GEORGE HUNT PENDLETON: WITH SPECIAL REFERENCE
TO HIS CONGRESSIONAL CAREER

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Chapter I

GEORGE HUNT PENDLETON: HIS ANCESTRY AND EARLY LIFE

George Hunt Pendleton was born on the nineteenth of July 1825, at Cincinnati, Ohio. On the part of both parents he descended from notable forebears. His grandfather, Nathaniel Pendleton, was a Virginia Federalist who served during the Revolution as aid-de-camp to General Nathaniel Greene. At the close of the war he was appointed by President Washington as the First United States District Judge for Georgia. At Savannah in 1793, Nathaniel Greene Pendleton, father of the subject of this study was born. In 1796 Nathaniel Pendleton moved to New York. He was a strong Federalist and a personal and political friend of Alexander Hamilton. This made him a participant in the heated party strife that led to the Burr-Hamilton duel in 1804, and in that tragic affair he acted as Hamilton's second.  

In 1808 Nathaniel Greene Pendleton, at the age of twenty-five, moved to Cincinnati, Ohio. Two years later he was married to Jane Frances Hunt, who was the daughter of Jesse Hunt, a Western pioneer of the early seventeen nineties. The latter was a friend of General St. Clair, General William Henry Harrison, and Nicholas Longworth, who were all early and distinguished Cincinnati residents. Jane Frances Hunt, the mother of George Hunt Pendleton, was an accomplished woman but possessed rather delicate health. In 1839, when her son, George, was but thirteen years of age, she passed away.

In 1832, and again in 1835, Nathaniel Greene Pendleton was the Whig candidate for Congress in the Hamilton County district. On both

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1Bloss, G. M. D., George Hunt Pendleton, 6.
2Ibid., 7.
occasions he was defeated, but in the famous log cabin campaign of 1840 he was the Whig choice again, and this time with success. He was a warm personal friend of William Henry Harrison, whose residence was also in Hamilton county, and who was now the Whig candidate for President. Harrison's supporters made every effort to carry his own district for him. They were successful, and Pendleton was elected to Congress by a majority of 160 votes. ³ He took his seat in the National House of Representatives at the special session of May, 1841. Before Congress met, however, General Harrison passed away, and at the expiration of this one term Nathaniel Greene Pendleton declined to again become a candidate, living quietly in Cincinnati until his death in 1861. Before his passing, however, he had the satisfaction of seeing his son twice elected as Congressman to represent the same district.

The early education of George Hunt Pendleton consisted of two years in Woodward High School, Cincinnati, a period of study under O. M. Mitchell at a private school, and several years in old Cincinnati College. Here he studied under W. H. McGuffey, who was the author of the famous McGuffey readers, and was the first president of this pioneer educational institution. From 1841 to 1844 young Pendleton continued his studies with private instructors at his father's residence. ⁴

In 1844, at the age of nineteen, actuated by a desire to improve his health and wishing to gain a wider knowledge of the world, he went abroad. His tour included a short stay in Paris, Belgium, Switzerland, and Germany. The winter of 1844-45 was spent in Italy. In the Spring he recrossed Europe, visited England, observed Parliament in session at

⁴History of Cincinnati and Hamilton County, S. B. Nelson, Pub., 546.
London, and returned to Heidelberg, where he became a student at its famous university. Later he visited Greece, Constantinople, and the Holy Land, returning to the United States in 1846 by way of England, Scotland, and Ireland. During this extended tour Pendleton came into direct and personal contact with European peoples and problems, perfected his knowledge of the French and German languages, and came into possession of much information which was later of great benefit to him in his public career.  

Upon his return from Europe, at the age of twenty-one, he was married to Alice Key, daughter of Francis Scott Key, author of "The Star Spangled Banner," and the niece of Roger B. Taney, then Chief Justice of the United States. Pendleton returned to Cincinnati with his bride and in 1847 was admitted to the Bar. "From 1846...until 1853, he studied and practiced law. Not only did he study municipal law, but he made himself familiar with the principles and science of government, making profound researches in civil law and the law of nations." This study later proved to be of great benefit. In 1847, George E. Pugh, a former schoolmate, joined him in a law partnership which continued until 1852, when Pugh was elected Attorney General of Ohio.

Politically Pendleton was not unlike many other young men of the West, who broke away from the Whiggery of their fathers and voted with the new Democracy. The growing population and influence of the West, turning to the Democratic Party, goes far to explain the decline and disap-

6Bloss, loc. cit., 16, et passim.
7History of Cincinnati and Hamilton County, S. B. Nelson, Pub., 548.
pearance of the Whig Party, which seemed unable to understand or to be-
come adapted to Western conditions. Thus, although descended from a long
line of anti-Democrats, George H. Pendleton cast his political fortunes
with the new Democracy and his first vote as a Democrat.

In 1853 Pendleton's name was proposed as a candidate for State
Senator. His candidacy was successful and in the rising tide of Democra-
zy throughout the West he was swept to victory with a five thousand majori-
ty in Hamilton county.⁸ The forces of the declining Whig Party had not
yet joined hands with the Free Soilers and Abolitionists, and for the next
few years Democracy was destined to reign supreme. In 1854 Pendleton took
his seat in the State Senate and was appointed Chairman of the Federal Re-
lations Committee.⁹ It was his first appearance in any representative
body and being the youngest member he applied himself to business and left
the oratory to others. This course soon gained him the reputation of modes-
ty and efficiency. During this session a deadlock developed between the
supporters of ex-Senator William Allen and those of George W. Manypenny
over the choice of a successor to United States Senator Salmon P. Chase,
who had been elected Governor of Ohio. George E. Pugh, Pendleton's
friend and former law partner, was finally elected as a compromise candi-
date.

In the summer of 1854 Pendleton's friends suggested his name as
candidate for Congress from the First District. At that time he was
twenty-nine years of age and had served only part of his term in the State
Senate, but in a spirited Primary meeting he was chosen instead of the in-
cumbent David T. Disney, and thus became the Democratic nominee. His candi-

⁹Columbus Ohio State Journal, Jan. 4, 1854.
dacy, however, came in ill times. The Douglas stand had caused dissension in the Democratic ranks and by election time in 1854 the anti-Nebraska agitation was stirring the nation. Whigs, Abolitionists, and Know Nothings were joining forces in opposition. Timothy C. Day was the 'fusion' candidate opposing Pendleton and the contest was very warm in the First District. Pendleton had the support of the staunch Democratic Cincinnati Daily Enquirer, while the candidacy of his opponent was vigorously championed by the Cincinnati Daily Gazette. Another prominent local paper, the Cincinnati Daily Commercial, held that both parties were willing to deceive the voters if thereby they might win their support and the election.\(^{10}\)

But the fusion forces were stronger than the Democrats, many foreign born citizens casting their votes unwittingly for the candidates who were pledged to Know Nothingism. Election day was quiet although unusual interest was evidenced by the very heavy vote. The official returns gave Timothy C. Day 7886 votes to 4482 for George H. Pendleton. This was in line with general tendencies for the fusion party elected every Congressional candidate in Ohio, and carried the State by a majority of eighty thousand.\(^{11}\)

During the next few years the Know Nothing forces subsided and although the anti-Nebraska fusion carried on and even increased, it took on more and more the elements of a deep sectional cleavage. In Ohio there was division. In the Southern part of the State, settled considerably by Southern stock, these changes were favorable to the Democratic forces. In Hamilton county the same candidates that had been defeated in 1854 in the First and Second Districts were again nominated; George H. Pendleton and William S. Groesbeck. In the campaign of 1856 they were opposed by

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\(^{10}\)Editorials in Cincinnati Daily Commercial, July to October, 1854.

\(^{11}\)Cincinnati Daily Gazette, Oct. 12, 1854.
Alfonso Taft, father of the late William Howard Taft, in the First District and John A. Gurley in the Second. The Republicans based their campaign on the question of the extension of slavery in the territories, raised the issue of 'Bleeding Kansas' and violently attacked the Lecompton Constitution. The Democrats exalted the importance of State rights, and pointed with pride to the able record of the Federal Government under Democratic leadership. They also urged conciliation with the States of the lower South in order to avoid the danger of disunion. In the local contest the result was difficult to forecast. The Republican Cincinnati Daily Commercial openly charged the Democrats with buying votes in secret bargains with Know Nothing leaders. 12 The State vote was rather evenly divided as was shown by the Presidential election a few weeks later, in which Fremont's vote exceeded that of Buchanan by slightly over 17,000 in the State at large. In Hamilton county both Pendleton and Groesbeck were elected. Pendleton defeated Alfonso Taft 6133 to 4256 and Groesbeck won over Gurley by a majority of 1395. 13 Thus, at the age of Thirty-two George Hunt Pendleton was elected to the seat in the National House of Representatives which had been occupied by his father sixteen years before.


In 1857 the whole nation was deeply stirred by slavery and its far-reaching consequences. Fully conscious of this unprecedented agitation, the first session of the Thirty-fifth Congress convened. Ill feeling, roused by the unexpected repeal of the venerated Missouri Compromise, was increasing and popular sovereignty, although fair and sound in theory, was proving unsatisfactory and very partisan in practice. The administration leaders, as well as Democrats everywhere, ardently hoped that the Kansas-Nebraska Bill would quiet the sectional quarrel and ease the tension, but instead it roused more violent feelings everywhere. The Dred Scott decision, which had been announced in March, created fierce excitement. Republican indignation was unrestrained. Apparently the decision was a great Democratic victory for it gave judicial sanction to the extreme theory of slavery in the territories, but Northern Democrats, such as Douglas, who desired to see the doctrine of popular sovereignty carried out fairly, now sensed a new danger. The decision ran counter to popular sovereignty, and here was the beginning of the breach in the Democratic ranks which caused the forfeiture of the Presidency to a minority candidate in 1860.

James Buchanan, chosen by the Democrats because of his 'availability' as their candidate in 1856 soon proved what the lower South hoped him to be—a Northern man with Southern views and sympathies. His critics lost no time in branding him a 'dough face' and many Northern Democrats before long found themselves more in agreement with Douglas than with the President.

In 1857, the National House of Representatives was composed of 128 Democrats, ninety-two Republicans, and fourteen Native Americans.
Eight of Ohio's twenty-one Representatives were Democrats. Pendleton represented the First Ohio Congressional District, and it is natural that his closest colleague should be the Representative of the Second Ohio Congressional District, William S. Groesbeck, who was also a Democrat and from Cincinnati. The Democrats by a strict party vote elected J. L. Orr of South Carolina as Speaker of the House. On December 14, the standing committees were announced and although he was one of the youngest members of the House, Pendleton received an assignment to the Committee on Military Affairs, of which John A. Quitman of Mississippi was the Chairman.

Pendleton soon proved himself a loyal party man and became an active working member. His first act in Congress was the introduction of a bill to provide for a Port of Entry at Cincinnati, and on the same day he introduced a bill to divide Ohio into two judicial districts. He early showed himself very attentive to the interests of his constituents, a quality which he exercised throughout his Congressional career. In his first important speech in the House he identified himself with the ardent expansionists, suggesting possible danger from England or Spain, and urged the early purchase of Cuba. He favored seizing the island in case Spain should refuse to sell it. He desired a larger army, preferring an increase in the regular army to the raising of a body of volunteers, as advocated by some members. Two new States, Oregon and Minnesota, were admitted during his first term; for both of which he voted. He exhibited considerable hostility toward the Mormons who had attacked an army detach-
ment sent against them. Pendleton believed that the Mormons should be brought definitely within the authority of the United States even "if it should be with the entire extermination of the rebels[Mormons]."\(^6\) He spoke in favor of the abrogation of the Clayton-Bulwer Treaty "...because of its constant infraction by Great Britain."\(^7\) On these points he was merely voicing the sentiments of the majority Democrats.

But the burning issue of the times was the slavery controversy. On this subject Pendleton was extremely cautious. In fact, his Congressional career does not reveal a single speech on the exasperating topic of slavery. This question was already bidding fair to split the Democratic Party, if not the Union, and when possible a wise politician avoided it. No Congressman could escape the issue entirely, however, as their votes in Congress indicate. But for a time, Pendleton's friends and foes alike were at a loss to know where to find him on this question. During the first part of the debate on the Lecompton Constitution he favored it, voting steadily with Stephens of Georgia. A few days later, he voted against the Lecomptonites and the Administration moved to refer the question to the regular committee on Territories.\(^8\) The next vote, which was on the Montgomery substitute for the Crittenden Amendment, found Mr. Pendleton on the affirmative. This amendment proposed to allow a fair vote in Kansas on the Lecompton Constitution with the provision that in case it be rejected the people of Kansas should immediately be allowed to present another constitution and be admitted to the Union. This amendment failed in the Senate.

The next move of the Democrats was the introduction of the English

\(^7\)\textit{Tbid.}
\(^8\)\textit{Ed. in the Cincinnati Daily Commercial}, Sept. 22, 1858.
Bill. It provided that if the people of Kansas would vote to organize as a State and be admitted to the Union under the Lecompton Constitution the Federal Government would make the State a liberal land grant. It further provided that in case Kansas should reject the Lecompton Constitution, the State would then be required to meet the legal population figure before another request for admission to the Union would be considered. In reality, it meant a large land grant and immediate statehood if slavery were accepted, and no land grant but an undetermined period of probation if slavery should be rejected. This bill was denounced by Douglas as a fraud. Kansas would have been admitted earlier under the Lecompton Constitution had it not been deserted by Northern who feared the consequences to their own political future in their own districts. Now the English Bill provided a good opportunity to these Democrats to get back into line with their party and the Administration. Enough of them did so to insure its passage, and among the affirmative votes are those of Pendleton and Groesbeck.

Pendleton's efforts for the furtherance of the interests of his own district included several relief bills, and an attempt to obtain a $50,000 appropriation for a Marine Hospital in Cincinnati. He favored the extension of Western canal systems and made an able speech in favor of the enlargement and improvement of the Louisville and Portland Canal at the falls of the Ohio River. During the second session of the Thirty-fifth Congress he twice spoke in favor of reducing army appropriations, fearing perhaps the use of army equipment against the Federal Government in the threatening conflict. He also introduced a bill to aid the Methodist

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9*Cincinnati Daily Gazette*, Sept. 25, 1858.
10*Cincinnati Daily Commercial*, April 1, 1857.
Church in payment for church lands which had been appropriated by the Government for an arsenal in Oregon.  

As the Congressional elections of 1858 approached, the interest of the nation was focused on the political struggle. The Lincoln-Douglas debates in Illinois attracted wide attention and the division in the Democratic Party made Douglas the object of venomous attacks from the Southern wing of his own party. The Democratic leaders of the First Ohio Congressional District met early in September and amid many cheers renominated Pendleton by acclamation. In a short speech he declared his willingness to stand for reelection on the basis of his record.  

Again he was opposed by Timothy C. Day who received the support of all the elements antagonistic to the Administration and its policies. Day charged Pendleton with 'weazeling' and referred to him as 'Pendulum."

On May 10, 1858, soon after the passage of the English Bill, Pendleton issued a printed address to his constituency containing the following paragraph:

If the majority of the people of Kansas desire to be admitted on their present pending application, they shall be admitted. If they do not desire such admission, they shall be admitted as a free State or as a slave State, when they have the requisite population; and neither as a free State nor as a slave State will they be admitted until that time.... This bill is a wise, prudent and beneficent measure.... It provides that in case the State be not now admitted, it shall have the right to ask admittance when it attains the requisite population.

Between that time and September 10, he apparently changed his mind, for in a speech on the latter date in Cincinnati he stated

...that whenever Kansas made application for admission into the

13 Cong. Globe, 35 Con., 1 sess., 1773.  
14 Cincinnati Daily Gazette, Sept. 3, 1858.  
15 Cincinnati Daily Commercial, Sept. 21, 1858.
Union, under a Republican form of Constitution, duly authorized by her legislature and endorsed by her people, he would vote for her admission into the Union whether she was ascertained to have or not to have 83,000 inhabitants. He was opposed as a general rule to the admission of States with less than that number of inhabitants, but he was willing to consider Kansas an exceptional case. He believed, however, that Kansas had now sufficient population to entitle her to submission under the English Bill, and that there would be no trouble about that matter any more forever.\(^{16}\)

The Republicans charged him with either dodging behind the word 'legal' in the English Bill, which would hold the territory to over 93,000 population before admission, or being willing to vote for the admission of Kansas in violation of a law which he had supported. Day wrote him a series of open letters and had them printed in the newspapers.\(^{17}\) Pendleton did not reply to these communications but humorously referred to them as "The Epistles of Timothy." It was clearly evident that the Lecompton difficulty was proving very embarrassing to Democrats everywhere. Pendleton issued a small campaign folder and made a number of speeches in his district. Many of his audiences were composed largely of Germans and Scotch-Irish.

An event of the campaign which probably turned a number of German votes to the Democratic ticket took place in the local Republican convention. The following, translated from the German Republikaner of Cincinnati explains this happening:

The German delegates left the convention en masse, when the German candidate, the only one who was presented, and who was already nominated, was scalped by the blackguard conduct of a Know Nothing Secretary, who was not rebuked by a Know Nothing President. The Germans behaved in the only honorable way left open to them.... They must have gone; they could not submit patiently to the insults which were heaped upon them.\(^{18}\)

\(^{16}\)Cincinnati Daily Commercial, Sept. 11, 1858.
\(^{17}\)In Cincinnati Daily Commercial, Sept. 18 to Oct. 12, 1858.
\(^{18}\)Columbus Daily Ohio Statesman, Sept. 19, 1858.
In the election the Democrats lost all the county offices and Groesbeck was defeated in the Second District by 773 votes. The party lost every office in Hamilton county and all but six of the twenty-one Ohio Congressional Districts. In the Third District the Democratic candidate, Clement L. Vallandigham, was elected by a narrow margin. The excitement was very keen in the First District, and a rumor was widely circulated that Day had been elected. In a few hours, however, the returns began to show that Pendleton would win, and the final count stood at 7131 for Pendleton and 6785 for Day.  

This result was perhaps in part due to the *Cincinnati Times*, a Republican paper, but which had supported Pendleton. The returns also show that the so-called 'Aristocracy' voted for him, as well as a few old line Whigs who thought his tariff stand would be more conservative than that of Day. Pendleton also received good support from the foreign born element. His attitude toward them is evident in the following quotation from a speech delivered in the next session of Congress:

> I represent on this floor a constituency which is composed of native-born and foreign-born citizens. Among them is a large number of Germans and Irish of both religions, Catholic and Protestant. They are as honorable, as patriotic, as faithful to the Constitution of their adopted country as any of those who were born upon the soil.

Therefore, he stated that he could support for Speaker of the House only a person who was not nor had ever been a Know Nothing. 

During the two year term for which Pendleton was elected in 1858, local issues and problems generally gave way before the greater issue of slavery which was raging with increasing fury in all parts of the Union.

19Ed. in the *Cincinnati Daily Commercial*, Oct. 14, 1858.  
21Ibid.  
22Cong. Globe, 35 Cong., 1 sess., 617.
The various phases of this question monopolized the columns of the daily press to the practical exclusion of everything else. The attitude of office holders on this one issue made them, at once, the objects of bitter attacks and lavish praise.

In the Thirty-sixth Congress, which extended from 1859 to 1861, Pendleton was again appointed to the Committee on Military Affairs. In this Congress were 113 Republicans, 101 Democrats, and twenty-three who were classed as Southern Americans. After many ballots a Republican, William Pennington of New Jersey, was chosen Speaker. By this time Pendleton's reputation as a busy and courteous member was well established. Although he was strictly a party man, his good temper and polite manner in speaking secured to him the sobriquet of "Gentleman George" which remained with him the remainder of his life. His training in the law and his ability as a lawyer gave him an interest in judicial affairs and led him to favor changes designed to correct judicial evils and to accelerate judicial proceedings. He also worked for a more orderly and methodical routine for the conduct of Congressional business, and favored a plan to set aside a definite time each week for the introduction of bills. He pointed out some of the evils of the committee system and opposed hurrying bills through to a vote without proper debate. In another speech he spoke in favor of granting permission to a private company to widen canals in Ohio and again stressed his confidence in the future of the Northwest. Pendleton recorded his vote with the Democratic minority in opposition to the Morrill Tariff.

24 Cong. Globe, 36 Cong., 1 sess., 1708.
25 Ibid., 36 Cong., 1 sess., 1206.
26 Ibid., 36 Cong., 1 sess., 2122.
27 Ibid., 36 Cong., 1 sess., 2056.
although he indicated his willingness to raise the tariff on agricultural products at the behest of his constituents. He spoke in favor of sending troops into Texas to subdue the Indians and guard against danger from Mexico. During this session the Kansas Bill was passed as well as the Homestead Bill. Pendleton voted for both of these measures, but the latter was vetoed by Buchanan.

Early in 1860 the cleavage in the Democratic ranks developed into an open break. Some Northern States passed nullification laws against the Fugitive Slave Law. Kansas was a seething hotbed of agitation from which emitted torrents of abolition hatred against the South. After the John Brown outrage and his execution a number of radical Republican newspapers hailed him as a martyr. The South mistook these fanatical expressions as indicative of general Northern sentiment and replied, in exasperation, with threats of disunion. The open break in the Democratic Party was looked upon with undisguised jubilation by the Republicans. Both Douglas and Breckenridge entered the Presidential contest as Democrats, and were soon followed by John Bell, representing the conservative element of the old Whig Party. Thus the Democratic strength was frittered away while the Northern Republicans were united behind Abraham Lincoln. Agitated as never before and fearing economic ruin, the Southern States were forged into unity as they fought for the extension of slavery.

Pendleton supported Stephen A. Douglas and identified himself with the Northern Democrats. In the midst of this anxiety and at this most inauspicious time—fatal to Democrats—he was run a fourth time for Congress. His opponent was a prominent gentleman of high integrity and respect, Judge

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28 Cong. Globe, 36 Cong., 1 sess., 1884.
29 Ibid., 36 Cong., 1 sess., 1806.
Oliver M. Spencer. For a time there was an American Party candidate also, but he withdrew a short time before election day.\textsuperscript{30} Pendleton's reputation as an orator and successful Congressman held him in good stead at this time. Even his opponents agreed that he was a gentleman of high character and estimable talents.\textsuperscript{31} But during the summer the interest of Ohio voters was not so much in the Congressional elections of October, but rather in the Presidential election of November. Nevertheless, Pendleton was reelected by a majority of 865 votes out of a total 13,985 votes cast.\textsuperscript{32} Considering the issues involved and the prominence of Judge Spencer, this election was a genuine tribute to the character and popularity of the incumbent.

In spite of the generally dismal outlook of the Democratic Party, it actually emerged from the Congressional election in Ohio with a gain. Whereas there were but six Democrats out of the twenty-one Ohio Congressmen in the Twenty-sixth Congress, the election of 1860 raised their number to eight for the Thirty-seventh Congress. Among the reelected Democrats was Clement L. Vallandigham of the Third District.\textsuperscript{33}

Nationally the Democratic Party emerged from the campaign of 1860 with tremendous losses. It had not only lost strength in the North, but its stronghold was lost also, as the Southern States severed the political ties which bound them to the Union. With few exceptions, the Democracy, which had for sixty years been the dominating party, now was destined to become the party of the minority and of the opposition.

\textsuperscript{30}Ed. in the \textit{Cincinnati Daily Gazette}, Oct. 6, 1860.
\textsuperscript{31}Ed. in the \textit{Cincinnati Daily Commercial}, Sept. 25, 1860.
\textsuperscript{32}Ibid., Oct. 11, 1860.
\textsuperscript{33}Ed. in the \textit{Cincinnati Daily Enquirer}, Oct. 13, 1860.
Chapter III

THE THIRTY-SEVENTH CONGRESS AND CIVIL WAR

The election of Lincoln in November, 1860, aroused a "tempest of emotion in the breasts of Southern leaders," which soon expressed itself in a sentiment favoring organized secession. The Administration under Buchanan was actuated by one impulse which was to preserve the status quo as far as possible until the inauguration of the President-elect. The action of the Southern States caused great alarm in Congress and throughout the nation. The early months of 1861 "were dismal and full of apprehension" while many people in both sections of the country still passionately hoped that civil war might yet be averted by a compromise.\footnote{Julian, George W., Political Recollections, 183.} The most promising plan that was proposed was the Crittenden Compromise. This measure was supported by many leading Southerners as well as by Douglas and other Northern Democrats. It is probable that had it been submitted to the country it would have been adopted and might have put a stop to secession and thus have prevented the war. But the Republicans, as well as the radical disunion Democrats, refused to accept this or any other compromise.

Pendleton did not believe that coercion was Constitutionally possible, but he did believe that by compromise war could and ought to have been averted. He was in favor of the Crittenden Compromise or any other plan that offered a fair chance of settlement of the controversy by peaceful means. His position is clearly stated in a speech which he delivered in Washington, Dec. 19, 1860. The occasion was a serenade given to Senator Pugh, and among those present was Senator Crittenden of Kentucky. Pendleton said in part:

In the midst of all our troubles and trials, when dis-
union is staring us hideously in the face, when the fabric of our
government is reeling as if it might fall, when our passions and
our fears are all intensely excited, it seems to me that it is
the first duty of every patriot to see that the public peace is
secured. That will assuage angry passions; that will give reason
opportunity to be heard; that will evoke the feeling of fraternal
affection in our people, now unfortunately dormant; that will en-
able us deliberately to examine the foundations of our Government,
and, if that shall be necessary, to relay them and steady the tot-
tering edifice.

We of the Northwest love this Union. We love this Con-
stitution. We have never know another Government. We never de-
sire to know another. Our hearts are true to it. Our affections
cling around it. Our interests are bound up in it. We admire,
gratefully, the wisdom displayed in its construction; the har-
mony of its complicated movements.... But we bow in reverence be-
fore the spirit in which it was conceived—the spirit of concili-
ation, the spirit of concession, the spirit of fraternal aflec-
tion. We believe that the Union and the Government ought to be
maintained. We intend, if possible, that they shall be maintained;
and we believe it to be possible only by invoking that spirit now.

The centripetal forces of this Union are interest and
feeling. Force cannot maintain it. Arms cannot hold it together.
Armies cannot unite us. The only bonds which can hold these States
in confederation—the only ties which can make us one people—
are the soft and silken cords which encircle the heart—not the
iron chain which manacles the limbs. These are woven in peace,
not war; in conciliation, not coercion; in deeds of kindness and
friendly sympathy, and not in violence and blood. And therefore,
to maintain the Union, to uphold the Government—that we may de-
tain those sister States which are dissatisfied, and recall the
one which has left us—we are determined, as far as in us lies,
to maintain peace.\[2\]

On January 19, 1860, Pendleton presented to the House of Repre-
sentatives a petition signed by approximately 10,000 citizens of Cincinnati
in favor of the Crittenden Compromise.\[3\]

In a speech on the same day in the House he opposed a bill to
grant Federal revenue collectors the right to reside in ships outside the
ports of seceding States. Pendleton opposed the measure on the grounds
that it was apt to provoke war. Four States had now left the Union and al-

\[3\]Cong. Globe, 36 Cong. 2 sess., 691.
though willing to support any plan to collect revenue that might succeed,
he said they were not likely to collect enough revenue by this means to
pay for one month's effort.\textsuperscript{4} His speech continues:

Your pretended system of collecting the revenue will
be only a blockade; it will be an act of war....they the seced-
ing States renounce their allegiance; they repudiate our author-
ity over them; and they assert that they have assumed, some of
them that they have resumed, their position among the families
of sovereignties, among the nations of the earth.... I will not
pause to inquire whether they have done all of this legally or
wisely or upon sufficient cause. They have done it and I recog-
nize the fact. They have done it with a unanimity of sentiment
...which is without parallel in the history of revolutions, and
the simple questions is this; whether throughout the limits of
those States which thus formally, thus orderly, thus by the en-
actment of representative bodies of the highest capacities known
to the civilized nations—conventions duly authorized and proper-
ly elected to consider this very question—have declared themselves
independent of us, we are prepared by force of arms to maintain
our supremacy and enforce our laws?\textsuperscript{5}

He went on to say that the purpose of the bill was to subjugate
the seceding States and to this he was opposed. The Federal mails had
been interfered with, Federal courts suspended, and other Federal func-
tions in those States disturbed, "Yet," said he, "Gentlemen, you are will-
ing to suspend all of these laws or to wink at their infraction. Why will
you not suspend the revenue laws also? Is the collection of customs the
end of all government—the highest object of all statesmanship?\textsuperscript{6}

The remainder of his remarks contained a statement of his con-
ception of the nature of the Union in the following words:

Gentlemen tell me that they must maintain the Union.
I yield to no man in my devotion to the Union. My constituents

\textsuperscript{4}Cong. Globe, 36 Cong., 2 sess., Appendix, 70.
\textsuperscript{5}Ibid.
\textsuperscript{6}Cong. Globe, 36 Cong., 2 sess., Appendix, 71.
have for it an unalterable attachment;...their hearts cling to it with an incredible tenacity.... Sir, if armies could pre-
serve this Union, half a million of armed men would spring up in a night. If money could preserve it, our teeming soil would leap with joy to yield a golden harvest. If blood could maintain it, our young men and maidens, our old men and children, would, with a crimson flood from their very hearts, swell every stream that waters our plain. But, Sir, money, armies, blood, will not maintain the Union. Justice,
reason, peace may. This Union, Mr. Chairman, is a Confeder-
ation of States. The Constitution is the bond. In order to attain certain ends beneficial to all, these States came to-
together in voluntary association. They organized a Central Government and invested it with certain powers; they them-
selves agreed to do certain things, which were clearly within the scope of their sovereign power. In order to maintain this Union it is necessary that every agency of this complicated machinery—the General Government, the States united, the States severally—should perform the functions allotted to them by the Constitution.

His view was that when a State, supported by the sentiments of its people, determined to violate the organ of Union, the use of the Fed-
eral arms was not justified in forcing submission. "Sir," said he, "the whole scheme of coercion is impracticable. It is contrary to the genius and spirit of the Constitution." He maintained that if the Federal Gov-
ernment compelled submission of a recalcitrant State, the result "would not be the Union of these co-equal States; it would be the unity of a consolidated empire." Pendleton's argument was that organized society has never been able to compel a man to pay his debts or to fulfill his contract. "So it is with a State. The Federal Government, if it have the physical power, may conquer the State, may subdue it, may obliterate it, but no power less than that of Omnipotence can compel it to do that which is indispensable to the preservation of the Union; namely to re-

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7 Cong. Globe, 36 Cong., 2 sess., Appendix, 72.
8 Cong. Globe, 36 Cong., 2 sess., Appendix, 71.
volve within the sphere appointed for it by the Constitution.⁹

After comparing the attitude of the Federal Government toward the seceding States to that of England toward the American colonies of the Seventeen-seventies, Mr. Pendleton continued:

Gentlemen, I pray you to learn prudence from the heroism of your ancestors.... Fifteen States of the Union come to you to-day with their complaints. Hear them. They tell you that they have grievances. Redress them. They say they have fears for their safety. Alloy those fears.... Gentlemen, remove every cause of agitation and irritation, however unfounded you deem it. They may have committed acts of passion and wrong. Apprehensive of armed coercion, exasperated by a sense of domestic insecurity they may have seized our forts and arsenals, taken possession of our arms, and in some cases have treated harshly our citizens. These acts are wrong; but forbearance, equanimity, are fitting attributes of power; and moderation in victory is the test of that wisdom and worth which deserve it. Remember that the men who come to you are bone of our bone and flesh of our flesh; they are our fellow citizens and our brethren. Whether justly or unjustly, their discontents have taken deep hold on their hearts. Let me beg of you to grant their reasonable demands. You can do it now without loss of pride, without loss of self-respect, without loss of power. I beg you, in God's name, do it. Do a patriotic duty. Give us peace instead of discord! Maintain this Government and maintain the unity of our confederated empire! My voice to-day is for conciliation... and it is but the echo of the voice of my constituents. I beg you, gentlemen, who with me represent the Northwest; with me represent the city of Cincinnati—I beg you to hear that voice. If you will not, if you find conciliation impossible, if your differences are so great that you cannot or will not reconcile them, then, gentlemen, let the seceding States depart in peace; let them establish their government and empire, and work out their destiny according to the wisdom which God has given them....¹⁰

At this point, Stanton, a member of the House, interrupted him to ask if he held that the Federal Government had any power to recognize secession. Concerning conciliation Stanton also said that the seceding States had already declared that they wanted none and would ac-

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¹⁰Cong. Globe, 36 Cong., 2 sess., Appendix, 71.
cept none. Therefore to him further discussion of conciliation seemed useless. Pendleton declined to consider at the time the question of power to recognize a seceding State. But he added that in case the seceding States should win a war for disunion, the Government would at the close of that war find a way to make a treaty of peace with the seceding States. Pendleton hoped to avoid the intervening years of war and make peace immediately. He continued: "If war be dismemberment, as my colleague Stanton declares, has not the Federal Government as much power to treat that question now as at the end of a war? Will a conflict of arms confer constitutional power upon the Federal Government."

Neither did Pendleton believe that the Southern States were unwilling to compromise. Their declared intentions led him to believe that they wished conciliation. But he added, "How have they been met? By voting down in this, and the other House, every proposition looking to reconciliation, by adopting every resolution threatening coercion by force or arms."

After another appeal for peace the speech concludes:

If these Southern States cannot be reconciled... I would signalize their departure by tokens of love, I would bid them farewell so tenderly that they would forever be touched by the recollection of it....

Gentlemen, to-day you must make your choice. To-day lay aside all thought of war, and cultivate the arts of peace. To-day determine upon a course of conciliation and compromise. If you do not; if you insist upon drawing the sword and dipping it into your brother's blood; if you insist upon this unnatural and unholy war, prepare to wage it to the last extremity; for I warn you that every wound which you inflict upon the Southern people, every defeat to which you subject them, every degradation you may have the power to make them endure, will rattle in their breasts until they wash out the last stain in your blood.

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and mine, or it may be, in that of our children. 12

John Sherman of Ohio, Pendleton's colleague answered him in an able speech which enumerated Southern outrages against the Federal Government, and declared it the duty of Congress to aid in the preservation of the Union. 13

But conciliation was impossible for neither side was willing to compromise sufficiently to come to an agreement. Republicans preferred forcible coercion of the rebel States to dismemberment and declared it a Governmental duty to execute the Federal laws throughout the entire Union. They believed that only a base conception of the nature of the Union could possibly lead the Administration to treat with rebels or let the offending States depart in peace. The cleavage in the nation was so wide by February that the amendment proposed by the Peace Convention was able to muster but seven votes in the Senate, and the discussions in Congress accomplished little beyond convincing the Northern people that, every peaceable means of settlement having failed, no alternative remained but war. The Thirty-sixth Congress adjourned sine die on March 2, in the midst of an atmosphere of discouragement and foreboding uncertainty. 14

In spite of the moderate and conciliatory inaugural address of the new President, secession continued and the organization of the Confederacy moved on apace. After the firing on Fort Sumter on April 12, Lincoln called for 75,000 volunteers to suppress rebellion. When this

12 Cong. Globe, 36 Cong., 2 sess., Appendix, 71.
news reached Richmond, Virginia joined the States in secession. The cry 'To arms' sped like a fire bell in the night throughout the South, and the sentiment of grim resolution speedily crystalized in the North. Douglas, destined to live but a few months more, declared, "There can be no neutrals in this war; only patriots—and rebels." By July 4, when Congress was called in special session, eleven States had joined the Confederacy, while Maryland and Kentucky were saved to the Union only by the most strenuous efforts.

The House, during the Thirty-seventh Congress, contained 42 Democrats, 106 Republicans and twenty-eight Unionists. While loyally supporting the Government in war measures, the majority of the Democrats still maintained principles and organization in State and national politics. Among Pendleton's colleagues were: Thaddeus Stevens and Galusha A. Grow of Pennsylvania; George W. Julian and Owen Lovejoy of Illinois; Francis P. Blair of Missouri; Schuyler Colfax of Indiana; John J. Crittenden of Kentucky; Roscoe Conkling of New York; Clement L. Vallandigham and Samuel S. "Sunset" Cox of Ohio. The latter was a prominent Democratic member from the Twelfth Ohio Congressional District which comprised Franklin county. His four terms in the House as the representative of this district were exactly contemporaneous with Pendleton's four terms as the representative of the First District.

In the preceding campaign Pendleton and Vallandigham had often spoken from the same platform and in this Congress were more closely associated than before as the Democratic members were relatively few. In

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15 Philadelphia Press, June 14, 1861.
17 Cong. Globe, 37 Cong., 1 sess., 2.
the balloting for Speaker Vallandigham cast his vote for Pendleton and the latter voted for John S. Phelps, a Democratic member from Missouri. The Republicans, being greatly in the majority, had no difficulty in electing their candidate, Galusha A. Grow, as Speaker without even the necessity of a second ballot. A few days later when the standing committees were announced Pendleton was assigned to the Committee on the Judiciary. The transfer from the Committee on Military Affairs was made at his own request.

There was but one issue before Congress and the nation, the prosecution of a civil war, and to deal with this problem the Special Session of Congress was called. The temper and attitude of the majority is well illustrated by a fervent speech from Galusha A. Grow, immediately upon his election as Speaker. He said in part:

If the Republic is to be dismembered and the sun of its liberty must go out in endless night, let it set amid the roar of cannon and din of battle, when there is no longer an arm to strike or a heart to bleed in its cause; so that coming generations may not reproach the present with being too imbecile to preserve the priceless legacy bequeathed by our fathers, or to transmit it unimpaired to future times.

As the contest over slavery and secession shifted from the floor of Congress to more open fields of battle, patriotism and loyalty mounted constantly higher as the supreme virtues. In Congress the little group of opposition members were often subjected to ridicule from the majority and their objections were usually granted scant consideration. Again and again the Republican machine under the relentless leadership of Thaddeus Stevens brushed aside all opposition in its haste to carry Administration

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19Ibid.
20Ibid., 22.
21Ibid., 5.
measures, and sound argument and wise counsel often fell to the ground before the momentum of the majority. Pendleton usually stood with the small minority, yet on very vital issues affecting war supplies he supported the Administration. His record was later the object of vicious attacks, and he was charged with not only opposing the war in the beginning but with using his seat in Congress as a parapet from which to constantly snipe at Administration measures.  

But in a speech in his own district on September 10, 1862 he declared that he had voted for the men and money asked for by the Administration and that he would continue to do so.  

He explained his opposition to certain bills as follows:

All appropriations, pure and simple, for the support and efficiency of the army and navy, had my cordial concurrence. It was only when they were connected with other and improper appropriations, when by reason of their popularity they were loaded down with fraudulent items for the benefit of contractors and speculators, and every attempt to separate them failed; when they were made the stalking-horse for some Abolition scheme, that I was constrained reluctantly to vote against the whole bill.

His support of war measures was neither cordial nor warmhearted, as he felt the war unnecessary, yet with the struggle once begun, his voice was generally raised in protest abuses and what he regarded as plain breaches of the Constitution. His war record in the House clearly reveals his conception of the nature of the Union and his position as a Democrat and strict constructionist. His position before and during the war is consistent, which is more than can be said of the record of many of his Republican colleagues.

On July 31, 1861 Pendleton introduced a resolution regarding

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22Bloss, G. M. D., George Hunt Pendleton, 29.
23Cincinnati Daily Enquirer, Oct. 11, 1862.
the Union as follows:

Resolved..., that under the Constitution, the rights, powers, and duties of all the States of the Union are equal; that the Union is founded in this equality; that in order to maintain the Constitution and the Union this equality must be preserved; that every honest effort to perpetuate the Union must be made in accordance with the Constitution, and with a purpose to maintain this equality; that an attempt on the part of the Federal Government to subjugate any of the States, and hold them as territories or provinces, or in any position inferior to that of any other State, or to interfere with their State governments, or with their domestic institutions, or to abolish or interfere with slavery within their limits would be an attempt to destroy this equality, and would, if successful, subvert the Constitution and the Union.25

The remainder of the resolution provided that the war against the so-called Confederate States should be prosecuted in such a way as to enforce obedience to the Constitution, but not so prosecuted as to reduce any State to a condition of vassalage.

His attitude toward the manner of conducting the war is shown in his speech in the House on July 13, 1861:

I desire, Sir, to vote for all measures asked for to enable to Government to maintain its honor and dignity, which may be reasonably sanctioned by the Constitution and by any reasonable view of the case. I will heartily, gladly, support any honest effort to maintain the Union and reinvigorate the ties which bind these States together. But, Sir, I am not willing to vote for more men or more money than the Administration asks.... Neither will I vote for an increase of the regular army; for this uprising of the people of the North shows that our brave and noble volunteers are ready and able to do the work now to be done, better than the regulars can.26

Throughout the war Pendleton used his influence in favor of the volunteers rather than in support of the regular troops because to

26Ibid., 37 Cong., 2 sess., 95.
increase the regular army would give more prestige and power to the Administration in the appointment of officers, and he felt that already the executive arm of the Government had overreached its Constitutional limits. He opposed indemnity bills to the President because he felt they were not for the best interests of the country but to conceal the "acts and doings" of the Administration from investigation. His speech concluded:

Nor will I vote for the suspension of those laws for the protection of personal liberty.... Nor will I close my lips lest I may speak of usurpations, or corruptions and abuses, which are said to be rife in this city now, and the Government may be thereby weakened. Sir, let the Government depend for its adherance to the Constitution. I will vote for none of these measures; but I will do what is necessary to give the Administration power to maintain the Government, and prevent disaster to its flag.

Along with others Mr. Pendleton was not slow to observe the illogical position of the Administration in regard to the status of the seceded States. He stated that by whatever name the affair was called, whether rebellion, insurrection or war, that it actually was war and that it was the duty of the United States to carry it on—as vigorously as gentlemen please—in accordance with those rules which Christian civilization has proscribed to mitigate the cruelties of war. He felt that the time had come when it should be determined that either

those men who are in rebellion against the United States are public enemies, so that they shall be treated by us in accordance with the laws of war as proscribed by the law of nations; or that they are citizens of the United States, subject to all the penalties which attach to them by the law of treason, and likewise en-

28 Ibid.
29 Ibid.
30 Cong. Globe, 37 Cong., 1 sess., 413.
titled to all the benefits and guarantees which the Constitution of the United States proscribes for every citizen, however criminal he may be.... I think we should enter upon the consideration of that question now; and having made up our minds to treat them in one capacity or the other, we should follow that determination to its logical and legitimate conclusion....

He opposed treating them as enemies for one purpose, that is to deprive them of Constitutional guarantees, and holding them as citizens for another, in order to inflict upon them the penalties which the law proscribes for a citizen.

On August 2, 1861 during the discussion of the Confiscation Bill, Pendleton introduced an amendment designed to guarantee full Constitutional rights to citizens in portions of the Union not in armed resistance and removed from the actual theater of war. It provided that no seizures should be made except upon warrant; and that in places where the courts were not in operation, seizures should be made only by officers duly appointed under the President. His purpose was to prevent private individuals from abusing the law.

Also during this special session Pendleton put himself on record as favoring a tariff on iron for revenue rather than for protection, and successfully carried through a bill granting pay to volunteers from the actual date of volunteering rather than from the date when they were received into the army.

During the second session of the Thirty-seventh Congress, which lasted from December 2, 1861 until July 17, 1862, Pendleton was a promi-
sent leader in the Congressional opposition to the theory that the President may suspend the writ of habeas corpus. The question arose over the arrest of certain members of the Baltimore board of police who had been held by the military authorities and had been denied the privileges of the writ. The President had refused to comply with the House resolution of July 24, 1861 asking for information about the case on the ground that to do so would be incompatible with the public interest. On December 10, Pendleton pointed out that these prisoners had been transferred to a fort by the military authorities in spite of the fact that at the time the grand jury in their own district was in session. He quoted portions of the Constitution which guarantee civil rights and declared that these prisoners had been seized without a warrant and were being held without an indictment. He continued:

...they are deprived of their "liberty without due process of law," they are denied a "speedy trial"; they are not notified of the "nature and cause of the accusation"; they are not "confronted with the witnesses" against them. They appeal to Congress to secure to them the benefits of these Constitutional provisions; and my worthy colleagues on the Judiciary Committee can find no more appropriate answer to their prayer than that it should lie unanswered on your table.

He stated that the writ of habeas corpus was invented for exactly such a case and that it never had been invaded by the Constitutional authorities until then. He felt it fortunate that no charge had been made that these men were guilty of any offense known to the law of the land; for notwithstanding the experience of eighty years, we are prone to

36 Ibid.
forget that the integrity of the Constitution... demands that the Constitutional guarantees of personal liberty should be as faithfully kept... as perfectly administered in the case of the meanest criminal as of the purest patriot. 37

In his special message of July 4, Lincoln stated that although the Constitution provided for a suspension of the writ it was silent as to which department of the Government should possess this power. He further stated that the public safety would not admit a delay sufficient to allow Congress this authority. This position Pendleton assailed. He declared that the history of the writ showed that the authority resides in Congress as well as a careful reading of the context which "... affords a simple, uniform, beneficent rule; departure from it involves us in confusion, contradiction and uncertainty." 38 Then by an able and elaborate argument he gave the history of the writ, closing with a quotation from Justice Story, as follows: "It would seem, as the power is given to Congress to suspend the writ of habeas corpus in cases of rebellion or invasion, that the right to judge whether that exigency had arisen, must exclusively belong to that body. 39

Pendleton argued that the President by following the same line of argument could so extend his authority as to abrogate the entire system of Constitutional government and in its place set up the despotic government of a military chief. He held that Lincoln's entire position was untenable and out of harmony with the spirit of the Constitution and the principles of liberty.

In refutation of the statement of the President that the Con-

37 Cong. Globe, 31 Cong., 2 sess., 43.
38 Ibid.
39 Ibid., 44.
stitution was not fully applicable in time of civil war, Pendleton said:

They [the founding fathers] intended that the Constitution should prevail in all times, in war as well as in peace. They intended by it to define the bounds of power and forever to restrain it within those bounds.... The Constitution is the warrant of the Government, gives it power and substance, breathes into it the very breath of life.... If the Constitution is suspended, the Government falls.... You cannot make a nation jealous of its rights by teaching it that, in times of great public danger, the citizen has no rights....

We are told that in times of great public danger the people should strengthen the hands of their rulers by confidence in the integrity of their motives, and in the wisdom of their measures. Yes, truly! Strengthen them with the confidence of the people so long as they confine themselves to the powers in the Constitution, but paralyze them with distrust when they begin the work of usurpation....

I do not speak today in behalf of these memorialists alone--honorable, upright as I believe them to be--deprived of their Constitutional rights as I think they certainly are. I speak in behalf of the Constitution, in behalf of the liberties of the nation... of the rights of every citizen in the land; and in behalf of them all I now say that the claim of the executive department of the right to suspend the writ of habeas corpus, to seize and detain the citizens without regard to the provisions and processes of law, is utterly untenable, and that it becomes this House--every member of it... to protest against it.40

This was an able argument and the Republican members made no attempt to answer it, but being able to command the vote of the House, they proceeded immediately to table the protest that Pendleton had made.

During the same session, in order to meet the increasing needs of war, a bill was introduced to issue non-interest bearing Treasury Notes to the value of $100,000,000 which were to be legal tender for every purpose. On January 29, Pendleton opposed this bill on the ground that it exceeded Constitutional power and that such a bill had never before been introduced or discussed since the beginning of the Government. He de-

declared that under the Constitution only gold and silver could be made legal tender and that it would be impossible to attempt to make it legal under the power to coin money or regulate commerce. Furthermore creditors would have to accept these greenbacks as full legal tender instead of gold or silver under which their loans were made which would be a virtual impairment of contract. He expected depreciation soon after and recalled the sad experience resulting from the use of paper money under the Articles of Confederation. To quote:

...Fixed values will depreciate, incomes will be diminished; the savings of the poor will vanish; the hoardings of the widow will melt away; bonds, mortgages, and notes will lose their value..., necessities of life will rise in value; the Government will pay two-fold for everything it has to buy, and gold and silver will be driven out of the country. 41

In the sure day of reckoning and contraction, he expected "private ruin and public bankruptcy, either with or without repudiation...." 42

Pendleton urged the alternative of the taxation of the wealth and energies of the country sufficiently to restore the credit of the country and if still more was needed he preferred borrowing to inflation. 43 His attitude at this time toward the greenbacks and inflation was later recalled by his opponents when under different circumstances he urged inflation by the use of greenbacks.

In the discussion of other means for raising revenue Pendleton spoke against the Senate custom of attaching riders to appropriation bills 44 and showed himself desirous of easing the tax burden on the poorer classes. 45

41 Cong. Gile, 37 Cong., 2 sess., 549.
42 Ibid., 551.
43 Ibid.
44 Ibid., 1090.
45 Ibid., 1395.
He proposed an amendment to require doctors, lawyers, and clergymen to purchase a ten dollar yearly license, and wished to reduce the excise tax on tobacco from ten to five cents a pound. Another of his suggestions was a tax of one fifth of one per cent on the face value of stocks, bonds, and mortgages which he felt were not bearing a fair share of the burden of taxation. His efforts for industries in his own district included an unsuccessful attempt to reduce the tax on slaughtered hogs, and a proposal to reduce the tax on beer from three to one cent a gallon. This also failed, but a flash of his vein of humor appeared as he spoke of the value of beer as follows: "Mr. Chairman, I desire to say that I have never known any beverage which is more healthful and deliciously refreshing than lager beer. I may be considered a specimen of the result of lager beer (laughter). Its praise ought to be sung by all good and generous men." At this point Mr. Blair of Missouri interrupted him to say that beer did more to elect Lincoln than any other drink. Pendleton answered, "Then it was diverted from its original use" (laughter).

When the manner of collecting the new taxes came up for discussion Pendleton opposed the plan of sending Federal collectors into the States because he felt that States collectors could do it more cheaply and that the presence of Federal collectors would be odious to the people. During the discussion he said that it was the duty of the House to ameliorate the burdens of the people and "to remove as far as possible every

46 Cong. Globe, 1364.
47 Ibid., 1489.
48 Ibid., 1545.
49 Ibid., 1464.
50 Ibid., 1313.
51 Ibid.
52 Ibid., 1226.
cause of offense or exasperation, to lighten in every way the necessary load which you the House must call on them to bear." 53

During this session Pendleton visited the jail in Washington D. C. and finding conditions there intolerable, he introduced a resolution looking toward either the improvement of those conditions or the erection of a new building. 54 Later he favored an appropriation of $100,000 for the new building, and told the House that conditions at the present jail were worse than those of the black hole in Calcutta. 55

The great number of private claim bills that were constantly being introduced were a source of annoyance and delay and Pendleton hoped to see a court of claims set up to examine these cases and recommend those that were worthy of consideration. His attitude in regard to this problem he explained thus: "Either give the citizen relief or abandon the pretense that you mean to give him relief. Either allow him... to obtain his measure of justice from the Government, or else let him understand that he depends upon the grace and favor of members of Congress for relief." 56

He also vigorously opposed with success a bill to put portions of the seceded States that had been conquered under Federal control as Territories, 57 nor did he desire any other arrangement than the establishment of the Constitution over all the land as it had been originally. 58

As a member of the Judiciary Committee Pendleton presented a minority report in favor of a Mr. Morton who contested the seat of a territorial delegate from Nebraska. On a strictly party vote the Republican

53 Cong. Globe, 1227.
54 Ibid., 229.
55 Ibid., 1090.
56 Ibid., 1675.
57 Ibid., 1193.
58 Ibid., 1168.
member was retained. 59 He also introduced a resolution to provide adjusted pay for soldiers taken prisoners by the Confederates, 60 and submitted an amendment to the Treasury Note Bill to make certain that army pay should be in legal tender. 61 He objected to a bill to provide for collection by civil and military powers debts due loyal Americans, 62 and favored a bill preventing officers of the Government from taking consideration for procuring contracts, offices, or places. 63

During this turbulent session Vallandigham was the Democratic opposition leader and in his efforts to filibuster and obstruct, Pendleton usually supported him. While the minority was small and constantly outvoted, their policy of obstruction and delay often caused embarrassment and difficulty for the Administration leaders. The natural result was a determined effort to defeat both of these members in the election of 1862.

When the second session of the Thirty-seventh Congress adjourned in July, 1862, the Ohio Congressional election was less than three months in the future. Pendleton returned to Cincinnati to find old party lines somewhat changed and much dissatisfaction over the manner of the conduct of the war. The death of loved ones, the uncertainty of victory, the strain of the struggle and general war weariness caused a revival in the longing for the blessings of peace. These were encouraging indications to a peace Democrat, yet on the other hand the patriotic enthusiasm of the early days of the struggle had not completely subsided and the Administration supporters loudly charged that the Democrats who used their influence against the Ad-

60 Ibid., 889.
61 Ibid.
62 Ibid., 274.
63 Ibid., 3165.
ministration and ultra-Republicanism were lending aid to rebels and thus prolonging the war. The cry of "copperhead and traitor" had seriously af-fected the Democratic organization and had almost crushed it out in many of the States. But the Democrats decided to make a gallant fight and Pendleton was renominated by acclamation for Congress for the fifth time. In a short speech to the convention he said, "In this hour of our country's greatest calamity, men are nothing, parties are nothing, political organ-izations nothing only so far as they serve to restore vigor to the Constitu-tion and peace to the country." He styled himself the representative of the Union loving sentiment of the Democratic Party and declared that the broad principles of Democracy were arrayed against the various contracted ideas of the Republican Party, whose advent had been the immediate cause of the destruction of national harmony and peace and whose triune was Emancipation, Taxation and War.

In order to reduce Pendleton's chance of reelection the Republi-can legislature of 1861-62 had "gerrymandered" the State in a new arrange-ment of Congressional districts and had detached the Seventh Ward of Cincinnati which was strongly Republican from the Second District where, as they supposed, they had a large majority to spare, and added it to Pendleton's district where they knew they were in need of it.

Pendleton's opponent, presented as the "Union" candidate, was Colonel John Groesbeck, brother of Pendleton's friend and former colleague, William S. Groesbeck. Colonel Groesbeck had been a Democrat until the

64Bloss, G. M. D., George Hunt Pendleton, 47.
65Ed. in the Cincinnati Daily Commercial, Oct. 3, 1862.
66Ibid.
67Bloss, G. M. D., George Hunt Pendleton, 47.
Lecompton crisis after which he became a Republican. At the outbreak of the war he raised the Thirty-ninth Ohio Regiment of volunteers and saw service in Missouri and Mississippi. His health becoming impaired, he returned to Cincinnati and at the time of his nomination was absent from the city on a short vacation.68

The campaign centered on Pendleton's record in Congress. The Republicans exploited his friendship and political affiliations with Vallandigham and the Copperheads and interpreted his votes in Congress as utterly unpatriotic and even vicious.69 The Cincinnati Daily Gazette noted that on the vote to sustain the President and Major Anderson in holding Fort Sumter, Pendleton first voted against considering it and then avoided the issue by slipping out of the House before the final vote.70 Pendleton stood for reelection on the basis of his record, denounced usurpation of power by infractions of the Constitution, and contrasted the blessings of peace with the calamities of war.

The election proved to be a general Democratic victory in Ohio, the entire ticket being elected in many places including Hamilton county. This result was due to the dissatisfaction mentioned above, greedy partisanship on the part of some Republicans, inefficient conduct of the war and a hope that in some way the Democrats would bring it to a close.71

Pendleton defeated Groesbeck 7545 to 6418 and was thereby elected to Congress for the fourth consecutive term.72 In the Second District the Democratic Candidate, Alexander Long, was elected by a majority of 120 votes.

The ward which had been detached from this district gave a three hundred

68Ed. in the Cincinnati Daily Commercial, Oct. 3, 1862.
69Cincinnati Daily Gazette, Oct. 1 to 10, 1862.
70Ibid., Oct. 13, 1862.
71Ed. in Cincinnati Daily Commercial, Oct. 15, 1862.
72Ibid., Oct. 18, 1862.
majority against Pendleton. Thus the gerrymander did not only fail to defeat the latter but was the means of electing Long. In the Twelfth District S. S. Cox waged a vigorous campaign and overcame the majority against him in his new district, but the Republican gerrymander in the Third District was successful and resulted in the defeat of Vallowdigham, who nevertheless polled more votes than before in his old district. Stung by a defeat which he regarded as the result of unfair machinations by his opponents, Vallowdigham soon entered upon his violent campaign of denunciation which brought him into direct and personal conflict with the Administration. In the State at large the election favored the Democrats as they carried fourteen of the nineteen Congressional districts.

The Third Session of the Thirty-seventh Congress convened December 1, 1862 at a time when Union hopes were very dark. General George B. McClellan had been removed for the second time from command of the Army of the Potomac because his reluctance to follow up victory at the battle of Sharpsburg in September had allowed the Confederates to escape, and General Burnside who replaced him had suffered a fearful repulse on December 13, at Fredericksburg. The armies in the West and South were having no better success and the opinion was becoming widespread that the Confederates could never be subdued.

On the first day of the session Cox introduced a resolution declaring the Administration policy of military arrests unwarranted by the Constitution, and a few days later Vallowdigham produced a series of resolutions declaring that if anyone should advise peace on any other basis than the in-

7Bloss, G. M. D., George Hunt Pendleton, 47.
74Porter, G. K., Ohio Politics During the Civil War Period, 108.
75Bloss, op. cit., 47.
76Cong. Globe, 37 Cong., 3 sess., 2.
tegrity of the Union, or should attempt to pervert the war to one to abolish slavery, or should move to set up a dictatorship, he should be guilty of a high crime against the Constitution. Pendleton supported these measures, and a few days later, when a bill was pushed through the House by Thaddeus Stevens authorizing the President to suspend the writ of habeas corpus in any case in any part of the United States, Pendleton presented a formal protest, signed by himself and thirty-five other members of the House. He protested also against the refusal of the majority to permit a discussion of the bill and alleged that such action was unfair to the minority and their constituents. The Republican majority proceeded to table the resolution immediately and did so over the protesting votes of forty-one members. Throughout this session partizan feelings were very strained and Pendleton consistently voted with the minority. To fill the need of more soldiers the Senate passed a conscription bill and when it came to the House it was the object of immediate Democratic attack. Pendleton opposed it on the ground that to force men to become soldiers against their will was contrary to the Anglo-Saxon theory of Government and stated that when voluntary enlistment ceased the war had lost the support of the people and that a free government has no right to force its citizens into the army against the popular will. He also criticized the bill because it would concentrate further power in the hands of the Executive and denounced the blanket clause punishing "treasonable practices" as likely to be abused. He opposed the provision that conscription should be con-

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78 Ibid., 267.
79 Ibid., 165.
80 Ibid.
81 Ibid., 176, 205, 456.
tinued for the duration of the war as too indefinite and declared that no one knew how long the struggle might last.\textsuperscript{82} When these measures were finally enacted on March 3, they showed the effects of the powerful minority attack. The act concerning military arrests was modified and the "treasonable practices" clause was greatly limited.\textsuperscript{83}

On December 17, General Grant issued an order banishing all Jews from within his army lines on the charge that they were violating trade regulations. While doubtless some were guilty he seems unwarranted in making the order so sweeping in that it included all Jews. On January 7, 1863 Pendleton introduced a resolution declaring the order illegal, unjust, and cruel. His resolution provided a vote of censure for the President, the Commander-in-Chief,\textsuperscript{84} but it was quickly defeated.

Another extraordinary Administration measure was to exclude, by an order to the Postmasters certain newspapers from the mails.\textsuperscript{85} This action was taken on the basis that these papers were inimical to the best interests of the nation and that military necessity demanded it. Early in March Pendleton delivered an eloquent speech against this action.\textsuperscript{86} He declared that the phrases, "martial law" and "military necessity", were but the devices of "fanaticism—the flimsy pretexts under which power conceals its aggressions—the specious names under which cowardice seeks to skulk from observation while it gratifies its malignant rage."\textsuperscript{87} He argued that Postmasters were merely agents of Congress and had no right to exclude matter from the mails as they had not been invested with this

\textsuperscript{82}\textit{Cong. Globe}, 37 Cong., 3 sess., 1255, 1256.  
\textsuperscript{83}\textit{U. S. Statutes at Large}, XII, 731.  
\textsuperscript{84}\textit{Cong. Globe}, 37 Cong., 3 sess., 222.  
\textsuperscript{85}A list of these papers appeared in the \textit{Cincinnati Daily Enquirer} Oct. 6, 1864.  
\textsuperscript{86}\textit{Cong. Globe}, 37 Cong., 3 sess., Appendix, 163.  
\textsuperscript{87}\textit{Tbid.}
discretion. By a review of the history of the postal system and by quotations from Supreme Court decisions he showed that the Constitutional guarantees of the freedom of speech and of the press were violated by these measures, that they were illegal and despotic, and declared that when the true history of the times would be written it would say that the men who were then in public places "had not the virtue to be the faithful servants of the people nor yet the power to be their masters." 88

The Emancipation Proclamation brought up again the question of abolition and slavery, and while its effect was favorable abroad, and strengthened the war party in some localities, it converted many Union men in the border States into secessionists. It made the South more desperate and gave offense to a large sentiment in the North which favored a war for the preservation of the Union, but not for the destruction of slavery. Few negro soldiers were gained by it as it was a dead letter except within the Union lines. Pendleton was opposed to the negro crusade and on January 31, 1863 he spoke against a bill to enlist negro troops. 89 He recalled a statement of a leading Republican only a few weeks before, that the forces and material at the disposal of the executive Department had never been more abundant, and then asked if circumstances had so greatly changed that it was now necessary to resort to conscription and even muster negroes into the army. He declared that the change which had come over the country was due to the fact that the people now perceived the Republican deception in changing the aim of the war from that of saving the Union to a struggle

for the abolition of slavery. He felt that recruiting negro soldiers
would demoralize and discourage the regular troops and that the net result
of the whole plan would be a drying up of the stream of men and money for
the prosecution of the war.\textsuperscript{90} This was true in certain localities and un-
til the turn of the tide of war in favor of the Union forces in July 1863,
the support of the war was almost at a standstill in the border States and
in Ohio.

During this session Pendleton spoke against a further increase of
Treasury Notes,\textsuperscript{91} voiced his disapproval of any Presidential attempt to in-
fluence legislation,\textsuperscript{92} and opposed a plan to allow the Supreme Court to
make rules for the selection of juries in all the States,\textsuperscript{93} which duty he
felt should continue to be performed by the State legislatures.

It plainly appears that during the entire war period Democrats
such as Vallandigham, Cox, White, and Pendleton were constantly opposing
measures under consideration. This negative attitude was not due to the
fact that they had no positive plan or policy but was natural since the
majority was in control of legislation and the only course left open to
these men was acquiescence or opposition. On March 3, 1863, after a
most turbulent session, and while the prospects of the Union cause were
still very discouraging, the Thirty-seventh Congress adjourned.

\textsuperscript{90}Cong. Globe, 37 Cong., 3 sess., 654.
\textsuperscript{91}Ibid., 456.
\textsuperscript{92}Ibid.
\textsuperscript{93}Ibid.
Soon after the adjournment of Congress, occurred the military arrest of Vallandigham. He was charged with uttering intemperate remarks in an address at Mount Vernon, Ohio, and on the platform with him at the time of this speech were S. S. Cox and Pendleton. Vallandigham was taken from his home in Dayton to a military prison in Cincinnati.\(^1\) Pendleton and Pugh were present to confer with him, but did not appear at the trial. He was found guilty, and banished by order of the President.\(^2\) The whole procedure was a political blunder as well as a legal error and had a marked effect on public opinion. When the Democratic State Convention met on June 11, 1863, Vallandigham, who was still in Canada, was unanimously nominated for Governor and George E. Pugh was given the second place on the ticket. Pendleton, Thurman, Cox, and Pugh campaigned the State and there was much genuine alarm among Republicans lest Vallandigham should win. The contest was vigorously wages, and although the Democrats were defeated they polled enough votes to have been successful at any previous election, and although declared beaten by a majority of 101,000 Vallandigham's successful opponent, John Brough, received 25,000 less votes than Lincoln received the next year.\(^3\) It is possible that had not the Union forces won the battles of Gettysburg and Vicksburg during the summer, the Democrats would have carried the election. As it was, Vallandigham remained in Canada, "waiting and watching over the border" and when Congress convened, Pendleton introduced a resolution declaring that his arrest and banishment were acts of mere arbitrary power, in palpable violation of the Constitu-

\(^1\)Bloss, G. M. D., George Hunt Pendleton, 57.
\(^2\)Porter, George H., Ohio Politics During the Civil War Period, 165.
\(^3\)Bloss, op. cit., 57.
tion and laws of the United States." But this resolution was rejected by a strict party vote.⁴ When the Thirty-eighth Congress met in December, 1863, Pendleton became the leader of the Democratic minority. He nominated S. S. Cox for Speaker,⁵ who although defeated by the Republican candidate, Schuyler Colfax of Indiana, received the forty-two votes of the Democratic members. Pendleton was assigned a place on the Committee of Ways and Means of which Thaddeus Stevens was Chairman.⁶

The question of slavery soon came up for discussion and Pendleton early indicated his attitude by opposing a resolution to allow the Freedman's Relief Association the use of the House of Representatives for a meeting,⁷ and in February he voted to table a resolution asking for a policy of complete abolition of slavery.⁸ While discussing this question he made a sharp verbal thrust at a Pennsylvania member who had recently spoken. Pendleton said:

The gentleman from Philadelphia dragged the discussion down into the dirtiest puddle of partizan politics. He participated in the debate and contamination was in the contact. He rehashed his oft-repeated anathema against the Democratic party. He seeks to compensate by the intensity of his manner for the staleness of his matter. He seeks to convey the impression that new and strange tones of his voice necessarily imply new and varied thoughts. He labors under the impression common to apostates, that all its intelligence, all its virtue, all its patriotism left the Democratic party when he left it.⁹

⁴Cong. Globe, 38 Cong., 1 sess., 878.
⁵Ibid., 6.
⁶Ibid., 18.
⁷Ibid., 71.
⁸Ibid., 659.
⁹Ibid., 890.
did need help, but he felt that the method of care and support which was already begun under military control was better than setting up a bureau that might become a permanent fixture, and he still hoped to see a settlement that would provide a restoration of the Union as it had been. In April, a bill for the organization of Montana Territory was presented. It provided the franchise for all male citizens over twenty-one years of age. This was the first case where the word "white" was omitted, and Pendleton noted this, saying that the vote of the Republican members on this measure would determine whether they were sincere in their protestations that they were opposed "to the enslavement of the negro race, but were unalterably opposed to give to it social or political equality."\(^{10}\) The bill passed with a majority of fourteen votes.

The question of reconstruction was closely related to that of the status of the negro and to that of State rights. The Presidential plan provided for a military governor for each of the seceded States to enroll the white male citizens, to administer the oath of allegiance, to superintend elections, and if one tenth of the male white citizens took the oath, to proceed with plans for a convention to form a new Constitution for the State.\(^{11}\) The plan was introduced in the form of a bill which Pendleton attacked most vehemently. He declared that here was proof that the Republican party was opposed to a reestablishment of the Union on the basis of the Constitution, and asked where they found the authority to appoint State governors, to call State conventions, fix their qualifications, and regulate the franchise. He said that the regulation of slavery was distinctly a State power and that the Federal guarantee of a republican form of gov-

\(^{10}\)Cong. Globe, 38 Cong., 1 sess., 1396.

\(^{11}\)Ibid., 2105.
ernment did not specify any particular form of republican government. He held that the acts of secession were either valid or invalid. If they were valid then a seceded State was no longer in the Union. If they were invalid they were void and the officers of the seceded States were rebels and the States were not bound by their acts. In the latter case the States were still in the Union. But the thing to which he was opposed was the continual dealing with them as both belligerents and rebellious citizens. He closed his remarks by saying that between the two he preferred secession and dismemberment to a despotic Federal government in which State rights would be ignored. 12 The bill passed, but with a rather small majority.

A little later when the Fourteenth Amendment was proposed Pendleton opposed it also. He declared that the time was not auspicious because of the excitement of war and that ratification by a sufficient number of the States was impossible except by a fraudulent use of the power to admit new States or a fraudulent use of the military power in the seceded States. He declared that the power to amend does not mean the power to subvert, but to alter the government as regards those powers delegated to the Federal Government. He opposed it as a further step toward consolidation and answered Republican statements that States have no sovereignty by quotations to the contrary from Hamilton and Madison. 13 He stated his own position as follows:

I have desired to maintain that the States are sovereign; that their powers are inherent; that their powers comprise the undelegated mass; that the Federal Government is their agent, derives all its powers from them exercises its powers in their name; that its duties are few and defined, and its powers are few and simple, sometimes exclusive and far-reaching, but always limited to the

12 Cong. Globe, 36 Cong., 1 sess., 2105.
13 Ibid., 2992, et. seq.
grants declared in the Constitution.\textsuperscript{14}

In April, Mr. Harris, a Democratic member from Maryland, declared in an impassioned speech his hope that the South would never be defeated. An attempt was made to expel him for these remarks, and when that failed he was censured by vote of the House.\textsuperscript{15} Pendleton opposed both resolutions and on April 12, an attempt was made to expel Alexander Long, his colleague from Hamilton county, for similar extravagant expressions.\textsuperscript{16} Pendleton opposed the measure in the following words:

\textit{...Mr. Speaker, I do not wish to be misunderstood. The House has ample power to preserve the decorum in debate. It has power to expel a member who, by reason of crime or personal turpitude, has rendered himself unfit to perform the duties or enjoy the immunities of membership; but it is not within the Constitutional power of the House to expel a member for the expression of any opinion upon any political question, when such expression of opinion is pertinent to the measure before it. This doctrine is essential to the character of this House as a deliberative body. If it were not so, we of the minority would hold our opinions subject to the will of the majority. We would be compelled, at the risk of being expelled from this House, to express them in such delicate terms as would not offend the sensitive organization of your loyalty. Sir, deliberation would be a farce, discussion would be a sham, the pretense of debate ought to be done away with, and this House assume its appropriate position as a mere register of the predetermined purposes and preconceived opinions of a majority of its members.}\textsuperscript{17}

He believed that the freedom of debate in Congress was more important in war than in peace and criticised a speech of a Republican member who said he favored the expulsion of Mr. Long because of the opinions he held. This attitude Pendleton assailed on the ground that men

\textsuperscript{14}Cong. Globe, 38 Cong., 1 sess., 2994.
\textsuperscript{15}Ibid., 1518.
\textsuperscript{16}Ibid., 1584.
\textsuperscript{17}Ibid.
were elected to the House because they held certain opinions and that if these were wrong it was the duty of the member's constituency to remove him, not that of Congress to expel him as this would deprive those constituents of their rightful representation. The Republicans were unable to muster sufficient votes and Long was not expelled.

On February 18, Pendleton opposed a bill to authorize the Secretary of the Treasury to reduce the gold supply because he felt that this demand was from private interests who wished to reduce the price for their own benefit,\(^\text{18}\) and on March 14, he introduced a resolution to make military court decisions subject to civil court review.\(^\text{19}\) During the discussion of a bill to amend the charter of a railroad in New Jersey, Pendleton spoke against it as being an infringement of State rights.\(^\text{20}\)

On March 28, 1863 after a number of memorial speeches in honor of Owen Lovejoy, a late member of the House, Pendleton paid a very appropriate and beautiful tribute to the devotion and sincerity of the deceased.\(^\text{21}\) Congress adjourned on July 2, and the members hurried away to their districts to prepare for the political campaign which was soon upon them.

The Republicans met in National Convention at Baltimore early in June and chose Lincoln and Johnson to head the ticket. The Democratic National Convention met in Chicago on August 28. McClellan and Fremont were the leading candidates and Pendleton was frequently mentioned. After the nomination of McClellan for President, William Allen of Ohio put Pendleton's name in nomination for Vice-President, and on the second ballot he was una-

\(^{18}\text{Cong. Globe, 38 Cong., 1 sess., 732.}\)
\(^{19}\text{Ibid., 1097.}\)
\(^{20}\text{Ibid., 2254.}\)
\(^{21}\text{Ibid., 1328.}\)
imously chosen. He was conducted to the platform by Vallandigham and Samuel J. Tilden and made an appropriate and modest speech of acceptance.

The platform contained a statement that the war was a failure, which had been included through the efforts of Vallandigham. It proved to be a serious mistake before the end of the campaign and contributed not a little to the Democratic defeat. McClellan had little political experience and was not popular in the West. He repudiated the clause in the platform which declared the war a failure, and was therefore not loyally supported by Vallandigham. Pendleton made a number of addresses in important cities throughout the country, reiterating his views of the nature of the Union and the importance of the Constitution. Full harmony did not exist in the Republican ranks, but the success of the Union arms and the news of Sherman's victorious march through Georgia made the "war failure" plank of the Democratic platform appear foolish, and the Democratic chances of winning the election greatly diminished. The popular vote was 2,213,685 for Lincoln and Johnson and 1,602,237 for McClellan and Pendleton.

Pendleton's candidacy for the Vice-Presidency eliminated him as a Congressional candidate in 1864, and the Democrats of the First Ohio Congressional District nominated his friend and former partner, George E. Pugh, as his successor. But in the election Pugh was defeated by the Republican candidate, Benjamin Eggleston. S. S. "Sunset" Cox also failed of reelection.

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23 Although subject to arrest Vallandigham had not been molested.
25 *Minor, op. cit.*, 291.
27 *Cincinnati Daily Gazette*, Nov. 28, 1864.
28 Ibid.
When Pendleton returned to Washington in December, 1864, it was to attend his last session as a member of the House of Representatives. The Radical Republicans again pressed the proposed amendment to abolish slavery in every State. Pendleton opposed this move as a violation of State rights, and as placing the reserved rights of all the States at the mercy of three-fourths, who might thus utterly dispossess them of their rights and property with impunity. He spoke in favor of a move to expedite the exchange of war prisoners because of the desire to end their sufferings in military prisons of the South. He also introduced a bill to permit the Secretary of the Treasury to appear on the floor of the House during the current session to give information on pending financial legislation.

Toward the close of this session Pendleton introduced a project which provided that the members of the President's Cabinet should have seats in the House of Representatives, with the right to speak, but not to vote. This was not considered until the very last hours of the session, but at that time by unanimous consent Pendleton was allowed an hour in which to discuss this measure. He discussed its provisions carefully, declared it Constitutional in every way, and favored it as a means of keeping the House informed of Administration moves and as tending to limit the power of the Executive. Cox and Pendleton were about to leave the House after eight years of uninterrupted service as Democratic colleagues, yet interestingly enough, Cox strongly opposed this measure, for he feared that it would tend to increase rather than to diminish the executive power. This was the first

29 Cong. Globe, 38 Cong., 2 sess., 220 et seq.
31 Ibid., 1199
32 Ibid., Appendix, 103 to 105.
33 Ibid.
serious disagreement between these two members, but no vote was taken on the bill as this had been agreed upon previously. On March 4, Pendleton retired from the House and returned home to Cincinnati to enjoy a brief rest, free from the cares and responsibilities of public office.
Chapter V

IN THE SENATE FORTiTy-SixTH CONGRESS

After his retirement from Congress Pendleton did not long remain inactive. The war was drawing to a close and the question of reconstruction presented many problems. As Douglas, Cass, and other leading western Democrats passed by death from the stage of action, Pendleton, by virtue of his position, talents, and platform ability, assumed more weighty party responsibilities. He was frequently invited to speak outside his own State, and when possible he did so, filling these appointments so ably that the audiences were highly satisfied, and his own popularity was proportionately extended.

In 1865, Gen. George W. Morgan was the Democratic candidate for Governor of Ohio, and among the participants in the campaign were Allen G. Thurman, Clement L. Vallandigham, and George H. Pendleton. The latter addressed large crowds in every part of the State, delivering speeches which were eloquent, powerful and popular.¹ Morgan was defeated but by a surprisingly small majority in the face of the enormous Republican prestige resulting from the successful termination of the war.

On January 8, 1866 the Democrats of the State met in Columbus for their annual Jackson Day Dinner. Ex-Senator William Allen was chairman of the meeting and among the speakers were Vallandigham, Thurman, Morgan, Pendleton, and Hurd.² In his address Pendleton expressed his confidence in the Constitution and declared that its greatness was largely due to the "nice adjustment of the relations of the States and the Federal Government" and predicted tyranny and trouble should an attempt be made to subjugate

¹Cincinnati Daily Enquirer, Oct. 3, 1865.
²Columbus Daily Ohio Statesman, Jan. 9, 1866.

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the one to a complete domination of the other.  He declined an invitation to be a delegate to the Philadelphia Convention, but in July he visited the East and delivered a number of addresses.  On June 29, he made a brilliant oration at the annual commencement at Kenyon College, Gambier, Ohio.

On September 4, he was again nominated for Congress in his own district amid a "deafening round of applause." The convention refused to be quieted until he appeared and made a speech in which he said among other things that he stood with the Constitutional Union men and Andrew Johnson against the severe reconstruction policy of Thaddeus Stevens and Charles Summer. In the election he was defeated by about 800 votes which was a gain for his party of about 800 on the vote of the previous year and of 1800 over the election of 1864. The successful candidate was the incumbent, Benjamin Eggleston. The usual cry of fraud, bribery and corruption was raised by the Democratic papers, but it was a bad year for the Democracy over all Ohio as they elected but three members to Congress and had a State majority against them of about 40,000.

Despite the October election reverses the Democrats met on the time-honored eighth of January in Columbus. Pendleton was made President of the Convention and delivered an eloquent address. At this meeting Allen G. Thurman was nominated for Governor. The real opening speech

\^Columbus Daily Ohio Statesman, Jan. 9, 1866.  
\^New York World, July 20, 1866.  
\^Mt. Vernon Daily Banner, June 30, 1866.  
\^Cincinnati Daily Enquirer, Sept. 5, 1866.  
\^Ibid., Oct. 10, 1866.  
\^Ibid.  
\^Ibid., op. cit., 100.  
\^Columbus Daily Ohio Statesman, Jan. 9, 1867.  
\^Ibid.
of the campaign was made by Pendleton at Urbana on April 25. This speech was widely quoted as well as others delivered during the summer at St. Paul, Milwaukee, and at Lima, Ohio. In the St. Paul speech Pendleton first enunciated his popular doctrine that the "Five-twenty" bonded debt should be paid in greenbacks. The discussion of this question and the proposed amendment to strike the word "white" from the State Constitution with regard to the franchise caused great political interest in Ohio. In the fall election the vote was the greatest ever cast up to that time. The Democrats carried both houses of the legislature, but lost the governorship to Rutherford B. Hayes by about 2,900 plurality. The Democratic majority in the legislature made possible the election of a Democratic Senator. Vallandigham had been half-way promised this position by a pre-convention agreement but the caucus chose Thurman. This was a deep disappointment to Vallandigham and caused his temporary retirement from politics.

In the summer of 1867, by his advocacy of the "Greenback cause" Pendleton was widely heralded by the Western Democratic papers as their choice for the Presidency in 1868. As the originator of the "Ohio Idea" he was thought to have contributed greatly to the Democratic victory in Ohio in 1867. The scheme of paying off the bonds with greenbacks offered an easy means of getting rid of a public burden and its promise of inflation was welcome to the debtor class. The position was legal and the cry of "the same currency for the bond-holder and the plough-holder" became instantly popular. Pendleton had struck a chord that found deep response in the poor man's heart for it touched his need. In January the Ohio State

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12 Urbana Citizen and Gazette, May 2, 1867.
13 Bloss, op. cit., 100
14 Minor, op. cit., 253.
Democratic Convention named him as its candidate for President and during the course of the summer he was endorsed by a number of other State Democratic conventions from Nebraska to West Virginia.\textsuperscript{15} He was everywhere proclaimed as the taxpayers' friend, but because as a member of the House of Representatives in 1862 he had opposed the legal tender Act he was now charged by his critics with inconsistency. It does not follow, however, that because he did not think it right to pay debts contracted in gold with legal-tender notes, that he should later be in favor of paying debts contracted in legal tender when they were worth little more than fifty cents on the dollar, with gold at par. His position was that against his protest the legal tender system had been fastened upon the country and he was now opposed to abolishing it at a time when adverse economic conditions would make the resulting contraction a real hardship for a large proportion of the population.

The National Democratic Convention met in New York on July 4 with Horatio Seymour as permanent chairman.\textsuperscript{16} The number of delegates were 317, the number necessary to a choice, 212. Ohio was well represented by Pugh, Vallandigham, and Morgan. Pendleton's candidacy was well advertised by buttons, biographies, and banners on which appeared the words, "One currency for all. Pendleton the Peoples' Candidate."\textsuperscript{17} On the first ballot Pendleton had 105 votes, and led on every ballot until the sixteenth, receiving his highest vote, 156\textfrac{2}{3}, on the eighth ballot, which was within three votes of a majority.\textsuperscript{18} Had the majority rule obtained, his nomination would

\textsuperscript{15}Columbus Daily Ohio Statesman, Jan. 9, 1868.
\textsuperscript{16}New York Tribune, July 5, 1868.
\textsuperscript{17}Letter of E. L. Godkin to London Daily Times quoted in Rhodes, James Ford, History of the United States, VI, 276.
\textsuperscript{18}New York Tribune, July 10, 1868.
have doubtless been secured soon after. Although for many ballots Hendricks, Hancock and Pendleton ran well, the real struggle was between the New York and Ohio delegations. The New York delegates accepted the legal tender platform but were determined that Pendleton should not be the nominee which would mean a virtual subjugation of all other issues to that of finance.

On July 9, after a deadlock lasting over twenty-one ballots, Vallandigham read a letter from Pendleton dated at Cincinnati, July 2, authorizing the withdrawal of his name "whenever it should seem desirable" and stating that he deemed party success more important than the "gratification of any mere personal ambition." ¹⁹ A short time later McCook of the Ohio delegation nominated the Chairman, Horatio Seymour, and transferred Ohio's votes to him. Seymour thanked the delegation for the vote, stated that he regretted that his name had been mentioned, eulogized Pendleton as a "young man fast rising into fame, whose future is all glorious," and closed with the statement, "Gentlemen, your candidate I cannot be." ²⁰ Despite this statement, when New York was called, its sixty-six votes were transferred to Seymour and a stampede began which ended in his nomination by acclamation before the ballot was completed.

Pendleton took an active part in the campaign by speaking in different cities throughout the country. ²¹ But the immense popularity of Grant made the election a one-sided affair from the first although the Democrats polled over forty-four per cent of the entire vote cast with a majority of those cast by the white population throughout the country. Pendleton's own district went Democratic by several hundred majority as General P. W.

²⁰ New York World, July 10, 1868.
Strader defeated Benjamin Eggleston for Congress.\textsuperscript{22}

In 1869 the Democratic State Convention nominated General Rosecrans for Governor and when that gentleman declined, the State Central Committee induced Pendleton to accept the nomination. A dislocated ankle, however, confined him to his home and prevented any personal canvass.\textsuperscript{23}

In the election Hayes won by only about 8,000 majority which was a sharp contrast from Grant's towering majority of 42,000 the preceding year in Ohio.\textsuperscript{24} Pendleton's standing in Hamilton county is shown by the following from an editorial in a Republican paper written soon after the election:

Mr. Pendleton's personal popularity, aided by the delusion that there would be a public gain in the inflation of the currency, with which his name is associated, has given him a majority... in Hamilton county. A large number of Republicans voted for him on personal grounds alone.... That Pendleton has in this vote a flattering personal triumph, we are not disposed to dispute.\textsuperscript{25}

In 1871 Pendleton was again President of the Democratic State Convention. After that for a period of years he did not stand for any public office, but gave his time almost entirely to his private law business. Still he made addresses in every political campaign and fulfilled the appointments made for him by the State Democratic Central Committee.\textsuperscript{26}

On September 25 and 27, 1877 occurred the famous debates between Garfield and Pendleton at New Lexington and at Springfield, Ohio.\textsuperscript{27} They

\textsuperscript{22}\textit{Cincinnati Daily Enquirer,} Oct. 14, 1868.
\textsuperscript{23}\textit{Cincinnati Daily Enquirer,} Nov. 26, 1869.
\textsuperscript{24}\textit{Cincinnati Daily Commercial,} Oct. 22, 1868.
\textsuperscript{25}\textit{Ibid.,} Oct. 13, 1869.
\textsuperscript{26}\textit{Bloss, G. M. D., Historic and Literary Miscellany,} 343.
\textsuperscript{27}The entire addresses of both speakers appeared in the \textit{Cincinnati Daily Enquirer,} Sept. 28, 1877.
attracted wide attention and the issue was squarely drawn. Of the encounter Garfield wrote to his wife on September 11, "On some accounts I dislike such a scramble.... But Pendleton is a gentleman. We shall have a courteous debate." Later an eye-witness paid a tribute to both speakers in these words: "The debate... was carried on in the midst of the most exciting political canvas, yet not a word was used by either of these distinguished gladiators which could in any wise reflect upon the personal character of the other. During the whole of that debate, in which one could imagine he heard the sword and the battle axe of the one striking upon the mailed helmet and cuirass of the other, the argument was dignified and impersonal." The Republican Springfield Daily Republic declared that "It was easy to see why Mr. Pendleton had earned the title of 'Gentleman George,' for he was very courteous in all his allusions to his opponent and his fellow citizens of the Republican party...." His opponents generally conceded that Pendleton had the advantage and his friends affirmed that he virtually 'demolished' Garfield's argument. The Democratic papers praised the value of free and public discussions and advocated more of them, but the Republican press did not seem to wish any more public debates.

The State election was favorable to the Democrats whose candidate for Governor, Richard M. Bishop, was elected by a majority of over 22,000. Both houses of the legislature also went overwhelmingly Democratic. The result was due in part to the abuse of the civil service under Grant and in part to the radical reconstruction program in the South. 

28Quoted in Smith, T. C., James Abram Garfield, 656.
30Sept. 28, 1877.
31Smith, op. cit., 656.
One of the first tasks of the new Democratic legislature was the
election of a United States Senator to succeed Stanley Matthews who was a
Republican. The most prominent and active Democratic candidates were
Thomas Ewing, George H. Pendleton and George A. Morgan. On January 4, 1878
Pendleton declared in a self-arranged interview that as a candidate for the
Senatorship he stood for the greenback cause exactly as he had in 1868. He
wished to see the Government issue the paper directly and do away with the
National Banks. He would replace National Bank Notes with greenbacks, re-
peal the Resumption Act, and require the acceptance of greenbacks for cus-
tom duties. He said he could see no reason for the Government's refusal to
accept as legal money what it required its citizens to receive as such. He
was for the free and unlimited coinage of silver with a restoration of the
old silver dollar, and was opposed in principle to currency contraction. 32

His record and position on the currency question made him a very
formidable contender for the Senatorship as this doctrine was very popular
and when the Democratic legislative caucus met, January 9, the first ballot
revealed Pendleton's strength as greater than that of Ewing and Morgan com-
bined. The third ballot brought him the nomination equivalent to election. 33

The Cincinnati Daily Enquirer had favored Ewing but on receipt of the news
of the nomination, 34 it published an editorial declaring that Pendleton
deserved the place as he had served the party for twelve years without
office only to be used up for its good. "The party has for years consid-
ered him subject to sight-draft for anything," the article continued, "and

32 Cincinnati Daily Enquirer, Jan. 5, 1878.
33 Columbus Daily Ohio State Journal, Jan. 11, 1878.
34 A reporter of the Chicago Tribune wrote that the sudden and unexpected
nomination of Pendleton was due to a clever bit of intrigue on the part
of one of his friends, but the result was probably not greatly affected
by this scheme. The Ohio State Journal Jan. 19, 1878 reported this affair.
it is in accordance with the fitness of things that after this interregnum he should receive a nomination that means success." It expressed pleasure that the "Ohio Idea" would be represented ably for "There are no other lips abler than his to tell Ohio's story. The wail of the poor will find a voice in the unselfish man of wealth, and the plea of the unlettered will be clothed in the eloquence of the man of culture." Of the nomination the New York Daily Tribune said that it honestly represented the prevailing spirit of the Ohio Democracy and that it was the "triumph of its strongest and manliest spokesman." The Republican Cleveland Herald in a generally adverse criticism of Pendleton admitted that he was tactful, but professed to see in him more of the intriguing politician than of the constructive statesman. A few days after the nomination he was duly elected at a joint meeting of the two houses of the legislature. The Republican minority members had no candidate and cast blank ballots. It was the custom for a Senator-elect to be the guest at a large banquet soon after his election, but Pendleton reversed the procedure and with his wife gave a large and elegant reception for the members of the legislature and their wives, and a number of prominent Cincinnati and Columbus residents.

The approach of the special session of the Forty-sixth Congress which was called for March 18, 1879 found George Hunt Pendleton, after an absence of fourteen years, journeying again to Washington as a member of Congress. For the next six years he was to be a member of the upper house.

35 Cincinnati Daily Enquirer, Jan. 11, 1878.
36 Quoted in the Columbus Ohio State Journal, Jan. 14, 1878.
37 Jan. 10, 1878.
38 Columbus Daily Ohio State Journal, Jan. 17, 1878.
His colleague from Ohio was none other than his old Democratic friend, Allen G. Thurman. Among the members of the Senate who had served with Pendleton in the House fourteen years before were: William B. Allison of Iowa, William Windom of Minnesota, Roscoe Conkling of New York, and J.S. Morill of Vermont. His former colleague, S. S. (Sunset) Cox, was now a member of the House of Representatives from New York City. Pendleton took the oath of office March 18, 1879 and was placed on the Foreign Relations Committee, the Committee of Indian Affairs, and the Committee on Railroads. Thurman was chairman of the Judiciary Committee, and William A. Wheeler as Vice-President presided over the Senate.

As a member of the Senate Pendleton took an active interest in legislation and was very attentive to the interests of his State and constituents. He introduced an unusually large number of resolutions, petitions and relief bills the large majority of which were never reported out of committee. During the first two years of his term as Senator his party had the majority in the Senate and instead of constantly acting with the minority opposition in the capacity of a critic and obstructionist as he had in the House he now found himself with the majority and voted consistently with them. Moreover, he was now fifty-four years of age and could look back on the experiences of eight very active, trying, and momentous years in the House, as well as upon his nomination for the Vice-Presidency on one occasion and a close approach to his party's choice for Presidency on another. The ambition, enthusiasm, and fire of former years

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40 Congressional Record, 46 Cong., 1 sess., 1.
41 Ibid., Appendix, 1.
42 Cong. Record, 46 Cong., 1 sess., 15.
43 Ibid.
were now tempered with experience and doubtless also by the realization that as a Senator he had reached his highest post as a public figure. These things may account in part for the fact that as a Senator of the majority party he did not occupy a position so outstanding as he had as a younger man when he was a leader of the opposition in the House. Nevertheless he was an honored and useful member of the Senate and energetically championed the causes which lay nearest his heart.

During the Forty-fifth Congress a deadlock had developed between the Republican Senate and the Democratic House. The House had insisted on the principle of no Federal control over Congressional elections and had attached riders to appropriation bills to put the army and employees of the Government in the civil service. The Senate would not accept this principle and the session ended without appropriations for the operation of the Government. To deal with this problem President Hayes called the Forty-sixth Congress in special session. There was now a Democratic majority of eight in the Senate and of nineteen on the House. The Democrats again joined the appropriation bills and the repeal bills which they declared were in the interest of local self-government and State rights. The first of these to reach the President was the army appropriation bill to which was attached the "rider" abrogating the law authorizing the use of troops "to keep the peace at the polls." Hayes vetoed it in an argument that met with general approbation, and the Democrats responded with a separate bill to do away with the soldiers at the polls. This measure

44 Cong. Rec., 46 Cong., 1 sess., 913.
46 Ibid., 1189.
met the same fate at the hands of the President on May 12. On the twenty-
tieth the departmental bill was passed with a similar "rider" and was ve-
toed on the twenty-ninth.47 In the latter part of June an appropriation
bill was finally presented which was acceptable to the President,48 but
the judicial officers' appropriation bill with a "rider" repealing the
test oath and stipulation that none of the funds therein provided should
be used for the enforcement of the election law met with a veto on June
23.49 Finally the jurors' test oath was repealed in a judiciary depart-
ment appropriations bill,50 but a fifth Presidential veto was meted out
to the measure which provided funds for the marshals' salaries with a
stipulation prohibiting their activities in reference to elections. Pend-
dleton voted for every one of these measures and regularly supported the
Democratic stand as opposed to the President.

On March 26, he introduced a bill to provide for members of the
President's cabinet to occupy seats on the floor of the Senate and House
of Representatives,51 and on April 28 he spoke for the bill declaring that
its purpose was to place the connection between the departments of govern-
ment, which was awkward, incomplete and often secret, under the sanction
of law where it would be "convenient and open." He did not believe that
the measure would violate or require a change in the Constitution and
said that while communication by writing was slow, cumbersome, and inconvenient, the heads of the departments might swiftly and easily impart the

48 Ibid., 2243.
49 Ibid., 2645.
50 Ibid., 2383.
51 Ibid., 72.
desired information on the floor. He did not believe that the secretaries would be badgered by the members but felt that they were fully able to hold their own in debate. He stated that it was a step toward the parliamentary system and praised the accomplishments and the efficiency of the British Parliament. The bill was referred to a special committee of ten for further study.

During this session Pendleton introduced a bill to continue the Alabama claims, and as a member of the Committee on Indian Affairs introduced a bill from that committee to establish additional training schools for the Indians. The special session adjourned July 1, 1879.

The second session of the Forty-sixth Congress lasted from December 1, 1879 until June 16, 1880. From the historical point of view that session is not particularly exceptional or prominent. Pendleton was very faithful in attendance at the sessions and was often chosen as President pro tempore especially during and after February 1881. He was appointed on a select committee to draw up the necessary legislation to provide for the tenth national census and in this capacity he labored earnestly to make provision for the carrying out of this vast enterprise efficiently and economically. As a member of the Committee on Indian Affairs he fostered a bill to commit certain funds belonging to Indian tribes to the National Treasury so that the value of the property of these tribes would not longer

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52 Cong. Record, 46 Cong., 1 sess., 963.
53 Ibid., 1859.
54 Ibid., 34.
55 Ibid., 963.
56 Cong. Record, 46 Cong., 2 sess., 1588.
57 Ibid., 135.
be subject to constant fluctuation as it had been when invested in stocks and bonds. The Government had guaranteed a permanent return at a fixed rate and could under the new plan benefit from the use of the money and pay the interest annually at five per cent. 58 The bill was approved by both houses and became law by the signature of the President. 59 Pendleton took an active interest in all Indian affairs and lent his aid to the almost impossible policy of opening up Western lands and at the same time attempting to protect the interests of the Western Indians by locating them on small reservations often remote from their ancestral homes and hunting grounds. 60

In common with many Congressmen Pendleton introduced a large number of relief bills, 61 and tried to expedite the consideration of certain claims by an unsuccessful attempt to have them transferred from the Executive department to the Court of Claims for settlement. 62 During the session a discussion arose in the Senate over charges of fraud in the election of Senator William P. Kellogg, a Republican from Louisiana. Pendleton studied the case and differed from many of his Democratic colleagues in his decision that the Senator was entitled to his place. 63 He was not unseated.

News of undue exercise of authority on the part of certain diplomatic representatives abroad led Pendleton to introduce a resolution to amend the consular laws so as to limit the authority of Asiatic and Egyptian representatives. He felt that to allow an American consul or minister to

58 Cong. Rec., 46 Cong., 2 sess., 1374.
59 Ibid., 1514.
60 Ibid., 2124.
61 Ibid., 70, 1962, 595, 1335.
62 Ibid., 195.
63 Ibid., 3363.
try, convict, and execute Americans even in wild and uncivilized regions without a jury trial was to violate the spirit if not the letter of our laws. His bill proposed consular courts to deal with such cases.  

A bill was finally passed and approved by the president to prohibit the use "of any portion of the army of the United States... as a police force to keep the peace at the polls at any election held within any State..." Pendleton voted for the measure and it became a law on May 4, 1880. One of his chivalrous acts was a very kindly and appropriate speech on the life of Senator George S. Houston of Alabama, when the news of his death was received in the Senate.

When Congress adjourned in June the interest of the nation was centered on the political campaign which was just getting under way. After a long contest between the Blaine and Conkling factions the Republican convention turned to Garfield as the way out of the dilemma. But as he was thought favorable to the Blaine element a sop was thrown to the Grant-Conkling group by taking Chester A. Arthur for Vice-President. On the first ballot in the Democratic convention Thomas F. Bayard led with Winfield S. Hancock a close second. Payne and Thurman of Ohio received 81 and 68 votes respectively. The second ballot seemed to show that the contest was between Hancock and Bayard until New York threw its vote to Randall. But Pennsylvania turned the tide by transferring its full vote to Hancock. William H. English was named for Vice-President. The Democratic platform contained the "tariff for revenue only" clause and stood for civil

64 Cong. Record, 46 Cong., 2 sess., 4049.
65 Tribune Almanac and Political Register (1881)
66 Cong. Record, 46 Cong., 2 sess., 2646.
67 Ibid., 1155.
service reform. The Greenback and Prohibition parties also each put a candidate in the field. The campaign was hard fought with Republicans waving the bloody shirt and Democrats playing up corruption and the "Fraud of 1876." Rhodes says that money was used in the campaign as never before; manufacturers, financial interests and officeholders were heavily assessed. The popular vote was Garfield, 4,454,416, Hancock, 4,444,952. The Congressional elections indicated that in the next Congress the Senate would be about evenly divided between the two major parties and the House would be slightly favorable to the Republicans.

The last session of the Forty-sixth Congress met on December 6, 1880. Pendleton was appointed on the Senate Civil Service Committee, and was named chairman of a special committee to arrange for the inauguration of Garfield. He very soon introduced a "bill to regulate and improve the civil service," and when Hayes' message referred to it with a recommendation for action Pendleton introduced on December 9, a resolution providing that

so much of the President's message as refers to a reformation of the civil service system of the Government, including the appointment to, promotion in, and removal from office, the relation of members of Congress with respect to appointments to office by the President, and the absolute freedom of official subordinates in refusing all demands upon their salary for political purposes, and in resisting all attempts to coerce their political action be referred to the Select Committee...  

with instructions to report at an early date. He also reintroduced his bill to provide that the principle officers of each Executive Department should

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68 Minor, op. cit., 333.
69 Cong. Record, 46 Cong., 3 sess., 285.
70 Ibid., 1443.
71 Ibid., 477.
72 Ibid., 49.
occupy seats in the Senate and House, and introduced a joint resolution looking toward the obtaining of permission for the establishment of a road and highway from the United States line through British Columbia to Sitka, Alaska.

But his chief interest during this session was his natural and permanent one—that of good government. This interest was now much stimulated by agitation throughout the country for reform. The Credit Mobilier and the Star Route frauds had awakened public indignation and the attitude of Hayes had encouraged the desire for a change. Hayes' position and whole administration was such as to encourage all friends of good government and contrasted greatly with the cynical attitude of Conkling who sneered at "snivel service reform" and all champions of the "damnable system of so-called merit." Pendleton desired to encourage this spirit of awakening public conscience and to make it effective he introduced a bill to prohibit Federal officers, claimants, and contractors from making or receiving assessments or contributions for political purposes. Although the measure failed it was the forerunner of similar legislation which was soon to come.

The Forty-sixth Congress adjourned sine die on March 5, 1881, and the following day as chairman of the Inaugural Committee Pendleton helped to install James A. Garfield, an Ohio man whom he well knew, as the twentieth President of the United States.

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73 Cong. Rec., 46 Cong., 3 sess., 72.
74 Ibid., 49.
75 Ibid., 144.
76 Ibid., 2471.
Chapter VI

IN THE SENATE--FORTY-SEVENTH CONGRESS

If the elections of 1878 had indicated the trend of popular favor toward the Democratic party the returns of 1880 gave signs of a swing in the opposite direction. The Forty-seventh Congress was oddly constituted. The House was Republican by a narrow majority but the Senate was an unmanageable body. It was divided evenly with thirty-seven Democrats and thirty-seven Republicans. David Davis, who had been elected by the Democrats in Illinois, declared himself an Independent and shared the distinction of sitting on the fulcrum of the see-saw with a "rebel brigadier," William Mahone, who had been sent up from Virginia as a "Readjustor."

At the request of President Hayes a special session of the Senate convened on March 4, 1881 to consider appointments of the new President.¹ John Sherman had been elected to fill the vacancy caused by the renunciation of office by Garfield who had been elected by the Republican Ohio legislature on January 13, 1880 to succeed Allen G. Thurman.² A struggle in the Senate immediately developed over the question of the formation of the standing committees. After several days of maneuvering by both groups Pendleton submitted a list of standing committees reserving the majority positions for the Democrats and assigning minority offices to the Republicans as they had been during the previous session.³ But the body was so evenly divided that no permanent plan of adjustment was agreed upon during the brief session and when Conkling and Platt differed with Garfield over the New York Customs appointment the President with-

¹Congressional Record, 47 Cong. sp. sess., 1.
²McPherson, Edward, ed., Tribune Almanac, (1882) 47
³Congressional Record, 47 Cong., sp. sess., 5.
drew all the names before the Senate except the one to which these men protested, whereupon they resigned and the appointee was confirmed. 4

The special session adjourned on the twentieth of May and a few days later Conkling and Platt were repudiated by the New York legislature and Elbridge G. Lapham and Warner Miller were elected to their places. 5

On July 2 Garfield was shot, and his death on September 19 elevated Chester A. Arthur to the Presidency and made necessary another special session of the Senate which was called for September 23 to choose a President pro tempore who would become President in case Arthur should die. 6 The party struggle was taken up immediately upon the introduction of the name of Thomas F. Bayard of Delaware by Pendleton for this office. 7 Bayard was finally chosen by a close vote in spite of Republican objections because the successors of Platt and Conkling had not yet been sworn in. 8 Pendleton was then appointed by Bayard on a special committee to inform the President that the Senate was organized and ready for business. 9 The organization did not long continue, however, for as soon as Miller and Lapham were sworn in the Republicans again had the majority and proceeded to use it to elect David Davis, the hulking pro-Republican Independent from Illinois as President pro tempore, which position he held for the duration of the session. 10

The first regular session of the Senate met on December 5, 1881

5 Tribune Almanac (1882), 34.
7 Cong. Record, 47 Cong., sp. sess., 505.
8 Ibid., 514.
9 Ibid., 515.
10 Ibid., 521.
and immediately Edmunds of Vermont introduced a resolution to provide for
the standing committees under Republican leadership. Pendleton spoke
against the resolution, but it was passed by a majority of two votes.\footnote{11}
The Senate was at last organized and on January 12, Pendleton was again
appointed to the Committee on Civil Service and Retrenchment.\footnote{12} He was
also continued on the Census Committee, was made chairman of the select
committee of ten on the admission of Department heads to seats on the floor
of Congress,\footnote{13} and was appointed a member of the special committee to com-
memorate the life and memory of Garfield.\footnote{14}

After the building of the Pacific railroad "Gentiles" began to
take up their abode among the Mormons in Utah and in a short time public
clamor against polygamy became so great that Congress could no longer ig-
nore it. The matter came to a head during this session and in common with
most issues it had a political aspect as the Mormons were Democratic to
the ratio of over five to one. In the discussion of the bill to prohibit
polygamy and disfranchise those who practiced it Pendleton had a part. He
opposed the provision that a man who had once been a polygamist would be
forever barred from jury service, and demanded that no unfair discrimina-
tion be made against these people. He asked, "Why, if you exclude a man
who is prejudiced in favor of a crime, should you not exclude a man no-
toriously prejudiced against it?" Pendleton opposed disfranchising a
man simply because he might have some time had two or more living wives
and declared that plainly the purpose of the bill was to transfer Utah

\footnote{11} Cong. Record, 47 Cong. 1 sess., 31.
\footnote{12} Ibid., 371.
\footnote{13} Ibid.
\footnote{14} Ibid., 45.
from the Democratic to the Republican fold. He further stated that he hoped members would not misunderstand him as he believed fully in the sanctity and virtue of the home and was opposed to polygamy as such. The bill was amended in several important respects so as to meet these objections and was passed.\textsuperscript{15} Pendleton voted for it and it became a law by the signature of President Arthur on March 22, 1882.

A little later when the bill to amend the consular code came under discussion Pendleton favored it and declared that the laws "conferring criminal jurisdiction" upon foreign representatives were "simply a disgrace to the administration of criminal law upon the citizens of the United States."\textsuperscript{16} He also introduced for the third time his bill to adjust the claims of the owners of the brig \underline{General Armstrong}, and on this occasion he succeeded in getting the measure confirmed.\textsuperscript{17}

While it cannot be said that Pendleton was to any great extent a "watchdog of the Treasury" yet he often spoke for economy in government and opposed river and harbor bills that were being used as subterfuges for patronage grants. In his remarks against a bill to control and dike the \underline{Mississippi} River he declared: "I am a strict constructionist, I belong to that school; I belong to its strictest sect; and the more reflection I have been able to give to the subject, the more faithful I become in my adherence to its tenets."\textsuperscript{18} He did not believe it right nor Constitutional to use Federal money to "prevent damages in the future or repair damages which in the past, have arisen from natural causes." Such a bill came too close

\textsuperscript{15}\textit{Cong. Record}, 47 Cong. 1 sess., 3412.
\textsuperscript{16}\textit{Ibid.}, 3456.
\textsuperscript{17}\textit{Ibid.}, 2843.
\textsuperscript{18}\textit{Ibid.}, 3217.
to becoming a public grant for private benefit. 19

Pendleton's tariff views were fully indicated during this session. During the Forty-fifth Congress he had voted for a bill to provide substantial reduction, but it did not pass the House. 20 Now it seemed that the country had declared against a "tariff for revenue only" and tariff revision was undertaken "by its friends." The bill to create a tariff commission gave Pendleton the opportunity to say that as between protection and free trade he favored the latter for

...a tariff for protection only does not differ in essence from the grant of a bounty to the producer of the protected article.... If a Constitutional argument exists against the grant of public money as bounties for the benefit of individuals who produce certain articles, the same argument exists against a tariff for revenue only.... If any person has a right to demand that his production or industry be protected, every person has the same right to a relatively equal protection.

We must have a tariff for revenue, and we ought to so frame it as while raising sufficient revenue, to impose the least burden and do the least harm to every interest involved. 21

He went on to say that our foreign trade was very great and that he looked forward to the time when our population of one hundred million would make it still greater. He continued:

Our tariff law must not destroy this foreign market.... If we shut our markets to the products of other nations, they will certainly shut their markets to us, and generally in the same proportion....

The friends of extreme protection assert that their system produces at once high wages to workmen and cheap prices for commodities. This is a paradox. It is without reason.... It has nothing to support it.

I never knew ardent advocates for protection who worried themselves to protect labor. They go on the principle that the Gov-

19 Cong. Rec., 47 Cong., 1 sess., 3217.
20 Appleton's Ann. Cyc., 1880, 130 et ante.
ernment should protect the rich, and the rich will take care of
the poor. They protect the pocket of the manufacturer. I never
heard that they require the manufacturer to divide the contents
of his pocket-book with his employees.\textsuperscript{22}

He continued to show that whenever and wherever a high tariff is
adopted higher prices inevitably result and declared that the tariff of the
time was much too high. The bill providing for the tariff commission was
passed May 19, 1882 with Pendleton and all but six of the other Democratic
Senators against it. The vote was thirty-five to nineteen.\textsuperscript{23} This oppo-
sition seemed justified when the names of the commissioners became known
for they were nearly all high tariff lobbyists and manufacturers. Never-
theless, even this body recommended an average reduction of about twenty-
five per cent, which was more than the protectionists would allow and the
process of overhauling the commission recommendation began at once with a
powerful lobby, a high pressure army, ever present and ever active. The
bill was not completed until the second session.

The assassination of Garfield by a disappointed office seeker
gave increased impetus to the spirit of civil service reform and Arthur's
statement in his first message, that he was impressed with the "grave im-
portance of correcting the evils" which were inherent in the then present
method of appointment, was an agreeable surprise to the friends of reform.
On the second day of the session Pendleton introduced a rather inchoate
bill drafted by Dorman B. Eaton the purpose of which was "to improve the
civil service."\textsuperscript{24} On December 7, Pendleton took up the bill, emphasized
the great need of it, and outlined its purpose.\textsuperscript{25} On February 13, 1882

\textsuperscript{22}Congress, Record, 47 Cong., 1 sess., 2000
\textsuperscript{23}Ibid., 4732.
\textsuperscript{24}Ibid., 20.
\textsuperscript{25}Ibid., 79.
he made a vigorous defense of the civil service commission in a speech which mingled partisanship with effective argument. He said in part:

The purpose of the commission is to secure uniformity of examination, to secure uniformity of the standard of excellence necessary to be attained to enter the public service. It is to secure uniformity throughout the different offices of the Federal Government, both as to the Departments in their relation to themselves. It is that there shall be in New York, in New Orleans, in Cincinnati, in Boston, in Chicago, the same standard of excellence necessary to an entrance into the public service at the post-offices and custom houses at those various points....

The uniformity of standard of excellence is a very important matter. More important, however, even than that is the fact that examinations... shall stand between the applicant and the appointing power; that the commission, with the concurrence of the President, shall have authority to fix the standard and have the examinations made; and that there shall be no power in those who make the appointments to lower the standards to meet the exigencies of particular cases....

Hearings were held by the committee and the bill was reported favorably, but no action was taken.

A little later reports of patronage levies caused Pendleton to introduce a resolution to instruct the Committee on Civil Service and Retrenchment to investigate "alleged attempts to assess campaign contributions" from Government employees at Washington. Near the close of the session in a vigorous attack on this practice he exhibited and read to the Senate a Republican circular assessing contributions on Washington office holders. This provoked a lively response from the other side of the chamber and Senator Hale, a Republican from Maine, interrupted him to ask whether he knew that the Democrats were doing practically the same thing at about the time he was running for the Vice-Presidency. Pendleton denied

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26 Cong. Rec., 47 Cong. 1 sess., 1066.
27 Ibid., 57, 471.
28 Ibid., 4510.
knowledge of it and declared he did not believe it.29 Continuing his speech he went so far as to allude very definitely to senators who had used their influence against any investigation. This aroused more opposition and interruption but he finished his remarks in a high tone of courage and resolution.30 Before the subject was again tackled the fall elections occurred in which Democratic success gave added impetus to reform. Pendleton declared, however, that this success was not so much a Democratic victory as it was a Republican defeat.

Descended as he was from a very prominent and wealthy family, and dressing and deporting himself always as an aristocratic gentleman, Pendleton, nevertheless, remained true to the original spirit of the Democratic party of the old school. As such he frequently was led to champion the cause of the poor man and debtor class. This quality was evident in his stand in the "Greenback" cause, in his strict construction views and appeared again in the Senate in 1882 during the discussion of a proposed issue of three per cent bonds. The bill provided that they were to be available to the National Banks as a basis for the issuance of their own notes. Senators had attacked the bill because it provided for the withdrawal of bonds paying a higher rate of interest, which course they regarded as menacing to the existence of the banks. Pendleton spoke distrustingly of banks and their monopolistic tendencies. He felt that their influence was too prominent over the President and the Secretary of the Treasury and said that the banks should be made subject to the public service. To quote:

We should make them[the banks] feel that as they are

29Cong. Recod, 47 Cong. 1 sess., 4329.
30Ibid., 4331.
creatures so are they the servants of the Government, that as they are organized for the benefit of the people, so they shall be continued for the benefit of the people or not continued at all. Gentlemen say that we may drive these banks out of existence; that they will go out of business. Very well, let them go; we shall find means to supply their places. If the complete control of the volume of the currency is to be put into their hands; if the public debt is to be perpetuated at any rate of interest in order to secure their continued existence; if the people of the country are to pay a large interest in order to induce these banks to loan their own notes to the people, at a large interest also, then I say we are paying too much for the benefits, whatever they may be.... If they choose to go out of business..., let them do so... we will supply that currency... by the silver which a bounteous nature has implanted in the mountains of our country; we will supply it if need be, with the greenback currency, which has proven so cheap and so useful.31

He further declared that he was tired of hearing the banks praised as "being so patriotic and so noble that with an excess of patriotism beyond that which other citizens have, they fly to the rescue of the Government and its credit whenever they are in danger."32 He did not believe at all that allowing them but three per cent would put them out of business, but considered that a fair rate. He favored also the amendment which would withdraw the higher rate bonds as soon as possible because it would lighten the tax burden of the poor man.

He said in conclusion:

I believe that debt is a curse.... Debt is a mortgage... upon the property and labor of a nation as it is on the property and labor of a man.... The periodical recurrence of the payment of interest... in the spectre before which all prosperity flies affrighted. It is the darkness that shuts out the sunlight; it is the torrid heat that prevents the dew and the rain; it is the scorching fire that burns fertile earth; it is the caterpillar which eats into the vitals of all growing life. Taxes pay interest. Labor pays taxes. Reduced to its last analysis, it is the brawny arm and patient heart of the man, who goes out in the early morn and remains until darkness clothes the earth at daily labor in

32 Ibid.
order that he may gain food and shelter for his loving wife and tender children who gives some of those hours to the payment of the interest and the principal of the national debt. I will not, I cannot vote for the continuance of the national debt, or any part of it, one hour beyond what is absolutely necessary.33

On March 9, the act for the exclusion of Chinese laborers for a twenty-year period was passed. Pendleton was for the measure and when the President vetoed it he spoke rather resentfully of the imputation of Arthur that the bill as drawn up and passed by the Senate was a "breach of our national faith."34 Pendleton felt that the Senate was a capable as the President to decide what constituted national faith and voted to pass the bill over the veto.35 This effort failed, and the modified bill providing for exclusion for a period of ten years was passed and signed by the Chief Executive on May 6, 1882.

Congress adjourned in August a few weeks before the fall Congressional elections. Some senators hurried away from the heat of Washington for a brief rest and others hurried away to their own States to take part in the Congressional campaigns.

The second session of the Forty-seventh Congress, which lasted from December 4, 1882 until March 4, 1883, is notable principally because it witnessed the discussion and passage of the Pendleton Act. As already stated the fall elections of 1882 resulted in an overwhelming Democratic victory which added to the reform spirit in Congress. Pendleton seems to have given a very large portion of his time during this session to this bill. He introduced and fostered it through its entire course.36 In a

33 Cong. Record, 47 Cong. 1 sess., 452.
34 Ibid., 3409.
35 Ibid., 2617.
36 Cong. Record, 47 Cong. 2 sess., 202.
speech early in the session he clearly stated that he regarded it as a party measure. He declared that the civil service under Republican rule was inefficient, expensive, extravagant and "in many cases and in some senses corrupt." He further stated that the vicious system had welded the whole body of its employees into a great political machine. Quoting:

It the civil service has converted them into an army of officers and men, veterans in political warfare, disciplined and trained, whose salaries, whose time, whose exertions at least twice within a very short period in the history of our country have robbed the people of fair results of presidential elections.37

He declared that there was a great horde of inefficient people connected with the departments who were adding greatly to the expense of government. He said he did not consider the bill perfect but that it had for its foundation the idea that the offices of the Government are trusts for the people, that the performance of the duties of those offices is to be in the interest of the people...; that every superfluous office-holder should be cut off, that every incompetent office-holder should be dismissed; that the employment of two where one will suffice is robbery; that salaries so large that they can submit to the extortion, the forced payment, of two or ten per cent are excessive and ought to be diminished.38

He further stated that the elements of fitness do not enter in with representatives of either party when they consider recommendations for appointments, and that "the existing system, 'the spoils system,' must be killed or it will kill the republic...." He continued: "The purpose of this bill is merely to secure the application of the Jeffersonian tests, fidelity, honesty, capacity." Pendleton told the Senate

37 Cong. Record, 47 Cong. 2 sess., 203.
38 Ibid., 206.
that the idea was not new but that it had a very good record where it had been tried out under Grant. At another time he said that the plan contemplated a very careful fitting of the tests for the particular position under consideration and that the result would not be to displace older men by younger ones whose general education might be better but who were not specially prepared for a specific position.\(^{39}\) The bill was the constant object of discussion throughout most of December and on the twenty-seventh of the month it came to a vote. Other Democrats who had spoken for the bill were Jones of Florida, Morgan of Alabama, Bayard of Delaware, and George of Mississippi.\(^{40}\) Prominent among the Republicans who had favored the bill were Hawley of Connecticut, chairman of the committee, Hoar of Massachusetts, Miller of New York, and Sherman, Pendleton's Ohio colleague.\(^{41}\) Among the Democrats who opposed it were Vest of Missouri and Voorhees of Indiana.\(^{42}\) Many of the Stalwart Republicans were not pleased with it but kept a discreet silence. Among those that did oppose it were Plumb and Ingalls from Kansas and Mahone, the Readjuster of Virginia.\(^{43}\) The bill passed the Senate by the vote of thirty-eight to five, many Senators being absent and among them Sherman.\(^{44}\) Aurthur signed it January 6, 1883, after the House had passed it 155 to 47. Thus after a long struggle the bill for which Pendleton had worked and to which he gave his name became a law. Paradoxically enough it was a prime factor in his defeat for reelection in 1884.

\(^{39}\) Cong. Record, 47 Cong. 2 sess., 247.
\(^{40}\) Ibid., 281, 423, 360, 468.
\(^{41}\) Ibid., 241, 278, 282, 362.
\(^{42}\) Ibid., 461, 597.
\(^{43}\) Ibid., 560.
\(^{44}\) Ibid., 661.
and is the chief basis of his claim to fame.\footnote{Since civil service reform has been the subject of many studies it has seemed superfluous to go more deeply into the matter here. See bibliography.}

But Pendleton's interest in the efficiency of the public service did not cease with the passage of this measure. He was consulted as to the personnel of the commission,\footnote{N. Y. Nation, Feb. 22, 1883.} but the whole effect of the bill was adverse to his own political fortune.\footnote{N. Y. Nation, July 19, 1888.}

The passage of this law is an excellent example of a reform forced on politicians against their will by the pressure of public opinion aroused by a few earnest advocates. The politicians of neither party really wanted the reform, but few of them dared attack it openly. In the Republican national convention in 1880 the committee on resolutions cut out the civil service reform plank and it was restored by the convention only after a warm debate. The Republican campaign textbook for 1882, characterizes George W. Curtis and the New York Civil Reform Association as "bogus reformers" and as a "combination of unprincipled yclept reformers."\footnote{P. 114.}

The Democratic attitude toward reform is shown by what Democrats said about the bill and by the fact that while they were in control they attacked the Republicans for abuses but made no serious attempt to force the issue in a concrete form. It is further shown by their refusal in Ohio to reelect Pendleton, but the most striking comment was made by Benjamin Butler at the Democratic Convention in 1884. Butler said:

\begin{quote}
You start off in your platform at one point and say that you are for an honest Civil Service reform. Now I will venture to say that there is not a man in this Convention that is in favor of Civil Service reform unless he is a schoolmaster. One of the first
\end{quote}
statesmen of Ohio, one who had a right to be brought here, brought
by his Delegation and put before you for your suffrages as Presi-
dent, an able and learned man, got carried away by the doctrin-
aires and started once more a Civil Service reform. And it car-
rried him so far out of sight with the Ohio Democracy that he never
has been heard of since. 49

Butler then declared that Washington would have been disqualified by the
Civil Service examinations because in his will he misspelled the word
"clothes" and closed his remarks on the subject thus: "If an office is a
good thing, then I want all the people to have a shot--have a chance at
it. If it is a bad thing, it is too hard to put it onto a poor fellow
for his whole life." 50 Commenting on this speech the New York Sun de-
clared that "In these days of sentimentality and humbug it is delightful
to find a fellow cool-headed enough and manly enough to declare the old-
fashioned doctrine." 51

During this second session the bill to reduce the postage on first
class mail from three to two cents an ounce was passed as well as the Postal
Money Order law. Pendleton voted for both of these measures. 52

The "Mongrel Tariff" by which almost everyone interested got about
the kind of protection he desired and which was a very haphazard and unjust
measure also passed on February 20, 1883. Pendleton opposed it all the way
through as far too high and as partaking of the nature of class legislation,
but enough Democrats were sufficiently protectionists in principle or else
their districts were sufficiently protected by provisions of the bill to

50 Ibid.
51 July 24, 1884.
52 Appleton's Ann. Cyc., 1884, 192.
vote for it and assure its passage.53

Pendleton voted "Yea" on the famous case for the relief and return of rank to Fitz-John Porter, but the measure failed in the House.54

54 Ibid., 237.
Chapter VII
IN THE SENATE--FORTY-EIGHTH CONGRESS

The Forty-eighth Congress which met on December 3, 1883 was Democratic in the House by a majority of about eighty and Republican in the Senate by four. The first Republican victory of the session was the election of George F. Edmunds of Vermont as President pro tempore over George Hunt Pendleton by the vote of 32 to 24.\(^1\) The reorganization of the officers of the Senate was also soon accomplished to the advantage of the Republicans in spite of the protests and votes of Pendleton and other Democrats who argued that such procedure was inconsistent with the Civil Service Reform Act so recently passed.\(^2\) During the discussion Sherman and Pendleton were the chief spokesmen on opposite sides of the question. In the balloting the Republicans were successful by a very narrow margin.\(^3\)

By the new committee arrangement Pendleton found himself a member of the Foreign Relations Committee, the Committee on Rules and the one on Revision of the Laws of the United States.\(^4\) He was also continued on the special committee on the census. His Ohio colleague, John Sherman, was also a member of the committees on Rules and Foreign Relations.\(^5\)

As in former sessions Pendleton continued his effort to limit and define the jurisdiction of consular courts,\(^6\) and again introduced a

\(^1\) Cong. Record, 48 Cong., 1 sess., 374.
\(^2\) Appleton's Ann. Cyc., 1884, 178.
\(^3\) Cong. Record, 48 Cong., 1 sess., 156.
\(^4\) Ibid., 49.
\(^5\) Ibid.
\(^6\) Ibid., 713.
bill for the relief of Thomas Worthington, a war veteran. On a number of previous occasions he had attempted to get favorable legislation on this case but without success. During this session Pendleton presented an unusually large number of petitions, claims and requests from citizens, companies, churches, lodges and societies of Ohio. He voted against the bill for the establishment of uniform bankruptcy laws, opposed unsuccessfully a measure to increase and extend war pensions, and after his defeat for reelection presented on February 11, 1884 the credentials of his successor, Henry B. Payne of Cleveland. His interest in Alaska induced him to present a bill to "facilitate the settlement and develop the resources of the Territory of Alaska and to open an overland communication therewith." The committee on Territories reported the bill adversely and the subject was indefinitely postponed.

When his bill on the consular code was reported Pendleton made an able defense of it declaring that its purpose was to amend "glaring defects" in the existing system. He said that the bill had been thoroughly worked out under the direction and care of a former assistant Secretary of State and urged that it was not only Constitutional but was designed to protect and extend the jurisdiction of that document. He fostered the bill by answering questions about it and parrying attacks upon it.

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7 *Cong. Record*, 48 Cong., 1 sess., 1111.
10 *Cong. Record*, 48 Cong., 1 sess., 1608.
12 *Ibid*.
and finally saw it through to a successful vote on March 6, 1884.\textsuperscript{14}

Previous to this time the Library of Congress had never been permanently located in a building exclusively devoted to that purpose. On February 12, 1884 a bill to acquire certain land near the capitol was debated. The measure provided that in case the owners refused to sell the property it should be condemned under the right of eminent domain. This latter provision Pendleton opposed as an abuse of power. He said: "I deny that there is a fair, legitimate, Constitutional authority when you take private property merely that you may locate a library upon a site that is more convenient or more agreeable or more in accordance with an aesthetic taste in laying out our public grounds and buildings."\textsuperscript{15} He further stated that the right of eminent domain should be exercised only in cases of genuine necessity and that there were Government plots all around that could be used for the satisfactory location of the library.

"To gratify a suggestion that it will be more beautiful hereafter," he continued, "I am not willing to take away from these people against their will their private property."\textsuperscript{16} At this point Senator Morrill of Vermont interrupted him to say that seven eighths of the owners had indicated their willingness to sell their property. Pendleton answered, "It has never entered into my conception of the duty or the powers of the Government that if there is a single man, woman or child, within the limits of the property that you desire to take who resists your application upon terms that they are willing to accept, therefore you should take the property

\begin{itemize}
\item[Cong. Record, 46 Cong. 1 sess., 1648.]
\item[Ibid., 1051.]
\item[Ibid., 1053.]
\end{itemize}
against their will." He then proposed an amendment to fully protect these private interests, but it was defeated and the bill was passed. Only two other Senators voted with Pendleton against the measure.

A measure which called for considerable debate was that providing for the establishment of a Bureau of Labor in the Department of the Interior the purpose of which was to gather statistics and report labor conditions throughout the country. On its first report from committee considerable opposition arose over certain provisions and Pendleton with others voted to recommit the bill, but after the second discussion he concurred with the majority in passing the measure.

His attempt to get a Federal building for Akron, Ohio was also reported favorably but no action was taken. As in the previous session he favored strict exclusion of the Chinese and voted for the bill to strengthen and improve the law passed before.

In harmony with his strict constructionist views Pendleton took issue with the senators who were fostering a bill to grant Federal aid to the states for educational purposes. He declared that he was a staunch exponent of general education but that a bill calling for such huge appropriations as that one should also contain a provision for raising the necessary revenue. This power he failed to find in the Constitution and declared that it was not in the "general welfare" clause nor could

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17 Cong. Record, 48 Cong. 1 sess., 1054.
18 Ibid.
20 Cong. Record, 48 Cong. 1 sess., 4430.
21 Ibid., 5764.
it be inferred as some had argued from the right of the Government to perpetuate itself. He wished that he might find it but stated that he had searched the Constitution in vain for the power "to provide for the education of the voters of the United States." So he therefore concluded that this power was reserved to the States. He also opposed the measure on other grounds. He did not like the provision that Federal officers should administer and audit these expenditures as he regarded this as tantamount to saying to these Southern States: "We will give you of our abundance, you shall be the recipient of our bounty, but in order to entitle you to it you must put your hands upon your mouths and your mouths in the dust before us." Pendleton was opposed to any measure which meant asking any State to give up its autonomy and abandon its home rule in order that its ignorant might be educated. Instead he proposed to cut Federal operations, activities and taxes to the "simple and narrow" limit prescribed for them by the Constitution thus leaving the States "enough money to educate their own children." He concluded his remarks as follows:

Reverse this whole system, economize your expenditures, break down the system by which bounties are paid to private interests at the expense of those people whom you propose now to benefit... [the existing system] has in its incipiency the fundamental idea that there shall be bounty and there shall be protection. Cut it all up by the roots, reduce the expenditures, limit the taxation, lessen the burden, abandon this system of taking away from the people with one hand in order that you may give back to them with the other. Leave them their money, and above all leave to them the regulation of their own affairs, and especially their school system.

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23 Cong. Rec., 48 Cong. 1 sess., 2554.
24 Ibid., 2636.
25 Ibid.
26 Ibid., 2637.
27 Ibid.
This, Mr. President, I think is the better way and the wiser way and the Constitutional way. I invoke gentlemen ...to lend their best efforts to remitting all the burdens that have been put upon these people, and allowing them to spend the amount so remitted, rather than to first levy a tax upon them and then distribute the proceeds to them afterwards.

The bill passed the Senate with ten negative votes besides that of Pendleton, but was not considered in the House.

A rivers and harbors bill which was notoriously 'packed' with patronage appropriations was considered and passed July 1, 1884. Pendleton voted consistently to reduce the different separate appropriations but to no avail. The bill as finally passed appropriated almost fourteen million dollars. Pendleton voted for the bill forfeiting to the public domain all the land granted to railroads which had not been actually improved by them or used for right of way or for stations. He also supported the bill to encourage the American merchant marine by allowing Americans to import foreign built ships without duty providing they were for foreign trade exclusively. He voted for the addition of two new steel cruisers to the Navy and for the McPherson bill which provided that United States bonds might be used directly to secure the notes of United States banks.

The measure was designed to aid in the stabilization and extension of the currency.

The question of the suppression of polygamy was again considered

28Cong. Record, 48 Cong. 1 sess., 2539.
29Appleton's Ann. Cyc., 1884, 224.
31Ibid., 160.
32Appleton's Ann. Cyc., 1884, 199.
and since Pendleton regarded the bill as largely a political measure fostered by the Republicans he voted against it on every ballot. He opposed it also because he thought that matters of the franchise are among the reserved powers of the States. But the bill was finally passed by the vote of 32 to 15.

A little over a month after the beginning of this session occurred the election of Pendleton's successor as has been previously noted. A number of factors contributed to the result and there were other minor issues but the one towering reason for his defeat was the Pendleton Act. The story of his connection with the bill and its hostile reception among the politicians of his own State explains almost entirely why another took his place at a time when he might have rendered still greater service to his party and country. At the time of his election in 1878 Pendleton had the good will and support of a large majority of the Democratic papers and politicians of Ohio and commanded a still larger per centage of the voters of the State. His popularity among the voters continued undiminished during his term and there is no reason to believe that had the preferential primary and the popular election of Senators existed in 1884 he would not have been renominated and reelected by an overwhelming majority. During the first half of his Senatorial term he continued to have the support of the Democratic papers and politicians, but when he became the champion of civil service reform as a concrete and specific measure the Republican and In-

36. Ibid., 182 and Appleton's Ann. Cyc., 222.
37. There have been suggestions of a financial scandal with regard to private funds belonging to members of his family as a contributing cause to his defeat for reelection, but throughout the search for material for this study not the slightest hint of any such thing has come to light. The newspapers which opposed him the most aggressively all admitted that his record of honesty in public and private life was blameless.
dependent papers began to laud him as a reformer. Although for years the Democrats both in the State and throughout the country had campaigned both loud and long against abuse and corruption, and in spite of the fact that the Democratic party had repeatedly gone on record in local and national platforms as favoring reform yet the portending omens of approaching victory cooled like magic the Democratic ardor for specific reform. Pendleton, by advocating the act that bears his name and by a somewhat independent attitude in regard to the patronage alienated party bosses and newspapers in Ohio and after the campaign of 1882 the Cincinnati Enquirer which had supported him ever since his first entry into politics became distinctly hostile and from then on lost no opportunity to oppose him at every turn and to subject his Civil Service Reform bill to a constant barrage of criticism and ridicule. The other Democratic papers, taking their cue from the Enquirer, cast suspicion on the motives of a party man "who was becoming the object of Republican praise" and began to distrust him who urged competitive examinations for office on the eve of a Democratic victory.

The attitude of the party bosses and politicians became increasingly bitter toward Pendleton and even men as conservative as Durbin Ward and Allen G. Thurman openly voiced their opposition to his reform bill. The two other men who were prominent candidates for the Senatorship were Durbin Ward and Henry B. Payne. Ward was a Democrat who for years had been prominent in Ohio politics. He was an old line Democrat and had been defeated for the Democratic gubernatorial nomination in 1883 by George Hoadly by a one vote margin. Hoadly was elected and at the time of the Senatorial contest was the Governor-elect. Payne was a Cleveland lawyer.

38 Cincinnati Enquirer, 1883 especially Dec. 18, 20, 28.
manufacturer and big business man. In 1861 he had been the Democratic candidate for Senator but was defeated by B. F. Wade by one vote. He was a war Democrat patriotically urging enlistment during the sectional struggle although he himself went into business and became wealthy. He reentered politics in 1874 to be elected to Congress, was a candidate for President in 1876 and had some support for Senator in 1878. After that he again dropped out of politics until 1883 when he again reappeared to contest Pendleton's seat in the Senate.40

The growing optimism among Democrats was partly due to an accession to the ranks of some new elements partly recruited from the Republican party. The leaders were largely young men who were looking for political opportunities and were thus opposed to reform. The Nation later said that the defeat of Pendleton was largely due to the fact that he deserted the "boys" whom Payne wished to care for and that Payne had said the renomination of Pendleton would have been a disappointment to them and might have "dampened their enthusiasm."41 Early in 1883 there was a meeting in Cleveland at which it was alleged Payne, Headly and other politicians who were dissatisfied with the existing leaders of the party in Ohio met and agreed that Payne should use his influence to support Headly for Governor in 1883 and the latter would cooperate to secure Payne's selection as Senator in 1884.42 They determined to lead the opposition among the young men and were joined by the McClean forces of Cincinnati and the Bookwalter element of Springfield. Although the Pendleton forces controlled the Fed-

40 Powell, Thomas E., The Democratic Party in Ohio, II, 126 et passim.
41 N. Y. Nation, Jan. 19, 1884.
42 Cleveland Herald, Dec. 21, 1883.
eral patronage this new coalition was successful in Ohio and secured control of the Democratic State Central Committee. In October 1883 Pendleton lent his support to the McLean ticket in Hamilton County which was considered as a mistake by many of his friends as "it was notorious that it had been got into the field for the express purpose of knifing him." At that time, however, it is probable that Pendleton did not consider the opposition to himself as very dangerous.

The statewide success of the Democrats in October heightened the prestige of the Payne-Bookwalter-Hoadly-McLean coalition and advanced McLean almost to the position of a State boss. But it was not until early in December that the opposition to Pendleton began to be regarded as menacing. The Cincinnati Enquirer later admitted that Payne was brought out purposely to defeat Pendleton and on December 25 the N. Y. Tribune declared that not only was Hoadly favoring Payne but that the "whole of the party organization is against Senator Pendleton." It also stated that the members of the Democratic State Committee were "in the field in their respective districts, openly working for Payne."

is the contest developed it attracted wide attention as the public interest was great over the kind of treatment the author of the Pendleton Act was about to receive at the hands of his party. Early in December the consensus of opinion was that Pendleton would win, that the opposition was strongest among politicians and newspapers, and that although his position was solitary as the "only active civil service reform-

43 N. Y. Tribune, Jan. 10, 1884.
44 Ibid.
45 Jan. 3, 1884.
46 Dec. 23, 1883.
er" his party would not dare to defeat him on this issue alone.\textsuperscript{47}

The Republican papers were generally for Pendleton which probably did not aid his cause, and about the only specific attack on his record was on his "Civil Service humbug" except for which the \textit{Enquirer} said he might have been reelected.\textsuperscript{48} It continued:

\textit{...An examination of his entire record...fails to develop anything which has the ring of Democracy.... Knowing that no true Democrat is in accord with it the Pendleton Act, having no beautiful points to show up in behalf of Pendleton, its Pendleton's campaign bureau managers are directed to assail his betters.... Every Republican newspaper in Ohio and elsewhere is shouting for Pendleton because they feel grateful to him, for no matter how the Presidential election may go, they feel their retention in office is assured.}\textsuperscript{49}

A majority of the Democratic papers advocated Pendleton's reelection and made much of the "Standard Oil-McLean-Bookwalter-Payne Syndicate," which they alleged was inaugurating "bossism" and buying its way to power.\textsuperscript{50} These papers preferred those men "who had carried the burden in the old unpopular days" to the new leaders who had come forth now that victory seemed assured.\textsuperscript{51}

Payne's connection with big business and especially his relations with the Standard Oil Company were fully exploited by his opponents, but as the month ended his well organized and thoroughly financed efforts began to show results and instead of the field being against Pendleton as it had been at the beginning it was now the field against Payne.

\textsuperscript{47} N. Y. \textit{Nation}, Dec. 6, 1883.
\textsuperscript{48} Dec. 11, 1883.
\textsuperscript{49} Dec. 31, 1883.
\textsuperscript{50} \textit{Columbus Times}, Jan. 1, 1884.
\textsuperscript{51} Ibid.
Although Pendleton had never been extremely active in behalf of Thurman he now was willing to withdraw in behalf of the latter if he would allow his name to come before the caucus. This had been suggested to Pendleton earlier but he had declined to admit himself out of the running until almost the day of the caucus. Thurman tried to persuade Pendleton to withdraw in behalf of Ward but this Pendleton refused to do as the delegation for Ward wore ribbons in their button-holes with the legend, "To the Victors Belong the Spoils."\(^{52}\) Thereupon Thurman issued a statement to the newspapers which was in part as follows:

They are all men of ability. My personal relations with each of them have always been friendly and pleasant. But there is something that shocks me in the idea of crushing men like Pendleton and Ward who have devoted the best portions of their lives to the maintenance of the Democracy, by a combination against them of personal hatred and overgrown wealth. I hear Payne men say, 'We cannot support Pendleton because we disapprove of his civil-service-reform bill,' forgetting that convention after convention of the Democratic party, both State and National had resolved in favor of civil-service-reform, and also forgetting that the Republicans now in office are just as liable to be turned out as if the Pendleton bill had never been passed. I do not advocate that bill. I think it ought to be amended or repealed; but I would not slaughter a lifelong Democrat because, in a long public service he happened to make one mistake.

But if these gentlemen cannot support Pendleton why can they not support Ward? He is not responsible for the civil-service-reform bill. Indeed, I have always understood he disapproves of it. ...Why, then, prefer Payne to him? The answer I fear is perfectly plain. There has never been any machine politics in the Democratic party of Ohio. We have, as a party, been freer from bossism than any party that ever existed. But some men seem to think we ought to have a machine amply supplied with money to work it, and under the absolute control of a boss or bosses, to dictate who shall and who shall not receive the honors and rewards within the gift of the party. To set up such a machine, it is necessary, in the first place, to kill off the men who have heretofore enjoyed the confidence of the party, the men whose ability, hard labor, and principles did so much to keep the party together in the terrible ordeal through which it has passed. I am unwilling to see this done... I want to

\(^{52}\) *New York Tribune*, Jan. 8, 1884.
see our officers elected in the good old Democratic mode.... I want to see all the Democrats have a fair chance, according to their merits, and do not want to see a political cut-throat bossism inaugurated for the benefit of a close party corpora-
tion or syndicate.53

Referring to this statement the New York Tribune said, "Thurman's letter is a correct revelation of the methods by which the Standard Oil Company is seeking to control the Senatorship. Money is being used without stint."54

This letter caused some encouragement to the Ward supporters but the plans were all laid and as soon as the caucus met the Pendleton men were voted down in an effort to make the balloting public55 and on the first ballot Payne was nominated. The vote was as follows: Payne 48, Ward 17, Pendleton 15.56 As the legislature was Democratic nomination was equivalent to election, the formal choice being made on January 15.57

The New York Times summarized the situation very nicely the day before the caucus in these words, "Mr. Pendleton, if he is defeated will owe it to the fact that he is a conspicuous and hopeless reformer. Mr. Payne, if he is elected, will be indebted to the fact that he is backed by the Standard Oil Company—a monopoly of the most grasping, dominating, powerful, and unscrupulous sort." It was also stated that as a last re-
sort the Pendleton men made open charges of bribery, that the Payne re-
plied in kind, and that there was considerable ill feeling after the bal-

53 K. Y. Tribune, Jan. 8, 1884.
54 Ibid.
55 Columbus Times, Jan. 7, 1884.
56 Tribune Almanac, 1885, 25.
57 Ibid.
looting.⁵⁸

The Columbus Daily Times which had supported Pendleton appeared the next day with this statement:

Thirty pieces of silver bought Judas Iscariot, the arch traitor, but it cost the Standard Oil-McLean faction a much larger bundle to subvert the will of the people...We are heart sore but not despondent....The mind is staggered by the revelation that putrefaction could gain a spot to further rot within the Democratic party....⁵⁹

When the word reached ex-President Hayes he wrote the following in his diary for January 9, 1884:

Payne is nominated.... Mr. Payne is seventy-three years old, able, conservative, well meaning.... Politically it was a mistake. Pendleton was beaten solely because he was for civil service reform....

To defeat Pendleton for this reason disgusts the Independents—a body that embraces intelligence, wealth, and increasing numbers. None of them will feel friendly to the Democratic party until this slap in the face is forgotten.

The working man's party is on the threshold.... It cannot support a party which elects one so identified with great corporations as Mr. Payne is. To them he is the great monopolist of the State.⁶⁰

The Republican Cincinnati Commercial-Gazette commented as follows:

Pendleton could only be beaten by an absolute purchase in dollars and cents of a certain number of men....

The machine has triumphed, and relegated to the rear a Democratic statesman whose whole career has been a life of zeal to the peoples' interests, and whose brilliant escutcheon in all his varied services is not marred by one corrupt or dishonorable act.

⁵⁸ N. Y. Tribune, Jan. 9, 1884.
⁵⁹ Jan. 9, 1884.
⁶⁰ Williams, Charles Richard, Diary and Letters of Rutherford Birchard Hayes, V, 185.
Mr. Pendleton's name will live pinnacled in history as a true and able public servant, uncontaminated with jobbery while the machine bosses who laid him low will be associated in the public eye and ear with the Tweeds, Dorseys and other personages whose records, when fully brought to light become pillorized in the detestation of all honest and fair-minded men.  

The New York Times commented the day after the caucus on the events of the previous day in the following words:

There has been a calm to-day. The hoodlums that have been howling for the past 10 days for Payne and reform have nearly all left the city. The Legislature where the bulk of the "swag" went, has resumed its duties as alleged honest men, to formulate laws for the punishment of crime...

They [the Republicans] are happy.... They expect that it will bring into their ranks, the workingmen who were opposed to the monopolies and the Germans who were friendly to Pendleton. They believe that a Legislature that has begun its winter work by selling the United States Senatorship will make so bad a record before the winter is over that the people generally will be glad to assist in returning the Republican party to power. Governor Hoadly seems to foresee that there is a reckoning time coming, and has been at pains to declare that he took no part whatever in the Senatorial contest.

Thurman characterized the work as "monstrous and disreputable" and almost immediately suggestions were made that any honorable man would decline an office obtained under such questionable circumstances. Pendleton took the defeat philosophically but his supporters were not so calm. They declared that the only thing that could have saved him would have been the backing of some monopoly larger than the Standard Oil. Ex-Governor Foster said that one of the reasons for running Payne was because

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61 Jan. 9, 1884.
62 Jan. 10, 1884.
63 Ibid.
64 Ibid.
his age would keep him from accepting a second term and thus one of the younger men would soon have a chance, and one paper suggested that some members might have voted for Payne because they thought Northern Ohio should have greater official representation.

But the charges of bribery instead of being forgotten grew more insistent and vocal day by day and soon became the subject of very bitter and almost universal comment of the daily press throughout the country. Affidavits of several of the most notorious cases were widely published and the sudden affluence of wealth by some of the members of the legislature was attested to by their friends and acquaintances. The statement of Oliver Payne, some of the Senator-elect, that his father's nomination cost him over $100,000 found its way also into print and was not denied. Fully four fifths of the newspapers condemned the Payne supporters, and their methods and the morals of the members of the legislature in language scathing, relentless and unrestrained. The papers who had supported Payne attempted no denial of these charges but generally ignored these articles.

Because the evidence was certain, open, and wide-spread the next Ohio house of Representatives which was Republican ordered an investigation. Their findings pointed still more strongly—if that were possible—to a large number of definite cases of known bribery. Their report was sent to the United States Senate which was again Republican after the election of 1866 and when James E. Lowry, Chairman of the Ohio Republican State

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65Cincinnati Enquirer, Dec. 31, 1884.  
66Cleveland Herald, Dec. 22, 1883.  
67Sen. Doc. 49 Cong. 1 sess., no. 106, 35.  
68See the following: Clinton County Democrat, Wilmington, O., Jan. 18 and 19, 1884; Chillicothe Advertiser, Chillicothe, O., Jan. 11, 1884; The Daily Banner, Mt. Vernon, O., Jan. 10, 1884; Butler County Democrat, Hamilton, O., Jan. 10, 1884; The Herald, Delaware, O., Jan. 24, 1884; Steubenville Gazette, Steubenville, O., Jan. 9, 1884; The Times, Van Wert, O., Jan. 11, 1884.
Central Committee wrote also to that body demanding an investigation "in the name of all honest people in the State of Ohio" the Senate authorized the standing committee on privileges and elections to consider the matter. A number of petitions for an investigation were also referred to that committee. The committee report was made after a brief study in Washington.

Two members of the House from Ohio appeared, supported the charges and presented a statement also affirming them which was signed by eight other Ohio Congressmen. This made inevitable an airing of the affair in the Senate, and revealed that although but four members of the Ohio house of representatives who had voted for Payne in 1884 had been reelected, they were all guilty of "being induced by corrupt means to vote for Payne." The report further showed that many who had been supposed to favor Pendleton voted for Payne, that the principal managers of Payne's canvass, including his son Oliver, "kept out of the State and reach of process during the Ohio investigation," but that no evidence had been produced to connect Payne personally with the transactions. The majority report recommended, therefore, that no further investigation be made. Senators Hoar and Frye dissented vigorously from the majority report, contended that the evidence warranted a further investigation, that if the Senate allowed this to pass, cases of the "purchase of seats" would multiply rapidly, and presented a resolu-

70 Cong. Record, 49 Cong. 1 sess., 2710.
71 Ibid.
72 Sen. Rep., 49 Cong. 1 sess., no. 1490, 8.
73 Ibid., 35.
tion that a subcommittee be authorized to investigate the matter fully. The whole question was disposed of when the majority report was accepted 44 to 17. Payne was properly absent and Sherman to his credit voted with the minority. There is little doubt that the reluctance of Senators to vote for an investigation was due in part to the knowledge that the influence of money had played an important part in the election of many others besides Payne and the idea of a thorough investigation was distasteful as it might prove to be a boomerang if once begun.

In the meantime Pendleton returned to Washington, after a brief rest at his home in Cincinnati, and continued his duties as a Senator. The summer of 1884 he spent at home also but returned to Washington again for the opening of Congress in December.

The second session of the Forty-eighth Congress, which began December 1, 1884 was signally barren of important measures of legislation. As it was Pendleton's last session in the Senate he made no speeches of any length except a very kindly, appreciative and fitting tribute to Senator Henry B. Anthony of Rhode Island who had passed away on September 2. Although he was present when the session began and attended daily he took a relatively small part in debate. On January 29, 1885 the President pro tempore of the Senate, George F. Edmunds of Vermont, was necessarily absent and honored Pendleton by designating him "to perform the duties of the chair for the day."

Pendleton voted with a small minority against the bill to re-

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74 Sen. Rep., 49 Cong. 1 sess., no. 35.
75 Cong. Record, 49 Cong. 1 sess., 7361.
76 McPherson's Handbook, 1886, ii.
77 Cong. Record, 48 Cong. 2 sess., 826.
78 Ibid., 1.
79 Ibid., 1050.
tire Grant with full rank and pay\textsuperscript{80} and against the bill for the admission of North Dakota as a State.\textsuperscript{81} He opposed unsuccessfully the measure to establish an Interstate Commerce Commission because he thought it would infringe on State rights,\textsuperscript{82} but voted with the majority for another increase in the Navy.\textsuperscript{83} Although he opposed the importation of contract labor and voted for the bill prohibiting it, he supported the amendment exempting from the provisions of the measure laborers in agriculture and stock raising.\textsuperscript{84}

Pendleton was still hostile to any kind of currency contraction as was shown by his vote against the retirement of the trade dollar.\textsuperscript{85} He favored the bill to declare forfeited all the unimproved land which the Government had granted to the Texas Pacific Railroad,\textsuperscript{86} but opposed granting preemption to settlers on such lands as were now to be forfeited by law.\textsuperscript{87}

On March 5, 1885 at the close of this session George Hunt Pendleton again became a private citizen. He was fifty-nine years of age at this time and while not old as compared with his fellow Congressmen few of them could at that age look back on more years of prominent and conspicuous public service.

\textsuperscript{80}Congress, Record, 48 Cong. 2 sess., 685.
\textsuperscript{81}McPherson's Handbook, 1886, 52.
\textsuperscript{82}Congress, Record, 48 Cong. 2 sess., 1254.
\textsuperscript{83}Ibid., 362.
\textsuperscript{84}McPherson's Handbook, 1886, 47.
\textsuperscript{85}Congress, Record, 48 Cong. 2 sess., 1936.
\textsuperscript{86}McPherson's Handbook, 1884, 28.
\textsuperscript{87}Ibid., 32.
Chapter VIII
LATER YEARS

Many Democrats who remained loyal to Pendleton and who considered his defeat a base outrage strongly pressed his name before the notice of the President-elect as a fit candidate for his Cabinet. A large number of independents also who justly believed that the passage of the Pendleton Act was largely responsible for the election of Cleveland felt it unjust that the man chiefly responsible for that measure should be cast aside in the hour of Democratic victory which had been so long in coming and which his reform had hastened on apace. The opposition to Pendleton also made itself known and other eager and office-hungry Democrats clamored so loudly for positions for themselves and their friends that Pendleton's name was omitted from the prize positions of first magnitude.

Ever since his boyhood visit to Europe Pendleton had been a great admirer of German culture and a true friend of that country and the naturalized Germans of America. He spoke German fluently and was very popular among the German speaking element in this country. At more than one election he owed his large vote and at least once his victory to the unswerving loyalty of his German friends. Hence when the diplomatic post of Minister to Germany was offered him Pendleton accepted with pleasure for it was indeed a post of honor and distinction. The appointment was instantly popular both in Germany and among German people in the United States. With his wife and two daughters, Jenny and Mary, Pendleton sailed for Germany in the Spring of 1885. His son, Frank Key Pendleton, had become a lawyer and was located in New York City. Pendleton's aristocratic bearing, his courtesy, his culture, and his natural tact admirably fitted him for this post and his home in Berlin soon became a very popular

social center.

In the Spring of 1886 Mrs. Pendleton and her daughter, Jenny, came from Europe to attend the funeral of Frank Pendleton's wife in New York. After this unhappy event Mrs. Pendleton and her daughter remained a few days longer in the city. On the afternoon of May 25, while taking a short drive in Central Park, the horse became scared and both Mrs. Pendleton and her daughter were thrown violently from the carriage. Mrs. Pendleton struck the pavement with her head and was killed instantly and the daughter was seriously injured. Although Mr. Pendleton was unable to leave Berlin to attend his wife's funeral in New York, after this sad occurrence he was a changed man. He later visited Cincinnati and on this last visit he seemed "but a ghost of his former self, and many of his friends declared that they scarcely knew him. He had lost the elasticity of youth, and his hair was streaked with gray."

Early in 1886 Pendleton suffered a paralytic stroke and suffered from hemorrhage of the stomach but his physicians did not consider his condition dangerous. Nevertheless his health was so impaired that he resigned his post, and was succeeded by William Walter Phelps of New Jersey. Then with his two daughters Pendleton went to the springs at Homberg for a much needed rest. Here he remained for a greater part of the summer, and as fall came on they journeyed by easy stages to Brussels on his way home to Cincinnati. There they lodged at the Hotel Bellevue and soon his condi-

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2Cincinnati Enquirer, May 21, 1886.
3Ibid.
4Ibid., Nov. 26, 1889.
5Ibid.
6Ibid.
7Cincinnati Enquirer, Nov. 26, 1889.
tion became worse, but not so as to alarm his daughters or his physicians who assured the family that he would recover in a short time. But after lying ill for six weeks on November 25, his condition took a sudden turn for the worse and he suddenly passed away without pain.  

The news of his death reached Cincinnati as a rude shock to his many friends and the Chamber of Commerce immediately appointed a committee of ten to prepare a fitting memorial. The Soldiers' and Sailors' Memorial Association drew up a tribute which was in part:

We knew he was a great friend to all who needed and deserved assistance.

His integrity was never questioned.

Popularly speaking, he never had an enemy.

He had antagonists, but no enemies.  

The Republican Cincinnati Commercial Gazette had this to say of him:

His chief work was in the direction of non-partisan reforms in government of a high order. His entire Senatorial career was earnest, dignified, honorable, and a credit to the State which sent him there. This was the judgment of public men when his term ended. The taint upon the seat that he had held, which settled there when he was defrauded of reelection, has caused the memories of his service to grow brighter as the years recede. So long as he occupied a seat in Congress Ohio was honored. The humiliation which came after him has grown deeper and darker by contrast until it would be impossible for a State to suffer greater mortification. So complete is this that the notable Services of Senators Thurman and Pendleton together here are measurably obscured by the present unadulterated odium and immeasurable disgrace.

Mr. Pendleton and his family were leaders in the best social life of the Capital. It was never necessary for them to use lavish entertainments as a means of preventing inquiry into the facts relating to a purchased seat to save a whole

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8Cincinnati Commercial Gazette, Nov. 26, 1889.
9Cincinnati Enquirer, Nov. 26, 1889.
10Cincinnati Commercial Gazette, Nov. 26, 1889.
family from dishonor. In short, in Mr. Pendleton's career Ohio has nothing to shame her, but very much to add to the accumulation of high honors which have come to her through the excellent service of her distinguished sons.\footnote{Cincinnati Commercial Gazette, Nov. 26, 1889.}

The body was conveyed to American soil by a United States warship and arrived in Cincinnati by train on March 7, 1890. There was a large escort including Frank Key Pendleton, who had "grown wonderfully like his lamented father."\footnote{Ibid., Mar. 8, 1890.} The large black German casket accompanied by a guard of honor from the First Ohio Regiment was taken to the Christ Episcopal Church and the soldiers were posted at the door and around the remains.\footnote{Ibid.}
The funeral services were held the following day. The mayor of Cincinnati presided and the Hon. Isaac M. Jordan, a Cincinnati lawyer, delivered the memorial address.\footnote{Jordan, Isaac M., Funeral Oration of George Hunt Pendleton.} Among those attending the funeral were: ex-President Rutherford B. Hayes,\footnote{Williams, Charles Richard, Diary and Letters of R. B. Hayes, V, 553.} Governor James E. Campbell of Ohio and his staff, Governor Simon B. Buckner of Kentucky, and a "great host" of prominent Ohio Democrats.\footnote{Cincinnati Daily Enquirer, Mar. 8, 1890.} The aged Allen G. Thurman planned to attend but was unable to do so as he was confined to his house by illness.\footnote{Ibid.} Interment was made in the Spring Grove Cemetery where already slept many ancestors and relatives of the deceased.

A prominent Ohio Democrat later characterized Pendleton as "a Chesterfield in manner, a Democrat of Democrats, a ripe scholar and a pol-

\footnote{Ibid.}
ished orator..." The Enquirer which had supported him for years and then turned against him in 1884 declared:

Personally Mr. Pendleton was genial and popular. He was known far and wide for his generous hospitality, and the sobriquet, "Gentleman George," was not illy applied, and was always becomingly worn by a man whose politeness was proverbial. He was an Episcopalian by religious faith and a liberal supporter of his church and charitable institutions.

On Liberty street stands a famous old mansion, which is now a club house. It is the old Pendleton homestead, where its polite master, now cold in death, once dealt out the kindliest hospitality. Here was Mr. Pendleton's library, where often he became so interested in reading and study that the gray light of the morning peeped in and found the scholar still poring over his books.

But the Republican Commercial Gazette asked:

And now what honorable man is there in Ohio who would not rather be Pendleton dead than Payne alive; and who would stand in the shoes of the Democratic members of the Legislature who sold their votes? These are all passing down into history. No one need envy them. Even the friends of Pendleton who shed honest tears over his bier will not envy them. Pendleton has passed beyond the reach of traitors. History will honor him and the Democratic party will mourn the loss of one of its ablest and best leaders.20

19Cincinnati Daily Enquirer, Nov. 26, 1889.
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