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Antislavery and disunion: An analysis of arguments in selected speaking events in Coles County, Illinois from 1847-1863

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ANTISLAVERY AND DISUNION:
AN ANALYSIS OF ARGUMENTS
IN SELECTED SPEAKING
EVENTS IN COLES COUNTY,
ILLINOIS FROM 1847-1863

GARY WAYNE KENT

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ANTISLAVERY AND DISUNION: AN ANALYSIS OF
ARGUMENTS IN SELECTED SPEAKING EVENTS IN
COLES COUNTY, ILLINOIS FROM 1847 TO 1863
(TITLE)

BY

Gary W. ^{W. J. M.}Kent

THESIS

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CHAPTER I

INTRODUCTION

Historical Background

The Illinois Territory found its political birth in the "Compact of 1787". While Illinois had belonged to the State of Virginia (it was at that time considered to be a Virginia county) it had enjoyed the benefits of slavery. However, Thomas Jefferson, who was a Virginia political leader with vast power, opposed the extension of slavery into the Territory. Despite his power he was unable to stop the importation of slaves. When the Territory was ceded to the government of the United States, outside forces were applied and in the "Compact of 1787" it was declared by Congress that "there would forever be the exclusion of slavery from the Illinois Territory".¹

While slavery had been politically outlawed in the Illinois Territory the sympathies of its inhabitants, particularly those in the southern portion of the state, were pro slavery. While Illinois had been a Virginia county, many Virginians had migrated to her southern portion. They brought with them southern ideologies and customs. As Illinois progressed from a Virginia county to an independent territory and finally to statehood her population of southern decedents continued to grow. The Kentucky, Ohio, Cumberland and Tennessee rivers all provided comparatively easy thoroughfares through the rugged, hilly south where wagon transportation would have been nearly impossible. All of these rivers led into the Mississippi through the Ohio at the southern tip of Illinois. Many of

¹D. M. Blair, A. A. Graham and W. H. Perrin, History of the State of Illinois, (Chicago, Ill., Wm. LeBaron, Jr. & Co., 1879), pp. 117-121.

the pioneers who traveled these rivers settled in the section of land between the Kaskaskia and Ohio rivers in southern Illinois.

At the same time southern Illinois was being populated by settlers from the southern portions of the United States, northern Illinois was witnessing an influx of settlers as well. Pioneers from the northeast had long before crossed the mountain ranges of that area and had begun to populate the area around Lake Erie. Overland travel was relatively simple in this flatter country and there were soon many settlers in northern Illinois. With these immigrants came the more liberal, antislavery philosophies of the northeast. With both Southern and Northern ideologies sharing one area it was inevitable that conflict would someday surface. The basis for the turmoil that was brewing within the territory is described by Blair, Graham and Ferrin in their History of the State of Illinois:

It [Illinois] was the natural battlefield for the irrepressible conflict. In the southern end of the Territory slavery preceded the Compact of 1787. It existed among the old French settlers, and was hard to eradicate. The southern part of the Territory was settled from the slave states and this population brought their laws, customs, and institutions with them. A stream of population from the North poured into the northern part of the state. These sections misunderstood and hated each other perfectly. The Southerners regarded the Yankees as a skinning, tricky, penurious race of peddlers, filling the country with tinware, brass clocks, and wooden nutmegs. The Northerner thought of the Southerner as a lean, lank, lazy creature, burrowing in a hut, and rioting in whiskey, dirt and ignorance. These causes aided in making the struggle long and bitter.²

Despite her fantastic political troubles the population of the territory grew and in 1818 Illinois achieved statehood with 45,000 inhabitants.³

²Ibid., p. 119.

³Ibid., p. 120.

Coles County

The initial influx of settlers to the extreme northern and southern portions of the territory left the fertile central Illinois prairie lands virtually unsettled. However, a new migration began within the state toward central Illinois. The migration that started in Southern and Northern Illinois terminated in the fertile central section of the state.

At the time of her statehood in 1818 Illinois had only fifteen counties. One of these, Clark County, encompassed the entire East Central Illinois area. The first settler in the area which is now Coles County was a Revolutionary War veteran, John Parker. He and his family settled on the banks of the Embarras River in the summer of 1824.

By 1828 the population of the county had grown. Second and third generation settlers migrated from northern and southern Illinois into the area. First generation settlers came southward from liberal Wisconsin while others moved northward from the slave states of Kentucky and Tennessee. In 1830 the State Legislature set aside a portion of Clark County which is now occupied by the counties of Cumberland, Douglas and Coles. The entire county was named Coles after Edward Coles, the second Governor of the State of Illinois.⁴

Thus southern and northern philosophies met in Coles County, Illinois. Even the name Coles had political overtones, as it was Edward Coles, Virginia liberal, who had migrated to Illinois for the specific purpose of freeing his slaves in a free state.⁵ However the two peoples lived together in relative peace for nearly twenty years. It wasn't until the fall of 1847 that Coles

⁴D. M. Blair, A. A. Graham and W. H. Perrin, History of Coles County, Illinois, (Chicago, Wm. LeBaron, Jr. & Co., 1879), p. 224.

⁵The National Cyclopaedia of American Biography, (New York, James & White and Co., 1901), reprint Ann Arbor, Mich., University Microfilms, Vol. XI, pp. 43-44.

County, Illinois was thrust into the limelight on the question of antislavery and disunion. It was at this time that the circumstances began which led to the litigation that was to become known as the Matson Slave Trial.

Purpose and Methodology

The purpose of this thesis is to analyze selected speaking events and selected individual speakers of Coles County, Illinois from 1847 to 1863 from an historical perspective, to determine the arguments presented by these speakers, the evidence or support for the arguments, and whether the arguments were justifiable in light of the evidence or support presented. A secondary purpose of this thesis is to provide a basis of study for developing further research of the Civil War era public speaking in Coles County, Illinois.

Answers to the following questions represented the basis of this study:

- 1) Was antislavery and disunion a prominent issue in this era in Coles County?
- 2) What significant speaking events involving this issue took place in Coles County and who were the speakers involved?
- 3) What arguments were employed by these speakers when addressing themselves to this issue?
- 4) What was used as evidence or support for the arguments?
- 5) Was the evidence or support sufficient to justify the arguments?

The procedures in answering the above questions will be to locate, describe, analyze and collect analyses,⁶ of the arguments employed by speakers in this era on the issue of antislavery and disunion.

⁶ Some Analyses exist of Coles County speaking events at present, particularly the Fourth Lincoln-Douglas Debate. This writer assumes that it is his responsibility to collect samples of these analyses as well as to offer those of his own.

Significance and Justification of the Issue

This study's significance lay partially in the recognition of Coles County as a leading political center in the State of Illinois during that period in history. The existence of opposing ideologies in Coles County in the period under investigation has been substantiated in the historical backgrounds section of this chapter. Southern and Northern philosophies were studied as they existed in one small, but significant, geographic location.

A second contribution of this study is that it will provide sufficient historical and bibliographical information so that another scholar may utilize this study as a basis for further research, perhaps of one speaking event or speaker discussed in this thesis.

This thesis will consider antislavery and disunion as a single issue. One significant precedent in the field of speech exists for considering antislavery and disunion as a joint or single issue. The work, Antislavery and Disunion, 1858-1861, is edited by noted speech scholar J. Jeffery Auer. The work was prepared under the auspices of the Speech Association of America (now the Speech Communication Association). Considered simultaneously with the issue of antislavery and disunion are the counterpart philosophies of proslavery and unionism. The work provides ample justification for considering antislavery and disunion as a single issue on the national scene.

In Coles County itself the issue of antislavery and disunion was prominent. Noted Coles county historian Charles H. Coleman stated that the issue had been in contention as early as 1820.⁷ In personal interviews with

⁷Charles H. Coleman, "The Lincoln-Douglas Debate at Charleston, Sept. 18, 1858," Eastern Illinois University Bulletin, Charleston, Ill., Eastern Illinois University, December, 1963, p. 7.

other Coles County historians the author learned from Donald F. Tingley⁸ that antislavery and disunion was a prominent issue in Coles County during the period of time being investigated, and Adin Baber asserted that it was the major issue of the time.⁹ On the strength of the authority presented above the author asserts that the major issue in Coles County from the years 1847 to 1863 was antislavery and disunion.

Selection and Justification of the Speaking Events

The writer has chosen three speaking events to represent the period of time from 1847 to 1863. These events are: 1) the Matson Slave Trial, 2) The Fourth Lincoln-Douglas Debate and; 3) the Eden "Peace Speech"--Gunningham "Unionist Reply". These three events produced eight speeches delivered by seven speakers.

The Matson Slave Trial

The Matson Slave Trial involved Usher F. Linder, Orlando B. Ficklin, Charles H. Constable and Abraham Lincoln. Usher Ferguson Linder was born at Elizabethtown, Kentucky on March 20, 1809. He came to Illinois in 1835 and settled first in Greenup, then a part of Coles County. He moved to Charleston in 1838, and later was to become one of its most prominent residents. Linder was elected to the legislature from Coles County in 1836, 1846, 1848 and 1850.¹⁰ He served one term as Attorney General of the State of Illinois. Despite his impressive record in state politics Linder never really achieved the prominence of which he was thought capable. He suffered two major weaknesses which hurt

⁸Donald F. Tingley is a distinguished Illinois and Coles County historian. He is a Professor of History at Eastern Illinois University in Charleston.

⁹Adin Baber is another noted Coles County historian. He is a layman historian who has written several works on central Illinois history. He resides in Kansas, Illinois.

¹⁰Charles H. Coleman, Abraham Lincoln and Coles County, Illinois, (New Brunswick, New Jersey, Scarecrow Press, 1955), p. 114.

him badly: 1) his inability to maintain a party affiliation, and 2) his love of alcohol.¹¹

Usher F. Linder was well known as a lawyer in east central and southern Illinois. He was a famous stump speaker and orator, and was described by Henry Clay Whitney as "...the most brilliant orator that ever lived in Illinois."¹²

Orlando Bell Ficklin, like Usher F. Linder, was another prominent Coles County resident. Although he lacked the oratorical brilliance of Linder, he more than made up for this lack by his steadiness of purpose. Ficklin first moved to Coles County after having served as a quartermaster in the Blackhawk War. His first position in Coles County was as the States Attorney. He was elected to the State Legislature from Coles in 1834, 1838, 1842, and 1878. He left the legislature in 1843 to enter Congress where he served until 1849, and again from 1851 to 1853.¹³ Ficklin had originally been a Whig but changed to the Democratic Party in 1842 and remained with this party throughout his political career.

Charles H. Constable migrated to Coles County as had Linder and Ficklin. He was a practicing attorney in Coles County during the time of the Matson Slave Trial. Constable was very successful as an attorney and held the civil courts in such high esteem that he was later appointed to the Illinois Supreme Court (Supreme Court Justices at that time served Circuit Court duties and Constable sat on the Coles County bench throughout his career). Constable became involved in a political battle during the Civil War when he granted judicial sanctuary

¹¹Ibid., p. 115.

¹²John M. Palmer (editor), The Bench and Bar of Illinois, (Chicago, Lewis Publishing Co., 1899), Vol. II, p. 656.

¹³Coleman, Abraham Lincoln in Coles County, p. 113.

to four Indiana deserters and was thrown into jail for his act.¹⁴ Justice Samuel Treat ordered his release, which was granted, but the act interfered with Constable's judicial career and he was never able to gain further prominence.

The fourth speaker involved in the Matson Slave Trial was Abraham Lincoln. Because his historical significance has become so obvious a part of American tradition the writer feels that no biographical sketch is needed here. It is important to note, however, that the trial itself has gained historical prominence because of Lincoln's presence and his defense of slave owner, Robert Matson.

The Fourth Lincoln-Douglas Debate

The Charleston debate is also a justifiable event for inclusion in this study due to the prominence of the two participants, Abraham Lincoln and Stephen Arnold Douglas. Again, the political significance of the two men was such that no relation of their political activity is needed here. The debate was part of the 1858 senatorial campaign. The campaign issues exemplify the issue chosen for study in this paper. The paramount issue of the campaign was whether or not slavery should be spread to the territories at the wish of the people, as Stephen Douglas desired, or whether slavery should be maintained only in the states where it had always existed, with the hope that it would eventually die out, as Abraham Lincoln desired.¹⁵

¹⁴ Charles H. Coleman and Paul H. Spence, "The Charleston Riot, March 28, 1864", Eastern Illinois University Bulletin, Charleston, Illinois, Eastern Illinois University, April, 1961, p. 81.

¹⁵ Coleman, "The Lincoln-Douglas Debate at Charleston," p. 10.

The Eden "Peace Speech" and
the Cunningham "Unionist Reply"

After the outbreak of the Civil War the issue of antislavery and disunion became more prominent than it had ever been. The nation itself was divided over the issue but the division was not limited merely to geographical boundaries. Many Northerners had Southern sympathies and they expressed these sympathies openly. One such man was Congressman John R. Eden of Coles County. Eden was a Democratic Congressman at the beginning of the war and was vehement in his opposition to the war itself and the measures taken by the Lincoln Administration to insure the successful prosecution of the war. In the spring of 1863 Eden returned to Coles County from Washington to hold a "peace rally" in the county. The original meeting was scheduled for January, 1863, but this meeting was broken up by loyal unionists. A second meeting was scheduled and held. John R. Eden was the keynote speaker and the speech he presented was representative of the "Copperhead" or "Peace Democrat" position. Within the speech were a series of resolutions condemning the Lincoln Administration and war effort. The resolution was a standard Copperhead document, and was presented that same week before the Illinois Legislature by other peace advocates.¹⁶ While the Legislature rejected the resolution by a small margin the members of the Eden "Peace Meeting" did not.

In response to the "Peace Meeting" the Loyal Union League of Mattoon held a "War Meeting". The keynote speaker was J. T. Cunningham, an eight term member of the State Legislature. In his address Cunningham attempted to answer the objections brought by Eden against the Lincoln Administration. The Eden

¹⁶ John R. Eden (speech at Charleston) "Coppersnakes," Mattoon Gazette, February 7, 1863, p. 1.

speech and the Cunningham speech clearly represent the opposing sides on the issue of antislavery and disunion.

Format

The thesis has been divided into five chapters: 1) introduction, 2) the Matson Slave Trial, 3) the Fourth Lincoln-Douglas debate, 4) the Eden "Peace Speech" and the Cunningham "Unionist Reply", 5) summary and conclusions.

CHAPTER II

THE MATSON SLAVE TRIAL

This chapter will answer the following questions as applied to the Matson Slave Trial:

- 1) What significant speaking event involving the issue of antislavery and disunion took place in Coles County and who were the speakers involved?
- 2) What arguments were employed by these speakers when addressing themselves to the issue?
- 3) What was used as evidence or support for the arguments?
- 4) Was the evidence or support sufficient to justify the arguments?

The Matson Slave Trial represented a significant event involving the issue of antislavery and disunion. In part the significance of the trial was centered around one of the attorneys involved, Abraham Lincoln. It is remembered primarily because Lincoln defended slave owner Robert Matson in his attempt to secure the return of his slaves. Thus, Lincoln spoke to defend a principle which he later, as President of the United States, abolished; the right of one man to possess another. The other attorneys involved in the case, Usher F. Linder, Orlando B. Ficklin, and Charles H. Constable were all Coles Countians who achieved prominence in political and judicial careers.

Historical Setting

Settlers from the North and South met and lived together in Coles County in relative peace for nearly twenty years despite their opposing ideologies. However, a chain of events during the summer and fall of 1847 led to a tangled judicial proceeding that created twenty years of hostility.

The chain of events actually began in 1843 when Robert Matson, "...an unmarried Kentuckian of aristocratic background, who had served in his states' legislature, purchased a tract of farmland in Coles County, known as the Black Grove, which he worked with the aid of slaves brought from his plantation in Bourbon county, Kentucky, each spring, to be returned there after the harvest.¹ By returning them to Kentucky, Matson expected to maintain the Negroes' status as slaves, for in the free state of Illinois it was legal to transport slaves across the state, but not to locate them there permanently. He kept one slave, Anthony Bryant, continuously on the farm as foreman and overseer. Thus, in the eyes of the law, Bryant was a free man; however, no evidence exists that he received a certificate of freedom as required by Illinois law.²

This arrangement worked nicely for Matson from its inception in 1843 until 1847. In the spring of 1847 Matson brought Anthony Bryant's wife, Jane, and her four children, to the Black Grove farm. He also brought his white housekeeper, Mary Corbin. Matson, however, did not stay at the Black Grove as was his usual procedure, but returned to Kentucky shortly afterward.

All went well on the farm under the watchful eye of overseer Anthony Bryant, but before their scheduled return to Kentucky after the gathering of the crops, Jane Bryant aroused the displeasure of Matson's housekeeper, Mary Corbin. Mary threatened immediately to break up the reunited Bryant family and ordered Jane and her children returned to Kentucky, there to

¹ John J. Duff, A. Lincoln, Prairie Lawyer, (New York, Rinehart & Co., Inc., 1960), p. 130.

² Charles H. Coleman, Abraham Lincoln and Coles County, Illinois, (New Brunswick, New Jersey, Scarecrow Press, 1955), p. 104.

be sold for labor "way down south in the cotton fields."³ This was equivalent to a death sentence to a slave.

"Jane (Bryant), who was an intelligent mulatto, had apparently seen enough to convince her that Mary Corbin was living in more or less respectable sin with the master (Matson) and hence was in a position to carry out her threat."⁴ Terrified by the prospects of the destruction of his family,⁵ Anthony Bryant went to the nearby town of Oakland where he enlisted the help of abolitionist, Gideon M. Ashmore, who instructed Bryant to bring his family to his tavern that night. Ashmore contacted Dr. Hiram Rutherford, another Coles County abolitionist and together they determined not to return the Bryant family to Matson.

A few days after the Bryants had escaped to the custody of Ashmore and Rutherford, Matson returned from Kentucky to the Black Grove farm. For several days Matson tried to induce the slaves to return. The Bryants refused to return to Matson's custody and consequently he went to the county seat at Charleston and employed the services of a prominent attorney, Usher F. Linder. Linder, described as "a skillful lawyer and fine orator,"⁶ was thought to be one of the best attorneys in the state. Acting under provisions of the Fugitive Slave Laws (also known as the Black Laws) Linder procured a writ for the production of the slaves. The Bryant family was then taken to the Coles County jail where they were housed as runaway slaves.

³Albert A. Woldman, Lawyer Lincoln, (Boston, Houghton Mifflin Co., 1936), p. 59.

⁴Duff, A. Lincoln, Prairie Lawyer, p. 131.

⁵One of Anthony and Jane Bryant's children, a male child, had already been sold by Matson and was never seen by them again.

⁶John M. Palmer (Editor), The Bench and Bar of Illinois, (Chicago, Lewis Publishing Co., 1899), Vol. II, p. 656.

Ashmore and Rutherford realized that the Bryants would have no representation at their own trial and hired Orlando B. Ficklin, another prominent attorney and friend of Abraham Lincoln. Ficklin immediately secured the release of Anthony Bryant, who, under the law of the State of Illinois, was a permanent resident and thereby a free man.

The trial of Bryant's wife Jane and her family as fugitive slaves was to proceed, however, before the court of Magistrate Squire Gilman. Ficklin demanded that the case be tried before a court of three magistrates rather than a jury and won approval of this motion. Two other magistrates were appointed to collaborate with Gilman. Two days of testimony and argument were offered in the court. Woldman commented on the decision of the court:

For several days Squire Gilman, Captain Easton, and Mr. Shepard deliberated over their decision. Doubtless they realized that the whole community was aroused to fever heat. They had seen armed men about the court house with angry, resolute faces, awaiting the results of the trial. Loud talk was heard, excitement ran high and bloodshed seemed imminent. Although two to one proslavery, the board of magistrates suddenly discovered that it had no jurisdiction as to the question of the freedom of Jane (Bryant) and her children.⁷

Because of the anticipated trouble the court proclaimed itself powerless to render a decision and referred the entire matter to the higher circuit court which was to convene in Coles County in October.

The situation worsened for all the litigents involved in the case. The Bryant family was detained and kept in the Coles County jail. Robert Matson was presented a bill by the Coles County Sheriff for "...keeping and

⁷Woldman, Lawyer Lincoln, p. 60.

dieting five negroes forty-eight days thirty-seven cents each per day,"⁸ which he refused to pay. Ashmore and Rutherford fully expected the Bryants to be released to their custody to await trial before the Circuit Court. When the Bryants were not released, Ashmore had attorney Ficklin file a Writ of Habeas Corpus to determine why they were being detained. The Writ of Habeas Corpus was also referred to the Circuit Court.

Matson was infuriated by the attempts of Ashmore and Rutherford to free the Bryant family, and in retaliation filed a civil suit against them for \$2500 damages for having taken his slaves from him. Ashmore and Rutherford responded by filing criminal charges against Matson for "...living in a state of open fornication with one Mary Corbin."⁹ He was tried on this charge before the local court and found guilty and fined \$250.

Matson was now frantic about the eventual outcome of the case. He told friends "that he did not know where this thing (meaning his effort to take the negroes back to Kentucky) would end, that he had been to Springfield to consult Abraham Lincoln; that he had not quite liked the way he had talked about slavery, still as he wanted the best lawyer in the country he had retained him for the litigation that was to follow."¹⁰

It was then learned that the presiding judge at the trial would be Justice William Wilson, Chief Justice of the Supreme Court of the State of Illinois. It was not unusual for Supreme Court Justices at that time to preside at Circuit Court trials, so the presence of Wilson may not have been

⁸Circuit Court Record, Vol. II, pp. 191-196; Herndon-Weik Microfilm, Group III, No. 1957.

⁹This was the same Mary Corbin who was Matson's housekeeper and had started the entire litigation with her threat to the Bryant family. Herndon-Weik, The People of the State of Illinois vs. Robert Matson, 1967.

¹⁰Coleman, Abraham Lincoln and Coles County, Illinois, p. 106.

due to the importance of the case, but rather by accident. It is known however, that Wilson realized the importance of the case and upon this basis requested Justice Samuel H. Treat, normally a judge of the adjacent Eighth Circuit to preside with him.¹¹ Because of the complexity of the litigation Wilson felt that Treat's assistance was imperative.

In the meantime Ashmore and Rutherford had not secured an attorney to represent them in the civil suit that Matson had pressed. Rutherford had heard that his friend, Abraham Lincoln, would arrive in Charleston with Wilson and Treat. He did not know that Lincoln had already been hired to represent Matson. When the Judicial contingent arrived in Charleston, Rutherford went to find Lincoln. When he found Lincoln, Rutherford related his story to him. Reluctantly, Lincoln told Rutherford that he had already been hired by Matson. Rutherford was irate and immediately engaged the services of Charleston attorney, Charles H. Constable.

The stage was set for the trial to begin. The litigation facing Justices Wilson and Treat was indeed tangled and complex. Eight litigants, Jane Bryant and her four children, Robert Matson, and Ashmore and Rutherford, were represented by four attorneys,¹² Picklin, Linder, Constable and Lincoln, on two criminal charges, one Writ of Habeas Corpus, and one civil suit. The criminal charges were the result of Matson's enactment of the provisions of the Black Laws which, if convicted, would have made the Bryants fugitive slaves and would have brought immediate criminal charges against Ashmore and Rutherford for having harbored fugitive slaves. The Writ of Habeas Corpus

¹¹Ibid., p. 105.

¹²Duff indicates that Matson was represented by a third attorney, Thomas A. Marshall. However, Marshall took no part in the oral argument and consequently will not be discussed.

was the result of Ashmore and Rutherford's attempt to have the Bryants freed while awaiting trial. The civil suit was the result of Matson's \$2500 claim for damages against Ashmore and Rutherford for having detained his slaves.

Wilson and Treat realized that the key to all the litigation rested on the Writ of Habeas Corpus. If the Bryant's attorneys could prove that they had been unlawfully detained in the Coles County jail, the Bryants would, in the eyes of the court, be viewed as freemen and consequently the criminal charges against them for being fugitive slaves and the civil suit against Ashmore and Rutherford would have to be dropped. If, on the other hand, Matson's attorneys could prove that the Bryants had been legally detained the provisions of the Black Laws could be enacted and Matson would have legal claim in his damage suit. October 16, 1847 was set as the date the Habeas Corpus hearing was to be held.

The hearing began with Chief Justice William Wilson presiding and Justice Samuel H. Treat assisting. There was no jury in the Habeas Corpus proceeding. The outcome of the hearing was contingent upon whether or not the slaves were in transit or whether they had actually been located in the State of Illinois. Orlando B. Ficklin, attorney for the Bryants, commented on the contingency:

This was the hinge on which the case turned. Were the negroes held in transitus while passing over or crossing the state or were they located for a time by the consent of their master? If only crossing the state the act did not free them, but if located by the consent of the owner, even temporarily, that would emancipate them. It was therefore of the highest importance to ascertain the "true intent and meaning" of Matson in placing his slaves upon the Black Grove Farm.¹³

¹³Orlando B. Ficklin, "A Pioneer Lawyer," The Tuscola Review, Thursday, Sept. 7, 1922, p. 8--a reprint of an article which appeared in a Charleston newspaper of January 15, 1855.

Attorney Constable presented the opening argument¹⁴ in favor of the motion to release the Bryants under the provisions of Habeas Corpus.¹⁵ The thrust of his argument centered on the fact that the slaves were indeed located, even if temporarily, in the State of Illinois, and thus were freemen. He based this argument on the provisions of the "Ordinance (or Compact) of 1787" and the Illinois Constitution. The "Ordinance of 1787" clearly stated that "...there would forever be the exclusion of slavery from the Illinois Territory." The Illinois Constitution included that same principle; thus what had been law for the Illinois Territory was now law for the State of Illinois.

Ficklin commented on Constable's argument:

It was admitted by the counsel for the Negroes that the master possessed in this country the right of passage in transit for his slaves over the soil of free states and the right to visit watering places with body servants and nurses, and that he was protected in his property while doing so, but that the moment he located even for a brief period of time, the slave became free, for slavery could not have "local habitation" on Illinois soil under the Constitution and laws of the state.¹⁶

Constable concluded that because the slaves were located in the state they were freemen, and were consequently entitled to the provisions of Habeas Corpus.

The argument presented by Constable was no novel rule, for it had been presented six years before by his adversary, Abraham Lincoln, in Bailey

¹⁴Attorney Ficklin actually opened the case but his opening was merely a reiteration of the testimony of the previous trial before the Court of Squire Gilman - Duncan T. McIntyre, "Lincoln and the Matson Slave Case," Illinois Law Review, January, 1907, p. 390.

¹⁵Woldman, Lawyer Lincoln, p. 62.

¹⁶Ficklin, "A Pioneer Lawyer", p. 8.

vs. Cromwell.¹⁷ Strangely enough neither Constable nor Ficklin ever mentioned this case which would have provided a clear precedent and authoritative support for their contention.

An analysis of the arguments presented by Constable reveals that he relied primarily on logical proof. The logical proof employed consisted of evidence and causal argument. The evidence was in the form of historical data supplied by the "Ordinance of 1787" and the Constitution of the State of Illinois; he further asserted that the "location" of the slaves in Illinois was historical fact. From these two pieces of evidence Constable set up an argument from causation. Because the "Ordinance of 1787" and the Illinois Constitution prohibited slavery in the state, they were indeed, freemen.

Usher F. Linder countered Constable's argument with the testimony of Joseph Dean. It will be recalled that Dean, who was Robert Matson's friend, had sworn each year in writing that the slaves were only temporarily in the state. Dean swore before the court that the slaves were located on the Black Grove farm temporarily. Linder concluded from Dean's testimony "...that inasmuch as Matson had never intended to liberate his slaves by permitting them to sojourn in Illinois, their status never changed and they remained slaves."¹⁸ From this strain Linder argued that the Federal Constitution recognized slaves as property. The Federal Constitution also gave a man the right to protect his property. Since Matson's act of locating the Bryants in Illinois did not change

¹⁷Albert J. Beveridge, Abraham Lincoln, 1809-1858, (Boston, Houghton Mifflin Co., 1928), pp. 395-396. This case had been argued in 1841 before the Illinois Supreme Court. Lincoln had secured the freedom of a Negro girl, Nance, on the basis of the provisions of the "Ordinance of 1787" and the Illinois Constitution.

¹⁸Woldman, Lawyer Lincoln, p. 62.

their status as chattel, Matson was merely protecting his property in this litigation. He was, therefore, entitled to the return of his slaves.

Ficklin later commented that Linder's boldness and eloquence "...would have been vociferously cheered in South Carolina. He showed bitter and malignant prejudice toward abolitionists, and bitterly denounced Ashmore and Rutherford for harboring runaway slaves."¹⁹

In his rebuttal, Usher F. Linder dropped several points of contention to Constable. He could not have argued against the provisions of the "Ordinance of 1787" or of the Illinois Constitution and consequently had to drop that point. However, he could have argued against Constable's second point; "that the slaves were located, even temporarily, in the State of Illinois." Since the law specified no time limit for a master to transport his slaves across the state Linder could have successfully countered Constable's argument by contending that Matson and his slaves were merely passing over the state, albeit slowly, but still just passing through. To further confuse his own purposes Linder introduced the testimony of Joseph Dean who swore that the slaves were only in temporary residence, further confirming Constable's second point of contention. The loss of the first two points to Constable necessarily caused Linder to lose the third; namely that the Bryants were freemen.

Rather than argue the contentions that Constable presented, Linder established new contentions of his own. He utilized the proof of authority in Joseph Dean's testimony, to establish that it was never Matson's intention to emancipate his slaves when locating them in Illinois. He then turned to the proof of evidence, in the form of the Federal Constitution, to point out that slaves were considered property and that a man has the right to retain his

¹⁹Ficklin, "A Pioneer Lawyer," p. 8.

property. Linder then established his own causal argument: because Matson never had any intention of freeing his slaves; because a man has the right to retain his property; Matson has the right to retain his property in the form of these slaves.

The logic here is clearly faulty. Linder could have easily established the validity of his second and third points from the historical document, the Federal Constitution. However, he could not have established the first point because the law was not concerned with a slaveholders intention in locating in the state, but rather the actual fact of the location itself. Thus Linder dropped all of Constable's contentions by not presenting arguments against them and lost his case entirely as a result of his failure to establish the validity of his own contentions.

Linder also used emotional proof to attempt to further his cause. His attack on abolitionists in general and Ashmore and Rutherford specifically was no doubt intended to produce an emotional reaction, probably enmity and hatred in Justices Wilson and Treat and the audience members.

Despite Linder's reported eloquence, his arguments still had to withstand Ficklin's cross-examination. Ficklin immediately recalled Joseph Dean and proceeded to discredit his testimony by showing that Dean was "...a worthless fellow whose testimony was invalid."²⁰

He did not stop, however, with the discredit of Joseph Dean. He attacked Linder's central argument by pointing out that even if Matson's intentions were not to free his slaves by locating them in Illinois, the act of location did emancipate them for the law specifically stated that slaves

²⁰ Throughout his relation of the case Ficklin refers to Dean as "poor white," "white trash," and "one who would do Matson's bidding."

became freemen if located in the State of Illinois, even temporarily.²¹ He then returned the defense to Constable.

Ficklin chose not to introduce any new line of argument, but rather to substantiate that presented by Constable. He first attempted to destroy the credibility of the testimony of Joseph Dean. This procedure is typical in court cases, but seems illogical in this instance since Dean's testimony really helped Constable's case rather than hurting it. After having destroyed Dean's testimony to his own satisfaction, Ficklin reasserted Constable's case in light of Linder's rebuttal. Since Linder did little to destroy the case, Ficklin's job was not particularly difficult. He merely pointed out that even if Dean's testimony was credible it would not affect the arguments presented by Constable since even temporary location of slaves in the State of Illinois insured their emancipation.

At this point in the trial Constable began an intricate analysis of British legal decisions on the issue of slavery which was culminated with what Coleman refers to as "Curran's famous speech in defense of Rowan,"²² a defense which made Abraham Lincoln wince according to Ficklin.

I speak in the spirit of British law, which makes liberty commensurate with and inseparable from British soil; which proclaims even to the stranger and sojourner the moment he sets foot upon British earth, that the ground on which he treads is holy and consecrated by the genius of universal emancipation, no matter what complexion incompatible with freedom an Indian or an African sun may have burnt upon him, no matter in what disastrous battle his liberty may have been cloven down; no matter what solemnities he may have been devoted upon the altar of slavery; the first moment he touches the sacred soil of Britain the altar and the god sink together in the dust; his soul walks abroad in her own majesty; his body swells beyond the measure of his chains that burst from around him and he stands regenerated and disenthralled by the irresistible genius of universal emancipation.²³

²¹Ficklin, "A Pioneer Lawyer," p. 8.

²²Coleman, Abraham Lincoln in Coles County, p. 107.

²³Ficklin, p. 8--quoted from the Speeches of John Philpot Curran, (Dublin, 1868), p. 169.

Constable's quotations from British law may at first appear to be another case of historical proof. However, in the context of the entire proceeding it becomes evident that the utilization of the British precedents was not intended to be historical proof, but rather was to gain an emotional reaction; probably indignation. Thus in his two speeches before the court Constable employed both logical and emotional proof.

The situation looked, at this point, bleak for Matson's cause. The arguments of Abraham Lincoln, however, had not yet been heard. Duncan T. McIntyre, who was present at the trial, stated that every eye in the courtroom turned to Lincoln as he arose to defend slaveowner Robert Matson. McIntyre commented on Lincoln's argument:

His main contention was that the question of the right of the Negroes could only be determined by a regular Habeas Corpus proceeding, and not by a mere motion, as was then attempted. His argument was masterful in that he was carefully and adroitly shunning the vital question in the case.²⁴

Justice William Wilson then wanted to know whether Lincoln's objection was simply to the form of the action by which the question should be tried. Lincoln answered affirmatively.

Justice Wilson then queried:

Now, if this case was being tried on issue joined in a Habeas Corpus, and it appeared there, as it does here, that this slaveowner had brought this mother and her children, voluntarily, from the State of Kentucky, and settled them down on his farm in this state, do you think, as a matter of law, that they did not thereby become free?²⁵

Here Lincoln was put to the supreme test of honesty. He obviously did feel that they would have become free as is evidenced by his own assertions in Bailey vs. Crowell. However, if he asserted this belief he would lose the major point of the Matson Case.

²⁴McIntyre, "Matson Slave Trial", p. 393.

²⁵Ibid., p. 391.

"No sir," he replied. "I am not prepared to deny that they did (become free)."²⁶ By his admission Lincoln had admitted the very point that Ficklin and Constable had tried to make. He had therefore admitted away the case.

Having had his original argument thwarted by Justice Wilson, Lincoln turned to the only other possible avenue of defense for his client. It will be remembered that in his opening argument Attorney Constable had asserted that the slaves had been located in Illinois. Lincoln took issue with this assertion claiming that this should not be Constable's decision but rather the decision of the court. The actual basis of Lincoln's argument was that the court would determine whether or not Matson had stretched the law permitting transportation of slaves across the state, so that in fact it was permitting slaves to be located in the state. He rested his case and turned the decision over to Justices Wilson and Treat.

An analysis of Lincoln's argument reveals that he, no doubt, understood the grounds upon which Constable and Ficklin argued, whereas Linder may not have. This understanding of his opponents case led Lincoln to believe that the causal argument was so well constructed that he would have little ground upon which to attack it. He therefore chose to attack the legal procedure which he said was inadequate to determine a question of this importance. Justice Wilson in questioning Lincoln, destroyed this line of reasoning. Lincoln was then faced with the realization that he must contend with the case established by his opponents, and he attacked the only possible point which could gain him advantage.

²⁶ Ibid., p. 391.

His opponents' arguments were apparently too well constructed for Lincoln to attack successfully. Justices Wilson and Treat returned with their verdict: Jane Bryant and her children had actually been located in the State of Illinois and this act had emancipated them.²⁷

Conclusions

It was proposed that four questions would be asked of the Matson Slave Trial. Those questions and their answers follow:

1) What significant speaking event involving the issue of anti-slavery and disunion took place in Coles County and who were the speakers involved? The writer determined that a significant speaking event in Coles County was the Matson Slave Trial. The speakers were Usher F. Linder, Orlando F. Ficklin, Charles H. Constable and Abraham Lincoln. The event was significant because of the unusual part played by Abraham Lincoln in the proceedings and because the political prominence of all the speakers involved made the case a high point in Coles County's history of antislavery and disunion.

2) What arguments were employed by these speakers when addressing themselves to the issue? The arguments presented by the Bryants' attorneys were: a) slaves located in the State of Illinois were emancipated by the provisions of the "Ordinance of 1787" and by the Illinois Constitution; b) since the Bryants were located in Illinois they became free. The arguments presented by Matson's attorneys were: a) the Federal Constitution recognizes slavery and permits a man to protect his property; b) since Matson never intended to free his slaves he was merely protecting his property.

²⁷For actual decision see Appendix, page 76.

3) What was used as evidence or support for the arguments? Both sides used logical and emotional proof in constructing their arguments. Ficklin and Constable used evidence in the form of the "Ordinance of 1787" and the Illinois Constitution. From these they established a causal argument. Constable quoted from Carran's defense of Rowan, a move calculated to elicit an emotional response. Linder and Lincoln used as evidence the Federal Constitution and introduced the testimony of Joseph Dean. They used these to establish their own causal argument. Linder attacked abolitionists in a speech charged with emotion.

4) Was the evidence or support sufficient to justify the arguments? The evidence presented by Ficklin and Constable was sufficient to justify their argument. This assertion has credibility in light of the fact that they won the case. However, the writer concludes that Ficklin and Constable were remiss in not having mentioned Bailey vs. Cromwell, where the same evidence had been presented and found justifiable some years before.

The evidence presented by Lincoln and Linder was obviously insufficient due to the fact that they lost the case. They were unable to counter their opponent's arguments with sufficient evidence and could not establish adequate arguments of their own. They were remiss, reported Duncan F. McIntyre, in not once touching upon the question of the right of Robert Matson merely to remove himself and his slaves back to the State of Kentucky.²⁸ This argument may not have been particularly strong, but in light of the weak arguments they presented it may have represented their only avenue of defense.

²⁸McIntyre, "Matson Slave Trial", p. 390.

CHAPTER III

THE FOURTH LINCOLN-DOUGLAS DEBATE

This chapter will answer the following questions as applied to the Fourth Lincoln-Douglas Debate:

- 1) What significant speaking event involving the issue of anti-slavery and disunion took place in Coles County and who were the speakers involved?
- 2) What arguments were employed by these speakers when addressing themselves to the issue?
- 3) What was used as evidence or support for the arguments?
- 4) Was the evidence or support sufficient to justify the arguments?

The Fourth Lincoln-Douglas debate may have been the most important historical event in Coles County. The debate was part of the 1858 campaign for a seat in the United States Senate from the State of Illinois. The opponents in the debate were Abraham Lincoln and the incumbent Senator, Stephen Arnold Douglas. The decision of the electorate was whether to retain Douglas as Senator or to oust Douglas in favor of Lincoln. The issue upon which the campaign revolved was where Illinois was to stand on the question of the extension of slavery into the Federal Territories. Douglas favored a plan which he developed, called "popular sovereignty," which would allow the people of a territory the right to vote on the question of slavery. Lincoln favored keeping slavery in the states where it presently existed, but not to extend it any further.

From the outset of the campaign it was clear that Douglas had a definite advantage over Lincoln. He was the incumbent who had brought Illinois national prominence and had challenged the Democratic Party leadership of President James Buchanan. Within the State of Illinois the Democratic Party controlled the legislature.¹ In that day United States Senators were not elected by popular vote but rather were elected by the state legislatures. This left Lincoln with the difficult task of having to elect a Republican majority in both the State Senate and House of Representatives. Douglas had merely to maintain the status quo or could even lose a few votes and still command a majority in the legislature.

The campaign began with the two candidates delivering speeches throughout the state. Lincoln would often follow Douglas to cities of importance and deliver rejoinders intended to sway the audiences that Douglas himself had gathered. However, the prospects looked bad for Lincoln and he seemed to be losing ground to the powerful Douglas. At the insistence of his supporters Lincoln offered a challenge to Douglas to divide their time equally and address the same audience.

It is a popular notion that Douglas was trapped into debating Lincoln, whose qualities were unknown to him. This notion has little validity since Lincoln and Douglas were contemporaries at the bar, in the state legislature and in the social circles of Springfield. Douglas knew Lincoln and his potential well. He is reported to have said before the debates: "I shall have my hands full. Lincoln is the strong man of his party, the best stump speaker in the West."²

¹The State Senate was divided 11 to 14 in favor of the Democrats. The House of Representatives was divided 35 to 40 in favor of the Democrats. Charles H. Coleman, "The Lincoln-Douglas Debate at Charleston, Illinois," Charleston, Illinois, Eastern Illinois University Bulletin, 1963, p. 9.

²Carl Sandburg, Abraham Lincoln: The Prairie Years, (New York, New York, Harcourt, Brace and Co., 1954), p. 385.

While the notion that Lincoln was unknown to Douglas must be dispelled, Douglas was probably trapped into debating Lincoln. Since Douglas already held the advantage in the campaign he had nothing to gain by accepting Lincoln's challenge to debate. Should he be the clear victor in the debates the best he could do was strengthen his own position, which at that time needed little strengthening. Should Lincoln, however, emerge victorious from the debates, Douglas stood to lose all of his advantage. The question was merely academic, however, as Douglas realized that he had no choice but to accept the challenge. If he should refuse to debate Lincoln, it would appear that he was afraid to face his opponent on the same platform.³ On the basis that he had more to lose by not debating than by debating, Douglas reluctantly accepted Lincoln's challenge.

As the challenged party, Douglas had the privilege of choosing the dates, locations and format of the debates. He chose Ottawa, Freeport, Jonesboro, Charleston, Galesburg, Quincy and Alton as debate sites. The Charleston debate was to be held September 18th. Each speaker was to speak for an hour and a half alternating opening speeches of an hour. After a reply of ninety minutes the opening speaker would close with a half hour rejoinder. Lincoln was to be the opening speaker at Charleston.⁴

As the debates progressed it became apparent that the two men agreed more than they differed concerning the issue of slavery. At Ottawa Douglas asked Lincoln seven questions: 1) Was Lincoln in favor of the unconditional repeal of the fugitive slave law? 2) Was Lincoln pledged against the admission of additional slave states, even if the people wanted them? 3) Was Lincoln

³Coleman, The Lincoln-Douglas Debate at Charleston, Illinois, p. 16.

⁴Ibid.

pledged against the admission of a state with a constitution framed as the people of that state saw fit? 4) Was Lincoln pledged to the abolition of slavery in the District of Columbia? 5) Was Lincoln pledged to prohibit slave trade between the states? 6) Was Lincoln pledged to the prohibition of slavery in all of the territories, north as well as south of the Missouri Compromise line? 7) Was Lincoln opposed to the acquisition of more territory by the United States unless slavery was prohibited in such territory?⁵

Lincoln's answers to the first five questions corresponded almost perfectly with Douglas' feelings on these issues.⁶ No, he was not in favor of the repeal of the fugitive slave law. No, he did not stand pledged against the admission of additional slave states, if the people wanted them. No, he would not consider the overthrow of a constitution drawn up by the people of a state; he considered this question in substance the same as the second. On the question of slavery in the District of Columbia Lincoln stated that he would be "exceeding glad to see slavery abolished in the District of Columbia," but he hoped that it would be abolished by a vote of the people. No, he was not pledged to the abolition of slave trade between the states since he had not given it "mature consideration," and consequently he had taken no positive position on the subject. The sixth question, "was Lincoln pledged to the prohibition of slavery in all of the territories of the United States, north as well as south of the Missouri Compromise line," brought out a clear difference of opinion. Lincoln replied that he was "impliedly" if not expressly pledged to a belief in the right and duty of Congress to prohibit slavery in all the United States territories.⁷ This was in direct opposition to Douglas' theory of "popular

⁵Ibid., p. 16.

⁶Ibid., pp. 17-18.

⁷Ibid., p. 18.

sovereignty." In the seventh question Douglas asked Lincoln if he was opposed to the acquisition of more territory unless slavery was prohibited in that territory. Lincoln answered that he was not generally opposed to honest acquisition as he thought it would or would not aggravate the slavery question among the people. This evasive reply indicated Lincoln's opposition to popular sovereignty as a basis for settling the question of slavery in the territories.

In the second debate at Freeport, after having answered Douglas' seven questions, Lincoln asked Douglas four questions of his own. In his first question Lincoln asked Douglas if he would vote to admit Kansas as a state before it had the population specified for its admission as a free state under the provisions of the English Bill.⁸ Douglas replied that, "...it having been decided that Kansas had people enough for a slave state, I hold that she has enough for a free state."⁹ This is exactly how Lincoln would have answered his own question.

Lincoln's second question has become known as the "Freeport Question" and Douglas' answer as the "Freeport Doctrine." Lincoln asked: "Can the people of a United States Territory, in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a state constitution?"¹⁰ Douglas replied that in his opinion a territory could, "by lawful means exclude slavery from its limits prior to the formation of a

⁸The English Bill was introduced by representative Wm. H. English of Indiana, and became law in May of 1858. Under the provisions of the bill Kansas could be admitted immediately as a state if the people adopted the pro-slavery Lecompton Constitution. If the people rejected the Lecompton Constitution Kansas would have to wait for statehood until her population reached ninety-three thousand. Since her present population was much smaller than the needed ninety-three thousand it was felt by pro-slavery forces in Congress that the English Bill would force Kansas to enter the union as a slave state. However, a vote was taken on August 2, 1858 and Kansas rejected the Lecompton Constitution 11,300 to 1,788.

⁹Coleman, "Lincoln-Douglas," p. 19.

¹⁰Ibid.

State Constitution." Perpetuation of slavery was dependent upon local regulation, and "...unfriendly legislation (adopted by a territorial legislature) could effectually prevent the introduction of it (slavery) into their midst."

In his third question Lincoln posed a hypothetical question. Should the Supreme Court declare that no state has the Constitutional right to exclude slavery from its limits, as the court had done in regard to United States Territories in the Dred Scott Decision, would Douglas support such a decree? Douglas replied that such a thing would be "...an act of moral treason that no man on the bench would ever descend to."¹¹ No doubt, Douglas was as opposed to the introduction of slavery into free states as was Lincoln.

For his final question Lincoln asked Douglas if he was in favor of acquiring additional territory, in disregard of how such acquisition may affect the nation on the slavery question. Douglas replied that:

When it became necessary for our national growth and progress to acquire more territory, he was in favor of it without reference to the subject of slavery; "and when we have acquired it, I will leave the people free to do as they please, either to make it slave or free territory as they prefer."¹²

This answer revealed the only clear cut difference that Lincoln and Douglas held on the issue of the extension of slavery. Lincoln was completely opposed to the extension. Douglas adhered to his theory of "popular sovereignty."

Because of the very closeness of their views the two men realized that they could not continue to debate on the strength of these issues alone. By the time of the Charleston debate, Lincoln had begun to implicate Douglas in a plot to force a constitution upon the people of Kansas without their consent.

Douglas, in the third debate at Jonesboro, accused Lincoln of being a radical

¹¹ Ibid., pp. 20-21.

¹² Ibid., p. 21.

who wished to emancipate the slaves completely and with their emancipation give them all the rights of full citizenship. The debates had degenerated into a mud-slinging affair.

The Charleston debate as described by Coleman seemed more of a carnival than it did a serious political debate. Bands and parades were present and showmanship was paramount.¹³ Both Lincoln and Douglas had arrived in the neighboring town of Mattoon the day before and had spent the night there. The journey to Charleston the next day, September 18, had a gay splendor about it. The processions were led by bands and parades. Upon arrival in Charleston, Lincoln took the stand first as had been designated.

In the previous debate at Jonesboro Douglas had first made his accusation that Lincoln was a radical who wished the complete emancipation of slaves and the granting of all rights of citizenship to negroes. Lincoln, chose to answer this accusation at the beginning of the Charleston debate. He explained that he had never wished to produce a perfect equality between the black and white races. He was not in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people. He also felt that there were physical differences between blacks and whites which made it impossible for the two races to live together in total equality. However, because the two races could not live together in equality did not mean to Lincoln that the negroes should be denied everything by the whites. Rather the whites should simply leave the negroes alone instead of subjugating them.¹⁴

¹³Charles H. Coleman, Abraham Lincoln and Coles County, Illinois, (New Brunswick, New Jersey, Scarecrow Press, 1955), p. 173-190.

¹⁴For the entire section of Lincoln's text stating his views on negro equality see the Appendix, page 77. Ray P. Basler, editor, The Collected Works of Abraham Lincoln, (New Brunswick, New Jersey, Rutgers University Press, 1953), Vol. III, pp. 145-146.

This statement probably had two purposes. Lincoln was forced into making a statement to counter Douglas' accusation. The statement was probably also intended to provide ethical proof since popular feeling at the time was suspicious of negro equality. This is further evidenced by the fact that Lincoln's statements on negro equality received applause and cheering in the Charleston debate.¹⁵

At this point in the debate Lincoln launched himself into what appears to be the "meat" of his text. This portion consisted of an accusation that Douglas had been embroiled in a conspiracy to deny the people of Kansas the right to vote on a pro-slavery constitution. To fully understand the accusation it is necessary to understand the circumstances surrounding it. The center of the accusation was the work that Douglas had done on the Toombs Bill. The Toombs Bill, named after Senator Robert Toombs of Georgia who introduced it, consisted of an Enabling Act specifying that the people of Kansas could promote a convention to draw up a constitution. Kansas was at that time a territory and was petitioning Congress to be admitted to the Union as a State. Pro-slavery forces in Congress hoped Kansas would be admitted as a slave state, while anti-slavery forces hoped it would be admitted as a free state. The people of Kansas did not wish to be admitted as a slave state as is evidenced by their overwhelming rejection of the previously mentioned Lecompton Constitution. Powerful political forces in Kansas, who would most likely be responsible for the actual writing of the constitution, desired that Kansas be admitted as a slave state. Pro-slavery forces in Congress felt that the time was right to get Kansas admitted as a slave state. However, they feared that the general populace of Kansas would reject the necessary constitution which would admit her as

¹⁵Basler, Collected Works, pp. 145-146.

a slave state. When the original bill was presented before Congress it contained a statement which would allow the people of Kansas to vote in a general election their acceptance or rejection of the Constitution. The bill was then referred to the Congressional Committee on Territories, of which Senator Douglas was chairman, for revisions. When the bill was returned to Congress the wording had been carefully changed so that it would be impossible for the people of Kansas to vote on the constitution. Lincoln's accusation against Douglas was that he had been a part of this conspiracy.

Lincoln began his analysis by pointing out that the original charge of conspiracy was made by Illinois' junior Senator, Lyman Trumbull.¹⁶ At speeches in Chicago and Alton, Trumbull made this charge: "Now, the charge is, that there was a plot entered into to have a Constitution formed for Kansas and put in force without giving the people an opportunity to vote upon it, and that Mr. Douglas was in the plot."¹⁷

Lincoln pointed out that he had mentioned this charge in other speeches but had not pursued it. He had merely stated that he had no reason to doubt Trumbull's veracity. Douglas had, according to Lincoln, offered an explanation in a speech at Jacksonville, Illinois. After he had presented his explanation Douglas said that he also held Lincoln responsible for this charge since Lincoln had supported Trumbull. It was for this reason, Lincoln said, that he was addressing himself to this topic.

¹⁶Trumbull and Lincoln were close friends. They held similar views on the extension of slavery into the territories. In the senatorial election of 1854 Lincoln opposed the "Kansas-Nebraska Act." He was opposed in the campaign for a Senate seat by a "pro-Nebraska" legislator, Joel Matteson. Trumbull also had minor support in the Illinois Legislature. As the balloting continued Matteson and Trumbull gained support and Lincoln began to lose his. To insure the election of an opponent of the "Kansas-Nebraska Act," Lincoln asked his supporters to shift their votes to Trumbull. Thus, on the strength of Lincoln's support, Lyman Trumbull was elected to the U.S. Senate.

¹⁷Basler, Collected Works, p. 148.

Lincoln then began to weave the web of proof that he hoped would indict Douglas. The first strand in this web was the testimony of Trumbull. Trumbull had said that the Toombs Bill, when originally reported had contained a statement which said that the people of Kansas would have the right to vote upon the Constitution. The Bill was then referred to committee and when it was reported back those words were stricken.¹⁸

In this support Lincoln used the logical proof of authority. He told the audience that Trumbull had in his possession the original document of the Toombs Bill and the one reported back from committee. These documents, Lincoln said, substantiated the charge made by Trumbull. Lincoln stated that Trumbull had made these documents available to the public and thus the discrepancy could be substantiated. By the introduction of the documents Lincoln had made use of another logical proof, evidence.

To further support his argument that Douglas was involved in a conspiracy Lincoln proposed to examine Douglas' speech at Jacksonville which answered Trumbull's charges. Douglas had said at Jacksonville: "Suppose it were true that there was such a change in the bill, and that I struck it out-- is that proof of a plot to force a Constitution upon them against their will?"¹⁹ Douglas had argued that many Enabling Acts for other territories had had no provision for a vote on the Constitution. Lincoln countered this argument by stating that while some Enabling Acts had no provision for a vote, none was specifically worded so that it prevented a vote. Lincoln stated that he felt that Douglas' actions were proof of a plot. He also pointed out that there

¹⁸Ibid., p. 148.

¹⁹Ibid.

was much talk by pre-slavery forces in Congress to deny the vote. He then pointed out:

If you take this [the talk in Congress to deny the vote] as one piece of evidence, and then ascertain that simultaneously Judge Douglas struck out a provision that did require it to be submitted, and put the two together, I think it will make a pretty fair show of proof that Judge Douglas did, as Trumbull says, enter into a plot to put in force a Constitution for Kansas without giving the people any opportunity of voting upon it.²⁰

Here Lincoln had constructed a complex logical argument as a proof. He made the assumption that the audience then believed that Douglas actually did tamper with the Toombs Bill, an assertion that not he or anyone else had ever proved. He then began an inductive argument from signs containing these pieces of evidence: 1) there was talk in Congress to deny the vote to the people of Kansas, 2) the original Toombs Bill permitted a vote, 3) the bill was turned over to Douglas' committee, 4) when the bill was returned from committee it had been tampered with. Lincoln concluded that while the bill was in Douglas' jurisdiction he had changed the wording in order that the people of Kansas would be denied the right to vote on their Constitution.

Lincoln then returned to the Jacksonville speech. He pointed out that Douglas had said: "But upon examination it turns out that the Toombs Bill never did contain a clause requiring the Constitution to be submitted."²¹

Lincoln countered this argument by presenting what Trumbull had said to be the original Toombs Bill. This bill contained a clause which reads:

That the following propositions be and the same are hereby offered to the said convention of the people of Kansas when formed, for their free acceptance or rejection; which, if accepted by the convention and ratified by the people at the election for the adoption of the Constitution, shall be obligatory on the United States and the said State of Kansas.²²

²⁰Ibid., p. 148.

²¹Ibid., p. 149.

²²Ibid.

Trumbull said that when the bill was returned from committee the words "...and ratified by the people at the election for the adoption of the Constitution..." had been stricken.

While this appears to be another use of proof in the form of the historical document, Lincoln further developed it into a causal argument. The wording of this clause would actually prevent a vote. An examination of the wording proved Lincoln to be correct. The original statement said: "...which, if accepted by the convention and ratified by the people at the election for the adoption of the Constitution, shall be obligatory upon the United States and the State of Kansas." This statement provided specifically for a vote. However, when the phrase "...and ratified by the people at the election for the adoption of the Constitution..." was deleted, the clause then read: "...which, if accepted by the convention, shall be obligatory upon the United States and the State of Kansas." The omission would automatically prevent a vote by the people.

The bulk of the remainder of Lincoln's speech dealt with Douglas' accusation at Jacksonville that Trumbull had forged the incriminating evidence. Lincoln attempted to validate this evidence through the use of the "Congressional Globe," a publication which reported the happenings in Congress. This material was virtually all proof in the form of evidence.

Summary of Lincoln's First Speech

In his first speech at Charleston, Abraham Lincoln, in response to a charge made by Douglas that he was a radical who wished to emancipate the negroes, stated his views on negro equality. He then substantiated a charge made by Trumbull that Douglas had been part of a conspiracy to deny the people of Kansas the right to vote on a pro-slavery constitution. He substantiated the charge by presenting a five step line of reasoning:

- 1) The original Toombs Bill contained a provision for a vote.
- 2) The bill was referred to the Committee on Territories.
- 3) When returned, the wording of the bill had been changed so that a vote would have been impossible.
- 4) The committee on territories was chaired by Douglas.
- 5) Because of his access to the bill, Douglas was no doubt part of the conspiracy.

Douglas' Speech at Charleston

In the opening of his Charleston speech Stephen Douglas attempted to refute the arguments presented by Lincoln. In answer to the charge that he had tampered with the Toombs Bill, Douglas claimed that the bill, upon submission to the Committee on Territories, had been silent on the question of a vote and silent upon that question when it was returned to Congress. The question of a vote was left up to the Kansas Constitutional Convention. The documents in possession of Trumbull, Douglas charged were forgeries.

The reason that the bill had been submitted to the Committee on Territories was to determine the legal question of the admission of Kansas. At the time of the proceedings Kansas had a population of only 25,000. The smallest population acceptable at that time for a Representative in Congress was 93,420.²³ Douglas said that he favored waiting until Kansas had the minimum population for a Representative before admitting her to the Union. In a vote in Committee he had lost and the bill was referred back to Congress.

Despite these instances of explanation of his actions Douglas' most vociferous defense of himself consisted of an attack against Trumbull and

²³Ibid., p. 16.

Lincoln. Douglas asked why, if Trumbull had this so called evidence, he had waited for over two years to bring it to light (the incident occurred in 1856). Douglas indicated that the reason was that Trumbull himself, and not he, had been involved in a plot. (This allegation was largely unsubstantiated by Douglas but may have had some validity). He repeated again and again that Trumbull had falsified public records in order to make his charge.²⁴ He expressed amazement that Lincoln would endorse such a charge. The whole affair between he and Trumbull, Douglas asserted, was a personal one, and he was sorry that his adversary in this debate should lower himself by spending valuable time discussing it. Douglas accused Trumbull of making slanderous statements and, he said of Lincoln:

He desires to ride into office not upon his own merits, not upon the merits and soundness of his principles, but upon his success in fastening a stale old slander upon me.²⁵

Nearly one third of Douglas' speech at Charleston was devoted to answering Lincoln's charges. The great majority of this defense appeared in the form of attacks on Lincoln and Trumbull. Douglas' approach was by and large to employ emotional appeals in his own defense. Trumbull was pictured as a man of despicable characteristics who would do anything to gain political advantage including cheating and disparaging friends.

Lincoln, on the other hand, was pictured as somewhat of a bumpkin who had been duped into believing Trumbull's lie. Lincoln, according to Douglas, couldn't even make his own speech. He had had to occupy the entire first hour of the debate reiterating Trumbull's speeches at Chicago and Alton. Lincoln was also too stubborn to correct any mistake he had made and he probably already knew that Douglas was innocent of the charges, but would not take them back.

²⁴Ibid., pp. 158-165.

²⁵Ibid., pp. 161-162.

Douglas then began a careful analysis of the origin of the Republican Party. In 1850 the nation was in turmoil over the slavery question. However, Henry Clay and Daniel Webster worked out a compromise in the Senate. This compromise had many supporters in both houses of Congress, but there were a few Southern disunionists and Northern abolitionists who were opposed to it. The moderates of both the Whig Party and the Democratic Party were able to agree on the compromise, and it was passed by Congress. In 1850 then, according to Douglas, the Whig Party and the Democratic Party held similar views on the question of slavery, and their views were embodied in the Compromise of 1850. There were, however, a few disgruntled Whig and Democratic abolitionists who would not accept this consensus opinion. Thus, the Republican, or Abolitionist, Party was formed.²⁶

This relation by Douglas of the history of the formation of the Republican Party was an argument by explanation. Douglas explained why the Republican Party had been formed and why it stood for abolitionism. He carefully worked into this logical argument a great deal of emotional material. Clay and Webster were referred to as the "...immortal Clay" and the "...God-like Webster." The entire emotional display appealed to patriotism and unity of purpose with the exclusion of the abolitionists.

The poor qualities of the Abolitionists on the national scene were then applied by Douglas to the local scene. He asked:

And who led that crusade (abolitionism) against National principles in this State? I answer, Abraham Lincoln on behalf of the Whigs, and Lyman Trumbull on behalf of the Democrats...²⁷

²⁶Ibid., pp. 168-171.

²⁷Ibid., p. 171.

Douglas began an indictment of Illinois Republicans on the basis that they were actually abolitionists. He reported that "Fred Douglas, the Negro" was speaking on Lincoln's behalf in the northern part of the State of Illinois. The Republicans had formed a conspiracy to turn Illinois into an abolitionist state. He explained that in the northern part of the state the party called itself "The Black Republican Party" while in the central section they called themselves "...those opposed to the Democratic Party," and in the south they called themselves "The Free Democracy." The purpose of these inconsistencies were to dupe the people, Douglas said. In the north the party was "Jet Black" while in the center "a decent mulatto" and in the south "almost white." Douglas concluded the indictment with this analogy:

When I used to practice law..., if a man was charged with horse stealing and the proof showed that he went by one name in Stephenson county, another in Sangamon, a third in Monroe, and a fourth in Randolph, we thought that the fact of his changing name so often to avoid detection, was pretty strong evidence of his guilt.²⁸

While this argument is concluded with an analogy, the primary thrust is again emotional. Disparaging remarks were cast at Lincoln and Trumbull and the Illinois Republican Party in general.

Douglas ended his address by stating his views on Negro equality.²⁹ Divine law, Douglas declared, makes the two races unequal. The government of the United States was established by white men and for other white men. It should never be administered by any other than whites. The Negro is incapable of self-government, and therefore can never be equal.

²⁸ Ibid., pp. 175-176.

²⁹ For full text see appendix, page 78.

Summary of Douglas' Speech

Whereas Abraham Lincoln relied primarily on logical proof and argument in his first speech, Stephen Douglas relied primarily on emotion. He answered Lincoln's charges by utilizing historical documentation and emotional proof. He asserted the value of the Democratic Party's policies by appealing to patriotism. He used emotionalism to destroy the credibility of these agents and persons:

- 1) the national Republican Party;
- 2) the Illinois Republican Party;
- 3) and Abraham Lincoln and Lyman Trumbull and their supporters.

In his summation he stated his views on Negro equality.

Lincoln's Final Speech at the Charleston Debate

In his rejoinder Lincoln was primarily concerned with the re-establishment of the case he had made in his first speech, and the answering of Douglas' objections. Little was offered in the way of new arguments as Lincoln was primarily concerned with the reassertion of those logical arguments presented in his first speech.

The only new argument employed by Lincoln concerned the agitation that the slavery question had created within the nation. The "Compromise of 1850" was supposed to have settled the slavery question forever. Its benefits didn't even last four years. The Kansas-Nebraska Act was supposed to have ended the agitation. Its effects lasted only four years as well. The Leecompton Constitution was supposed to have put an end to the agitation. It had been defeated. Indeed, this agitation over the question of slavery had been prevalent for more than forty years. When would it end Lincoln asked?

There were only two possible alternatives for ending this question once and for all. One of these alternatives was to extend slavery into all parts of the United States. However, the people of the free North would never be willing to accept slavery in their states, so this solution was impossible.

The only other possible way to end the slavery question was to restrict the extension of it. Lincoln summed up this line of reasoning in this statement:

I say, then, there is no way of putting an end to the slavery agitation amongst us but to put it back on the basis where our fathers placed it, no way but to keep it out of our new territories--to restrict it forever to the old states where it now exists. Then the public mind will rest in the belief that it is in the course of ultimate extinction.³⁰

In this argument Lincoln again demonstrated his proficiency with logical arguments. He generalized that because the "Compromise of 1850" had not worked, because the "Kansas-Nebraska Act" had not worked, indeed because no solution had been found for forty years, the compromise approach would not work. The only possible solutions available, therefore, would have been to make slavery universally accepted or rejected. However, while he had utilized logic well in this instance, the conclusion at which he arrived might not be valid. The conclusion as presented leaves no alternative measures for solution and is therefore an "either-or" argument.

Conclusions

It was proposed that four questions would be asked of the Fourth Lincoln-Douglas Debate. Those questions and their answers follow:

1) What significant speaking event involving the issue of antislavery and disunion took place in Coles County and who were the speakers involved? The writer determined that a significant Coles County speaking event was the Fourth

³⁰Basler, Collected Works, pp. 180-181.

Lincoln-Douglas Debate. The speakers were Abraham Lincoln and Stephen Arnold Douglas. The event was significant because of the political prominence of the two speakers and because of their opposing views on the issue of antislavery and disunion.

2) What arguments were employed by these speakers when addressing themselves to the issue? The arguments presented by Abraham Lincoln were basically these: 1) he was not then nor ever had been a radical who wished the complete emancipation of Negroes; 2) Stephen Douglas had been involved in a conspiracy to deny the people of Kansas the right to vote on their constitution; 3) implied in the last argument was another which, since Douglas was involved in the conspiracy, caused Douglas to deny his own doctrine of popular sovereignty; 4) the people of the United States will never have peace on the question of slavery until the institution is universally accepted or rejected.

Douglas employed these arguments: 1) he had not been involved in a plot to deny a vote to the people of Kansas; 2) the Republican Party in general and Abraham Lincoln in particular were less than desirable alternatives to the Democratic Party; 3) the Negro was incapable of self government and therefore ought not be emancipated.

3) What was used as evidence or support for the arguments? Abraham Lincoln relied primarily on logical proofs to support his arguments. He leaned heavily on the authority offered by Senator Lyman Trumbull and on information taken from the Congressional Globe. From these supports he utilized inductive reasoning to arrive at conclusions about Douglas' part in the plot to deny the people of Kansas the right to vote on their Constitution.

Stephen Douglas relied primarily on emotion to supply support for his arguments. He attempted to discredit the testimony of Trumbull and to make

Lincoln appear extremely naive. He made accusations against the Republican Party that lacked logical proof but were heavily laden with emotion. He appeared to have attempted to play upon the emotions of the members of the audience in his derogation of the Negro race.

4) Was the evidence or support sufficient to justify the arguments?

Neither Lincoln nor Douglas had sufficient evidence to justify the arguments which they presented. Lincoln's accusation that Douglas had been involved in the Toombs Bill plot appears to be grossly unjustified. While Lincoln had used apparent fact to arrive at conclusions, his conclusions seem to be illogical. This assertion is substantiated by Coleman who has stated that Douglas' entire political philosophy was built upon the concept of popular sovereignty and he had gone so far as to break completely with the Democratic Party leadership in order to insure the people of Kansas a vote on the previously mentioned Lecompton document.³¹ It is doubtful that Douglas was ever involved in a plot such as the one which Lincoln referred to but could not prove.

While Douglas' accusation that Lincoln was a radical who wished the complete emancipation of the slaves was also largely unjustified, it may have had more credibility than Lincoln's accusation against Douglas. Lincoln had said repeatedly in the 1858 campaign that he was not in favor of complete emancipation of the Negro. Douglas, however, charged Lincoln again and again with this accusation. In this sense it appears that Douglas' attacks were unjustified. It must be remembered, however, that just five years later, in 1863, Lincoln signed the Emancipation Proclamation. Whether Lincoln truly believed in his denial of the emancipation of slaves in the 1858 campaign and then had changed his opinion by 1863, or whether he had merely denied his true feelings in the campaign for political expediency is unknown. At any rate, in light of Lincoln's

³¹Coleman, "Lincoln-Douglas," p. 55

actions just a few years later it appears that Douglas' charges against Lincoln may have been in some way justified.

Analyses

Albert J. Beveridge in his Lincoln biography stated that "solely on their merits, the debates themselves deserve little notice."³² The real value of the debates according to Beveridge, was the exposure that Lincoln received from them. Beveridge apparently saw little value in the explanations made by Lincoln and Douglas on the issue of antislavery and disunion.

Rhetorician Earl Wiley pointed out that "...Lincoln failed to demonstrate debating skill in pursuing either the cardinal issue or weaknesses in Douglas' case."³³ This conclusion is similar to the one that the author of this paper has made regarding both speakers in the Charleston debate.

Mildred Freburg Berry reported that Lincoln "...was thoroughly prepared on the great issues of the debate..."³⁴ Lincoln's heavy reliance upon logical argument and proof in the Charleston debate would lend credence to Berry's evaluation that Lincoln was thoroughly prepared. However, it has been a conclusion of this paper that the "great issues" of which Berry spoke were not the main thrust of either man's arguments in the fourth debate.

In a second article concerning Lincoln as a speaker Mildred Freburg Berry pointed out that Lincoln relied heavily on logic in his public addresses.³⁵

³²Albert J. Beveridge, Abraham Lincoln, Boston, Houghton Mifflin, 1928, Vol. II, p. 635.

³³Robert T. Oliver, History of Public Speaking in America, Boston, Allyn and Bacon, 1965, p. 313.

³⁴Mildred F. Berry, "Lincoln-The Speaker," Quarterly Journal of Speech, Feb., 1931, p. 35.

³⁵Berry, "Lincoln-The Speaker," Quarterly Journal of Speech, April, 1931, pp. 177-190.

As is evidenced by his speech at Charleston, Berry's estimation of Lincoln as a speaker who relied heavily on logic is correct.

Karl Wiley, in an article in the Quarterly Journal of Speech concluded that Lincoln had stepped out of character in the Charleston Debate. The purpose of Lincoln's accusation according to Wiley, was to force Douglas to deny his own theory of "popular sovereignty." The attempt, states Wiley, "seemed abortive."³⁶

Thus, the conclusions of other scholars who studied all of the seven debates support the conclusion of this paper's study of the Charleston debate. This general conclusion was that the debates directed attention away from the vital issues involved and centered on the personalities of the men.

The Matson Slave Trial and the Lincoln-Douglas Debate

Common Strains of Argument

Involved in both the Matson Slave Case and the Lincoln-Douglas debate was one common issue. Phrased in the form of a question it might read "what is to be done about slavery in the United States"? Incidental to this issue was a sub issue in the Matson Slave case, "what is the legal status of a slave brought into a free state"? Incidental to the same issue was a sub issue in the Lincoln-Douglas Debate, "what is to be done about the extension of slavery into United States territories"? While arguments in both differed they still centered around this central issue.

A common argument did appear in both the Matson Slave Case and the Lincoln-Douglas debate. This argument was centered around the activities of abolitionists. In the Matson Slave Trial, attorney Usher F. Linder denounced

³⁶Earl W. Wiley, "A Footnote on the Lincoln-Douglas Debates," Quarterly Journal of Speech, April 1932, p. 223.

abolitionists in general and Gideon Ashmore and Dr. Rutherford in particular for their part in the circumstances of the Watson Case. Stephen Arnold Douglas, in the debates also denounced abolitionists for their part in making precarious the situation of the Union. Both men used emotional proof in furthering these arguments.

CHAPTER IV

THE EDEN "PEACE SPEECH"

AND THE CUNNINGHAM "UNIONIST REPLY"

This chapter will answer the following questions as applied to the Eden "Peace Speech" and the Cunningham "Unionist Reply":

- 1) What significant speaking event involving the issue of antislavery and disunion took place in Coles County and who were the speakers involved?
- 2) What arguments were employed by these speakers when addressing themselves to the issue?
- 3) What was used as evidence or support for the arguments?
- 4) Was the evidence or support sufficient to justify the arguments?

Two representative speeches of the prominent movements in Coles County have been chosen for consideration here. The first of these speeches delivered by Congressman James R. Eden is significant because it represents the point of view of the "Peace Democracy" or "Copperheads." The speech contains a series of resolutions which were standard antiwar documents. Those same resolutions had been presented before the Illinois Legislature but had been rejected. The Cunningham speech is significant because it represents the Republican or "Unionist" point of view. The speech attempts to answer the objections to the Lincoln Administration and the war that are brought up in the Eden speech.

Noted Coles County historians Donald F. Tingley¹ and Charles H. Coleman² agree that Abraham Lincoln had something less than wholehearted support in the county of Coles during the Civil War. The history of the county prior to Lincoln's administration gives some indication as to why he enjoyed "less than total" enthusiastic support in Coles County. Many of those settlers who had populated east central Illinois had come originally from the South. They had brought with them to their new land the heritage and customs of the South. Politically, these immigrants tended to be Democratic. Although their loyalties were divided, at the beginning of the Lincoln Administration and the war they were considered to be members of the "loyal opposition". Feeling that the Democrats, still powerful on the state and national scene, would represent them adequately, they went about their business in a typical manner.

By 1862 the war was progressing badly for the North. Abraham Lincoln, in an effort to reverse the trend, began to assume powers not normally associated with the presidency. Under the catchall term of war measures the draft was initiated, Habeas Corpus was suspended, military law was declared supreme, and in September of 1862 the Negro was emancipated, effective January first, 1863.

Although they were left virtually without representation due to Lincoln's assumption of power, most Illinois Democrats were still willing to fight to restore the Union. With the announcement of the Emancipation Proclamation came the realization, however, that there were other motives besides simple restoration of the Union for fighting the war. Many Illinois Democrats,

¹Donald F. Tingley, "The Copperheads in Illinois," Illinois Civil War Sketches, Springfield, Ill., Illinois State Historical Library for the Civil War Centennial Commission of Illinois, 1962, p. 1.

²Charles H. Coleman and Paul H. Spence, "The Charleston Riot," March 28, 1864, Eastern Illinois University Bulletin, Charleston, Illinois, Eastern Illinois University, April, 1961, p. 78.

especially those with Southern sympathies, who would have fought to preserve the Union, would not fight to free the slaves.³

From the above mentioned causes a three-way split resulted in the Democratic Party. One faction, known as the "war Democrats" held similar views to those of their Republican neighbors. They agreed with Lincoln's method of conducting the war and his administration of the nation. Tingley reported that they were such passionate supporters of Lincoln that one of their kind, Andrew Johnson, was added to the so-called Union ticket in 1864.⁴ Another faction of the Democratic Party continued in the realm of the "loyal opposition." They paid their greatly increased taxes, served in the army when drafted, and acted in a completely loyal fashion; however, they opposed Lincoln politically and demonstrated their opposition at the polls and through normal channels of criticism.

The third fragment of the Democratic Party became known as the "Peace Democrats" or the "Copperheads." It was this faction that opposed the war at every opportunity and advocated resistance to the draft and peace without terms of settlement with the South. Into this final group were placed some of Coles County's most prominent citizens. Judge Charles H. Constable, Orlando B. Ficklin, Usher F. Linder, and Congressman John R. Brien were all numbered among the ranks of the "Peace Democrats."

One of the early military arrests in Coles County was that of Judge Charles H. Constable.⁵ Four army deserters from Indiana regiments were followed by their commanding officers to the city of Charleston where Constable was

³Tingley, "The Copperheads in Illinois," p. 2.

⁴Ibid., p. 1.

⁵This was the same Charles H. Constable who had defended the Negro family, the Bryants, in the Matson Slave Trial, Coleman, p. 81.

holding court. The deserters sought Constable's protection, and he, considering the actions of the officers as invasion of Illinois' civil jurisdiction, granted it. When the officers attempted to secure their deserters, Constable had them thrown into jail.

Acting on behalf of Governor Morton of Indiana, Colonel Henry B. Carrington marched 350 soldiers to Charleston and placed Judge Constable under military arrest.⁶ Constable was about to be taken to Indiana as a military prisoner, when Judge Samuel H. Treat, holding the position of Justice of the United States District Court for Southern Illinois, intervened and ordered his release.⁷ Many previously loyal citizens were incensed at the treatment of Judge Constable and Copperhead activities in the county were accelerated.

Throughout the war Coles County served as an encampment area for soldiers going south into combat and for others back from the hostilities while on furlough. The presence of these soldiers further added to the brewing trouble in the county. Coleman reports that a favorite sport of the soldiers, especially after drinking heavily, was to stop citizens known to be Democrats, force them to their knees and require them to take this oath of allegiance: "I do solemnly swear to support the administration, Abraham Lincoln, all proclamations now issued and all that may hereafter be issued, so help me God."⁸ Among the targets of such activities were such prominent figures as Judge Constable, Orlando B. Ficklin and Usher F. Linder. This indiscriminate humiliation added further fuel to the hostility burning in Coles County.

⁶Coleman and Spence, "The Charleston Riot", p. 82.

⁷This was the same Judge Treat who, as a member of Illinois Supreme Court, had collaborated with Chief Justice Wa. Wilson on the Matson Slave Trial.

⁸Coleman and Spence, "The Charleston Riot", p. 83.

Historical Setting of the Eden Speech

In an effort to voice their displeasure with the administration's conduct regarding the war and the local situation, Coles County Democrats scheduled a "Peace Meeting" in January, 1863. The Mattoon Independent Gazette, a newspaper with an apparently extreme Republican bias, reported that the meeting was broken up by loyal Unionists.⁹ According to the Gazette a second "Peace Meeting" was organized which only "Democrats and others with unfavorable views of the war" could attend.¹⁰ The doors of the meeting hall were guarded by armed men. The "odious and disloyal" Orlando Bell Picklin was placed in the chair according to the Gazette story.

The Speech

The keynote address of the "Peace Meeting" was delivered by Democratic Congressman John R. Eden. The Gazette states that in a two hour speech Eden "covered the whole ground of our national troubles."¹¹ The Gazette editors published only the last portion of Eden's speech. It was in this last section that a series of resolutions were presented to the meeting and adopted by that body.

The first segment of Eden's address was given in synopsis form by the Gazette editors.

He [Eden] showed that the North caused the War, and that the South only rebelled when provoked to this last resort to get their just rights by the fanaticism of the Abolitionists. He showed to the entire satisfaction of the little Coppersnakes, that the Administration is meaner than the devil, and corrupt as hell, and it is the duty of every 'Democrat' in the County to help (Jeff. Davis) put it out of power.¹²

⁹"Charleston Peace Meeting," Mattoon Independent Gazette, Jan. 24, 1863, p. 1.

¹⁰"Charleston Coppersnakes Hold Second Peace Rally," Mattoon Independent Gazette, February 7, 1863, p. 1.

¹¹"Coppersnakes," Gazette, Feb. 7, 1863, p. 1.

¹²Ibid.

While it is possible to pick from this synopsis some of the arguments that Eden presented, it is impossible to analyze them due to the lack of sufficient material. The basic arguments were: 1) the North was responsible for the war, 2) the South rebelled only when provoked, 3) the provocation was due to fanaticism on the part of the Abolitionists, and 4) Democrats should work to put the Administration out of power. The addition by the Gazette editors of the words Jeff. Davis to Eden's statement "...to help put it out of power," may have been out of place. It is conceivable that Eden could have meant that Democrats should put the Administration out of power at the polls, rather than by assisting the Confederate cause.

Gazette editors printed in entirety the remainder of Eden's speech. This portion consisted of a resolution in which several indictments were brought against the Lincoln Administration. The resolution was not unique to the Eden speech, but rather was a standard document used by anti-administration forces quite often in public speeches. Another story in the same issue of the Gazette reported that these same resolutions had been introduced into the Illinois Legislature that week.¹³

The first basic argument of the resolution was presented in the two opening paragraphs:

Whereas, Abraham Lincoln, at the Commencement of this present unhappy war, declared in every official paper that came from his hands, that the sole object of the prosecution of the war was, and should be, for the restoration of the Union and the laws as our fathers made them; and
 Whereas, by these subsequent acts he has proven to every unbiased mind that such now is not the intention in the further prosecution of the war, and that he has willfully deceived the soldiers, by inducing them to take up arms in, as they supposed, an honorable and just cause, which he has turned into a dishonorable and disgraceful crusade against the established rights of the States;¹⁴

¹³These resolutions were passed by the Illinois House of Representatives but were blocked by the Republican dominated Senate.

¹⁴John R. Eden, Speech at Charleston, "Copperheads," Gazette, February 7, 1863, p. 1.

The argument utilized here has some basis in historical fact. Stated simply it says that Lincoln concealed the real reason for the prosecution of the war. Although it is not here stated (it is later stated in the resolution) this concealed reason for the war was the abolition of the institution of slavery. Tingley agrees with this conclusion; only days before his announcement of the Emancipation Proclamation, Lincoln still insisted that the purpose of the fighting was to restore the Union.¹⁵ "Lincoln was shrewd enough," reported Tingley, "to realize that this was necessary to keep the loyalty of the border states, as well as parts of the Northern states including his own Illinois." However necessary the concealment was, it constituted an outright lie to Northern Democrats with Southern sympathies.

The argument presented by Eden had its basis in logic and is in the form of evidence. There is also some emotional appeal, particularly in the selection of such words and phrases as "willfully deceived", "honorable and just cause", and "dishonorable and disgraceful crusade."

The next three arguments of the resolution will be considered together:

He has declared martial law over every loyal state in this Union:
 He has, without authority of law or right, imprisoned our citizens in loathsome dungeons, and refused them the right of speedy trial:
 He has sanctioned the taking of lives of innocent, peaceable and respected citizens of these States, to atone for the acts of others:¹⁶

Again Eden has introduced arguments with historical verification. Lincoln did indeed declare martial law in the remaining loyal states. This must have been an exceedingly strong argument in Coles County in light of the military arrest of one of its most prominent citizens, Judge Charles H.

¹⁵Tingley, "The Copperheads in Illinois," p. 2.

¹⁶Eden, "Speech", p. 1.

Constable. Lincoln had suspended the privilege of Habeas Corpus. He utilized the tactics of arbitrary arrest and imprisonment without charge.

Eden's arguments were again founded on the proof of historical evidence. There are again touches of emotional appeal in such phrases as "loathsome dungeons" and "innocent, peaceable and respected citizens".

In his next argument Eden departed from his primarily logical analysis:

He has by his proclamation of Jan. 1st, 1863 [the Emancipation Proclamation] disregarded the reserved rights of the States, and attempted by that proclamation to equalize the white and black races; to excite servile insurrection in the Southern States, thereby involving the innocent with the guilty, without reference to age or sex:¹⁷

While this argument has some basis in logic concerning the Emancipation Proclamation, this is basically an emotional appeal. Eden speaks of a servile insurrection, an event which never took place during the history of the war. The allusion to involving the innocent with the guilty, regardless of "age or sex" is a statement intended to provoke the passions.

In the remainder of the indictments against the Lincoln Administration Eden stressed these points:

He has persisted in listening to and carrying out the counsels of men whose avowed doctrines are inimical to free government:

He has divided a state without the consent of her legislature:

He has degraded the Union Army by receiving Negroes into the service of the United States:

He has forced Negroes upon us against our often expressed wishes, and the constitution and laws of our states:

He has squandered the nations wealth and made up a bankrupt people:

He has suppressed the liberty of the press, and free speech—a liberty feared only by tyrants:

¹⁷Eden, "Speech", p. 1.

He has closed the doors of churches and deprived citizens of these States the right to serve God according to the dictates of their own conscience.¹⁸

To complete his indictment against the Lincoln Administration Eden mentioned the imposition of high taxes, the inability of Lincoln to open the Mississippi River for trade traffic to the Midwest and tariffs which tended to favor the Eastern business giants at the expense of the West.

Of all these charges made by Eden some have their basis in logic, while others are emotional in nature. Charges that Lincoln had suppressed free press and free speech were true and have as their basis proofs of historical evidence. Other charges that he had degraded the Union Army by accepting Negroes and had closed the churches of the nation were emotional in nature. Regarding the charge concerning the opening of the Mississippi, there was nothing Lincoln could do as long as the Confederates held strategic locations along the southern stretches of that river.

Eden concluded with this statement:

Against all of which we do enter our solemn protest; and declare it to be our firm and fixed intention to submit to these wrongs and usurpations no longer.

Summary

Congressman Eden presented a multitude of arguments in his speech at the Charleston "Peace Meeting". Some of the key or major ones were:

- 1) the North is to blame for the war; 2) the South only rebelled when provoked;
- 3) the Lincoln Administration concealed the true reason for the war; 4) Lincoln had declared martial law and had revoked Habeas Corpus; 5) he had freed the slaves and promoted servile insurrection; 6) he had degraded the army, bank-

¹⁸Ibid.

rupt the nation, suppressed the freedom of speech and press and closed the churches. He used both logical and emotional proof to further these arguments.

From all of these examples Eden concludes that the people should no longer tolerate these wrongs. Thus he utilized the several smaller arguments which constituted the various indictments of the resolution to form the planks of a larger argument: the Lincoln Administration perpetrated these wrongs, and the people could no longer tolerate them.

At face value Eden's speech appears to be justified; it apparently was to the three thousand persons in attendance at the meeting since that body adopted the resolutions. It seems apparent that with the cessation of Habeas Corpus, with martial law declared, and with the suppression of free speech and press, the nation as we know it today did not exist in 1863. However, though it was true that the Constitution was by and large revoked by President Lincoln, it is generally agreed that such measures were necessary to save the nation at all. It is this point that Eden failed to realize in his address at the Charleston "Peace Meeting." Coleman and Spence could have answered well Eden's objections to the Lincoln Administration in this statement:

Lincoln had a broader and more statesmanlike view of the constitutional aspect of some of the measures made necessary by the war. He put the preservation of the Union ahead of the preservation of constitutional principle. Of what use would a Constitution be if there were no Union for it to constitute?¹⁹

Historical Setting of the "Union" Speech

While there was a great deal of disagreement among some Coles Countians with Lincoln's policies during the war-time era, he also enjoyed a strong support from partisan Republicans and "war Democrats" in that county. Gail Lathrop and Gerald Pierson, in their work "Coles County in the Civil War"

¹⁹Coleman and Spence, "The Charleston Riot," p. 80.

reported that the county supplied 2,728 men to the Union Army, a figure which exceeded by thirteen men her quota for the war.²⁰ Most of these were volunteers and only three other counties in the state furnished more troops in proportion to the population than did Coles.

Leadership of the pro-Administration faction in the county was supplied by the Mattoon Independent Gazette weekly newspaper. This highly partisan paper supplied weekly editorials praising the Administration and condemning as treasonous all those who opposed the war effort. The Gazette was adamant in its denunciation of the "Peace Meetings" from which the Eden speech dealt with in this chapter was selected. The Gazette issues of April 2, 1863 and April 8, 1863 announced a "Grand War Meeting of the Union League." This rally of pro-Administration forces was to be held in the Methodist Church in Mattoon in response to the "Peace Meetings" in Charleston. The keynote speaker was to be Congressman J. T. Cunningham. The Gazette chose to print Cunningham's speech in its entirety.

The Speech

Cunningham opened his speech with this emotional appeal to the patriotism of the members of the audience:

It is the hour of the nation's peril. A great civil war is desolating our country. The Army of the Union is fighting for the perpetuity of the Government, for the liberty of her people, for the life of the nation, for the last hope of struggling humanity.²¹

Cunningham then presented the first basic argument in his speech. "Fourth of July" type patriotism is unsatisfactory in war time. He explained that in times of peace it is easy to praise your country and salute it properly.

²⁰Gail L. Lathrop and Gerald G. Pierson, "Coles County in the Civil War," Eastern Illinois University Bulletin, Charleston, Illinois, Eastern Illinois University, April, 1961, p. 5.

²¹J. T. Cunningham, "Speech at Mattoon," Mattoon Independent Gazette, April 15, 1863, p. 1.

In peace there is no threat that your country will ask anything in return. However, in times of war the nation is in peril and must ask every man to demonstrate his devotion. This demonstration often calls for great sacrifice, but the mark of a true patriot is to accept the challenge and make the necessary sacrifice.

Here Cunningham used some logic in the form of explanation to develop his argument. However, his primary method of development and of proof of this argument is through the utilization of emotion. He appealed to the patriotic nature of the members of his audience.

Cunningham then launched into what he considered to be the "question at issue". "Shall we put down the rebellion? and if so, how?"²² Most men, he felt, even those sympathetic with the rebel cause, wished to see the rebellion ended. The "should we put down the rebellion question" was generally answered "yes". The "how" was the important aspect. Some wanted it ended constitutionally (peacefully) and others would have it ended but with the insurance that the Democratic Party would be preserved; still others wanted the rebellion ended but did not want the slavery interest interfered with.

Cunningham answered these questions with this statement:

Benedict Arnold would, no doubt, have played the part of the patriot if he could have had the entire control of everything as he chose. Aaron Burr might never have been known as a traitor if his highest ambition could have gratified as well otherwise. Indeed it may be doubted even if the devil himself--the first rebel against good government--would ever have rebelled if he could have ruled. It is a poor test of patriotism, indeed, to say you would be for your country if your particular views could be carried out and your own personal ambitions gratified...²³

Cunningham's referral to Benedict Arnold, Aaron Burr and the devil are instances reasoning from analogy. However, the analogies do not appear to present a clear

²²Ibid.

²³Ibid.

picture of the national circumstances and consequently are not analogous. While it was true that many of Lincoln's war measures were essential for conducting the military action it is also reasonable to assume that suspension of Constitutional privilege would be a highly controversial issue. The approach taken by Cunningham does not allow for controversy and matter-of-factly brands as traitorous anyone who would question Lincoln's conduct of the war. The argument has a logical foundation in the attempted utilization of analogy but has a much greater emotional appeal. References to Benedict Arnold and the devil inspire passions of hatred and anger. The argument is cleverly designed basing itself on logic but drawing its force from emotion.

Cunningham then brought up another common allegation made by "Peace Democrats": the war itself was unconstitutional. The motto of the Union forces was, according to Cunningham, "May our country be ever right but right or wrong our country."²⁴

Through explanation and analogy he further developed this argument. He explained that during the Mexican American war many men "of the first order of talent"²⁵ opposed the war. They doubted the justice of the war and the constitutionality of its initiation. However, because the United States was involved in the war they supported it for the love of their country. He then drew the analogy between the Mexican-American war and the Civil War:

We did not know that every bar-room loafer, every habitu of the dens of infamy, every pothouse politician, every country editor who couldn't write a paragraph grammatically, was a competent judge of constitutional law.²⁶

Here again is a carefully constructed argument which bases itself in logic but draws its force from emotion. Cunningham explained the circumstances

²⁴Ibid.

²⁵Cunningham could quite possibly have been referring to Abraham Lincoln in this statement. Lincoln opposed the Mexican American War.

²⁶Cunningham, "Speech at Mattoon," Gazette.

which had surrounded the Mexican-American War and drew an analogy between it and the circumstances surrounding the Civil War. While the approach is logical in nature the real impact of the argument develops in the final paragraph when "bar-room" loafers and "pot-house politicians" are attacked through the use of emotion in the form of hatred.

Cunningham then drew upon authority in the person of Stephen Douglas, in his quotation of this statement by Douglas: "There can be but two parties, patriots and traitors."²⁷ From Douglas' quote Cunningham developed a new argument built around the possible choices available for men to follow during the time of the Civil War. The first choice was to follow your country as a patriot; to support it through taxes and service in the Union Army. The second choice was to support the rebel cause through service in the Confederate Army and the third choice was to support the rebel cause by secretly attempting to undermine the Union from within. This third alternative was the way of the "Copperheads" explained Cunningham. Of these three choices only two are manly ones: openly support your country, or openly oppose it in armed conflict. To make the third choice was to make the choice of the coward. Open defiance of your country made you its "manly foe," Cunningham stated, but clandestine subversion made you a traitor.

In his summation of this argument Cunningham directly addressed all of those he considered to be traitors:

There is the same difference between you (the traitor) and the armed rebel that there is between the enemy who boldly meets you in the daytime and demands that you defend yourself, and him who steals into your bedchamber and pierces your heart with a poniard while you sleep. The difference between the rattlesnake, which warns you of his approach, and the copperhead, which slyly strikes you, is a fair comparison for you to meditate on. Give me the open rebel, with gun in hand, or the loyal man who perils his life for his country. But God save me from the man who talks of neutrality when the army of the Union is battling of suffering humanity.²⁸

²⁷Ibid.

²⁸Ibid.

The argument represents another example of a blending of the logical proofs of explanation and analogy and emotional proof. He explained the choices available and their merits then discredited one of the choices. He drew an analogy between the choice of traitorous activities and the activities of the secretive murderer. He incorporated an emotional argument in one of the analogies in which he compares traitors to copperheads, an obvious discredit to the group using that name as their symbol. He appealed to God to save him from the traitor (the man who talks of neutrality).

Cunningham then began to answer the objections to Lincoln's conducting of the war and administration of the country. These answers are to the type of charges brought by Congressman Eden in the speech previously dealt with in this chapter. The first dealt with by Cunningham objects to the accepting of Negroes into the military. "But", says one, "I don't like the arming of the Negroes, I don't like a great many things that are done."²⁹

Cunningham answered:

The important question for you to decide is do you love the principle of determining questions of national policy by the ballot box? Do you love our national emblem? Do you love the star spangled banner, Hail Columbia, and Yankee Doodle? Do you love the proud monuments of our nations glory? Do you love Saratoga, Bunker Hill and Yorktown? If you do, sustain your government, it is all you have.³⁰

Cunningham here departed from his previously utilized mixture of logic and emotion and turned to emotion as his method of proof. While his answer to the specific question contains high ideals of patriotism, it obviously did not answer the objection.

In regards to the objection that the Emancipation Proclamation was unconstitutional, Cunningham answered that the same people who objected to the

²⁹ Ibid.

³⁰ Ibid.

Proclamation objected to everything about the conducting of the war. To the objection that the Constitution and Union should be preserved as they were before the present Administration, Cunningham answered, "You must be on one side or the other."³¹ To the objection to the suspension of Habeas Corpus, Cunningham answered with a "you're another" argument that the Confederacy had also suspended Habeas Corpus. And finally to the objection to the suppression of newspapers, Cunningham answered that within the Confederacy newspapers were also suppressed.

All of the answers supplied by Cunningham present emotional appeals to questions which have a basically logical foundation. They do little to answer the objections but rather tend to make stronger the convictions of those who already agreed with the war measures instituted by Lincoln by strengthening previously held beliefs.

Cunningham concludes his speech with this statement:

We regard our soldiers in the field as the jewels of our nation. They stand as the watchman on the tower while you and I sleep in security beneath the temple of liberty. They ask us, they implore us to see that no incendiary fires be placed inside while they watch without, and this Loyal Union League is sworn to act as inner guard to the Temple of Liberty, and though the Heavens may fall, they will keep that pledge.³²

In his conclusion Cunningham appealed to the emotion of patriotism to inspire his audience to continue their vigorous activity in support of the Union.

Summary

The basic arguments presented by Cunningham were: 1) "Fourth of July" type patriotism is inadequate during time of war; 2) the true patriot forgets his personal views and adheres to national policy; 3) ordinary citizens are

³¹Ibid.

³²Ibid.

not competent judges of Constitutional questions; 4) a man must make a choice as to which cause he will support and; 5) Eden's charges against the Administration are easily answered. To support these arguments Cunningham used both logical and emotional proof. The predominant strain of his arguments were emotional in nature, however.

As Eden had done on the opposite side of the issue, Cunningham failed to account for other points of view. The ideas expressed in his speech tended to discredit anyone who held views differing from his own. As was previously stated, the measures instituted by the Lincoln Administration were, no doubt, quite necessary for conducting the war. However, these measures were at best controversial and perhaps very questionable. The attitude that anyone who deviated from the administration policy was, according to Cunningham, a traitor, had very unfortunate aspects in that it squelched any free flow of ideas and any controversy. Many loyal men who had sincere reservations about the administration's policies were branded as traitors by Cunningham.

Conclusions

It was proposed that four questions would be asked of the Eden "Peace Speech" and the Cunningham "Unionist Reply". Those questions and their answers follow:

1) What significant speaking event involving the issue of antislavery and disunion took place in Coles County and who were the speakers involved? The writer determined that a significant Coles County speaking event was the Eden "Peace Speech" and the Cunningham "Unionist Reply". The speakers were Congressman James R. Eden and J. T. Cunningham. The event was significant because both speeches were representative of the points of view of the factions involved.

2) What arguments were employed by these speakers when addressing themselves to the issue? The basic arguments in Eden's speech were: 1) the North was to blame for the war; 2) the Lincoln Administration had concealed the true purpose of the war; 3) Lincoln had instituted war measures which were unconstitutional. The basic arguments for Cunningham's speech were: 1) the true patriot is a patriot at all times, both good and bad; 2) ordinary citizens are not competent judges of constitutional questions; 3) Lincoln's war measures were justified.

3) What was used as evidence or support for the arguments? James R. Eden relied primarily on the historical data collected during the Lincoln Administration and made this data applicable to his arguments. Eden's speech was, therefore, primarily logical in nature. Cunningham's speech was basically an appeal to patriotism and was, therefore, primarily emotional in nature. The Cunningham speech was generally devoid of logic.

4) Was the evidence or support sufficient to justify the arguments? In the light of the history surrounding these events neither man adequately justified his arguments. Eden, while his objections had some basis in fact, failed to visualize the necessity of Lincoln's war measures and was too vehement in his condemnation of the administration. Cunningham failed to recognize the controversial nature of the war measures and branded as traitors anyone who questioned them. Rather than help to resolve the existing differences both men chose to accentuate them and make the problem worse.

The result of the hostility they created was evidenced in the Charleston Riot of March 23, 1864. John R. Eden was scheduled to address another "Peace Rally" but because there were many soldiers and "Unionists" present in Charleston and trouble was expected, the rally was postponed.³³ The postponement

³³Coleman, "The Charleston Riot," p. 85.

was not effective however, and fighting between "Copperheads," Republicans and Soldiers ensued. Nine men were killed and twelve more were wounded.

One issue was common to all of the speaking events investigated thus far. This issue concerned the status of slaves in the United States. In the Matson Slave Trial arguments resulted from the question of the legal status of slaves. In the Lincoln-Douglas debate the primary issue was the extension of slavery. John R. Eden took issue with the Emancipation Proclamation and the acceptance of former slaves into the Union Army. J. T. Cunningham mentioned the emancipation of the slaves as a necessity for the preservation of the Union.

CHAPTER V

SUMMARY AND CONCLUSIONS

The primary purpose of this thesis was to study the speaking events and individual speakers of Coles County, Illinois from 1847 to 1863 from an historical perspective to determine the arguments presented by these speakers, the evidence or support for the arguments, and whether the arguments were justifiable in light of the evidence or support presented. A secondary purpose of this thesis was to provide a basis of study for developing further research of the Civil War era public speaking in Coles County, Illinois. Five questions posed in the introductory chapter provided the basic approach of this study. It is now possible to formulate answers to these questions by summarizing the Civil War Era in Coles County. In addition to answering the basic questions, this chapter will offer conclusions resulting from the study as well as implications for further research.

Conclusions

Was antislavery and disunion a prominent issue in this era in Coles County? It was substantiated in Chapter I that the prominent issue in Coles County from 1847 to 1863 was antislavery and disunion.

What significant speaking events involving the issue of antislavery and disunion took place in Coles County and who were the speakers involved? Three significant speaking events were selected for the purpose of study in this paper. They were the Matson Slave Trial, the Fourth Lincoln-Douglas Debate and the Eden-Gunningham dialogue. The speakers involved in the Matson Slave Trial were Usher F. Linder, Orlando B. Ficklin, Charles H. Constable

and Abraham Lincoln. The speakers involved in the Lincoln-Douglas debate were Abraham Lincoln and Stephen Douglas. The speakers involved in the Eden "Peace Speech" and the Cunningham "Unionist Reply" were James R. Eden and J. T. Cunningham.

What arguments were employed by these speakers when addressing themselves to the issue? In the Matson Slave Trial the arguments employed by Ficklin and Constable were: 1) slaves located in the State of Illinois were emancipated by the provisions of the "Ordinance of 1787" and by the Illinois Constitution; 2) since Matson had located his slaves in Illinois they were free. The arguments employed by Linder and Lincoln were: 1) the Federal Constitution recognizes slavery and permits a man to protect his property; 2) since Matson never intended to free his slaves by bringing them to Illinois, he was merely protecting his property in the court action.

In the Fourth Lincoln-Douglas Debate the arguments employed by Abraham Lincoln were: 1) he (Lincoln) was not then nor ever had been a radical who wished the complete emancipation of Negroes; 2) Stephen Douglas had been involved in a conspiracy to deny the people of Kansas the right to vote on their constitution; 3) implied in the last argument was another which, since Douglas was involved in the conspiracy, caused Douglas to deny his own doctrine of popular sovereignty; 4) the people of the United States will never have peace on the question of slavery until the institution is universally accepted or rejected. The arguments employed by Stephen Douglas were: 1) he (Douglas) had not been involved in a plot to deny a vote to the people of Kansas; 2) the Republican Party in general and Abraham Lincoln in particular were less than desirable alternatives to the Democratic Party; 3) the Negro was incapable of self government and therefore ought not be emancipated.

In the Eden "Peace Speech" and the Cunningham "Unionist Reply" the arguments presented by James H. Eden were: 1) the North was to blame for the war; 2) the Lincoln Administration had concealed the true purpose of the war; 3) Lincoln had instituted war measures which were unconstitutional. Opposing arguments forwarded by Cunningham were: 1) the true patriot is a patriot at all times, both good and bad; 2) ordinary citizens were not competent judges of constitutional questions; 3) Lincoln's war measures were justified.

What was used as evidence or support for the arguments? In the Matson Slave Trial Orlando B. Ficklin and Charles H. Constable used both logical and emotional proofs to support their arguments. In the application of logic they relied upon the historical documents (evidence) of the "Ordinance of 1787" and the Illinois Constitution. From these pieces of evidence they established a causal argument. Their emotional proof was based upon English law precedents and quotations from these precedents that were flavored with antislavery sentiment. Usher F. Linder also utilized both logic and emotion during his speaking in the trial. He used as evidence the Federal Constitution from which he drew his own causal argument. In the realm of emotional proof he attacked abolitionists on a purely emotional basis. Abraham Lincoln attempted to argue against the validity of the court proceedings, but his attempt was thwarted by the bench and he was forced to argue on the same grounds that Linder had argued.

In the Fourth Lincoln-Douglas Debate Abraham Lincoln relied primarily on logical proofs to support his arguments. He utilized the testimony of Senator Lyman Trumbull and evidence in the form of historical documents, although he was never able to prove the validity of the documents. From this testimony and evidence he drew a concluding causal link. Stephen Arnold Douglas

relied primarily on emotion to provide support for his arguments. He attacked the Republican Party and Abraham Lincoln on a purely emotional basis.

In the Eden "Peace Speech" James R. Eden relied heavily on logic to support his arguments. His main contention was that Lincoln had taken unnecessary steps in his promotion of the war. To support this contention he presented a list of acts which had been perpetrated by Lincoln and which were for the most part, historically accurate. J. T. Cunningham, in his "Unionist Reply" speech relied primarily on emotion. His speech was in advocacy of patriotism and an attack on antipatriotic forces. His primary tool was the use of patriotism as an emotional device.

Was the evidence or support sufficient to justify the arguments? In the Watson Slave Trial the arguments employed by Orlando B. Ficklin and Charles H. Constable were justified sufficiently in the eyes of Justices Wilson and Treat and in the eyes of this writer. Ficklin and Constable did, of course, win the case, although they did not use an important precedent case as support. Linder and Lincoln's arguments were not justifiable on the basis of their evidence and support and they consequently lost the case.

In the Fourth Lincoln-Douglas Debate, Abraham Lincoln did not adequately justify his argument that Douglas had been involved in the Toombs Bill plot. Although he utilized logic to arrive at his conclusions, the conclusions themselves were little more than mere allegations since Lincoln was never definitely able to prove them. While Lincoln's approach was based in apparent fact, his conclusions were illogical. Douglas' attacks on Lincoln were purely emotional and his arguments were unjustified. Neither man appeared willing to argue the actual issue but seemed more interested in attacking the other.

In the "Peace Speech" John R. Eden presented arguments which were largely unjustified. Although his allegations were based on historical fact,

he failed to realize that the infringements upon individual freedom which Lincoln had made were viewed as necessary for conducting the Civil War. In his "Unionist Reply" speech J. T. Cunningham's arguments were unjustified in that his emotional support and "you're another" arguments did not answer the objections that Elen had raised.

Recommendations

Several possible areas for further study exist as a result of this thesis. Studies dealing with speaking in given geographic areas and during specific time periods are comparatively unique and provide detailed information which contributes appreciably to the field of speech. Other possible topics resulting from this format could be the study of the public speaking of other counties or of Coles County in a different time period.

Specific individuals included in this thesis could provide a basis for further research. Although much has been done with the speaking of Abraham Lincoln and Stephen Arnold Douglas the geographic and chronological format utilized here could provide more fertile ground for study on these two men. The writer could locate no previous research dealing with Usher F. Linder, a man described as a skillful speaker and one who attained political prominence as well.

Still another possibility might exist in a comparative study between movements during the Civil War Era and movements prominent today. Specifically, the peace movement during the Civil War Era and the peace movement of today could be studied for rhetorical similarities.

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APPENDIX

Matson Slave Case

In the matter of petition of Jane Bryant, Mary Jane Bryant, Mary Catherine Bryant, Sally Ann Bryant, and Robert Noah Bryant, Persons of Color, on application by Habeas Corpus, for freedom,

Now at this day come the said applicants and presented by Gideon M. Ashmore their petition for the writ of Habeas Corpus directed to Lewis R. Hutchason, Esqr. Sheriff of Coles County who held them in custody, and this court being satisfied in the premises, ordered the said writ to issue, returnable forthwith before his Honor Chief Justice Wilson assisted by the Honorable Samuel H. Treat Associate Justice of the Supreme Court; and the said writ having been returned, and the said Lewis R. Hutchason having returned up the said writ the cause of capture and detention together with the said Negroes into court, and the cause coming on to be heard after testimony adduced and argument had and the court being satisfied what judgement to render, it is finally considered and adjudged that the said applicants Jane Bryant, Mary Jane Bryant, Mary Catherine Bryant, Sally Ann Bryant, and Robert Noah Bryant be discharged from the custody as well as of the said Lewis R. Hutchason as of Robert Matson and all persons claiming them by through and under him as slaves, and they be and remain free and discharged from all servitude whatever to any person or persons from henceforth and forever. It is further adjudged that this proceeding be certified to said Negroes, as evidence of their freedom, and the Sheriff, Lewis R. Hutchason having returned that said Negroes were retained by him upon proceedings instituted by the said Robert Matson as owner of said Negroes, it is further ordered that the said Robert Matson pay all costs due and owing by reason of the original arrest of said Negroes including the costs of this application and that the execution issue from this court therefore, etc.

Lincoln on Equality

While I was at the hotel today an elderly gentleman called upon me to know whether I was really in favor of producing a perfect equality between the negroes and white people. While I had not proposed to myself on this occasion to say much on that subject, yet as the question was asked me I thought I would occupy perhaps five minutes in saying something in regard to it. I will say then that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races,—that I am not nor ever have been in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will for ever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race. I say upon this occasion I do not perceive that because the white man is to have the superior position the negro should be denied everything. I do not understand that because I do not want a negro woman for a slave I must necessarily want her for a wife. My understanding is that I can just let her alone. I am now in my fiftieth year, and I certainly never have had a black woman for a slave or a wife. So it seems to me quite possible for us to get along without making either slaves or wives of negroes.

Douglas' Statement on Negro Equality

Lincoln maintains that the Declaration of Independence asserts that the negro is equal to the white man, and that under Divine law, and if he believes so it was rational for him to advocate negro citizenship, which, when allowed, puts the negro on an equality under the law. I say to you in all frankness, gentlemen, that in my opinion a negro is not a citizen, cannot be, and ought not to be, under the Constitution of the United States. I will not even qualify my opinion to meet the declaration of one of the judges of the Supreme Court in the Dred Scott case, "that a negro descended from African parents, who was imported into this country as a slave, is not a citizen, and cannot be." I say that this government was established on the white basis. It was made by white men, for the benefit of white men and their posterity forever, and never should be administered by any except white men. I declare that a negro ought not to be a citizen, whether his parents were imported into this country as slaves or not, or whether he was born here. It does not depend upon the place a negro's parents were born, or whether they were slaves or not, but upon the fact that he is a negro, belonging to a race incapable of self government, and for that reason ought not to be an equality with white men.