

6-3-1999

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“Abraham Lincoln and the Republican Reconstruction of the West”

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Senior Seminar History 499

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3 June 1999**

Abraham Lincoln emerged from the old northwestern state of Illinois to transform the West. Lincoln began his national political career in 1847 as a one term Whig Party Congressman from Sangamon County. Whether in office or in his private life, Lincoln always kept his Whig philosophy. His experience as a lawyer prepared Lincoln for all the development issues of the West. As a private attorney, Lincoln represented the Illinois Central Railroad or plaintiffs against the railroads. By the time he became President, Lincoln was aware of the land grant system and the importance of the government's role in the development.

During his administration, Lincoln and the 37th Congress transformed the West into a space of wage labor and industrial, free market capitalism with the city of Chicago becoming the major metropolis of commerce. Abraham Lincoln and the Republican Party fought a total-war strategy of economic transformation and military conquest. The reconstruction of the United States began in the West with the expansion of Lincoln's free-market national policy. Lincoln and the Republican majority 37th congress(1861-1863) enacted the Agricultural College Act(Morill Act), the Legal Tender Act, the National Currency Act, The Homestead Act, and the Pacific Railroad Act. These acts altered access to capital and distribution of public land in the U.S. West. By altering the distribution of public land in the West, Lincoln and the Republicans prevented the expansion of slave labor, even as they rhetorically and pragmatically promoted the growth of free-market capitalism and permanent white settlement in the West citizens of the United States.¹

¹ White, Richard. *"It's Your Misfortune and None of My Own."* (London: University of Oklahoma Press, 1991.), 142. James McPherson, *Ordeal by Fire: The Civil War and Reconstruction* (New York: Alfred A.

The opening of the West has two interpretations: the *Frontier Thesis* and the Metropolitan Thesis. Frederick Jackson Turner was among the first historians who defined the settlement of the West as an expression of nationalism. Turner's *Frontier Thesis* argues that the American Frontier was an active line of development until 1890, and that U.S. citizens went through an evolution of moving from civilization, becoming savage, living in nature, and developing into a civilized people who altered the landscape. Turner hypothesized that the frontier experiences shaped the U.S. national character and developed American democracy. This interpretation proclaims the rugged individual was solely responsible for altering the West for white settlement. John Wayne movies and spaghetti westerns support this romantic notion of the rugged individual shaping the West. Nationalists since Turner have used the *Frontier Thesis* to explain American's "rugged individualism" and the triumph of the putting a man on the moon in 1969.²

Turner's thesis, however, leaves many unanswered questions about how the West came into being as an important area of development. What was the role of the federal government in the West? Where did the rugged individual work? What were the activities of people in the West? Where did any farmers sell their crops?

The Metropolitan Thesis is a better explanation to these questions. The Metropolitan Thesis explains that the West developed in the inter-relationship between the city and the countryside. John T. Schlebecker explains the "metropolis as a

Knopf, Inc., 1982), 374. White calls the transformation the "Republican land system." The concept for this thesis came from McPherson where he claims that Lincoln and the 37th Congress transformed the entire United States with these various acts. Each author devotes only one page maximum to this major transformation and I believe further investigation is necessary.

² William G. Robbins *Colony and Empire* (Lawrence: University of Kansas Press, 1994), 4, 11.

conglomerate of cities which forms a family unified unit.”³ For example, one large city serves as the destination of most goods and services. This large city interacts with a network of smaller cities that may specialize in producing a few goods and that city interacts economically with a number of smaller communities. For instance, New York was the main center of commerce for the United States in the nineteenth century and it interacted with markets from around the country. Finished products from New York were exchanged for the pork from Cincinnati, Ohio and the later was interconnected economically with the countryside around it. All the cities together made one, interdependent economic unit.⁴

The World Metropolis for this era was an axis of London and New York with the Atlantic seaboard of the United States and Europe being interconnected with smaller cities and the countryside.⁵ As the cities grew, farmers specialized and grew for specific markets. The city was the place where the farmer sold his product and was the center for finance and transportation. The prime location for a farm was within close proximity to a railroad or canal in order to transport commodities to a city, and later to acquire finished products. Also, the federal government assisted in the metropolitan growth through land grants to states for railroad and canal development. Furthermore, the federal government provided maps and safe passage for people migrating to Oregon or California.

According to William Cronon:

...in the speculators dreams lay the urban promise-and the urban imperative-of frontier settlement and investment. The search for the great

³ John T. Shlebecker, “The World Metropolis and the History of American Agriculture” *Journal of Economic History* 20 (1960): 187.

⁴ The Metropolitan Thesis comes from Canadian Historiography which is their interpretation on how the West was settled. I believe it is a better interpretation of how the U.S. West developed.

⁵ Schlebecker., p.189.

western cities of the future drove nearly all nineteenth-century townsie speculation, and the accompanying rhetoric always inclined towards enthusiastic exaggeration at self-promotion.⁶

Abraham Lincoln was a part of the metropolitan West. Lincoln worked as a farmer, a grocer, a steam ship captain, and later as a lawyer representing several railroads. Chicago was an emerging metropolis connected throughout Illinois and its surrounding states directly to the London-New York World Metropolis. Lincoln was aware that making Chicago the connection point between the San Francisco and New York would make his entire home state prosper. Chicago grew immensely during the 1850's. Railroads increased from 110 to 2,868 miles in the same decade.⁷ Illinois Farmers knew the importance of Chicago to their own self-interest and contributed \$20,000 to the construction of the Illinois Central in 1850.⁸ The total amount of surface roads connected to Chicago grew from 9,000 miles in 1850 to 30,000 miles in 1860.⁹ By 1860, Chicago was the center of transportation for three major railroads and the port for many ships transporting commodities east. The eastern terminus of railroads west of Lake Michigan was Chicago. Without the railroad or the city development in the West could not be possible.

Understanding Lincoln:

The political and economic environment in the West shaped Lincoln's Presidential policies. Abraham Lincoln arrived on the national political scene as a Illinois Representative in the 30th Congress (1847- 1849). As a member of the Whig

⁶ William Cronon, *Nature's Metropolis* (New York: WW Norton & Company, 1991), 34.

⁷ Fenebacher, Donald, *A Prelude to Greatness: Lincoln in the 1850's* (New York; 1962), p.8 in Ted C. Hinckley and Susan H. Koester, "President Lincoln and the West" *Journal of the West* (July 1962), 60

⁸ Hinckley and Koester, 65.

⁹ Cronon, p. 70.

Party, Lincoln admired Henry Clay and strictly followed party philosophy. Born out of opposition to Andrew Jackson, the Whig party favored the federal government taking an active role in the development of the West. The Whigs saw a West developed through a national bank, a national currency, and federal government planning internal improvements.¹⁰

Opposition to the Mexican-American War became the Whigs' gravest political decision. Conscience Whigs in the North expressed moral problems with war while Southern and moderate Whigs opposed it for political reasons. Joshua Giddings, a Conscience Northern Whig, feared the war was to expand slavery. Daniel Webster, Henry Clay, and Thomas Hart Benton supported the spirit of moderation and diplomacy of the Missouri Compromise. Abraham Lincoln agreed with the compromise approach and believed the Mexican-American War was an act of President James K. Polk's aggression. Lincoln demanded information on Mexican aggression and on 22 December 1847 proposed the "Spot" Resolution.

Whether the spot of soil on which the blood of our *citizens* was shed, as in his messages declared, was, or was not, within the territories of Spain, at least from the treaty of 1819 until the Mexican revolution.¹¹

Lincoln tried vainly to get Polk to respond, but Lincoln's resolution was only a speech in the end. William Herndon, Lincoln's friend and law partner, cited the

¹⁰ James McPherson, *Ordeal by Fire: The Civil War and Reconstruction* (New York: Alfred A. Knopf, Inc., 1982), 70.

¹¹ Don E. Fehrenbacher, *Abraham Lincoln: Speeches and Writings 1832-1858* (New York: The Library of the Classics, 1989), 159.

“Spot” Resolution and Lincoln’s opposition to voting on any Mexican War measure as the reason voters returned Lincoln to the spot where he began.¹²

Besides opposition to the Mexican-American War, the Whig Party advocated federal government control over internal improvements. Andrew Jackson and James K. Polk argued that the U.S. Constitution did not give power to the federal government to build projects like the Erie Canal of which Jackson denied federal support for its construction. In contrast, Lincoln advocated for federal support of internal improvements. Lincoln believed that both the state and federal governments should share responsibility for the development of the West: “...let the nation take hold of the larger works, and the states the smaller ones.”¹³

Unfortunately for Lincoln, the voters of Illinois did not appreciate his Whig positions and returned him to private life. Lincoln began a law practice in Springfield, Illinois. The cases Lincoln counseled were at the center of Western development and later shaped his pro-railroad presidential policies. Lincoln received an annual pass as a retainer for representing the Illinois Central Railroad (ICR). Ironically, in 1850 Lincoln had opposed the building of the ICR before the Illinois Legislature because the money was coming from Boston and Philadelphia. Lincoln felt that the investment should be from Westerners, but the Illinois Legislature allowed investment to come from the east.¹⁴

The ICR retained Lincoln to represent them in the case of McClellan County vs. The Illinois Central Railroad. McClellan County sued the Illinois Central Railroad that a

¹² Herdon, William H. and Weik, Jesse W. *Abraham Lincoln: The True Story of a Great Life*. vol.1 (New York: D. Appleton and Company, 1896.), 266.

¹³ Fehrenbacher., 198.

¹⁴ John W. Starr, jr. *Lincoln and the Railroads*(New York: Arno Press, 1981), 42.

county could collect a 7 percent state tax on the profits of the corporation. Lincoln argued that a county could not collect on state taxes and won the case.¹⁵

Another case in which Lincoln represented the ICR was when a cattle company sued the ICR over losing cattle during a shipment. Lincoln and his law partner, William Herdon, lost the case.¹⁶ Lincoln and Herdon represented several other railroads as well. The Chicago and Alton, the Ohio and Mississippi, and the Rock Island Railroad Companies retained Lincoln and Herdon.¹⁷ Lincoln and Herdon's most famous case was the Rock Island Bridge Case where a steam ships company sued over the construction of a bridge over the Mississippi River. In the case Hurd et al vs. the Rock Island Railroad Company, Lincoln argued that the Railroad Company had the right to build a bridge between two states as long as both parties agreed. Furthermore, no one had the right to say how someone could cross a river. The case later appeared before the Supreme Court that upheld Lincoln's argument that the Railroad Company had the right to build a bridge over the water in 1862.¹⁸

The Hurd et al vs. the Rock Island Railroad case marked the beginning of the railroad conquest of the West. Lincoln's argument gave the railroads the right to build bridges over waterways, thus giving railroads more access to cities. Steamships could not compete against this judgment which granted railroads to directly access landlocked cities.

¹⁵ Fehrenbacher, p. 63.

¹⁶ Fehrenbacher, p. 65.

¹⁷ Fehrenbacher, p.59

¹⁸ Fehrenbacher, p. 99.

Lincoln's opinion on pre-emption of public land probably best prepared him for his presidency. Lincoln wrote the opinion for the ICR that people who settled on reserved, odd numbered sections before the date of final allotment could stay that land. However, those who arrived after the final allotment could not have the property and had to leave. The decision made Lincoln cognizant of the land grant system and its complexities of which sections belong to the railroad or the government. The land grant system of the ICR would become the model for the Pacific Railway Act.¹⁹

Lincoln also represented cases against the railroads where individuals sued companies over personal injury and contract disputes over railroad ties. Lincoln's law career made him aware of how important railroads were to the development of the West. All the cases made Lincoln cognizant of the cost of shipping, damaged freight, construction problems, government taxation on railroad companies, and factors limiting free market enterprise.

Railroads Alter the West and U.S. Public Land Policy

The Federal government administered public land in a colony-and-empire system until Congress approved the use of that land for Indian treaties or statehood. The Northwest Ordinance of 1787 established that the Confederation Congress would act as the government and assure the rights and privileges of U.S. Citizens in the Territories. This clause evolved into Article IV, Section 3 of the U.S. Constitution that authorized Congress to "make all needful Rules and Regulations respecting the Territories."²⁰

The Whigs interpreted the Territories Clause as giving the Federal Government a

¹⁹ *The Collected Works of Abraham Lincoln*. Ed. by Roy Basler. New Brunswick: Rutgers University Press, 1953-55.vol. II, 334-5.

greater role in the internal improvements for land including land grants and canal projects. Whig President Millard Fillmore signed the first land grant in 1850 that gave Illinois collateral for loans needed for construction of the Illinois Central Railroad. The Whigs supported in a tariff to protect industry from foreign competition. The expansion philosophy for the West was a slow, planned growth with government aid in the form of land grants and internal projects.²¹ Lincoln responded as a Republican in 1859 to the question of tariffs which is consistent with his Whig philosophy.

I am an old Henry Clay Whig...I have not since changed my views. I believe yet if we could have a moderate, carefully adjusted, protective tariff, so far acquiesced in, as to not be a perpetual subject of political strife, squabbles, changes, and uncertainties, it would be better for us.²²

As the United States moved westward, the issue became which colonial economic system, slave or wage labor, was legal in a state or territory. As slavery declined as a labor choice worldwide, the issue of slavery expansion became heated between states that banned it and those that practiced it. The issue was always controversial and a number of compromises, like the Missouri Compromise or the Compromise of 1850, pledged to keep a balance of slave and wage labor states. As Eric Foner explains “the struggle for the West represented a contest between two expansive societies, only one of whose aspirations could prevail.”²³ The Compromise of 1820 kept the balance of free and slave states in congressional representation and established an arbitrary line for the Louisiana Purchase of 36° 30’ degrees for free state above and slave state below the line. The

²⁰ U.S. Constitution, art. 4, sec.3

²¹ Holt, *Political Parties and American Political Development from the Age of Jackson to the Age of Lincoln*, (Baton Rouge: Louisiana State University Press), 44.

²² Basler III, 486.

²³ Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War*(New York: Oxford University Press, 1970), 312.

Compromise of 1850 covered land not in the area of the Louisiana Purchase that was won from war with Mexico in 1848. The agreement stipulated that California would become a free state, and it created the New Mexico and Nevada Territories. A vote of the people of those territories, finally, would decide the outcome of the slave or free state issue.²⁴

One lone Senator threatened The Compromises of 1820 and 1850. Stephen A. Douglas was a Senator from Illinois and the Chair of the Committee on Territories.²⁵ Douglas proposed the creation of the Nebraska Territory in order to connect the Chicago Railroads to San Francisco.²⁶ Congressmen from Iowa, Missouri, and Illinois supported Douglas' efforts until they confronted the question of slavery expansion.²⁷

The Compromise of 1850 gave Douglas the reputation as someone who could find common ground among political adversaries. Douglas was key in the 1850 compromise that permitted California to enter as a free state and ended the slave trade in Washington DC. Furthermore, the Compromise of 1850 formed the territories of New Mexico and Utah for which the admission to the Union was mandatory after adopting a state constitution regardless of the slave status, and created the fugitive slave law.²⁸

Douglas' greatest political flaw was the Kansas-Nebraska Act of 1854. Both territories were north of the 1820 Compromise line of 36°30', making them free states automatically after Congress confirmed their admission. The members of both the Whig and Democratic Parties did not approve of the admission and voted against it the first time. Stephen Douglas then proposed entering both territories and letting them decide on

²⁴ David Potter, *The Impending Crisis* (New York: Harper and Row, 1973), 157.

²⁵ Potter, 334.

²⁶ Potter, 147.

²⁷ Potter, 151.

a compromise. After deciding which labor system they wanted, the territories would enter the Union as popular vote decided. This concept was known as Popular Sovereignty, and it became Douglas' view of how to settle the West. The problem of popular sovereignty was that the mechanisms of it were never worked out. Historian Eric Dean asks several important questions in regards to popular sovereignty. First, "when would this take affect? When the territory is organized? When fully inhabited and applying for statehood?"²⁹ Although these questions remained unanswered, the bill passed on 22 May 1854 and President Pierce signed it into law eight days later.³⁰

Douglas did not believe slavery would enter into the Nebraska or Kansas Territories. Douglas used a geographic interpretation and believed it would prevent slavery expansion beyond the 36'30' line:

...all candid men who understand the subject admit the laws of climate, and of production, and of physical geography have excluded slavery from that country.³¹

In other words, slavery would not extend into the Nebraska or Kansas Territories because the climate did not support crops that needed slave labor, like cotton.

The Kansas-Nebraska Act divided Congress into regional interests. Accompanied by the 1850 Compromise, the Kansas-Nebraska Act further split existing political parties. The Whigs split after the 1850 compromise and became either Free-soilers or formed the Republican Party. The Democrats began splitting into regional factions as well. In 1854, the Know-Nothing Party emerged and dissolved as a national party after the election of

²⁸ James M McPherson, *Ordeal by Fire: the Civil War and Reconstruction*(New York: McGraw-Hill,(1992),72

²⁹ Eric T. Dean, "Stephen A. Douglas and Popular Sovereignty" *The Historian*(1995): 735.

³⁰ McPherson, 93.

³¹ Potter, 172 as quoted from the Congressional Globe 31, 1 Session, appendix p. 371 Jan 1854.

1856. The Know-nothings grew out of anti-immigrant feelings because the Whigs and the Democrats changed their platforms to attract the immigrant vote in the gubernatorial election of 1852. The Republicans absorbed most of the Know-Nothing vote after the election of 1856 because of chose for less immigration.³²

The Dred Scott Case split the political parties even farther. On 6 March 1857 the Supreme court ruled that popular sovereignty could not exist in the territories because they were property of the United States. This farther enraged abolitionists in the North and created problems for political unity.³³ The West was up for grabs again with the Utah, New Mexico, and Nebraska Territories not yet having decided to be free or slave. The stage was set for one of the greatest political debates about slavery expansion into the Territories. The Lincoln-Douglas Debates brought Lincoln's Whig view of the West—government assisted internal improvements and wage labor--against Douglas's popular sovereignty view of the West.

Abraham Lincoln: The Republican

Abraham Lincoln became part of the new Republican Party because it adopted his Whig philosophy of free territories in the West with the Federal Government setting policies of economic transformation. The Republican Party merged the political interests of the former Whigs, Garrisonists, Free Soilers, and Know-nothings into one interesting political platform by 1858. The Whigs favored a West with Federal Government planned economic advancement. Freesoilers favored prohibiting the expansion of slavery into the territories. The Garrisonists wanted the abolition of slavery. The Know-nothings

³² McPherson, 95.

³³ McPherson, 102.

supported the exclusion of non-Protestant, colored, and foreign born peoples. Eric Foner explains the Republican Party's political philosophy:

Resentment of southern political power, devotion to the Union, anti-slavery based upon the free labor argument, moral revulsion to the peculiar institution, racial prejudice, a commitment to the northern social order and its development and expansion-all these elements were intertwined into the Republican world-view.³⁴

As a Republican with strong Whig leanings, Lincoln had to cater to the varied interests of his party. In northern Illinois during the 1858 campaign for the U.S. Senate, Lincoln emphasized more Garrisonist and Free Soil philosophies of abolition and the permanent end of slavery. Lincoln moderated all the extreme positions of the Republican Party into one position: No people of color in the new territories. The territories were for the white farmers and capitalists of the North.

The philosophy of the Republican Party built on the premise of Manifest Destiny wherein God had preordained white rule to be in the West with prosperity through hardwork. At Alton Lincoln stated:

I am still in favor of our new territories being in such a condition that white men may find a home-may find some spot where they can better their condition in life. I am in favor of this not who are born amongst us, but as an outlet for free white people everywhere, the world over ... may find new homes a better their conditions in life.³⁵

In this reference, Lincoln does separate himself from the nativist point by saying "free white people everywhere."³⁶ Here, Lincoln is trying to win support from the Irish Democrats. Alton was a place where Irish railroad laborers predominated. Lincoln

³⁴ Foner, 310.

³⁵ Paul M. Angle, ed., *Created Equal? The Complete Lincoln-Douglas Debates of 1858* (Chicago: University of Chicago press, 1958), 390.

³⁶ Angle, 390.

presented himself before this group as a Nativist who would exclude African-Americans, and he thus tried to persuade Irish votes away from Douglas by offering them a place in a reconstructed white West.

This statement foreshadowed Lincoln's policy in the West, which was open settlement for native or foreign-born, white people. This policy became reality in 1862 when the Homestead Act allowed for immigrants to make a 160-acre claim upon a sworn statement of allegiance to the United States. In the debate at Galesburg 7 October 1858, Lincoln foreshadowed and demonstrated his Whig-turned-Republican policy of the West. Lincoln stated:

It is to be remembered that their power of acquiring additional territory confined to the President and Senate of the United States—that is, the power is not the control of the representatives of the people any further than they—the President and Senate—can be considered as representatives of the people.

In other words, Lincoln argued the President and the Senate had the right to decide the economic status of the Territories until the successful ratification of statehood.³⁷

Lincoln argued, as did the former Whig Party, that the Territories were a colony of the American Empire until they claimed their sovereignty through statehood.

Lincoln saw the West as a place of solving the social ills of urban poverty. Lincoln's vision of the West would be one where the individual could change his economic status and alter the landscape at the same time. The Republican Party represented the capitalist, middle class culture of the United States. Central to the ideology of the Republicans was the belief in upward social mobility: A man could earn a wage for awhile and invest in some entrepreneur activity. Lincoln included farmers, mechanics, and industrialists in

³⁷ Harold Holzer, ed. *The Lincoln Douglas Debates: The First Complete, Unexpurgated Text*, 267.

this philosophy: Free laborers could earn their own capital and manage it. The Republicans believed in the social ladder and that wage earning was just a temporary step. Lincoln claimed “the man who labored for another last year, this year labors for himself, and next year he will hire others to labor for him.”³⁸

Lincoln attacks Douglas’ view of the West:

Lincoln’s vision of the West contrasted with Douglas’. Lincoln attacked the idea of popular sovereignty and Dred Scott from the beginning of the Lincoln-Douglas Debates. At Freeport on 27 August 1858 Lincoln asked: Can the people of a United States Territory, against the wish of any citizen of the United States exclude slavery from its limits prior to the formation of a state constitution?³⁹ Lincoln made Douglas respond to the notion of popular sovereignty and revived the philosophy that Douglas was trying to forget after Bleeding Kansas and the Dred Scott Case. Douglas responded with the Freeport Doctrine that supported popular sovereignty:

...that in my opinion the people of a Territory can by lawful means exclude slavery before it becomes a State.⁴⁰

Lincoln further tried to get Douglas to defend his popular philosophies. At Jonesboro, the next debate on 15 September 1858 Douglas continued to discuss the expansion of slavery and popular sovereignty:

When we get Cuba we must take it as we find it, leaving the people to decide the question of slavery for themselves.⁴¹

³⁸ Basler vol. III 478, II 364. As found in Foner page 30.

³⁹ Potter, 335.

⁴⁰ Holzer, 106.

⁴¹, Bruce Collins, “The Lincoln-Douglas Contest of 1858 and the Illinois’ Electorate,” Journal of American History(1986): 401 .

Douglas was supporting the annexation of Cuba and believed that the people would decide the slavery issue through a popular vote. Lincoln had successfully controlled the topic of the debate to be about the expansion of slavery and kept Douglas on the defensive. This tactic framed the Republican ideology in words against the established and failing policies of the divided Democratic Party of a Buchanan faction, and Douglas faction. The split in the Democratic Party assured Lincoln the Presidential victory in 1860 as both the votes for candidates John C. Breckinridge, the Buchanan Faction Candidate, and Douglas together were around 300 short combined to defeat Lincoln. Had the party been united, maybe Lincoln would have not been President?⁴²

The Lincoln-Douglas Debates made Lincoln into a recognizable national public figure. Publication of the debates prior to his candidacy helped propel Lincoln into the Presidency in 1860, while newspapers from around the country, like the New York Times and the Chicago Tribune, had covered the debates. Lincoln's rhetorical policy of a free market, white West was well stated in 1858 and published to the national electorate in 1860.⁴³

The push for a free market country was underway. Lincoln would put his theories into practice first in the West with the help of the 37th Congress. The period of Reconstruction in the U.S. began in 1861. However, the contemporary thought on the Civil War divides the interpretation into the antebellum, the War years, and then the formal period of Reconstruction. Moreover, the period of Reconstruction began much earlier and in a different place: the West. After 1860, Lincoln and the Republicans

⁴² Potter, 443.

⁴³ Collins, 403.

controlled the Presidency and legislative branches of the Federal Government along with a Democratic minority that favored homesteading, a transcontinental railroad, and a national currency.

Rhetoric Becomes Reality, The Lincoln Presidency:

The West was always an important area of development for Lincoln. The Civil War made it easier for Lincoln to encourage the 37th Congress to pass his vision of the West. The West would become a space of permanent settlement, upward social mobility, and economic development that would benefit the entire United States. Lincoln told the 37th Congress of his vision of the West during his annual message in 1862:

In the production of provisions, grains, grasses, and all which proceed from them, this great interior region is naturally one of the most important of the world⁴⁴ . . . The Territories of the United States, with the unimportant exceptions, have remained undisturbed by the Civil War, and they are exhibiting such evidence of prosperity as justifies an that some will soon be in a condition to be organized as States, and be constitutionally admitted into the Federal Union.

The Immense mineral resource of those Territories ought to be developed as rapidly as possible. Every step in that direction would have a tendency to improve the revenue of government, and diminish the burdens of people. It is worthy of your serious consideration whether some extraordinary measures to promote that end can not be adopted. The means which suggests itself as most likely to be effective is a scientific exploration of the mineral regions in these Territories, with a view to the publication of its results at home and in foreign countries—results which cannot fail to be auspicious.⁴⁵

The Homestead Act best demonstrates the outcome of Lincoln's reconstructed West.

People moved to the West in order to get a homestead. Improvements to the new homestead were possible through loans with the new first national banking system and a national currency. Connecting people of the West to the east would be the

⁴⁴ Basler V, 521.

transcontinental railroad. Lincoln and the Congressional Republicans, like Justin Morill, of Vermont, established the laws to reconstruct the West in the later nineteenth century.

The Civil War consumed most of Abraham Lincoln's time as President. Lincoln left the non-military policy to his cabinet members and backed them when he could. For example, Lincoln told Samuel P. Chase about his vagueness on economic issues "you understand these things. I don't"⁴⁶ In other words, Lincoln understood the importance and the ramifications of economic issues but did not understand the intricate details.⁴⁷ Samuel P. Chase resigned in 1864 because of his own frustration and lack of support from Lincoln for negotiations with Congress. Chase was key in passing the National Currency and Legal Tender Act. Besides his preoccupation with the war, Lincoln held the traditional view of the Whig President. Lincoln believed that a President should not interfere with the legislature and should use the veto with restraint.⁴⁸

The Homestead Act of 1862 was the first legislation proposed to alter the West. Abraham Lincoln signed the Homestead Act on 20 May 1862 and the law went into effect 1 January 1863. The Homestead Act is consistent with Lincoln's Whig philosophy of the Territorial Clause. Lincoln believed that the federal government should take on the larger internal improvement projects and allow the states with to do smaller ones.⁴⁹

Historian Eric Foner argues that the Homestead Act was for relief of the urban poor.⁵⁰ Lincoln was in favor of the Homestead Law:

⁴⁵ Basler V, 528.

⁴⁶ G.S Boritt, *Lincoln and The Economic of the American Dream*. (Memphis: Memphis State University Press, 1978): 199.

⁴⁷ Basler IV, 211.

⁴⁸ Boritt, p. 199.

⁴⁹ White, 143.

⁵⁰ Foner, 27.

In regard to the Homestead law, I have to say that in so far as the Government lands can be disposed of, I am in favor of cutting up the wild lands into parcels, so that every poor man may have a home.⁵¹

Former Freesoilers-turned-Republicans Horace Greeley and Gerrit Smith made Homesteading a part of the Republican Platform in 1856 and 1860. Along with George Henry Evans, Greeley and Smith formed the National Land Reform Association in order to make Homesteading a national priority.⁵² Horace Greeley best stated the Republican philosophy of the public lands: “The public lands are the greatest regulator of the relations of Labor and Capital, the safety valve of our industrial and social engine.”⁵³ Lincoln believed these men were too radical for his views in the early formation of the Republican Party and stayed away from them. However, Lincoln did agree with them on their labor theories and then later supported their homesteading idea in relation to developing the individual and the West. Lincoln argued:

...labor is available only in connection with capital—that nobody labors, unless somebody else, owning capital, somehow, by the use of that capital, induces him to do it.⁵⁴

Congress had little success in passing Homestead legislation during the 1850’s. However, the land grant system, to settlers in the West, was not new. The Oregon Donation Land Act granted free land to settlers in the Oregon Territory between 1 December 1850 and 1 December 1853. Married settlers could obtain 640 acres while single settlers could obtain 320 acres.⁵⁵ New Mexico had a similar land grant of 160

⁵¹ Basler IV, 202.

⁵² Paul Gates, *History of Public Land Law and Development* (New York: Arno Press, 1979), 391.

⁵³ Foner, 27.

⁵⁴ Basler III, 477.

⁵⁵ Gates, 388,

acres available between 1 January 1853 to 1 January 1858.⁵⁶ Other specific land grants included the Armed Occupation Act of 4 August 1842, which gave 160 acres of land to armed Florida settlers who could protect themselves against the Indians. The Continental Congress granted 400 acres to militia men living in Indiana.⁵⁷ Several attempts for a national homesteading policy failed between 1850-1860. Democratic President Franklin Pierce vetoed an effort to give states land grants in order to build hospitals for the insane because he believed the Federal Government did not have the authority over local issues.⁵⁸ This land grant bill passed along party lines with Southern Democrats, like Jefferson Davis, opposing with 31 of 48 Democratic Party voters against bill in the House, while Whigs voted 44-0 in favor of it in 1860.⁵⁹ Democratic President James Buchanan vetoed the Free Homestead Act of 1860 that allowed for a seven-year claim with a payment of \$.25 an acre after five years. James Buchanan vetoed the legislation because he feared free land would cause a massive migration to the West and devalue land in the East, including his home state of Pennsylvania.⁶⁰

Homesteading fit the Republican ideology of social reform and upward mobility. A head of a family could receive free land for a nominal registration fee. The philosophy was a win-win situation for social reform and development of the West. A homesteader received a maximum of 160 acres of land for free in exchange for developing and promising to cultivate that land within five years. The development of the land would

⁵⁶ Victor Westphall, "The Public Domain in New Mexico 1854-1891" *New Mexican Historical Review* 33, no.1 (1958): 36.

⁵⁷ Gates, 387.

⁵⁸ Brown, Thomas J. "Franklin Pierce's Land Grant Veto And the Kansas-Nebraska Session of Congress." *Civil War History* (1996): 98.

⁵⁹ Brown, 106.

⁶⁰ Gates, 393.

ensure permanent settlement and transform the landscape to private ownership. The 160 acre maximum prevented the development of large plantations or from corporations monopolizing the land claims. Historian Walter Block explains that “homesteading is the market means of converting virgin land to private ownership.”⁶¹

Lincoln knew the sale of public lands created revenue and he desperately needed it for the Civil War. Lincoln knew that Homestead Law was not the answer to the lack of sales in the West:

The Homestead Law offers such inducements to settlers, that the sales for cash cannot be expected, to an extent sufficient to meet the expenses of the General Land Office, and the cost of surveying and bringing the land into market.⁶²

The sale of public lands decreased dramatically after the Panic of 1857, from approximately 17 million acres to below 1 million acres prior to the Homestead Act.⁶³ To earn revenue for his war effort, Lincoln ordered the Land Office to sell 4,427,700 acres in the Willamette Valley and another 834,263 acres ten days after signing the Homestead Act into law. In 1863, Lincoln would over 3,004,000 acres in the Washington Territory, 39,039 acres in Michigan, and 145,000 acres in other Territories. Lincoln ordered a total of 11,930,000 acres for public sale by the end of the Civil War. The sale of public land met two of Lincoln’s goals: financing the Civil War and bringing the West into the control of the North. Lincoln had begun the transformation of the West into a space of private ownership and wage labor. Even if they successfully seceded, the South

⁶¹ Walter Block, “Earning Unhappiness Through Homesteading” *Journal of Social, Political and Economic Studies* (1990): 240.

⁶² Basler V, 525.

could not expand into the West because it was in the control of private landowners and the U.S. Federal Government.

Congress opened approximately 54 million acres to Homesteading, while restricting 125 million acres for railroads, 140 million acres for state lands, and 175 million acres for Indian Lands in 1863. Congress established that only surveyed land was accessible for Homesteading. Furthermore, the restriction of public land for homesteading included that it could not be valued at more than \$1.25 per acre for the full claim or \$2.25 acres for 80 acres. Congress did not want to give away valuable land near a city or an internal improvement. However, the land was not totally free. The Homestead Law required registration fees, including a \$10 registration fee, a \$4 commission, and \$4 fee for the final proof of land ownership. Other restrictions included a sworn allegiance to the United States for immigrants. A prohibition to people from States that took arms against the Union prevented public land from falling into the hands of slave owners and people who were against the Union.⁶⁴ Congress created the Homestead Law in order to make the West a part of the Northeast. The intention was to control the West and exploit its natural resources in order to fund the Civil War. Public land sales gave the U.S. money to fight the war. Western farmers could grow food for the East and for markets in Europe. The Homestead Act was just one part of the war effort to hold the Union together and defeat the peculiar institution in the South.

The Homestead Act gave the federal government and the General Land Office, which was a part of the executive branch, the authority to restrict land sales to a 160-acre

⁶³ BaslerV, 525. White, 144.

⁶⁴ Gates, 394.

limit. Furthermore, the Homestead Act gave the federal government an activist role in planning settlement in the West. The Homestead Act encompassed all territories, not just a specific one as the Oregon Donation Land Act or New Mexico Territory Land Act did.

There was limited success of Homesteading during the Civil War because the nation was dangerous to travel through. However, people did take advantage of the available land. In the Dakota and Nebraska Territories, settlers made 2,180 entries for homesteads between 1863-1865.⁶⁵ In all of the Territories, a total of 26,552 entries were made. The process of altering the West had already began.

The sale of public lands was necessary to fund the Civil War and to convert the West into private ownership. The Agricultural College Act, or the Morrill Act, was more successful in the process of converting land into private ownership. The 37th Congress passed the Morrill Act into law on 1 July 1862 and Lincoln signed it the next day. The Morrill Act gave the states federal public lands to sell in order to establish agriculture and mechanics colleges. The Morrill Act made the states assign specific universities as the direct beneficiaries of the land sales. Congress issued land scrip to those states that did not have any public land left to sell, like Illinois.⁶⁶ The land scrip was convertible in the Territories, or states like Wisconsin that had a lot of U.S. public land.⁶⁷ Some Congressmen did not approve of this measure and a East-West rift emerged. Western Senators believed the Federal Government could not sell land inside one state to another state. Senator Alexander Ramsey of Minnesota believed that the Morrill Act was “a great curse to the land states of the West.” Senator Jim Lane of Kansas called the Morrill Act

⁶⁵ Gates, p. 409 and Block p. 67.

⁶⁶ Gates, 395.

“iniquitous” and believed it would ruin Kansas and contradict the intention of the Homestead Law. The author of the bill was Justin Morrill and he believed that the Western States had enough land to distribute and the eastern states should get their fair share.⁶⁸

Congress decided that the distribution of public lands should be 30,000 acres per each federal representative and Senator. States with public lands could pick their land within their boundaries. Congress issued to states with public lands 3,520,000 acres worth of scrip. States without public lands got 7,700,000 total acres worth of scrip. The sale price was set at \$1.25 an acre. However, the sale was to private individuals and that left the price open to market prices. For instance, Rhode Island gave its scrip to Brown University who sold it for only \$.42 an acre in Kansas in 1862. New York sold some of its scrip to Ezra Cornell, who bought 9,000 acres worth of scrip. Cornell used 500,000 to purchase land in Wisconsin, which he held for trustees to sell for Cornell University. The Morrill Act made more land available for sale and conversion to private ownership. The sales happened simultaneously with the homestead land grants and the railroad land grants. The total amount of land sales to private individuals and homesteaders reached 5,421,484 acres by the end of the Civil War.⁶⁹

The laws were in place to move more people out West. The next step was how to connect those people to markets on the eastern seaboard. During the 1850s, Congress discussed a transcontinental railroad, but they could not agree on a route. With the Southern Congressman gone, the 37th Congress spent little time discussing the railroads

⁶⁷ Gates, 396.

⁶⁸ Gates, 22-23.

and agreed on two routes. One route followed the Platte River and went to Seattle. The other route went through the central part of the Territories connecting Chicago to Denver and San Francisco.⁷⁰ The Pacific Railway Act passed Congress and Lincoln signed it on 1 July 1862. Due to budgetary constraints and a labor shortage due to the Civil War, Congress was only able to fund the construction of the Central Pacific and Union Pacific railways. These railways created the first transcontinental connecting the cities of Denver and San Francisco to an eastern terminus along the 100th meridian. Congress passed another Pacific Railroad Act on 1 July 1864, which gave the Northern Pacific Railroad the money necessary to build a railroad from Duluth, Minnesota to Seattle, Washington.⁷¹

The Pacific Railway Act was consistent with the Whig interpretation of the Territories clause and with Lincoln's belief that the Federal Government should handle large internal improvements. This act empowered the Federal Government the ability to grant land to corporations in order for them to sell and finance construction. For instance, Congress gave the Union Pacific and Central Pacific Railways ten-odd numbered section per township grid in order to sell for construction costs⁷² The Federal Government retained mineral right on those lands grants. The corporations had five years to distribute the land or it became the property of the Federal Government again. Furthermore, Congress gave loans in the form of 30 year bonds at 6 percent interest to aid in construction costs. The amount of the loans depended on how difficult the land was to develop. Flat prairie land loans were \$16,000, while loans for mountain construction were

⁶⁹ Gates, 335.

⁷⁰ Gates, 364.

⁷¹ Gates, 364

⁷² Gates, 364.

\$32,000 or \$48,000. Congress gave the first mortgage to the railroads and gave itself the second. Congress granted the railroads a six-to-fifteen mile strip of land through the Territories. The Union and Central Pacific received 400 feet right of way for laying track.⁷³ For an example of this land grant, see the appendix II for the chart, “Federal Grants for the Railroads.”

The Pacific Railroad Act gave unprecedented power to the executive branch. The president had the authority to appoint the board of directors under section thirteen, and decide on construction issues such as gauge of the track under section twelve.⁷⁴ Section fourteen of the Pacific Railway Act conveyed the most power of all: the ability to pick the starting and ending point.⁷⁵ On 17 November 1863, Lincoln picked Omaha, Nebraska as the starting point of the Union Pacific railway, which was already linked to Chicago and linked it to the cities of the West.⁷⁶ Lincoln completed the process of making Chicago the great railroad hub that Stephen A. Douglas began in 1850. In all, the Pacific and Central Railways received 34,560,000 acres of public lands for the development of their railways.⁷⁷ Congress granted the Central and Pacific Railways 2,720 miles of right-of-way for their construction.

The land grants to railroads helped reshape the West. Kansas was the most affected state with twenty percent of its land, 10,175,149 acres, given to land grants alone. Nebraska had fifteen percent, 7,792,088 acres, of its state given to railroads.

⁷³ Gates, 364.

⁷⁴ Basler VI, 68.

⁷⁵ Basler VII, 228.

⁷⁶ Basler VII, 16.

⁷⁷ Gates, 364.

Lincoln applauded the railroad bill and urged Congress in his Second Annual Address in 1862:

... suggests the earliest completion of this road... as being vital, and rapidly increasing importance to the whole nation, and especially to the vast interior region hereinafter to be noticed at some great length.

The reconstruction of the West was underway with a place for people to live and a railroad to transport commodities to a Metropolis. How were the people to finance their homesteads? Lincoln had some reservations about a national currency and urged Samuel P. Chase, Secretary of the Treasury, to work with Congress and create a banking system. Lincoln stated signed a joint resolution to create a national currency and a banking system on 17 January 1863:

In order to raise money by way of loans most easily and cheaply, it is necessary to give every possible support to the public credit. To that end, a uniform currency in which taxes, subscription to loans, and all other ordinary public dues may be paid, is almost, if not be furnished by banking associations under a general act of congress, as suggested in my message at the beginning of the present situation.⁷⁸

Congress passed the Legal Tender Act on 6 February 1862 and Lincoln signed it into law a few days later.

The 37th Congress enacted the National Currency Act on 24 February 1863 and Lincoln signed it the two days later. The National Currency Act established a national banking system for the country. Congress intensely debated both acts and the vote fell along party lines. Western Republicans saw these acts as an means to development while Western Democrats voted against the bill. Western Republican John Bingham felt that leaving the power of a national currency “at the feet of brokers and of city bankers, who

⁷⁸ Basler, VI, 61.

have not a title of authority, save by the assent or forbearance of the people, to deal in their paper issued as money” would hurt the people of the West.⁷⁹ Bingham echoed the Whig belief of the Federal Government controlling the currency and having a positive role in the development of the West. Democrats echoed Andrew Jackson in their displeasure over a national currency. Western Democrat Clement Vallandigham opposed the Legal Tender Act and argued that the Federal Government did not have the authority to “provide a paper currency intended primarily to circulate as money” and feared it would “banish gold and silver from circulation.”⁸⁰ Western Democrat George Hunt Pendleton argued that the Legal Tender Act would “impair the obligation of contracts” thus hurting the development of the West.

The Old Northwest was the location for the newest bank, first established as the First National Bank in Davenport, Iowa. This bank enjoyed \$80,000 in deposits on its first day of business. By the third day of business, the bank distributed \$100,000 in loans to eighty private citizens thus beginning the financing of the reconstruction of the West.⁸¹

The 37th Congress is responsible for initiating the reconstruction of the West. Lincoln’s role was to sign all the bills into law and to encourage Congress to pass more legislation. However, the acts which reconstructed the West fit Lincoln’s vision for this region in his Third Annual Message to Congress 8 December 1863:

It also appears that the sale of public lands is largely on the increase... It has long been a cherished opinion of some of our wisest statesmen that the people of the United States had a higher and more enduring interest in the

⁷⁹ Shade, 235.

⁸⁰ Shade, 236.

⁸¹ Dean Oakes, “The First First National Bank,” *Palimpsest* 54, no.6 (1973), 28

early settlement and substantial cultivation of the public lands than in the amount of direct revenue to be derived from the sale of them. This opinion has had a controlling influence in shaping legislation upon the subject of our national domain. I may cite, as evidence of this, the liberal measures adopted in reference to actual settlers; the grants to the States of overflowed lands with their limits in order to their being reclaimed and rendered fit for cultivation; the grants to railway companies of alternate sections of land upon the contemplated lines of their roads which, when completed, will so largely multiply the facilities for reaching our distant possessions. This policy has received its most signal and beneficent illustration in the recent enactment granting homesteads to actual settlers.⁸²

Congress enacted The Homestead Act, The Morill Act, The National Currency Act, The Legal Tender Act, and the Pacific Railroad Act in order to connect the metropolis of the West, Chicago, Denver, and San Francisco, to the world metropolis' of New York and London. Without Southern opposition, the 37th Congress was able to reconstruct the West consistent with the wage-labor and free-market system of the Union. The reconstruction of the United States began in the West during the Civil War. Abraham Lincoln and congressional Republicans placed those same reforms on the states as they reentered the Union and Congress later included homesteads in the plan to reconstruct the south. For instance, William T. Sherman issued Field order number 15 that gave freed peoples 40-acres of land on 16 January 1865. Congress established the Freedman's Bureau on 3 March 1865 and it redistributed land to freed peoples in 40-acre parcels.⁸³ The post-Lincoln Congress passed the Southern Homestead Act on 21 1886 and it gave eighty-acres of land to freedmen and pro-Union whites.⁸⁴

The 37th Congress and Abraham Lincoln had successfully established the institutions necessary for free market capitalism in the West. The Homestead Act and the

⁸² Basler VII, 46-47.

⁸³ McPherson, 399-400.

Morill Act began the rebound of land sales in 1862. The Pacific Railroad Act increased speculation in the West. The National Currency and Legal Tender Act made it possible for commercial in the West to happen. Public lands sales increased from just around one million acres of land to around five million in 1865. Public land sales mushroomed after the war to reach twelve million acres before the Panic of 1873.⁸⁵ Homestead entries increased from 26,652 during the war to 115, 658 entries between 1865-1870.

The Republican Reconstruction of the West deserves more attention in history. The policies of homesteading, banking, a national currency, and railroad construction all began in the West. After the Civil War, those same institutions were transplanted to the South. The “Republican Reconstruction” of the West is the real beginning of the Reconstruction period. Abraham Lincoln realized his goal of stopping slavery in the Territories and transforming the West to private ownership and the West became part of the World Metropolis before the South. It remained forever changed economically.

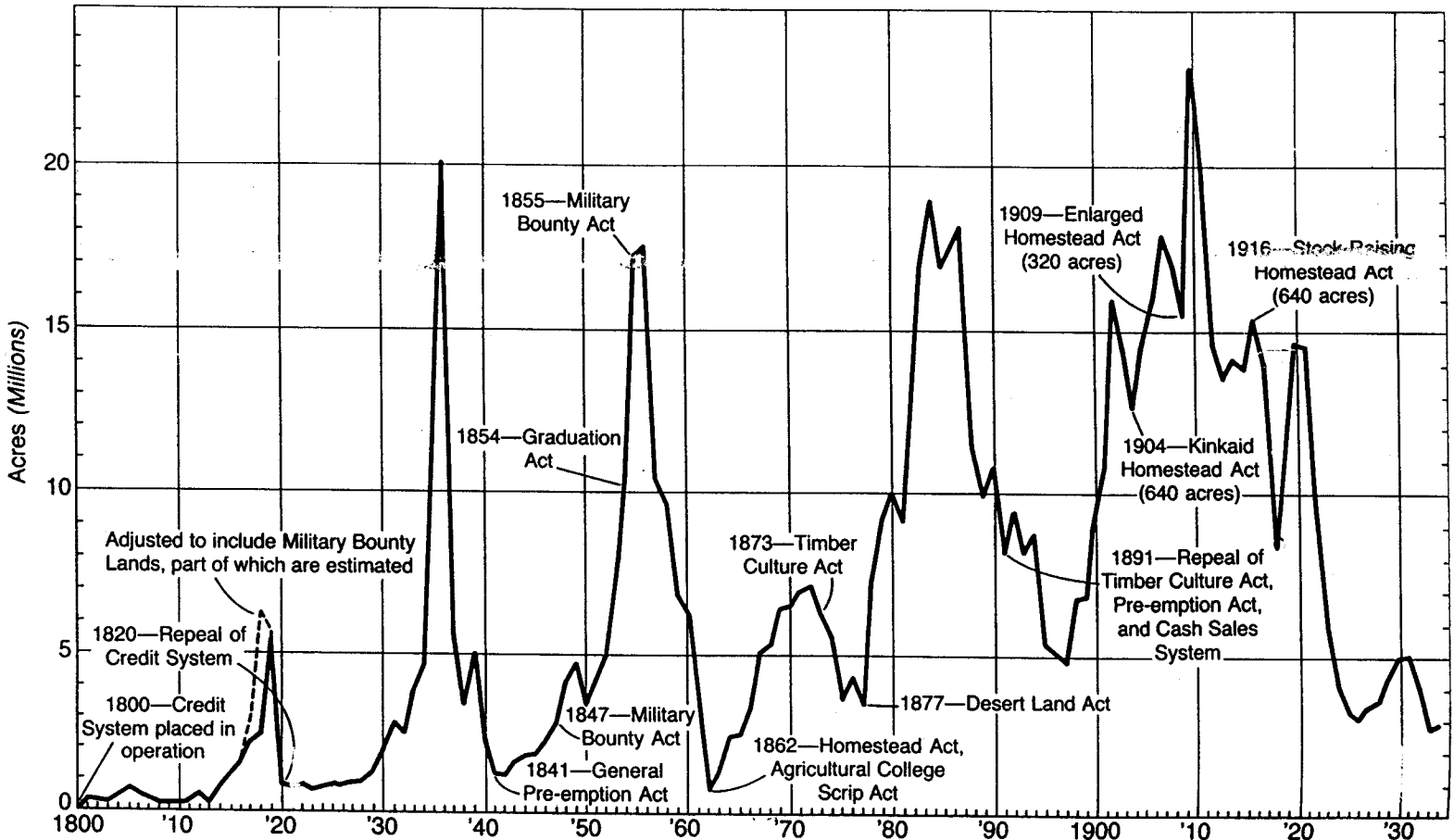
⁸⁴ McPherson, 506.

⁸⁵ White, 145 from chart of Roy Robbins, *Our National Heritage*(Lincoln: University of Nebraska Press, 1962)

Appendix I

This is a chart of the land entries from Richard White's. "*It's Your Misfortune and None of My Own.*" London: University of Oklahoma Press, 1991. p. 144

Original Land Entries, 1800–1934



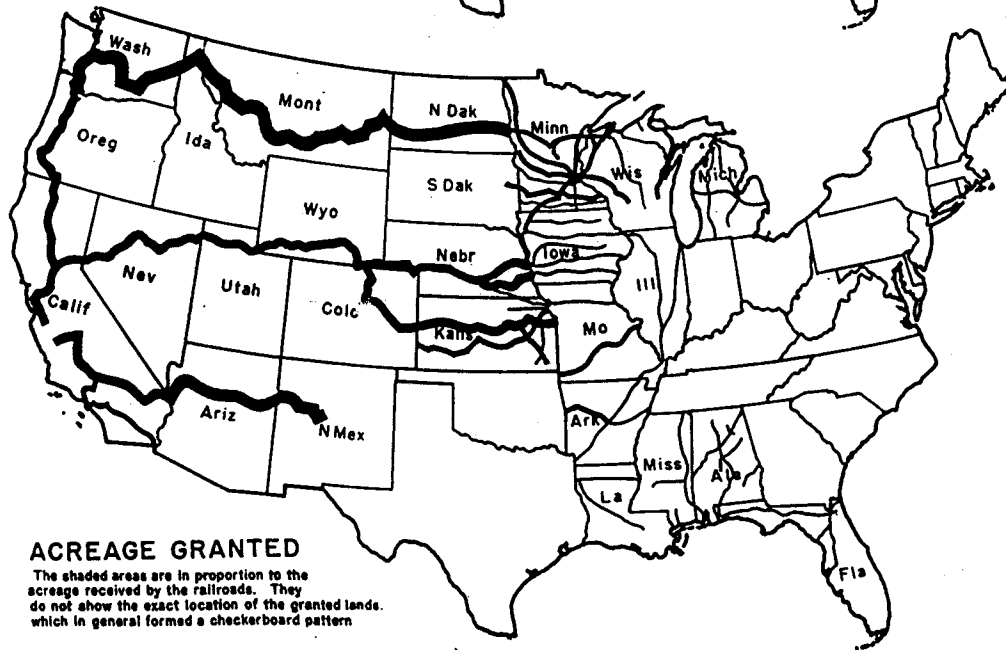
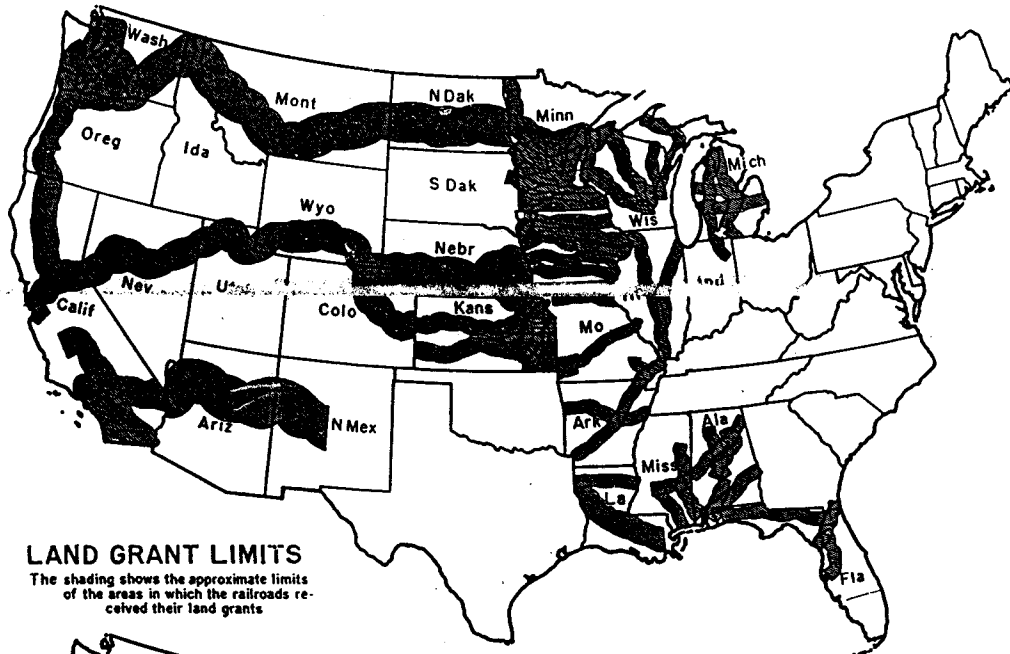
Original land entries, 1800–1934. From Roy Robbins, *Our Landed Heritage* (Lincoln: University of Nebraska Press, 1962).

Appendix II

This map is from Paul Gates' *History of the Public Land Law Development* page

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FEDERAL LAND GRANTS FOR RAILROADS



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