

HENRY B. PAYNE: HIS CONGRESSIONAL CAREER

---

A Thesis Presented for the  
Degree of Master of Arts

by

*Dewayne H. Burke*  
Dewayne H. Burke, B. S.

OHIO STATE  
UNIVERSITY  
The Ohio State University

1938

---

Approved by:

*Eugene H. Roselton*

Table of Contents

<u>Chapter</u>	<u>Title</u>	<u>Page</u>
I	Early Life	1
II	In the 44th Congress	8
III	Election to the Senate	20
IV	Tariff Legislation	33
V	Interstate Commerce Act	41
VI	Silver Legislation	49
VII	Later Life	56
VIII	Bibliography	

## Chapter I.

### Henry B. Payne: His Ancestry and Early Life.

Henry B. Payne was born November 30, 1810, at Hamilton, New York. His father, Elisha Payne, a native of Connecticut, as was his mother, Esther Douglas, moved to Hamilton from Lebanon, Connecticut, in the year 1875. Of good stock the elder Payne was a direct descendant of Thomas Paine, who, after having settled in Yarmouth, Massachusetts, was admitted freeman of Plymouth Colony in 1639.<sup>1</sup> The father was a man of great public spirit and high personal character, factors having much to do with the personality and accomplishments of his son in later years. Being public spirited the elder Payne helped to establish the Hamilton Theological Seminary, and at all times carefully directed the education of his son, Henry.<sup>2</sup>

At the age of twenty-two Payne graduated from Hamilton College, Clinton, New York. Having ranked high as a student, and the possessor of a keen and penetrating mind, he began the study of law. For a period of about a year he studied under the supervision of the celebrated John C. Spencer, of Canandaigua, New York. It was here that he formed an acquaintanceship with Stephen A. Douglas that deepened into intimate friendship and played a part in political activities later on in his career.

Coming to Cleveland in 1833, when it was a small town of three thousand with growing possibilities, he studied another year in the office of Sherlock J. Andrews. In 1834 he was admitted to the bar and immediately formed a partnership with Judge H. V. Willson that lasted for twelve years, during which time the two men succeeded in building up not

---

(1) Dictionary of American Biography, XIV, 325.

(2) Cleveland Leader, September 10, 1896.

only the largest practice in Cleveland, but also one of the largest in the state.<sup>3</sup> As a lawyer Payne was distinguished for his quickness of perception and mental keenness. He thoroughly prepared every case, and having an intuitive knowledge of law procedure and tactics, was thus doubly armed and made a formidable and dreaded opponent.

However, his professional career as a lawyer was short, as he was compelled in 1846 to retire from practice by reason of a nervous breakdown and hemorrhage of the lungs, the result of crushing mental and physical labor. His intensity of effort was greater than his durability. During his twelve years as a lawyer his energies were also devoted to other things besides his profession.

Probably one of the most important accomplishments in his life took place in 1836 when he took for his wife Mary Perry, the only daughter of Nathan Perry, one of Cleveland's earliest and most successful merchants. Perry owned nearly the whole center of the city as well as thousands of acres on the outside.<sup>4</sup> Being the only daughter she probably was the richest girl in Cleveland. Thus with wealth and prestige added to his natural abilities, Payne was in a position to make the most of his opportunities.

During his career as a lawyer he served as city attorney, city clerk, and city treasurer, fulfilling his duties admirably and efficiently, all the while building up a reputation for himself. Having abandoned courts and juries in 1846, due to poor health, he devoted his attention to his private affairs, but again found time to do a bit of gratuitous service on

---

(3) Cleveland Plain Dealer, September 26, 1874.

(4) Cleveland Plain Dealer, February 27, 1935. From an article on Payne by S. J. Kelly.

numerous city and other financial boards. The years 1847 and 1848 saw him a member of the city council, during which time his hobbies were the city's finances, its credit, and the fire department, all of which he in time reformed.

The year that gold was discovered in California Payne became interested in railroad building. Having accumulated some money through his practice, through minor investments, and through marriage, and having foreseen the necessity for, and likewise the rapid growth of railroad systems, he decided such enterprises would be good investments. So with a few interested associates he began the building of the Cleveland and Columbus railroad system. He was largely responsible for the building of this railroad which marked an era in the progress of Cleveland, for now the city was directly connected with the central part of Ohio. As a port, Cleveland's importance was greatly augmented. A charter had been granted and the stockholders had been organized long before work actually began. It is said that in 1845 seven prominent men of Cleveland, with wheelbarrows and shovels, were seen digging in the flats. They were trying to save the charter of the Cleveland and Columbus railroad, of which they were stockholders. Payne was one of these men, advising them that such was the only way to keep the charter.<sup>5</sup> Not a rail had been laid, nor ground broken, and the grant was expiring. In order to keep up the work that the charter might not lapse, they hired one man to shovel the line.

However, the Cleveland and Columbus railroad in time became an actuality, and in due honor to the man behind the system, Payne was

---

(5) Cleveland Plain Dealer, February 27, 1935.

made president and served from 1851 to 1854, at which time he resigned in order that he might take part in the affairs of the Cleveland, Painesville, and Ashtabula railroad in which he was greatly interested.

Having attained great success as a railroad builder, Payne, in 1855, turned again to municipal affairs and served as a member of the city's first waterworks commission, a position in which he was instrumental in building a system of water works for Cleveland.<sup>6</sup>

During the period of his railroad promotion activities Payne was also active in state politics. In 1849 he was elected to the Ohio Senate from the Cleveland district. In his two terms he made such a name for himself as a lawmaker and party leader that he became the Democratic caucus candidate for United States Senator in 1851. The Whig candidate was Ben Wade. During the balloting in March, 1851, not a Democrat wavered, not a friend deserted, and only after a prolonged balloting, twenty-nine ballots to be exact, was he defeated 44 to 34 for the United States Senatorship.<sup>7</sup>

Five years later Payne entered into the gubernatorial election as the candidate of the Democracy. He made a memorable campaign against the incumbent, Salmon P. Chase, only to be defeated by 1,503 votes. Chase received 160,568, Payne 159,065, and Van Trump 10,272.<sup>8</sup> The election showed that he had reduced Chase's winning margin to a few hundred, whereas it has been in the thousands at the election of 1855.

In 1856 Payne helped nominate Buchanan, and four years later in 1860 he was to become a dramatic figure in the Charleston Convention.

---

(6) Cleveland Plain Dealer, September 10, 1896.

(7) Cleveland Herald, March 15, 1851.

(8) Allen Myers, Bosses and Boodles in Ohio Politics, 166-167.

At this convention the Democrats were split wide open over the slavery issue, especially as it dealt with the doctrine of "popular sovereignty" in the territories. Payne was selected by the "popular sovereignty" Democrats to champion the cause of Stephen A. Douglas in his efforts at restoring harmony among the states. It was to him a labor of love for he and Douglas from early life had been bosom friends. The Douglas faction chose Payne to present its ideas in the famous minority report on the platform. In effect, it was an assertion that the limit of concessions to the Southern politicians had been reached.<sup>9</sup> In his remarks Payne endorsed "popular sovereignty" in the territories and reviewed the history of the Democratic party. This opposition on the part of Payne to the arrogant demands of the slave holders was plainly foreshadowed by what he had done in former years. He was a Democrat before the modern Republican party was formed, but he was what was afterwards known as a Union, or Douglas, Democrat. He was not an abolitionist, but he was opposed to the extension of slavery or the ascendancy of the slave power in the United States government. In all his acts and speeches he was a consistent opponent of the extension of slavery. In 1857 he had joined with Douglas in the denunciation of the Lecompton Constitution of Kansas which the pro-slavery party had framed for the prospective state. He bitterly denounced it in speeches made at Columbus, Cincinnati, and Indianapolis.<sup>10</sup> He realized that with two pro-slavery senators from Kansas, the anti-slavery party in Congress would have been put to a great disadvantage. His speeches on this

---

(9) George F. Milton, The Eve of Conflict, 436.

(10) Cleveland Plain Dealer, September 10, 1896.

subject gave him the reputation that led to his being chosen to present the minority report. He replied to the attacks made by Yancey and Toombs, and showed the "fire-eaters" that there were some Democrats in the North who had rights and convictions that they would not surrender and did not fear to maintain.

It was evident that Payne presented these ideas strongly and plainly enough, for as soon as the vote was taken whereby the Payne report was adopted, a secession took place. Alabama started it and was followed by Mississippi, Louisiana, Florida, and Texas.<sup>11</sup> It was the intention of this group to form a party that would recognize slavery as a national and indestructible institution, and that would recognize no legislative body as having any right to interfere with slavery either in the territories or in any state.

Commenting on his speech in the convention a member of that convention said of the occasion:<sup>12</sup>

He advocated the report in a speech remarkable for its perspicuity, brilliancy of power, condemning incipient secession and uttering kindly but earnest warning to the men of the South. The speech won for him the gratitude and applause of the Northern delegates, and the personal admiration of the Southern members, and gave him a national reputation as a sagacious and able statesman.

On the same subject S. S. Cox wrote: "He made a strong impression at Charleston and endeavored to reconcile the party with a view to avert disunion and war."<sup>13</sup>

During the war Payne was an ardent Union man. Too old to enter active service he lent his aid to the cause of the Union by uniting

---

(11) Milton, 440.

(12) Cleveland Plain Dealer, September 10, 1896.

(13) Ibid.



with wealthy men to guarantee the cost of equipping regiments of Ohio troops that were being hurried to the front. Besides money he furnished two sons to the Union army who went with his hearty approval.<sup>14</sup> Payne was always regarded as a War Democrat.

In 1862 he again became interested in the city's finances, being elected to the newly created sinking fund commission, an office he held until his death. Under his leadership this sinking fund grew from the original \$250,000 to over \$2,000,000.<sup>15</sup> Ten years later in 1872 he was chairman of the Ohio delegation to the Baltimore Democratic convention which nominated the Liberal Republican, Greeley, a nomination to which he gave his hearty approval. Payne had now reached the age of sixty-four, an age that to most men means approaching retirement, but to Payne it meant a fresh start, for in 1874 he entered into what was not a new field of activity, but at least a changed environment, the national legislature.

---

(14) Ohio State Journal, January 17, 1884.

(15) Cleveland Leader, September 10, 1896.

## Chapter II.

### In the Forty-fourth Congress.

The elections of 1868 saw a Republican "tidal wave" sweep the country. Not only was a Republican president, Grant, put in office but also a heavily Republican Congress. Realizing that they owed their recent victory to the negro vote of the South, the Republicans continued the outrageous reconstruction policies. With radical reconstruction arose the "scalawag" and "carpet-bag" governments in the South, and their bitter enemies, the Ku Klux Klan and kindred organizations. Instead of reconstructing the South and healing the wounds of the late war, the Republicans were literally pouring salt on an open wound.

The executive administration itself was honeycombed with corruption. In Grant's own cabinet occurred the Babcock and Belknap scandals. The "whiskey ring" in which the government was chiseled out of liquor taxes, and the Sanford frauds in the collection of back taxes all reeked with corruption. Even the State Department did not escape. Holders of certificates awarded by the Mixed Venezuelan Commission asked that the government recall the certificates as they had been compelled to pay one of the American commissioners fifty per cent of their claims to have them allowed.<sup>1</sup> The government was defrauded of untold millions by its closest advisers.

Congress itself was not free from scandal, for in its midst the Credit Mobilier rose up to plague many members. The Credit Mobilier was an organization incorporated by and mostly owned by the stockholders

---

(1) Henry Minor, The Story of the Democratic Party, 304.

of the Union Pacific Railroad Company. Securing contracts for construction at high rates, it sublet these contracts at lower rates, the profits going to the Credit Mobilier organization. Stock in this company was placed by sale or gift where "it would do the most good." Vice-President Colfax, Secretary of the Treasury, two Senators, Speaker Blaine, and six other members of the House were implicated by the charges.<sup>2</sup> Only three were found guilty, but the others implicated were never to live down the suspicions cast against them.

In addition to these scandals the Forty-second Congress on the last day of its existence passed the "salary-grab" bill, increasing its salaries and making it retroactive so as to apply to the two years service just ending.

Railroad speculation, credit inflation, coupled with corruption and lack of sound financial legislation, threw the country into the throes of a panic in 1873. Like all depressions, this one was characterized by stagnant business, bankruptcies, wide-spread unemployment, and intense suffering. The panic, scandals, corruptions, inefficient administration, salary grabs, coupled with the willingness on the part of the South to promote better relationships as embodied in a speech made by L. Q. C. Lamar,<sup>3</sup> resulted in a Democratic landslide in the off year election of 1874. Although the Republicans still controlled the Senate, the House was now under a new leadership with 168 Democrats, 14 Liberals, and 108 Republicans.<sup>4</sup>

---

(2) James F. Rhodes, History of United States Since Compromise of 1850, VII, 1.

(3) An eulogy on Charles Sumner, a most bitter critic of slavery.

(4) Minor, 309.

It was at this election that Payne returned to public life.

A card, dated September 16, 1874, invited him to run for Congress.<sup>5</sup>

It read as follows:

To Honorable H. B. Payne:

Dear Sir: The undersigned citizens of Cuyahoga county, members of both the great political parties of the country, believing that it is of utmost importance that this Congressional district should be represented in the next Congress by a man thoroughly familiar with its business wants, and closely identified with its commercial and manufacturing interests, and who shall, at the same time, be able to grasp the great financial questions which are likely to demand solution, respectfully ask you to allow us to present your name at the ensuing election as a candidate for Congress.....

About 180 signatures were attached to the card with an appendage that read "and one thousand others."

After careful consideration Payne accepted, and on September 23, 1874, the Democratic convention of the 20th district nominated him as its candidate for Congress. It must be remembered that at this time Payne was an active director in the Cleveland Rolling Mill Company, the Boiler Plate Company, the Union Steel Screw Company, and other heavy enterprises that were at the time building up Cleveland industrially.<sup>6</sup> It is quite evident then that the business elements of Cleveland, whose interests had been severely injured by the depression, had chosen a man from their own ranks, who was thoroughly versed in methods of finance. He said in his acceptance that he would look after the commercial, industrial, and manufacturing interests of Cleveland, and secure a breakwater and harbor refuge for the city.<sup>7</sup> As to national

---

(5) Cleveland Plain Dealer, September 22, 1874.

(6) Cleveland Plain Dealer, September 23, 1874.

(7) Ibid.

affairs, he agreed with the resumption of specie payments for greenbacks but favored a policy of gradual redemption so as to produce no shock or alarm to business by the sudden retirement of millions of dollars.

From the first of October until election day, the 13th, Payne was busy making speeches. His opponent, the Republican incumbent, R. C. Parsons, was not above reproach for his activities in the preceding Congress, and as a result a dirty campaign ensued. Parsons was accused of being a grafter, a draft dodger, and an advocate of the "woman movement." Payne was accused of being intolerant toward foreigners, and a man of wealth whose interest would not be with the people. Since he owned much property, he was accused of charging excessive rents to the working people, an attempt to secure the vote of the poorer classes for Parsons.

During this campaign, Payne was not strictly a party man, and his election would not indicate a straight-out Democratic victory. He campaigned with such phrases as "before the people in the interests of honesty and integrity," and "not in party's interest against right and honor, but in the interest of integrity and purity of public service."<sup>8</sup> He needed and received votes of other than Democrats to win this election.

Thirteen months later, December 6, 1875, Payne found himself in Washington ready to assume his duties as a member of the Forty-fourth Congress. Because of his outstanding accomplishments relative to

---

(8) Cleveland Plain Dealer, October 14, 1874.

finances in the city of Cleveland and his knowledge of business and money situations, he was quite properly placed on the committee on Banking and Currency.<sup>9</sup> Probably due to his activities in reforming so many branches of the city government in Cleveland, he was also placed on the committee for Reform in Civil Service. His most consistent and persistent work was, however, done in the former committee.

Payne lost no time in attempting to do something in the way of remedying the financial evils of the country. One such evil to Payne was the Specie Resumption Act. Knowing there would be a Democratic majority in the next House after the 1874 election, the lame-ducks of the 43rd Congress hurriedly passed the Specie Resumption Act. This act, backed by the hard money interests, which embodied most of the Republicans, called for the withdrawal of greenbacks as fast as National Bank notes could be issued in the proportion of \$80 to \$100 until the greenbacks would be reduced to 300 million. It further provided that on January 1, 1879, the government should begin the redemption of greenbacks in coin; and to enable the treasury thus to resume specie payment, it was authorized to use surplus revenue and to sell bonds for the purpose of accumulating gold. Such a policy, calling for the contraction of money during hard times, and borrowing through bonds to redeem paper money, created much opposition among Democrats and Liberal Republicans.

On January 10, 1876, Payne introduced in the House a bill to provide for the gradual resumption of specie payment.<sup>10</sup> The bill was re-

---

(9) Congressional Record, 44th Congress, 1st session, 250-251.

(10) Ibid., 1984.

ferred to the committee on Banking and Currency and ordered printed. This bill, known as the "Payne Compromise" bill, had features to suit both the hard money Democrats and the inflationists among the Democrats. Simplified, the bill compelled the government to lay aside each year in gold an amount equal to three percent of the greenback circulation, and compelled the National Banks to lock up in gold three percent of their circulation. The greenback circulation at the time was \$370,000,000; the National Bank circulation was \$350,000,000. Three percent in gold on both circulations in a year would amount to \$21,600,000 to be laid aside annually.<sup>11</sup> This accumulation was to continue until the amount reached thirty percent of the volume of paper money which would be \$216,000,000. To accumulate this amount of gold would have taken nearly ten years, or to about July 1, 1885.<sup>12</sup> The bill did not say paper money would be redeemed in gold at that time. It merely provided that thereafter the paper money would be backed by thirty percent gold. Thus the bill would repeal the Resumption Act of 1875, it would call for no contraction of currency, it did not directly or indirectly fix the date of resumption, but left it for the future when circumstances would permit, it recognized specie payment as desirable, and provided a slow and gradual process of doing it as to not distract business.

Truly it was a compromise bill. It would satisfy hard money Democrats by backing paper money with gold, a reserve never to go below thirty percent; it would satisfy the inflationists for it did not definitely call for the retirement of greenbacks.

---

(11) Cleveland Plain Dealer, March 22, 1876.

(12) Ibid.

That Payne possessed great financial sagacity is without question. He thought the Resumption Act of 1875 entirely impractical, and believed it would, if carried out, plunge the business of the country into disaster and ruin. Although a hard money man, he knew that a contraction of currency would have a retarding effect upon business still in the throes of an economic depression. Thus he favored this policy of neither contraction nor expansion, a policy of a gradual accumulation of coin that would raise paper money to the level of gold.

Besides promoting improved business conditions, this compromise bill was designed to close the gap in the ranks of the Democratic party. The party was split wide open on the greenback issue, and if the Democrats were to be successful in the approaching presidential race, harmony ought to prevail before the selection of a candidate. It seemed at first to have the desired effect, for the joint Democratic financial caucus, held Wednesday evening, March 15, 1876, voted in favor of the Payne bill 69-46.<sup>13</sup> Having secured the approval of the Democratic joint caucus, but not the support of his own committee on Banking and Currency, Payne nevertheless made attempts to get his bill before the House without the approval of the committee. On March 27, 1876, he moved that the rules be suspended and the bill known as the Payne bill be re-read and passed.<sup>14</sup> Kasson, a Republican, immediately challenged with the question, "Does it come from any committee of the House?"<sup>15</sup> The obvious answer was no. After considerable bickering in which Payne would answer no questions, but repeatedly demanded suspension of the rules, the vote was taken and

---

(13) Cleveland Plain Dealer, March 16, 1876. Senator Thurman spoke in favor of this bill at the meeting.

(14) Congressional Record, 44th Congress, 1st session, 1984.

(15) Ibid.



the motion defeated 81-157.<sup>16</sup> Payne was sustained by some of the outstanding Democrats of the North and by all the Southern Democrats, but opposed by all the Republicans.<sup>17</sup> Only the ultra hard money Democrats and the ultra greenbackers of the Democracy voted against the suspension. Party harmony on the money question, so the vote revealed, was a delusion.

Defeated in this attempt, unable to get the stamp of approval from his own committee, and in the midst of party conventions, Payne saw his bill die a lingering death. Although adjournment brought death to the bill itself, the idea of repealing the Resumption Act of 1875 did not die with it.

Since it was election year, and with the first session of the 44th Congress ended, members of Congress had to return home and campaign for re-election. Cleveland Democrats were again ready to help Payne to be re-elected in the fall. Payne, however, thought otherwise. To the editor of the Cleveland Plain Dealer, he wrote: "I must adhere to the resolution deliberately formed that in no possible emergency would I again appear before the public as a candidate for office."<sup>18</sup>

Because of his ability as a party leader and due to his work in attempting to reconcile the factions of the party on the money question, Payne was again and again mentioned by newspapers, especially the Ohio papers, as a likely candidate for the presidential nomination in the Democratic convention. However, no attempt was made to nominate him when the time came.

---

(16) Congressional Record, 44th Congress, 1st session, 1984.

(17) Cleveland Plain Dealer, March 28, 1876.

(18) August 23, 1876.

Tilden was an ideal candidate on a reform platform. His political record was based on his prosecution and overthrow of the Tweed ring in New York City, followed by his expose of the Canal ring, a powerful combination of men of both parties in the state who were making millions annually out of canal contracts.<sup>19</sup> With Hendricks as his running mate, whose soft money views hurt the ticket in the East, but added strength in the West, the Democratic party was in its best condition in a good many years.

The morning after the election practically every newspaper in the country announced Tilden's election. However, later returns indicated 184 uncontested electoral votes for Tilden and 165 for Hayes, with South Carolina's seven, Louisiana's eight, Florida's four, and one from Oregon in dispute. From Louisiana, South Carolina, and Oregon came two sets of returns, and from Florida three sets of returns. To win Tilden needed one vote and Hayes all of the doubtful votes. Both sides continued to claim victory and so threatening had become the state of affairs that the calmest men of both parties worked together for a settlement, originating the Electoral Commission. This Electoral Commission was the product of a joint committee from both branches of the lame-duck session of the 44th Congress which was now in session. The commission was to consist of five Representatives, five Senators, and five members of the Supreme Court, of which were four named in the bill and empowered to select the fifth. The act creating this commission also stated that "the findings shall be final unless rejected by both Houses of Congress."<sup>20</sup>

---

(19) Rhodes, IV, 408.

(20) Rhodes, VII, 255.

Payne was one of the members of this joint committee for framing the electoral bill, and to him largely was left the responsibility for securing its passage in the House. So eloquently and convincingly did he advocate the bill to his own members that in the vote on the measure 159 Democrats and 32 Republicans assented, while 68 Republicans and only 18 Democrats dissented.<sup>21</sup> It is evident by the vote in the House that the Democratic element of the country was willing to trust the election to the findings of the commission, for truth seemed to be on its side, while the Republicans were not disposed to trust such findings. Democrats throughout the country complimented Payne on his splendid generalship in martialing the electoral bill through the House, but the Republican Cleveland Leader thought otherwise: "The bill was most cunningly drawn up and planned by that shrewd lawyer, cunning politician, and unscrupulous partisan, H. B. Payne."<sup>22</sup> In the Senate the voting was similar, 26 Democrats and 21 Republicans voting for, and 16 Republicans and 1 Democrat against.<sup>23</sup>

The electoral commission itself was then chosen. The House selected three Democrats and two Republicans, the Senate three Republicans and two Democrats, while four of the justices selected were equally divided between the two parties. Justice David Davis, an independent from Illinois, would have been the fifth judge to be selected by the other four. However, on January 25, the same day that Payne introduced the Electoral Count bill in the House, David Davis with Democratic support

- 
- (21) Congressional Record, 44th Congress, 2nd session, 1050. The division of votes according to parties is from Rhodes, VII, 261.  
(22) January 30, 1877.  
(23) Congressional Record, 44th Congress, 2nd session, 913. The division of votes according to parties is from Rhodes, VII, 261.

was chosen Senator by the Illinois legislature.<sup>24</sup> This was a blow to the Democratic party for it had counted heavily on Davis. Since there were but two Democrats on the Supreme Court, the fifth member to be chosen had to be a Republican. Justice Bradley, a moderate Republican, was selected as the fifteenth member of the commission.

As an honor to the man who had much to do with the creation of the commission, Payne was selected not only as a member of the commission, but was also made chairman of the House group. By a vote of 8-7 in each case, the electoral votes of South Carolina, Florida, Oregon, and Louisiana were given to Hayes. Each time the commission reported its findings the Democratic House dissented and the Republican Senate assented, and since the act stated that both houses had to disapprove, the disputed votes were counted for Hayes to give him the election.

Payne, who was ever watchful to prevent a miscarriage of his purpose to have the dispute settled according to the rules of justice and constitutional procedure, voted each time for counting the votes of the disputed states for Tilden. On February 28, four days before the new president was to be inaugurated, Payne voted yes on a House motion for a recess during the consideration of the South Carolina case.<sup>25</sup> Evidently, like some other Democrats, he was in favor of stalling for time since every decision of the Electoral Commission was an 8 to 7 one and Hayes seemed certain to win. He was disillusioned as to the integrity of the men on the commission. Eyes were closed and votes given not on

---

(24) Rhodes, VII, 263.

(25) Congressional Record, 44th Congress, 2nd session, 2007.

evidence submitted, but on party lines present. The stalling was not successful, however, due to dictatorial tactics on the part of the Speaker of the House. Later on in the afternoon, Payne, along with other Democrats, accepted a House motion that the electoral vote of South Carolina not be counted in conformity with the Electoral Commission's decision, and that the Senate be notified that the House was ready for joint action in continuing the count of the electoral votes,<sup>26</sup> the result of which was known without the formal procedure of counting.

Except for the election of a president this lame-duck session accomplished very little. Payne's entire time was taken up by his work on the Electoral Commission. His "compromise bill" had been forgotten, and he had not secured the breakwater for Cleveland. Two years as a Congressman revealed him as being active and industrious, but having accomplished very little. And so, having lived up to his promise to return with clean heart and hands, he returned to Cleveland to look after his private affairs for a few years to come.

Chapter III.

Election to the Senate.

Payne was not a candidate for the nomination of President in 1880. At the state Democratic convention Senator Thurman had been endorsed by the Ohio Democracy, which had instructed the delegates to the national convention at Cincinnati "to use every honorable effort to secure the nomination of Allan G. Thurman."<sup>1</sup> However, under the leadership of David R. Paige and W. W. Armstrong, a Payne boom was started.<sup>2</sup> After the New York state Democratic convention appointed William C. Whitney, Payne's son-in-law, to the New York delegation to the convention, and when it was learned that Payne could secure the solid vote from New York state, efforts were at once made to secure the Ohio delegation for Payne rather than Thurman.<sup>3</sup> Agents working for Payne visited the Ohio delegates to persuade some of them to change. Thurman and his friends were not ignorant of the state of affairs, nor were the operations of Payne's agents confined to Ohio. Missionary trips were made into the neighboring states to secure the endorsement of those states for Payne, the emissaries arguing that Payne, and not Thurman, had a majority of the Ohio delegation.

Finally Thurman made an attempt to check this treasonable opposition. He sent out a letter to the members of the Ohio delegation to meet him in conference at Columbus, Ohio, Saturday, June 18, 1880. About half of the forty-four delegates were present. During the conference Thurman said that his name had been mentioned as a candidate for the presidency, but

---

(1) Myers, 171.

(2) Ibid., 170

(3) Ibid., 170.

it was not his candidacy.<sup>4</sup> He hoped that every Democrat who went to the convention at Cincinnati would go as an Ohio Democrat and not as a Thurman man. However, he assured them strong support from other states if Ohio, as a unit, would support him. He told them he thought he could carry Ohio against Garfield. The delegates present received his speech as coldly as they did that of Pendleton, who afterwards spoke fervently in favor of Thurman.

On the second day of the National Democratic Convention the first ballot was taken which resulted as follows: Hancock 171, Bayard 153, Payne 81, Thurman 68, Field 65, Morrison 62, Hendricks 50, Tilden 38, and a few scattered votes.<sup>5</sup> As the balloting began on the next day, Hancock was the leading candidate. His nomination seemed certain as the roll call proceeded. As agreed upon previously, the Ohio delegation withdrew for consultation to decide for whom it should vote, though the delegation had been instructed to "use all honorable effort to secure the nomination for Thurman." When the delegates returned, a solid vote was cast for Hancock, who had already been nominated.<sup>6</sup> The Payne boom for president was thus punctured as was unity among the Democrats in Ohio.

Four years later in January, 1884, a United States Senator was to be elected from Ohio. In October, 1883, a new state legislature was chosen. At the time of the election the Democratic members were instructed for one or the other of two candidates for the Senate, George H. Pendleton, the incumbent, and Durbin Ward, both men of prominence and long service in the public life of Ohio. However, anti-Pendleton feeling was developing

---

(4) Myers, 173.  
(5) Minor, 331.  
(6) Myers, 180.

in Ohio. Pendleton's work as a Senator was not satisfactory to a good many Democrats. After the assassination of Garfield, Pendleton became the most ardent champion in the Senate of the bill drafted by the Civil Service Reform Association, which had in January, 1883, become a law. Pendleton realized that his action was not pleasing to many Democratic workers, but believing that his course was right, he never wavered in his fight for the merit system.<sup>7</sup> Being a low-tariff man, Pendleton also incurred the wrath of those Democrats who favored protection. Much opposition on this score came from John R. McLean and his Cincinnati Enquirer. The Cleveland Plain Dealer, another Democratic paper, opposed Pendleton because he had voted to confirm the appointment of Stanley Matthews as Justice of the Supreme Court.<sup>8</sup> Matthews, said the Plain Dealer, had been instrumental in the defeat of Tilden in the disputed states, which not only deprived the people of their honest votes, but also was a crime against the Democratic party. Thus many Democrats of Ohio were determined to end the Senatorial career of Pendleton by defeating him in the legislature.

His greatest opposition, which was the result of a blunder, came from his own party in his own county, Hamilton. In the preceding fall election for members of the General Assembly, he led a bolt from the party when he saw that the nominees of the regular Democratic ticket from Hamilton County were not for him. To be re-elected to the Senate he needed the votes of the representatives of his own county. Remaining in the background and working through others, he engineered an attempted

---

(7) Ohio, The History of a Great State, Simeon Fess, ed., IV, 219.

(8) December 14, 1883.



revolt to the Republican candidates. He tried to drive the regulars from the field with the threat of giving his votes to the Republican nominees. The regulars refused to withdraw, and as a result his scheme ended in failure, and all hope of Democratic support from his own county was lost.<sup>9</sup>

Hardly were the October elections over when suddenly and without warning there occurred a "Payne for Senator" boom. Headquarters for the "Payne for Senator" campaign were set up in the Neil House in Columbus with Oliver Payne, a son of the candidate and the treasurer of the Standard Oil Company, and Colonel Thompson, a prominent personage in the same concern, in charge.<sup>10</sup> Since the Democrats had a majority in both branches of the Assembly, it seemed certain that a Democrat would be elected. A three-cornered fight ensued for the necessary forty-two votes to secure the caucus nomination.

The first week in January saw each faction striving to round up the necessary votes. Since the Payne element was supposedly backed by the Standard Oil Company, most of the "mud throwing" was directed at Payne. The contest for the Senatorship was called a contest between Civil Service Reform and Standard Oil.<sup>11</sup> The Cleveland Plain Dealer, an ardent backer of Payne, was accused by the Delaware Herald of "being demoralized by too free use of Standard Oil."<sup>12</sup> In a reply the Plain Dealer called attention to the fact that Payne had no interest in the Standard Oil Company to which the Ohio State Journal, in an earlier edition, seemed to have made a

---

(9) Sandusky Daily Register, January 9, 1884.

(10) Ida M. Tarbell, The History of the Standard Oil Company, II, 113.

(11) Cincinnati Commercial Gazette, January 1, 1884.

(12) January 6, 1884.

fitting reply: "There is enough of it in the family, however, to lubricate the way to the Senate."<sup>13</sup> The Republican papers had a week of field days over the apparent corruption taking place in the Democratic ranks. The Ohio State Journal ran the following satirical advertisement:<sup>14</sup>

Sealed Proposals:

Will be received at the headquarters of the Democratic Executive Committee in the city until Saturday, January 5, 1884, for the purchase of the seat in the United States Senate now held by Honorable G. H. Pendleton, said seat being for sale without reserve, to the highest bidder. Said seat will be delivered to the purchaser March 4, 1885, at twelve noon in the city of Washington. The bidding is open to all male citizens of Ohio who have voted at least one Democratic ticket, or who have expressed their intention to so vote at some future general election. Sale positive to the highest bidder, and no questions asked. All bids must be addressed

Democratic State Executive Committee  
Columbus, December 30, 1883.

In addition to accusing Payne's men of buying votes with Standard Oil money, his enemies used his personal record against him. He was accused of being opposed to trade unionism, and it was charged that in several labor crises he had always taken the part of the bosses and "scabs."<sup>15</sup>

On the other hand, those supporting Payne had much to say about Pendleton, for indications pointed toward a two-man race. The Columbus Capital had this to say:<sup>16</sup>

In the Senatorial fight now approaching a crisis, the Capital is not for Payne, the

---

(13) December 10, 1883.

(14) January 1, 1884.

(15) Cincinnati Commercial Gazette, January 1, 1884.

(16) Reprinted in the Cincinnati Enquirer, January 2, 1884.

millionaire, or Payne, the relative of Standard Oil stockholders, but for Payne whose Democracy was not learned in European academies, ... for Payne whose head has not been turned by a presidential bee, thereby unamericanizing him into the originating, championing, and passage of a bastard British Civil Service class law; to Payne, who boasts of no ... manhood of railroad wrecking ... The Capital advocates no millionaire or aristocrat for United States Senator, but when two evils are presented it for acceptance, the millionaire comes before the aristocrat and Anglo-American.... Hence again we repeat our pen and voice for Payne--he is the least evil, ... and will not tax his great talents to invent legislation designed to keep honest mechanic and sturdy farmer from enjoying the honors and emoluments of office.

In summing up the week of blistering campaigning, the Republican Cincinnati Commercial Gazette said, "Never was there such mud throwing in any partisan campaign as there is in this fight among the Democratic brethren. If both sides are to be believed, then neither Pendleton nor Payne ought to be elected."<sup>17</sup>

Although it had been the custom to hold the caucus in the middle of the second week, the Payne men worked like beavers for an earlier caucus, urging that it be held on Saturday evening following the afternoon organizations.<sup>18</sup> This would check the increasingly detrimental effects of anti- "Standard Oil" propaganda. On the other hand there was a desire on the part of Pendleton's men to put off the caucus until the latter part of the following week.<sup>19</sup> They evidently wanted more time to shout "Standard Oil" in the hope that the tide might change to Pendleton, who was aware that he was fighting a losing battle.

---

(17) January 1, 1884.

(18) Cincinnati Commercial Gazette, January 5, 1884.

(19) Ohio State Journal, January 3, 1884.

During the week Thurman was courted by both sides. Each was playing for his support. The Payne men actually feared him, but expressed the idea that in case Pendleton should weaken and Thurman be substituted in his place, they were ready to shift the attack to Thurman. When Pendleton asked for aid, Thurman told him that the most reasonable chance to defeat Payne was to combine with Durbin Ward. Pendleton did not agree to this suggestion and left the interview in an unhappy state of mind.<sup>20</sup> Thurman decided to help neither side, for he did not wish to arouse the enmity of the Payne group, nor did he owe Pendleton any debt of gratitude. The Ohio State Journal was of the opinion that Thurman saw a solid Ohio delegation to the next National Convention if he kept his hands off in this fight.<sup>21</sup> However, on the evening before the caucus, Thurman wrote the following letter: "I have nothing to say against either candidate ... But there is something that shakes one in the idea of crushing men like Ward and Pendleton, who have devoted the best portions of their lives to the maintenance of Democracy, by a combination against them of personal hatred and overgrown wealth."<sup>22</sup>

Favoring the Payne group, who wanted as early a caucus as possible, the Payne supporters were successful in getting the caucus called for Tuesday evening, January 8. At the Democratic caucus on Saturday for offices in the House and Senate, the Payne men took most of the important places, which was a blow to the Pendleton force and a forecast of the outcome. The day of the Senatorial caucus was one of anxiety to the members.

---

(20) Cincinnati Enquirer, January 5, 1884.

(21) January 4, 1884.

(22) Cincinnati Commercial Gazette, January 8, 1884.

They were besieged on all hands by delegations who had been sent to exert their influence. Members began withdrawing from the hotel lobbies shortly after seven o'clock for the meeting was called for eight o'clock.<sup>23</sup> The House chamber, the scene of the joint caucus, was crowded when it came time for the gavel to go down, but Senator Elmer White had no sooner called for order than a motion was carried to have the House cleared of all spectators. After the halls were cleared and tellers appointed, the committee on rules offered the majority and minority reports. The majority report stated the methods of procedure in the nominations and called for a secret ballot. The minority report differed from the majority report in that it recommended an open ballot, a procedure in which each member orally declared his choice of a candidate. The majority report was adopted by a vote of 57 to 25, every Payne man voting for it, and every Pendleton man against it.<sup>24</sup> Nominations were then in order. Senator Williams of Cuyahoga nominated Payne, Senator Oneil of Muskingum nominated Pendleton, and Senator Elliot of Butler nominated Ward. The voting took place immediately with the result that Payne had 48 votes, Ward 17, and Pendleton 15. After the necessary motion the election of Payne was made unanimous.

None of the leaders was at the State House during the caucus. They kept posted on the proceedings by messengers. Immediately after the result was announced, the lobbies of the Neil House again filled. There was a large number of visitors to the rooms occupied by Oliver Payne,

---

(23) The following description of the joint nominating caucus was taken from the Ohio State Journal, January 9, 1884.

(24) Cincinnati Commercial Gazette, January 10, 1884.

most of whom went away puffing cigars of the finest brand.<sup>25</sup>

In response to all approaches of reporters Ward merely said: "I have nothing to say at present." One of Ward's warmest friends said, while speaking of the election: "Gentlemen, this is the first time in my life that I have grown lukewarm in my support of the Democracy. But when I see our representatives bought and sold like cattle in the yards, and the party at large prostituted and disgraced by their actions, I feel like renouncing them."<sup>26</sup> Senator Pendleton and Ward exchanged congratulations and condolences, and remarked that while they went down together in honorable defeat, their successful opponent succeeded "striped with Standard Oil."<sup>27</sup>

Payne was at home in his library when informed that he had been nominated by the caucus. The following morning a Republican newspaper summed up the election rather pointedly when it said: "It will be noticed that no open ballot was taken in the caucus on any point, all votes being made in secret. Secrecy marked the career bought with gold, and secrecy covered all its deeds."<sup>28</sup>

On January 15, the two houses met and officially elected Payne the next Democratic Senator from Ohio. On the following day a member of the House introduced a resolution calling for the appointment of a committee to investigate the charges of bribery and corruption. The resolution was loaded down with amendments to investigate the administration of Foster, the retiring Governor. Being opposed now by two groups it was decisively defeated.<sup>29</sup>

---

(25) Ohio State Journal, January 9, 1884.

(26) Ibid.

(27) Ibid.

(28) Cincinnati Commercial Gazette, January 9, 1884.

(29) Ohio State Journal, January 17, 1884.

Payne journeyed to Columbus to participate in a banquet in his honor to be held at the Neil House on Thursday evening, January 17.<sup>30</sup> In his speech of acceptance at this banquet Payne made known his position on various issues of the day. On civil service he said: "Clean house of Republicans who have filled positions for twenty-three years, by electing a Democratic president who will allow to enter none but such as bear the Jeffersonian stamp of honesty and capacity, and those only from the Democratic party until its full ratable share enter to guard and protect the public interests."<sup>31</sup> By such a stand he repudiated the State Democratic platform of 1881 on civil service reform. On the tariff question he favored a tariff for the protection of industries and not purely for revenue.

The day following the banquet Payne left for Cleveland to endure a thirteen month period of waiting before taking office in the 49th Congress in March, 1885.<sup>32</sup>

The student of history is faced with a problem that has no solution when he attempts to answer the question as to whether the Senatorial seat was purchased. No documentary evidence can be produced to prove the charge. In cases of bribery those doing the bribing and those being bribed would hardly leave any tangible evidence that could be used

---

(30) Regarding this banquet, the Columbus Daily Times, January 11, 1884, stated that "Standard Oil sauce" will be one of the condiments.

(31) Ohio State Journal, January 18, 1884.

(32) Regarding the time until he took office, the St. Louis Globe Democrat, as reported by the Ohio State Journal, January 22, 1884, said: "We suppose that the Standard Oil Company is carrying sufficient insurance on his life to make good the cost of his election in case he should happen to die in the meantime."

against them. The student of history must in this case base his conclusions upon circumstantial evidence. This circumstantial evidence seems to convict Payne when such questions as the following are confronted. Why was the Payne group so anxious that the voting in the caucus be kept secret? Why did they want the caucus to be held as early as possible? Why were two members of the Standard Oil Company chosen as Payne's generals in the campaign? Why did many Democratic representatives, who were pledged to Pendleton or Ward, change to Payne at the last minute? Why were some representatives able to purchase large sums of real estate soon after the election?<sup>33</sup> Why were the opposition papers, both Democratic and Republican, making so much of Standard Oil influence? Why did Oliver Payne, in a remark often repeated, say that the election cost him \$100,000?<sup>34</sup> Why did not Payne take the initiative and ask for an investigation to clear his name? Such questions cannot be ignored, yet no documents can be secured to prove the "purchase". The United States Senate found such to be the case in 1886.

When the General Assembly of Ohio met in December, 1885, after the fall elections, it found itself under Republican control. On April 27, 1886, testimony gathered by an investigating committee of the Republican House concerning the right of Payne to his seat in the United States Senate was turned over to the Senate Committee on Privileges and Elections

---

(33) Senate Report, No. 1490, 49th Congress, 1st session 23. Senator Elmer White of the Ohio Assembly on March 22, 1884, purchased a residence for \$4,200 of which \$2,000 was paid in cash and the balance by May 8. He had no business of any kind, no savings, and refused to state how he got the money.

(34) Ibid., 23.



by action of the upper house.<sup>35</sup> The testimony was gathered from an examination of fifty-five witnesses. During the examination Payne wrote a letter, dated January 22, 1886, to the investigating committee of the Ohio House in which he offered to open all personal correspondence and accounts to the committee.<sup>36</sup> No effort, however, was made by the committee to take advantage of Payne's offer. On May 26, 1886, a resolution from the same House, demanding a Senatorial investigation of Payne's election, was given to the same committee.<sup>37</sup> Similar resolutions came from the Ohio Senate and from the Republican State Central Committee of Ohio. Carefully weighing the evidence submitted, the Senate Committee on Privileges and Elections made a report of its findings on July 20, 1886. The majority report failed to find sufficient evidence that Payne had knowingly or unknowingly done anything "that was wrong, immoral, criminal, or reprehensible in his election," and recommended that the investigation be ended.<sup>38</sup> A minority report, submitted by Hoar and Frye, recommended that the Committee on Privileges and Elections continue the investigation of charges affecting the seat of H. B. Payne by sending for persons and papers necessary for the investigation.<sup>39</sup> The debate among members regarding the majority report continued warmly for the next two days with Logan and Evarts, Republicans, defending Payne, and Hoar and Frye, Republicans, condemning him. Most of the debating was done by these four Republicans. However, Senators Eustis, George, and Call, all Demo-

---

(35) Senate Report, No. 1490, 49th Congress, 1st session, 1.

(36) Congressional Record, 49th Congress, 1st session, 7206.

(37) Senate Report, No. 1490, 49th Congress, 1st session, 1.

(38) Senate Report, No. 1490, 49th Congress, 1st session, 8.

(39) Ibid., 40.

crats and members of the Committee on Privileges and Elections, defended points in the majority report when necessity demanded it on a few occasions. On the 23rd of July, the Senate by a vote of 44 to 17 adopted the majority report.<sup>40</sup>

Regardless of the extent of vindication given him by the Senate committee, Payne's actions in the Senate were watched quite closely by those who believed that he represented the Standard Oil influence. In all probability Payne himself was innocent of any corruption, but some still see in his legislative record evidences of gratitude to those who secured his election.

---

(40) Congressional Record, 49th Congress, 1st session, 7361.

Chapter IV.

Tariff Legislation During His Term.

The connection between tariff legislation and the state of the revenue has been very constant in our history.<sup>1</sup> In 1842 an empty treasury resulted in the passage of a high protective tariff. Overflowing revenues caused a tariff reduction in 1857. However, a need of money to carry on the Civil War led to the higher tariffs embodied in the act of 1864. When the tariffs were not lowered after the Civil War, a large revenue surplus began to accumulate. Sentiment for tariff reduction gained fresh impetus. This excess of government receipts over government expenditures meant that the people were paying needless taxes, and also that money so necessary to business development was being kept out of the channels of circulation. There was no necessity for any idle surplus. The root of the difficulty lay in the tariff.

In May, 1882, upon President Arthur's suggestion, Congress passed an act for the appointment of a tariff commission. This commission, consisting of men outside the halls of Congress who were familiar with the tariff situation, was to study the problem during the summer, and at the next session of Congress, was to report what changes it thought necessary. As the majority in Congress at the time were protectionists, all nine appointed on the commission were protectionists by conviction.<sup>2</sup> However, in making the report to the Congress at the beginning of the session of 1882 and 1883, the commissioners, although they were all members of protected trades,<sup>3</sup> recommended an average cut from twenty to twenty-five

---

(1) F. W. Taussig, The Tariff History of the United States, 230.

(2) Ibid., 231.

(3) E. P. Oberholtzer, History of the United States Since the Civil War, IV, 155.

percent and declared that no rates of defensive duties except for new industries could be justified.<sup>4</sup>

President Arthur gave his support to the recommendations, but when Congress set about to make a bill that would accord with the recommendations of the President and the commission, the combined industries began an assault on the proposed reductions. John L. Hayes, the Secretary of the Wool Manufacturers Association, who was chairman of the tariff commission, laid aside his duties on such commission, and, as agent of the wool manufacturers, began a campaign to get higher rates for them than he as commissioner had recommended.<sup>5</sup>

As finally adopted, the tariff bill of 1883 fell far short of the reductions proposed, and lacked both consistency and harmony. Some duties were increased; some were lowered. The little reduction that did take place seemed like an attempt on the part of those wishing to maintain a system of high protection to make some concession to a public demand for a more equitable tariff system. That the tariff of 1883 was a victory for the protectionists there can be little doubt. Thus with little change in the tariff situation, the treasury surplus problem was as great as ever.

Between the tariff act of 1883 and the next one of 1890, many attempts at reduction were made. In 1884, Morrison, a Democratic Representative from Illinois, introduced a bill in the House which called for a horizontal reduction of twenty percent and the entire remission of duties on iron ore, coal, lumber, and other articles. Opposition from all Republicans and from a strong protectionist minority within his own

---

(4) Ida Tarbell, The Nationalizing of Business, 190.

(5) Ida Tarbell, The Tariff in Our Times, 113.

party under the leadership of Randall of Pennsylvania, combined to put an end to this bill.<sup>6</sup>

During Cleveland's first two years as president these forty-one Randall Democrats together with a Republican minority successfully obstructed all tariff legislation in the House. On June 17, 1886, the House refused to consider Morrison's tariff bill and refused consideration again on December 18, 1886.<sup>7</sup> Both times the Randall Democrats supported the Republicans contrary to Cleveland's wishes. Such actions had not alleviated the treasury surplus problem, and Cleveland, who was worried because of the unusual amount of capital in the surplus, became desperate. To the 50th Congress on December 6, 1887, he devoted his message entirely to the tariff question.<sup>8</sup> He replied to all critics, showed what he thought to be the fallacy of protection, pointed out the idle surplus in the treasury which he said would amount to \$140,000,000 by June, 1888, and concluded that the remedy for such idle surplus lay in the reduction of the tariff.

With many new members in the House the situation was changed. Mills, the chairman of the Ways and Means Committee in the House, prepared, in response to Cleveland's message, a tariff bill calling not only for a number of reductions, but placing many articles on the free list. It was passed by the House 162 to 149 distinctly as a party measure.<sup>9</sup> Only four Democrats voted against it, while the Republicans were unanimous in their opposition to it.<sup>10</sup> When it reached the Republican Senate, William B.

(6) Taussig, 253.

(7) Oberholtzer, IV, 438.

(8) J. D. Richardson, Messages and Papers of the Presidents.

(9) Congressional Record, 50th Congress, 1st session, 6660.

(10) Taussig, 254.

Allison of Iowa, aided by Nelson W. Aldrich of Rhode Island, took charge of it, and by way of counter manifesto, proceeded to change this bill in the direction of further protection. However, the bill failed to get beyond the Senate Finance Committee before Congress adjourned on October 20, 1888. Thus by refusing to accept the Mills bill, and making no effective motion to pass its own, the Senate blocked tariff legislation during that session.

During the second session of the 50th Congress, the Allison bill emerged from the Finance Committee for consideration by the Senate. On January 22, 1889, it passed the Senate on a strictly party vote 32 to 30.<sup>11</sup> Along with other Democrats Payne voted no on the bill. It must be remembered that Payne favored a protective tariff, but not one as high as this. Referring to the tariff situation in the summer of 1884, Payne, in a letter to J. R. Doolittle of Wisconsin, wrote: "Leaving out the few rank, selfishly ambitious, idiotic free-traders, all will agree that a wise revision is desirable with a view to a large reduction of revenue as well as taxation."<sup>12</sup> Only once during the debate in the Senate on the various items of the bill did Payne offer any arguments. When the amendment for the reduction of tariff on structural iron and steel was before the Senate, Payne argued that there was no need of a reduction here.<sup>13</sup> He said that there were but one or two such steel mills in the United States at the time. The capital outlay necessary for such an industry was prohibitive for many companies. As a result there could be no monopoly

---

(11) Congressional Record, 50th Congress, 2nd session, 1105.

(12) Ohio Archaeological and Historical Society Publications, XXII, 546.

(13) Congressional Record, 50th Congress, 2nd session, 67.

fostered by a high tariff, and in order to protect those which did exist, there ought to be no reduction in tariff on structural steel.

The tariff on tin-plate was a major problem in this bill. At that time the tariff on tin-plate according to the act of 1883 was one cent per pound. The Standard Oil Company was a great user of this metal, requiring about \$300,000 worth per year.<sup>14</sup> Since very little was produced in the United States, it was necessary to import nearly all that was used. Thus did the Standard Oil Company fight vigorously against any tariff on tin-plate. An amendment was finally added to the Allison bill whereby the duty on tin-plate was raised to one and three-fourth cents per pound, an increase of better than seventy-five percent over the existing rate. On this amendment Payne voted in the negative.<sup>15</sup> Thus in one case did he vote for protection of home industry, and in the other he voted against a proposition to encourage the development of a home industry in tin. Added weight was thus given to the beliefs of those who thought that his position as Senator was purchased by the Standard Oil.

On the following day Payne voted with the Republicans on an amendment to the tariff bill that would give a bounty of one cent per pound on sugar made from beets, sorghum, or sugar cane.<sup>16</sup> The existing high tariff on sugar had failed to encourage sufficiently the home production of sugar. It was thought that a bounty provision would provide the proper incentive. Being a protectionist, Payne did not want an injustice done to the sugar interests by a lowering of the tariff. Since the bounty served as a remedy for such injustice, Payne voted yes on the amendment.

---

(14) Cleveland Plain Dealer, January 25, 1889.

(15) Congressional Record, 50th Congress, 2nd session, 1888.

(16) Ibid., 932.

The Allison bill, which was known as the Mills bill when it came from the House, went back to the House where it was turned over to the Ways and Means Committee rather than to a conference committee as desired by the Senate. Such a course could be expected for this was the lame-duck session and the House was still Democratic.

While Congress was deadlocked on the tariff issue during the summer and fall of 1888, a presidential campaign and election had taken place. Quite obviously the issue of the campaign was the tariff. The election of a Republican president, Benjamin Harrison, over Cleveland gave the high tariff advocates a decided victory.

In his first message to Congress in December, 1889, the new President recommended a revision of the tariff which would give just and necessary protection to home industries.<sup>17</sup> Heeding the voice of the President, the 51st Congress, of which both branches were controlled by the Republicans, proceeded to revise the tariff upward. As always the interests which were to be benefitted by a higher or lower tariff made known their wants in no masked language. Those who had made contributions to the national and congressional campaign funds were now to be served. They were in a position to enforce their demands and descended upon Washington to gain their ends. This lobby was called by Carl Schurz "the third house," and it was, he said, "sometimes the strongest of the three."<sup>18</sup>

William McKinley, Republican Representative from Ohio, and the new chairman of the Ways and Means Committee, took the Allison bill as the basis for new tariff legislation.<sup>19</sup> Passing the House on May 21, 1890,

---

(17) Richardson, IX, 39.

(18) Speeches, Correspondence, and Political Papers of Carl Schurz, V, 45.

(19) Tarbell, Nationalizing of Business, 195.



by a vote of 164 to 142,<sup>20</sup> the McKinley bill went to the Senate where it remained in the Finance Committee until June 18. From this day until the early days of September, the bill was debated and discussed. Since all interests had to be satisfied, the tariff on individual items provoked long and wearisome debates. Payne, as was the case during the debate of the Allison bill, had but one occasion to offer any suggestions relative to the tariff rates on this McKinley bill. When the lobbyists for the iron and steel manufacturers of the Eastern coast were bringing pressure to bear for a reduction in the tariff on iron ore, Payne, being a director in several steel companies in Cleveland, became interested and likewise antagonistic. He was afraid that if duties were taken off the ores coming in from Cuba, the iron and steel could be made more cheaply on the East coast than in the Ohio and Pennsylvania region.<sup>21</sup> This would have an injurious effect not only on those interested in the ore fields of the Superior region, but also on those engaged in the manufacturing of iron and steel in the Ohio and Pennsylvania region.

Adhering to his convictions that a tariff was necessary for protection, but realizing that the present tariff measure went far beyond that point, he voted no on the bill that passed the Senate.<sup>22</sup> Changes in various items together with reciprocity agreements attached to the bill by the Senate, were ironed out in a joint conference. The final bill passed the House on September 27, by a vote of 151 to 81.<sup>23</sup> It passed the Senate

---

(20) Congressional Record, 51st Congress, 1st session, 5113.

(21) Ibid., 8162.

(22) Congressional Record, 51st Congress, 1st session, 9943.

(23) Ibid., 10641.

on the 30th of September by a vote of 33 to 27.<sup>24</sup> Being absent on the day the final vote was taken, and being paired with Senator Farwell who would have voted yes, Payne's vote was in the negative on the McKinley bill.<sup>25</sup>

---

(24) Congressional Record, 51st Congress, 1st session, 10739.

(25) Ibid.

Chapter V.

Interstate Commerce Act.

Legislation concerning the regulating of railroads was one of the first major problems that confronted Payne during his six years as Senator. That the railroads had made an invaluable contribution to the prosperity of the country was without question. They had opened up, as though it were overnight, the great West that many thought would take hundreds of years to settle. They had carried thousands upon thousands of emigrants out to cultivate the rich lands of the West. Millions of bushels of wheat and corn, harvested by these settlers, were carried by these railroads to the populous seaboard states and thence to the countries of Europe. They had stimulated business and had given employment to growing armies of labor by transporting raw materials of industry from far distant mines, plantations, and ranges to the great factory centers of the Eastern and Middle States. They had cut freight rates in half since the Civil War. They had attracted the investment of millions of dollars of Europe's wealth to add to our working capital. They had become an indispensable agent for the farmer, the stock-raiser, the miner, the oil-producer, the planter, and the manufacturer.

Since they realized their great necessity, these railroads had become arbitrary, dictatorial, and defiant. Evil practices were resorted to in the quest for business. So numerous and extensive did the railroad systems become in the twenty years after the War, that, in order to survive, rate wars and cut-throat competition became necessary. To stop these suicidal practices, railroad systems formed "pools" or "gentlemen's

agreements." Pooling was usually the lumping of the receipts of the roads forming the pool, and dividing the profits among them according to some pre-arranged ratio. Thus working together an understanding could be reached regarding the rates to be charged, an understanding that gave the roads the economic benefits of high rates, but inured to the disadvantage of all shippers.

All of these railroads had funds for "lobbying" to secure legislative favors and low assessments. Public officials, members of legislative bodies, and influential politicians were given free passes. Much railroad capital consisted of "watered stock," that is, stocks and bonds in excess of the real value of the property. The interest on this "watered" capital had to be met out of the rates charged to the public.

Most exasperating of all abuses of the railroads was the discrimination in rates in favor of some localities or some shippers as against others. Freight was carried at lower rates between important centers which were located on competing lines than between much nearer points located only on a single road. This "long" and "short" haul system was keenly felt, especially by those having access to but one railroad system. But worse still was the favoritism shown to certain shippers in the way of rebates, secret rates, and rake-offs on competitors' business. The most pronounced example of such favoritism and conspiracy was that between the railroads and the Standard Oil Company. The two Rockefellers, John D. and William, forced the oil carrying roads, such as the Lake Shore, Erie, Pennsylvania, and the New York Central, to charge their competitors rates doubly or trebly as high as those charged the Standard Oil

Company, and to turn the difference over to the Standard Company. By threats of piping oil or withdrawing its huge business to some other system, the Standard Oil forced these railroads into such bargains. The following letter written to the Cleveland and Marietta Railroad illustrates the method of this organization:<sup>1</sup>

The Standard Oil Company will store and afterwards pipe all oils under its control unless you make the following arrangements, namely: You shall make a uniform rate of thirty-five cents a barrel for all persons except the Standard Oil Company. You shall charge them ten cents a barrel, and also pay them twenty-five cents a barrel out of the thirty-five cents collected from other shippers.

Independent refiners could not exist under such conditions, and as a result usually sold out to the Standard Oil Company at its own figures. Thus railroads were fostering one of the greatest monopolies ever to exist.

For many years state legislatures had been trying to control such practices, but such efforts were nullified by the power of these great corporations. The Wabash decision in 1886, which declared that it was the duty of Congress and not the state legislatures to initiate laws for the regulation of interstate transportation,<sup>2</sup> made void all state laws that were passed to regulate such conditions.

Bills for the regulation of interstate transportation were introduced in the House quite regularly, but nothing was ever done. In 1878 Representative Reagan of Texas introduced such a bill in the House. It prohibited discrimination of rates, rebates, drawbacks, pools, and a

---

(1) Senate Report, 49th Congress, 1st session, No. 46, 100.

(2) Article I, section 8, paragraph 3, of the Constitution gave Congress such authority.

difference in rates between the long and short haul. It passed the House on December 11, 1878, by a vote of 139 to 104.<sup>3</sup> It was referred to the Committee on Commerce in the Senate, but no further action was taken. Repeated attempts were made by Reagan to get his regulation bill through Congress, but not until 1884, did the final stage in the evolution of an act to regulate interstate commerce begin.

In December of that year the House again passed Reagan's bill which included the long and short haul clause.<sup>4</sup> This clause had caused the most strenuous debate and was known to be in disfavor with the Senate. Meanwhile in the Senate, Cullom had prepared a bill on the same subject, the main feature of which called for the establishment of a commission, merely as an advisory body. This bill passed the Senate as a substitute for what seemed to them a radical House bill. A deadlock ensued, but due to a flood of petitions from those being unfavorably dealt with by the railroads, action was again resumed. On the motion of Cullom a Senate committee of five was appointed whose duty it was to study and investigate during the summer of 1885, the railway and waterway situation. This report, known as the Cullom report, was submitted to the Senate, January 18, 1886.<sup>5</sup>

On February 16, 1886, Cullom reported a bill to the Senate from the Committee on Commerce.<sup>6</sup> This bill, in response to the discriminatory practices of the railroads as found by the investigating committee, was aimed at discrimination. Rebates and drawbacks were prohibited; a greater

---

(3) Congressional Record, 45th Congress, 3rd session, 101.

(4) Louis H. Haney, A Congressional History of Railroads in United States, 1850-1887, 290.

(5) Senate Report, 49th Congress, 1st session, No. 46.

(6) Congressional Record, 49th Congress, 1st session, 1464.

aggregate charge for a shorter than a longer distance under similar conditions, over the same line, in the same direction, and from the same point was prohibited, but the commission to be created might make exceptions. It did not prevent pooling, and the long and short haul clause was weak. During the debate in the Senate various amendments were suggested, many times with the idea of delaying action upon the bill. While this Cullom bill was being debated on May 5, 1886, a motion was made to change business and take up executive affairs. Payne voted yes to the successful motion and likewise revealed his position relative to such a law.<sup>7</sup> On May 11, a motion was made for an amendment that would fine any person who directly or indirectly applied for or knowingly accepted rebates and special rates prohibited by this bill. It was then moved that the proposed amendment be tabled, on which motion Payne voted in the affirmative.<sup>8</sup> Soon after that a motion was made to table a proposed amendment that would prohibit the giving of passes except to employees. To this motion Payne again voted yes.<sup>9</sup> On the amendment that would permit the commission to make exceptions in the long and short haul rates, Payne voted yes with the majority.<sup>10</sup> May 12, 1886, saw the passage of this harmless Senate bill. Having made attempts to block consideration of this bill on numerous occasions, but seeing that in its final form it was full of loop-holes, Payne, along with the majority of the Senate, voted yes.<sup>11</sup>

---

(7) Congressional Record, 49th Congress, 1st session, 4282.

(8) Ibid., 4357.

(9) Ibid., 4362.

(10) Ibid., 4414.

(11) Ibid., 4423.

The bill then went to the House where everything after the enacting clause was struck out. Under the leadership of Reagan a more radical measure was substituted in its place and accepted by the House July 30, 1886, by a vote of 192 to 41.<sup>12</sup> This House bill differed from the Senate bill in that it did prohibit pooling, a provision the Senate found it hard to swallow, it did have a rigid long and short haul clause, and left enforcement up to the courts and not to a politically bossed agency of an executive.

These two bills went to a conference committee in which Reagan headed the House and Cullom the Senate conferees. They wrangled from the adjournment of Congress, August 5, until the beginning of the regular session in the following December.<sup>13</sup> Reagan gave up many of his contentions, but would not yield the prohibition of pooling. Following the advice of Allison and other leaders that the country demanded a bill and that it was better to accept Reagan's anti-pooling provision rather than enact no measure whatever, Cullom yielded this point, and on December 15, 1886, reported the agreement of the conference to the Senate.<sup>14</sup> During the debate in the Senate on the conference report Payne took no active part. However, on January 4, 1887, when the bill came up for final vote, a motion was made to recommit the bill. Payne again revealed his position on the measure by voting yes with a minority.<sup>15</sup> A few minutes later the bill passed the Senate 43 to 15, with Payne voting in the negative.<sup>16</sup>

---

(12) Congressional Record, 49th Congress, 1st session, 7755-7756.

(13) Rhodes, VIII, 290.

(14) Congressional Record, 49th Congress, 2nd session,

(15) Ibid., 664.

(16) Ibid., 666.



It was accepted by the House two weeks later and became law with Cleveland's signature on the 4th of February.

Commenting upon the bill after its passage, Payne told newspaper reporters that he voted against it because to him it was impractical.<sup>17</sup> The whole question involved the prosperity of the country, for such a bill would, he thought, ruin the system of transportation. His illustration to prove his point was taken from the wheat regions of the West. Minnesota annually produced millions of bushels of wheat and thousands upon thousands of barrels of flour. There was nothing to prevent the wheat from being taken to Duluth on Lake Superior and put in elevators and flour to the same place and put in warehouses, and thence shipped by water to Canadian ports. The interstate commerce act, he pointed out, was powerless to intercede in such a case. The result of such a course would be at the expense of the railroad systems. A good interstate commerce bill, he thought, ought to accrue to the interests and the advantages of the whole people and must comprehend within its scope not only land transportation, but water as well. The bill just enacted did not. He concluded by saying, "It (Interstate Commerce Act) proceeds upon only the theory that the railroads are the only carriers and does not apply to them the spirit of fair dealing when we realize the means of water transportation we have reaching to the sea."

Having been a railroad builder and owning much stock in railroad systems, Payne no doubt had a personal interest in the act, and resented its enactment according to the above argument. Additional weight was

---

(17) Cleveland Plain Dealer, February 4, 1887.

given to the charges of those who believed that his seat was purchased, for his negative vote on the act was in accordance with the policy of the Standard Oil Company, which had profited so much by the discriminatory practices of the railroads, and was opposed to government regulation and control of economic enterprises.

## Chapter VI.

### Silver Legislation.

Unlike the problem of the regulation of interstate transportation which reached the final stage of its evolution during Payne's term in Congress, the silver problem was just moved farther along in its erratic course. It was as much a problem after Payne's term as it was during it. In 1873 the coinage system had been revised, and the silver dollar was dropped from the list of coins. Just about this time, however, events occurred that reduced the value of silver in the commercial world. Several European countries went on a gold basis, putting large quantities of silver, that had accumulated in their treasuries, on the market. Vast new deposits of silver were opened in the United States together with cheaper methods of extraction, and safer and cheaper railroad transportation. Under these circumstances silver became very cheap.

For the next few years much pressure was exerted by the mine owners, greenbackers, and farmers for remonetization of silver, and its free and unlimited coinage at the ratio of 16 to 1. In response to this agitation, Bland of Missouri, chairman of the House Committee on Mines and Mining, put a bill through the House in the autumn of 1877 providing for free and unlimited coinage at 16 to 1. Under the leadership of Allison of Iowa, the Senate modified the bill, limiting the amount of silver purchased by the treasury to not less than \$2,000,000 nor more than \$4,000,000 per month. In February, 1878, this Bland-Allison compromise bill passed both Houses, not as a party but purely as a sectional bill. It received no support from the East. Although pres-

sure was brought to bear on Hayes to sign it, he vetoed the bill on the last day of February. However, Congress overrode the veto, and the bill became a law.

Between 1878 and 1884 there was little change in the value of silver, as measured in terms of gold, that is at 16 to 1, but in 1885, depreciation was marked by a ratio of 19 to 1, which in 1889 became 22 to 1.<sup>1</sup> Such depreciation gave added weight to President Cleveland's antagonism of the continued purchase and coinage of silver in greater amounts than was needed for a circulating medium. In all his messages, with the exception of the third, which was wholly devoted to the tariff, he urgently recommended the repeal of the Bland-Allison Act of 1878, that every month caused to be paid from the treasury \$2,600,000 in gold for silver bullion, which was coined and added to the idle mass already accumulated. However, the President had no chance of getting the Bland-Allison Act repealed in the face of the strong silver sentiment in Congress, and the demands of the agricultural and mining interests of the West. His own party in the House voted in April, 1886, by 96 to 70 in favor of a bill for the free and unlimited coinage of silver, which was defeated only by the 93 Republican votes against it.<sup>2</sup>

When the value of silver dropped to the ratio of 22 to 1 in 1889, it became apparent that if this decline was to be checked, prompt action would be necessary. The silver interests were pushing toward free coinage, but if this could not be secured, they wanted to force the treasury department at least to coin the maximum of four million dollars worth

---

(1) Davis, R. Dewey, National Problems, 77.

(2) Congressional Record, 49th Congress, 1st session, 3300. The analysis of the party vote is found in Dewey, 79.

per month as under the act of 1878. The 51st Congress meeting in December, 1889, settled down to attack this silver problem. On June 7, 1890, the House succeeded in passing a silver bill by a vote of 135 to 119.<sup>3</sup> This bill called for the purchase of \$4,500,00 worth of silver each month at market price. Against this metal, treasury notes were to be issued, which were to be redeemable on demand in lawful money of the United States without distinction of metal. These notes were also to be legal tender in payment for all debts, public and private, and receivable for customs, taxes, and all public dues. The bill was referred to the Senate Finance Committee on June 10, and reported back to the Senate three days later with amendments.<sup>4</sup>

One amendment offered was to strike out the section of the House bill that called for redemption of notes in bullion or coin. Payne voted yes with the majority as this amendment passed by a vote of 57 to 5.<sup>5</sup> The committee offered another amendment that would strike out the clause making such notes legal tender for debts, public and private, but such amendment was rejected 50 to 14. Payne voted against this amendment.<sup>6</sup> This overwhelming vote in the Senate on the various amendments gave the silverites added courage. They proceeded to make independent amendments not advocated or recommended by the committee. Senator Plumb, a silver advocate, offered an amendment to strike out the first section of the House bill that called for regular monthly purchases of silver, and, in its place, to substitute a provision for the free and unlimited

---

(3) Congressional Record, 51st Congress, 1st session, 5814-5815.

(4) Ibid., 6029.

(5) Ibid., 6168.

(6) Ibid.

coinage of silver.<sup>7</sup> This new amendment would recognize the dollar as the unit value in the United States. It would be coined of  $412\frac{1}{2}$  grains of standard silver, or  $25\frac{8}{10}$  grains of standard gold, a ratio of 16 to 1, and would make both coins equally legal tender for all debts, public and private. The mints would be opened for the deposit of gold or silver bullion to be converted into standard dollars free of charge to the depositor. This amendment which completely annulled the House bill was adopted 43 to 24 with Payne voting in the affirmative.<sup>8</sup> The bill itself was immediately passed with Payne again voting yes in favor of the free coinage of silver.<sup>9</sup> But three Democrats voted against this bill which in itself was a decided defeat for the gold advocates.<sup>10</sup>

In the House the supporters of free silver met the stubborn and powerful resistance of Speaker Reed, and the measure was defeated, 135 to 152.<sup>11</sup> Conferees were appointed and once more, after considerable wrangling, a compromise was reached on July 7, 1890. The conference report called for a monthly purchase of 4,500,000 ounces of silver at market price, and for the issuance of notes upon such metal which were to be legal tender for all debts, public and private, and redeemable in gold or silver at the discretion of the Secretary of the Treasury. It also declared that it would be the policy of the United States to maintain these two metals on a parity with each other at the present legal ratio of 16 to 1.<sup>12</sup> On July 10 the conference report passed the Senate

---

(7) Congressional Record, 51st Congress, 1st session, 6172.

(8) Ibid., 6183.

(9) Ibid.

(10) Dewey, 225.

(11) Congressional Record, 51st Congress, 1st session, 6503.

(12) Ibid., 6982.

39 to 26.<sup>13</sup> Payne was absent, but before leaving he told Sherman, with whom he was paired, to vote.<sup>14</sup> As Sherman voted yes on the report, a vote of no may be recorded for Payne. Two days later it passed the House 129 to 90,<sup>15</sup> and on July 14 became a law with Harrison's signature.<sup>16</sup>

This conference report satisfied the silver men for the amount of silver to be purchased each month constituted approximately the amount that could be mined in a like period, thus keeping up the price of silver. Again, buying according to weight instead of amounts varying according to the gold value of the white metal was a step in the direction of establishing the independence and equality of the white metal with the yellow, instead of starting with the assumption that silver was inferior and a commodity only. To the opposition anything looked better than a free coinage bill.

This conference report was also a compromise measure of the Republican party. In neither House of Congress did a Republican vote against it, or a Democrat in favor of it.<sup>17</sup> To hold the party together, the East supported the silver bill in return for Western support of the tariff bill being debated at that time.

Payne took no active part in debates upon the various silver bills and their amendments, but his votes revealed his position on the silver question. In a letter to J. R. Doolittle in the summer of 1884, Payne

---

(13) Congressional Record, 51st Congress, 1st session, 7109.

(14) Ibid.

(15) Ibid., 7226

(16) Ibid., 7264.

(17) Noyes, Forty Years of American Finance, 151.

declared himself in favor of hard money and a bi-metallic standard.<sup>18</sup>

During the period that Cleveland was so urgently demanding the repeal of the act of 1878, Payne, to a newspaper interviewer, said that he didn't think it would hurt the country if there existed 100,000,000 more silver dollars than at the time.<sup>19</sup> He disagreed with Cleveland

that a crash was impending if the monthly coinage were not stopped.

Payne admitted that the law of finance and currency recognized that when two metals, one superior and one inferior, are in circulation, the latter will drive the former out of circulation. He agreed that in the long run this was an inevitable maxim, but didn't think the United States had as yet reached that stage. He pointed out that the United States had a favorable balance of trade, and that gold, instead of being driven from the country, was entering in large quantities. However, he prophesied that after a while the more pronounced silver men would themselves prepare a measure to place limitations upon the coinage. He ended by saying that when as a nation we are threatened with dire consequences which can be checked or remedied by legislation, we are equal to it. Thus consistency marked his voting and public utterances in his desire for free coinage and a bi-metallic standard.

From the foregoing discussion of Payne's Senatorial career, it would appear that he was not very active in Senate discussions on national issues. Such an observation would be correct. Most of his work was done in the committees, minor ones at that, for he was a Democrat in a Republican Senate, he was a junior Senator, and his title to his seat

---

(18) Ohio Archaeological and Historical Publications, XXII, 545.

(19) Cleveland Plain Dealer, February 4, 1887.



was being questioned. He was also an old man, being a little past eighty when his term ended. This advanced age had tended to make him more conservative and less aggressive than his younger colleagues. The adverse criticism relative to a purchased seat made him overcautious in his remarks lest his accusers find grounds for their condemnation of him. Time and again Senator Hoar on the floor of the Senate referred to the Standard Oil agent in the Senate. Such references put him on his guard lest he say something that might prove detrimental. On March 5, 1891, at the close of the 51st Congress, Payne again became a private citizen, free to return to his Cleveland home for a much needed rest from the tedious and exacting duties of a Senator.

## Chapter VII.

### Later Life.

His political career ended, he again returned to his Euclid Avenue mansion to look after his private affairs. As had been his custom in the years past, he walked daily from his home to his office in the city.<sup>1</sup> Only in the last two years of his life was he forced to ride rather than walk. To those who welcomed him on his morning walks, he looked more like a minister of the gospel than a politician. He was tall and slender. His face was pale and clean shaven and he was never without spectacles. His inevitable black bow tie was never tied with a bow knot but the ends were left to float down under his vest. A plug hat and a coat of clerical cut were usually a part of his apparel.<sup>2</sup> His small head possessed a straight nose and a pair of bright eyes that looked benevolently over their spectacles.<sup>3</sup> When elevating his chin, he displayed an abnormally sized adam's apple. Taken as a whole, Payne's appearance was that of a shrewd, cautious, and highly intelligent business man, rather than of a statesman.<sup>4</sup>

Within four years after his return from Washington his wife, Mary, who had been an invalid for several years, died.<sup>5</sup> The following year, September 9, 1896, death also claimed the head of the family. Several days prior to his death Payne had suffered a stroke of paralysis, after which recovery was deemed impossible owing to his advanced age and

---

(1) Cleveland Plain Dealer, September 10, 1896.

(2) Ibid., February 27, 1935.

(3) Cincinnati Commercial Gazette, January 18, 1884.

(4) Ibid.

(5) Annals of Early Settlers' Association of Cuyahoga County, III, No.1.

weakened physical condition. He was unconscious for some time previous to his death, and died without having regained consciousness. At the bed-side were his son, Colonel Oliver Payne of New York; his cousin, Miss Frances Payne; his daughter, Mrs. Charles Bingham, and her husband, Charles Bingham. The news of his death spread rapidly throughout the city. Mayor McKisson immediately ordered the flag in Public Square lowered to half staff, and announced that all the municipal bodies and boards would meet soon to pass appropriate resolutions.<sup>6</sup> The funeral service was private and conducted according to an Episcopalian ritual of the greatest simplicity. Among those attending was John D. Rockefeller, a bosom friend.<sup>7</sup> Payne was buried in the family lot in Lake View Cemetery.

Commenting on Payne after his death, the Cleveland Plain Dealer had this to say:<sup>8</sup>

No single man was a more marked figure on the streets and among his fellow citizens than Payne.... Wise in counsel, prudent in his management of affairs, of the highest integrity and honor. Nearly every public improvement or great enterprise now in existence within this city, either directly or indirectly, was fostered by the counsel and the help of Payne. A man, quiet and never presumptuous, always worked for the best interests of his fellow men. Gifted with great intellectual ability, always a student, always watching public events and public policies, no one seemed to have a clearer insight and better judgment than he on all public questions. Unostentatious whenever he spoke on public questions, he commanded attention and what he said was always clear, keen, direct and conclusive.

---

(6) Cleveland Plain Dealer, September 10, 1896.

(7) Ibid., September 13, 1896.

(8) Ibid., September 10, 1896.

He was a Democrat such as Jefferson, Jackson, and Tilden. He believed in the largest liberty consistent with social order. Too wise to be an extremist, he was conservative, always conservative of the best interests of the party to which he belonged.

At a bar association meeting held purposely in his honor, various tributes were paid to him. Judge Deckman of the Federal District Court said of Payne:<sup>9</sup>

He was a logical thinker, skilled in the dialectics of the law, withering in sarcasm when occasion demanded use of that weapon, possessing a rich fund of humor, a perfect command of the English language, and a familiar knowledge of human nature.... After his Senatorial career, he did not cease to take lively interest in the important questions which divide the great political parties. He was fond of reading constitutional history of our country and the life of public men who have been conspicuous and instrumental in shaping the fortunes of the Republic.

A fitting statement to close the career of H. B. Payne was made at the same meeting by Colonel Richard C. Parsons when he said:<sup>10</sup>

In his history could be written the history of this city since 1836.

---

(9) Cleveland Plain Dealer, September 12, 1896.

(10) Ibid.

## BIBLIOGRAPHY.

### 1. Government Publications

1. Congressional Record. 1875-1891.
2. Richardson, James D., comp., A Compilation of the Messages and Papers of the Presidents, 1789-1897. 10 vols. Government Printing Office, Washington, 1896-1900.
3. Senate Report, No. 1490. 49th Congress, 1st session. Investigation of the Election of Henry B. Payne.

### 2. Newspapers.

1. Cincinnati Commercial Gazette.
2. Cincinnati Enquirer.
3. Cleveland Herald.
4. Cleveland Leader.
5. Cleveland Plain Dealer.
6. Columbus Capital.
7. Columbus Daily Times.
8. Ohio State Journal (Columbus).
9. Sandusky Daily Register.

### 3. Biographies, Memoirs, and Writings of Public Men.

1. Cox, S. S., Three Decades of Federal Legislation. J. A. and R. A. Reed, Publishers, Providence, Rhode Island, 1894.
2. Milton, George F., The Eve of the Conflict. Houghton, Boston, 1934.
3. Schurz, Carl, Speeches, Correspondence, and Political Papers of Carl Schurz, edited by Frederick Bancroft, 5 vols., G. P. Putnam's Sons, 1913.

4. Sherman, John, Recollections of Forty Years in the House, Senate, and Cabinet. 2 vols., Werner Co., New York, 1894.

#### 4. General Histories.

1. Dewey, Davis Rich, National Problems. Harper and Brothers, New York, 1907.
2. Peck, Harry Thurston, Twenty Years of the Republic. Dodd, Mead, and Co., 1913.
3. Oberholtzer, Ellis Paxson, History of the United States Since the Civil War. 5 vols., Macmillan Co., New York, 1931.
4. Rhodes, James Ford, History of the United States from the Compromise of 1850. 8 vols., Macmillan Co., New York, 1912.

#### 5. Special Monographs.

1. Dewey, Davis Rich, Financial History of the United States. Longmans, Green, and Co., New York, 1924.
2. Kent, Frank, The Democratic Party a History. The Century Co., New York, 1928.
3. Minor, Henry, The Story of the Democratic Party. Macmillan Co., New York, 1929.
4. Myers, Allen, Bosses and Boodle in Ohio Politics. Lyceum Publishing Company, Cincinnati, Ohio, 1895.
5. Noyes, Alexander D., Forty Years of American Finance, G. P. Putnam's Sons, New York, 1909.
6. Powell, Thomas E., The Democratic Party of Ohio. 2 vols., Ohio Publishing Co., Columbus, Ohio, 1913.
7. Tarbell, Ida M., The History of the Standard Oil Company. 2 vols., McClure, Phillips, and Co., New York, 1904.
8. Tarbell, Ida M., The Nationalizing of Business. Macmillan Co., New York, 1936.

9. Tarbell, Ida M., The Tariff in Our Times. Macmillan Co., New York, 1911.
10. Taussig, F. W., The Tariff History of the United States. G. P. Putnam's Sons, New York, 1931.

6. Miscellaneous.

1. Annals of the Early Settlers' Association of Cuyahoga County. Vol. 3, Williams Publishing Co., Cleveland, Ohio, 1892.
2. Appleton's Annual Cyclopaedia. Published Yearly 1871-1903.
3. Fess, Simeon D., ed., Ohio, The History of a Great State. 4 vols., Lewis Publishing Co., Chicago, 1937.
4. Johnson, Allen, ed., The Dictionary of American Biography. Vol. 14, Charles Scribner's Sons, New York, 1928.
5. Mowry, Duane, "Letters of Senator H. B. Payne of Ohio." Ohio State Archaeological and Historical Publications, XXII, pp. 543-548. Fred J. Hser, 1913.