to Ewing to learn his opinion.

71 Corwin to Ewing, Apr. 1, 1843. Ewing Papers, Vol. VII.
72 Clay to Ewing, Oct. 29, 1843. Ewing Papers, Vol. VII. Most of the Clay-Ewing correspondence was destroyed at once; Ewing did save some, but gave most of it to souvenir hunters after Clay's death. Fortunately this letter of Clay's and Ewing's reply has been preserved.
In his "confidential" reply, Ewing said that the Whigs had much to forgive Webster, and yet his name would give them a little strength in some places, possibly in the places where strength was most needed. He continued:

I have personally much cause to object to & distrust him— I could easily excuse his note to the Intelligencer "after the dissolution of the Cabinet, for this indicated merely a bluntness of moral perception on his part— but he also got up a report, which he knew to be false, & caused it to appear in several papers, devoted to his interest, namely that the resignation of the Cabinet was an intrigue got up & arranged in consultation with you, & to advance your interest... he well knew that while our course was yet undetermined all the members of the Cabinet studiously avoided conversation with you on the subject— Not because we did not desire the aid of your experience and judgment in the emergency, but because we knew the use that would be made of such consultation by the common enemy....

Ewing was willing to forget everything for the good of the Whig party, but he thought that Webster should give evidence of reform before "we can touch him without injury, much less with advantage." There were two things that this reform must show. First, that Webster was beyond a doubt a Whig, and second, he "must drop all exhibitions of personal hostility toward yourself."

73 The Intelligencer was the conservative Washington newspaper, published by Gales and Seaton, and the political standard for loyal Whigs during the Jackson period. It continued until after the Civil War. Webster's note was his vindication for remaining in the Cabinet. Benton claimed that Webster was forced to resign from the Cabinet in 1843, in the same manner that the other members had been forced out in 1841, i.e., Tyler became reserved and indifferent, his important plans were divulged to those not cabinet members, etc.
Webster's change Ewing believed must be accompanied by a public and emphatic expression of good will. Ewing continued:

He is generally understood to be an in-temperate man. It is also said that his open and gross immorality has become in the highest degree offensive to the strict community in which he lives and among whom [sic] he ought to have most weight— I doubt exceedingly whether we could make him useful to us... everything must be very carefully weighed and the wright [sic] steps taken to secure large masses of men & we must take care not to lose on one hand in trying to gain on another— Much of our success this year in Ohio is to be attributed to the German and Irish laborers, most of them Catholics— They think all Boston was concerned in burning the Charleston Convent & they have especially a strong feeling against Mr. Webster.74

Another cause for worry, Ewing thought, was the Liberty party which had been formed in 1840 under the leadership of James G. Birney. This party attempted to gain, as adherents, the anti-slavery men of both parties, and the movement gave rise to considerable concern on the part of the leaders of the old parties. Ewing thought that the leaders of the Liberty party might be "operated upon," and if they were, the vote in Ohio would be safe for the Whigs. But, he warned, the Liberty men who were moved by such a "violent spirit of enthusiasm" that they could not be permanently allied with the Whigs, unless they hastened into excesses. In that event the moderates might become Whigs. If, however, the Whigs could not win over the leaders of the new movement, they must divide the

74 Ewing to Clay, Nov. 1, 1843. Clay Papers, Vol. XXIII. During one of the Nativist uprisings in Massachusetts the "one hundred per centers" had burned a Catholic school in Charleston, a suburb of Boston.
party into moral and political Abolitionists, and thus "re-
duce the numbers of those who are for mischief—We have
the means in our power of electing you and we shall do it if
we commit no blunder," Ewing concluded his letter to Clay.

To choose an acceptable candidate for the Vice
Presidency proved to be a difficult task. Indeed, the Whigs
were not able to select a man who was entirely satisfactory.
John Sargent of Pennsylvania, who had run with Clay in 1832,
was considered, but his connection with the Bank of the United
States, and his lack of support from the Pennsylvania Anti-
75
Masons, destroyed his availability. John Davis of
Massachusetts would have been acceptable had there not been a
fear that the Catholic voters would link him with the de-
struction of the Charleston Convent. Pennsylvania leaders
hoped the candidate would be taken from their state, but
realized that it would be difficult to get the two factions
77
there to unite on one man.

The Whig convention in May chose, as was expected,
Henry Clay as candidate for President. For Vice President,
you chose Theodore Frelinghuysen of New Jersey. It happened
that New York was the one state in which a change of a few

75 Thos. C. Hambly to Ewing, Feb. 14, 1844, Ewing Papers, Vol.VII.
76 Ewing to Clay, Nov. 1, 1843, Ewing Papers, Vol. VII. John
Davis was long a close friend of Ewing’s. When he entered
the Senate it was Ewing who presented his credentials, and
when Ewing visited Boston and Cambridge while Davis was
Governor, the executive coach waited to drive him to the
Harvard Commencement.
77 Hambly to Ewing, op.cit.
votes would have elected Clay, and since the Liberty party obtained more votes there than the number Clay needed, it has often been asserted that if Clay could have obtained the entire Liberty vote in New York his election would have been assured. Would it not be more plausible to assume that the needed votes might have been obtained from among those who voted the Democratic ticket? The Catholic vote, at least in Ohio, did not go to the Whigs. Their vote was lost because Frelinghuysen had nativist leanings and was opposed to them. He had written a book which was "very severe in its strictures upon their Hierarchy & their faith & as they said abounding in falsehood & Misrepresentation." 78

Many Catholic priests in Ohio, including the Bishop, cast their influence against the Whigs. The German and Irish vote, largely Catholic, which Ewing thought had turned the tide a year before was now given to the Democrats. Ewing hoped that after this defeat the Whigs would not again run a dark horse for the second place on the ticket. He proposed that thereafter when a new candidate should be considered who seemed likely to win the nomination, the convention should adjourn at once for at least a day while the leaders talked over his merits and demerits. Ewing had felt from the first that Frelinghuysen would cause trouble for the party. 79

78 Ewing to Timothy Childs, of Rochester, N. Y., Jan. 3, 1845, in the "Manuscript Collection" Historical Society of Pa.
79 Ibid.
The question of expansion, with its slavery connections, was the most important issue in the election of 1844. In the spring Crittenden from the Senate had informed Ewing that no treaty for the annexation of Texas could pass the Senate. In the same letter Crittenden wished to know whether the Texas question had assumed a party character in Ohio. Many of the leaders hoped that it would not become a party question, especially after both Clay and Van Buren had published their views indicating a willingness to let the matter rest. But the Democrats repudiated Van Buren and nominated Polk on an expansionist program. The issue was bound to figure in the campaign. Clay tried to get the votes of those who favored annexation and those who were against annexation, and he soon was hedging on the question. In Ohio the strategy followed was to regard expansion as a scheme of Democratic slaveholders who wished to obtain more slave territory. The Ohio Eagle accused Corwin and Ewing of "the most contemptible demagougeism on the Texas question" in that they did not adhere strictly to Clay's position on annexation.

80 Crittenden to Ewing, March 30, 1844, Crittenden Papers.

81 There is a tradition in the Ewing family that when Clay visited in the Ewing home during the campaign of 1844 the question of sending these equivocating letters to Southerners was discussed, and Ewing advised against it. His advice, if he gave such advice, was not followed.

82 August 22, 1844.
Ewing probably delivered more speeches in this campaign than in any other in which he participated, and he seemed to enjoy his work more. He had had occasion before this to note Clay's imperious ruthlessness, and his lack of consideration for his lieutenants, but Clay, more nearly than any other man, embodied the principles for which Ewing always strove—the American System, a Bank, and Distribution. Ewing spoke in every county in the state, and received numerous invitations to barbecues and other public gatherings in Kentucky and Indiana, besides some from Illinois, Missouri, Pennsylvania, New York, Virginia, and Tennessee. From the last named state came an invitation from the wives and daughters of Whigs. One invitation offered those who attended a "Reast of Patriotism" in addition to the barbecue. Many of the invitations referred to Ewing's "noble" action in leaving the Tyler Cabinet.

By the middle of August Ewing felt sure that Clay would carry Ohio, and he thought that his prospects for success in the nation were very favorable. Although the Whigs carried both the state elections in October and the presidential election in Ohio in November, the Democrats won the Presidency. Still the day might have been saved for Ewing. The Whigs were

83 Ohio Eagle, July 18, 1844.
84 There are approximately 50 of these invitations preserved in the Ewing Papers, Vol. VII.
85 To Hugh, Aug. 17, 1844, Mrs. Montgomery Collection.
about to choose a United States Senator from Ohio. For the first and, as it later proved to be, the only time in their history, the Ohio Whigs were able, alone, to elect a Senator. During the period in which the Whigs existed as a party they elected their candidate for governor more often than they were defeated, and they controlled the legislature a considerable part of the time. Yet this year, 1844, was the only time in which they controlled the legislature when a Senator was to be chosen. And this was the only election year in which Ewing was not the choice of the Whigs for the Senate. The race between Ewing and Corwin was a close one. As late as December 2 the Ohio Statesman asserted that although it was generally supposed after the election that Corwin would be chosen because of his "disinterested" services to the party, it now seemed that Ewing had cut him out. But the next day the editor of the Cincinnati Gazette, a Whig paper, wrote from Columbus that Corwin stood ahead of all others. The election was held on December 5; Corwin got the Whig vote and was elected.

86 Cincinnati Gazette, Dec. 7, 1844. Wright, the senior editor, wrote daily letters home to the paper from Columbus.

87 The vote stood Corwin 60, Disney 46, Lane 1. The vote for Lane was an error; Alfred Kelley had prepared his ballot for Judge, to be voted on next, and put it in at the wrong time. The Whigs numbered 62 on joint ballot, the Democrats 45. The caucus vote stood Corwin 47, Ewing 13, according to the letter from William Miner to McLean, Dec. 8, 1844, McLean Papers, Vol. XI. The same writer quoted Corwin as saying he would rather forego the result of the election than to lose Ewing's friendship.
The Mexican War was perhaps the last one in America with which a citizen could disagree strenuously and still be regarded as less than a dangerous individual. Indeed Tom Corwin, from the seat in the Senate which Ewing had wanted, could declaim at great length against "Mr. Polk's War." He could speak of the "iniquitous outrage" and calmly endorse the action of Mexicans defending their homes, and thereby gain consideration as a candidate for the Presidency in the next election.

Corwin, however, was not speaking Ewing's thoughts. Ewing was a Nationalist. When a foreign policy had engaged the nation in war, he would support that policy, regardless of how vehemently he had opposed the action prior to the outbreak of the war. Early in the state campaign of 1846, the Whig candidate for governor, William Bebb, wrote to Ewing and inquired what he should say in regard to Texas, Mexico, and war. Ewing replied that when those questions were debatable, i.e. in 1844, the Whigs had spoken fully and freely. They had

88 Speech of Feb. 11, 1847. 29th Congress, 2nd Session Appendix, pp. 237-246.

89 Lloyd Lewis paints this side of Ewing as being so strong as to be in reality his religion—Sherman, Fighting Prophet, passim.

90 Ewing's Letterbook 1826 to 1848 contains two letters of Ewing's to Bebb, one of June 1, and one of Aug. 17, 1846.
seen the benefits of thirty years of world peace, and had spoken for its preservation. But they had been defeated. The United States now had Texas and war. Whig opinions had not changed but their duties had. "Our country is now engaged in war— we must all unite to bring her successfully & honorably out of the struggle."

Ewing then discussed the cost of the war, and pointed out that the Whigs had in 1844 predicted the cost, only they had made it too low. But perhaps good could come from evil, perhaps the war would save the tariff which was being threatened by the Democrats. If money was not collected by a tariff, Ewing advised Bebb to say in his speeches, it must be collected by direct taxes apportioned according to population. If the war should cost one hundred million, Ohio's share (one eleventh according to the population), would be nine millions or four and one half times as much as the present tax. Ewing further gave advice on the State debt and the new tax law. In regard to the latter issue he suggested an apt illustration. Should the tax, he asked, be laid on the one horse and two cows of the poor man or on the luxuries of the rich and the money bags of the miser?

91 The Walker tariff which was passed that year was the lowest since the War of 1812. Neither the country nor the people became bankrupt, in spite of Whig predictions. Ewing was not so insistent for a high tariff thereafter.

In his later letter of August 17, to Bebb, Ewing maintained that the recent action of the Southerners in refusing the Wilmot proviso was a dark omen which Bebb should attack vigorously. Coming to questions which should have been of concern to Ohioans in choosing a Governor, Ewing thought that Bebb had been saying too much in regard to the repeal of the black laws. These laws dealt with restrictions on the civil life and rights of the Negroes. They forbade a Negro to sit on a jury, to give testimony against a white, and restricted his movements generally. Ewing wrote:

The law denying the right of a citizen to avail himself of the testimony of a Black or mulatto cannot for a moment be defended & requires repeal- The other laws require revision- but none of them require to be brought prominently into this canvass.93

Ewing admitted that the question of the black laws was a tempting subject for a strong appeal but he thought it a very dangerous one. Since the Democrats had given the Whigs such a splendid opportunity to disclose their conspiracy in regard to the Wilmot Proviso, why not take advantage of it?

The Campaign of 1848.

As the national campaign of 1848 approached there was a great deal of maneuvering for position. Clay, of course, wanted to run again. Corwin was talked of, at least, by many

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93 Letterbook.
Ohioans. McLean was always a possibility. Crittenden, Webster, Scott and Vinton were also mentioned in some quarters. On May 5, 1847, Horace Greeley, probably moved by Corwin's flaming speech of February 11, in the Senate against the slave power, wrote that Corwin was his first choice.

But there was another candidate who was rapidly gaining favor. Men of nearly every shade of political opinion were flirting with the idea of running Zachary Taylor for President. Following his victories over the Mexican army, in particular the victory at Buena Vista in the spring of 1847, he became a real contender for the Presidency. But which party could claim him? Calhoun of South Carolina, wrote to J. D. B. DeBow, the well known editor of DeBow's Review, who lived in Taylor's own state, Louisiana, asking him what were Taylor's politics. Before answering, DeBow consulted a Democratic friend who knew perhaps more about General Taylor than any one else. His opinion was that the General didn't know party. He was against the Wilmot proviso, was no politician, but he probably would support the tariff law of 1846.

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94 Letter from McLean to Ewing, Oct. 6, 1847, discusses some of them. Ewing Papers, Vol. VII.

95 Lancaster Gazette, Jan. 15, 1847.

96 To Joshua H. Giddings, in Giddings Papers, Ohio Archaeological and Historical Society Library.

97 Calhoun Correspondence, A.H.A. Annual Report, 1929.
To some Whigs a clever idea suggested itself. Since they had opposed the war, more or less vigorously, they were assured of the votes of those against the war. If they should nominate the outstanding hero of the war the election should be easy. Could they get Taylor to run as a Whig, and could they get the other Whig candidates to agree? While the Whig leaders were puzzling over this question, Taylor announced his candidacy, and the scramble for the nomination began. Partisans of McLean chuckled at this "warm contest" between Taylor, Clay and Corwin, for it would, in the end, aid McLean.

Factions also appeared among Ohio Whigs. The state convention witnessed a riotous scene when L. D. Campbell introduced resolutions that the convention favor some candidate for President. Campbell favored Corwin, but the majority of the convention were either opposed to Corwin, or in favor of postponing the decision. Nor was the choosing of a candidate for Governor a very peaceable occasion. The war wing of the party supported James Collier, the Corwin wing was for Columbus Delano. Seabury Ford was finally chosen as a compromise candidate.

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98 J. C. Wright to McLean, Jan. 30, 1848, McLean Papers, Vol. XVI.
99 Lancaster Gazette, Feb. 4, 1848.
100 Prominent for a number of years. Before this he had been a member of the state legislature. At this time he was a member of Congress.
101 Ohio Eagle, Jan. 27, 1848.
What did Henry Clay, the real head of the Whig party, have to say? He wanted the nomination for himself. During the winter he had gone to Washington, and had made a tour of some of the states. He had talked over his candidacy with various leaders, always assuring them that he would withdraw from the race if his election did not seem certain. He had talked with McClean, among others, after which Ewing reported that McClean was in high spirits, and evidently supposed that Clay was about to decline and throw his support to McClean, an opinion, Ewing added, "which I supposed could arise only in the mind of a man who was more likely to deceive himself than others— one who was neither a Talleyrand or Metternich in diplomacy."

Ewing's analysis of the situation shortly before the meeting of the Whig convention brought him little comfort. He felt sure that Clay could not be elected, although he would probably carry Ohio, unless it were for the psychological effect which the likelihood of his defeat in other states would have on Ohio voters. He had expressed this view to Crittenden in the winter at Washington, and had held the view for some time previous to that. He had never so informed Clay because Clay did not lead the conversation to that subject, and "I could not introduce it, & volunteer an

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102 Ewing to Crittenden, May 20, 1848. Lindley Collection. This is a six page letter which goes into all the details of the political situation. It is a "private" letter, and Crittenden's biographer did not use it although she had possession of it.

103 Ibid.
opinion unfavorable to his prospects." If Ewing were a member of the convention, with conditions as they were, he would have opposed Clay's nomination, because defeat would be sure to follow. Were "personal friendship & habitual personal allegiance" should not come ahead of the good of the party.

With almost identical reasoning, Abraham Lincoln, member of Congress from Illinois, who spent a great deal of his time keeping his political fences in order, was urging a correspondent to get "our good friend Browning ... to discard feeling." Browning was supporting Clay because of friendship, and Lincoln wanted him to support Taylor because he was the only one who could be elected by the Whigs.

In the autumn of 1847 Corwin had referred to the "crack brained chivalry of Kentucky" in supporting Clay, as a dangerous omen. He had coupled this with the "gun powder stupidity of Pennsylvania Whigs" as the two gravest dangers in the campaign.

104 O. H. Browning, an Illinois politician, later friend and partner of Ewing. Later a member of Johnson's Cabinet.


Ewing was genuinely sorry that Clay should find himself in his present condition, but thought that no one was to blame but Clay himself. Ewing wrote to Crittenden:

You & I are both well aware, that Mr. Clay is not easily led, & that he is decidedly 'bad to drive!'... Mr. Clay has such influence over the minds of men, that very few, perhaps not one in ten thousand will in conversation with him, venture to advance anything which he knows will be personally disagreeable, or omit to say what he thinks will gratify him... nearly all who approached him ministered to his master passion— they deceived him weakly, not wickedly,... 107

Ewing then predicted the nomination of Taylor by the convention, and expressed his fear that Taylor could not carry Ohio, because Taylor in his letters, had written that he would be a candidate whether the convention nominated him or not. Many of the Whigs were not opposed to him and would vote for him only to preserve the unity of the party, and because they felt bound to support the nominee of the convention. But Taylor refused to be bound. If he were nominated under these circumstances, Ewing feared secession from the party. To avoid this the Taylor men should "pledge themselves and their influences, early & promptly by some of their best orators in the convention to support the nominee." If this was not done and if Taylor were nominated, it would cause anger and discontent, and "restless spirits" would call meetings and

107 Ewing to Crittenden, op.cit.
inflame the "angry passions of men etc., etc.- and I & all
of us who have been heretofore favorably heard by the masses
might as well leap on a comet & attempt to cure its eccentricity as to go into such an assembly & try to control its
actions." Ewing concluded: "In the event of Gen'l Taylor's
nomination great care must be taken to select a candidate for
Vice "resident who will tend to reconcile those that shall be
dissatisfied in the first instance."

Was Ewing himself angling for the nomination for
second place? Possibly so. He was writing to one of Taylor's
managers, and it would certainly be logical to believe that
Ewing could reconcile the Chions who would be perturbed by
Taylor's success. Finally a Northerner would surely be put
on the ticket with Taylor. Ewing pledged his "utmost efforts"
to the success of the candidate, which may have been a further
intimation that he would like to have the nomination. Subse-
quent events showed that he came very near getting the office.

At the convention Taylor received the nomination.

The forces favoring Corwin had no hope of success, so his
name was withdrawn early in the convention. Taylor, Clay
and Scott were the leading candidates. After Corwin's name
had been withdrawn, Campbell nominated Scott, but it was im-
possible to stop Taylor. An attempt by some to adopt a
platform was smothered by the leaders. When the Taylor forces,

108 Ibid.
anxious to placate the Clay wing of the party, proposed Thomas Ewing for Vice President, Campbell sulking because he had not been heard in regard to a platform, and because he had not been able to prevent the nomination of Taylor, withdrew Ewing's name. He had no authority either from Ewing or from any one else for this action. Governor Bebb, a member of the convention, characterized Campbell’s action as hasty and splenetic, and quoted Campbell as saying that "Ohio wanted no sugar plums." In his account written fifteen years later, Ewing agreed with the statement of the Ohio governor.

At Lancaster, as soon as Taylor's nomination was ascertained, the customary ratifying convention assembled in the Court House. Speeches praising "Old Rough" were delivered. Ewing probably felt it beneath his dignity to attend this convention before he received a special invitation. The first act of the meeting was to appoint a committee to wait on Ewing. He returned with the committee and delivered the main speech of the evening. His auditors cheered loudly for Taylor and produced the most powerful groans for the benefit of the Locos. To many of those present, it probably mattered little whether


they cheered for the Presidential candidate or for "Barnum's Grand Travelling Exhibition" which appeared in Lancaster at about the same time.

Clay was bitterly disappointed and remained in his tent during the entire campaign. He attributed his defeat to the inconstancy of the Ohio delegation, which had been controlled, he thought, by a Congressional clique. McLean interpreted the actions of the Ohio delegation at Philadelphia as the result of intrigue. Chase, formerly of the Liberty Party, who was now trying to organize the Free Soil Party, wanted Justice McLean to run on the Free Soil Ticket. Chase had Democratic leanings and so he wanted John Van Buren to run for Vice President, or Martin Van Buren for President with McLean for Vice President. In a letter to McLean, Chase listed five reasons why McLean should "pursue the path of duty," i.e. run on the Free Soil ticket, and added: "...he that loseth his life, the same shall save it. This is true of the political as well as of the spiritual life."

The story of the campaign of 1848 was not particularly different from that of earlier ones. On July 22, Ewing warned Taylor, who had much to learn about politics, not to write any

112 S.P. Chase to McLean, Aug. 2, 1848, ibid.
more letters. The old General got himself into trouble every time he burst into print, and Ewing advised him to write to no one except a "known, substantial and prudent friend." The Whigs were willing to "fight the battle" on the opinions given in the Allison letter, in which he had avowed his Whigism.

The Whigs worked frantically for success. Crittenden wrote to Ewing, in a long letter:

There is Ewing, one other consideration that must give to you & me a sort of final & concentrated interest in this contest. It is the last in which we can hope to share in the triumph - if defeated now, it is final as to us - we can no more hope to see the Government rescued from abuse, & in the hands of men who would administer it in its purity. Put forth all your strength then in this last struggle.

On September 8 Ewing wrote that success could not be promised in Ohio. Three days later Crittenden answered that Ewing must have been under a spell when he wrote his last letter.

Surely Ewing, Corwin and Vance could turn the tide! The Whigs elected Seabury Ford governor of Ohio, secured a tie in the State Senate and a small majority in the house. Of the Whigs,

Ewing to Taylor, July 22, 1848, copy in Ewing Papers, Vol.VII.
Crittenden to Ewing, Sept. 1, 1848, Ewing Papers, Vol VII.
Crittenden had just been elected Governor of Kentucky, but he continued active in Whig national councils.
Ewing to Crittenden, Sept. 8, 1848, Lindley Collection.
Crittenden to Ewing, Sept. 11, 1848. Ewing Papers, Vol. VII.
Ewing to Crittenden, Oct. 15, 1848, Lindley Collection.
Ewing was mistaken, due to the subsequent deal in Hamilton County.
however, several were Free Soil Whigs who were likely to join Free Soil Democrats on any question, and thus hold the balance of power. Writing to Crittenden just after the State election Ewing warned him that he should not rely on Ohio, because Taylor would make a poorer showing on the Reserve than Ford. But Ewing was willing to spend the remaining time before election on the Reserve stumping for Taylor, thereby losing his chance to obtain the Free Soil votes in the Ohio Legislature for the Senate. Since Pennsylvania was safe, Taylor's election was assured, but Ewing wished to "bring Ohio into line."

Finally on November 3 Ewing wrote to Crittenden:

Since I wrote you last I have been through all the counties in the Western Reserve except Lorain & in the most populous Quaker neighborhood in the eastern part of the State—bringing home on my cloak a sample of the free soil from twenty one counties—The Quakers will give us but little trouble— they are reasonable considerate men & I had no difficulty in satisfying them that friend Zachary, although a General would be more likely to maintain our country in peace than Gov. Cass....

* * * * * * * * * *

I am not sanguine of our success, but our vote for Governor is, i am satisfied, no test of the vote for President... Ford lost some votes in the South because he did not come out for Taylor— he lost many because he was charged with being an Abolitionist. 119

While Ewing was in the Northern part of the State, he used the recently invented telegraph to get Frank Granger, a Whig who leaned

118 Ibid.
119 Ewing to Crittenden, Nov. 3, 1848. Lindley Collection.
toward Abolitionism, and a co-cabinet member with Ewing in 1841, to come to his aid. Granger came and stayed for the remainder of the campaign.

Taylor lost Ohio, but carried enough states to win the election. The Free Soil vote in Ohio was substantial. Vance, a former Whig Governor, reported that nine tenths of the Free Soil vote came from the Whig party. Two members of the Whig delegation to the Philadelphia Convention from Ohio did not support Taylor, and four others remained undecided so long that their final support was of little value. Even Clay gave only a half-hearted endorsement, while McLean adopted a "hesitant and treacherous course."

Soon after the election Ohio's leaders began to urge Ewing for the cabinet. Governor Bebb wrote to Crittenden "without consultation with any living man but as an humble individual," listing several reasons why Ewing should be in the cabinet. He stressed his well-known ability and argued that the general desire to send him to the Senate after his resignation from Tyler's cabinet, could not be satisfied in 1844, because the Whig party had indebted itself so greatly to Corwin in forcing him to run for Governor without a chance of success in 1842, that the latter was given the Senate Seat. Now when Whigs had hoped to send Ewing to the Senate also, the balance of power in

120 Joseph Vance to Crittenden, Nov. 13, 1848, Crittenden Papers, Vol. XII.
121 Ibid.
the Ohio Legislature was held by Whig Free Soilers who would not vote for one that had been so active for Taylor, the slave holder. Another consideration was the fact that at the late Whig National Convention, when Ewing was nominated as Vice President, and when the members of the Convention were anxious to conciliate Ohio, Campbell, without authority from anyone, had "dashed the cup from our lips by the hasty and splenetic annunciation that 'Ohio wanted no sugar plums'-- The result is that Ohio is overwhelmed and disgraced notwithstanding the efforts" of most of the Whig campaigners of the state aided by many from other states. Various papers, both state and national, advocated Ewing's selection as a cabinet member.

Ewing did not wish to be in the cabinet if he might be in the Senate. During the winter his name was often connected with various cabinet appointments, but he held aloof until after the Senatorial election. In the State legislature,

John Sherman, a brother of Cump, attended this Convention as the young delegate from Ohio. He might have challenged the action of Campbell, but he was a young man on his first political venture, while Campbell was an old Whig wheel-horse.

Ohio had not cast her vote for a Democrat for President since 1832. In 1836 and again 1840 the state voted for Harrison, and in 1844 for Clay.

Wm. Bebb to J.J. Crittenden, Nov. 24, 1848, Crittenden Papers, Vol. XII. In regard to the nomination for Vice President, Ewing gave an account of it practically agreeing with that of Bebb in a letter to Cump Sherman, dated Jan. 22, 1867. This letter was stolen from Thomas Ewing of New York, but not until after he had copied this part of the letter and sent it to a newspaper writer.
the largest party was the Whigs. They gave their vote to Ewing on every ballot—Ewing's vote being 41 on the first two ballots, and 39 on the third and fourth. The Democrats gave 27 votes to William Allen, the incumbent, on the first ballot, and then forsook him. The Free Soil Whigs supported Joshua R. Giddings for 2 ballots, with nine and eight votes respectively, and then left him. Salmon P. Chase was the candidate of the Democratic Free Soilers. He received 14 votes on the first ballot, 52 on the second, 55 on the third, but the ballot box had been stuffed, so another vote was cast. Chase got 55 this time and was declared elected.

The Whigs charged that there had been a bargain between the Democrats and Free Soilers. The Whigs of the previous legislature had passed a re-districting law which the Democrats had contested as unconstitutional. When the legislature met in December, 1848, the attempt of the House to organize led to scenes of great confusion. The Democrats reasoned that if they could control the election of Judges to existing vacancies the obnoxious law could be thrown out. So the Democrats and Free Soilers had made a bargain, under which the Democratic Free Soil candidate, Chase, was elected to the Senate. Chase was always something of an intriguer

125 Lancaster Gazette, Mar. 2, 1849.

126 A good account of this affair may be found in Holt, Party Politics in Ohio, 1840-1850, pp. 352 ff.

127 Democratic Leaders later admitted this. Pugh and others in the House in Dec., 1849; see Holt, op.cit.; also Lancaster Gazette, Dec. 28, 1849.
and bargainer. Gideon Welles, after serving with him for several years in Lincoln's cabinet, wrote in his diary that Chase was "an ambitious politician...intriguing, selfish, cold, grasping..." According to a recent writer, Chase dictated all the terms of the bargain made in the Ohio Legislature of 1848-49.

First Secretary of the Interior.

Ewing now had no choice but the Cabinet. As in 1841, he was talked of for the position of Postmaster General, because he had successfully led the Senate in reorganizing that department during the Jackson period. In 1841 it had been decided, after Clay had refused the cabinet position, to place Ewing at the head of the Clay forces of the cabinet, and give him the ranking office available, but Webster had chosen the State Department for himself. In 1849 it was finally decided to give Ewing the task of organizing the newly created Home Department, or the Department of the Interior, as it came to be known. This appointment was another recognition of Ewing's organizing ability. While in the Senate he had written the laws reorganizing the Post Office Department and the General Land Office Department.

Since the election of Senator by the Ohio Legislature was not accomplished until just before Taylor's in-

128 Holt, op.cit.
auguration, Ewing was not finally selected for the Cabinet until about the first of March. Even then there were doubts in the minds of his close friends as to where he would be, though the general opinion was that he would head the Post Office Department.

Sentiment favoring creation of an interior department had resulted partly as an outgrowth of the Mexican War, which had greatly increased the public domain, while the giving of bounty lands to soldiers and officers had increased the difficulty of administering that domain, and partly because of the natural increase in the work of some of the departments consequent on an enlarged population. It was desired that such public business as related to the Patent Office, which was under the Department of State, the Land Office and the Census Bureau, which were under the Treasury Department, Indian Affairs, which was controlled by the Secretary of War, and what later came to be the Pension Bureau, which was then under the War and Navy Departments, should all be placed in the new department. The care of public buildings

129 Philemon B. Ewing to Ewing, March 6, 1849, Ewing Papers, Vol. VIII.

130 Dr. Boerstler (Ewing Physician) to Ewing, Mch. 4, 1849. H. H. Hunter to Ewing, Mch. 7, 1849, F. Granger to Ewing, Mch. 2, 1849, Ewing Papers Vol. VIII. The Lancaster Gazette of Mch. 9, lists Ewing as Postmaster General. It was not generally known in Washington before Mch. 4, that Ewing would be the head of the new department. The news travelled slowly to other cities.

131 For the arguments in favor of, and those opposed to, the creation of the Department of the Interior, see Congressional Globe, 30th Congress, 2nd Session, pp.513-543, and passim. Also Reports of Committees, House, 30th Congress, 2nd session, No. 66.
was added to the duties of the new Secretary. The House Committee on Agriculture pointed out in its report favoring a new department, that the Federal Government had, in the sixty years of its existence, spent seven hundred million dollars through its departments of war and navy "for the purposes of military defense or aggression... The whole amount of expenditure by this government during the same sixty years, for the promotion of the arts of peace, for the development and perfection of agriculture, and mechanical science, for the facilitation of intercourse and trade, for the support of education, and the diffusion of knowledge, has probably amounted in all to less than one million of dollars per annum, and for some of those most useful, necessary, and indispensable, not one dollar has ever been bestowed by the federal government." 132

Samuel F. Vinton piloted the bill creating the new department through the House and it became a law just before Taylor's inaugural. The Secretary was given supervision over the acts of the five commissioners in his department, viz., the commissioners of the General Land Office, Patent Office, Indian Affairs, Pensions, and of Public buildings.

132 Ibid.
He was also given control over the officers of the census, the accounts of marshalls, clerks and other officers of United States Courts, over the Warden and inspectors of the District of Columbia Penitentiary, and jurisdiction over the mines of the United States.

There was the usual rush of applicants for office, but Ewing profited from his mistakes of 1841 in doling out the patronage. His appointments of 1849 were generally well received, although he was censured by some New York politicians for ignoring the slavery issue and making appointments from both the pro-slavery and the anti-slavery wings of the party. Ewing and Corwin worked hand in hand in making the Ohio appointments. One of the most persistent politicians who asked for favors for his friends was an Illinoisian, A. Lincoln. Another was Ewing's friend of long standing, Wm. H. Seward, then senator from New York.

133 Holt, op.cit., p.388f. See also B. R. Hardin to J. J. Crittenden, May 14, 1849, Crittenden Papers.

134 Ewing to —, a letter giving his memories of Governor Ford of Ohio, and he also gives this slant on New York appointments, Feb. 11, 1869, Ewing Papers, Vol. VIII.

135 Corwin to Ewing, March 12, 1849, Ewing Papers, Vol. VIII.

136 Lincoln to Ewing, March 11, and April 26, 1849, Ewing Papers, Vol. IX, also several letters in volume marked "Letters Received, April to Nov. 1849." Lincoln made a trip to Washington and talked over patronage matters with Ewing.

One of his duties in which Ewing took great interest was the supervision of the mines of the country. The California gold mines, recently discovered, fired his imagination. Then too, his second son, Hugh, went to California during the winter of 1849. (Ewing's oldest son was practicing law at Lancaster and his third son was a secretary attached to the White House). When Hugh decided to lead a party to California, Ewing sent him Fremont's Geography of California with the maps. He also advised him to become familiar with the geography and mineralogy of the country in advance. Ewing thought that Hugh should be able to recognize readily the character of the rocks and pebbles in which gold was to be found. At short intervals he sent him further instructions. On January 10, 1849, he sent a three page letter of wise parental advice. Among the suggestions was one to avoid drinking. Hugh and his four companions immediately took a vow not to touch liquor, but in one point in their journey when the cholera was raging and they must either drink foul water or brandy, they decided to break their vow. The father advised also that the

138 John C. Fremont had made exploring trips to California for the Government, while California was still Mexican territory. With the aid of his wife, daughter of Senator Benton, he prepared maps and descriptions of California and the country on the way there.

139 Ewing to Hugh B. Ewing, Dec. 31, 1848, Ewing Papers, Mrs. Montgomery Collection. Ewing was in Washington arguing cases before the Supreme Court at the time.

140 Ewing, H.B., "The Autobiography of a Tramp." This life of Major Gen. Hugh Boyle Ewing is being edited from his papers and diaries by his granddaughter, Mrs. Udell Ewing Gault, who kindly loaned the writer her manuscript.
son beware of the gaming table, watch his health, treat his companions as equals, and to guard against tricksters.

The young prospectors drew up a constitution and by-laws, under which their party was to be governed, and of course submitted it to Ewing for corrections. He replied to the extent of eight pages. He wisely commended the proposed regulations and suggested additions. For example, in order to expel a member a two-thirds vote should be required, and the expelled member should receive his share of the property, unless he had been expelled for fraud. More safeguards for each member's health were suggested, and if a member died his share must immediately be sent to his next of kin. Then, the youthful adventurers were urged to take a great deal of food, as there was a famine in California, and "even Midas could not eat his gold." Ewing continued:

... take enough well cured heavy flitch & white beans to last your whole party three months--these articles can be carried across in sacks...a few bushels of very good hard corn, well parched would be invaluable--I doubt whether it would stand the voyage without the parching--you must have coffee well browned & ground & tightly bottled up, & sugar-with this you will be safe against starvation... [He warned them that living on salt provisions might produce scurvy] You must have a garden spot as early as possible.

He warned them to beware of would-be friends. Cump might introduce some reliable friends. Ewing then gave minute

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141 Ewing to Hugh, Jan. 10, 1849, Ewing Papers, Mrs. Montgomery Collection.

142 A side of bacon, sometimes of beef, salt cured.

143 Cump was stationed with the army in California at that time.
details on how to carry on placer mining. He had made a
special study of it as though he were preparing a law case,
and he had inquired of those who knew something about this
occupation. He really produced a treatise on gold mining;
he warned against wasting time on carbonate of mercury,
which is heavy, looks like gold, but will decrease by half
if heated, "taking care not to breathe the fumes." He ad-
vised the party how to wash the gold, etc., and then
promised to write further.

Combining personal with public affairs Ewing want-
ed the party after it reached California to take part in
organizing California as a state, and he hoped the state
would be ready to enter the Union the following winter.
On August 12, he wrote:

We take great interest here in the movement
going on for the formation of a State Govern-
ment in California & hope it will succeed &
that two Senators & a member or two of Congress
may be sent to us next winter-- In the Con-
stitution there ought to be the clause pro-
hibiting Slavery that is found in the Con-
stitution of Ohio... but in whatever form
the Constitution may come I doubt not it will
be accepted. 146

Ewing forwarded to the mint some samples of "un-
worked earth" which the boys sent him, for experimental pur-
poses. He also spoke of a lump of gold in his possession,
weighing nearly 100 oz., which greatly excited the curiosity

144 Ewing to Hugh, Jan. 24, 1849, Ewing Papers, Mrs.
Montgomery Collection.
145 Ibid., Apr. 8, 1849.
146 Ibid., Aug. 12, 1849.
of the men at the mint. The largest lump they had seen, weighing less than 81 oz., had been in their possession for some time and was worth about $1500, and "has been under exhibition in Barnum's Museum, here [Philadelphia] and in New York."

The Secretary of the Interior had at his disposal more patronage than any other department head with the possible exception of the Postmaster General. The opposition papers asserted that Ewing had "vastly more [patronage] than... the whole cabinet together, omitting Mr. Collamer, [Postmaster General] and including Gen. Taylor."

All district attorneys, marshals, deputy marshals, pension officers, pension agents, the Indian bureau including Indian agents and sub-agents, the land office, registers of public lands, and receivers of public monies in payment for public lands, surveyors and surveyors-general, and employees of the patent office, were included under Ewing's jurisdiction.

Ewing removed scores of these officials, replacing them by "good men." The reason assigned was that these men had been spending their time in advancing their party rather than in performing the duties of their offices. Jackson had inaugurated the era in which appointive public officers were expected to spend a large part of their time

147 R. M. Patterson to Ewing, Aug. 17, 1849, Ewing Papers, Vol. X.
in assuring the re-election of their party. During the twenty years since "Old Hickory" had been first inaugurated, the Whigs had really participated in the public spoils for a scant six months, under Harrison and Tyler. Little wonder that they clamored for jobs, nor was it entirely surprising that they got them. One Whig editor remarked that it little behooved a party that had lived on proscription for twenty years to make a great stir because the tables were turned.

One of the ablest editors of the ante bellum period led the assault upon the Whigs. Thomas Ritchie, who had already made the Richmond Enquirer a national paper, was brought to Washington during Polk's administration to become the senior editor of the Union, which supported Polk. In 1849 this was the leading opposition paper. Since Ewing was one of the ablest and most influential members of the cabinet, he had to bear the brunt of the attack. The Administration, realizing the importance of a paper, had imported editors and started the Republic. But its editors were less able than Ritchie. The National Intelligencer, long the Washington mouthpiece of the Whigs, was a Webster paper, and since Webster had looked with lofty disdain on the action of the Whig Convention when it nominated Taylor, The

Lancaster Gazette, June 22, 1849.
Intelligencer was not chosen to be the defender of the administration.

The attacks of the Union ranged all the way from claims of fraud and speculation on the part of Ewing's subordinates, to an article accusing him of being only a messenger boy, because he was reported to have delivered a commission to one of his appointees in person. The old charge of buying up land scrip from destitute Revolutionary veterans and their descendants was revived and furnished substance for many columns of editorials. What matter if the facts were distorted or suppressed? This was good reading for the men whom "Butcher" Ewing had dismissed from office. The Whig Papers replied with long articles on Ewing's humble birth and his early poverty. They thundered that the Democrats were maligning him because he had been poor and "the Artificer of his own fortunes." The term "Butcher" Ewing, although it had been applied to him a time or two following his entrance into the cabinet of 1841, now became a stock word used by all loyal Democratic papers. The Union compared "the Butcher at his bloody work" of removals to Robespierre in the use of the guillotine, and continued, "he seems not to possess an honorable impulse, nor an elevated sentiment." It is difficult now to appreciate such scurrilous abuse.

See the Union, for June, July and August, 1849, especially for June 17, July 7, 10, 19, 28, 29 and Aug. 8.

The Union, July 28, 1849.
Party feeling however, did not keep leading Democrats from attending the almost regal wedding of Secretary Ewing's daughter. Some of the leading Whig papers of the country, such as the Philadelphia North American, wrote defences of Ewing in their papers and then wrote him personal letters of appreciation. Political leaders wrote articles supporting his course. Lincoln wrote in the Chicago Journal, "as to Mr. Ewing, his position has been one of great difficulty. I believe him...to be an able and faithful officer. A more intimate acquaintance with him would probably change the views of most of those who have complained of him." This was written some time after Ewing had given to another an Illinois political plum for which Lincoln had made a personal application. It was also after Ewing had offered Lincoln the Governorship of Oregon territory, which Lincoln had declined. The chairman of the State Whig Executive Committee informed Ewing that Lincoln declined because he was not willing to take office while certain friends of his had not been appointed to the positions for which he had recommended them. Lincoln's letters and his telegram to Ewing would seem to

152 See below, p.232.
153 James E. Harvey to Ewing, Ewing Papers, Letterbook of letters Received 1849-1850, No. 127.
substantiate this assertion.

The most serious charge against Taylor's cabinet dealt with the payment of claims against the government. In order to understand these payments one must remember the Whig concept of the function of the federal government. The Whigs contended that they would rather that the government pay a doubtful claim, than to be miserly with the public money. The Whigs would thus enhance the prestige of the Federal Government, as the source of the welfare of the people. The opposition, on the other hand, insisted that the Whigs would rather levy a burdensome tax on the people in order to have a surplus to pay to claimants, than to have an economical expenditure of government funds. The largest of these claims was the Galphin

A.G. Henry to Ewing, Sept. 24, 1849, A. Lincoln to Ewing, Sept. 27, 1849, telegram and letter of same date. General Gaines, the choice of the Kentucky Whigs got the appointment, see Crittenden to Ewing, and F. B. Stevenson to Ewing, Ewing Papers, Letterbook of Letters Received, 1849-1850, for Sept. 12, 1849 & ff.

Beveridge evidently did not see this correspondence. He is wrong in his statement that the Governorship of Oregon was never offered to Lincoln. The correspondence above shows that it was offered him and he declined it. Beveridge seems to have in mind the Presidency of Fillmore, while the offer was made during the Taylor Administration. If Mary Todd opposed Lincoln's going to Oregon at this time he makes no hint of it in his correspondence with Ewing. See Beveridge, Abraham Lincoln, Vol. I, p. 492 f. Beveridge substantiates his assertion that no offer was made Lincoln by referring to a letter from F.B. Kellogg, Sec'y. of State of June 2, 1925, that no record existed in the Department of State, of such an offer. The record may not have been kept, or it may be in the Department of Interior.
Claim, which did not concern the Department of the Interior, or Ewing.

The claims, which it was charged Ewing paid too liberally, dealt with pensions and claims due Indian Agents and merchants trading with the Indians. When there was any question about these claims, Ewing consulted the Attorney General on the points of law before granting the claims. Unfortunately two of the largest traders with the Western Indians, were two Ewing brothers, Col. George W., and W. G. Ewing. Although they were not related to Secretary Ewing, the opposition made much of the claim that they were related.

This matter was all aired before the Richardson Committee which investigated the affairs of the Department. The Committee appointed by the House, did not report until September 4, 1850. A majority of the Committee were Democrats, and the

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156 A list of these claims is given in the Ohio Eagle May 30, 1850.

157 Testimony of Ewing before the Richardson Committee, see also Ewing to Reverdy Johnson, Attorney General, July 13, 1849, in the "Manuscript Collection" of the Historical Society of Pennsylvania, Ewing to William Medill, Commissioner of Indian Affairs, Apr. 7, 1849, "Ewing Collection" in the Indiana State Library, in the same collection see R. W. Thompson and G. N. Fitch to Ewing, Jan. 21, 1850, W. G. Ewing to Ewing, Feb. 25, 1850, R. W. Thompson to Ewing, Mch. 26, 1850, and W. G. Ewing to Col. G. W. Ewing, July 19, Aug. 25 and Oct. 19, 1850. Unfortunately the writer was unable in Jan., 1933, to gain access to the files of the Department of the Interior. Although the Secretary had given permission, by letter, the crusty Chief Clerk was ingenious but adamant in his refusal. After trying on several different days, following the Clerk's instructions in running from one building to another, looking for the files which hardly could be anywhere but in the Interior building, and securing the aid of a Senator, to whom the Clerk promised the required permission, only to adopt another tack, the search was postponed until the coming of a new Chief Clerk.

158 The report may be found in the Congressional Globe, 31st Congress, 1st Session. House of Representatives, Appendix, p. 1209ff.
report censured Ewing strongly. The minority report, made by
the Whigs, completely exonerated him. The report accused him
of removing efficient men from office simply because they were
Democrats. He was charged also with appropriating money to
Indian traders and agents that should have gone to the Indians.
A similar charge was made in regard to the payment of large
pensions, which had been unsettled for decades.

One of the Pension Claims which the committee de-
cided that Ewing paid "in violation of law" was the James
Barron claim. The heirs of Barron, a revolutionary officer, had
been paid by Virginia in 1823. By acts of Congress, subsequent
to this time, some of the unpaid claims had been assumed by the
General Government. Barron's heirs claimed additional com-
pensation and Ewing had allowed the claim. Due to an error of
the auditor compound interest was paid on the claim. Although
Ewing instructed the Commissioner of Pensions to recover the
overpaid interest, the Committee, with partizan fervor, made much
of the "mode of computing interest" which they alleged the
Secretary had made a precedent for the Department.

When Ewing's conduct while Secretary of the Interior
was discussed in the Senate during the winter of 1851, Ewing
was a member of that body. Bradbury of Maine introduced a series
of resolutions condemnatory of the Taylor Administration, and the
whole question was thrown open for debate. Ewing was attacked
largely because of his removal of the Governor of Oregon
Territory. This man, Lane, had been removed over the protest
of the Territorial Legislature, and the House Committee had made much of this fact. Ewing made his defense before the Senate on January 7, 1851, in an able speech.

Since the Senate debate centered on a condemnation on the Oregon affair, Ewing assumed that if he successfully defended his action in regard to this matter, he would have answered all criticism. At the outset he frankly admitted that Lane was not removed because he was an unsatisfactory administrator. He was removed because of his active partizanship, having done much to defeat Taylor in 1848. Ewing asked whether a man who had worked so hard and viciously to defeat the recent administration should be expected to retain his office under that President? A careful reading of the Report and the speeches made in both houses at that time seem to explain why the Democrats so ardently called him "Butcher Ewing."

In regard to the other accusations Ewing established his innocence of any collusion with Indian agents or others. In answer to the accusation that he had appropriated funds where they had not been provided by law, or that he had acted without authorization, he presented in each case the official opinion of the Attorney General, obtained before the grant was made. This opinion showed in each case that the Attorney General thought the debt a just one. It would seem that the most serious

It will be recalled that Ewing had offered this position to A. Lincoln. After his refusal a Kentucky Legislator, named Gaines, and recommended by Crittenden, and by Thomas B. Stevenson, a close adviser to Clay, was appointed.
charge that could be placed against Ewing in addition to his removals from office, a custom that had been practiced since Jackson's day, was that he acted on the same theory which he had always held, viz., the federal government should err on the side of too much liberality to her creditors rather than to err by being penurious.

The bill organizing the Department of the Interior had failed to provide a sufficient personnel to carry on the work of the department, only a Secretary and a Chief Clerk being provided for. Four clerks were transferred from other bureaus. Ewing had to hire other clerks in the hope that the next Congress would arrange for their pay. In his first annual Report to the President, dated December 3, 1849, he asked for an appropriation sufficient for ten clerks and one full-time Solicitor to handle the legal business of the Department. He recommended the organization of a Bureau of Agriculture, to do the work on an enlarged scale hitherto performed by an Agricultural Division of the Patent Office. He also saw the value of a transcontinental road, and recommended in this report that either a highway or a railroad to the Pacific be constructed. The various routes to California at that time were, around the Cape, across the Isthmus of Panama,

160 The matter was aired further in the Senate during the discussion of the Bradbury Resolutions, on Feb. 10, 11, 21, and 25, 1851, Congressional Globe, 31st Congress, 2nd Session, pp. 38, 40, 80, 157 & 498ff., Appendix, p. 66ff.
and the overland routes. Ewing's son and his party had travelled overland through Northern Mexico. Ewing also advocated the establishment of a mint near the California gold mines, and the usual extension of the public land laws to the newly acquired area.

During his term in the cabinet Ewing struggled desperately to maintain the Whig party in Ohio. The most serious trouble resulted from the defection of Giddings, who had been a bulwark of Whig strength in the Free Soil group. In the summer of 1849 Giddings was showing signs of deserting the old Whig allegiance, possibly getting ready to unite the Free Soil Whigs with the "Locos." At least, so Ewing's correspondents feared. Columbus Delano, Wm. Dennison, Jr., H. C. Blake, Corwin and others were all greatly concerned over this possibility. The Free Soil strength centered in the Western Reserve district, which had formerly been strong Whig territory, and if this region continued to support the third party, it would be disastrous for Ohio Whigs.

To aid in securing control of Whig policies in the State, Ewing entered into negotiations to buy a share of the Ohio State Journal in the summer of 1849. The probability that he gained control is evidenced by a letter of the editor to

161 "The Autobiography of a Tramp" gives a most interesting account of the journey.
162 Executive Documents, 31st Congress, 1st Session Vol. III, Part II.
Ewing, giving the financial status of the paper, discussing the size of the type used, the kind of paper, the type of articles, and even the question of who should be the Washington correspondent.

The Whig Administration took the position that no comprehensive legislation on the slavery question was necessary at that time. Let sleeping dogs lie, was their motto. But Henry Clay had yet another compromise to offer to a nation badly torn over the slavery controversy. He was nearing the end of his race. In the session of 1849-50 Clay introduced his now famous Omnibus Bill. For the last time the most famous American triumvirate entered the arena. Clay spoke eloquently for the measures. Calhoun, with only his head above the grave, listened to another senator read his almost defiant plea for the South. On March 7, Webster delivered his blast, "heavy in the extreme" thought young Cump Sherman. On March 11, Wm. H. Seward, new Senator from New York, delivered a speech which probably was to have more effect on the nation's history during the next fifteen years than the swan song of any one of the other three. It was the speech in which he gave the "higher law" slogan to those opposed to the extension of slavery. Before he delivered the speech

164 Wm. Dennison to Ewing, Sept. 16, and Perry (Editor of the Journal) to Ewing, July 10, 1849, Ewing Papers, Letters Received 1849-1850.

165 Lewis, Sherman, Fighting Prophet, p.84.
he showed his notes "confidentially to Mr. Ewing," and he recorded that "he is satisfied." It is probable, however, that Ewing did not see the "Higher law" part.

Through the spring and early summer the friends and opponents of the bill argued on, with no hope that the President would sign the measure if passed. Ewing's relations with Clay were still very friendly. Indeed, there were times when Clay felt that Ewing was his only friend in the cabinet.

On May Day, 1850, the politicians stilled their arguments long enough to attend the magnificent wedding of Ewing's daughter, Ellen, to his ward Cump Sherman. It was one of the events of the season, and a newspaper writer asserted that:

Taylor, Clay, Cass, Benton, and others moved along like loving brothers. Sherman was almost unknown, but Ellen was the "Metropolitan favorite, the lady-like Ellen."

The summer moved on into July while Congress wrestled with the knotty compromise problem. On Independence Day the Presidential party went to hear a patriotic address by Senator Foote of Mississippi. The Senator spoke for hours, and old "Rough and Ready" became ill from sitting too long in the hot sun. Within a few days he was dead, and for the second and last time

168 Baltimore Patriot, May 2, quoted in Lancaster Gazette of May 10, 1850.
that the Whigs elected a President, he failed to live out his term. The new President, Fillmore, represented the Webster wing of the party, and was in favor of the Compromise. A new Cabinet was formed, the Democrats claiming it was because the incoming administration wished to repudiate the Taylor men. Had this been their desire, it is not likely that one of Ewing's closest friends and business partner, Samuel F. Vinton, would have been offered the post vacated by Ewing.

On July 20, President Fillmore accepted Ewing's resignation to take effect on the 22nd. The other members of the cabinet left at approximately the same time.

In the Senate Again.

On the day that Ewing left the cabinet, he was appointed to the Senate by Governor Seabury Ford of Ohio. He took the place of Thomas Corwin, who had just resigned, to become Secretary of the Treasury. The Senate which Ewing now entered was a far different body, both as to personnel, and as to working methods, from the body which Ewing had left more than thirteen years before. In the former, Augustan period, the Senate had been the great and glorious debating society

of the Western Hemisphere. Neither wrangling nor bickering had been common. People had crowded into the galleries to hear a two or three days' speech by Webster, or Ewing, or one of the other senatorial giants. In 1850 all this was changed. Though the Senate contained great men--this was another of the high spots in the history of that body--they were not of the type that delivered the long, heavy speeches of the thirties. True, Webster had delivered, as his swan song, another of his famous speeches in the previous March, but the Chamber was packed more because of his reputation than through any desire to sit through his speech "heavy in the extreme."

Of the old Senators whom Ewing had known in Jackson's day, few remained. Calhoun had died on the thirty-first of March previous, only a few weeks after having one of his greatest phillipics read by a colleague. Webster had entered the cabinet as Ewing left. Henry Clay was still there, but not much more than a shadow of his former self, either physically or in political prowess. Thomas H. Benton, Ewing's foe of long standing, was still there, but even he was at that very time being repudiated by the voters of his state, after having been for thirty years one of their senators. William H. King, of Alabama, was still the President Pro-tem of the Senate, an office which he held during Whig days, as well as during the ascendency of his own party. John Davis of Massachusetts, and Willie P. Mangum of North Carolina, completed the list of those with whom Ewing had served in former days.
The Senate also contained other friends of long standing, ex-Governor Seward of New York, George E. Badger of North Carolina, and John Bell of Tennessee, both fellow cabinet members in 1841, and J. M. Berrien of Georgia. Other senators who already were, or were destined to become noted, were: Lewis Cass, for years governor of Michigan, and the Democratic candidate for President in 1848; Jefferson Davis of Mississippi, later to be President of the Confederacy; John C. Fremont, first Republican candidate for President; Stephen A. Douglas, the "little giant" of Illinois; Hamlin of Maine, Vice-President during Lincoln's first administration; Sam Houston, the first President of the Republic of Texas; Foote of Mississippi; Hale of New Hampshire; H. W. T. Hunter of Virginia; Atcheson of Missouri; Butler of South Carolina; Winthrop of Massachusetts, recent Speaker of the House of Representatives; and S.P. Chase of Ohio.

To the time of Taylor's death the Omnibus Bill sponsored by Clay had made little progress in Congress, due to the feeling that it would almost certainly receive the Presidential veto. With the accession of Fillmore to the presidency, the bill was assured of Executive approval, and the various provisions were rapidly pushed through Congress. On most of the questions Ewing voted with Chase and other northerners of Free Soil tendencies. Ewing's greatest interest was in the admission

of California. It will be recalled that he had urged his son, Hugh, while prospecting there to do all in his power to aid in the organization of a free state government. In the Senate he urged that the State be admitted at once. The admission of California proved to be a sectional question with the North having the necessary votes. During the debate a question was raised as to whether the late executive government had influenced the California Convention which formed a Constitution, and Ewing defended the government against all accusations of interference. On the final passage of the bill it was Ewing who demanded the yeas and nays.

On the question of the proper governmental policy to be pursued toward the mines and miners, Ewing favored having the government buy all the gold at a stated price, in order to realize a revenue on the gold. This would prohibit speculation and would also provide one more link binding the people to the national government. Ewing never abandoned his staunch Nationalism.

Ewing thought also that if revenue were ever to be obtained from the mines, now was the time to begin. The price to the miner could be kept at the present figure and the Government still derive a revenue, while if the price paid to

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Ibid., Aug. 12 and 13, pp. 1564-1573.
miners were raised and later lowered to provide a revenue the
miners would feel the burden and object to the tax. As he
usually did when debating a question with which not everyone
was familiar, Ewing quoted copiously from authorities. In
this speech he placed special emphasis upon the practices of
the Spanish with regard to the ownership and the control of
their mines.

Land titles in California were in a jumble. In the
first place, with the change of sovereignty following the
Treaty of Guadalupe Hidalgo, a new system of land ownership
prevailed. This caused distress and uncertainty, which were
deepened by the Gold Rush and the accompanying disarrangement
of land claims. In the Senate John C. Fremont, son-in-law
of Benton, the most noted of California explorers, and one who
was instrumental in the seizure of California from Mexico,
introduced a bill to provide for the settlement of private
land claims. Gwin, the other California Senator, did not ap-
prove the bill as introduced by Fremont, but he hesitated to
oppose his colleague on a matter concerning their State. In
this dilemma he sought out Ewing and got him to sponsor a
second bill which would not question land titles which had been
acquired prior to 1846. It also provided that disputes over
more recent acquisitions should be settled in the regular courts
of the State. Fremont's plan was to reopen all land titles in

\[172\] Congressional Globe, 31st Congress, 1st Session,
Appendix, Sept. 24, 1850, p. 1362 f.
the State, and have them settled by a commission especially appointed for that purpose.

Senator Benton of Missouri seldom could remain quiet in his seat while Ewing was talking. Besides, Ewing was taking issue with Fremont, the Missourian's son-in-law. Benton arose and in a long, rambling speech tried to defend the bill that Fremont had favored. His speech showed that he was not familiar with the conditions in California and that he knew still less about either of the two bills before the Senate. After he had concluded his long and desultory remarks Ewing quietly suggested that Benton should have read the bills, and added: "... I think there is a very exact concurrence in the views of the Senator from Missouri and the bill which he attacked with so much violence." 173 The question was not settled at that session but came up again in the next session.

The question of the Texan boundary led to long drawn out discussions. After going to war with Mexico to establish the maximum Texan claim, the United States Government now tried to prove to Texas that the disputed sections belonged to New Mexico Territory. Texas claimed on her part, that if she were to be deprived of this region she should receive a large money grant in exchange from the federal government. Under Clay's compromise proposal it was suggested that this money be paid. Ewing and Northerners of the stamp of Chase and Seward opposed

this payment. During the debate one proposal was made to submit the boundary dispute to the Supreme Court for settlement. John P. Hale, Abolitionist Senator from New Hampshire, made a long speech in which he expressed a lack of faith in the Supreme Court. He maintained that in a dispute of this nature the court would, since a majority of its members were Southern men, give a decision favorable to the South. Ewing took exception to this statement, and offered to give a case in point. In a boundary dispute between Iowa, a free State, and Missouri, a slave State, the Court, with the same majority which it now contained had decided in favor of the free State, and the Judge who gave the decision was a Missourian. Ewing continued:
"...I have, indeed, the most perfect confidence in that Court on all questions... I do not think it would make the weight of a feather, or the dust in the balance, whether one of these judges resided on the north or the south side of Mason and Dixon's line."

Ewing would not place such high confidence in the opinion of a lawyer when he was discussing political questions as he would when the lawyer was in pursuit of his own profession, and. especially when he was on the supreme bench of the United States. Ewing regarded that bench as above all political influence, "above influence of every kind, except the main object--right, justice and truth. I have practiced long in that Court, and I never met with a case... [where I was counsel] although some cases have been decided against my opinion...in which I
have thought I had any right to impeach the motives, feelings, or bias of a single judge."

The discussion over the boundary continued for several days. The Texas Senators, seconded by many of the other Southern Senators, prophesied that civil war would result if the demands of that State were not acceded to. These threats did not affect Ewing's stand. He remarked: "... Whatever is right and just and true, I am willing to enact, and I would hasten to enact it even in the face of threats... even with them presented to me, I would still do what I believe to be just and right." "Sir," he concluded, "Whenever nations begin to buy their peace in this way... when one nation begins to pay another for ceasing to threaten hostilities against her, she invites... everybody to aggress..."

The alignment on final passage of the Texas bill was interesting: Ewing voted nay with Chase, Jefferson Davis, Seward, R. M. T. Hunter of Virginia, Benton, Soulé of Louisiana, and Atcheson of Missouri.

For about two weeks during August Ewing must have been absent from the Senate-- at least his vote was not recorded on any of the roll calls. During this time the senate passed the

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Fugitive Slave Law and the bill to organize New Mexico Territory, other parts of the famous Compromise of 1850. Whether or not he was paired with someone on these bills does not appear in the record. He was not in the chamber to vote against them.

He supported the bill for the abolition of the slave trade in the District of Columbia; but when his friend Seward tried to amend that bill by providing for emancipation in the District, he attacked the amendment vehemently, disputing Seward's figures, and characterizing the amendment as "ill-digested and ill-prepared" and based upon false information. A little later he explained that his objection was mainly on the ground that to attempt to amend the bill in that way would necessarily cause its defeat.

During this session Ewing attempted to make the appropriations for the Department of the Interior more liberal. He insisted that more clerks were needed; and, though the chairman of the Finance Committee objected, the extra appropriation was made. He also favored having the government build Custom Houses rather than to rent them. After the money had been appropriated for one in Ohio, and Secretary of the Treasury Corwin had appointed a man whom Ewing did not think competent to superintend the building, he wrote to Corwin suggesting that Wm. A. Adams be associated with the men already

177 Ibid., Sept. 14, 1850, p.1669.
178 Ibid., Sept. 18, 1850, p.1344.
appointed. Adams was then building the State House at Columbus, which Ewing characterized as a noble edifice. Before he sent the letter to Corwin, Ewing obtained the endorsement of Justice John McLean, of the Supreme Court.

Ewing voted with the majority in passing a bill providing for a grant to the American Colonization Society, and presented, and favored the reception, of a petition signed by seventy-three members of the Ohio Constitutional Convention then in session which called the attention of Congress to the possibilities of commerce with Liberia, pointed out the growth of that country, and favored a government subsidy of ships to that country.

The question of reciprocity with Canada, culminating in the Elgin Reciprocity Treaty of 1854, also came up at this session. Douglas appeared as the champion of the measure, which Ewing, as an advocate of protection, was sure to oppose. Ewing regarded the bill as "fraught with the utmost mischief to all the interests of the country." Canada's compensatory offer of the navigation of the St. Lawrence seemed to him of little value, as he thought that the Canadians made little use of that river.

At the second session of the thirty-first Congress,

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Globe, 31st Congress, 2nd Session, Jan. 27, 1851, p.343.
Ewing was placed on the Finance Committee, a more important position than any held by Corwin his predecessor or by Chase his colleague. The Senate had now come to do far more of its work in committee than it had in the "Augustan period" when Ewing first served there. The Finance Committee now had a regular full time clerk. Instead of delivering long impassioned speeches to the Senate, an active senator tried to get committee sanction for his projects. Ewing recognized this change and advocated that matters of detail be acted on as favored by the particular committee sponsoring them. The entire Senate, he said, could not spend their time debating the justice of an Indian claim.

Ewing attended to business and came to the Senate Chamber at twelve each day, the official hour, though the Senate usually did not get organized until half an hour later. He interested himself in all sorts of questions, even speaking intelligently on Jefferson Davis' resolution to purchase fifty camels and ten Arabs to handle them, for construction work in the arid West.

Ewing desired reelection to the Senate. One of the most persistent of his opponents within the Whig party was Caleb Atwater, whom he had refused an appointment in 1849.

182 Ibid., 2nd Session, p. 522.
183 Ibid., p. 827.
184 Atwater to Ewing, Aug. 29, 1849, Ewing Papers, Vol. X.
Atwater in 1850 wrote to Secretary of the Treasury Corwin to beware of Ewing, and to offer his services "for a $1200 per annum" job. He wished a position as "secret inspector of the revenue," for as such he could "visit every part of the Union." He said that he had held such an office under "Four or five Presidents." No one but the President and Secretary of the Treasury should know who held that office: in that way Atwater could find out "all that is going on for and against you."

Apparently Corwin did not grant him a ready ear, so Atwater tried another line of attack. "You and I," he said, "have repeatedly sat in the Grand Lodge together and you know, Sir, my brother the obligations which we are under to each other to warn a brother of any approaching danger." Finally in a fourth letter he warned Corwin that Ewing was at the bottom of all the efforts to remove him from the Cabinet.

Despite the efforts of such men as Atwater, the Corwin forces worked for the reelection of Ewing in the winter of 1851. As in 1849 the Free Soilers held the balance of power in the Ohio legislature, which was composed of 48 Democrats, 49 Whigs, and 11 Free Soilers. The Whigs and Free Soil Whigs

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185 Atwater To Corwin, Aug. 1, 6, 1850, Corwin Papers, Vol. I.
186 Ibid., Aug. 9 and Sept. 7, 1850,
187 Ohio Eagle, Oct. 17, 1850.
held a majority in each House. But the rift between the Free Soil Whigs and the Conservative Ewing Whigs had widened. Ewing was the candidate of the old Conservatives. But ballot after ballot failed to reveal a candidate who could get a majority. Neither a Conservative Whig nor a Democrat, nor even a Free Soiler could command the necessary votes. Finally Benjamin F. Wade a Whig of Anti-Slavery views was chosen on the twenty-seventh ballot. It is difficult to understand the action of the Free Soilers in this election because Ewing had voted with Chase on nearly all questions in the Senate and had the support of some Anti-Slavery newspapers. Probably the fact that Ewing had not cast his vote against the Fugitive Slave Bill was the reason he was not more widely supported. James G. Blaine wrote that Ewing was defeated because he "Was too Conservative to embody the popular resentment against the odious features of the Com-

188 Ewing to Corwin, Nov. 12, 1850, Corwin Papers, vol. II.
Chapter V.  

Last Twenty Years.  

After leaving the Senate in March, 1851, Ewing returned to his law practice and thereafter emerged only on rare occasions to give political advice. One of these occasions was at the time of the agitation over the Kansas-Nebraska Bill. On March 2, 1854, a committee of Ohioans opposed to the bill sent letters to political leaders urging them to attend a public meeting in Columbus on March 22. The list of invited guests, headed by Ewing, included Chase, Hale, Gerwin, Benton, Brinkerhoff, Seward, Sam Houston, and B. F. Wade. Ewing did not attend but wrote a six-page letter containing his views on the question. In it he gave an answer to the argument of Calhoun and others, that by closing the territory to slavery the Union was really denying to the South the right to go into the common territories. Ewing argued that if a territory were opened to slavery, such an act really closed the territory to free labor, for free labor would not voluntarily mingle itself with slave labor, nor would the free laborer migrate to slave territory. "Therefore," he wrote, "if the municipal law do not exclude slavery...,"  

law of our social and moral natures does exclude free
laborers from it, and with them those whose business depends
upon such labor....The free and slave territory must be se-
parated, by a law prior to its occupation, or it will at no
distant day separate itself in a manner greatly more injurious
to the peace and good order of society." He continued that the
Missouri Compromise made that separation; it was a wise and well
considered measure. Its repeal would be a great wrong and a
great evil.

Senator Wade also sent a letter. It contained no
suggestion, but asserted his belief that the meeting would do
the "wise thing" and expressed his regret that he could not
leave his "post of duty" in order to "counsel" with the people.

Although Ewing had appeared before the Whig National
Convention in 1852, by 1856 politics were in such a muddled
state that Ewing did not know which way to turn. The Whig party
in that year nominated ex-President Fillmore, but he was also
supported by the Know Nothing party. Ewing was too broad to
support the narrow and bigoted anti-Catholic and anti-foreigner
principles of that party. On the other hand he was too con-
servative to support the new radical party which called itself
the Republican party, and of course he could not support the
Democratic candidate. He wrote to his son, Hugh, who had Demo-
cratic leanings, not to take too active a part in the canvass;

2 Ewing to Hugh, June 3, 1856, in Mrs. Montgomery Collection.
to another son, "Tom, an ardent Republican, he wrote that he did not wish to appear in the papers on the subject of the election. Tom might announce that Ewing had "not avowed a purpose to vote for Mr. Buchanan," though he could say that his father had "spoken respectfully of his capacity & experience but by no means so of the platform on which he is placed." Late in October, Ewing wrote to his cousin, Ed. L. Morgan, that he could not vote for any one of the candidates so he would stay at home on election day.

During the agitation over the Kansas question Ewing's sons Hugh and Tom were active in Kansas. Ewing was in frequent communication with them and Tom later wrote that he had followed his father's advice with regard to tactics to be adopted. Tom was of great enough value to the Free State party in Kansas to receive the position of first Chief Justice of the State Supreme Court. Ewing's counsel was moderate; he advised always to follow legal forms and not to oppose the enforcement of law by the regular authorities. In the days of border warfare and pro-slavery administration such a course would help avert more bloodshed.

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3 Ewing to Tom, July 5, 1856, Ewing Papers, Vol. XI.

4 See "The Struggle for Freedom in Kansas" by Thomas Ewing, Jr. in the Cosmopolitan for May, 1894. The Ewing Papers, Vols. XI and XII, contain a great many letters from Ewing to his sons in regard to policies in Kansas.

5 See especially Ewing to Hugh, May 13, 1858, in Mrs. Montgomery Collection, though there are dozens of other letters of advice, e.g. Ewing to Tom, March 27, 1859, Ewing Papers, Vol. XII.
As late as January and April of 1859 George Ticknor Curtis, brother of Justice B. R. Curtis wrote Ewing in regard to reviving the Whig party. Ewing replied and gave what Curtis and his friends agreed was "sound and wise advice." Winthrop, a former Speaker of the House of Representatives and a Senator in 1850, agreed with Ewing's views. How far these preparations proceeded is not clear, but Curtis thought that old Whigs might profit by the breakup of the Republican party which he regarded as imminent.

One of the Nation's Best Advocates

It was in the 1850's that Ewing argued some of his most famous law cases. As has been indicated in earlier chapters, he enjoyed a large practice before the state and national courts prior to his entrance into the Senate. By the close of his first term as Senator he was sought out often by those who represented wealth and position to defend them. Important people brought important cases to him because he was considered one of the best lawyers of his time. He was therefore able to command large fees.

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6 See Curtis to Ewing, Jan. 25, 1859, Ewing Papers, Miscellaneous Volume, and April 2, 1859, ibid.; also Letters Received 1858-1859, No. 27.
The Trustees of the McIntire Poor School v. The
Zanesville Canal and Manufacturing Company et al was an early
case in which he represented wealth. In 1812 the Ohio
legislature had passed an act which authorized McIntire and
his associates to build a dam over the Muskingum River.
They were also empowered to cut a canal and build a lock,
collect tolls, condemn the land necessary, subject to
liability for damages. Later the Zanesville Canal and Manu-
facturing Company was established under this Act, McIntire
being the major holder of stock, as well as the organizer.
The company had until February 11, 1835, to complete the
Canal, lock and dam. If it was not completed by that time
the Company was to lose control of the works.

In 1815 McIntire, while a member of the Zanesville
Canal and Manufacturing Company, made a will directing that the
whole of his estate should ultimately be vested in the stock
of that company, and that the dividends after the death of his
wife and daughter, if the latter left no issue, should be ap-
plied in the support of a school for poor children to be es-
tablished in Zanesville by the officers of that company, who
should select the children for the school. The Canal was not
completed in the specified time and the State legislature
authorized the Canal Commissioners to possess certain of the
company's property for the use of the State. Then in March,

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The history of the case is given in 9 Ohio Reports, 203.
1836, the Legislature, having been informed that the company had ceased to exist, so that no persons were competent to carry into effect the will of McIntire, passed an act to incorporate the Trustees of the McIntire Poor School. McIntire died in 1815, and his daughter died without issue in 1820. The widow married David Young. The Canal Company continued as a corporation after losing certain properties to the State in 1835. The Trustees of the McIntire Poor School sued the Zanesville Canal and Manufacturing Company, as well as the executors and heirs of McIntire, to ascertain and get possession of the trust and to carry it into effect.

The case was important because, (1) The amount of money concerned was large; (2) A State law was being questioned; (3) The best legal talent of the State appeared in the three sided case. The Canal Company employed C. B. Goddard and C. C. Converse, the Trustees employed Henry Stanbery and Gustavus Swan, and the Youngs employed Ewing.

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8 ibid.

9 Goddard, a resident of Zanesville, lifelong friend of Ewing, was a Whig politician of importance, at one time President of the Ohio Senate. Converse was later Speaker of the Senate, and was elected to the Supreme Court, but ill health forced his resignation.

10 Stanbery, a rising young lawyer whom Ewing trained, later became Attorney General of Ohio, and United States Attorney General under Johnson. Gustavus Swan of Columbus was long a leading light of the Ohio bar.
The case came before the Ohio Supreme Court.

Swing maintained that the will of McIntire was void, for, since the company was not incorporated when the will was made, there was no trustee whom equity could recognize, and because the cestius que trust were uncertain, and no mode was pointed out by the will whereby they could be legally designated, and since the company was not incorporated when the will was made, the position of officers of the company was not permanent. The counsel for the Trustees claimed that the company had ceased to exist since the charter was lost in 1835. The court decided in favor of the Canal Company.

Another interesting case arose from the division of the Methodist Church. At the General Conference of that church held in New York City in 1844, dissension developed over the owning of slaves by a Southern bishop. This bishop, noted throughout the church for his saintly character, had been left some slaves by a will. They had been willed with a provision that they be offered their freedom at the death of their former owner, but if they refused it they were to remain in the bishop's possession. The laws of Georgia, where the bishop lived, provided that slaves could be freed only on condition that they be taken out of the State. These slaves, not wishing to separate from all their relatives and acquaintances, refused their freedom. They were required to do little work and were better cared for than most free Negroes of the North. The abolitionist members of the Conference demanded that the bishop resign, and when he

11 Cestius que trust are the persons for whose benefit property is held in trust by a trustee.
refused, they suspended him. When it looked as though this action would cause a great deal of trouble, a plan for separation of the church was proposed and adopted by the General Conference, subject to the approval of the Southern Conferences.

The Southern Conferences approved the division and soon held their own General Conference. The Board of Bishops, North, at their next meeting proceeded with the plans of separation. Difficulties arose over the division of property. A very valuable property was the Methodist Book Concern, the publishing house of the denomination. The abolitionist members of the church began to feel that the sinful Southerners should not share in the profits of the concern. Among the laws of the church was the "sixth restrictive article" which prevented the General Conference from making any division of the property of the Book Concern. The General Conference of 1844 had asked the Annual Conferences to remove this restriction so that a pro rata division could be made. The first Northern Conferences to meet voted favorably on this proposal, but those which met later withheld their consent, and the proposal lacked the necessary two-thirds vote.

The best account of this church split is in Norwood, John Nelson, The Schism in the Methodist Episcopal Church 1844: A Study of Slavery and Ecclesiastical Politics.

The Discipline provided that the profits of the Book Concern should go to the superannuated preachers of the church.
At this point the Book Concern refused to allow any of the profits to go to "seceded members." The only way to settle the matter was to take it to court. The first case to be tried was in the New York Federal Court where Justice Nelson of the United States Supreme Court decided in favor of the Southern branch. Meanwhile a case had been entered in the Circuit Court of Ohio to determine the disposition of the Cincinnati branch of the Book Concern. The Ohio Methodists set out to get the best talent available, Senator Corwin and Secretary of the Interior Ewing. The Methodists had some difficulty in meeting the fee requirements of the two men.

The Southern branch secured Henry Stanbery. Corwin soon dropped out, and the case which was carried to the Supreme Court, was argued by Ewing and Stanbery. Ewing maintained that, as numerous parties had a common interest in the fund in controversy, those suing could not represent, by implication, all of them. He argued that the General Conference, in 1844, did not have power to consent to a division of the Church, and that the Southern Conferences

14 If the division had not been consummated, then the Southern Conferences were guilty of leaving the church.

15 Corwin to Ewing, "Private," Oct. 7, 1849, Ewing Papers, Letterbook of Letters Received 1849-1850, No. 160, says the Book Concern was "delicately situated as to contracts etc. having great fears that their uninformed brothers might blame them for extravagance &c &c. They want us to meet at Columbus on first week of Court & say there what we will charge (win or loose [sic]) to follow the case 'unto the end' & how much dust must be "put down on the nail!!"

16 Smith et al v. Swormstedt et al. 16 Howard 288.
had seceded, and added that even if the division of members were legal, the property could not be divided. Ewing insisted that since the sixth restrictive article was not removed there could be no division and that the complainants could not represent the Book Concern in the South.

The case dragged on for several years, and was finally decided in the winter of 1853-54. The decision of the court, given by Justice Nelson, was against Ewing on every issue in a controversy which Nelson had already decided on circuit.

These cases are cited because of their interesting features and in spite of the fact that in them Ewing was on the losing side. The percentage of cases which he won was high. He was always in demand. If one looks at the Supreme Court cases reported during the last twenty years of his life, it will be seen that Ewing's name as counsel appears frequently, most often in cases involving land titles. This was his greatest field. Various claimants had a great deal of litigation over claims growing out of the Florida Treaty of 1819, especially one C. E. Sherman. These particular claims dragged over the entire period of the fifties and sixties.

17 A number of the briefs and letters dealing with this claim may be found in Ewing Papers, Vols. XIX, XX, and the special volumes of legal affairs, and a wrapper marked Ewing Papers, Printed Matter.
One of Ewing's cases involving title to land was Tyler v Magwire which involved the title to vast tracts of land in the city of St. Louis. Ewing studied Spanish in order to read the titles which went back to Spanish days. The case was hotly contested, and attracted some of the legal lights of the day. For Tyler there appeared, B.R. Curtis, P. Phillips, and B.A. Hill, while J.W. Carlisle and S.T. Glover aided Ewing at one stage or another of the trial. The case went all the way from the Common Pleas Court in St. Louis to the Supreme Court of Missouri, and finally to the United States Supreme Court where it came before the Court on three different occasions, the last time after Ewing's death. Ewing's client won and Ewing's fee was reported to be $100,000, a very large fee for the 1850's.

With the coming of the railroads, Ewing acted as counsel for various roads. For some time he was counsel for the Union Pacific in the case brought against them by Ross, Steele & Co. Ewing was unable to go to court so the court came to his room, and he won the case. Ewing was employed by the government in prosecuting some of its cases, and in one case he asked a $500 fee, which was quickly agreed to.

18 Tyler v Magwire, 1 Black, 195; 8 Wallace, 650:658 and 17 Wallace, 253.
19 Lewis, Sherman, Fighting Prophet, passim; also Ewing to Tom, Sept. 14, 1851, Ewing Papers, Vol. A.
20 Federal Cases, No. 12080.
21 Browning, O. H., Diary, p. 647.
22 James Guthrie, Secretary of the Treasury, to Ewing, May 15, Aug. 29, and Sept. 9, 1853, Ewing Papers, Letterbook of Letters Received 1852-53; also Corwin to Ewing May 28, 1853, Ewing Papers, ibid.
During these last twenty years of his life Ewing spent the winters in Washington arguing his cases before the Supreme Court. Each fall found him making preparations so that he would be comfortably settled in his quarters on Capitol Hill, before the Court convened. This was so much a part of his life that when his rheumatism grew so severe that he could not step up into a carriage, he jokingly wrote his daughter that he did not know how he could get to the station to take the train to Washington, he guessed he would have to arrange for the train to call for him at his door.

A man who often travelled the Circuits with Ewing in earlier days, who often discussed politics with him, though he belonged to the opposite party, was Allen G. Thurman. Thurman spent several years on the bench of the Ohio Supreme Court. He was a member of Congress, the Senate, and a Democratic candidate for Vice President. As chairman of the Ohio Centennial Lawyers' Day in 1888, in his annual address he spoke very highly of Ewing. Thurman had heard many of Webster's arguments in the Supreme Court, as well as those of other leaders. Yet he had "heard arguments of Thomas Ewing that not one of them ever excelled...When it came to solid reasoning which comes out of a man's brain and which is above books,...I never saw his superior yet and don't expect to live long enough ever to see it." At the time of Ewing's death a

23 He ran in 1888 with Cleveland.
special committee of the bar of the Ohio Supreme Court was appointed to secure a marble bust to be placed in the audience room of the Supreme Court. The committee also was authorized to call the attention of the Ohio General Assembly to the provisions of the Acts of Congress of July 2, 1864, for two marble or bronze statues to be placed in the Capitol, and the committee was instructed to ask the General Assembly to provide that Thomas Ewing be one of them.

The Campaign of 1860

The campaign of 1860 is usually regarded as one of the most important in American history. The Democratic party split into two sections, the Northern wing supporting the able exponent of Popular Sovereignty, Stephen A. Douglas. The Southern wing, under the lead of Jefferson Davis and other followers of Calhoun’s ultra-Southern views, nominated Breckinridge. The young Republican party of the North, veering away somewhat from its early emphasis on the slavery question, adopted a tariff, a Homestead, and other conservative planks and nominated Lincoln, an ex-Whig leader of Illinois, who could rally the Conservative strength of the North. Republicans already had the radicals with them. A fourth party appeared in the border states, known as the Constitutional Union party with another ex-Whig, John Bell of Tennessee as its candidate.

Ewing had taken no part in politics since the passage of the Kansas-Nebraska Act. He had opposed the stand of the Republicans that no territory should be opened to slavery. He held rather that the Missouri Compromise should be revived and each section, North and South, given an equal chance in the territories. But when the Republican party in 1860 espoused the tariff and other old Whig principles and when they nominated for the Presidency his former political friend Lincoln, he was ready to vote their ticket rather than to run the risk of electing Douglas.

In order to gain the support of those voters who like Ewing hesitated to join the Republican ranks because of the latter's anti-slavery extension tenets the Republicans invited Ewing to address a mass meeting at Chillicothe, Ohio, on September 29, 1860. Ewing accepted and in his address made it clear that he was supporting Lincoln, the Whig. His preference of all the candidates was John Bell, with whom he had served in Harrison's cabinet, and whose views he knew much better. Bell was Lincoln's "equal in personal qualities, of large experience, the elder statesman, and if we could make him our President I would consider him a very safe choice... I was in counsel with him daily for many months in time of trial, and besides my confidence in the statesman, I have a warm feeling of personal friendship and regard." 26

26 Pamphlet copy of the speech, pp.3-4.
But the contest in Ohio he regarded as being between Lincoln and Douglas and the latter he considered "reckless." The Republic under his guidance would be like "Phaeton guiding the chariot of the sun." Breckinridge was a good gentleman, but he represented an extreme sectional party, (Southerners felt the same way about Lincoln), and Lane, his running mate for Vice-President, was hardly worthy of that position.

Ewing then recited the story of the rise of the Republican party, stated why he had not approved of it, noted its partizan "attack...upon the independence of the Judiciary in the person of Judge Swan--the refusal of the Legislature last winter...to pass a law to prohibit the forming or fitting out in Ohio of the marauding expeditions against our sister States." But he thought a reaction had come. "Conservative men, law-loving and law-abiding men", now controlled the party. The Chicago platform, Ewing maintained, had rejected the higher law theory. The platform condemned marauding expeditions (such as the John Brown raid) which the Ohio legislature had refused to do. That platform "especially...advances sound old Whig doctrine as to the fostering care which Government owes to the industry of its people. This suits me well. It is a recurrence to first principles--a strong assurance that the party, as it now exists, intends to build up and preserve, and not pull down and destroy."

27 It was Lane whom Ewing had removed from the Governorship of Oregon Territory in 1849.
28 Pamphlet copy of the speech, p. 11.
29 Ibid., p.13.
Still, he thought the adoption of a part of the
Declaration of Independence not in good taste. If the Con-
vention meant it in the vague and general sense which the
framers intended, well and good. If not it was inconsistent
with other resolutions which asserted in express terms the
absolute right of states, slave and free, over their domestic
institutions.

Ewing took definite exceptions to the eighth re-
solution which stated that "the normal condition of all the
territory of the United States is that of freedom." He pointed
out that this was not true in point of fact. The other part
of the same resolution stating that Congress had but a limited
power over slavery in the Territories, though the same
principle had been declared by the Breckinridge Convention and
by the Supreme Court in Dred Scott vs. Sanford, did not meet
his approval. If slaves were property merely, Congress could
prohibit their importation into any territory, by virtue of
its power to regulate commerce. If the slaves were not property,
but persons, the power of the sovereign (which the Supreme Court
said Congress was) to regulate and fix the regulations of man
to man in the Territory was unlimited. Ewing argued at
length against the principles of the eighth resolution in the
Republican platform. He recommended that the party drop its
anti-slavery character and continue only its other principles.

30 ibid., p. 16.
Immediately after Lincoln's election Joshua R. Giddings published an open letter to Ewing in answer to the Chillicothe speech. He assumed that Ewing was sure when he made the speech that Lincoln would be elected and had taken that occasion to advise Lincoln. In reality, he said, Ewing wanted to cause Lincoln to "disregard the doctrine on which he has been elected in order to re-establish the old Whig party."

As a good "free Soiler," Giddings asserted that there was only one issue--slavery. Among other reasons why Giddings opposed Ewing, as related in this open letter, was that in 1841, when Ewing was a Whig cabinet member and Giddings a Whig Congressman, a Southerner who had publicly insulted Giddings had received a lucrative foreign post while Giddings had received only signs of displeasure from the administration. In commenting on Ewing's opposition to "higher law" men, Giddings said that a cold Atheism pervaded Ewing's speech.

When South Carolina actually passed an ordinance of secession Ewing was greatly depressed. He wrote to his son that the "aspect of the country is gloomy enough--no one can tell where the mischief will stop. I have left Willards--could not work there..." As conditions became worse he had to give up his plans for a trip abroad.

31 "To Hon. Thomas Ewing," a newspaper clipping signed by J.R. Giddings, in Giddings Papers, in the Ohio Archaeological and Historical Society Library.

32 Ewing to Hugh, Dec. 26, 1860, in Ewing Papers, Mrs. Montgomery Collection. Willards was a popular hotel in Washington.

33 Ewing to Hugh, Sept. 13, 1860, ibid.
The Peace Convention

Meanwhile Virginia was trying to patch up the troubles between North and South. She invited the other states to send delegates to a Conference Convention to meet in Washington on February 4, 1861, for the purpose of agreeing "upon some adjustment of the unhappy difficulties now dividing our country."

On January 30, the Ohio legislature passed a joint resolution providing for the appointment by the Governor, by and with the consent of the Senate, of five commissioners to meet with such as may be appointed by other states. The Ohio resolutions stated that the legislature could not agree to the terms suggested by Virginia, yet it had a sincere desire to adjust harmoniously all existing differences between the states, and therefore favored the commission.

The Peace Conference was largely a border state affair. None of the states of the lower South, which had seceded already, sent delegates; and those states of the upper North which were represented, were pretty likely to oppose all efforts at compromise. Michigan was not represented, but when it began to look as though the Convention might agree on some proposals a Michigan Senator wired the Governor of his State to send men with back-bone to the Convention, who would not favor the Compromise.

34 This fact was brought out in the Senate when that body was considering the report of the Convention. Globe, 36th Congress, 2nd Session.
The attitude of the Republican leaders may be further shown by a reference to the letters of Carl Schurz. He was a German immigrant, then a citizen of Wisconsin, and high in the Republican councils. He was, more than any other man, responsible for swinging the German vote to Lincoln in 1860. Fortunately for this record, he was on a speaking tour of Michigan and Illinois during February, 1861, and wrote to his wife his impressions of the Conference. On February 4, he wrote, "...Last Friday I telegraphed Governor Randall to have Wisconsin do the same [send delegates] and to send me... I believe I could have said and done various things in the Conference to blow up the 'Compromise' air-castle. I gave Governor Chase my ideas on the subject in a letter." On February 7, Schurz wrote, "...look for no decisive result from the Conference. Anyway it will have no influence upon the Cotton States, and in the end the war of Secession will have to be waged. You may ask 'Why then go to the Peace Conference?' It shows the South our desire to meet its complaints. It enables us to cultivate good relationships with the border slave States, Virginia, Kentucky, Tennessee, etc.,--to quietly discuss the causes of dispute, tell them the truth, prolong the debate, and what on our side is of critical importance gain time.


36 Ex-Governor Chase was a Republican member of the Ohio delegation.
Let Lincoln once be inaugurated and things will look different.... The peace conference will probably prevent uprisings in Maryland and Virginia." On February 9, he wrote again from Springfield, Illinois, "I had a conversation with Lincoln before my lecture... He is a whole man, firm as a stone wall and clear as crystal. He himself will not hear of concessions and compromises and says so openly to everyone who asks." On February 15, he noted, "... The conference will probably pass the resolution of Guthrie of Kentucky, and that could have been voted down had all radical states been represented... I trust Lincoln will arrive in Washington before the Republicans shall have eaten dust."

Like the Constitutional Convention of 1788, the meetings of the Peace Convention were held in secret, and the official secretary kept a record only of the motions and votes, not of the debates. Like the earlier convention too, the Peace Conference included one member who took notes of the meetings and later published those notes. This was Lucius E. Chittenden, a member from New Hampshire. During the Conference he introduced a resolution, calling for the employment of an official stenographer, but this was voted down and he continued to take his notes, revising them at night and trying to keep them as complete and accurate as possible. When in 1863 Chase published

his version of the Conference, trying to show that the South came to the Conference with demands, Chittenden decided to publish his notes and did so the next year.

The Ohio delegation to the Convention was increased to seven members. They were John C. Wright, ex-editor of the Cincinnati Gazette, former member of the State legislature, and of Congress, once on the Ohio Supreme Court, now very old and practically blind; Salmon P. Chase, Senator-ebet, elected Senator as a Democratic Free Soiler in 1849, recent candidate for the Republican nomination as President, soon to be Lincoln's Secretary of the Treasury; William S. Groesbeck, an able lawyer, former Democratic Congressman, later a consultant of Johnson during the impeachment trial; Franklin C. Backus, Reuben Hitchcock, Valentine Horton, political leaders of the State; and Thomas Ewing. Wright died during the Conference and C. P. Wolcott was appointed in his place.

New Hampshire sent three delegates, Vermont, Rhode Island, Virginia and Delaware five each, Connecticut six, New Jersey nine, Pennsylvania and Maryland each seven, New York eleven, Massachusetts seven, Maine eight, Kentucky six, and Indiana five. Other states represented were Iowa, Tennessee, Illinois, North Carolina, Missouri, and Kansas.

John C. Wright was made temporary chairman. The permanent officers were ex-President John Tyler of Virginia, President, and Crafts J. Wright of Ohio Secretary. The spirit of the meeting was exemplified when Thomas Ewing conducted John Tyler, his enemy of 1841, to the President's chair.
The Virginia delegation included William C. Rives, another statesman of the Jackson period, Seddon, and Summers. Reverdy Johnson, ex-cabinet member, and Goldsborough, ex-Senator, were among the Maryland delegation; the New Jersey delegation included Frelinghuysen. Thomas Ruffin attended from North Carolina, Caleb B. Smith, ex-candidate for the Republican nomination for President, was there from Indiana, as were Boutwell from Massachusetts, Fessenden and Morrill from Maine, Fields and Granger from New York.

The Ohio delegation soon came under Ewing's influence and when Guthrie of Kentucky moved that a committee of one be chosen by each delegation to "report what they may deem right," Ewing was Ohio's member.

On February 15 this committee reported seven resolutions as a proposed amendment to the Constitution. The first of these seven articles was written by Ewing, and contained the substance of the Crittenden resolutions then pending in the Senate. The language was changed slightly to meet some objections but the effect was the same. It provided for extending the 36° 30' line between the slave and free territories to the Pacific. Article II provided that in the future, territory could be acquired only by treaty, and such a treaty

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38 Official Journal of the Conference Convention Held at Washington City February 1861, by Crafts J. Wright, Secretary, p.5.

39 Ibid., pp.22-23; Chittenden, op.cit. p.43 ff.
must be ratified by four-fifths of the members of the Senate. Article III prohibited Congress from interfering with slavery in any state or territory, or in the District of Columbia without the consent of Maryland and of the slave owners, or without compensating objecting owners. Article IV reinforced the Fugitive Slave Law. Article V prohibited forever the further importation of slaves. Article VI made these articles and parts of the Constitution amendable only by unanimous consent of the States. Article VII provided that the United States should compensate every owner whose fugitive slave was taken from a marshall and freed by a Northern mob.

After the reading of the report, Baldwin of Connecticut reported for a part of the minority, and opposed any action by the convention. The representatives from New York and Massachusetts simply stated that they did not agree with the report, and Seddon of Virginia gave an individual report.

The meetings dragged on and at times threatened to end in deadlock. The friends of compromise tried to hasten action. Civil war was daily more imminent. Finally a motion was made to limit debate. This was opposed by the Republicans, who, as pointed out in the letter of Schurz, wanted to gain time. Boutwell of Massachusetts, a young Republican in Congress, made an impassioned abolition speech in which he "abhorred slavery." Most of the old line Whigs at the Convention favored moderation and W. C. Rives of Virginia denounced
sectionalism. Then Ewing made an extended speech, most of it devoted to an attempt to persuade the Republicans to take a more moderate position:

Is the North the censor morum of the South? We have faults enough ourselves; ... We cannot permit them [the Negroes] to come to Ohio. Wherever they have been permitted to come, it has almost cost us a rebellion. -- The North has taken the business of Abolition into its own hands, and from the day she did so, we hear no more of Abolition in Virginia ... we can never coerce the Southern States into Abolitionism ... But these Northern men will not listen to reason. They keep on making eloquent speeches -- their pulpits against the sin of slaveholding. All grades of speech and thought are made use of, and the sickening sentimentalism of some of them is disgusting. In this way false ideas are inculcated throughout the North. The whole scheme is full of falsehood. Let us rather look at this subject as members of a common family -- Let us acknowledge our common faults. The slave trade was once fostered by the North. That was when it was profitable. Suppose ... two sons ... succeeded to a joint inheritance of lands. One says to the other, 'Your family is not so moral as mine, therefore your sons shall have none of the lands.' Would this be right or honest? ... And this is what extreme men of the North are practically saying to the citizens of the South. The Missouri Compromise was intended to settle the rights of the respective sections in the territories. The line adopted was not unfair to the North. The same line will answer now.40

His plea for the preservation of the Union by compromise reminds one of Clay. He pointed out that there was no intention to prevent some from speaking, but that in order to get

40 Chittenden, op. cit., pp.141-145.
action before bloodshed occurred some limit must be placed on
debate. Morrill of Maine undertook to answer him. He picked
up Swing's references to sentimentalism and said that if the
principles and sentiments of the North were to be attacked
they might as well go home at once, for "our principles can-
not be interfered with."

That the trend of events was regarded as serious is
clearly shown by a letter of Mrs. Ewing, who seldom referred to
political matters, to her youngest son, Charles, in which she
said, "We have all been under a cloud for some time on account
of the political aspects of the state of the country, and the
terrible and melancholy idea of the dissolution of the Union!
But now, thank God! the sun is peeping from under the clouds and
we feel animated with hope and confidence that all will be right
again, -- that we will still be a united and happy people." 41

On February 21, Chase of Ohio introduced two resolu-
tions which the Republican leaders favored. The first stated
that it was inexpedient to take final action until all the states
had opportunity to take part in the convention and until ample
time had been allowed for deliberation. The second provided that
the convention adjourn until after April 4. This attempt of
the Republicans was in direct opposition to the moderates

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41 In Memoriam Charles Ewing by his youngest corporal, p. 30f.
who thought the only chance for averting war lay in quick action. Chase's resolutions were not acted upon.

On the twenty-second of February, Franklin, a member from Pennsylvania, moved an amendment to Article I of the report which changed the entire wording of this section. Chairman Guthrie thought this was an attempt to defeat the section, and Hitchcock of Ohio also accepted this interpretation. But Ewing, author of the original section, spoke for concessions, and said he was willing to give up his personal opinion in the interest of conciliation, especially in such "a council as this where millions of lives are concerned." Later Guthrie defended the amendment on the ground that it was the same in substance as the original. It was then substituted for the original.

When section five of the report, which would forever prohibit the slave trade, came up for discussion, Seddon of Virginia moved to strike out the entire section. Only four of the slave States voted for it. But when a Southerner moved to amend by inserting after the words "importation of slaves" the phrase "coolies or persons held to service or labor," the Republican delegations voted no. It amounted then to this: The Republicans wanted to prohibit the further importation of slaves, but they did not want that prohibition coupled with a prohibition of the importation of coolies or contract laborers.

42 Chittenden, ibid., pp. 291 ff.; see also Journal, p. 42, passim.
The amendment was carried by a coalition of the Southerners and the border States. Immediately a member from Massachusetts moved that the entire section be stricken out. This motion was lost, too. On the final vote on section five, many Republicans, including Chase, one of the most rabid of anti-slavery leaders, registered a negative vote. In other words, though professing the greatest abhorrence for slavery, these men would rather that the importation of more slaves be allowed than that they be deprived of coolies and contract laborers. The vote stood, aye-eight States including Rhode Island, and the Southern and border States, except North Carolina, Virginia, Illinois, and Missouri, no-eleven, including the Northern States and those excepted above. By border States is meant those on both sides of the Ohio River and of the Mason-Dixon line. Indiana and Kansas did not vote. Things looked bad for compromise. Then Illinois moved a reconsideration which was agreed to. Granger of New York moved an adjournment until 7:30 P.M., which carried. In the evening before a vote was taken ex-Governor Wickliffe of Kentucky moved an adjournment until 10 A.M. the next day. On the vote the next day the ayes were the same as before plus Illinois, which had changed her vote. The noes were the same as the day before minus Illinois, New York and Missouri. The case of New York was peculiar; on the vote

43 *Journal*, pp. 56 ff.
of the day before five of the eleven members registered their vote as dissenting from that of the State. The next day Fields, the chairman, decided that he must appear before the Supreme Court to argue one of his cases which was to come up that day. His absence left the delegation divided and they asked if some one else could vote for the absent member. When Tyler ruled against this, New York could not vote, and the result was ayes—nine, noes—eight. All the other sections carried by margins wider than this. Iowa and Maine voted no, on each of the seven sections, and Massachusetts voted no, on each except the seventh, on which she did not vote. Chase of Ohio dissented from Ohio's affirmative vote on each except the second section.

These seven resolutions were reported to Congress, but in the House, the Republicans prevented action on them, and in the Senate they were rejected, as had been done with Crittenden's somewhat similar proposals.

This work in the Convention was Ewing's last public service, and it entitles him to a place with the Great Compromiser. Nothing came of his efforts because of the Republican opposition, but in the Conference there was perhaps no one as powerful or as

44 Journal, p.70, passim.
energetic for conciliation as Ewing. He controlled Ohio's delegation (though he could not move Chase) and his voice was raised for conciliation. He made a valiant effort to preserve the Union without bloodshed. The failure of the Convention must be put squarely at the door of the Republicans, who opposed conciliation at every turn, who preferred the awful bloodshed of Civil War to giving up one bit of their "principles or their sentiments."

The War

With the Lincoln Administration determined on coercion only war could result. Before it was realized fully that the Republicans preferred war to conciliation some old line Whigs made further attempts to avert bloodshed. Ewing at one time sent a paper to Lincoln, which he had already shown to Jacob Collamer, Postmaster General in the Taylor Administration, outlining a procedure which might have brought the states back—without war. His remedy was to repeal the enabling acts by which Louisiana, Arkansas, Mississippi, Alabama, and Florida were admitted and let them go back to being territories; to rescind the acts annexing Texas "and let that go and be a Lone Star again. We never wanted it, much less now—leave it as a place for defeated secessionists to flee to." Then let Congress amend the Constitution, "making a few of the fundamental articles unchangeable, and all the rest amendable on easy terms, say by a majority of the Senate,
House of Representatives." Then the next winter the Constitution could be amended in such a way as "to give us an efficient government." It was typical of the man that he would provide, in an independent Texas, a haven for the defeated secessionists.

Once the war opened, however, he was heart and soul for its vigorous prosecution to a successful close. Three of his four sons were officers in the Northern Army, and his son-in-law and former ward, "Cump" Sherman, was second to Grant during the final months of the struggle. His youngest daughter married an army officer during the war. Ewing occupied somewhat the place of a national advisor during the war. When reports reached him that his son Hugh (West Pointer) did not properly fortify his camp at night, he sat down and wrote him to do so—and gave a long list of reasons why he should do so.

He advised the same son how to decide his cases of court martial. He advised Major General Halleck, Commander in the West, how to put down the guerilla bands which infested the border States. He often wrote to the Secretary of War giving advice on questions of administration, and advocating certain types of rifles.

45 "Copy" of letter "To President," Ewing Papers, Vol. XII, Nos. 4811-4812.
46 Oct. 21, 1861, Ewing Papers, Vol. XII.
49 Ewing to Hugh, Feb. 10, 1862, Ewing Papers, Mrs. Montgomery Collection.
During the early part of the war, before Grant and Sherman became great powers in the army, Sherman was often assailed by opponents. Then the powerful Ewing influence counted for him. Ewing wrote articles in the newspapers defending Sherman's course, and when Benjamin Stanton, Lieutenant Governor of Ohio, in a report to the Governor criticized the actions of the Union Generals at Shiloh, Ewing at once sprang to their defense and published an elaborate defense of them. At another time he advised Sherman to bring a libel suit against certain newspapermen who were publishing "atrocious" articles against him. He further warned him not to let his regard for Southern men lead him into any expressions which would reveal that feeling. Nor dare he say anything against the "justice or policy, or manner or purposes" with which "the war is carried on by Lincoln. Indeed, President Lincoln's message--The hand he laid on Cameron's report--his dealing with Fremont & [illegible], and a conversation which I had with him a day or two ago, satisfy me he is now alright & is fighting Abolition as stoutly as secession---."  

Hugh seemed to approve the sentiments of Fremont's proclamation, looking toward the freeing of slaves. Ewing


51 Ewing Papers, Vol. XII, Nos. 4837-38, dated 1861.
hastened to write him that Fremont's acts were wrong—"very wrong—unsupported by law and equally wrong in policy."
(Fremont had declared the slaves of rebels to be free. Lincoln disavowed the act). Ewing explained the *jures belli* to Hugh, and why the Executive could not go as far as confiscating property. He also warned Hugh that if Lincoln had not repudiated the proclamation, Kentucky would have joined the Confederacy and the "war would be waging on the banks of the Ohio." He added that Fremont was a "vain pompous blatherskaite, without military education or experience and without talent to stand as their substitute. The only good thing he has done is to quarrel with the Blairs. If the result of their warfare is like that of the Kilkenny cats they will each of them render the country good service."

As in all wars those generals frequently got the most rapid promotions who had friends around the War Department, the White House, and Congress. It was in fact difficult for an able leader to advance without friends. Ewing

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52 F. P. Blair and his sons, F. P. Jr. and Montgomery, were powerful politically in Missouri. Montgomery was in Lincoln's cabinet. The elder Blair had edited the *Globe* in Jackson's day.

53 Ewing to Hugh, Nov. 2, 1861, Mrs. Montgomery Collection.
recognized this condition and was indefatigable in working for advancement for his sons and Sherman. The war records of these four boys amply justified Ewing in great and persistent efforts to secure their preferment. Some military critics regard Sherman as the greatest general developed during the war. The records of Hugh at Antietam, of Tom in the border warfare of Kansas, where he was in command, and of Charles at Vicksburg, to mention only one phase in the career of each, were brilliant ones. Each one became a commanding officer and the title of General could thereafter be attached to his name. Hugh was the ranking general of the three sons.

The Civil War period, like other war periods, was one in which men's finer sensibilities were either lost or so bemummbled as not to interfere with their war activities. The story of the western railroad projects of this period, and their connection with Congress and business leaders is an unsavory one. The lust for quick profits, and the coolness with which Congressmen were bought is astounding. Ewing and his sons were interested in the Kansas railroad. They had large holdings of real estate in Leavenworth, the value of which to a great extent depended on whether or not the roads were built. Tom Ewing Jr. was active in organizing a branch.

54 Lewis, Sherman, Fighting Prophet, p. 377, passim. For an insight into his aid in securing promotion: see Ewing to Hugh, Oct. 12, 1862, Mrs. Montgomery Collection.

55 Russell, Blaine of Maine, passim, tells of much of the graft and corruption with which Blaine was connected.

56 Ewing to Tom, July 15, 1861, Ewing Papers, Ewing to Hugh, Nov. 3, 1862, Mrs. Montgomery Collection.
line to connect Leavenworth with the main line of the Union Pacific. Ewing wrote to Tom in November 1861, that he was going to Washington on business and

if your company will send me a contract to assign me one million on your R.R. stock for every $25,000 of loan I shall obtain for you not exceeding $100,000 (and $4,000,000 of your stock) I will make the experiment... It would effectually make our Leavenworth property... If this be attempted send me... a full statement of the condition of the road with the debts including the assessment of the 25,000 acres to present members for services- 57

The next spring Tom was in Washington lobbying for a railroad bill. He wrote to his father that if the bill were passed they could build the road to Fort Riley, i.e. to the junction with the proposed Union Pacific, in eighteen months. He added: "My interest will be worth a half million dollars." The lobbyists appealed to the abolitionists to vote for the bill on the ground that the construction of railroads would furnish labor to tens of thousands of the "contrabands." The Union Pacific was organized following the passage of the bill in 1862. The next year the eastern division was headed by Fremont. Samuel Hallett and Company were the bankers. The latter soon engaged Ewing to do some legal work, and later when Fremont

57 Ewing to Tom, Nov. 14, 1861, Ewing Papers, Vol. XII.

58 Thomas Ewing Jr. to Ewing, Mar. 28, 1862, Apr. 19, Apr. 14, and May 6, 1862, Ewing Papers, Vol. XIII.
was about to be removed from the presidency of the company, Ewing and Hallett seemed to be engineering the affairs of the company, one as counsel, the other as business agent. 59

The "war and the tariff are the making of the concern--I am clearing now about $60.-- a day." So wrote Ewing to Hugh in regard to the salt works on Christmas day, 1861. The war was a boon to the friends of high tariff. As a staunch Whig Ewing had always favored a protective tariff. When the Committee on Ways and Means of the House of Representatives were writing the tariff of 1862 one member, Horton of Ohio, wrote to Ewing that they wanted to make the "tariff on salt and other articles" favorable to "the home producer," and in effect he asked Ewing what he wanted. It appears that saltpetre, used in the manufacture of ammunition, was found in the salt caves, and this may have contributed largely to the $60 a day.

The possibility of easy money through the recommending of certain guns to the war department attracted

59 Hallett to Ewing, Oct. 3, 1863, to Nov. 17, 1863, passim, Ewing Papers, vol. XVII.

60 Ewing Papers, Mrs. Montgomery Collection.

61 Horton to Ewing, Mar. 5, 1862, Ewing Papers, vol. XIII.
the attention of some political leaders such as Blaine. Whether or not Ewing engaged in this practice, it is true that early in the war he introduced his friend William Roelofson to Secretary of War, Stanton. Roelofson presented to Stanton a plan whereby he would buy arms in France on commission. Although unsuccessful in getting a contract with Stanton this time, Roelofson went to Paris, made his contacts with the munition makers and then wrote to Ewing that he would give a commission of 25 cents per gun for all orders that he, Ewing, could place with the War Department. Roelofson also wrote that he had a "friend" who had 3,500 rifles then at Southampton consigned to China, which he would hold for forty days. If Ewing could sell them to the State of Ohio at $6 packed in cases at Southampton, their commission would be $1 per gun, of which Roelofson suggested that they take fifty cents each. These activities may never have reached the stage of being completed, but like many other leaders, Ewing did not avoid every appearance of evil.

Throughout the period of hostilities Ewing made numerous addresses in support of the war. When it came time to select a Senator to succeed Ben Wade there was considerable sentiment in favor of choosing Ewing. Wade's term

62 Blaine of Maine, op.cit.

63 Ewing Papers, vol. XIII, no. 4889, also Roelofson to Ewing, Aug. 14, 1862, Ewing Papers, vol. XV.
expired on March 3, 1863, but the Ohio Legislature had the choice of a successor under consideration during the winter of 1861-62. John D. Martin and H. H. Hunter, personal friends of Ewing from Lancaster, were in Columbus actively working for Ewing's election. Martin wrote him giving full accounts of the sentiment of members of the legislature. He felt sure that if an election could be held without a caucus, Ewing would be chosen, but he feared that if a caucus were held the choice of the "Union" party would be some radical Republican. Apparently the conservative Republicans would support Ewing, and the Union Democrats would accept him in the hope of defeating a radical Republican like Wade. Some of the Peace Democrats must have favored Ewing too, for Martin mentioned Judge Thurman several times as favoring and actively working for him. Martin and Hunter called on the Governor (Tod) who told them that if it were up to him to appoint the Senator he would name Ewing. Some argued that the naming of Ewing who had many friends in the South and who was known as an opponent of abolition would show the South that the war was not an abolition war. Some of the young men in the legislature were afraid that he was broken down physically or mentally (he was past seventy-two), so Martin urged Ewing, then in Washington presenting arguments before the Supreme Court, to come to Columbus and have some man like Thurman present him to the young men.

A caucus was finally held by the Union party. Wade was the candidate of the radicals. Ewing had Democratic and Conservative support. Columbus Delano got considerable
support from the moderates. After eleven ballots with no nomination the caucus adjourned "sine die." The next winter the abolition sentiment was much stronger and Wade was quickly reelected. The history of the last two years of the war and of the next four years would have been quite different had Ewing been elected. If instead of the vindictive, obstructionist spirit of Wade, as shown in the Wade-Davis bill of 1864 and the various measures of radical reconstruction which he supported, there had been the spirit of conciliation which Ewing expressed, some of the excesses of reconstruction might well have been avoided.

In the summer of 1863 many of the men of old Conservative views were feeling rather hopeless. O. H. Browning of Illinois, a professional friend of Ewing, wrote him a long letter in June of that year. Browning listed all his reasons for being discouraged, the army rapidly diminishing, the old parties too radical, led by Fernando Wood and Wendell Phillips, a presidential election coming on, which the country would do well to survive, and Negroes being recruited in the army—thus driving out the white men. Browning then inquired whether Ewing, John Sherman, Collamer, Dixon, Sens. Harris of N.Y. and Cowan of Pa. could not unite

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65 An attempt to block Lincoln's mild reconstruction policy.
and cooperate with such Democrats as Seymour, Guthrie of Kentucky, McDougall and others, and by ignoring party lines, save the country from dangers worse than the rebels?

Another movement by conservative leaders resulted in a call to the "friends of Jackson, Webster, Clay & Crittenden,—men who desire to restore the authority of the Constitution, with its checks and guarantees, over all the States, and who are opposed to the election to any office...of any person in political connection or sympathy with Secession, Abolitionism, or fanaticism of any kind" to meet in Rochester, New York.

But Ewing preferred to address a mass meeting at the town of Circleville "on the great question of prosecuting the war, &c." In October, 1864, he regarded the situation of the country as "bad enough," but thought it safer that Lincoln should be reelected. He still thought that the war might have been avoided, but a peace could not now be patched up. A dissolution of the Union would be the necessary consequence of McClellan's election.


67 Copy of the invitation addressed to Ewing, Ewing Papers, vol. XVI.

68 The committee, by W. H. P. Denny to Ewing, Aug. 15, 1863, Ewing Papers, vol. XVII. He spoke at Circleville just before the election of 1864.

69 Ewing to W. L. Savage, Oct. 20, 1864, press copy, Ewing Letterbook.
Ewing used his influence to prevent the appointment of Chase as Chief Justice. He wrote to the President that Chase would not be acceptable to the bar of Ohio. He thought that Chase's reputation was as a politician rather than as a lawyer, and he was unwilling to see a Chief Justice of the United States "intriguing & trading for the Presidency." Ewing had written to a friend shortly before this that "among those who have Executive favor...we lack material for the office- Stanton is not highly qualified though I would very much prefer him to Chase." Ewing did not understand how far Lincoln would go to please just such politicians as Chase.

Ewing had a great deal of power with the President when it came to getting pardons. Gideon Welles recorded in his diary that on one of his trips to the Executive mansion in 1864:

Old Tom Ewing of Ohio was hanging around the door...as I went in... Usher, who followed me informed the President that the old man was waiting for an interview... The President...turning to me said, 'You know his object?' I said it was probably Wilkes' case. The President said it was and, notwithstanding Wilkes had abused both him and me, he was inclined to remit his sentence,...

It is a misfortune that the President gives his ear to a class of old party hacks like Ewing and Tom Corwin, men of ability and power in their day, for whom he has high regard but who are paid to come here and persuade the President to do wrong. Ewing would not, of himself, do or advise another to do what he beseeches the President, except for money. All this the President has the sagacity to see, but hardly the will to

70 Ewing to the President, Dec. 3, 1864, press copy, Ewing Letterbook.

No doubt this opinion of Ewing's actions was colored by the fact that Wilkes, the man whom Ewing was working to get released, was employed in the Navy, and the irascible and suspicious Secretary of the Navy was anxious that this insubordinate officer should receive all the punishment which had been imposed.

As has been intimated, the Civil War years, in spite of Ewing's staunch support of the Union and his intelligent and humanely conservative attitude toward the extremists on both sides, were probably the least creditable of Ewing's life. Finding that the securing of pardons for clients, especially those who had gotten into the toils of the law due to the conditions of civil disturbance, was a very lucrative one, Ewing and a certain Britton A. Hill decided to form a partnership. They wanted to make Senator Cowan of Pennsylvania a member of the firm, but most of the expected practice would be before the Court of Claims and Cowan as Senator was not eligible to practice before the court. Hence he was added to the firm surreptitiously. Ewing insisted that O. H. Browning should also be a member, and

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72 Welles, Diary, vol. II, p.203. Another example of the work of Ewing in this connection may be found from a Ewing calling card on the back of which is written: "Respects to Mr. Ewing; but I am not ready to decide his cases, & I do not wish him to come in and scold about it. May 16, 1864. A. Lincoln." Ewing Papers, vol. XVIII.

73 As an example see Ewing to J. H. B. Latrobe, Feb. 1865, Ewing Letterbook.
Hill finally acceded. It was agreed that Ewing need not do much work, as Hill wrote: "We don’t expect you to work any-
not even as half a hand—We want yr influence."

It was finally decided to call the firm "Ewing, Hill & Browning." The cases handled ranged all the way from one of simply presenting to the third auditor of the Treasury proof of damage in order to gain recompense, to a complicated case in which a man who had aided Federal Detectives to round up some counterfeiters in St. Louis found out that these same counterfeiters had friends at Washington who soon freed the guilty men, and when the Client presented himself at the department at Washington and asked for his pay for aiding to catch the culprits, he was seized and thrown into the old Capitol prison where he was held incommunicado. The rumors were that he was being tortured there. Ewing suspected that some official was getting part of the counterfeit money and that would explain why the guilty ones went free and the accusers were in jail. Harrington, the client, received a great deal of attention from Ewing, Hill, and Browning, but he was charged a large fee for their services. The diary of O. H. Browning, which is in the process of publication, throws a great deal of light on the activities of the partners.


75 Ewing, Hill, & Browning to the Secretary of the Treasury, July 29 (1864) Treasury Archives.

76 Ewing to Britton A. Hill, Aug. 20, 1864 (two letters) Ewing Papers, John K. M. Ewing Collection; also petition of Ewing, Hill, & Browning to Secretary Stanton, Sept. 3, 1864, Ewing Papers, John K.M. Ewing Collection.
T. C. Pease in his introduction to the diary speaks of the years of the Civil War as the "least creditable" of Browning's life. The war years tended to lower the morality of all leaders.

The more common cases, however, were ones in which a member of the firm, either Ewing or Browning, went to the White House and appealed to the President as a friend to set free someone caught in the toils of the law, or arranged for sending some cotton through the lines, or arranged for the sudden transfer of the property of a rebel, which property was subject to confiscation, to a loyal relative of the rebel. As Hill wrote Ewing when the partnership was organized, what they wanted was "yr influence."

Gideon Welles, the Secretary of the Navy, recorded in his diary his resentment, and the resentment of others, at this "influence." Browning's influence with the President was very strong too, as is shown in his diary.

Ewing finally tired of working with Hill and withdrew from the partnership in the spring of 1865. This dissolution of partnership coming just before Lincoln's second inaugural marks the close of another phase of Ewing's life. Although he had a certain influence with Lincoln, it was during Johnson's Administration that he became one of the most important advisors outside the cabinet.

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One other event of this period remains to be chronicled. Ewing's wife, Maria, after having suffered for many years and tried many cures, died during the winter of 1864. Her death drew Ewing closer to the Church which she loved than he had ever been before, and paved the way for his later adherence to that church.

An Administration Defender and Advisor.

As a moderate who advocated peace in 1861, Ewing came naturally to favor a policy of conciliation toward the South after the war. Shortly before Lincoln's death Ewing wrote to him urging that he reconsider the tenth exception to his proclamation of amnesty. This exception excluded from the provisions of the proclamation those in the border states who had joined the Confederacy. Ewing argued that about fifty thousand young men in Maryland, Kentucky and Missouri, who never reasoned on the subject, had been swayed by the fashion of their circle into sympathy and cooperation with the rebellion. They were, Ewing thought, morally no more culpable than a similar class in states which actually had seceded.

To President Johnson Ewing wrote on May 29, 1865, asking for full and free pardons for Stephens of Georgia, Vice-President of the Confederacy, and Judge Campbell, erstwhile member of the Supreme Court and always a friend of Ewing. Ewing

78 Ewing to the President, Apr. 7, 1865, Ewing Papers, Letters, Press copy.
felt that "such acts of grace will make a most favorable im-
pression on the public mind." In the same letter he advised
that the manacles be removed from Jefferson Davis, and an ad-
ditional guard placed over him instead. Ewing's entire at-
titude is summed up in his concluding sentence: "These incidents
belong to history."

A month later he wrote again in regard to the pardons.

Of Stephens he noted that his merits

are quite as well known to you as to
myself--his demerits better--of him I
have nothing more to say--

As to Judge Campbell the country
owes him much... I had frequent con-
ferences with him in the winter of
60/61 and he gave me much information
of the points of danger in the then
unguarded condition of the city-- He
expressed a strong belief that the
public offices were about to be captured
by a combined movement of the clerks
within and the Knights of the Golden
Circle,...without-- I called and com-
municated the information to Genl Scott
who told me he had no military force
with which to defend the city but its
own militia & thirty five marines-that
he had applied to Floyd Secy of War for
authority to order a sufficient force
to the city but he denied him. On con-
sultation he determined to call personally
on the President & demand the means of
defence or a discharge from his duty-this
he did promptly and a thousand men were
brought in the next day...

Ewing thought that it was due to Campbell that Wash-
ton had not been taken by the secessionist forces at the outset
of the war.

79 Ewing to the President, May 29, 1865, Ewing Papers,
Letters, Press copy.
80 Ewing to the President, June 29, 1865, ibid.
The President did not take immediate action and months later when Ewing called on him to offer his congratulations on the message vetoing the Freedmen's Bureau Bill, he took the opportunity thus presented to plead again for his friend the ex-Judge. By this time he had become an important advisor to the President and his pleas did not prove in vain. Johnson promised to send Campbell a "full & free pardon in a few days."

There were other prisoners in whom Ewing interested himself. C. C. Clay, ex-Senator from Alabama, more recently Confederate Agent in Canada, had been accused along with Davis and others of complicity in Lincoln's assassination. He was placed in a federal prison. His beautiful wife, Mrs. Virginia Clay, working incessantly for his release, got Ewing to intercede for him. It was at this time that the iniquitous military tribunal established by the Judiciary Act of 1865 was in operation. At the head of the tribunal was the Judge Advocate General, Joseph Holt. In reply to Ewing's questioning the Judge Advocate said he would convict Clay "under the common law of war." This, Ewing reported to Mrs. Clay, "is a term unknown to our language"; the Judge could not be an impartial Judge, and himself be the Prosecutor and Jury as provided in the law. Ewing had established a reputation during the war as the friend of those who needed governmental mercy and he now

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81 Ewing to Hon. John A. Campbell, Feb. 23, 1866, ibid.
82 For an account of some of Holt's activities see Milton, *The Age of Hate*, p.195, passim.
had many calls to aid such people.

One of the most notorious of the trials before a military commission was the trial of Mrs. Surratt and others, for the assassination of President Lincoln. This trial, carried on by the Secretary of War and the Judge Advocate General who was appointed by him, was conducted more like a secret session of a Revolutionary tribunal under the Reign of Terror in France, than like an American trial. Certain evidence was excluded and even when such a recognized legal light as Reverdy Johnson appeared for the defense his character was attacked by the tribunal. The tribunal condemned four of the accused to death. Between the time of this action and the announcement of the President's concurrence in the sentences, Ewing wrote a long letter to the President in which he said:

The suspension of the Writ of Habeas Corpus & the Judgment of Military Commissions in the case of persons not in the land or naval service of the U. S. is now as I suggested it would soon be in our late brief conversation a matter of contest between the judicial tribunals & the Secy of War--I regret that he attempts to sustain the Military--there is no possible foundation for it, & so it must end--... The Constitution & law & enlightened public opinion are all on one side, and those who have no fixed opinion on the subject will concur in this--that the rights of the citizen are better protected by our constitutional tribunals than by military commissions-- You I think have never sanctioned by your signature, the finding and sentence of one of these commissions against anyone

84 Milton, op.cit., p.200 ff.

85 The findings of all the courts martial must be approved by the President.
not a spy—not taken in arms. The appointment of the commissions as we all well know, though in your name, is but an act of the Department—It is now in your power to set this matter right at once, by dissolving all military commissions appointed for the trial of citizens,...[not in the land or naval service]. Set aside all their unexecuted sentences & transfer the causes to the regular judicial tribunals, and by a general order direct all military officers having citizens in custody to obey the Writ of Habeas Corpus...86

Johnson had already given the order to have the sentences of the four carried out and on July 7 they were hanged. He later regretted the act and subsequently a writer spoke of the trial of one of the four as "Judicial Murder." During the period between the time the sentences were pronounced and the executions the President gave orders that he would see no one on "errands of mercy." Doubtless had not the whole matter occurred so soon after the murder of Lincoln and while Johnson was still so vindictive toward the Southern leaders and still under the influence of Stanton, he would have listened to Ewing's advice.

Ewing insisted, however, that the ex-rebels should show respect for the Federal Government. When reports came from

87 De Witt, David Miller, The Judicial Murder of Mary E. Surratt.
88 Milton, op. cit., p. 207 f.
89 Ibid., passim.
Mississippi, where his son Charles was stationed, that many citizens there refused to inform on their neighbors accused of robbery and murder, Ewing wrote that he "would make them fear the U. S. Authorities more than the robber bands--Be kind, considerate, and conciliatory, but compel obedience to the lawful commands of your general--".

Ewing also appeared by letter and in person before Gideon Welles, the more or less crusty Secretary of the Navy, on errands of mercy. Once he asked the Secretary to commute from three years to six months the sentence passed on one James Stilwell for neglect of duty on board a ship. On two or three occasions he waited on Welles in behalf of Mrs. Dahlgren, daughter of his former friend and partner, S. F. Vinton. Mrs. Dahlgren was the wife of an Admiral, and the mother of infant twins. She wanted to join her husband who was stationed in the South Pacific, and she desired a public vessel to convey herself, her children and their nurses. The matter was complicated by the fact that yellow fever then prevailed at Panama and on the regular ships.

90 Ewing to Charles, Sept. 12, 1865, Ewing Papers, John K. M. Ewing Collection.
91 Ewing to "Gideon Wells," Jan. 18, 1866, Ewing Papers, Letterbook, Press copy.
92 Welles, Diary, vol. III, p.92-93. Entry for May 11, 1867. Welles brought the matter before the Cabinet and was inclined to reject the petition. He reasoned that Dahlgren had only a year and a half yet to serve, the fever would be dangerous even on a public ship, and the presence of the wife might make the Admiral less inclined to enter an engagement. Ewing agreed to the correctness of Welles' views but said Mrs. Dahlgren was determined to go even if she were forced to take the "sickly steamers."
After the Fourteenth Amendment had been submitted, Ewing drew up a skeleton plan as a substitute. He recognized that the third or disfranchising clause of the amendment was the one most objectionable to the South, and thought it was being urged from a lack of knowledge of the South and its problems.

When the Freedmen's Bureau Bill was passed by Congress, Ewing was greatly perturbed. He wrote to Senator John Sherman, Cump's brother, that he "was sorry to see that you voted for it originally-- You must have forgotten that we have a constitution which ordains that 'the powers not delegated to the U.S. by the constitution nor prohibited to it by the states are reserved to the states respectively or the people.'" Ewing adduced further arguments to show Sherman that he had acted wrongly. Ewing objected especially to the creation of military tribunals in the South. He reminded Sherman that the constitution provided that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury."

After advising Sherman in this fatherly fashion, Ewing pointed out that the "whole conservative interest of your state will be opposed to it... You may without inconsistency sustain the veto on the ground that the President believing the law unconstitutional will not execute it until his opinion is overruled by the Court--making it a vain thing."

93 Ewing Papers, vol. XII, no. 4839.
94 Ewing to John Sherman, Feb. 12, 1866, Ewing Papers, Letter, Press copy.
When the President vetoed the bill, Ewing wrote him a letter of congratulation. He praised the veto as being a "calm, dignified and well reasoned paper." He continued:

I like especially your treatment of the constitutional question--I had already considered that question carefully and on reading your message I found everything in it that I desired, & nothing that I did not desire to see--you have in that message discharged your high duty nobly and you will be sustained by nearly all the legal profession and that thinking conservative portion of our people whose opinions make up all that is valuable and permanent in public opinion...95

The next day after he wrote the letter, he called on the President and had "a full & free conference with him" about the veto. He reported to a friend that Johnson would "stand to his position as firm as a rock." 96

As the winter wore on, Ewing's influence with the President increased. He called at the White House and they discussed together all sorts of political questions. On at least one occasion they talked late into the night and the next morning Ewing remembered some matters which he had forgotten the evening before, and he proceeded to write of them. These questions dealt particularly with regard to some of the cabinet

95 Ewing to the President, Feb. 22, 1866, Johnson Papers, Library of Congress.


97 Ewing to the President (copy), Mch. 15, 1866, Ewing Papers, vol. XVIII. Part of this letter is no. 5863 and part no. 5915 in the same volume.
members. Lincoln's first cabinet had been made up almost entirely of those Republicans who had hoped to receive the party nomination for President but had been defeated by Lincoln. Of these Edward Bates had been made Attorney General. During the latter part of the war Bates had resigned, being replaced by James Speed. As the battle between Johnson and the Radicals became more intense there was increasing evidence that three members of the cabinet, Stanton, Speed, and Harlan were taking the radical side. Ewing's note on this occasion was in regard to the latter two.

His objection to Speed was that Speed was not a competent legal advisor during that critical period. Further, Speed did not have the confidence of the Court. Ewing thought him loyal, so he should not be turned adrift, but made a "District Judge somewhere, say in Mississippi." Ewing endorsed Henry Stanbery, his former pupil and partner, for the position. Stanbery "stands with the head of the Bar in the West." The Senate would not reject him because Senators knew he would be acceptable to the Supreme Court.

Ewing regarded O. H. Browning as Stanbery's equal in legal capacity, and of more political experience. If Johnson should select some one else for Attorney General, Browning would make a good Secretary of the Interior. He was a "strictly

98 Within a few months these two men were in Johnson's cabinet occupying the positions for which Ewing recommended them.
honest man, & that Department, which has been a den of plunderers since 1861, requires a man like him to purify it & correct its abuses." Ewing closed by reminding Johnson again (as several of the President's closest friends were soon doing) that it would be well to make an early change in the cabinet" as you want the intellect of another strong man."

At the time of the Fenian raid on Fort Erie, Canada, Ewing wrote Secretary Seward telling him that his acts were "thus far all right--precisely right" but warned him against making a false step. He noted the benefits which would come from having this club to hold over England, but if the movements of the Fenians were allowed to succeed they "would give us unorganized disorderly neighbors which...would soon be controlled by plunderers and desperados...we therefore want them to be in due time broken and scattered." As the spring of 1866 wore on it became clear that the "game of the Radicals", to use the language of Secretary Welles, was that "the Republican party must be sustained and kept united at any sacrifice, even the surrender of the Constitution...and to the jeopardy of the Union itself..." Believing that such a policy must be checked, the Secretary and Senator Doolittle of Wisconsin, called on the

99 It seems that President Lincoln paid attention to keeping his political fences in order as well as to insuring an honest, efficient administration of the Government. Ewing, having been the first Secretary of the Interior, was familiar with that Department.

100 Copy of letter, Ewing to the President, Nov.15, 1866, Ewing Papers, vol. XVIII.
101 Ewing to Seward, June 9, 1866, Ewing Letters, Press copy.
President and informed him of their opinions. The President concurred and it was agreed that a call for a National Convention to thwart the plan of the radicals should be promptly issued.

On a Saturday night late in June, Secretaries Seward of the State Department, McCulloch of the Treasury, and Welles of the Navy, A. W. Randall, ex-Governor of Wisconsin, and now President of the National Union Club, Senators Cowan and Doolittle, and O. H. Browning met with the President at the White House to put the finishing touches on the call. After they had agreed on the wording of the call, they decided to send copies to "some of the leading men of the Country," like Ewing, Guthrie of Kentucky, B. R. Curtis, ex-Justice of the Supreme Court, and General John A. Dix, asking them, if they approved, to write a letter of endorsement which should be made public.

The call was signed by the members of the executive committee of the National Union Club, and it contained eleven propositions. Its spirit was one of reconciliation on the basis of a recognition of the fruits of the war, the fact that secession was impossible, and that slavery had been abolished.

103 The club was organized in the spring of 1866 for the purpose of supporting Johnson against the Radicals.
104 O. H. Browning to Ewing, June 26, 1866, Ewing Papers, vol. XVIII.
105 Copy of the call, Ewing Papers, vol. XVIII, no. 5888.
Ewing approved the call, but before he could formulate a letter stating his approval he became ill, and it was not until August 2, just twelve days before the convention met, that he sent his letter of approval to Browning. The letter was immediately put in pamphlet form and widely circulated.

Historians have often said that Johnson's "swing around the circle" was an unwise move. Ewing wrote to Stanbery, then Attorney General, not to allow the President to complete the trip. No good could come of it, while much harm might result because "the radicals belie every word" the President uttered. He believed there was one chance in ten that the President would be assassinated, that the assassin would be looked upon as a public benefactor. Ewing reminded Stanbery that John D. Martin, a Lancaster lawyer of sense and discrimination, had so regarded Lincoln's assassin. The Presidential dignity would suffer for when heckled Johnson often became intemperate. Ewing continued: "If he had been stoic enough to do so he had better kept quiet--a horse in a yellow jacket's next kicks & plunger to little purpose...for a President or a Sovereign to reply to any thing from anybody is in bad taste."

106 Ewing to Tom, June 30, 1866, Ewing Papers, vol. XVIII.
107 Ewing to Browning, July 24, 1866, written by an amanuensis. Ewing Papers, John K. M. Ewing Collection. Ewing to Hugh, July 16, July 22, 1866, Ewing Papers, Mrs. Montgomery Collection.
110 Ewing to Hon. W. P. Sheffield, Aug. 24, 1866, ibid.
It was during the summer of 1866 that Congress submitted the Fourteenth Amendment to the states for ratification. This amendment contained five sections. The first defined citizenship and guaranteed property and civil rights against State action. The second replaced the old three-fifths ratio in regard to Negro representation by providing that if any persons were disfranchised the representation of that State should be reduced correspondingly. Section three provided that no person could hold any office, state or national, who had previously held any office requiring an oath of support to the constitution and had later engaged in rebellion. In other words, all Southerners who had ever held any office before 1860, and had then taken part in the Civil War, were deprived of the privilege of holding office in the future, until Congress by two-thirds majority of each House had removed such disability. Section four guaranteed the Northern debt and repudiated the Southern debt. The last section gave Congress full power to enforce the amendment.

The Southern States were still unrepresented in the House and the Senate, when the amendment was passed. Ewing argued in a letter to Tom, that the Constitution entitled all States in the Union to representation in the two Houses. To the argument of Sumner that the eleven States had committed a crime (treason) and therefore had forfeited their rights to representation, Ewing replied that a state could not commit a crime, and even if it were possible who could find them guilty?
Who could pronounce sentence? "The Constitution gives no
countenance to any such absurdity. But the majority of the two
Houses assume the crime, assume the office of Jury and of Judge,
convict and pass sentence against the States. This is a position
which reason and argument cannot assail--it were fighting shadows,
it is not reasoned up and therefore cannot be reasoned down."

Ewing also pointed out the absurdity of the radical
contention that the eleven states were not in the Union so far
as being entitled to representation was concerned, yet they
were in for the purpose of ratifying the amendment. If they
were not states now, he asked, would they be after ratification?
Their status would be changed in no respect except that they
would surrender a part of their rights secured to them by the
constitution.

Ewing then discussed reconstruction apart from con-
stitutional phases

...is it [reconstruction] best effected
by force, or by kindness and conciliation?
States and Nations have been conquered by
force, but never so governed. Conquering
Nations have always found it necessary to
cut off...and reduce to slavery the con-
quered people or incorporate them into the
conquering [nation] and give the people the
privileges of citizens or subjects... If
they [The natural leaders] were proscribed
it could not be hoped that the people would
be cordially loyal to the government that
proscribed them... People may be driven to
desperation by what they conceive cruelty,
insult, and injustice but no degree of for-
bearance, kindness and oblivion of past woes
can ever make rebellion again acceptable to
the crushed and ruined South.

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Ewing to Tom, Sept. 12, 1866, Ewing Papers, vol. XVIII.
Ewing was advising Tom in regard to a public address which
Tom was going to make at the Cleveland Convention of supporters
of the Presidential policy.
In the meantime Ewing was trying to get a Presidential
appointment for his son Hugh. At first he thought a Consulship,
either at Liverpool or Havana, which paid about $10,000 per
year, would be most desirable. Consulships at London, Paris
and Havre were also worth accepting. Consuls' salaries were
made up principally of fees. He wrote to both the Secretary
of State, and to Johnson, and had "fair hopes of a satisfactory
result as I stand well with both Seward and the President." 112
After Ewing learned that the mode of paying the Consuls had
been changed and that they were now on a salary basis, he re-
garded these appointments as "worthless." The Mission to
the Hague which had been suggested would do for a single gentle-
man, but first class Missions required a fortune. Hugh was
advised by his father to lead a delegation to the Philadelphia
Convention, which he did, and in due time, he was appointed
to the Hague.

Ewing's youngest son, Charles, also wanted a better job
than the commission which he held in the regular army. The
President, with much cause, was displeased with the work of Judge

112 Ewing to Hugh, June 13, 1866, Ewing Papers, Mrs. Montgomery
Collection.
113 Hugh had been receiving nearly $4000 per year in the army.
114 Ewing to Hugh, June 22, and July 16, 1866, op.cit.
115 Ewing to Hugh, July 22, Sept. 19, and Oct. 11, 1866, ibid.
Advocate General Holt. Ewing wrote to the President at least twice recommending Charley for that position, but nothing came of it.

When a "corps of commissioners" from Japan came to the United States in the spring of 1867, Ewing was present at their reception by the President, and later dined with them at the home of the Secretary of State, Seward. The Japanese were something of a curiosity, and Ewing described their physical characteristics to his son.

The Fourteenth Amendment, which had been submitted during the summer of 1866, was rejected by all of the Confederate States except Tennessee. Thereupon Congress, the Radicals having a two-thirds control of each House (since the election of 1866) passed the laws providing for military reconstruction. When Attorney General Stanbery attempted to give these laws an humane interpretation Congress passed a new act giving its own radical interpretation. The question of Negro suffrage, forced on the South temporarily, by these acts, came to be agitated in the North. Ohio and other Northern states voted, in the fall of 1867, on the question of Negro suffrage, and rejected it by decisive majorities. At the same time, the Republicans lost heavily in the state elections.

116 Ewing to the President, June (?) 14, 1867, Ewing Papers, John K. M. Ewing Collection.

117 Ewing to Hugh, May 8, 1867, Ewing Papers, op.cit.
Ewing wrote an open letter to the Cincinnati Commercial, on the reaction apparent in the elections. He interpreted the election as a popular repudiation of Radical Republicanism. The election showed that the people did not favor the two Radical propositions of "giving suffrage to the blacks, and denying it to the whites as a punishment for past political and military offenses." Ewing showed that the vote of one manumitted Negro in Louisiana would under Negro suffrage, the white leaders being disfranchised, be worth the vote of two citizens in Ohio. The same Negro would have power in the Senate equal to more than six Ohio citizens. Ewing entered into a long and well reasoned argument in support of the course of the Administration, censuring the so-called military reconstruction acts severely. Although he attacked the Radical position, he showed that he was not yet ready to support the Democratic party, but rather the conservative element of both parties. Among the letters of congratulation upon this article was one from Allen G. Thurman, conservative leader of the Ohio Democracy, who thought it Ewing's best.

His fear that the course of the Radicals would lead to a Democratic victory, led Ewing to write to John A. Bingham,

118 A copy of this letter may be found in Ewing Papers, Printed Matter, vol. XXVIII; also in Cincinnati Commercial, Oct. 29, 1867.

119 A. G. Thurman to Ewing, Nov. 4, 1867, Ewing Papers, vol. XVIII.
an Ohio Congressman, urging him to reverse the course of the Republicans. He feared that if the Democrats should win, their reconstruction policy might be as bad as that of the Radicals. He wrote in a similar view to Senator Fessenden, stressing the incompetence of the Negroes, reminding the Senator of the terrible racial troubles in Santo Domingo, and added:

...you can relieve the country from these threatened future mischiefs by a prompt repeal of your reconstruction acts & by taking from the five proconsuls [the South was divided into five military districts, and the general in command of each district had dictatorial powers] there more than tribunetian power & replacing them under the control of the President where the Constitution placed them...121

It was as an advisor to President Johnson that Ewing did his greatest service during this period. Milton, in his Age of Hate, comments on Ewing's importance as a Johnson adviser. He refers to almost innumerable letters of Ewing to Johnson, to be found in the Johnson Papers. Milton includes in the book a full page engraving of Ewing, whom he calls "One of the shrewdest of Johnson's Friends." Beale lists Ewing as one who was "With him [Johnson] constantly" and had access to him for private conversation at any hour of the day or night.

120 Ewing to John A. Bingham, Nov. 11, 1867, Ewing Letters, Press Copy.
121 Ewing to W. P. Fessenden, Nov. 12, 1867, ibid. He wrote similarly to C. Delano.
122 Beale, The Critical Year, p.25.
He furnished the President with veto messages, advised him on appointments, and suggested a course of action in many emergencies. It was unfortunate that Johnson did not decide more promptly to put Ewing in his cabinet. Early in October 1867, Ewing had been considered for the position of Secretary of War. At that time Grant was Secretary, ad interim, but it was realized that Johnson needed someone on whom he could rely implicitly. This was not the case with Grant.

When he came to the crisis, and had issued the order removing Stanton as Secretary of War, and when Stanton had barricaded himself in the War Office to prevent old Lorenzo Thomas from taking the office, then Johnson turned to Ewing and sent his name to the Senate as Secretary of War. At this time the House was voting the impeachment charges, the Senate took up these charges and never acted upon the nomination. Two days after the nomination Ewing wrote a letter to three of the House radicals, on the unconstitutionality of the Tenure of Office act, showing that the act could not apply to Stanton since he was a Lincoln appointee. Later he addressed an open letter "to the Bench and Bar of the United States" which contained essentially the same arguments.

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123 He prepared a veto message in 1868 on the "Act to amend an Act, entitled an act to amend the Judiciary Act" passed the twenty fourth of Sept., seventeen hundred and eighty nine.

124 Ewing to Messrs. Spalding, Poland and Bingham, Feb. 24, 1868, Ewing Papers, vol. XIX.

125 To the Bench and Bar of the United States Fragment, Feb. 26, 1868, ibid.
According to James G. Blaine's *Twenty Years in Congress*, the President's act of sending Ewing's name to the Senate for the war portfolio did much to prevent Johnson's conviction on the impeachment charges, for the radicals realized that it would be impossible to convince the public of Johnson's intended seizure of power, when he chose such well known, conservative men as advisors.

When the votes were counted at Johnson's trial, nineteen Senators voted to acquit the President. One less Senator for acquittal and the President would have been convicted. Although it may be possible that some Senators voted "guilty" who were willing to vote "not guilty" if their votes were needed, yet they apparently were unwilling to risk their political futures unnecessarily. The fact remains that the President had no votes to spare. Among those who voted "not guilty" was the Republican Senator Ross of Kansas. Ross was a great friend and admirer of the Ewings, both father and son. He spent some time at the home of Ewing Jr. shortly before the vote, and it is not unlikely that his vote was "dictated by Tom Ewing" as violent radical henchman of the other Kansas Senator wired Ross.

Ewing was tremendously interested in the campaign of 1868. He was anxious to see the country retrieved from the rule of the radicals, and he was aware, too, that the economic policies of the radicals were building up a financial dictatorship. Not able himself to make speeches, he practically wrote several speeches for his son Tom, who was campaigning for the Democrats. Although he did not accept the views of the extreme inflationists in the Democratic party, he viewed with horror the fantastic claims of the capitalists. A part of his letter to Tom on the payment of the public debt ran as follows:

A part of the debt is, in terms, to be paid in coin,—A part and very much a larger part is left indefinite—by what fair rule is that to be settled—interest is agreed upon—that perhaps in all cases, to be paid in coin—how the principal? Between man & man equity must settle that—let it be so between the people and their creditors—These creditors lent 40—or 60 cents and by the consent of the agents of the people it was agreed to call it a dollar—they lent 1500,000,000 and it was agreed to call it 4000,000,000 but it was not agreed whether the principal should be paid according to the actual loan, or the nominal—according to the true state of facts, or according to the fiction—If the transaction were between man and man and the creditor brought his debtor before the Court what would Equity give him? the truth or the fiction? Whatever case he made with any class of creditors let this be the rule and no one can claim repudiation. The agents of the people could bind them to fairness and justice, but not to be chivalrous or generous to Capitalists who as a class know how to make the most possible by contract and are generally well content to stand upon their bond.128

128 Ewing to Tom, July 8, 1868; also telegram from Ewing to Tom, July 7, 1868, Ewing Papers, vol. XIX.
In June 1866, Ewing had written to the Secretary of the Treasury that the Government was not now under any obligations moral or financial to bring gold to par & thus enhance the debt $1,000,000,000. For the U.S. would thus pay over to the Capitalists one thousand millions more than were borrowed of them. It were well to return to a gold & silver standard, but this should not be hastened till a proper adjustment be made of the debt...129

Early in January in 1869 Ewing wrote a letter, amounting to seventeen printed pages, to the Finance Committee of the Senate in which he enlarged upon the ideas presented to Secretary McCulloch and to Tom in the campaign. This letter shows clearly his interest with the tax paying class, rather than with the capitalist class. He pointed out that to follow the Republican plan meant that billions of dollars would be taken "from the debtor and given to the creditor class for which it would be difficult to find a reason..." 130

In the election 1868, Grant, the Radical candidate, won, but by so narrow a margin that, as Ewing wrote, the Radicals could not fail to see mene tekel written on the wall. In the same letter he pointed out that the Democrats should have learned that they could have won if they "had nominated conservative men--entitled to public confidence... it will teach the Democracy to select other leaders than Vallandigham

129 Ewing to McCulloch, June 30, 1866, Ewing Papers, Letters, Press copy.
130 Ewing, Thomas, Letter to the Finance Committee of the Senate, p. 6 et passim.
and Wade Hampton and when the next occasion offers to secure their advantage by consulting the conservative sense of the public."

Ewing continued to give similar advice on the Nation's finances up to the time of his death. In August 1869, a Columbus committee wrote to him asking for his views on the questions then before the country. In his ten thousand word answer Ewing covered most of the questions of the day, but he dealt especially with financial questions. He compared in detail the Republican leaders' treatment of the constitution to Machiavelli's Murder of his Guests, and called their attempt to enrich the Capitalists at the expense of the taxpayers "simple plunder." He ended his letter on public affairs with the statement that he was expounding Whig doctrines as they were expounded by the "Whig Champion, Webster, and as held by the whole Whig party when in power."

In a personal letter, he dealt with the question of granting free lands to private corporations, and especially to railroads.

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131 Vallandigham was an Ohio Peace Democrat who played an important part in the Democratic counsels of that year. Wade Hampton was a Southern ex-rebel.

132 Ewing to Tom, Oct. 18, 1868, Ewing Papers, vol. XIX.

133 Letter from Hon. Thomas Ewing to Wm. S. Sullivant and others, Aug. 20, 1869.
...It creates huge monopolies besides tending to direct or indirect corruption of our public servants in various forms such as the gift, or sale at a small price, of railroad stock, stock in town sites, and choice locations made valuable by the railroad which is the child of the grant. It is better that all this should cease. 134

Although this might seem to be an unusual action for a former bank man and one who had himself speculated in land scrip, yet it is not such a great change after all. His speculations, with the possible exception of those during the Civil War, were made without any hint of governmental favoritism, and did not tend directly toward monopoly. He was one of the first to realize the new age in which the old individualism was to be displaced by triumphant monopoly. In the old days most anyone could become a small capitalist for land had been bought in comparatively small tracts. Now miles and miles of land were being granted to the railroads. While his early position had not always been favorable to the very poor, to have taken a different position in 1870 would either have shown him as favoring the very rich, or as not being aware of the great changes which followed the war. Ewing was too keen a man to be in the second class.

As late as September 1871, within six weeks of his death, Ewing was still advising his son Tom as to what to say in his speeches, this time on gold as a monetary value. He wrote:

134 Ewing to John Maguire, Apr. 26, 1870, Ewing Papers, vol. XIX.
If you arbitrarily make gold the yardstick it will not change nominally—but in reality it is changing its length continually—Gold is abundant today—scarce tomorrow...If the British Consols were limited in amount and had a standard value fixed by law they would be a much more stable currency than gold—as it is—it is the gold not consols that fluctuate as is shown by the fact that interest fluctuates more than consols (note, consols seldom fluctuate more than five per cent—Interest 25 or 30—the purchasing power of gold often as much or nearly as much)...present the conservative plan carefully (with Mr. Jefferson to back it) and it will give the most stable currency the world ever knew—The yardstick, its length once fixed will never vary so long as the state is solvent.

In his later days, although he was still adhering to Whig doctrines proving himself in this sense the last of the Whigs, his interest had swung from the classes to the masses: in all his arguments on the gold standard the payment of the war debt, and land and financial grants to railroads and private corporations, his concern was now for the poor man, the tax payer.

The sand in Ewing's glass was running low. His long years had been marred by few sicknesses. In October 1869, while presenting an argument before the Supreme Court, he had noticed a feeling of faintness. The court had graciously allowed him to continue his argument while he remained seated. He had continued only a short time when he fainted. He was so seriously

Ewing to Tom, Sept. 15, 1871, ibid.
ill that he was not removed from the court room but a bed was prepared there for him: he lay unconscious for hours. His life was despaired of, but he recovered and within a week he was writing the particulars of his swooning to his son Hugh, Minister to Holland. His recovery was complete, he resumed his practise before the court, and his life went on as usual. Six months later he still planned even his reading, sending to Europe for books which he was unable to get at home. In January 1870, on the resignation of H. C. Grier from the Supreme Court, the bar of the Court sent a memorial to Grier expressing their regard for him and Ewing's name was the first on the list of signers.

In May 1871, he was still supervising his salt works "down the valley." He even took a day to revisit his boyhood home which he had not seen for fifty-five years. He was slowly becoming feeblter, however. More and more his letters were being written by a member of the family. In October he became bedfast. There remained only his accession to the church, to which for years he had given liberal financial support. Members of his family had been hoping and praying for years that he would accept Catholicism. The loving Christian character of his wife was constantly influencing him. His children joyfully noted

136 Ewing to Hugh, Oct. 28, 1869, Ewing Papers, Mrs. Montgomery Collection.
137 Ewing to Hugh, Apr. 16, 1870, ibid.
138 Tom only, of his children, left Catholicism. He became a Presbyterian, the faith of Ewing's fathers.
any favorable comments in regard to their faith. The priests had for years urged him, but he was unwilling to accept the Confessional. Bishop Purcell, for a long time his close friend, came, pronounced him too weak to confess, and offered to take him into the church without Confession, if only he would express a desire for it and would announce his acceptance of the church's beliefs and doctrines. Ewing agreed to this and it was done. Now he was ready to die. On October 26, 1871, when he had almost reached the age of eighty-two he breathed his last.

His funeral was attended by the Governor of Ohio, and leading jurists and statesmen of the State and Nation. Courts everywhere held memorial services, and even the Supreme Court of the United States paid the almost unprecedented tribute of publishing the account of their memorial service along with their Court Reports.
Chapter VI.
Ewing the Man.

As a business man, Ewing had wide interests. He was interested in salt manufacture from his teens. With Vinton and Chauncey he operated salt wells in Athens County, Ohio. He gradually came into sole possession of the salt works, and continued to operate them until his death. His legal practice was his main source of income, as well as his major interest throughout life. He enjoyed the association with his son Philemon as law partner. He was always buying land. He owned tracts in the Hocking Valley, in Cincinnati, St. Louis, Leavenworth, and elsewhere. In one case at least he accepted valuable land as his fee for services in winning an important suit. His propensity for buying land was also expressed in the purchase of Revolutionary land warrants for speculative purposes. He owned stock in various railroads, and he purchased large coal lands near Nelsonville, Ohio.

His great affection for his family increased through the years. It was not merely his desire to see them gain advancement, but he wanted to shield them from all disturbances.

1 Philemon practiced law in Lancaster during his entire life; he was for many years a judge.

2 Ewing wrote to Hugh, June 1, 1870, that he had over 800 acres of very valuable coal lands, all accessible to the railroad; and that Philemon had made $25,000 the previous winter by speculating in coal lands. Ewing Papers, Mrs. Montgomery Collection.
He loved to have his grandchildren around him; it was his delight to have them all at home in Lancaster, making what he called "the little colony on the hill." He wrote sometimes asking them all to come home for a family council. He was especially tactful in encouraging Sherman, who before the Civil War had failed in various ventures, and who regarded himself a failure. He enjoyed in a rare measure the companionship of his children.

With strangers and on public occasions Ewing was reserved. One of his greatest handicaps in political life was his lack of magnetic drawing power such as Clay had. His dignity and restraint caused people unacquainted with him to think him cold. His speeches generally appealed to reason, not to sentiment. He was no joiner. In a day when most men in public life belonged to numerous organizations, lodges, clubs, temperance societies, he held aloof. He was opposed to the principles of secret organizations, and made no attempt to conciliate them in order to gain their votes. This position may have aided him in 1830, when anti Masonic feeling was strong, but after that period it must have been a hindrance to his political fortune.

Although born in a log cabin, Ewing had a great desire for cultural things. He early provided for his home the accessories of culture which could be bought only in the East, piano, fine china, custom made furniture and an extensive
library. He, a Senator from the West, was almost the only Whig to support a movement to purchase extensive oil paintings for the White House during Jackson's occupancy! He subscribed for Godey's Lady's Book; he went to see Ristori, the celebrated Italian actress; he was delighted with Jenny Lind's singing. He planned the homeward trip from his first session in the Senate to include the eastern cities and Niagara Falls, for his wife's [Maria] delight. Later they went to Saratoga Springs, New York, fashionable watering place of the fifties. Ewing planned to go abroad, but the outbreak of the Civil War, prevented his making the trip. Although it seems odd to include Barnum's "Grand Travelling Exhibition!" as a cultural influence, it was Barnum who presented Jenny Lind to American audiences.

When the great showman appeared in Lancaster in 1848, his attractions included "the Funeral of Napoleon, the celebrated vocalist Miss Emma Leslie, Pete Morris comic delineator, Billy Whitelock, banjo player, who will appear in a number of Ethiopian Extravaganzas." Every person connected with his Circus was a "teetotaler."

Of all Ewing's qualities, the one which stands out most prominently is the breadth and depth of his intellect and intellectual interests. One is constantly amazed at the variety of subjects upon which he was well informed. His natural interests inclined him toward wide research. His ambition to be an outstanding lawyer and his conception of his duty as a public
servant made thorough study imperative. He disdained the use of appeals to sentiment, and so his only way to win a case was by a logical array of all the facts. He possessed himself of all the facts, so that opposing counsel could not surprise him on any aspect of the case. During his first term in the Senate when it was still the custom to debate before the whole body most of the measures under consideration, he regarded it as his business to inform himself thoroughly on each question. So in the course of years as a lawyer and a public official, he became well informed on a vast number of subjects.

His views on popular education were so forward looking as to deserve discussion in some detail. His ideas were in advance of those of many other leaders of his day in at least one particular, that the schools should be free to all pupils. While speaking in the Senate, January 19, 1835, on a motion to apply the Alabama two percent funds to public education, he maintained that there should be no discrimination between schools that were free and those that were not. He held that there was generally more aristocracy among children than among adults. The name "charity school" would humble those who attended and would create a distinction. He would prefer the property of the

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3 The two percent funds were those received from the sale of Public lands by the Federal Government. The bill under discussion was to allow the State to use these funds for free schools.
rich be taxed, and let the rich and poor be educated together. These were ideas not exactly in line with Whig philosophy, but Ewing never forgot his own early poverty, and never allied himself, at least in his thinking, with "the rich, the well born, and the able."

Such ideas gained for him an invitation to address the "Lyceum of Teachers of Muskingum County," but of more importance they gained for him the ear of leaders in educational reform. The Ohio Legislature, in creating the office of State Superintendent in 1837, elected Samuel Lewis to that office. Ewing was one of the men with whom Lewis conferred at some length in regard to plans for the extension and improvement of the common school system. Later he submitted to Ewing by letter a number of proposals. Ewing told him frankly that his suggestion of a "common school supported in part by the public & part by the scholars who were able to pay, admitting the very poor without pay" was "not adapted to the conditions and feelings of our people."

Few of the poor would accept such a boon on the ground of avowed poverty. Children would feel such distinctions more quickly than their parents. "The pride of a child," Ewing wrote, "would be wounded and his spirit broken if he were a charity scholar."

4 Debates, 23rd Congress, 2nd Session, p.228.
Ewing heartily approved of Lewis' proposition to support the schools in part by legislative action and in part by a tax assessed by each township. This plan had the advantage of requiring the people to act directly and immediately on the subject, thus "making them active agents instead of passive instruments in the great work." He argued that all would admit that education was a blessing, but people appreciated more those blessings for which they made some effort. Lewis was warned that it must be made the duty of some designated township officer to call the people together on a day fixed by law, to discuss the matter. The question must there be discussed as in a deliberative assembly and the vote taken "Viva Voce." Not a township in the state would, he believed, refuse to tax itself for an amount equal to that appropriated by the State. Men would not wish to be regarded as backward in such a cause. He thought that if Lewis' plan were adopted the best teachers would enter the public schools, and the children of the poor and of the rich would be on the same footing, as they already were in all political institutions.

As early as June 1836, Edgar Allan Poe, at that time

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6 Ewing to Samuel Lewis, Dec. 27, 1837, Ewing Papers, Lindley Collection.
Literary Editor of the Southern Literary Messenger, had solicited Ewing for "some little contribution to our Journal." Poe planned to make a "bold stroke" by issuing a number of the Journals consisting entirely of articles from distinguished Americans. Poe admitted that he was "aware that your time is occupied with more serious matters, and that you are frequently pestered with similar applications." In the end Poe asked for "any spare scrap in your portfolio." Ewing did not contribute anything at that time, but T. W. White, the Editor and Proprietor, renewed the request. Ewing finally contributed the leading article in the July, 1838, number, on "Ancient Literature, Zenophon." It was signed "by a Virginian, now a citizen of Ohio." Ewing was fond of the writings of Zenophon, and the article was a detailed discussion of the merits of his work.

Ewing was known as a scholar. Lyman C. Draper, the collector of historical documents, wrote to him asking for documents of "a political or literary character." He received a private circular, signed in the author's own hand, from Agassiz, asking such aid as he wished to volunteer in the interests of

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7 The Southern Literary Messenger, published at Richmond, Va., evidenced an attempt to develop an appreciation for, and to produce, good literature in the South. Ewing was a native Virginian. Poe thought Ewing would be interested since their small magazine was the first successful one in Virginia.

8 Draper to Ewing, 1863, Ewing Papers, vol. XVI.
science for the publication of one of his works. His library contained, in addition to hundreds of volumes of public documents and works on law, the standard classics of English literature, nearly forty volumes of French literature, such books as Marshall's Washington, Memoirs of Thomas Jefferson, The Persian Empire, the Federalist, Necker on Executive Power, De Stael on the French Revolution, Smith's Wealth of Nations, Ewbank's Hydraulics, an Astronomy, Faraday's Chemical Manipulations, Darwin's Origin of Species, Hayward on Horticulture, Mineral Resources West of the Rocky Mountains, Lyell's Geology, a Geology of Ohio, Livingston's Travels in South Africa, Humboldt's Travels, The Complete Angler, Spurzheim on Insanity, De Boisment on Hallucination, Use and Abuse of Alcoholic Liquors, Locke on Education, Michael Angelo and Raphael, Life of Cellini, History of Spanish Literature. When he was past sixty he learned to read Spanish in order to read the titles, and study the deeds, in a case involving property in St. Louis, which dated back to Spanish days. On one occasion he gave entirely extemporaneously, a history of architecture, and discussed its various types.

9 Agassiz to Ewing, May 28, 1855, Ewing Papers, Letters received 1855-56, no. 99.

10 Catalog made out at the time of Ewing's death, Ewing Papers, John K. M. Ewing Collection.
His thirst for knowledge, and his habits of thorough study, helped him solve the mechanical problems incident to his properties. When he wished to build a bridge over the Moh-
ing River at Chauncey, he went to Pittsburgh and consulted John A Roebling, who had just completed there the first cable suspension bridge in the world. Ewing sent back to his men the directions given him by Roebling, which included the mathematical formulae, and minute calculations as to the size of the rods, and the height of the perpendicular rods necessary to support the suspension cable. When he was almost eighty years old, he invented a scheme for propelling canal boats, whereby water of the canal taken into tubes at the bow of the boat could be discharged at the stern with such force as to move the boat forward. The object was not simply to propel the boat but to do it in such a manner that swells of water in front of the boat when in motion would be lessened, and currents along the sides and the consequent depressions at the counters of the boat, would not exist. In this way the difficulties and ex-
penses arising from the abrasion of the banks from such swelling and depression of the water would be obviated. He had sent in

11 Ewing to James Sloan, Feb. 12, 1846, Ewing Papers, vol. VII.
12 The application for patent and other papers are found in vol. XIX of the Ewing Papers.
his application for a patent when he read in the Pall Mall Gazette that a similar invention had been patented in England.

"But though an original I am not the first inventor..." he wrote Charley.

Ewing had a keen interest in the natural resources of the world. In 1856, he delivered before the Atheneum in Columbus an address on "England, her present condition and future prospects as one of the great powers of the earth."

The society subsequently published the lecture in a forty page booklet. It is a scholarly treatise, dealing with England's people, her colonies, her public debt, and especially her coal resources. He feared that unless some new source of power were found, England's supremacy would wane with her dwindling coal deposits. Hugh's expedition to the California gold fields gave Ewing opportunity to study intensively the minerals of the west and the best mining methods.

During the debates in Congress on the relief for the Mississippi Valley in 1851, Ewing began to study the problem of flood control. His proposal for solution of the problem was published in a letter in the Cincinnati Commercial in 1870. It advocated the construction, by the national government, of waste weirs to carry off the flood waters of the Mississippi. He showed that levees have, ever since any records have been kept of the

13 Ewing to Charles, June 16, 1869, Ewing Papers, John K.M. Ewing Collection.
world's rivers, always been a failure. He quoted Isaiah, Homer, and Horace as authorities. Levees cause the river to deposit its silt and thus raise the river bed. The principal waste weir for the Mississippi should be the Atchafalaya River, whose course from the mouth of the Red River to the Gulf is less than half as long as the Mississippi's from the same point. Its fall is twice as rapid and so its silt deposit much less. Short sluices from the Mississippi to the Atchafalaya River would constitute the weirs.

Ewing's legal strength lay in his logical use of his encyclopedic store of facts. He was referred to during his first term in the Senate, as the "Logician of the West." He had a brilliant mind and made witty use of his knowledge. He was especially apt in his use of quotations. Once in an Ohio court he offered in support of a minor point, some evidence to which the opposing counsel objected; when the Court sustained the objection Ewing quietly remarked that there was something to be said on each side of the question. When his opponent came to his main argument he used the same type of evidence. Ewing objected, the Court sustained the objection, and Ewing convulsed the audience by quoting

    The wicked man he dag a pit
    He dag it for his brother
    And for his sin he did fall in
    The pit he dag for t'other.

He was ready witted in his comparisons of people to famous characters. He could draw illustrations which had the simplicity and force almost of a parable.

Ewing was not especially interested in religion. During most of his life he remained aloof from the churches as did Clay. He was impatient of the intolerances of narrow creeds. He had great respect for the Catholic church, which he joined on his death bed. He once said, "we owe...to the Catholic church the institutions of families and the elevated social condition of woman." He had no doubt of person immortality.

He was generous to those who differed with him. His sympathy gave him an understanding of the motives of the conduct even of his enemies. He gave his best efforts for the cause of conciliation between the North and South. The greatest reverence of his life was for the Constitution. It represented to him the highest achievement of all government. He had all faith in its efficacy in the settlement of political problems, great or small. He was a thorough Nationalist; no matter how intently he opposed a policy which he saw would lead to war, when war was declared, he regarded it as his duty to support the war wholeheartedly. His conception of the majesty of the National Government was Hamiltonian.

15 Ewing to Charles, May 3, 1870, Ewing Papers, vol. XIX.
16 Ewing to John A. Bingham, May 7, 1870, ibid.
There were times when Ewing rose to the position of a statesman, notably in his views on sectionalism before the war and on conciliation during the Reconstruction period, and in his old age in his interpretation of the Whig principles on tariff and monopoly. His spirit of conciliation toward all sections before the war, and his eagerness to restore the seceded states to their former position, showed that he was working for the best interests of the whole country, and was looking to the future well-being of the nation. In his old age when he saw that a high tariff was benefiting a small class of people, he condemned the popular conception of the old Whig views and pointed out that the true Whig principle was a tariff to foster infant industries which would benefit all. When he saw that government aid to business might lead to monopoly he revived the Whig doctrine of a government paternalistic to all, not to a favored few.

Most of his life Ewing was only a political leader. The period in which he showed the greatest abilities, and exerted the greatest influence, was the last six years of the reign of Andrew Jackson, a period characterized by intense party feeling, animosities, and bickerings. Such a period was not conducive to the development of statesmanship. But this is not to minimize the importance of a political leader, a position which Ewing filled ably in the organization of the Whig party in 1834-1836, in the investigation of the Post Office Department, and in his whole conduct throughout the fight on the bank.
Ewing was never a politician in the sense of a ward-heeler, he never desired a small job; his interest was in the larger unit.

Following the Civil War he took a liberal view of the high tariff principles. Throughout the thirties and forties he had advocated a high tariff, on the ground that the government should foster infant industries. It was his firm belief that the country in general prospered in ratio to the development of its industries. During the war the tariff was raised to meet the wishes of the manufacturers. After the war the manufacturers asked for a still higher tariff. This Ewing opposed on the ground that industries no longer in the infant stage did not require fostering. He was one of the few who were able to see that the time had come for well developed industries to stand alone. He still favored a tariff for such industries as were then in the infant stage, but not for those well developed. He cannot be charged with inconsistency on this ground. He was, as he claimed to be in 1869, still a Whig. Likewise when the government by grants of land to railroads had made monopolies of the railroads, he opposed further grants. This was not a change in opinion from his landscrip days. Landscrip had been available to all. If a man wished to buy large amounts, he might. But the lands granted in huge tracts to the railroads were available only to a favored few.
The charge most often made against Ewing before 1860 was that he speculated in land scrip. He speculated in land during his entire life, and early began the purchase of land scrip. When the question of the issue of more land scrip came up in the Senate, naturally he voted in favor of it. If a black mark is to be put to his account here, it should be on the score of speculation, and not because of his vote. It should be remembered too, that at this very time Daniel Webster and others were accepting retainer fees from the United States Bank while working for its recharter in the Senate. In comparison Ewing's practice seems comparatively blameless.

The worst part of his career seems to be the period during the Civil War, when he sold his influence with the President for money. With his partners, one of whom was also a close friend of Lincoln, he represented clients seeking pardons, return of property, or other favors. When the partnership was formed, it was expressly stated that Ewing need not do much work, it was his influence that was wanted. His practice was to take large fees from the clients, obtain private interviews with the President, and as an old political friend ask that the request of the client be granted. Gideon Welles wrote of these activities that Ewing and Corwin, "old party hacks," repudiated by the voters, were doing for money what they would not have done in their own names--that is, were for fees obtaining favors from the President which they themselves would not have granted had they been in the President's place. At best
this is a serious charge. In palliation of the fault, it may be said that it was the custom of the time, that the public had an easy conscience on the matter, and that even President Lincoln participated in it by granting the favors on the grounds of friendship, even though Secretary Welles advised him against it.

Another evil brought on by the war was profiteering in war materials. We cannot be sure whether or not Ewing was engaged in this. Several letters exist written by Roelofson, a business associate of long standing, to Ewing, offering commissions on guns if Ewing could place orders with the Secretary of War. Roelofson was a close enough associate to know whether Ewing would engage in such business, yet there is nothing in these letters to indicate that Ewing accepted the offer. Again it may be suggested that such a practice was common during the Civil War.

During his occupancy of cabinet positions Ewing made use of the spoils system. For his many removals he was called "Butcher Ewing" by the opposition papers. Each time that he entered office it was after a long period of Democratic control, and if he replaced only a few officeholders with Whigs, it was counted butchery. He did not make as extended use of the spoils system as did the Jacksonians. The party system, being founded on the rewarding of faithful adherents with office, had to be maintained by the distribution of the spoils. It should be
remembered that Lincoln, Grant, Garfield and even Hayes used the spoils system.

The last period of Ewing's life was the best. Instead of declining in his old age, he retained his full mental powers and exhibited his most admirable qualities. It was as a defender of President Johnson during Reconstruction days that he proved his claim to the title of a great man. The Radicals were jeopardizing the Constitution. Ewing had always revered the Constitution, and now he saw it disregarded and broken, a thing which had never happened before. He wrote veto messages for the President, he wrote and published pamphlets attacking the Radical policies of Reconstruction, he wrote open letters in the newspapers pointing out the evils which would follow the adoption of such policies, and he wrote to various members of Congress urging conciliatory measures. He had been eager to conciliate opposing sections before the war, now his greatest desire was to heal the wounds of the war and restore the whole Union. His generous spirit could not endorse the Radical program of Reconstruction. It was his desire to see the whole nation restored to the liberties and privileges afforded them by the Constitution.
Bibliography

I. Primary Sources

A. UNPUBLISHED CORRESPONDENCE AND MEMOIRS

Ewing Papers in the Library of Congress. There are twenty three volumes mounted and bound, and a larger number unbound. Most of them are letters received by Ewing, although there are quite a number that he sent, confidentially, to members of his family and close friends. There are also two volumes of copies of letters sent by Ewing, one of them a press copy. Unfortunately these two volumes do not cover any large part of his life. The manuscript of his diary, and of his autobiography, as well as some reminiscences of his associates are included. In addition there are several shelves full of his law briefs.

Ewing Papers in the possession of Thomas Ewing of New York (a grandson). These are letters of Ewing to his wife, including some written as early as the days of their courtship.

Ewing Papers in the possession of Mrs. Maria Ewing Montgomery of Newark, Ohio. These consist of 265 letters of Ewing to his son Hugh (Mrs. Montgomery's father), and six letters to Hugh's wife. This collection will ultimately be placed in the Library of the Ohio Archaeological and Historical Society.

Ewing Papers in the private collection of Dr. Harlow Lindley, Curator of History, Ohio Archaeological and Historical Society. These are miscellaneous letters, but very valuable to a correct understanding of Ewing. The collection includes several letters between Ewing and Charles Hammond, and several from Ewing to John J. Crittenden.

Ewing Papers in the possession of John K. M. Ewing of Washington, D. C. These are largely letters of Ewing to his youngest son, Charles (father of John K. M. Ewing).

Ewing Papers in the possession of Mrs. Udell Ewing Gault of Milford Center, Ohio. These include a few letters by Ewing, and "The Autobiography of a Tramp", which is the life story of Hugh Ewing made up from his diaries and papers.

Ewing Papers in the Manuscript Collection of the Pennsylvania Historical Society.

Ewing Papers in the Manuscript Division of the Indiana State Library.

Crittenden Papers in the Library of Congress. John J. Crittenden was a very close friend of Ewing. Many of their letters were "private" and not preserved.
Corwin Papers in the Library of Congress. These cover only the two and one half years that Corwin was Secretary of the Treasury, but they are quite complete for that short period, there being twelve volumes.

Clay Papers in the Library of Congress. It is likely that Clay and Ewing wrote to each other so frankly that much of their correspondence was destroyed as soon as it was read. After Clay's death Ewing often satisfied autograph hunters by giving them a Clay letter. Few of their letters remain.

Calhoun Papers in the Library of Congress. There is only one volume of these. Most Calhoun papers have been published.

Heaton Papers in the Library of Congress. Heaton was an Ohio political friend of Corwin.

Giddings Papers in the Library of the Ohio Archaeological and Historical Society. This collection consists of scrap books, letter books, and loose papers.


Manuscript Letters in the Archives of the Treasury Department, 1841, while Ewing was Secretary, and in 1861-65.

Allen Papers in the Library of Congress.

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B. PUBLISHED CORRESPONDENCE, DIARIES, SPEECHES, MEMOIRS AND REMINISCENCES.

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This is only a partial list of Ewing's published speeches, etc. The arrangement is chronological.
England: Her Present Condition and Future Prospects as one of the Great Powers of the Earth. A Lecture delivered before the Atheneum, Columbus, O., March 6, 1855. Cincinnati, 1865.

Speech ... at Chillicothe, Ohio, Before a Republican Mass Meeting, Sept. 29th 1860. Cincinnati, 1860.

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Boston, 1877.
Welch, John, "Reminiscences of Thomas Ewing." in
Magazine of Western History, Feb. 1888, Cleveland.
Diary of Gideon Welles, Secretary of the Navy under

C. OFFICIAL DOCUMENTS.

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Congressional Globe, 1849-1851.
Supplement to the Congressional Globe, Containing the
proceedings of the Senate in the trial of President
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at Ewing's death).
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Ohio" unpublished. (Action of the local Bar at the
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12 Wallace VII-IX. (The Action of the Bar of the Supreme
Court of the United States at the time of Ewing's
death).
E. NEWSPAPERS

The paper followed most closely was the Ohio State Journal. A forerunner of this paper was the Western Intelligencer, which was later combined with the Columbus Gazette. At one time the paper was known as the Ohio State Journal and Columbus Gazette. At another time it was the Journal & Sentinel, and later it was the State Journal and Political Register, coming finally to be the Ohio State Journal. The only editor who was associated with it long enough to become really important was John Bailhache, who edited a large part of the time Ewing was in the Senate the first time.

The leading Democratic paper in Columbus was known in the twenties as the Ohio Monitor and Patron of Industry, later it was known as The Western Hemisphere, and in the late thirties it came to be The Ohio Statesman. For nearly thirty years Samuel Medary edited this paper.

In Lancaster, Ewing's home town, the strongest paper was the Ohio Eagle, hostile to Ewing. There was also the Gazette, favorable to him.

These four papers were used extensively. They and the following papers are found in the Newspaper Library of the Ohio Archaeological and Historical Society unless otherwise stated.
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C. GENERAL WORKS


I, Paul Ingersoll Miller, was born in Fairfield County, Ohio, November 7, 1902. I received my elementary education in a rural school, my secondary education in the high school of Millersport, Ohio. I received the degree of Bachelor of Arts from Huntington College, Huntington, Indiana, in 1926. I attended the summer sessions of the University of Michigan from 1926 to 1929 and received the degree of Master of Arts in October, 1929. From 1926 to 1928 I taught in the high school in Convoy, Ohio, from 1928 to 1930 in the Senior High School of Findlay, Ohio. Since 1930 I have been an assistant in the History Department of the Ohio State University, during which time I have continued graduate study leading to the degree of Doctor of Philosophy.