

Tracking the Political Career of David Kilgore Across Pioneer & Civil War Era Indiana

Arthur Andrew Olson III, August 17, 2012

great-great-great grandson of David Kilgore

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ABSTRACT

For 50 years between 1824 to 1874, David Kilgore and Indiana evolved politically from an unstructured, personality driven pioneer-era dynamic to a more classically defined political organizational model – both coming of age during the Civil War era. This is the story of an independently minded political figure who spoke directly and often found political sanctuary within short-lived 3rd parties or factions of mainline parties which better reflected his generally consistent policy views. From his sometimes fringe perspective, Kilgore nudged the evolving two-party system leadership in Indiana and the nation toward policies and positions which they may not have otherwise considered or addressed.

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Acknowledgements & Background

It was a chance meeting with the then-current owner of my maternal Grandparents' family farm and homestead, located just outside the East-Central Indiana town of Yorktown, which set motion more than three years of research which has culminated in this paper. Driven initially by a general curiosity to investigate the stories and legends which my Grandparents told about the land and the people who had lived there, I began to change the nature of my investigations 18 months ago.

As the picture of my most visible relative, my great-great-great grandfather David Kilgore, became somewhat clear the challenge shifted to a more detailed understanding of his specific political steps. Particularly because an intuitive understanding of the present day two-party political system clouded my view, I found it initially difficult to understand the political dynamic of a different era. And even when I was eventually able to adopt this new perspective, it was often difficult to find specific mention of my ancestor both because print media was in its infancy in frontier areas like rural Indiana and David Kilgore's mid-level political career did not often capture the attention of contemporary pundits and journalists.

Were it not for the creative assistance and untiring dedication of three shirt-tale relatives who had already dedicated a significant portion of their free time to the pursuit of the Kilgore family before I met them, this paper would have been impossible to produce. And fortunately for me, their specific interests were complementary to each other and to mine - yet different.

Marti Kilgore Riddle and her sister Rosemary Kilgore Otte, great-great granddaughters of David Kilgore, have been passionate about the pursuit of Kilgore related genealogy for much of their adult lives. Beyond a substantial

collection of Kilgore and related family information, both have honed their skills into disciplined, self-critical efforts. They have crisscrossed the broadly defined Mid-West, from Pennsylvania to Kentucky and Indiana and Ohio, and come to know librarians, county clerks, local historians and historical society volunteers on a first-name basis. Rarely have I come across information in my equally wide-ranging travels that had not already been discovered and catalogued by these two sisters. At the same time they have attained recognition both within the extended Kilgore family for their abilities and in roles they have assumed in the broader genealogy community. Rosemary has served as the Chair of the Wisconsin Genealogical Society and Marti is Past Regent of the Rebecca Galloway Chapter of the NSDAR, currently the Registrar of the chapter in Fairborn, OH, and volunteers at the Enon Community Historical Society – working on family files and helping others with their own genealogy lines.

In assembling the mosaic which is David Kilgore's life and family, Rosemary and Marti have put many colorful pieces in place and greatly aided in providing the familial and acquaintance connections which must be understood to tell and understand the story. They have challenged me to "get the facts" and shy away from wild hypotheses to fill in the blanks – making sure only verifiable or good information gets passed along to the family and public at large. My continuing thanks to them, as I eagerly await what else they will uncover in the coming years.

Mark Kilgore, great-great grandson of David Kilgore, has often been, like his ancestor, sometime difficult to keep tabs on. In spite of a life-long engineering career with Indianapolis-based Eli Lilly (who was also a great Indiana historian), Mark began to adapt his passion for detail and curiosity about the person of David Kilgore into a unique ability to unearth obscure details and insights about the man. He occasionally teamed with Rosemary and Marti on visits to libraries and cemeteries, but tended to do his best work when on the hunt 'solo.'

Sometime he fell off their 'radar,' only to be coaxed back to the research fold by Marti.

Most importantly, with the advent of the Internet Mark developed a skill and ability to scour resources which the common man would find unfathomably difficult to locate. His remarkable facility for creatively characterizing search criteria and for identifying important web resources has substantially enhanced our collective knowledge of David Kilgore. I have been fortunate enough to have come to know Mark, via Marti's introduction, over the past two years. We have collaborated particularly closely since the time I began to consider the writing project before you today. Were it not for his passion about David Kilgore and his incredible ability to mine the Internet, this paper would have been impossible to write. I am particularly grateful to Mark for his significant contribution in my effort, and for bringing substantial light to the person of David Kilgore.

For my part, it was my Grandfather Benjamin Marshall Nelson and his wife Pansy Gladiola Tucker Nelson from whence came my passion. They had repurchased nearly 175 acres of the original 1000+ acre David Kilgore farm and homestead; the transaction, in a quirk of fate, completed on my parents' wedding day: January 2, 1945. This parcel was added to a 50-acre plot which they had purchased during a Kilgore family bankruptcy proceeding in 1929. Grandpa Nelson was raised on this land by his mother and my great grandmother Mary Orlena Kilgore Connelly Nelson ('Lena') in the home originally built by David Kilgore - known in the 19th century as 'Gavel Hill.' Stories were told of the Native Americans who lived there along White River and of a burial ground, and of David Kilgore who came after to settle the land. Fortunately, my great grandmother preserved many original documents and newspaper articles from David Kilgore's lifetime which were passed down to my grandfather, then to my mother and finally to my brothers and me.

At the same time, I was lucky enough to visit 'Gavel Hill' (then the Top Hat restaurant) with my grandfather and see the rooms and hear the stories of the family homestead and its inhabitants. The 24-acre parcel which included the homestead had been purchased by my parents in 1969 and was owned by them when the Top Hat burned to the ground in 1974. Other parcels which had comprised my grandparents' 225 acre farm passed from the family after my grandfather's death in 1977 - the family home and adjacent barn soon thereafter, the burial ground bluff area a short time later, and then the bottomland and other tillable land in 2002.

As a city boy from suburban Chicago, I had spent considerable time during the summers and fall on my grandparents' farm - which they named the "Indian Hill Stock Farm" to honor the Delaware who lived on this land along White River at the beginning of the 19th century. I came to love the land, and always felt more attached to it than to the suburban home in which I grew up in Glenview, IL. And while I had been aware of my family history and personalities, it was always on a cursory level. Not until I retired from a career as an executive search professional in 2007 was I drawn to learn more about my relatives and the family homestead. It was my visit to Robert McFarland in the fall of 2008, then the owner of my grandparents' homestead, which lighted the flame of curiosity and deep-seated passion for my family and their land. McFarland had done some initial investigation of the chain of title to the land, and had collected some other miscellaneous documents related to the Native American presence which he shared with me. This prompted a closer look at the collection of Kilgore documents which had just come into my possession following the death of my mother in 2007 - the importance of many of which I could not then understand.

While trained as a systems analyst and lawyer, I had subsequently developed an interest in history and became self-taught via books, college courses and lectures. For me, my passion came in synthesizing the collected information of Marti,

Rosemary and Mark and placing it against the backdrop of history. At the same time, my executive search work had helped to develop skills related to the identification of resources in the search for executives buried within corporations – the same type of skills which could be used to uncover obscure information about relatives in my new avocation. And, having always enjoyed writing in the context of my legal and executive search careers, the telling of stories of ancestors and Native peoples lined up well with my passions and abilities.

As I began what was to become an all-consuming passion to put the pieces of the family puzzle together, I became familiar with a host of resources; from the popular genre of “Reminisces” which were written in large numbers between 1880 and 1916 by those, like me, who sought to capture the stories of a large number of local pioneer families, the villages and towns they settled and of the virgin land which they cleared in the 1820s-1830s, to popular non-fiction historical literature in book or journal form, to a large collection of near-scholarly work produced on a variety of topics and published in and by such forums as the Indiana Magazine of History, the Indiana Historical Bureau, local historical societies and otherwise by individuals like me who expressed their own passion through their particular writings, to scholarly work produced by academicians in such institutions as Ball State University, Indiana University, Purdue University and Miami University (my alma mater), and finally the original documents themselves (letters, speeches, journals, newspaper articles, minutes, censuses, etc.) housed in such places as the Indiana State Archives, the Indiana State Library, the Indiana Historical Society, the Newberry Library (Chicago), the Bracken Library of Ball State University, the Muncie Public Library, the Perry Historians’ Lenig Library (Perry County, Pennsylvania) and the National Archives, Great Lakes Division (Chicago).

It has been my desire to ‘set the record straight’ on topics which gain my attention. Too often I have come across articles, books and other writing lacking

the documentation upon which statements of supposed fact have been made. And, again too often, other writers have taken as fact statements made by others who had not pinned their conclusions or facts on so-called primary sources. This, then, has become my mantra – to offer fact-based written insights to historical events and figures which have been otherwise unreported or under-investigated.

And, while all of my writings have somehow emanated from original research related to some aspect of David Kilgore’s family or life, the topics often capture a much broader topic or aspect of history well beyond the David Kilgore family. For example, my recent piece “Anatomy of the 1818 Treaties of St Marys; Their Impact on the Miami, Delaware, New York Tribes and Indiana,” focuses on the rationale for and execution of the 1818 Treaties at St. Marys, OH – tracking the backgrounds of those who received land grants, and the broader impact on the Native Nations which participated in these treaties. While I initially began my research on this piece seeking the truth behind a family legend related to an Indian burial ground on the Kilgore land, the end result was a paper which included only one brief mention of Kilgore.

Similarly, it is my hope that readers interested in the broader topic of Indiana politics between 1824 and 1874 will find this paper to be of significant interest. And, while it follows only the career of one individual, it sheds light on the political dynamic and interesting times during which Indiana came into its own.

My thanks, then, to those dedicated people in the libraries, historical societies, archives and universities who have helped me find my way to information and insights. And to my wife, Kristen, for her patient understanding as I took the car to head off to destinations throughout the Midwest in pursuit of my passion or bored her with my unidimensional dinner conversation about the new insights I was regularly gaining as I dove deeper into this history and this man.

Preface

The eras of American and Indiana history which encompass the time period between 1816 and 1880 represented an epoch of incredible change. When Indiana became a state in 1816, its vast landscape was heavily and nearly completely forested. Over the next quarter century arriving pioneers and settlers literally transformed the land into a productive and fruitful place. Where, before, new arrivals came on horseback or man-powered craft along roughly cleared paths or waterways, the coming industrial revolution would help complete the transformation of Indiana at an accelerated pace. Steam powered ships presaged the arrival of steam locomotives and railroads which crisscrossed Indiana by the Civil War. The young state's commitment to "Internal Improvements" nearly brought financial ruin but subsequently cemented its future prosperity. With Indiana's agricultural bounty and new industrial products able to reach markets quickly and cost effectively, nothing would hold it back. And while the Civil War would disrupt the nation's and Indiana's sense of well being and of self, in typical fashion such tragic events inevitably brought further acceleration of technology and social structure which would propel the state and the nation to economic heights by the end of the 19th century.

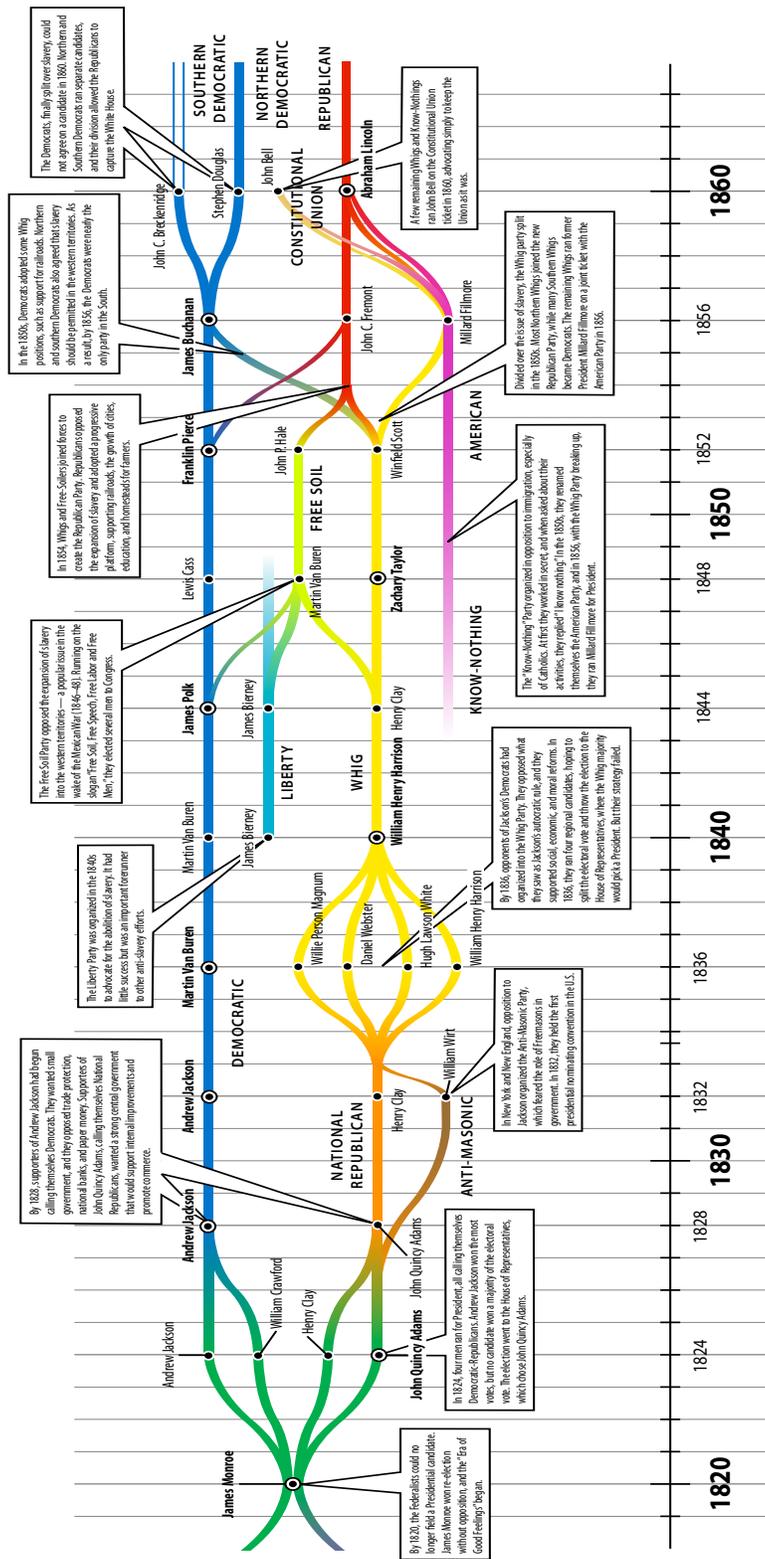
In like fashion, the nation's and Indiana's political system was transfigured during this time from a structure reflecting the personal bias of the Nation's first president against political divisiveness and parties to a model which looks remarkably like the one by which we live today. Where local politicians initially carried either no party affiliation or the same one, a significant evolution was about to take place. The national and state political systems seethed wildly as newly minted 'Western' citizens felt increasingly disenfranchised by an entrenched New England aristocracy perceived to be running the country. And the specter of slavery became the undercurrent issue which would foster a litany of 3rd parties and factions within newly emerging and increasingly dominant

national party structures. At the same time, the enormous population growth in the new 'West' required a political and governmental model which could effectively manage the expansion of services and handle related administrative demands. The result would be a period of chaotic gestation with the multitude of parties split further along North-South lines as the Civil War became an inevitability. While the deep divisions which brought the nation to War would not be healed by the end of this era, the broadly defined two-party political structure which emerged from the debris of this period would become a mainstay of United States and Indiana politics into the future.

As an assist to deciphering this chaotic period in America's and Indiana's political life, three timelines are attached which provide a graphical guideline to the multiple party arrangement characteristic of this period. Pictures of prominent politicians and places referred to in this piece are also included to help put names and faces together.

It was a rich period in the economic and political development of our nation and Indiana - sometimes in sync with one another and sometimes evolving independently. By gaining the personal perspective of one Indiana politician as he moved across these eras, one gains a more realistic view of what it meant to tackle the issues and deal with the accompanying dilemmas of party affiliation and power which could not be avoided.

Fig 2: Political Parties in the US, 1820-1860; LEARN NC, UNC at Chapel Hill



POLITICAL PARTIES IN THE UNITED STATES, 1820–1860

Political parties have shifted many times in 220 years of national politics. Even when parties have kept the same names for long periods, their issues, principles, demographics, and regional support all change over time.

The colored lines represent organized parties that had a significant impact on national politics, electing members of Congress or receiving more than 1% of the vote for President. Where the lines merge and split, parties split or party affiliations changed dramatically in a short period of time.

This chart shows the evolution of political party systems in the U.S. since 1789. Each "party system" is a roughly defined time period in which two major political parties, each with fairly consistent supporters and beliefs, dominated the political scene.

Presidential candidates are also listed for each party, with the winning candidate in bold.

- Candidate
- Winning Candidate

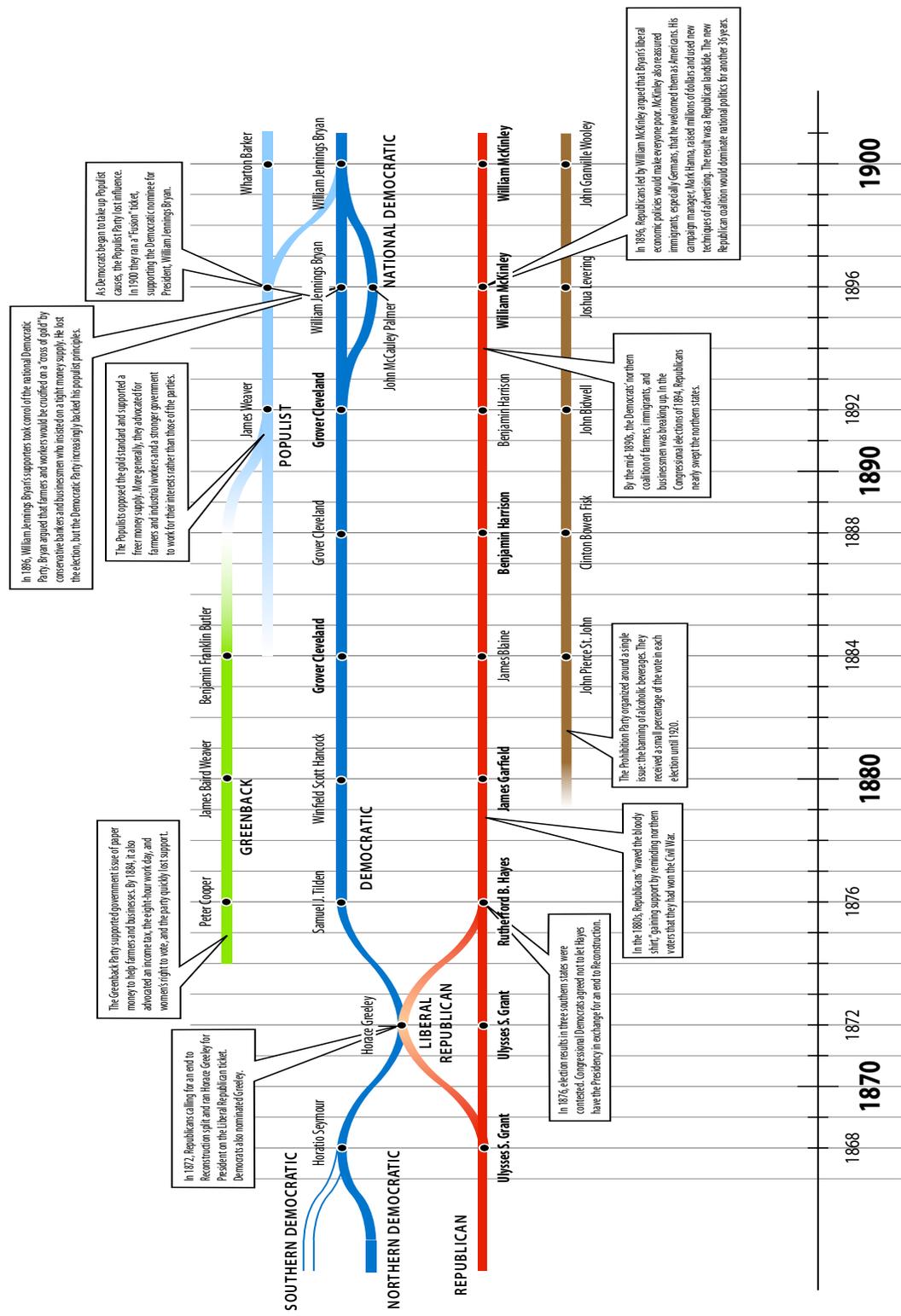


Fig 3: Political Parties in the US, 1870-1900; LEARN NC, UNC at Chapel Hill



←
Whitewater
factional area

Fig 4, Indiana Counties/Factions 1815



Fig 5, Indiana Counties/County Seats Map 2012

Map 12: House Districts 1831

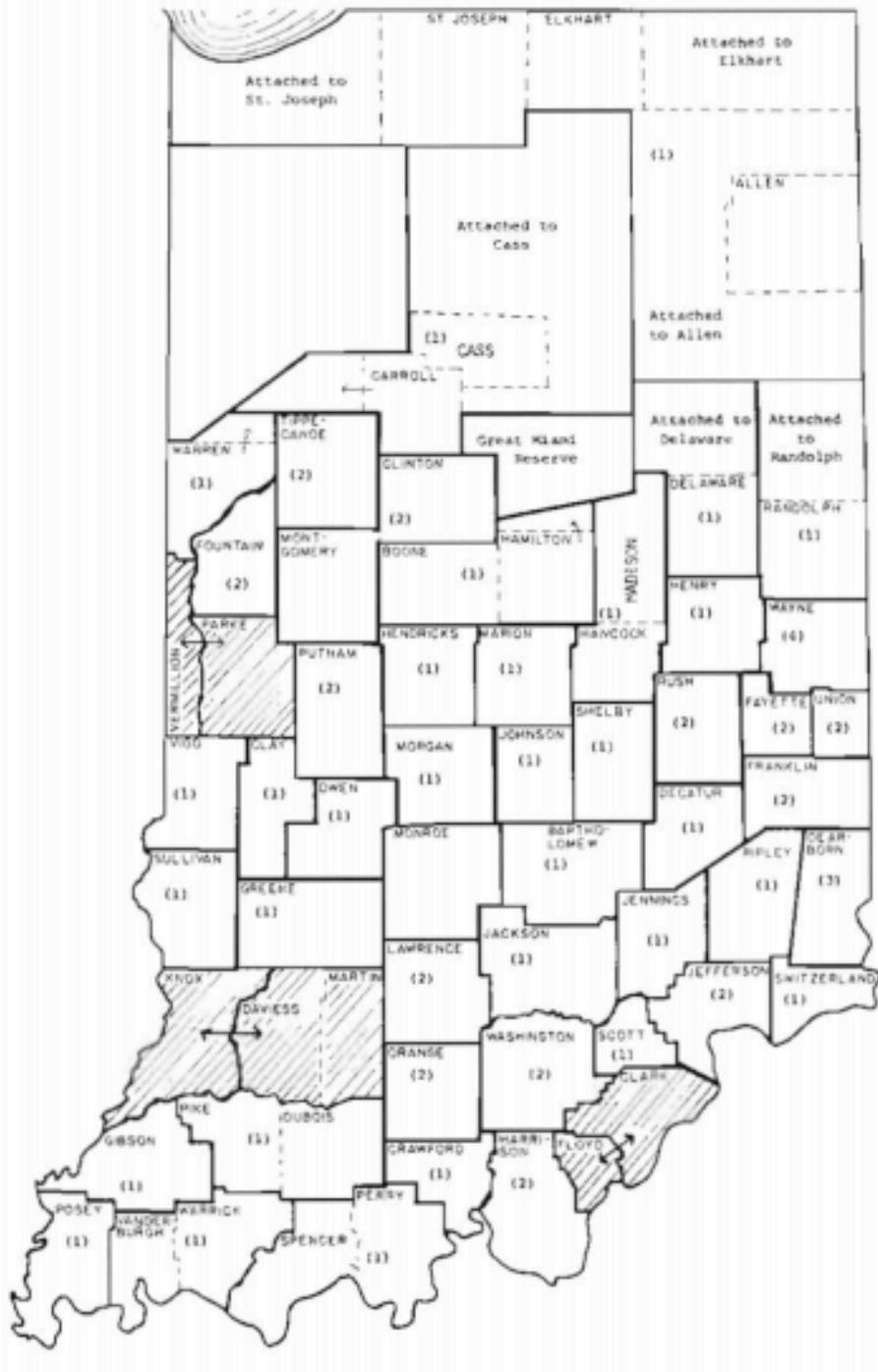


Fig 6, Indiana Legislative District Map, 1831

Indiana Canals

1805 - 1915

- ① Ohio Falls Canal—to provide passage around the Falls of the Ohio, 1805, 1816.
- ② Wabash and Erie Canal—to connect Lake Erie with the Ohio River through the Wabash Valley, 1827.
- ③ Whitewater Canal—to connect Whitewater Valley with the Ohio River, 1833, 1836.
- ④ Richmond and Brookville Canal—to connect Richmond to Whitewater Canal, 1837.
- ⑤ Central Canal—to connect Wabash River with Ohio River at Evansville, 1836.
- ⑥ Erie and Michigan Canal—linking Wabash and Erie Canal with Lake Michigan, 1836.
- ⑥a - ⑥c Surveys, 1825, 1837 of proposed routes for Whitewater Canal.
- ⑥d - ⑥e Surveys completed to link Lake Michigan and Wabash Valley, 1829, 1830, 1875, 1915.

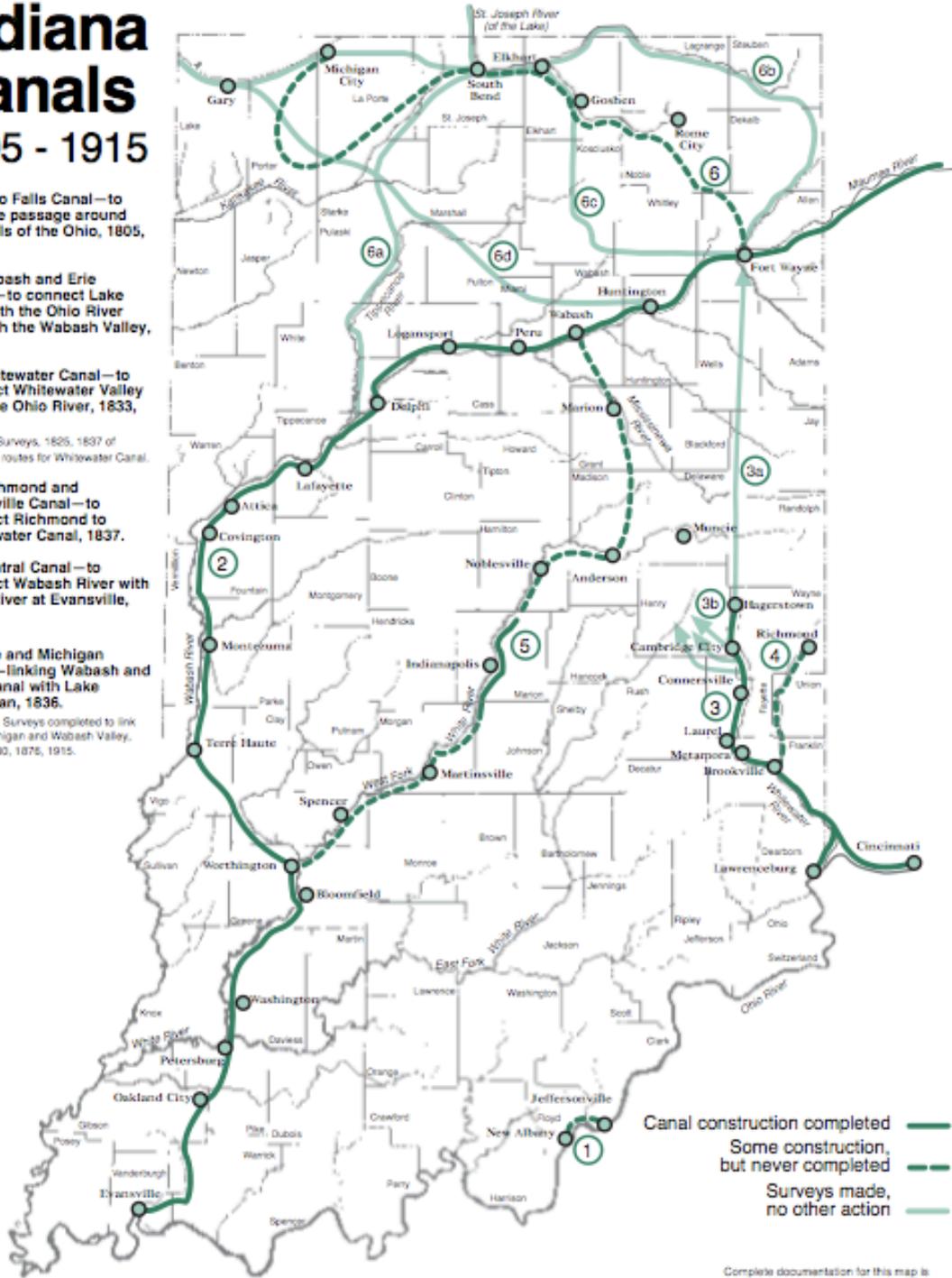


Fig 7, Indiana Canals Map 1805-1915

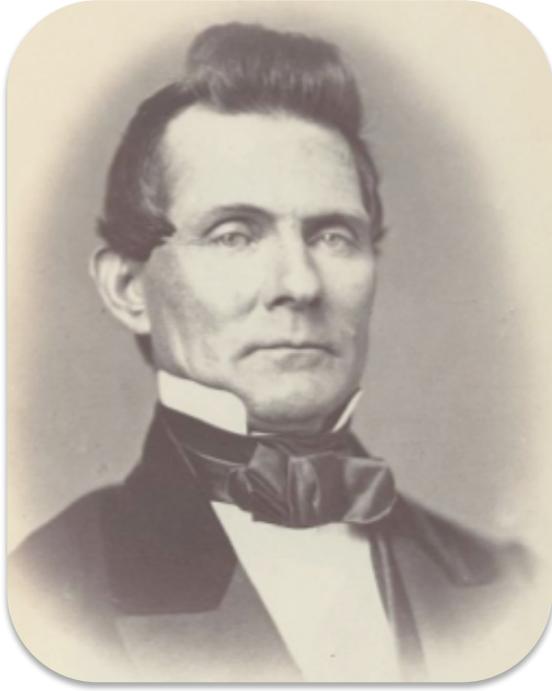


Fig 8, David Kilgore, c1850

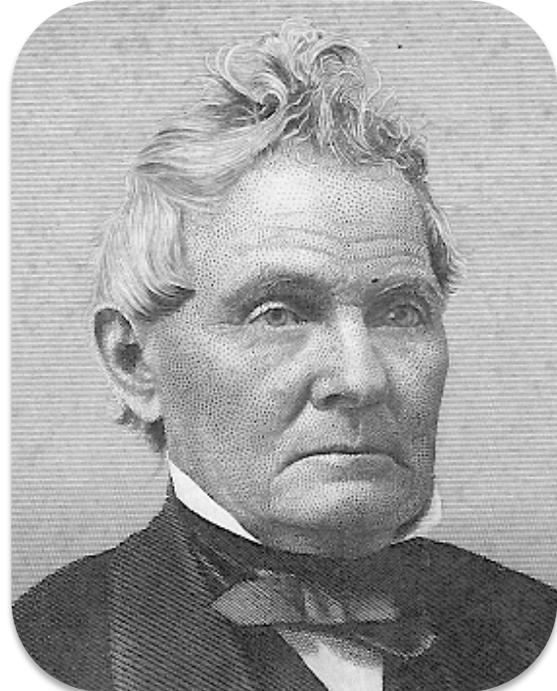


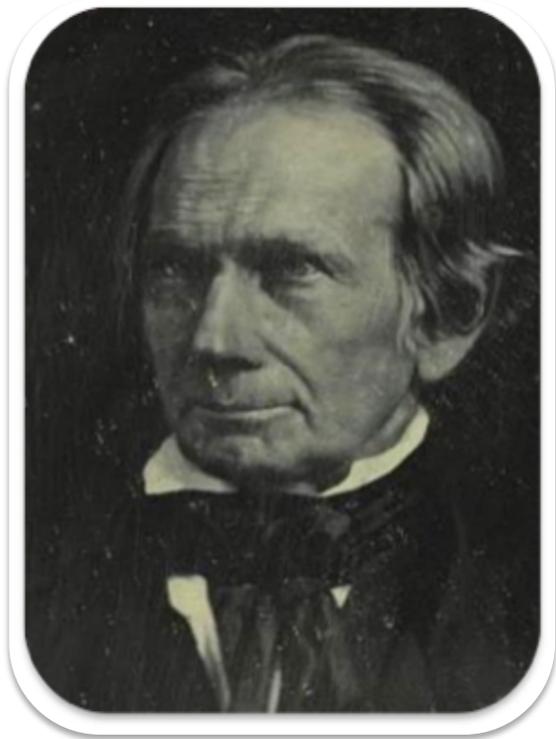
Fig 9, David Kilgore, c1870



*Fig 10, Gov. James B Ray
1825-31*



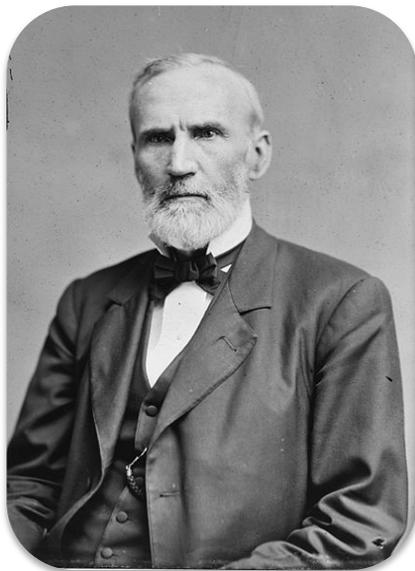
*Fig 11, Sec. Caleb B Smith
Dept of Interior
1861-62*



*Fig 12, US Speaker Henry Clay
(Kentucky)*
1811-1814, 1815-1820, 1823-1825
Senator 1806-07, 1810-11, 1831-42,
1849-52



Fig 13, Oliver H. Smith (Indiana)
Congressman 1827-29
Senator 1827-43



*Fig 14, George W Julian
(Indiana)*
Congressman 1849-51,
1861-1871

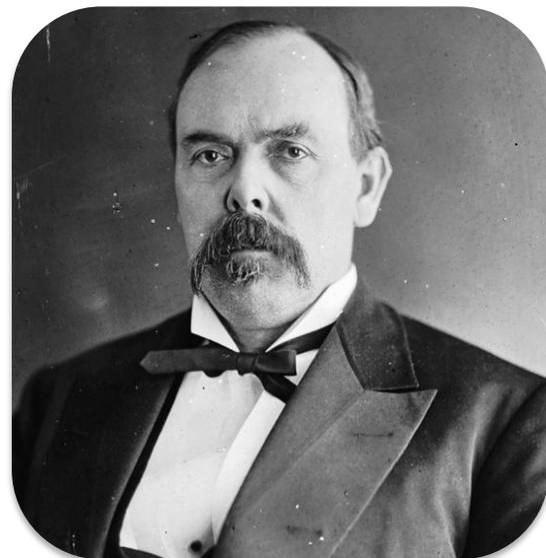


Fig 15, Gov. Oliver P Morton
1861-1867
Senator 1867-1877

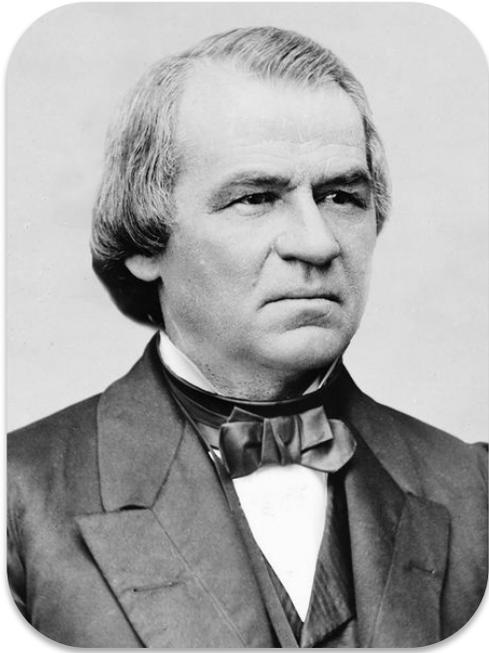


Fig 16, Pres. Andrew Johnson
1865-1869



Fig 17, Pres. Ulysses S Grant
1869-1877

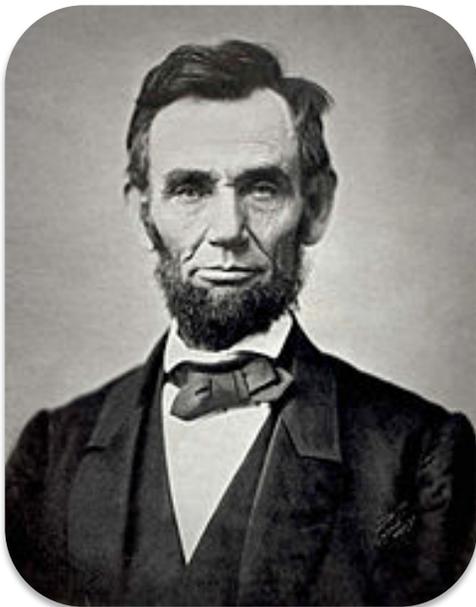


Fig 18, Pres. Abraham Lincoln
1861-1865

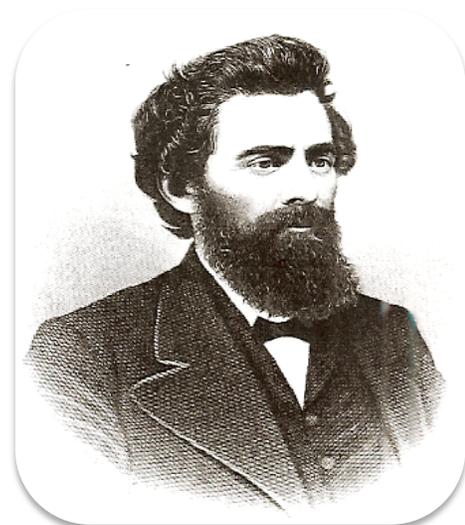


Fig 19, State Rep. Alfred Kilgore
1863-1867



Fig 20, V.P. Schuyler Colfax
1869-1873



Fig 21, Robert Dale Owen
IN House 1835-38, 1851-53
US House 1843-47



Fig 22, Calvin Fletcher
IN Senate 1826-1833

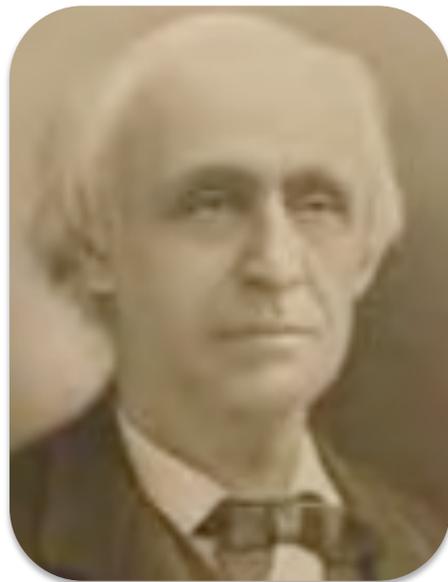


Fig 23, John D. Defrees (Indiana)
Lincoln's Superintendent of Public
Printing

Tracking the Political Career of David Kilgore Across Pioneer & Civil War Era Indiana

Given an inherent understanding of today's strong, nationally coordinated and well-established two party political system, it is difficult to interpret the often personality-driven, 3rd party prevalent and weaker national party political dynamic of pioneer & civil war eras (1816-1880) Indiana. By following the political wanderings of one Indiana politician, David Kilgore (1804-1879) [see Figs 8 & 9], whose career spanned these eras it is possible to better grasp the evolution of Indiana's and the nation's political party structure toward the two-party structure of today.

Kilgore positions himself for a political career

David Kilgore was born near Cythiana in Harrison County, Kentucky on April 3, 1804. Like many Scotch-Irish immigrants whose forbearers had settled near Carlisle, Pennsylvania, Kilgore's father Obed (1771-1853) had migrated from there to Kentucky in the last decade of the 18th century – part of the massive movement of settlers triggered by the end of the Revolutionary War and opening of the West. After nearly 20 years in Kentucky, the prospect of land ownership in the newly formed State of Indiana led Obed and Rebecca Cuzick Kilgore to move their family to Blooming Grove Township, Franklin County in 1819.¹ This was the same year a land office² was opened in nearby Brookville³ – county seat of Franklin County.

¹ Andrew R. L. Cayton, *Frontier Indiana* (Bloomington, IN: Indiana University Press, 1996), 271-272. They were not alone. Indiana was far more 'southern' than its neighbors. Some said "Kentucky had taken Indiana without firing a shot." In fact, by 1850 Indiana had the smallest percentage of Yankee-born settlers of the five states of the Old Northwest: 8.8% versus an average of 19.8%.

² "Land Offices" were sanctioned by the US Government and State of Indiana to administer the sale, issuance and recording of title and collection of monies

Franklin County [see Figs 4 &5] is an interior county watered by the Whitewater River in east central Indiana, which was adjacent to a recently acquired eight million acre+ “New Purchase” of land in the center of today’s state. The “New Purchase” became part of Indiana as a result of treaties signed with the Delaware and Miami (among others) at St. Marys, Ohio in 1818. By 1820 Franklin County’s population had grown to be more than 30% greater than the older counties bordering the Ohio and lower Wabash Rivers⁴ - source of the state’s early political power.

The presence of a land office in Brookville drew lawyers, bankers and land speculators seeking to capitalize on the thirst for land of those flocking to Indiana. Brookville’s growth changed the political dynamic of Indiana – the so-called “Whitewater” faction sapping Vincennes of its historically prominent political position. Even though the Brookville land office was closed in 1825 in favor of one in the state’s new capital, Indianapolis, all Indiana governors hailed from Brookville between 1825 and 1840: James B. Ray (1825-1831) [see Fig 10], Noah Noble (1831-1837) and David Wallace (1837-1840). It was in this environment that David Kilgore grew to adulthood.

Kilgore’s first political step actually took the form of a military one, when he volunteered and was elected/commissioned as a Captain in the Franklin County-organized Seventh Regiment of the Indiana Militia on August 23, 1824.⁵

related to land parcels offered for sale by the government – following negotiation of Indian treaties and related transfer to and surveying of land by the US Government.

³ Cayton, *Frontier Indiana*, 264

⁴ Waldo F Mitchell, “Indiana’s Growth 1812-1820,” *Indiana Magazine of History* 10, no. 4, (December 1914): 378-379

⁵ David Kilgore Commissioning Certificate – Captain, 7th Regiment, Indiana Militia, 23 August 1824; David Kilgore Commissioning Certificate – Brigadier General, 22nd Brigade, 25 March 1834. in the author’s possession. Kilgore went

While in many ways the militia was past its high point by this time (following removal of the Delaware Indian threat from Indiana under terms of the 1818 Treaty of St Marys), a commission was still “a mark of signal honor and distinction.”⁶ And in Franklin County the Seventh Regiment remained an important ceremonial and civic organization.⁷ It was also a stepping-stone to a future in politics. Several prominent Brookville and Indiana politicians held posts in the Seventh Regiment during Kilgore’s tenure, including future governors Noah Noble (lieutenant colonel [1817], colonel [1820], brigadier general - 6th Brigade [1825]) and David Wallace (lieutenant [1824], captain [1825], colonel [1827]).⁸

In 1825 Kilgore had commenced reading law.⁹ Although not formally under the guidance of a preceptor/mentor, his occasional counsel from Brookville residents Governor James B. Ray and soon-to-be Indiana Supreme Court Justice John T. McKinney¹⁰ solidified Kilgore’s future political trajectory. He also trained under Miles C. Eggleston,¹¹ presiding judge of the 3rd Judicial Circuit (which included

on to become a Brigadier General in command of the 22nd Brigade of the Indiana Militia, receiving his commission March 25, 1834. In May-June of 1846 he organized the “Muncie Guards” during the Mexican War, and was elected its Captain. see *Muncie Journal*, June 6, 1846.

⁶ W. D. Pratt, *A History of the National Guard of Indiana* (Indianapolis: W.D. Pratt, 1901), 69

⁷ August J. Reifel, *History of Franklin County Indiana* (Indianapolis: B.F. Bowen & Co., 1915), 284

⁸ *Who’s Who in Pioneer Indiana*, Conner Prairie Interactive History Park web site (2012), <http://www.connerprairie.org/Learn-And-Do/Indiana-History/America-1800-1860/Who-s-Who-In-Pioneer-Indiana.aspx>.

⁹ David Kilgore to Charles Lanman Esq, Washington City, 13 December 1858, Charles Lanman Collection, William H Smith Library, Indiana Historical Society.

¹⁰ T.B. Helm, *History of Delaware County, Indiana* (Chicago: Kingman Bros., 1881), 270

¹¹ “Miles Eggleston Role and Record of Attorneys 1844-1851,” Collection S411, folder 1, Manuscript Section, Indiana Division, Indiana State Library, Indianapolis.

Delaware County).¹² Eggleston's law practice was located in Brookville between 1820-1834¹³ and he had served as the first circuit judge of Delaware County between 1827-1829.¹⁴

Likely lured by Eggleston's connections to and insights regarding Delaware County's legal and political establishment, and with several militia colleagues' families¹⁵ and former Franklin and Fayette County residents already settled in Mt Pleasant Township, Kilgore had migrated there some time before April of 1830.¹⁶ He was the Township's first schoolteacher,¹⁷ by which he earned a living while gaining his legal and political footing. Kilgore was admitted to the bar at the April Term of the Indiana Supreme Court, 1831.¹⁸ Through his Franklin County and "Whitewater" connections, Kilgore's legal career met with quick success - acting, for example, as agent for attorney and soon to be Speaker of the Indiana House (1835-36), Congressman and Lincoln Cabinet Secretary Caleb B Smith¹⁹ of Connersville [see Fig 11], and as probate attorney and estate

¹² Leanders J Monks, *Courts & Lawyers of Indiana 1* (Indianapolis: Federal Publishing Co., 1916), 173

¹³ Blanche Good Garber, "Judge Miles Carey Eggleston," *Indiana Magazine of History* 17, no. 3 (September, 1921), 243

¹⁴ G W H Kemper, *A Twentieth Century History of Delaware County Indiana 1* (Chicago: The Lewis Publishing Company, 1908), 531-533

¹⁵ Reifel, *History of Franklin County*, 283. John Newland and Powell Scott were listed as lieutenants in the 7th Regiment of the Indiana Militia. Both owned land in Mt. Pleasant Township. see also "Indenture, Powell Scott land conveyance to John Newland," 5 August 1829; "Deed, John Newland to David Kilgore," 14 December 1833. Muncie Public Library on-line digital collection, <http://www.munpl.org/default.asp?PageIndex=800>

¹⁶ "Deed of Conveyance, Delaware County, IN: Joseph & Tabitha VanMatre to Harrod L Newland," 8 April 1830. Muncie Public Library on-line digital collection, <http://www.munpl.org/default.asp?PageIndex=800>. This conveyance was signed by David Kilgore as a witness.

¹⁷ Frank D. Haimbaugh, *History of Delaware County, Indiana 1* (Indianapolis: Historical Publishing Co., 1924), 111

¹⁸ *Ibid.*, 244.

¹⁹ "Promissory Note, Legal Action: Caleb B Smith vs. Aquilla Davis," 6 August 1831. Muncie Public Library on-line digital collection,

administrator for former Franklin/Fayette County resident Harrod L. Newland²⁰ (brother to Kilgore militia colleague John Newland²¹).

Kilgore was clearly positioning himself for public office, as he also promptly became aligned with an early Mt. Pleasant Township/Delaware County land-holding²² and politically active family: the VanMatres. He was appointed with Joseph VanMatre (proprietor of The Blue Ball Tavern west of Yorktown)²³ as administrator of the Harrod L. Newland estate in June of 1831.²⁴ Kilgore soon married Joseph VanMatre's step-daughter Mary G VanMatre on July 14, 1831.²⁵ Through this marriage Kilgore became related to²⁶ Delaware County's first clerk, auditor and recorder: William VanMatre.²⁷

<http://www.munpl.org/default.asp?PageIndex=800>. Caleb B Smith had read law in the office of Oliver H. Smith of Connersville, another political and business figure who would figure prominently in Kilgore's own growing legal, political and business career. see also Monks, *Courts and Lawyers of Indiana*, 84-85
²⁰ "Indenture, William I Loomis (Probate Court) to David Kilgore," 1 March 1836. Muncie Public Library on-line digital collection,

<http://www.munpl.org/default.asp?PageIndex=800>. The indenture indicates David Kilgore and Joseph VanMatre (soon to be Kilgore's father-in-law) had been appointed administrators of the Harrod L. Newland estate on June 11, 1831.
²¹ Reifel, *History of Franklin County*, 283

²² "Deed Books of Delaware County 1827-1860 (Books 1-22, U-Wh)," Delaware County Historical Society web site, http://www.the-dchs.org/u-wh_deeds.htm (accessed 2012).

²³ Kemper, *History of Delaware County*, 97

²⁴ "Indenture, William I Loomis (Probate Court) to David Kilgore," Muncie Public Library on-line digital collection, <http://www.munpl.org/default.asp?PageIndex=800>.

²⁵ "Certification of Marriage, David Kilgore to Mary VanMatre, 14 July 1831, William Jones, Justice of the Peace," 8 August 1831. Muncie Public Library on-line digital collection, <http://www.munpl.org/default.asp?PageIndex=800>.

²⁶ George Hazzard, *Hazzard's History of Henry County, Indiana 1822-1906* (New Castle, IN: George Hazzard, 1906), 285; Indiana Trails – Delaware County Townships, *Hunters and Trappers in Salem Township*, Genealogy Trails History Group (2012), <http://genealogytrails.com/ind/delaware/township.html>. William and brother David VanMatre accompanied by their father Joseph came to Delaware County in 1825. As noted in *Hunters and Trappers in Salem Township*: "William VanMatre, a member of this family, became the first Clerk of Delaware

Indiana and National Politics 1824-1833

Unlike the national political landscape which had evolved from the so-called "Era of Good Feelings"²⁸ to one of an increasingly polarized, Democrat-dominated multiple party system by 1824,²⁹ Indiana politics remained more

County and the first postmaster at Muncietown." Many VanMatres, including this family line as well as Mary G VanMatre's line (through Tabitha Harris VanMatre and Absolom VanMatre) had migrated from Highland County, OH to Fayette County, IN and thence to Delaware County.

²⁷ Kemper, *History of Delaware County*, 531-533. William VanMatre held all three offices simultaneously between 1827-1833.

²⁸ Harry Ammon, "James Monroe and the Era of Good Feelings," *Virginia Magazine of History and Biography* 66 no. 4 (October, 1958), 4, 6. Associated with James Monroe's early presidency, political divisiveness ebbed following the War of 1812 as Federalist party issues (strong centralized national government, good relations with Britain) faded. The lack of a well-organized political opposition led to Monroe's easy election as a Democratic-Republican (states' rights oriented, disdain for monarchical/centralized tendencies) in 1817. The "Era of Good Feelings" reflected a sense of national purpose and unity, with a brief lull in partisan politics. In fact, Monroe sought to consolidate the Democratic-Republican and Federalist parties through "amalgamation" with the goal of removing parties altogether from national politics.

²⁹ Thomas Benjamin and Jesus Velasco Marquez, "The War Between the United States and Mexico 1846-1848" in *Myths, Misdeeds, and Misunderstands: The Roots of Conflict in US-Mexican Relations*, Jamie E. Rodriguez, Kathryn Vincent editors (The Regents of the University of California, 1997), 108-109. The issue of slavery had galvanized sectional North/South political positions as Congress debated Missouri's application to join the Union as a slave state in 1819-1820. None-the-less, regionalism pervaded national politics until 1824 when the lack of an electoral majority threw the presidential election to the House of Representatives. A perceived "political deal" orchestrated by Henry Clay (who became Secretary of State as part of the arrangement) resulted in John Quincy Adams' assumption of the presidency over favorite and first "western" candidate Andrew Jackson. Resulting factions of the former Democratic-Republican party evolved into Jackson's "Democratic Party" (urban/farm worker & new immigrant oriented, equality among all whites, endorsement of westward expansion, opposed to national bank) and a new "National Republican" party which soon became the "Whig" party (national unity & harmony, national expenditure for internal improvements, coalescing of regional interests).

personal and sectional than party-oriented. In fact, neither gubernatorial candidates James B Ray nor Noah Noble (governors from 1825-31 and 1831-1837 respectively) had identified themselves with a political party.³⁰ Instead, early Indiana politicians were aligned by geographic factions [see Fig 4]. The so-called “Whitewater” faction (of which James B Ray, Noah Noble and David Kilgore were members) represented the growing “new” interior counties in the East/Central part of the state (Wayne, Franklin, Fayette, Union and Delaware among others).³¹ This area was populated by settlers who had recently migrated from Kentucky, Ohio, Pennsylvania and North Carolina as well as including a strong Quaker contingent. The development of the new National Road, extending from the East and which would cross Indiana from Richmond to Terre Haute, was the avenue for a substantial number of migrating pioneers. They were clearing the densely forested but fertile land for farming. They were also opposed to slavery.

Further to the West, the “Vincennes” faction represented the “old school” French/English/American pioneer settlers who were well entrenched and long standing (since the early 1700s). Generally these individuals had been involved in the fur trade and, as a result, Vincennes was the economic center of the Indiana Territory until the 1820s. William Henry Harrison, territorial governor of the Indiana Territory from 1801 through 1812, had established his governing operations there. Significant political power was wielded by the Vincennes faction until the “Whitewater” string of governors came to power in 1825. The Vincennes faction was pro-slavery.³²

³⁰ Logan Esarey, *History of Indiana From Its Exploration to 1850* (Indianapolis: W.K. Stewart Co., 1915), 302, 304

³¹ Reifel, *The History of Franklin County*, 57

³² *Indiana Statehood in The Indiana Historian*, Pamela J. Bennett, editor (Indianapolis: Indian Historical Bureau, September 1999), 3

Finally, to the South along the Ohio River was the “Corydon” faction.³³ Those who had received land grants from the US Government and Virginia for their service with George Rogers Clark during his Revolutionary War campaign to oust the British from Vincennes and the Northwest in 1779-1780 populated this area. They were mostly from Virginia and represented the old “colonial” and democratic mindset (an elected governor with limited power, and the eradication of slavery), quite distinct from and political rivals with those in Vincennes. In fact, Indiana’s first governor Jonathan Jennings moved from Vincennes to Clark County (near Corydon) as he ran for governor against the entrenched territorial political hierarchy.³⁴

Those who had drafted Indiana’s constitution in 1816, seen as an insular political aristocracy, controlled its legislature until 1829.³⁵ It was then that the so-called Jackson Revolution at the national level led to significant changes in legislative membership at the state level. National resentment to the House of Representatives manipulation of the presidential election in 1824³⁶ led to quick development and organization of Jackson’s Democratic Party. Its adherents spun away from the homogenous Democratic-Republican Party of prior years. These national political party labels did not translate at the local level. Politicians there were still referred to as “Jackson”, “Clay” or “Adams” men.³⁷ On the other hand, the new Democrats put in place a strong, well-organized state-wide political machine to track and gain turnout for national elections³⁸ (which would result in a long line of Democratic national officeholders). While effective for

³³ Ibid.

³⁴ Dorothy Riker, “Jonathan Jennings,” *Indiana Magazine of History* 28, no. 4 (December, 1932), 228

³⁵ Esarey, *History of Indiana to 1850*, 297n3

³⁶ In which the House of Representatives selected John Quincy Adams over the popular vote winner Andrew Jackson.

³⁷ Reifel, *History of Franklin County*, 57

³⁸ Esarey, *History of Indiana to 1850*, 299

national elections, this did not trump state issues and candidate personality until the end of the 1830s.

Even though the National Republican party evolved from the remnants of the Democratic-Republicans after the Democratic split in the mid 1820s, the so-called Clay-Adams Party never coalesced like the Democrats.³⁹ Governor Ray, who had been elected in 1825 on an internal improvements platform and was seeking reelection in 1828, refused to take political “sides.”⁴⁰ Likewise, Noah Noble (successful candidate for governor in 1831 and 1834) strongly endorsed an Internal Improvements platform and drew constituents from both “Jackson” and “Adams” men without publicly stating a clear national party preference until his second gubernatorial campaign.⁴¹

Kilgore's election to the Indiana House of Representatives: 1833

The lack of strong political party organization or affiliation at the local level played well to the aspirations and personality of young political upstart David Kilgore – now of Delaware County. By 1833 he had established a broad-based legal practice, married a landholder’s step-daughter, connected with the local political establishment and drawn support from his native “Whitewater” political faction. There was no party nomination process or primary with which to contend; nominations were self made or announced via newspaper endorsement⁴² – a perfect setting for a new/unknown candidate. These elements, together with his rhetorical gift which translated into effective “stump”

³⁹ Ibid., 300

⁴⁰ Ibid., 302

⁴¹ Ibid., 304

⁴² Adam A Leonard, “Personal Politics in Indiana 1816 to 1840,” *Indiana Magazine of History* 19, no. 1 (March 1923), 6

speeches⁴³ (a relatively new political device),⁴⁴ prompted Kilgore's successful entry into the race for State Representative in 1833. As a "Clay man"⁴⁵ like many other more seasoned politicians from the Whitewater faction, Kilgore would have capitalized on Clay's support for federal funding of internal improvements in gaining favorable voter support.

At the same time, President Jackson's veto of a re-chartering of the Second National Bank of the United States made during his re-election run in 1832⁴⁶ would send shock waves through Indiana. Without a central bank to issue and control a single currency and with Jackson's intent to withdraw all federal funds from the National Bank, local farmers and businessmen found access to a uniformly accepted circulating medium severely undermined. The 1832 Indiana legislature made five proposals for establishing a state-circulating medium through a newly proposed State Bank to deal with this impending disaster, but none were adopted.⁴⁷ This led to a voter backlash which sent 12 new senators and 25 new representatives to the 1833 General Assembly⁴⁸ in December⁴⁹ – including David Kilgore.

⁴³ Charles W Taylor, *Biographical Sketches and Review of The Bench And Bar of Indiana* (Indianapolis: Bench & Bar Publishing Co., 1895), 69. Taylor characterized Kilgore thus: "His powers as a stump speaker and as a jury lawyer were even then famous."

⁴⁴ Oliver H. Smith, *Early Indiana Trials & Sketches: Reminiscences* (Cincinnati: Moore, Wilstatch, Keys & Co., 1858), 80. Cited in Leonard, *Personal Politics*, 36.

⁴⁵ "Speech of Hon. David Kilgore," *The Border State.*, Monday, October 9, 1860, Vol 1, no. 9 (Baltimore: James C Emery & Co.). Kilgore indicates: "I have been...a follower of Henry Clay. I have believed in all the doctrines which he believed..."

⁴⁶ R. Carlyle Buley, *The Old Northwest – Pioneer Period, 1815-1840, Volume II* (Bloomington: Indiana University Press, 1950), 182-183

⁴⁷ Ibid.

⁴⁸ Esarey, *History of Indiana to 1850*, 309

⁴⁹ Until the Indiana Constitution was re-written in 1851, representatives' terms were one year, with elections conducted the first week of August each year. The legislature met for a single session commencing the first week of December and extended into February of the following year if necessary.

Kilgore quickly established a reputation as an independent and legally-minded thinker. During Christmas week, 1833 he defended newly re-elected President Andrew Jackson's prerogative to clean house of non-Jackson supporters from plumb federal jobs in the State of Indiana.⁵⁰ Although noting he had voted for Henry Clay [see Fig 12] and would do so again, Kilgore admonished his colleagues:

"I conceive that it is a matter upon which we have no right to legislate. This, sir, is not a state officer, but an officer of the United States, and one which the President, by and with the advice and consent of the Senate, has a right to fill."⁵¹

Showing a humorous side, he concluded:

"...I think the President, as the victor, should be allowed to mete out the loaves and fishes to those he may deem meritorious, without regard to their place of residence. He is the umpire who has a right to determine between his friends, and to say who is entitled to his favors..."⁵²

More directly to the issue which brought Kilgore and fellow legislators to office, he again showed a striking degree of independence in opposing legislation to charter the State Bank of Indiana. His stance was bold and risky, as exhibited during debate on the measure (which occurred in December, 1834 and January, 1835). In a detailed retrospective discussion of the State Bank issue made during the Indiana Constitutional Convention of 1850, Kilgore was clear:

"I am no friend to a State Bank. I am one of the fourteen who stood in opposition to that Bank when it was created. I rose and moved to reject

⁵⁰ *Indiana Journal*, Wednesday, December 25, 1833

⁵¹ *Ibid.*

⁵² *Ibid.*

the bill for its charter when it was first read at the Clerk's desk, and I fought it at every inch of its passage until it finally became a law."⁵³

Here is how Kilgore expressed it during a speech before the state legislature in February of 1834:

"It has been said by some gentlemen that we are driven to the necessity of establishing a state bank in order to provide for the deficiency which the withdrawal of the US paper will produce in our currency. If the citizens of this state had heretofore been dependent upon that bank [2nd Bank of the United States] for money accommodations by way of loans, there might be some plausibility in this pretext. But we have never had a branch of that bank among us. The farmers of this country have depended upon their farms to furnish them money, and they have so far been enabled to realize a competent living. Their produce as I have more than once remarked, has heretofore been in demand in various parts of this and some other nations. The prosperity of those places has heretofore regulated the prices of our produce, and so long as we continue what we now are, must continue to do it, and were we to establish five hundred State Banks it would not make it otherwise... True we will have a little host of hungry bank officers to feed, who will no doubt be calculated to devour all the surplus cash we may have to spare; but I think they will not be able to use up our spare pork, beef, and flour."⁵⁴

As to the importance of a National Bank, Kilgore opines:

⁵³ H. Fowler, Official Reporter, *Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of The State of Indiana*. 1850, Volume I (Indianapolis: A.H. Brown, Printer, 1850), 680

⁵⁴ "Remarks of Mr. Kilgore, made in the House of Representatives, on the Final Passage of the Bill establishing a State Bank," *Indiana Journal* 13 no. 591, Saturday, February 15, 1834.

"Sir an extensive nation may find advantage in a national bank. It affords great facilities in carrying on the fiscal concerns of a large nation: and while it is backed with the nation's character, its paper is good in every portion of the world where it may be necessary to use it. But this is more than any gentleman is vain enough to claim for the paper of this banking company [the State Bank of Indiana]."⁵⁵

While Kilgore realized the importance of a circulating currency in Indiana, he wanted to proceed judiciously:

"Sir, I am as anxious to see a sufficiency of currency floating among the people of our country as any gentleman who has a seat in this house: but for the character and well being of our flourishing young state, I want it to be sound. I wish it to be genuine. I wish its value to be the same here and elsewhere. I wish no substitutes which are calculated to mistreat the honest and unsuspecting portion of our citizens..."⁵⁶

In that regard, Kilgore pointed to a number of structural objections to the way in which the proposed State Bank would be organized: from the composition of the Board of Directors (only 4 elected by the General Assembly, and one each elected by respective stockholders of up to 10 branch banks), to the funding of the bank (borrowing from other states or financial institutions), to scope of Board powers (to suspend branch operations and payment in specie, to shield suspended branches from legal actions), and the vested interest of stockholders (who may also secure loans from the bank).

He was particularly adamant regarding the bill's silence on interest rates:

"This bill, sir, does not limit this bank in the per cent at which they may purchase bills of exchange, promissory notes, and other evidences of c. [credit]. What sir, is this to lead to? Each bank is permitted to become a

⁵⁵ Ibid.

⁵⁶ Ibid.

shaving shop, and repurchase the notes of the best men in our country, which may happen to be in the hand of any one of our poor citizens, whose necessities may pinch him, and who is so unfortunate as not to have credit in the bank, at fifty per cent discount, or any other at which the bank officers and he may agree. This sir is a power which this Institution should never possess."⁵⁷

Although Kilgore's position ran counter to a vast majority of his legislative colleagues, it may have been closer to the mainline thinking of his constituents. Annual closed-door caucuses of entrenched General Assembly and State leaders were customarily held to set the following year's political agenda.⁵⁸ There was a growing belief among poorer farmers that a class of professional officeholders was in charge of the State government.⁵⁹ The same farming constituency, the so-called "yeomanry," opposed banking interests as well for that reason.⁶⁰ They had been dramatically impacted by failure of the first "State" Bank: the Vincennes Bank - it had become a state institution in January of 1817, failed in 1821 and ceased doing business in June of 1822.⁶¹ Farmers were the primary residents of Kilgore's Delaware County and the adjacent unorganized areas to the north which comprised his legislative district [see Fig 6].

Before Kilgore's first session ended in early 1834, the issue of apportionment also came before the house. Kilgore showed his mettle as he effectively parried with well-established, entrenched and powerful House leaders. Substantial population growth in northeastern Indiana was begging the need for additional legislative representation and reapportionment prior to a Constitutionally-

⁵⁷ Ibid.

⁵⁸ Esarey, *History of Indiana to 1850*, 296-97

⁵⁹ Ibid., 297

⁶⁰ Ibid., 297-298

⁶¹ Logan Esarey, "State Banking in Indiana, 1814-1873," *Indiana University Studies*, No. 15, April 15, 1912 (Bloomington, IN), 226, 237, 241

provided five-year cyclical review. The addition of more legislative representation would be the death knell to the vestiges of the ruling cabal which had dominated the legislature since its inception in 1816.

To the straw argument that a five year interval was specifically set forth in Indiana's constitution, Kilgore spoke deftly:

"The honorable gentleman from Clark places a wonderful emphasis upon the words, '...and every subsequent term of five years,' and sir, he is not content with the language as it is, but by the force of reasoning wishes to add to it a negative clause which will make it say '...and every subsequent term of five years, *and no other time.*' Sir, this is making it say too much."⁶²

He then derailed a further suggestion that representation should be one Senator for every twenty-one hundred voters. Kilgore reminded his seasoned colleague:

"Has the gentleman forgotten that at the last apportionment, some counties with only fourteen or fifteen hundred polls were allowed two Representatives and a Senator?...He certainly cannot suppose that three or four counties are easier represented than one; if he does I think it is an unreasonable supposition."⁶³

Speaking candidly, Kilgore then concluded:

"Why are they opposed to it? Sir it is unnecessary for me to say, [it] is because they want to hold as much power as possible in their own hands...Power, sir, is desirable. When possessed of it, some men cling to it as the chief object of their affection. The love of it sometimes makes them forget their duty to others...His motives cannot be concealed. He is from a part of the state that has always opposed the north in her projects of internal improvements. The glowing ardor and increasing prosperity of the north is viewed by many with an eye of jealousy."⁶⁴

⁶² *Indiana Journal* 12, no. 586, Saturday, January 18, 1834.

⁶³ *Ibid.*

⁶⁴ *Ibid.*

By the end of Kilgore's first legislative session he had established himself as an adroit, logical and independent legislator. He spoke confidently and directly. And in the background was brewing a much larger and fundamental issue in which Kilgore would play a pivotal role: the scope and funding of internal improvements.

Indiana's split political personality: 1825-1835

Politically, during the decade spanning 1825-1835, Indiana had exhibited the traits of a split personality. From a national perspective the electorate was swept up by the personality and background of the United State's first "Western" presidential candidate: Andrew Jackson. Appealing to the common man in frontier Indiana as both a westerner and victorious military general, Jackson had denounced what he considered to be a closed, eastern-based and undemocratic aristocracy running the country.

Within Indiana, however, a substantial number of experienced politicians were opposed to Jackson's policies and his new Democratic party. The National Republicans (or "Clay" men) actually represented a platform much more akin to the needs/wants of Indiana's citizenry: federal financial assistance for internal improvements, passage of a protective tariff, and support for a National Bank.⁶⁵ The National Republicans, however, lacked the anger and resentment which had galvanized the new Democratic party after Jackson's 1824 defeat at the hands of the House of Representatives. It was a desire for vindication which drove the Democrats to set up a top-to-bottom grassroots organization in Indiana and across the country.

⁶⁵ Esarey, *History of Indiana to 1850*, 300-301

In spite of his strong personal appeal to Indiana voters, Andrew Jackson's actions were actually undermining Indiana's fledgling economy. He first struck at Indiana's psyche by removing Indiana favorite and former Territorial Governor William Henry Harrison from his role as US Minister to Colombia in 1829.⁶⁶ This was part of Jackson's broad sweeping patronage onslaught to replace all Adams' appointees with his own partisans. On another matter, during his re-election campaign in 1832 Jackson had asserted: "they [the electorate] will have General Jackson and no [National] Bank or the Bank and no General Jackson."⁶⁷ He followed through by vetoing a re-chartering of the 2nd US National Bank during the summer of 1832.⁶⁸ The prospect for Indiana's economy, without a reliable national circulating currency, was uncertain at best. And, a further slap to Indiana's economy was Jackson's pocket veto of a measure to provide federal funds to assist in opening up the Wabash River for increased commerce⁶⁹ - in spite of having signed similar measures related to the Tennessee River and one in Pennsylvania.⁷⁰ None-the-less, in spite of a substantial challenge by National Republican candidate and Kentuckian Henry Clay, Jackson carried Indiana by more than six thousand votes in October, 1832.⁷¹

The effect of Jackson's policies began to come home to roost in Indiana by 1834. The General Assembly of 1833-34 had finally chartered a State Bank to address the need for a reliable circulating medium. It also settled on a broad-reaching

⁶⁶ Leonard, *Personal Politics 1816-1840*, 132

⁶⁷ *Indiana Journal*, October 3, 1831

⁶⁸ American President: A Reference Resource. *Jackson Vetoes Bank Bill - July 10, 1832*, Miller Center, University of Virginia web site (2012), http://millercenter.org/president/events/07_10. The bank's charter was to end in 1836 but Senators Henry Clay and Daniel Webster forced its early review, effectively challenging Jackson to veto the re-chartering during his re-election bid - which they thought unlikely. Jackson called their bluff and did veto the re-chartering bill.

⁶⁹ *Indiana Journal*, September 8, 1832

⁷⁰ Esarey, *History of Indiana to 1850*, 307

⁷¹ *Ibid.*, 308

internal improvements plan⁷² under Governor Noah Noble's bi-partisan leadership.⁷³ While the foundation for this ambitious effort was initially undermined by President Jackson's 1833 directive to remove all US deposits from the soon-to-end National Bank,⁷⁴ enthusiasm for the new State Bank assured its solid capitalization.⁷⁵ Governor Noble was re-elected overwhelmingly in 1834, and newly coined Whig Party adherents (coalescing from Clay's National Republicans)⁷⁶ took control of the General Assembly.⁷⁷ True to form, however, the citizens of Indiana returned seven Democratic Congressmen from seven districts to Congress in 1835.⁷⁸ Even so, a groundswell of support for former general and Indiana territorial governor William Henry Harrison as a presidential candidate was building in Indiana.⁷⁹

Kilgore & Indiana focus on Internal Improvements: 1834-1836

The bi-partisan coalition which Governor Noble had orchestrated around the issue of internal improvements assured a singular focus of the General Assembly of 1834-35, when David Kilgore was re-elected for his second legislative term. The starting point for discussions was the Whitewater canal [see Fig 7] which

⁷² *Canal Mania in Indiana* in *The Indiana Historian*, Pamela J. Bennett, editor (Indianapolis: Indian Historical Bureau, June 1997); Cayton, *Frontier Indiana*, 285. The most popular projects included canals along the Wabash River to link Lake Erie with the Ohio River, canals to extend the reach of the Whitewater River from interior east-central Indiana to the Ohio River, and a Central Canal extending from the Wabash south to White River (between Muncie and Anderson) and then from White River (near Petersburg) to the Ohio. see *Fig 7*

⁷³ Esarey, *History of Indiana to 1850*, 309

⁷⁴ Leonard, *Personal Politics 1816 to 1840*, 147. Government expenses were paid with funds on deposit in the National Bank - effectively drawing down the US Governments position in the bank.

⁷⁵ Esarey, *State Banking in Indiana*, 257

⁷⁶ Donald F. Carmony, *Indiana, 1816-1850: The Pioneer Era*, Volume II (Indianapolis: Indiana Historical Society, 1998), 540-541

⁷⁷ Esarey, *History of Indiana to 1850*, 311

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

would provide a commercial transportation avenue to the Ohio River for farmers of Franklin, Rush, Fayette, Henry, Randolph, Hancock and parts of Wayne, Union and Delaware counties.⁸⁰ The General Assembly of the prior year had ordered a preliminary survey of the Whitewater canal which was presented to the new session of the Assembly in December of 1834.⁸¹ While the Whitewater faction was stronger than the contingent pushing further development of the Wabash and Erie Canal to Lafayette,⁸² the absence of well organized and more powerful political parties posed a challenge in gaining legislative success of either project alone.⁸³ Therefore, most of the legislative session was taken up in a game of legislative “seesaw” with the Whitewater canal as its fulcrum. Every member was willing to vote for it if his own county was not neglected.⁸⁴

As Kilgore reminisced during the Constitutional Convention of 1850, the cumbersome legislative result was unworkable:

“...adding amendment to amendment...we had literally checkered the whole State with imaginary canals and roads of different kinds. That bill, sir, became too ponderous to be carried by its original friends; and those who were the true friends of the State and her best interests, by common consent, laid it upon the table to sleep the sleep of death.”⁸⁵

This had been done to provide further time for negotiations with all other interested parties to craft, as Kilgore put it “...a well digested system of improvements.”⁸⁶

⁸⁰ Ibid., 362

⁸¹ *Indiana House Journal, 1834*, 255

⁸² Logan Esarey, *Internal Improvements in Early Indiana* 5, no. 2 (Indianapolis: Indiana Historical Society Publications, 1912), 97. The so-called “Wabash band” was dominated by the larger Whitewater faction.

⁸³ Esarey, *History of Indiana to 1850*, 361-62

⁸⁴ Ibid., 363

⁸⁵ H. Fowler, *Report of the Debates and Proceedings Volume I*, 677-678

⁸⁶ Ibid., 678

In a surprise move, however, the Senate passed a bill further ‘prosecuting’ the Wabash and Erie Canal *alone* and sent it to the House. This led Kilgore to an overnight flurry of political gamesmanship. His goal was to assemble a coalition of representatives sizable enough to amend or defeat the Senate version (with the ulterior motive of assuring inclusion of the Whitewater and Central Canal⁸⁷ projects in particular). Here is how Kilgore characterized it:

“...I will say that I never in my life used more untiring industry than I did on that memorable night, in order to secure strength enough to amend the Senate bill so as to provide for the survey of other works...leaving each to propose a short description of his favorite work; until, with my tally paper in hand, I could count sufficient strength to amend the Senate bill, and thus prepare for a general survey...and to the astonishment of its [the Senate’s bill’s] friends, a sufficient force was there organized to amend or defeat it. I offered the amendment which was subsequently adopted, providing for this ruinous system of internal improvements.”⁸⁸

The outcome of the Legislative session of 1834-35, as a result, was to authorize the surveying of various projects included in Kilgore’s amended bill. The intent was to create a more informed plan/sequence of internal improvements. However, the vision of a well-reasoned plan was not to be. As Kilgore later explained:

“...the survey of the various works, [as] designated, unsettled the public mind, dethroned reason for the time being, and prepared the people for their own ruin. The next session [1835-36] found each one of these various projects amply represented; and each Representative urging the superior claims of his favorite work. We had sought information, we had obtained it, and we were by force of public opinion, required to use the information most profitably, as was supposed, by commencing a SYSTEM, embracing

⁸⁷ see note 72 above, and *Fig 7*

⁸⁸ H. Fowler, *Report of the Debates and Proceedings Volume I*, 678

every practicable work which had been surveyed. We were not only required to commence, but each interest being jealous of the others, all had to be prosecuted simultaneously.”⁸⁹

Kilgore was again re-elected to the House for its 1835-36 session, which was destined to pass the so-called “Mammoth Internal Improvements Bill.” Governor Noah Noble signed it into law on January 27, 1836 – carrying appropriations aggregating \$13 Million or one-sixth of the wealth of the State at that time – mortgaging the resources of the State for half a century.⁹⁰ Kilgore reflected on its passage in a conversation with a colleague on that evening:

“...whilst others were enjoying the glee and hilarity of the city, we calmly reviewed our action, and the state of the public feeling in relation to it. We looked to the future with fearful forebodings...that in less than five years the joy of the people would be turned into mourning, that they were then looking at the bright side of the picture only, and that they would soon learn by experience, their precipitate and inconsiderate action.”⁹¹

The Rise of William Henry Harrison and the Indiana Whig Party: 1835-1838 – with David Kilgore on the sidelines

On the national scene there was no clear-cut opposition leader following Henry Clay’s defeat at the hands of Andrew Jackson in 1832. Once the newly minted Whig party gained its footing in Indiana by 1834, the need for a presidential challenger to Jackson’s personally-anointed successor Martin Van Buren⁹² was evident. The problem was how to sort through a growing number of interested individuals – particularly without a strong national Whig organization to guide

⁸⁹ Ibid., 678-79

⁹⁰ Esarey, *History of Indiana to 1850*, 363

⁹¹ H. Fowler, *Report of the Debates and Proceedings Volume I*, 679

⁹² Van Buren was Jackson’s Vice President at the time.

the process. In fact several candidates, including William Henry Harrison, gained regional Whig endorsements and ran individually in the national election.⁹³

In 1835 a committee of prominent Indiana politicians helped resolve the issue in their state by inviting General William Henry Harrison, hero of the 1811 Battle of Tippecanoe⁹⁴ and Indiana Territorial Governor from 1801-1812, to return to Indiana and Tippecanoe in celebration of the anniversary of the Battle.⁹⁵ Harrison visited during the summer of 1835, instead, as part of a broader electioneering sweep throughout the west. During the week of the battle's anniversary, November 7-15, a gathering of 1200-1500 was held on the Tippecanoe Battlefield during which Harrison was effectively nominated for president – at the largest political mass meeting in Indiana up to that time.⁹⁶ His formal nomination by the solidifying Indiana Whigs occurred at an Indianapolis convention in December.⁹⁷

Election day 1836 fell on the 25th anniversary of the Battle of Tippecanoe. Swept up in hero worship, but this time of Harrison, the Indiana voters delivered more than 41,000 votes to him and only 32,000 for Martin Van Buren – a huge voter swing from the election of 1832 in favor of Andrew Jackson.⁹⁸ While Harrison was defeated by Van Buren on the national level, the Whig Party in Indiana was

⁹³There is some question whether this occurred because the Whig national organization was weak or was due to a conscience strategy to split the presidential electoral vote among various Whigs and thereby deprive the popular Van Buren of outright victory – throwing the selection of the president to the House of Representatives where one of the Whigs had a higher probability of success.

⁹⁴ This short skirmish near present day Lafayette, Indiana was initiated by Harrison to defuse the growing Indian coalition movement being led by his nemesis Tecumseh and “The Prophet” (Tecumseh’s brother). Harrison’s preemptive strike succeeded. Some consider this the opening salvo in the War of 1812.

⁹⁵ Esarey, *History of Indiana to 1850*, 312

⁹⁶ Leonard, *Personal Politics 1816 to 1840*, 153

⁹⁷ Carmony, *Indiana, 1816-1850*, 544-45

⁹⁸ Leonard, *Personal Politics 1816 to 1840*, 156

gaining in strength as Harrison remained visible up to the next presidential election of 1840. In fact, on the heels of Harrison's strong showing in Indiana, Whig Oliver H. Smith [see Fig 13] was elected by the General Assembly as US Senator and Indiana's entire Congressional delegation, save one seat, shifted to the Whigs in 1837.⁹⁹ At the State level, the Whig majority increased steadily through the legislative elections of August 1838.¹⁰⁰

David Kilgore's political career during this time did not parallel the rise of the Whigs, although he likely had migrated from National Republican to Whig by 1835. It is unclear as to the situation behind Kilgore's failure to return to the State legislature for the 1836-37 session – when relative and Whig William VanMatre took the seat.¹⁰¹ It seems likely that VanMatre's growing public visibility in Delaware County¹⁰² coupled with new legislative boundaries which defined the district as Delaware County alone,¹⁰³ led to his success. Kilgore instead sought the sixth judicial district's prosecuting attorney's role when the legislature met in December of 1836, but was unsuccessful in his bid.¹⁰⁴ For the following legislative session (1837-38) John Richey, who would go on to become an

⁹⁹ Carmony, *Indiana, 1816-1850*, 550

¹⁰⁰ *Ibid.*, 552-553

¹⁰¹ Dorothy Riker & Gayle Thornbrough, editors, *Indiana Election Returns 1816-1851* (Indianapolis: Indiana Historical Bureau, 1960), 229-231

¹⁰² Kemper, *History of Delaware County*, 530-536. VanMatre had served in simultaneous roles as the county's first clerk, auditor and recorder between 1827-33, and then was appointed as associate judge between 1835-36.

¹⁰³ Rebecca A. Shepard, editor, *A Biographical Director of the Indiana General Assembly, Volume 1* (Select Committee on the Centennial History of the Indiana General Assembly, 1980), 221-222. For Kilgore's first two elections (1833-34, 1834-35), the legislative district included today's Delaware and Grant counties, as well as parts of Huntington and Wabash. For his 1835-36 election, the district included Delaware and Grant counties, as well as parts of Huntington, Jay, Wabash and Wells. [see Fig 6]

¹⁰⁴ *Journal of the House of Representatives of the State of Indiana, being the 21st Session of the General Assembly Commenced at Indianapolis, on Monday, the 5th Day of December, 1836*; 48

associate judge (1839-1848) in Delaware County, replaced VanMatre.¹⁰⁵ Kilgore did secure a visible political role in March of 1838, when the legislature appointed him as Delaware County agent for “loaning and managing the surplus revenue.”¹⁰⁶ This was a coveted position, as the agent had final say on local distribution¹⁰⁷ of surplus US government revenues which had been returned to Indiana as part of Jacksonian-styled democracy.¹⁰⁸ It also provided Kilgore with extensive exposure to the citizens of the county, paving the way for his return to the state legislature for the 1838-1839 session when he beat incumbent Richey.¹⁰⁹ Kilgore’s political career was back on track.

The ‘Panic of 1837’, Indiana’s Internal Improvements problems and David Kilgore’s adroit political move

As part of Andrew Jackson’s vendetta against the National Bank, he had arranged for all tax revenue received after 1833 to be deposited in certain state

¹⁰⁵ Riker, *Indiana Election Returns 1816-1851*, 235-238. William G. Brenner actually won the seat at the August 7th election but died before taking office. A special election was held on December 9th, and Richey took his seat December 18th.

¹⁰⁶ *The Revised Statutes of the State of Indiana*, adopted and enacted by the General Assembly at their Twenty-Second session, 1838, 486

¹⁰⁷ Indiana Treasure’s Office published Notice, 13 February 1837. in author’s possession. The total amount allocated to Indiana (as of February 13, 1837) was \$286,751.48, of which Delaware County was to receive \$5,724.96.

¹⁰⁸ John Jay Knox, “United States Surplus Money, Distribution of, among the States,” sections III.281.13 and III.281.19 in *Cyclopaedia of Political Science, Political Economy, and the History of the United States*, John J. Lalor, editor (2012), <http://www.econlib.org/library/YPDBooks/Lalor/IIcY1051.html>

In 1836 the US Congress passed laws to distribute US government surpluses to the states proportionally based on legislative representation in Congress and electoral votes. This was to be done in 4 installments: January 1st, April 1st, July 1st and September 1st, 1837. Each state passed related laws to receive and distribute such surpluses. By the middle of 1837 however, with the Panic of 1837 underway, the US government ran out of surpluses before the final payment was made.

¹⁰⁹ Riker, *Indiana Election Returns 1816-1851*, 240-241

banks, which became known as “pet banks.”¹¹⁰ These banks, tempted by the opportunity for substantial income, fanned the flame of land speculation by loaning money freely. To curb growing speculation, Jackson issued his “Specie Circular” in 1836 which directed US land officers to accept only specie (hard currency: coin and/or gold/silver or certain bank notes) in payment for land. This, in combination with Congress’ 1836 legislation¹¹¹ to distribute government surpluses to the States,¹¹² led to the Panic of 1837.¹¹³

On May 20th, news reached Indianapolis that all eastern banks as well as the old National Bank (which had been completely drained of US funds by paying government expenses) had halted specie payment. In contravention of its charter, the State Bank of Indiana also stopped specie payments to preserve its solvency – which action was later ratified by the citizens and merchants of Indianapolis.¹¹⁴ The Indiana bank was the only one among all others west of the Alleghenies that did not fail.¹¹⁵ Specie payments/redemptions began again on August 13, 1838, although the looming Indiana Internal Improvements financial crisis would again bring a halt to specie payment on November 19, 1839 – and which did not

¹¹⁰ Esarey, *History of Indiana to 1850*, 403. In Indiana, the “State Bank of Indiana” was the US Government’s depository bank. By 1836 it held more than \$2 million of US funds. Unlike banks in other states, the State Bank of Indiana maintained discipline in its loan criteria and management of funds.

¹¹¹ Knox, *United States Surplus Money*.

¹¹² Esarey, *History of Indiana to 1850*, 403. By 1837, as US surpluses were distributed to State treasuries, US deposits in the State Bank of Indiana dropped to \$576,277 from more than \$2 million the year before. By 1840, there were no US funds in the State Bank.

¹¹³ People who held bank notes went to their banks at once seeking to redeem for specie. At the same time, the US Government was drawing its deposits from the ‘pet banks’ in specie to distribute surplus revenues to the States. The banks, unable to meet the demand for specie, forced the sale of land on its books to raise hard currency. This in turn forced landholders to sell their land to pay the banks. With few buyers and many sellers, prices of everything tumbled.

¹¹⁴ Esarey, *History of Indiana to 1850*, 404-405

¹¹⁵ *Ibid.*, 403-404

resume until June 15, 1842.¹¹⁶ While members of the business class endorsed the bank's action, the debtor class (including most of the citizens of the state) were hard hit by the suspension of specie payments and the bank's overall failure to provide an adequate supply of currency as the economy grew substantially.¹¹⁷ Their discontent and belief that Andrew Jackson's (and his hand-picked successor Martin Van Buren's) economic policies were the cause of the local difficulty translated to increased domination of the Whig Party in the Indiana General Assemblies of 1837-38 and 1838-39.

Whig domination of Indiana's legislature would not last long. The euphoria which accompanied passage of Indiana's Mammoth Internal Improvements Bill of 1836 was soon quelled. Legislators had been so confident canal usage tolls would pay the bills that no provision for interest payments had been made.¹¹⁸ In the first year of construction, interest had to be paid from loans the state arranged. By December of 1838 then-Governor David Wallace indicated interest due was \$193,350 while State revenues were only \$45,000.¹¹⁹ He put it this way: "If this condition does not startle us, it should at least awaken us."¹²⁰ Clearly it had awakened David Kilgore, who was then commencing his fourth legislative term. Realizing he would be closely tied to the Internal Improvements disaster about to unfold¹²¹ and that his shorter-term electability was nil, Kilgore orchestrated his removal from the legislative spotlight. Less than a month after the session ended on February 18th, 1839, Kilgore had been appointed by Whig Governor Wallace as President Judge (presiding judge) of the newly formed 11th

¹¹⁶ Ibid., 405

¹¹⁷ Ibid., 408

¹¹⁸ Esarey, *Internal Improvements in Early Indiana*, 107

¹¹⁹ Ibid., 108

¹²⁰ "Governor's Message," *Indiana Documentary Journal*, 1838, doc. no. 1, 4 December 1838 (Indianapolis), 4. Internet archives, at: <http://www26.us.archive.org/details/documentaryjourn1838indi>.

¹²¹ Esarey, *Internal Improvements in Early Indiana*, 109. The Internal Improvements Board ordered all work to cease in August, 1839

judicial circuit - effective March 1st.¹²² Kilgore was subsequently elected to the role by the General Assembly at its next legislative session on December 5, 1839 and served until the spring of 1846.¹²³

Kilgore's Political Life while President Judge: 1839-1846 and through the 1840s

Although Kilgore had stepped away from elected office while President Judge, he continued to be politically active in a variety of ways. On May 23rd, 1840 he was chosen president to preside over the Delaware County "Democratic Whig Convention" convened to nominate candidates for county offices to be elected the forthcoming August. It was also a forum to confirm their support for "Harrison & Tyler" as the presidential/vice presidential Whig nominees.¹²⁴ Within the week, Kilgore was likely attending the kick-off of Harrison's campaign with a celebration at the Tippecanoe Battleground, which commenced

¹²² Monks, *Courts and Lawyers of Indiana*, 650. By an act of the legislature on January 28, 1839, Delaware County was placed in the newly organized 11th judicial circuit. After the legislatively elected nominee Morrison Rulon 'failed to qualify', Governor Wallace appointed David Kilgore to the seven year term as President Judge.

¹²³ Milton T. Jay, *History of Jay County Indiana* 1 (Indianapolis: Historical Publishing Company, 1922), 89. Jay indicated: "Morrison Rulon, then a young man, who had but recently been admitted to the bar, was, by the legislature, elected judge of this new Circuit. He resigned, without ever having held a court, and David Kilgore was, by the Governor, appointed to fill the vacancy. Judge Kilgore held the office under his appointment until December, 1839, when he was elected by the legislature, and held the office until the spring of 1846." see also, *Journal of the Senate of the State of Indiana* for the Twenty-third Session, pages 539-540 (Wednesday morning, January 30, 1839) and the Twenty-fourth Session (Thursday morning, December 5, 1839).

¹²⁴ *The Indiana Journal* 18, no. 939, Indianapolis, Saturday, June 13, 1840. A festive parade preceded the convention, including a "log cabin drawn by three yoke of oxen, and under a shed roof at one end of the cabin was a hominy mortar and a man plying the pestle in real backwoods style...some shearing sheep and occasionally taking a little hard cider."

in Indianapolis.¹²⁵ Between the Tippecanoe celebration and Harrison's election in November Senator Oliver H. Smith, as chairman of the Whig central committee in Indiana, called on a bevy of accomplished orators to make speeches and attend rallies all over the state – including David Kilgore.¹²⁶

In the summer of 1843 Whigs of the 10th Congressional District (which included Delaware County) nominated Kilgore as their candidate.¹²⁷ However, five weeks later he withdrew “...on account of ill health and Judicial duties”¹²⁸ – and probably because Andrew Kennedy (his Democratic opponent) was running strongly. Separately, part of Kilgore's ‘judicial duties’ included disbursing an Anderson mob from the steps of the courthouse that fall, following their assault on a lecturing Abolitionist¹²⁹ – the foreboding of an issue soon to occupy the nation. By December Kilgore was ‘well enough’ to accept the presidency of the recently organized Masonic Lodge #46 in Muncie¹³⁰ – a non-political but visible role among important citizens of the Delaware county seat. Unplanned but later proving to be a political plus, Judge Kilgore was embarrassed into taking the temperance pledge at a temperance society meeting which commenced as Kilgore was finishing a judicial court session. Seeking to duck out, the Judge was

¹²⁵ Esarey, *A History of Indiana to 1850*, 321-322. The procession from Indianapolis to the Tippecanoe Battleground commenced on May 29th and was said to be twenty-five miles long. “Single delegations of 1,000 men came marching. The Battlegrounds were white with tents. There were men from nearly every State in the Union...It was a perfect delirium of sentiment. The Democrats stood off and wondered if their good neighbors would ever return to their senses.” Harrison carried the State in November by a majority of 13,698.

¹²⁶ Leonard, *Personal Politics 1816 to 1840*, 167-168.

¹²⁷ *The Atlas*, Thursday Morning, June 1, 1843. David Kilgore is listed as Whig nominee for the 10th Congressional District.

¹²⁸ “Whig Nominations” 11 July 1843 reprint in *The Atlas*, Friday Morning, July 21, 1843.

¹²⁹ “Mob in Indiana,” *New York Daily Tribune*, October 27, 1843. “...Judge Kilgore adjourned the Court, and went out and addressed the mob, it is said, in a masterly speech...”

¹³⁰ T.B. Helm, “Benevolent Orders, Chapter I – Muncie Lodge No 46” in *History of Delaware County, Indiana* (Chicago: Kingman Bros., 1881).

corralled by Indianapolis lawyer and prominent temperance advocate Calvin Fletcher [Fig 22]: “Come, Judge, no running!” to which Kilgore replied:

“Ladies and gentlemen, I cannot be a hypocrite! I am in the habit of taking my glass. I have this day drank liquor in yon saloon...I will here confess that it was wrong, I will here promise to do so no more! I will further promise never to drink another drop.”¹³¹

The next year on July 27th, 1844 Kilgore shared the dais with Oliver H. Smith at a Whig Mass Meeting in Kilgore’s hometown of Yorktown, punctuated by a parade and procession led by relative and Judge William VanMatre as Chief Marshal.¹³² And in June of 1846, having just stepped down from his judicial duties, Kilgore became the Indiana Whig’s “elector” for the 10th Congressional District – engaging in a series of speeches against his Democratic counterpart (Andrew J. Harlan).¹³³ This was the equivalent of positioning Kilgore for future political office by once again elevating his public visibility. Kilgore would again be the Whig’s 10th District Congressional “elector” in 1848.¹³⁴ Later the same year, he was also elected as one of twelve Whig Presidential electors. However, in his first attempt at elective office since 1838, Kilgore was defeated by Democrat Andrew Harlan in the 1849 10th District Congressional race.¹³⁵

¹³¹ Elder T. C. Townsend, *Reminiscences in the life of Elder T.C. Townsend* edited by J.M. Dixon (Des Moines, IA: Carter, Hussey & Curl, 1874), 81-82

¹³² Thomas Prendergast, *Political Rallies in Delaware County during 1844*, Stoeckel Archives of Local History, Ball State University Archives and Special Collections, Muncie, Indiana. “Quite a number of citizens had assembled together early in the day, composed of both Whigs and Democrats...The Muncietown band also was in attendance, and played with great spirit and effect. The Clay Glee Club were brought down in a wagon from the same place...” see *The Delaware County Democrat*, August 10, 1844.

¹³³ The Fort Wayne Sentinel, Saturday, June 24, 1846, article entitled *Speeches! Speeches!!*

¹³⁴ The Fort Wayne Sentinel, February 8, 1848

¹³⁵ Riker, *Indiana Election Returns 1816-1851*, 121-122 for election results. There was also some allusion to Kilgore’s independent candidacy, “...self-nominated,

Meanwhile, while Kilgore was on the bench and practicing law¹³⁶ for the remainder of the 1840s, national and state political agendas were shifting.

The Shifting Political Issues in the US and Indiana during the 1840s

The sudden death of Whig President William Henry Harrison in April of 1841, exactly one month after taking the oath of office, would prove to be the beginning of the end of personally-based politics in Indiana and trigger the gradual erosion of the Whig party on both the national and state level. Within months of assuming the presidency as Harrison's Vice President, John Tyler had vetoed the Whig-driven initiative to re-establish a National Bank.¹³⁷ This led to a split among the Whigs, and Tyler's eventual removal from the party.

In Indiana the electorate had gained confidence in their functioning State Bank and saw the advent of a National Bank as bringing further instability to Indiana's fragile economic situation.¹³⁸ For the Whigs in Indiana, as a result, this could no longer be a principle issue. Similarly, Whig farmers in Indiana had become more suspicious of tariff legislation ostensibly passed for their benefit. In fact, the tariff

[he] has forced himself on the whigs as their candidate..." as reported in the Democratic organ, *The Fort Wayne Sentinel*, Saturday, July 21, 1849.

¹³⁶ In the late 1840s, and again in the 1850s, Kilgore represented three clients before the Indiana Supreme Court in *Gharkey vs Halstead* (1848), *Shoutly vs. Miller* (1849) and *Reeves vs. Andrews* (1855)

¹³⁷ Gayle Thornbrough & Dorothy L. Riker (editors), *The Diary of Calvin Fletcher*, Volume II 1838-1843 (Indianapolis: Indiana Historical Society, 1973), 346n145; Esarey, *A History of Indiana to 1850*, 468. Tyler believed the bank bill to be unconstitutional because its directors would have the power to establish offices of discount and deposit in the states with or without their specific consent – which consent could not be withdrawn if given.

¹³⁸ Esarey, *A History of Indiana to 1850*, 468

only applied to manufactured goods, not to agricultural products.¹³⁹ Here again, the Whigs were without one of their traditional issues.

As Indiana began to work through its Internal Improvements debacle, three significant actions began to change the picture of Indiana's future prosperity:

- 1) The Whig-led General Assembly of 1840-1841 orchestrated the passage of seven bills to overhaul the fiscal policy and machinery of the state. Included were bills regarding the mechanics for making tax levies and one which directed a levy of forty cents to meet the interest on the state debt.¹⁴⁰ While this was a prudent and first step toward assuming responsibility for Indiana's obligations and a sign to its creditors, it would derail the Whig party in Indiana for years to come.
- 2) The Democratic General Assembly of 1841-42 passed an act to appoint state supervisors to oversee private contractors who were to be allowed to bid to complete or purchase the various canal and railroad projects then underway.¹⁴¹ From this point forward, internal improvements would be a privately funded undertaking.
- 3) By joint resolution on January 13, 1845 the General Assembly stated:

"We regard the slightest breach of plighted faith, public or private, as an evidence of a want of that moral principle upon which all obligations depend...[Indiana] will have forfeited her station in the sisterhood of States and will no longer be worthy of their respect and confidence."¹⁴²

Indiana would not repudiate its mounting financial obligations. Based on this sentiment, the bondholders (primarily in New York and London)

¹³⁹ Ibid., 471

¹⁴⁰ Ibid., 462-464

¹⁴¹ Gayle Thornbrough & Dorothy L. Riker (editors), *The Diary of Calvin Fletcher*, Volume II 1838-1843 (Indianapolis: Indiana Historical Society, 1973), 391n19; Carmony, *Indiana, 1816-1850*, 234n113

¹⁴² Esarey, *A History of Indiana to 1850*, 379.

banded together and hired Charles Butler to negotiate a solution. By January 19, 1846 when Governor James Whitcomb signed the negotiated settlement in the form of a bill, and later signed an amended version in January of 1847, Indiana was on the road to recovery.¹⁴³

Democrats had swept the Indiana elections of 1843, installing its first Democratic Governor: James Whitcomb. To meet this threat the Whigs sought to better organize at the state level – appointing a board of 60 ‘advocates’ to stump the state in 1844.¹⁴⁴ As the nation debated the avowed annexation of Texas as alluded to by President Tyler, the issue of slavery began to bubble up across the country and in Indiana for the first time in a generation.¹⁴⁵ The Whigs of Indiana saw Texas annexation as entirely southern in its origin – a policy with no other purpose than justification for the spread of slavery.¹⁴⁶ It also brought to the fore relatively new third parties seeking to deal with the slavery question: the Free Soil party was gaining traction in Indiana.¹⁴⁷

However, Hoosiers went strongly to the Democratic side in the presidential elections of 1844 when James K. Polk was elected on the planks of support for the annexation of Texas as a slave state and Oregon as a free state.¹⁴⁸ The annexation of Texas brought war with Mexico in 1846. Attached to an appropriations bill

¹⁴³ Ibid., 382-385

¹⁴⁴ Ibid., 472

¹⁴⁵ the Missouri Compromise of 1820 had established the limits of slavery’s expansion to south of 36 degrees, 30 minutes latitude. At the same time, Maine was added as a free state, and Alabama as a slave state. For many, this was seen as the ‘final resolution’ of the slavery question.

¹⁴⁶ Esarey, *A History of Indiana to 1850*, 472-473

¹⁴⁷ Richard Nation, “The Politics of Slavery,” *Indiana Historical Bureau* web site (2012), www.in.gov/history/3995.htm#three. The Free Soil Party started in 1840 as The Liberty Party. Fundamentally, they believed the nation’s territories should be free from slavery, so that white men could prosper; that slavery wronged the white man.

¹⁴⁸ Nation, *The Politics of Slavery*, Ibid.

related to funding the Mexican War was the so-called Wilmot Proviso. It would have banned slavery in any territory acquired from Mexico or won in the Mexican War. While it failed, it divided the nation and began to further split the Whig party along North-South lines.

The presidential election of 1848 would turn almost entirely on the extension of slavery, with Democratic pro-slavery advocate Lewis Cass losing on the national level to a successful Mexican War general with a moderate stance on slavery: Zachary Taylor. Indiana again showed its split political personality by voting for Lewis Cass – former Michigan Territorial Governor and head of the Michigan Superintendency of Indian Affairs.¹⁴⁹ On the other hand, Democratic candidate for Governor Joseph Wright attempted to avoid the slavery question, usually advocating a non-interference doctrine and focusing instead on popular education and support for a state constitutional convention. He carried Indiana in 1849.¹⁵⁰

Kilgore's re-emergence onto the Indiana political stage: The Constitutional Convention of 1850-1851

In many ways, Kilgore's election as a delegate to the Indiana Constitutional Convention of 1850 was an effective way back onto Indiana's political stage. By now a well known, articulate, independent and legally-minded personality, Kilgore cut the right profile for someone called upon to hammer out a Constitutional document. He was elected as Delaware County's delegate in August of 1850,¹⁵¹ and was subsequently appointed to the Finance & Taxation,

¹⁴⁹ The span of the Michigan Superintendency included most of the Northwest Territory, including Indiana. Through Cass' Indian treaty negotiation efforts in 1818 and 1826, millions of acres of land were transferred to the citizens of Indiana. This was likely a factor in his support among Hoosiers.

¹⁵⁰ Esarey, *A History of Indiana to 1850*, 486.

¹⁵¹ Riker, *Indiana Election Returns 1816-1851*, 380-381

Militia, and Revision, Arrangement & Phraseology committees when the convention commenced in October.¹⁵²

Both because the review of Indiana's Constitution spanned a wide variety of issues and challenges, and because Kilgore was forthright in expressing his views, the Report of the Debates and Proceedings of the Convention provides clear insight into his political persona. From this vantage point, it will be easier to understand Kilgore's political evolution during what would be the tumultuous 3rd party decade of the 1850s.

Taking a broad perspective, Kilgore understood the "mission" of a Constitution: to set broad guidelines and a general direction which could be interpreted by courts and the legislature based on then-current cultural and societal norms. He would err on the side of providing more latitude to the legislature by minimizing the number of specific dictates incorporated in the constitutional document. Kilgore regularly admonished his delegate colleagues to keep that concept in mind as they became tempted to over regulate or cast-in-concrete specific cultural views. There are many examples of Kilgore's guiding commentary and emerging leadership qualities in this regard throughout the constitutional convention proceedings. Here are some examples:

- 1) Kilgore saw the inclusion of resolutions endorsing Congressional actions on the slavery question as inappropriate:

"We have come here for a different purpose - to review and amend the Constitution of this State; then let us attend to our appropriate duties."¹⁵³

- 2) To the temptation of delegates to provide specific policies and regulations on the subjects of Negro Immigration and Suffrage, Kilgore cautioned:

¹⁵² H. Fowler, *Report of the Debates and Proceedings Volume I*, 57-58

¹⁵³ *Ibid.*, 887

“...would it not be better for gentlemen not to tie up their hands nor the hands of the people at home...so that when the time shall come, if ever, in which the people will be willing to admit of negro suffrage they may do so.”¹⁵⁴

3) On banking, Kilgore observed:

“Opposed as I am to a State Bank, I still say that they [the legislature] have an undoubted right to charter such an institution whenever a majority of the people express themselves in favor of it. And I will lend my support to no Constitutional provision which will restrict the people from borrowing money for such a purpose...”¹⁵⁵

4) When the convention drafted specific language regarding methods and stepwise process to value and compensate individual property holders for land taken for public use, Kilgore was clear:

“...I have in view...the interests of the State, and of the whole country, when I say that we should be careful about what is to be inserted in the Constitution...Would it not be better to let the Legislature prescribe the manner of assessing his damages, and the time when the same shall be paid – leaving the whole matter open, just as the old Constitution has left it?”¹⁵⁶

5) Kilgore was also clear when the delegates considered incorporating a constitutional provision to appoint a commission to review/reform legal procedures:

“The Legislature has the power to do everything which we ask to be done in this article. I am willing to leave the question with them, and if the people desire that this reform should be made, it will

¹⁵⁴ Ibid., 234

¹⁵⁵ Ibid., 680

¹⁵⁶ Ibid., 364

unquestionably be done by the legislature, under the instruction of the people.”¹⁵⁷

- 6) Regarding a proposed article defining tax-exempt organizations, Kilgore was supportive:

“It leaves to the Legislature to specify what objects should be exempted from taxation, and if the time should ever come when the people are prepared to levy a tax upon the churches and other institutions of the country, the Legislature will have the power to do so.”¹⁵⁸

Measuring the effectiveness of the delegates’ work, Kilgore was clear:

“...this Constitution, if it shall be adopted by the people of Indiana, is not framed for one year, nor yet for one generation alone; and it should be our high ambition, and our settled policy, to frame an organic law that shall be commensurate with the wants of the people of a great State for a century to come. Would any gentlemen desire a greater temporal honor than to have been one of the members of a Convention which had the ability to frame a Constitution which would need no change for a hundred years’ march of an enlightened people in social and political progress?”¹⁵⁹

To Kilgore’s and the delegates’ credit, today’s Indiana Constitution is fundamentally¹⁶⁰ the same one which was enacted following the Constitutional

¹⁵⁷ H. Fowler – Official Reporter, *Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of The State of Indiana, 1850, Volume II* (Indianapolis: A.H. Brown, 1850), 1714

¹⁵⁸ *Ibid.*, 1291

¹⁵⁹ H. Fowler, *Report of the Debates and Proceedings Volume I*, 553

¹⁶⁰ David Kilgore to Charles Lanman Esq, Washington City, 13 December 1858, Charles Lanman Collection, William H Smith Library, Indiana Historical Society. The 1850 Constitution did include a provision which specifically prohibited Negroes from immigrating to, or owning land or voting in Indiana. The whole article was repealed in 1881. However, in this 1858 autobiographical letter Kilgore made the statement: “...I opposed the provision which is in our constitution...prohibiting free blacks from settling in or holding property in the state.”

Convention of 1850-51. It is a testament to an understanding of what a Constitutional document should be.

Well beyond the structure of Indiana's Constitution, the Proceedings of the Convention yielded detailed insights to Kilgore's policy positions across a variety of issues. Here are his stated positions on some of the more important issues of the day:

a) On banking:

"I find a great propriety in supporting a Bank, and I am disposed, if the Legislature should deem it necessary to make a loan for that purpose, to allow them to do so."¹⁶¹ Kilgore later adds: "For myself, I can exult in the fact that I am not and never was under any obligation to any Bank, and never will be...Notwithstanding all this, I might be induced to vote for the re-charter of a State Bank, on account of the difficulty (perhaps the impossibility) of having a good currency in Indiana without such an institution, owing to the circumstances by which we are surrounded."¹⁶²

Yet he objected to the specific form of the proposed bank:

"As a State Bank man in preference to the free banking system, I shall oppose the proposition now before the Convention. It says that the State shall not be a stockholder but that she may deposit her funds in the bank when proper security is given for the same. She loans her funds here; and suppose you give her the preference over all other creditors, what is the effect of such an arrangement? Why, sir, it can have no other effect than to depreciate the character of the paper on which the bills are issued."¹⁶³

¹⁶¹ H. Fowler, *Report of the Debates and Proceedings Volume I*, 728

¹⁶² *Ibid.*, 680-681

¹⁶³ H. Fowler, *Report of the Debates and Proceedings Volume II*, 1627

b) On internal improvements:

“For my own part I am willing that the people should be governed in the future by the experience of the past. I am not carried away with this general cry against internal improvements, and against the power of a Legislature to contract a debt...provided, sir, that at the time they give the Legislature authority to contract a debt they provide by direct taxation for the payment of the interest, and the canceling of the principal, within twenty-five years.”¹⁶⁴

Kilgore also made an interesting observation about one of the outcomes of the internal improvements mess of the 1830s:

“...yet, sir, disastrous as our public works have proved, I have non doubt that in many respects we are at least twenty-five years in advance of what we would have been, had our system of internal improvements never been commenced...Individual enterprise has been pointed to proper objects, and individual capital has found proper investments, which in the end will redound to the wealth of the State, and the general prosperity of the people.”¹⁶⁵

Kilgore, in fact, participated in the individual enterprise of which he spoke. In 1848, when the quasi-public Indianapolis & Bellefontaine Railroad was incorporated, Kilgore was elected to its Board – a position he would hold (alongside other prominent Indiana politicians and public figures) for more than 20 years.¹⁶⁶

¹⁶⁴ H. Fowler, *Report of the Debates and Proceedings Volume I*, 676-677

¹⁶⁵ *Ibid.*, 680

¹⁶⁶ Kemper, *History of Delaware County*, 88-92; “Railway Election,” *Cleveland Daily Herald*, Thursday Evening, March 5, 1874. In the article, stockholders of the Cleveland, Columbus, Cincinnati & Indianapolis Railway Company (the successor company to the Indianapolis & Bellefontaine Railroad) elected a slate

c) On slavery:

“I am willing, sir, that the slaveholder should enjoy their property uninterrupted; I am willing that the principles of the Constitution in regard to them should be fairly carried out; and I am opposed to interference in any way with their rights within the limits of the States in which they reside...I am also opposed, on the other hand, to any law making it the duty of citizens of the free States to catch their slaves and carry them back again into slavery...”¹⁶⁷

But, waxing philosophically on the issue of blocking Negro immigration, Kilgore observes:

“The unfortunate slave, sir, is not in our land as a matter of choice. The ruthless hands of our people dragged the African from his home and made him a slave. Therefore it is that he is entitled to our sympathy, and those who are engaged day by day riveting the chains of oppression upon him still tighter and tighter, are entitled to no sympathy at my hands. Why, sir, we propose to treat this oppressed class of our population as we have treated no other portion of God’s creation...The oppressed, sir, of all nations of the earth have sought this land of freedom as a matter of choice; and while we have been extending our sympathies to them, we have forgotten the defenseless and downtrodden African, whose rights have been trampled in the dust in our midst for centuries.”¹⁶⁸

When the convention considered the issue of Negro suffrage, Kilgore again admonished:

of board candidates for the first time which did not include David Kilgore. His slate of board members was defeated.

¹⁶⁷ H. Fowler, *Report of the Debates and Proceedings Volume I*, 886-667

¹⁶⁸ *Ibid.*, 629

“...I object to the intimation that the Negro race is inferior by nature. Give them the proper training, and, my word for it, they will exhibit as much talent and enterprise as any class of beings upon God’s footstool...I desire to be distinctly understood, that I am not in favor of negro suffrage myself, but I am willing to leave the question open to the people...so that, if, at any subsequent day, they shall find it to their interest so to do, the people shall have the right to extend the suffrage to the negro...this may be a matter of prejudice upon my part, and time may cure it. Therefore, I am desirous of leaving this an open question, so that if my mind shall undergo a change, with the minds of others, I may vote to extend this right.”¹⁶⁹

d) On the Whig Party: When the delegates were considering a provision blocking black immigration to Indiana, Kilgore observed:

“I hardly know, sir, where I stand, for I seem to be in strange company. I expected that this would be a Whig or Democratic Convention, but I find that Whigs and Democrats are advocating the same measures. And if, sir, the oppression of the African becomes one of the cardinal principles of the Whig party, I shall cease acting with that party so far as I am concerned. I may then unite myself with some other party, and if I should we will try to keep that party free from all the ultraisms which seem now to pervade the ranks of other parties.”¹⁷⁰

While debating an unrelated convention topic, a heated discussion swirled around an allegation of Kilgore’s abolitionist leanings, to which he said:

¹⁶⁹ Ibid., 252-253

¹⁷⁰ Ibid., 630

“...the principles of the Whig Party, of which one of them was the Wilmot Proviso,¹⁷¹ were advocated in 1848 by the gentleman from Hancock and myself; and for still holding to that principle the gentleman appears to consider me as pandering to the abolitionists. I have only to say in reply, that if it becomes necessary for me to change a political principle every year, in order to make a consistent Whig, I no doubt shall soon cease to act with that party. If Whigs are to be called upon to change their political principles to suit the dicta of certain politicians, who profess to belong to that party, I affirm for one, that I am not to be turned in that manner, and if that is to be the course pursued by that party, I shall soon cease to labor with it. If every new doctrine, broached by factious politicians...is to be adopted as a portion of the Whig creed, I am not a Whig.”¹⁷²

But, importantly, Kilgore saw himself as an American in which “Union” (a Whig principle) was paramount. His assertions proved to be telling, a decade before the Civil War:

“I have only to say, sir, in reference to the apprehensions of dissolution of the Union, I have no fear of it. I am for the Union, sir, and not only am I for it, but I am opposed to giving encouragement to any who may favor disunion. I am one of those who would take the position that no other portion of this confederacy should dissolve it. I am not only opposed to dissolution, but I am in favor of preventing others who may desire it from carrying their wishes into effect. To effect this object, terrible as may be the alternative, I

¹⁷¹ for brief explanation of the Wilmot Proviso, see page 54

¹⁷² H. Fowler, *Report of the Debates and Proceedings Volume I*, 885-886

am in favor of carrying on a war of desolation into the very heart of the seceding States.”¹⁷³

The growth of 3rd Parties during the first half of the 1850s

By the time the Indiana Constitutional Convention met in October of 1850, a national debate was raging around the just-passed Compromise of 1850. It would prove to be the opening salvo along the long road to the Civil War. In September, orchestrated by Whig Senator Henry Clay and Democratic Senator Stephen Douglas, Congress passed a package of five bills which would collectively become known as “the Compromise of 1850.”¹⁷⁴ With a view to avoiding secession or Civil War, these bills:

- 1) Admitted California to the Union as a “free” state;
- 2) Provided for Texas to surrender its claim to the New Mexico territory and any land north of the Missouri Compromise line in exchange for the US assumption of Texas’ debt;
- 3) Effectively scuttled the Missouri Compromise of 1820 (preventing slavery above latitude 36 degrees 30 minutes) by allowing the new New Mexico and Utah territories themselves to decide, under the policy of ‘popular sovereignty,’ whether they would become free or slave states;
- 4) Banned the slave trade (but not slavery itself) in Washington, D.C., and
- 5) Mandated stronger enforcement of the Fugitive Slave Act by which citizens in non-slave states would be obliged to capture and return fugitive slaves to their masters.

The general population breathed a sigh of relief, but within the political establishment there was limited joy. Among other things the Compromise

¹⁷³ Ibid., 887

¹⁷⁴ see Library of Congress, Virtual Services Digital Reference Section, Web Guide <http://www.loc.gov/rr/program/bib/ourdocs/Compromise1850.html>. For more detailed information on the Compromise of 1850.

caused a further fracture in the Whig Party's fragile structure. Since its inception in the 1830s the Whigs had effectively adopted a position on slavery through its support of all laws passed by Congress, which included the Missouri Compromise of 1820 (preventing slavery in US territories above latitude 36 degrees 30 minutes north). With effective repeal of the 1820 Missouri Compromise, the Whigs were forced to address the slavery question again. And since Southerners and Northerners had flocked to the party because of its "neutral" position on slavery, crafting a platform plank on slavery would be nearly impossible.

The Whig Party's nomination of Winfield Scott as its presidential candidate in 1851 reflected its policy dilemma: while he remained non-committal on the slavery question as well as the Compromise of 1850, Scott had been nominated over then-current Whig President, Millard Fillmore, because of Fillmore's pro-slavery stance. The only Whig platform, as a result, was commitment to "Union." The issue of slavery, from the party perspective, had again been "finally" determined by its support for the laws of the United States...which now included the Compromise of 1850. Scott would be defeated by Democrat Franklin Pierce in the 1852 presidential elections.

Kilgore participated in a large meeting of the Whig members of the Indiana Legislature and Constitutional Convention "friendly to the nomination of Gen. Winfield Scott" which convened on February 1, 1851. He was elected a Vice President of the gathering which nominated Scott, and was one of its key speakers.¹⁷⁵ Still, Kilgore's commitment to the Whig Party was waning, at best – as he had expressed it during the Constitutional Convention. His lackluster support was not atypical at that time, as the Whigs held a position on nothing but "National Union." The Indiana Whig Convention of February 1852 reflected

¹⁷⁵ *Daily National Intelligencer*, Washington, D.C., February 25, 1851

this lack of spirit, with no avowed gubernatorial candidate as the proceedings got underway.¹⁷⁶

The Free Soil Party also held a convention about the same time which was attended by abolitionists, Wilmot Proviso Democrats, Van Burenites, and Anti Fugitive-Slave-Law Whigs.¹⁷⁷ The Democrats, while of better spirit, were unenthusiastically supporting their incumbent Governor: Joseph Wright. Wright had opposed the Democratically-endorsed free banking system for Indiana as well as the liquor interests,¹⁷⁸ and there was a personal divide between Wright and the other Indiana party leader, Senator Jesse Bright.¹⁷⁹ Across the state, except for the 5th Congressional District (including Kilgore's Delaware County), the Democrats took complete control. Before long, the Free Soilers and fractured Whigs would come together to form a new party – and David Kilgore would be there.

The Know Nothings and People's/Fusion Parties, and David Kilgore: 1852-1855

While there had always been a sizeable German speaking immigrant community in southeastern Indiana, the huge influx of Germans and Irish during the first half of the 1850s stunned many citizens in Indiana. The Irish potato famine and political unrest in Germany was the trigger which brought nearly 2 million immigrants to the US between 1850 and 1855 – more than half the total number which had arrived since 1790.¹⁸⁰ Concerns about crime, poverty and alcohol were associated with these new arrivals as was the related growth of the Catholic Church – seen as a foreign political power in its own right. In the national

¹⁷⁶ Esarey, *A History of Indiana to 1850*, 488

¹⁷⁷ *Ibid.*, 489

¹⁷⁸ *Ibid.*, 488

¹⁷⁹ Nation, *The Politics of Slavery*

¹⁸⁰ Carl Fremont Brand, "The History of the Know Nothing Party in Indiana," *Indiana Magazine of History* 18, no. 1 (1922), 54

election of 1852 the immigrant community cast over 250,000 ballots and held the balance of power between the two major political parties.¹⁸¹ In reaction to this onslaught the anti-immigrant and anti-Catholic 'Know Nothings' secret society, which had existed as an eastern regional group for decades, spread westward to Indiana by the mid 1850s.¹⁸²

The Know Nothings had tried their luck as a stand-alone political party prior to arriving in Indiana, but found their strongest influence could be felt in concentrated support for particular candidates within the established political parties. Working in secrecy, but well organized, their impact would prove to be substantial. In fact, Delaware County and the related fifth Congressional District soon became a Know Nothing stronghold.¹⁸³ After the 1852 national and state elections spelled the coming demise of the Whig party, many Whigs drifted into the Know Nothings society.¹⁸⁴ Although anti-immigrant focused, in Indiana the Know Nothings also took the Free Soiler's view¹⁸⁵ on the slavery issue.¹⁸⁶ David Kilgore was among their numbers.

Without the broad-based Whig party many single-issue factions assumed a more visible national and statewide presence. Temperance adherents, Abolitionists, Free Soilers, Know Nothings, old line Whigs and disaffected anti-slavery northern Democrats were looking for a new home. It was the Kansas-Nebraska Act, passed by Congress in March of 1854, which would draw these factions

¹⁸¹ Ibid., 56

¹⁸² Ibid., 58

¹⁸³ Ibid., 61

¹⁸⁴ Ibid.

¹⁸⁵ see footnote 147 for an explanation of the Free Soil position on slavery

¹⁸⁶ Brand, *Know Nothings Party in Indiana*, 68

together initially as the Fusion Party - soon taking the name of the People's Party¹⁸⁷ in Indiana.¹⁸⁸

Introduced in 1854 by Democratic Senator Stephen Douglas of Illinois (who had teamed with Whig Henry Clay to gain passage of the Compromise of 1850), the Kansas-Nebraska Act allowed the territories to be organized slave or free based on 'popular sovereignty' (i.e., the vote of the residents of the territories).

Southern Whigs broke with the party to support the bill while many Indiana and northern Democrats could not support the act (because of the potential to extend slavery north of the original Missouri Compromise line) and left their parties.¹⁸⁹

In the summer of 1854 this group of fractured main-line party throw-offs 'fused' with other single-issue elements, under the watchful eye and strong influence of the Know Nothings, coming together as the People's Party in July of 1854.¹⁹⁰

When the Know Nothings determined the fusionists would hold a state convention on July 13, 1854, they set a secret conclave for the day before: July 11th-12th.¹⁹¹ In fact, they had already orchestrated control of the People's convention by securing election of about ¾ s of the fusionists' delegates (many of whom had just attended the Know Nothing meeting the day before.)¹⁹² The common issue bringing the People's Party together was a drive to restore the

¹⁸⁷ Carl Zimmerman, "The Origin and Rise of the Republican Party in Indiana from 1854-1860," in *Indiana Magazine of History* 13, no. 3 (September, 1917) ,226-235. A detailed view of the evolution of the Peoples Party is provided.

¹⁸⁸ Brand, *Know Nothings Party in Indiana*, 61-62

¹⁸⁹ Nation, *The Politics of Slavery*

¹⁹⁰ Emma Lou Thornbrough, *Indiana in the Civil War Era 1850-1880; The History of Indiana, Volume III* (Indianapolis: Indiana Historical Bureau & Indiana Historical Society, 1965), 63

¹⁹¹ Brand, *Know Nothings Party in Indiana*, 62

¹⁹² *Ibid*; *Indianapolis Sentinel*, July 27, 1854.

Missouri Compromise of 1820 – which prevented slavery above 36 degrees, 30 minutes north latitude.¹⁹³

Remarkably, the People's Party ticket of state officers and legislators swept the Democrats 'Horse, Foot and Dragoon' in the fall elections of 1854.¹⁹⁴ They held a post-election victory rally in Indianapolis on November 1st, followed the next day by a Know Nothing conclave to determine their (and therefore the Peoples') candidates for US Senator and State Printer.¹⁹⁵ Among the Know Nothings sent to the Indiana House under the People's banner was David Kilgore for a new two-year term¹⁹⁶ which commenced in January, 1855.¹⁹⁷ The House elected Kilgore as Indiana's first and only fusionist or People's Party Speaker when it met, January 4th.¹⁹⁸ His political revival was complete.

From Know Nothings to American Party, People's to Republicans: 1855-1857

Right from the beginning of his short tenure as Speaker¹⁹⁹, Kilgore faced power-eroding confrontations with the well-aligned Senate Democrats. They refused to caucus to elect a US Senator (who had been preordained by the Know Nothings). Kilgore, without a strong and unified party behind him, could not break the

¹⁹³ Brand, *Know Nothings Party in Indiana*, 64

¹⁹⁴ Roger H. Van Bolt, "Birth of the Republican Party in Indiana," in *Indiana History: a Book of Readings*, Ralph D Gray, editor (1994), 149

¹⁹⁵ Ibid; Brand, *Know Nothings Party in Indiana*, 79. US Senators were elected by the Indiana General Assembly, and the Know Nothings had settled on supporting Godlove S. Orth for that post and Milton Gregg for printer.

¹⁹⁶ terms for House members has been set at two years during the Indiana Constitutional Convention of 1850-51.

¹⁹⁷ Brand, *Know Nothings Party in Indiana*, 77

¹⁹⁸ *Journal of the House of Representatives of the State of Indiana*, during the 38th Session of the General Assembly of the State of Indiana begun and held in the City of Indianapolis on Thursday, the Fourth Day of January, 1855.

¹⁹⁹ Kilgore's tenure spanned the first session of the legislature: from January 4th to March 5th

deadlock: Indiana would be represented by a single US Senator until 1857.²⁰⁰ And while Kilgore pushed through a Temperance measure prohibiting liquor sales to satisfy the Temperance contingent within the party,²⁰¹ within a year Indiana's Supreme Court would find it unconstitutional.²⁰² Even his push, with the tacit support of Democratic Governor Joseph Wright, to amend the Constitution to prevent aliens from voting until they were fully naturalized under the laws of the US, was ultimately set aside by the Democratically-controlled Senate.²⁰³

No sooner had the People's party celebrated its election successes in 1854 than various party factions became suspicious of each other. Free Soilers were not happy with Milton Gregg's²⁰⁴ nomination as State Printer, the Temperance segment's interests waned as its legislative initiatives were addressed, the old Whigs had their own ideas about a Senatorial candidate, and the nation's and state's shift of interest toward the slavery issue marginalized the now passé anti-immigrant Know Nothings.²⁰⁵

²⁰⁰ Van Bolt, *Birth of the Republican Party in Indiana*, 149

²⁰¹ Having taken the temperance pledge during his judicial tenure (see pages 50-51), Kilgore had the support of the temperance element within the People's Party.

²⁰² Brand, *Know Nothings Party in Indiana*, 150

²⁰³ Charles Kettleborough, "Constitution Making in Indiana, Volume I, 1780-1851," *Indiana Historical Collections* (Indianapolis: Indiana Historical Commission, 1916), Introduction c-ci. Kilgore had introduced a bill to amend Indiana's Constitution on January 8, 1855 by striking reference to 'alien voters' in Article II, section 2. This was consistent with Governor Wright's January 5th biennial message to the General Assembly. The Judiciary Committee, to which the bill had been referred, reported it as a joint resolution in mid February. The suffrage portion of the resolution was considered and passed by the House on March 2nd. The Senate, however, took no action on the resolution.

²⁰⁴ Gregg was a successful newspaper publisher and an old line Whig who had morphed into a strong Know Nothing advocate by 1854

²⁰⁵ Kettleborough, *Constitution Making in Indiana*, Introduction c-ci; Carl Fremont Brand, "History of the Know Nothing Party in Indiana (continued)," *Indiana Magazine of History* 18, no. 2 (June 1922), 182

To separate itself from a perceived singular focus on the anti-immigration issue and because it had obviously become a visible political party, the Know Nothings emerged publicly as the American Party in early 1855.²⁰⁶ Its platform, as characterized by the *New Albany Tribune*, was: “peace, prosperity and a desire to sink or ignore issues that disturb the harmony between North and South.”²⁰⁷ The new party was taking a non-committal line on the slavery issue.²⁰⁸

Kilgore saw the handwriting on the wall. He attended a Know Nothing conclave in May, 1855 which nominated a delegation to attend a national council scheduled for June. At the national council meeting it became clear a Southern contingent was taking control of the national agenda.²⁰⁹ The Know Nothings/American Party convened their own Indiana convention in June, still bent on controlling the People’s Party whose convention was held a day later. David Kilgore attended both conventions and was elected a vice president at the People’s gathering.²¹⁰ It was becoming increasingly clear that the fusionists were fracturing, and that the Indiana “Americans” were looking remarkably like the newly emerging Republicans. In fact, the Americans and Republicans were nearly identical in political philosophy: they were together on the slavery question (both essentially adopting the Free Soil position) while many Republicans had openly declared their alignment with American Party/Know Nothing principles.²¹¹ Most importantly, the Republicans had quickly gained

²⁰⁶ Brand, *Know Nothings in Indiana (continued)*, 181-182n7

²⁰⁷ *New Albany Tribune*, May 16, 1855

²⁰⁸ members of this new party, who subsequently migrated to the Republican Party, were often referred to as “Black Republicans” because of their perceived abolitionist position. Yet most were really against slavery in the nation’s territories to allow white men there to prosper. This was a far cry from supporting the abolition of slavery.

²⁰⁹ Brand, *Know Nothings in Indiana (continued)*, 188-190.

²¹⁰ *Ibid.*, 197, 200

²¹¹ *Ibid.*, 201

national strength because of their strong opposition to the recently enacted Kansas-Nebraska Act. Although the Indiana Democrats dominated the elections of 1855,²¹² the form of their primary opposition was beginning to taking shape.

As Know Nothings and other partisans abandoned the quickly deteriorating People's banner in favor of the "American" Party, the "Americans" fought to maintain a party identity. However, their waning popularity and the growing national strength of the Republicans begged the obvious question: should they merge with the Republicans? David Kilgore made that proposition when the Indiana Americans met for their May 1, 1856 convention.²¹³ Although it was initially met with push back by those adamant about maintaining party identity, Kilgore argued: "...Americanism could be postponed while the Kansas question could not..."²¹⁴

Kilgore subsequently served as a district elector to appoint delegates to the Republican National Convention,²¹⁵ and was seen as a full-fledged Republican by September when the New Albany Tribune published the Republican elector ticket. The list included David Kilgore as representing the 5th Congressional District, noting: "...we give below the Republican Presidential ticket in full, of which not a single name will be found on the American ticket..."²¹⁶ The vestiges of the American Party would live on until 1860,²¹⁷ but it would do so without David Kilgore. Kilgore was now a part of the newly forming Indiana

²¹² Ibid., 203

²¹³ Carl Fremont Brand, "The Knownothing Party in Indiana (continued)," *Indiana Magazine of History* 18, no. 3 (September, 1922), 273

²¹⁴ Ibid.

²¹⁵ Ibid., 274

²¹⁶ "The 'Indiana Fusion' - Another Falsehood Nailed" reprinted from *Augusta Chronicle and Sentinel* and *New Albany Tribune*, 5 September 1856 (New Albany, IN) in *The Weekly Raleigh Register* 57, no. 46, Wednesday Morning, September 24, 1856 (Raleigh, North Carolina). The Indiana Republican Presidential elector ticket was listed.

²¹⁷ Brand, *Knownothing Party (continued)*, 302

“Republican” Party and in 1857 would go to Congress representing the 5th Congressional District with the second largest margin of victory among all elected Congressmen in Indiana and the largest among the five elected Republicans²¹⁸; 3949.²¹⁹

Kilgore's years in Congress: 1857-1861

By the time Kilgore arrived in Washington to take his Congressional seat on March 4, 1857, two events were about to occur which would frame the debate for the next two years. On March 6th the US Supreme Court issued its Dred Scott vs. Sanford decision (60 US 393): people of African descent brought into the United States and held as slaves (or their descendants, whether or not they were slaves) would not be protected by the Constitution and were not seen as U.S. citizens.²²⁰ Effectively, it appeared Congress could not legislate on slavery...as slaves were not considered citizens.

In the Kansas territory rival territorial governments located at Topeka and then Lecompton drafted anti- and pro- slavery oriented constitutional documents as

²¹⁸ *New Albany Daily Ledger*, Thursday, July 10, 1856, page 2. This in spite of scandalous allegations of infidelity published during the campaign in 1856, to wit: “Some of the Black Republicans think it a good reason for voting against Mr. Buchanan that he has no wife; but they praise to the skies the notorious Jim Lane...Nor is it any offense in their eyes that a man, like Kilgore, their candidate for Congress in the Wayne district, though he has a wife living, should keep in his house a concubine, and be compelled to abandon his official duties as a member of the Constitutional Convention for fear of being shot by an injured husband.” This proved to be true as David Kilgore fathered a daughter, Mary Louisa Kilgore, with his housekeeper Elizabeth Duncan in 1841. He was also characterized as ‘Brigham Young’ by the *New Albany Daily Ledger*, August 16, 1856.

²¹⁹ Carl Zimmerman, “The Origin and Rise of the Republican Party in Indiana from 1854-1860,” in *Indiana Magazine of History* 13, no. 3 (September, 1917), 267

²²⁰ see “Dred Scott vs. Sanford,” Wikipedia (last updated 14 August 2012), http://en.wikipedia.org/wiki/Dred_Scott_v._Sandford. A more complete background of this case is provided.

part of Kansas' application to the US Congress for statehood. This was in line with the dictates set forth in the Kansas-Nebraska Act of 1854. Among other things the Lecompton Constitution protected the rights of slaveholders and provided for a referendum by which voters could approve the expansion of slavery in the territory. Drafted by the Kansas legislature in September of 1857, it was initially put before the citizens with options to approve the document as written or as written without the referendum provision – either way, slavery would be sanctioned.

The US Congress then took up the Kansas statehood application matter in 1858. It was controversial in both Congress and the Kansas Territory as President Buchanan had endorsed statehood under the Lecompton Constitution. By a clever political maneuver among US House moderates (headed by Indiana Democratic Congressman William English) Kansas' petition was modified, forcing its return to the Kansas Territory for a straight "up, down" vote of the citizens on the Lecompton Constitution.²²¹ It was voted down overwhelmingly: 10,226 to 138: Kansas would rather remain a free territory than a slave state. The Congressional debate would linger on before the issue was tabled. Nonetheless, the debate and argument sparked heated debate and moved the US a significant step closer to Civil War.

During Kilgore's first session in Congress (December 7, 1857 – June 14, 1858) he was firsthand witness to increasing North-South tensions, and became a visible advocate against the Lecompton Constitution. No sooner had he settled into his Congressional boarding house²²² with fellow representatives Charles Case²²³,

²²¹ Nation, *The Politics of Slavery*.

²²² LaSalle's, at 48 Missouri Avenue. Missouri Avenue no longer exists in this area, as it is now occupied by the National Gallery of Art's East & West Buildings

²²³ "A Mysterious Chapter," *Dawson's Daily Times* (Fort Wayne, IN), Friday Evening, May 6, 1859. Case and Kilgore became wrapped up in a brief controversy when, in 1858, Kilgore made a West Point appointment of an

James Wilson and John Fox Potter²²⁴ than Kilgore and Potter were involved in the most infamous floor brawl in the history of the US House of Representatives. As debate on the Lecompton Constitution lingered late into the evening and morning of February 5th and 6th, 1858, tempers grew short between Pennsylvania Republican Galusha Grow and South Carolina Democrat Laurence Keitt who exchanged insults and then blows. As reported by an eyewitness:

“...Mr. Grow, although accosted by insulting language, maintained his temper and his dignity, and observed the proprieties of the place, until Keitt struck him. Then, with a single blow judiciously planted beneath the right ear, he sent the towering form of the South Carolinian headlong and prostrate on the floor...The part of the Hall in which this occurred is that which is occupied by the Southern members. Grow was alone among the hottest ‘fire-eaters’ having gone over to speak to a Douglas Democrat. About twenty of the Southerners rushed at him...The first to his rescue was Mr. Potter, of your State [Wisconsin], who quick as lightning dashed in among the Southerners, striking to the right and left with such fury that in a moment he was at the side of Grow in hot contest with two or three Mississippians, one of whom, Barksdale, wears a wig, which Potter knocked off by a tremendous blow on the head...Tappen, of New Hampshire, and Kilgore, of Indiana, were equally prompt, and in half a

individual found to be outside of his district (and in Chase’s Ft. Wayne district). Subsequently, Chase stirred up problems when he appointed the son of a Democrat.

²²⁴ *Biographical Director of the United States Congress 1774-present*,

<http://bioguide.congress.gov/biosearch/biosearch.asp>.

Case was a Republican representative from Ft. Wayne, IN

(<http://bioguide.congress.gov/scripts/biodisplay.pl?index=C000219>),

Wilson was a Republican representative from Crawfordsville, IN

(<http://bioguide.congress.gov/scripts/biodisplay.pl?index=W000589>), and

Potter was a Republican representative from Wisconsin

(<http://bioguide.congress.gov/scripts/biodisplay.pl?index=P000465>).

minute most of the Republicans were on the Southern side of the House, either fighting or trying to separate those who fought.”²²⁵

When he knocked the wig from William Barksdale’s head, Potter is reported to have said “I’ve scalped him!” Potter, covered in blood, was forever marked by Southerners as an enemy.²²⁶

Little more than a month later, as debate on the Lecompton Constitution was drawing to a close, David Kilgore stepped to the podium and delivered a wide-ranging and accommodating speech:

“I am an old-fashioned Whig; and I stand, upon this slavery question, where the old Whig party stood; where that distinguished leader of the Whig party, the statesman of the nation, Mr. Clay, stood. Where slavery exists in a State by legal sanction, there let it alone. Where slavery exists by virtue of law, there let it alone, until those having the legal authority determine to abolish it. But, sir, where slavery does not exist; where Territories are free; where there is no law creating the institution, I say, what the eminent leader said among his last declarations ‘I never can and never will vote, and no earthly power will ever make me vote, to spread slavery over territory where it does not exist.’ ...It perhaps would not be amiss for me to remark here, that instead of being an Abolitionist, as the persons with whom I act are charged with being, I am a free-State man...The Republican party, which is here opposing the admission of

²²⁵ “The Fight in the House – From an Eyewitness,” dated 6 February 1858, *The Sentinel* (Milwaukee, Wisconsin,) Monday Morning, February 15, 1858.

²²⁶ “Bowie Knife Potter Recalled,” *Wisconsin Historical Society, Highlights Archives* web site, posted 2 April 2008:

http://www.wisconsinhistory.org/highlights/archives/2008/04/bowie_knife_pot.asp. Two years later Potter was challenged to a dual by Virginia Democrat Roger Pryor. Having been challenged, Potter was given the option to choose the dueling weapon. Potter chose bowie knives, which was rejected by Pryor as ‘vulgar, barbarous, and inhuman.’ Thereafter Potter was referred to as “Bowie Knife” Potter.

Kansas under this constitution, is in favor of giving the land of this Territory, in limited quantities, to the poor man South and to the poor man North...We are in favor of distributing it to secure homes to the poor of both sections...Let us have no more quarrelling over the negro question. I have not referred to the poverty of the South with angry feelings, or with any other than those of regret."²²⁷

Kansas would not be admitted to the Union until June 29, 1861 – after the start of the Civil War.

With rumors of possible Southern states secession swirling, Kilgore spoke clearly regarding this related issue:

“Why talk about dissolving this Union? Can that dissolution be a peaceable one? Can our honored flag be trailed in the dust without first being stained with the blood of our people? No, sir, it cannot be done peaceably, and you have no right to talk about a dissolution by force. The attempt would be treasonable...Broken to pieces by our own madness, we would be fit objects of universal scorn.”²²⁸

The Lecompton Constitution issue fundamentally split the Democratic Party in Indiana along slavery lines between the free soil advocates of former Governor Joseph Wright’s faction and the proslavery segment under Senator Jesse Bright’s direction.²²⁹ This division would carry into the 1860 Presidential election when the national Democratic party split: the Northerners nominating Stephen

²²⁷ US House of Representatives, *Kansas – The Lecompton Constitution. Speech of Hon. David Kilgore, of Indiana, Delivered in the US House of Representatives, March 24, 1858, 35th Cong., 1st sess.* (Washington D.C.: Buell & Blanchard, Printers, 1858).

²²⁸ *Ibid.*

²²⁹ *Nation, The Politics of Slavery.*

Douglas of Illinois, and Southerners nominating John Breckenridge of Kentucky.²³⁰

The mood in Kilgore's 5th Congressional District was clearly tilting toward a stronger anti-slavery stand due in part to a large Wayne County Quaker contingent. In the summer of 1858 Kilgore had faced a substantial challenge from former Congressman George W Julian [see Fig 14]– a true abolitionist and so-called Radical Republican. It was not until the 7th ballot at the Cambridge City district Republican nominating convention that incumbent Kilgore finally prevailed over Julian.²³¹ And, his margin of victory in the fall election was only 515 votes.²³²

When Kilgore returned for the second session of the 35th Congress on December 6th, 1858, he soon sought to focus House attention on slave 'trafficking.' By prohibiting trafficking the movement of slaves into new territories could be effectively halted. Kilgore made a failed attempt to suspend House rules so as to introduce the following resolution:

“Resolved...we do hold that Congress has the power to prohibit the foreign traffic [in slavery], that no legislation can be too thorough in its measures, nor can any penalty known to the catalogue of modern punishment for crime be too sever against a traffic so inhuman and unchristian.”²³³

²³⁰ Ibid.

²³¹ Patrick W. Riddleberger, *George Washington Julian, Radical Republican; A Study in Nineteenth-Century Politics and Reform* (Indianapolis: Indiana Historical Bureau, 1966), 124-25. Julian would go on to assume the 5th District Congressional seat in 1861, and hold it for a decade.

²³² “Last Night's Dispatches Indiana Election,” *New Albany Daily Ledger* (New Albany, IN), October 15, 1858

²³³ W E B Du Bois, “The Suppression of the African Slave-Trade to the United States of American 1638-1870,” in *Harvard Historical Studies, Volume 1* (New York:

His motion failed to achieve its needed 2/3s vote: 115 to 84...but the point was clearly made: in spite of the Dred Scott decision, Congress could find ways to inhibit slavery's expansion...if it had the will to do so.

Before Kilgore commenced his second Congressional Term in the fall of 1859, another shocking event would further polarize and divide North and South. On October 16th, John Brown and a band of militant abolitionists seized the US government's arsenal and armory at Harpers Ferry, Virginia (now West Virginia) with the hope of starting a slave rebellion. Although it failed and Brown was hung before year-end, the raid further galvanized the nation on the slavery issue. In the halls of Congress, Southern rhetoric for peaceful secession increased markedly. Representative Otho R Singleton of Mississippi stepped to the podium on December 19th and delivered a long and wide-ranging speech setting forth a list of "wrongs" which the North had inflicted on the South. Included was Brown's raid, which he interpreted as "...the legitimate fruit of the agitation which you have fomented and are upholding at the North."²³⁴ His list also included "...the infamous Helper book, which has been circulated through the South for the most nefarious purposes."²³⁵

The Impending Crisis of the South: How to Meet It had been published in 1854 by North Carolinian Hinton Rowan Helper.²³⁶ As described by prominent Indianapolis citizen of the day, Calvin Fletcher, in his extensive diary:

"I received or rather read Helpers Impending Crisis...showing a comparative difference between the free & slave states. The disclosures

Longmans, Green, and Co., 1896), 325-326. Kilgore made his motion on January 31, 1859.

²³⁴ US House of Representatives, *Speech of the Hon. Otho R. Singleton of Mississippi on Resistance to Black Republican Domination*, December 19, 1859, 36th Cong., 1st sess. (Congressional Globe Office, 1859), 6

²³⁵ *Ibid.*.

²³⁶ Gayle Thornbrough & Dorothy L. Riker, editors, *The Diary of Calvin Fletcher*, Volume VI, 1857-1860 (Indianapolis: Indiana Historical Society, 1978), 475n16

tho' seem to have been in detached items well known, yet when well arranged & embodied in one book give a frightful picture of the consequences of Slavery, & as this book appeared a few years since it seems some members of Congress from the Free states gave their names as approving the compilation."²³⁷

Four of Indiana's eleven Congressmen, including David Kilgore, had endorsed this publication although gubernatorial candidate Henry S Lane did not. Lane noted during his 1860 gubernatorial campaign that Helper's book was "conductive to civil war."²³⁸

Helper's book had also been endorsed by John Sherman of Ohio, then under consideration for Speaker of the US House of Representatives.²³⁹ As Singleton continued his speech, he noted:

"While upon this point, let me say, you seem determined to place as presiding officer over this body a man who signed that circular of recommendation. If you do so, you do it at your peril. You sever another cord that binds North and South together... You have other men, whose signatures are not to that book, who would be less obnoxious to the South. But you must judge for yourselves, and take the consequences, for you will be held responsible for it by the South at no distant day."²⁴⁰

The picture Singleton painted had an ominous tone:

²³⁷ *Ibid.*, 475

²³⁸ *Ibid.*, 475n16

²³⁹ Mark J. Stegmaier, "An Ohio Republican Stirs Up the House: The Blake Resolution of 1860 and the Politics of the Sectional Crisis in Congress," in *Ohio History*, Volume 116 (The Kent State University Press, 2009), 63. It took the House of Representatives more than two months to elect a Speaker of the House – effectively stalling legislation and committee appointments until moderate Republican William Pennington of New Jersey was finally elected on February 1st, 1860.

²⁴⁰ *Speech of the Hon. Otho R. Singleton of Mississippi*, 6-7

“The South has made up its mind to keep the black race in bondage. If we are not permitted to do this inside of the Union, I tell you that it will be done outside of it...when the day shall arrive that a Black Republican is elected President of the United States – a man who declares that there is an irrepressible conflict going on between slave labor and free labor, and that the former must give place to the latter – and whenever such a man undertakes to force himself upon us, then you will find that every arm in the South will be nerved for resistance, and that the days of the Republic are numbered.”²⁴¹

David Kilgore rose to address Singleton’s veiled threat:

“...I understand the gentleman to assume that the South has a right to secede from the Union peaceably, and that he is in favor of peaceable secession...He follows up that declaration, however, by saying that the South will not permit the inauguration of a Black Republican President. I ask him how it can prevent that, peaceably?...So far as I am concerned, I should regret exceedingly to see disunion. I represent a portion of the great West. We are a conservative people. We are disposed to hold this Union together, peaceably if we can; and we are in favor of administering a little chastisement on those who would attempt to resort to force to overthrow the Government...If men commit treason, and levy war against the Government, they must suffer for it...permit me to say to the gentleman, that an acquaintance with the use of the shot-gun and rifle is not restricted to the South. They were the toys of my childhood, and the tools of my trade, with which I, in part, earned my living in after days.”²⁴²

The battle lines were, quite literally, being drawn. But Kilgore’s view on slavery was, like that of Republicans and former Whig and Fusion members,

²⁴¹ Ibid., 12, 15-16

²⁴² Ibid., 16

equivocal...as was soon revealed in a comical yet serious procedural game on the floor of the US House.

Traditionally, as the House commenced business each Monday a number of resolutions were proposed: some funny, some to provide political favors, some serious, etc. Once heard, a representative from an opposing party would characteristically object to the resolution, which would prevent its further consideration.²⁴³ However, on March 26, 1860 Freshman Abolitionist/Republican Congressman H.G. Blake of Ohio read a serious resolution which instructed the Judiciary Committee to report a bill “giving freedom to every human being and interdicting slavery wherever Congress has the Constitutional power to legislate on the subject.”²⁴⁴ Within minutes of it’s reading, Southern Democrats saw an opportunity to create mischief for the Republicans on the slavery question. They decided not to object to the resolution, and immediately called for a vote.²⁴⁵ The Republicans, on the other hand, had not objected to the resolution to keep from embarrassing a fellow Republican – and because most were, to some degree, antislavery and did not want to appear to oppose an antislavery resolution.²⁴⁶ Under house rules voting on the resolution could not be stopped, as a roll call had already commenced.

House Republicans were faced with a substantial problem. Within weeks the Republican national and local conventions would be held, and Republican members did not want their votes reported on such a controversial slavery resolution.²⁴⁷ In a feat of adept procedural obfuscation, Republican floor leadership drew upon a long-standing House tradition of “pairing off” offsetting ‘yea, neah’ votes – thereby avoiding the recording of ‘paired off’ representatives’

²⁴³ Stegmaier, *An Ohio Republican Stirs Up the House*, 66

²⁴⁴ *Ibid.*, 68

²⁴⁵ *Ibid.*, 71

²⁴⁶ *Ibid.*

²⁴⁷ *Ibid.*, 72

votes.²⁴⁸ However David Kilgore and Israel Washburn, Jr. of Maine, although present, were not 'paired off' and did not vote.²⁴⁹ This drew the threat of a censure resolution from Democrats since, by house rules, all members present were required to vote. Kilgore attempted to rationalize his non-vote by suggesting the resolution clause "giving freedom to every human being" would free all convicts and criminals...bringing laughter from the Democrats.²⁵⁰ Then, as a final act in this cynical drama, one of the Southern Democrats followed through on his censure resolution. As noted by a newspaper correspondent covering the situation: "The crinkle of fun that pervaded the Democratic side...was ineffably happy!" Soon, however, having made the most of this comical situation the resolution was withdrawn.²⁵¹ But a serious point had been made regarding the hypocritical stance many Republicans were taking on the issue of slavery.

It would seem, in the run-up to Indiana Congressional elections in 1860, that David Kilgore would have sought re-election. However, Kilgore does not appear as a candidate. In part this may be due to competitor George Julian's push for a primary election instead of a district nominating convention where political "wire-pulling and trickery" had been the norm.²⁵² At the same time there appeared to be a growing anti-slavery/abolitionist attitude in the district.²⁵³ Quakers, strongly anti-slavery in attitude, were a dominant influence and most numerous in Wayne, Henry, Randolph and Fayette counties – many of which

²⁴⁸ Ibid., 74. Before the voting was over, fifteen "pairs" had been announced.

²⁴⁹ Ibid., 75

²⁵⁰ Ibid., 76

²⁵¹ Ibid.

²⁵² Riddleberger, *George Washington Julian, Radical Republican*, 133-34. Julian would also have been concerned about the convention nominating format because the state Republican organization did not support his abolitionist-oriented candidacy.

²⁵³ Ibid., 132-133

were in Kilgore's Congressional district.²⁵⁴ In the open primary election format Julian beat out a young Republican attorney from Connerville²⁵⁵: Nelson Trusler.²⁵⁶ There is no mention of Kilgore. On the other hand, Kilgore's election absence may have been related to another matter: his involvement in a scandal surrounding the selection of a Printer for the House of Representatives.

With Republicans in control of the US House in 1860, a Select Committee to Investigate Alleged Corruptions in Government was established in late February. It was to conduct a broad investigation of the administration of Democratic president James Buchanan, with an eye toward possible impeachment. While partisan in makeup, the select committee actually uncovered unsavory issues related to both parties – including corruption in the selection and pay of the Congressional Printer. Democrats had controlled the two prior Congressional Printer appointments, although Republicans were now in charge of this lucrative selection. The investigating committee reported nearly \$3.5 million combined had been spent on printing services during the 33rd-35th Congresses²⁵⁷ – a huge sum. Chairman Haskin summed it up:

“...the committee feels justified in stating that the extravagant profits accruing from the public printing...have proved a Pandora box, and will prove such in the hands of any party in power...under the present system unjust and excessive profits were made, and that the prices now paid ought to be reduced at least fifty cents on the dollar...This investigation

²⁵⁴ Thornbrough, *Indiana in the Civil War Era 1850-1880*, 609

²⁵⁵ George W Hawes, James Sutherland (compiler), *Indiana State Gazetteer and Business Directory for 1858 & 1859*, Volume I (Indianapolis: George W Hawes, 1859), 418

²⁵⁶ Riddleberger, *George Washington Julian, Radical Republican*, 134. In the October election, Julian beat his Democratic opponent, William Bickel, handily. Trusler would serve as the 5th district's Republican Presidential Elector that fall.

²⁵⁷ US House of Representatives, *Committee on Public Expenditures, Public Printing, Majority Report, March 26, 1860, 36th Congress, 1st Session, Report 249*

developed the fact that these abuses existed chiefly in the uses made of the excessive profits..."²⁵⁸

As the committee turned its attention to the current Republican-controlled Congress, it quickly determined John D. Defrees²⁵⁹ [Fig 23] had structured a lucrative arrangement with the newly appointed Printer of the House Thomas H Ford and printer Larcombe & English. Under this arrangement, made after Ford's appointment and Defrees' withdrawal as a Printer candidate (although nominated by the Republican conference), Defrees received a percentage of the printing profits for assisting the inexperienced Ford.²⁶⁰ More to the point, when Defrees was pressed during testimony before the committee, he indicated:

"...On the night of the republican conference I did authorize a member of Congress from my State to say to the conference that I would - I am not certain whether I stated the amount, but think it was one-half of the profits, or that I would be liberal in my contributions for the purpose of distributing political documents [pamphlets of the Republican Congressional Executive Committee²⁶¹] in the four doubtful States of Pennsylvania, New Jersey, Illinois, and Indiana."²⁶²

²⁵⁸ Ibid.

²⁵⁹ Charles Kettleborough, "Indiana on the Eve of the Civil War," in *Seventh Annual Report of the Ohio Valley Historical Association* (Ohio Valley Historical Association, 1913), 137-39. Former owner of the Republican biased Indianapolis Journal, who by 1860 controlled Republican politics in Indiana along with Henry S. Lane, Schuyler Colfax and Cyrus Allen.

²⁶⁰ US Senate, *Journal of The Select Committee to Investigate Certain Matters Connected with the Public Printing with the Testimony Taken Before Said Committee, submitted May 31, 1860, 36th Cong., 1st sess.* (George W Bowman, Washington 1860), 161; Defrees appeared before the committee on March 23, 1860

²⁶¹ The Republican Congressional Executive Committee, comprised of 3 senators and 6 representatives - including David Kilgore of Indiana, was an arm of the Republican Presidential Campaign of 1860. A number of speeches and documents had been published and offered to local/state Republican organizations/individuals to assist in the presidential campaign.

²⁶² US Senate, *Journal of The Select Committee*, 163.

When further quizzed whom he had approached, Defrees answered:

“General Kilgore, of our state.”²⁶³

The next day, March 24, 1860, David Kilgore was summoned before the committee. A brief exchange between Kilgore and Mr. Powell of the committee says it all:

“*Question.* That proposition of Mr. Defrees was made to the caucus of the Republicans of the House? *Answer.* Yes, sir; it was made by me. *Question.* Was Mr. Defrees, after that proposition was made, nominated by that caucus as their candidate for printer? *Answer.* Mr. Defrees was, I believe...*Question.* The proposition was never withdrawn by you? *Answer.* I think not. *Question.* They nominated him and voted for him? *Answer.* Yes, sir...a very short time, at least, afterwards, the executive committee [Republican Congressional Executive Committee], as I understand (for I was not at the meeting), by resolution, refused to accept it.”²⁶⁴

Word of the Congressional Printer scandal was quickly picked up by newspapers throughout the country²⁶⁵ - naming names and carrying stories from the time the committee was established in February to publication of the final majority & minority reports in May.²⁶⁶ Although David Kilgore and John Defrees escaped without legal blemish, the impact on Kilgore’s political career may well have been otherwise – potentially contributing to his decision not to seek re-election in 1860 for the 1861-63 term.²⁶⁷

²⁶³ Ibid., 164; Kilgore had been a Brigadier General in the Indiana Militia in 1834.

²⁶⁴ Ibid., 322-323

²⁶⁵ see *New York Herald*, February 9 & March 30, 1860 editions; *Milwaukee Daily Sentinel*, February 24, 1860; *The Daily Citizen & News* (Lowell, MA,) February 24, 1860; *Omaha Nebraskian*, May 26, 1860

²⁶⁶ One of the outcomes of the committee’s discoveries was the eventual creation of the independent Government Printing Office

²⁶⁷ As typical of politicians during this era, Kilgore was always advocating for political allies to bolster his longer-term position. While Kilgore was in his final

It was about this time that Kilgore turned his attention, briefly, to an armament appropriation before the House. He sought to scuttle an appeal by New England interests to increase military manufacturing there, noting:

“Why, sir, we have thousands of arms distributed all over the country that are rusting and cankering for want of use...But, sir, of what avail will it be to arm the militia?...Has not experience shown that troops taken fresh from the plow have done as efficient service as the oldest veterans?”²⁶⁸

His support for the militia, both here and during the 1850 Indiana Constitutional Convention,²⁶⁹ would prove to be helpful as Kilgore subsequently was tapped to work with Indiana’s Civil War governor, Oliver P. Morton [Fig 15].

In spite of the Congressional Printing scandal and Kilgore’s failure to run for re-election, he continued to give rally speeches to various Republican gatherings as a representative from the Republican Congressional Executive Committee – an arm of the Republican Presidential Campaign of 1860.²⁷⁰ And in such venues he continued to espouse the Republican position on the slavery issue. Kilgore made an extensive speech in that regard to a grand rally and mass meeting in the border state of Maryland in early October, 1860. Here, he spoke clearly on the subject:

days in Congress, he fired off a letter to president-elect Abraham Lincoln in Springfield: “I take the liberty of suggesting the name of Hon. Schuyler Colfax as a gentleman ‘worthy and well qualified’ to discharge the duties of Post Office General or any other position...” see David Kilgore letter to Abraham Lincoln, House of Representatives, Washington City, January 20th, 1861. Library of Congress, Manuscript Division, *Abraham Lincoln Papers, Series 1, General Correspondence 1833-1916* (Washington D.C.: American Memory Project [2000-02]), <http://memory.loc.gov/ammem/alhtml/allhome.html> (accessed 2009)

²⁶⁸ Cong. Globe, 36th Cong., 1st Sess. (March 28, 1860), 1418

²⁶⁹ Kilgore had been assigned to the militia committee (among others) during the 1850 Indiana Constitutional Convention.

²⁷⁰ see note 260

“We do not oppose slavery as it at present exists, because we believe it to be a local institution, and we believe that the people of a State have a right to deal with it as they think fit. But we do, as Clay did, oppose the extension of slavery into any territory which is at present free, and we do so for the purpose of ameliorating the condition of the poor white man...We want them to go to the West and select a spot of land for themselves, where they will be able to live comfortably and to live as freemen...I do say that slavery has injured the laboring classes of the white population of this country, and it is on this account that I object to its extension...if the negro does the work as well, and cheaper than you can, will not the men who want work done give them the preference...It is, then because slavery comes in competition with the labor of the white man, that we are opposed to its extension, and not because we have any peculiar reason or desire for having it abolished altogether.”²⁷¹

Later in October Kilgore spoke to a paramilitary arm of the Republicans known as the “Wide Awakes.” They had marched through the streets of Washington reportedly with “lanterns in their hands and revolvers in their pockets.”²⁷² He responded to a voice from the mob charging that the Republicans intended to steal their Negroes:

“We do not want your negroes...I am from Indiana, which has passed a law prohibiting Negroes from hereafter entering her limits. I am equally opposed to the introduction of free Negroes or slaves. Our party is the party of white men.”²⁷³

²⁷¹ “Speech of Hon. David Kilgore,” *The Border State.*, Monday, October 9, 1860, Vol 1, no. 9 (Baltimore: James C Emery & Co.)

²⁷² “The Wide Awakes At Washington,” *Milwaukee Daily Sentinel*, Tuesday morning, October 23, 1860

²⁷³ *Ibid.*

But there was a more sobering and pressing issue before Congress following Abraham Lincoln's [see Fig 18] nomination as Republican Presidential candidate in May 1860 and subsequent election on November 6th. These events brought voice again to the words which Otho Singleton of Mississippi had uttered only months before: "...when the day shall arrive that a Black Republican is elected President of the United States... the days of the Republic are numbered."²⁷⁴ On December 20th South Carolina became the first state to secede. Mississippi followed on January 9th, 1861, then Florida on the 10th, Alabama on the 11th, Georgia on the 19th, Louisiana on the 26th, and Texas on February 1st.²⁷⁵

Against this backdrop, special 'compromise committees' had been appointed in both Houses of Congress in early December 1860.²⁷⁶ The Senate's 'Committee of 13' and the House's 'Committee of 33' considered legislative and constitutional approaches which could hold the union together and/or prevent further secessions. While the Senate committee became bogged down in procedural quicksand, the House committee moved forward quickly. On December 12th, committee chairman Thomas Corwin solicited bills and resolutions from House members on legislative thoughts for tackling this most difficult situation. Twenty-three propositions, spanning a wide variety of topics, were submitted representing input from all four parties which had participated in the recent Presidential campaign.²⁷⁷ David Kilgore was among those making propositions. Clearly his emphasis was on seeking to pacify the South. Kilgore proposed trial

²⁷⁴ US House of Representatives, *Speech of the Hon. Otho R. Singleton of Mississippi*, 12, 15-16

²⁷⁵ The American Civil War (1860-1865) at www.thelatinlibrary.com/chron/civilwar.html

²⁷⁶ John G. Nicolay and John Hay, *Abraham Lincoln: A History*, Volume 2 (New York: The Century Co., 1886,1890), 415-417. The House 'Committee of 33' (so named because there were then 33 States in the Union) was announced on December 6th, with Thomas Corwin of Ohio as chairman.

²⁷⁷ *Ibid.*, 422-424

by jury and writ of error under the Fugitive Slave Act be assured and criminal prosecutions against forcible hindrance or rescue of fugitives be instituted.²⁷⁸

Tensions were clearly running high by the end of January, as Kilgore was present in Maryland at an arranged “duel” between Indiana Republican Representative William Dunn and Arkansas Democrat Albert Rust²⁷⁹ – the result of a verbal exchange on the House floor.²⁸⁰ The situation was diffused, and Rust and Dunn would soon be seen with Kilgore assisting Francis Preston Blair (founding member of the Republican Party and influential politician and journalist) from a carriage during the Washington Peace Conference in February.²⁸¹

In that regard and as a last ditch effort to find a peaceful way to preserve the Union, Kilgore had authored a January letter to newly anointed Indiana Governor Oliver P Morton. In it he pushed Morton to assure Indiana’s participation in a quickly assembling Washington Peace Conference to be held in early February, 1861.²⁸² Former President John Tyler, then a delegate to the Virginia Convention considering secession, had urged Virginia and all other states to convene a Peace Conference²⁸³ before taking any secessionary action. As

²⁷⁸ *Ibid.*, 423

²⁷⁹ *Daily Evening Bulletin*, Cincinnati OH, Monday Morning, February 18, 1861 reporting a Washington dispatch dated January 29th: “The Dunn and Rust duel matters has been satisfactorily arranged. Dunn went to Maryland on Sunday with Cassius M. Clay and Judge Kilgore...A correspondence ensued, and the matter was amicably adjusted.”

²⁸⁰ Joshua E Kastenber, *The Blackstone of Military Law* (Lanham, MD: The Scarecrow Press, 2009), 151

²⁸¹ Virginia Jeans Laas, editor, “‘On the Qui Vive for the Long Letter’: Washington Letters from a Navy Wife, 1861” in *Civil War History* 39, no. 1 (The Kent State University Press, 1983)

²⁸² David Kilgore letter to Oliver P Morton, Washington City, January 25, 1861. Oliver P Morton Collection SC1117, William Smith Library, Indiana Historical Society (Indianapolis), folder 1 of 3

²⁸³ *Report of the Kentucky-Commissioners to the Late Peace Conference held at Washington City, made to the Legislature of Kentucky* (John B Major-Printer:

a result, Virginia agreed to sponsor the quickly assembled Washington Peace Conference. Thomas Corwin, in turn, agreed to hold off a final Congressional vote on his proposed Constitutional Amendment pending final actions of the Conference.²⁸⁴ Kilgore rationalized with Morton:

“I hope, sir, you will not deem my suggestions impertinent as I feel that it is the duty of every man to use his best efforts to bring about harmony at least to a sufficient extent to keep the border slave states from following the bad example of the Cotton States; to do this I would sacrifice every thing save honor, principles and integrity and I hope such is the disposition of the good people of our state.”²⁸⁵

The Conference would prove to be of no avail.

By the end of February, as a result, Corwin brought a sensitively worded draft Resolution to the House floor. The resolution sought a constitutional amendment to protect the ‘domestic institutions’ within a State, “including that of persons held to labor or service by the laws of said State.”²⁸⁶ When brought to a vote the same day, the Corwin Amendment fell just short of the necessary 2/3s majority required for passage. Within minutes of the vote, David Kilgore gained the floor and moved to adjourn and reconsider the vote later.²⁸⁷ This proved to be an astute maneuver, as the next day the Corwin Resolution received the necessary

Frankfort, KY, 1861), 25,

<http://archive.org/stream/reportkentuckyc01kentgoog#page/n0/mode/1up>.

Indiana did send delegates Caleb B Smith, Pleasant A. Hackleman, Godlove S. Orth, E. W. H. Ellis and Thomas C. Slaughter to the conference.

²⁸⁴ Daniel W. Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis*. (Chapel Hill, NC: The University of North Carolina Press, 1989).

²⁸⁵ David Kilgore letter to Oliver P Morton, Washington City, January 25, 1861. Oliver P Morton Collection SC1117, William Smith Library, Indiana Historical Society (Indianapolis), folder 1 of 3

²⁸⁶ A. Christopher Bryant, “Stopping Time: The Pro-Slavery and ‘Irrevocable’ Thirteenth Amendment” in *Harvard Journal of Law & Public Policy* 26, no. 2, p 501 (Spring 2003), 121

²⁸⁷ *Ibid.*

2/3s vote. In renewing his motion to reconsider, Kilgore had spoken briefly. He reminded his colleagues the resolution would not add the words 'slave' or 'slavery' to the Constitution, while refreshing the recollection of his fellow Republicans that they had renounced any intention to interfere with slavery in the South.²⁸⁸ As author Christopher Bryant pointed out:

“Whatever Representative Kilgore did to effect a change in opinion during the intervening twenty-four hours, it worked...Then Kilgore miraculously produced five more votes for the Corwin Resolution itself, which passed with a vote of 133/65 on February 28.”²⁸⁹

Eventually the Corwin Resolution was also passed by the Senate and sent to the states for ratification as the 13th Amendment. However, the proposed Amendment was never ratified during this time. The Civil War eclipsed its consideration.

Less than a week after the House passed the Corwin Resolution, Kilgore's career as a publicly elected official was at an end. But his political career was far from over.

Indiana & Kilgore during the Civil War: 1861-1865

By the time Kilgore left Congress and the inaugural ceremonies for President Lincoln²⁹⁰ in March of 1861, newly appointed Indiana governor Oliver P Morton had already taken firm grip of the political and military affairs of the state.²⁹¹

²⁸⁸ Ibid., 121-122

²⁸⁹ Ibid., 122-123

²⁹⁰ Arrangements for the Inauguration of the President of the United States on the Fourth of March, 1861, program. in author's possession

²⁹¹ William W Woollen, *Biographical and Historical Sketches of Early Indiana* (Ayer Publishing, 1975), 132-133, <http://books.google.com/books?id=PCbZ8rS-84gC>. Morton became Governor January 16th, 1861, two days after taking office as Lieutenant Governor, when (by previous arrangement) then-Governor Henry S Lane was elected US Senator by the Indiana General Assembly. Morton would

Although Morton had been a Democrat for much of his adult life, passage of the Kansas-Nebraska Act in 1854 and resulting effective repeal of the Compromise of 1850 (which had limited slavery's extent in the West) prompted his move to the Know Nothing/American Party the same year. Now Morton finally was aligned with and likely came to know David Kilgore. Like Kilgore, Morton shifted to the Republican Party in 1855-56 after collapse of the Know Nothings. As governor he immediately began to rally Hoosiers for the coming military conflict, ostensibly setting aside partisanship by forming a war-time "Union" Party in Indiana. True to this concept, Morton appointed Democrat and Mexican War veteran Lew Wallace²⁹² to the post of adjutant general responsible for mustering and preparing troops for service.²⁹³ He also appointed Robert Dale Owen [see Fig 21],²⁹⁴ a lifelong Democrat, as Agent of the State responsible for finding and purchasing what amounted to more than 30,000 rifles/arms for Indiana Regiments.²⁹⁵ With initiation of the conflict in April 1861, Morton tendered 12,000 Indiana troops – well beyond the 4,683 Lincoln had requested.²⁹⁶

serve as Governor throughout the Civil War and gain a national reputation as a tough-minded, independent and autocratic advocate for Indiana's protection and welfare during the War. He raised a substantial number of militia regiments by the time the War commenced and was able to quickly provide the Union with substantial military support.

²⁹² "Lew Wallace," Wikipedia, at http://en.wikipedia.org/wiki/Lew_Wallace.

Wallace would later become a Major General during the Civil War, and subsequently penned the historic novel *Ben-Hur: A Tale of the Christ* on which the modern-era movie was based.

²⁹³ A. James Fuller, "Oliver P. Morton and Civil War Politics in Indiana," Indiana Historical Bureau, *Hoosier Voices Now, Core Essays* at <http://www.in.gov/history/3996.htm> (accessed 2012)

²⁹⁴ "Robert Dale Owen," Wikipedia, at

http://en.wikipedia.org/wiki/Robert_Dale_Owen. Owen was a former Congressman, Indiana Constitutional Convention delegate and Presidentially-appointed Minister to the Two Sicilies. His father had founded the utopian community of New Harmony, Indiana, which initiated the first kindergarten in the US.

²⁹⁵ Fuller, *Oliver P. Morton and Civil War Politics in Indiana*.

²⁹⁶ Reifel, *History of Franklin County*, 55

However, as the War began Morton's attention shifted to Indiana's Ohio River border with Kentucky. When Lincoln issued his first call for troops, Kentucky's Governor refused to respond.²⁹⁷ A month later Kentucky's legislature announced a policy of neutrality.²⁹⁸ Even though groups of border-dwelling Kentuckians and Indianans met regularly and agreed to protect each other's rights and property,²⁹⁹ Governor Morton prepared for the worst. He called on the War Department to deliver cannon to protect river towns, sought arms and equipment for a thousand soldiers to patrol the border and then, concerned by a lack of attention from the government, made private contracts for weapons and established "home guards" to take up this duty.³⁰⁰ On his own, Morton sent secret agents to Kentucky to keep a pulse on their plans and aided in the distribution of arms to Kentucky Unionists.³⁰¹

Morton's efforts to control Indiana's participation in the War effort and protect its borders with Kentucky took many forms. No sooner had Kilgore completed his Congressional term than he was on Governor Morton's payroll as an Indiana Washington-based advocate. In May Morton fired off a telegram to Kilgore:

"I wish you to go to the War Department and to the President and tender the six regiments of three months men for three years...Urge their acceptance immediately and instructions to muster into service...Answer by telegraph, Don't delay."³⁰²

The next day, the War Department responded:

²⁹⁷ Kenneth M. Stampp, "Kentucky's Influence Upon Indiana in the Crisis of 1861," *Indiana Magazine of History* 39, no. 3 (September, 1943), 268

²⁹⁸ *Ibid.*

²⁹⁹ *Ibid.*, 269

³⁰⁰ *Ibid.*, 270

³⁰¹ *Ibid.*, 271

³⁰² Oliver P Morton telegram to David Kilgore, 22 May 1861. Morton Telegram Book No. 1, page 48, Indiana State Archives (IUPUI University Library: digital publisher of Governor Morton Telegraph Books at <http://indiamond6.ulib.iupui.edu/Telegraph/> 2006)

“The department cannot accept beyond the quota assigned. This is in reply to your dispatch to Messrs Dunn and Kilgore.”³⁰³

At the same time, Morton was making his own defensive arrangements. On the day he directed Kilgore, Morton was in touch with a Boston arms merchant:

“What kind of guns have you? State price and when they can be delivered.”³⁰⁴

The next day he received a response:

“Flint lock muskets altered to percussion guns now being in hands of troops; cannot name price until collected and examined.”³⁰⁵

In fact, Morton had been so bold as write President Lincoln in August 1861:

“Indiana will soon have 37,000 men in the field, infantry, cavalry and artillery. The last 10,000 I desire to organize into a complete army corps, and command them myself in [as] the Fourth Western Expedition. I intend it to be the most complete volunteer army that ever took the field on the continent.”³⁰⁶

Lincoln declined his offer, indicating Morton’s value as Governor outweighed his battlefield leadership.³⁰⁷ By the end of the War, Morton and Indiana would furnish 129 infantry regiments, 13 cavalry regiments, 3 companies of cavalry, one regiment of heavy artillery and 26 batteries of light artillery totaling 193,748 white men serving in the army, 1,078 serving as sailors and marines, and an additional 1,537 black troops.³⁰⁸

³⁰³ Simon Cameson telegram to Oliver P Morton, May 23, 1861; *Ibid.*, 49

³⁰⁴ Oliver P Morton telegram to Lucius B Marsh, May 22, 1861; *Ibid.*, 48

³⁰⁵ Lucius B Marsh telegram to Oliver P Morton, May 23, 1861; *Ibid.*, 49

³⁰⁶ Oliver P Morton letter to President of the United States, 9 August 1861. Oliver P Morton Collection SC1117, William Smith Library, Indiana Historical Society (Indianapolis), folder 1 of 3

³⁰⁷ Thornbrough, *Indiana in the Civil War Era 1850-1880*, 131.

³⁰⁸ *Ibid.*, 142

Kentucky's initial neutrality was short-lived. In September 1861 Confederates took Columbus and Bowling Green and Union General Ulysses Grant countered with the occupation of Paducah.³⁰⁹ Morton moved quickly on several fronts to assure the protection of Indiana's border with Kentucky. He traveled to Washington to press his case for additional troops.³¹⁰ Following his return, on November 15th Morton telegraphed Kilgore:

"Urge the withdrawal of Reynolds' Brigade from Western Virginia. It has suffered terribly. Reynolds is a Kentuckian and wants to go there...Press this matter by all means; don't give it up but repeat it from day to day. It is right and necessary."³¹¹

Several days later, Kilgore responded:

"The Indiana and Six Ohio Regiments ordered to Kentucky. McClellan says that is our share in proportion to the number as compared with Ohio. The two regiments longest in service were ordered without designating them."³¹²

Pushing his authority to its limit, Morton was also seeking to better arm both the returning troops as well as his volunteer Indiana-based 'home guard' when he further pinged Kilgore:

"I was promised when in Washington 2500 sabers, 1000 pistols, 1500 carbines and promised them here. Bridgland's [?] cavalry 1200 are waiting for arms. They are needed in KY and I am in an awkward position about it. Do have them sent at once by express and get somebody to come along with them...See the Pres[ident] about the 3 gunboats...I want the 3 that

³⁰⁹ Stampp, *Kentucky's Influence Upon Indiana*, 272.

³¹⁰ *Ibid.*, 275

³¹¹ Oliver P Morton telegram to David Kilgore, November 15, 1861. Morton Telegram Book No. 2, page 187. Indiana State Archives (IUPUI University Library: digital publisher of Governor Morton Telegraph Books at <http://indiamond6.ulib.iupui.edu/Telegraph/> 2006).

³¹² David Kilgore telegram to Oliver P Morton, November 18, 1861. *Ibid.*, 188.

were built in Cincinnati. The [\$]200,000 has not yet been sent to our QuarterMaster as agreed.”³¹³

The same day Kilgore responded:

“Major Hagner [?] of the Ordnance Department NY was ordered on the 14th inst. to forward 2500 sabers, 1000 revolving pistols, 1500 carbines, 600 artillery sabers, 1700 sergeant’s swords and 800 musician’s swords. Capt. Crissom [?] of Bellain’s [?] was on the 7th inst. ordered to Inpls [Indianapolis] to examine arsenal with instructions to call on you for information. A draft on NY for 200,000 dollars was forwarded to Capt. J. A. Elkin on the 13th. The gunboats cannot be had from the present supply. The three (3) referred to are in use. New ones may be ready by the time the telegraph line is finished.”³¹⁴

Caleb B Smith, Secretary of the Interior and Indiana’s only representative on Abraham Lincoln’s cabinet, had also been petitioned by Morton to use his influence on Lincoln.³¹⁵ However Smith’s wife Elizabeth would pull him in another direction during the Fall of 1861. The 19th Indiana Volunteer Infantry Regiment, which included Kilgore’s son Lt. James L Kilgore (Company A),³¹⁶ had

³¹³ Oliver P Morton telegram to David Kilgore, November 18, 1861. Ibid., 193.

³¹⁴ David Kilgore telegram to Oliver P Morton, November 18, 1861. Ibid., 194.

³¹⁵ Oliver P Morton telegram to Caleb B Smith, November 14, 1861. Ibid., 187.

³¹⁶ Alan D Gaff, *On Many A Bloody Field: Four Years in the Iron Brigade* (Bloomington, IN: Indiana University Press, 1996), 65. Kilgore was subsequently discharged on October 11th for “domestic considerations.” (page 88). Gaff inferred the use of this discharge language (also used with three other officers) was a convenient way to rid the regiment of unqualified officers. While that may have been so, Kilgore’s discharge was more likely tied to his medical condition. During an interview of David Kilgore descendents on November 20, 1926, grandson Byron Kilgore recounted an oral history about James L. Kilgore: “...son James was in the Civil War & died of typhoid fever in a hospital in KY while in the service, think single & David, though a busy M.C. [Member of Congress] went to his bedside and had him buried.” see *Josiah V Thompson Journals*, Volume 19 (Western Pennsylvania Historical Society, Pittsburgh, PA), 413.

been raised at Indianapolis on July 29th. Destined to become a part of the famed “Iron Brigade”³¹⁷, it had arrived in Washington DC by August 8th and set up camp at Kalorama Heights near today’s Georgetown. During September dysentery and typhoid fever raged in the camp. When the 19th marched off across the Chain Bridge on September 3rd, 103 sick men were left behind at Kalorama. Elizabeth Smith witnessed the deplorable situation of these men during a Camp visit on September 4th and immediately rallied her husband to arrange care for their Hoosier compatriots.³¹⁸ Smith gathered all Indiana clerks working in the Department of the Interior into the so-called “Department of Indiana” which set about rectifying the situation.³¹⁹ Within days, 28 soldiers were transported to the Georgetown Seminary and 62 to a large hall of the US Patent

Although portions of this recounting are inaccurate (David Kilgore had left Congress in March, 1861; James L Kilgore was married with children and died of ‘chronic diarrhea’ (see Indiana State Digital Archives, Military Records, Civil War, James L Kilgore at <http://www.indianadigitalarchives.org/ViewRecord.aspx?RID=B8A7D41813C06E7AE5E05DAF39AAF00C>) while a private in the 36th Indiana Infantry in Chattanooga TN on August 5, 1864: see *Report of the Adjutant General of the State of Indiana, Volume V - 1861-1865*, 36th Regiment, Company K (Indianapolis 1866). The mention of ‘typhoid fever’ is consistent with the disease which ravaged the 19th Indiana Infantry in the fall of 1861, as was David Kilgore’s proximate location to James L. Kilgore and the 19th Indiana Infantry. Further, Gaff reported James L Kilgore re-enlisted as a private in Company A of the 19th Indiana on February 1, 1862 but was finally discharged on April 23, 1862 after a serious attack of “rheumatism” (page 88). It is possible “rheumatism” as used at that time covered a wider variety of symptoms which may have included some of those observed or confused with typhoid fever.

³¹⁷ The brigade was noted for its strong discipline, its unique uniform appearance, and its tenacious fighting ability. Proportionately, they suffered the most casualties of any brigade in the Civil War.

³¹⁸ Gaff, *On Many A Bloody Field*, 63

³¹⁹ *Ibid.*

Office³²⁰ which had been made ready their care: with mattresses, sheets, food as well as nurses and medical care.³²¹

Robert Dale Owen and David Kilgore were also in Washington on behalf of Indiana and Governor Morton during this time, and both became engaged in supporting what became known as the “Indiana Hospital.” At Owen’s behest Morton sent \$439 from his Military Contingent Fund to help address the situation.³²² Kilgore contributed his time and money, communicated with the parents of ill soldiers³²³ and became an ever-present and uplifting influence at the hospital. As noted by author Alan Gaff in *On Many A Bloody Field*:

“From the very first day, Judge Kilgore had been a regular visitor to the sick, spending his private funds every day on chickens, soups, and broths. One convalescent happily remembered his efforts, writing ‘Not a day passes that his portly person and smiling countenance is not seen among the sick, cheering them and strengthening them at the same time, with his never-to-be-forgotten bucket of chicken soup.’ One observer declared that Kilgore’s devotion deserved ‘infinite praise,’ while another man wrote hopefully, ‘Such a true friend to the afflicted will not, I trust, go unrewarded by the people of Indiana.’”³²⁴

The growing capabilities and Hoosier-centric attitude of the Indiana Hospital staff prompted invitations to the 1st Indiana Cavalry, and 16th and 27th Indiana Infantry units to send their sick there as well.³²⁵ And while aid societies in

³²⁰ Ibid., 64, 65. Hoosier David P. Holloway, from Richmond, Indiana, was then the US Commissioner of Patents and made arrangements with Smith to utilize the unfinished top story of the Patent office as the hospital.

³²¹ Ibid., 63

³²² Ibid., 65

³²³ Ibid., 70-71

³²⁴ Ibid., 79

³²⁵ Ibid., 77

Indiana sent contributions to Governor Morton, they often failed to reach their intended destination.

“The Indiana hospital here, has therefore had to depend almost wholly on its eastern friends and a few personal friends of Secretary Smith who have made him their almoner in this good work. Judge Kilgore has also been a generous benefactor of the sick Indiana soldiers, and has used his personal influence, as well as money, to ameliorate the condition of his fellow statesmen in the service.”³²⁶

Soldiers from other state regiments soon filled available beds as well, and by year-end the hospital became known as the United States Hospital at the Patent Office.³²⁷

Kilgore remained otherwise politically active while in Washington during 1861, penning a letter to General Leslie Combs of Kentucky on June 5th in which he wrote at length to pre-empt Kentucky’s lingering thoughts about seceding from the Union:

“Many good and true men who have freely denounced the cession movement as an outrage...have destroyed the force of their denunciations by accompanying them with a declaration of hostility and opposition to any coercive measures upon the part of the Government to prevent it...I am proud, indeed, of the wisdom manifested by the noble and patriotic people of my native State in not allowing themselves to be led by this secession ignis fatuus or forced by the executive power or influence of their Governor and ex-Vice-President into the inextricable difficulties with which the people of Virginia now find themselves surrounded.”³²⁸

³²⁶ *Daily Cleveland Herald*, Saturday Evening, December 14, 1861.

³²⁷ Gaff, *On Many A Bloody Field*, 78

³²⁸ “David Kilgore letter to Gen. Leslie Combs, Washington, 5 June 1861,” *New York Times*, July 14, 1861. Available as a reprint at www.nytreprints.com

He also co-signed a letter to President Lincoln, dated November 1, 1861 recommending Lincoln establish a military district in Kansas covering Kansas, Arkansas and the Indian Country to assure the peace.³²⁹

Based on his multi-faceted Washington activities Kilgore had developed a decided opinion regarding Lincoln's military chief, General McClellan by the time he returned to Indiana in December, 1861. As reported by Calvin Fletcher (prominent civic and business leader of Indianapolis) in his diary of December 10, 1861:

"I saw Genl. Kilgore Ex member of Congress; just from Washington. He says Genl. McClellan is a modest man, feels he has a reputation as general he never earned & is very 'fraid to move."³³⁰

Later the following Spring, after another Kilgore trip to Washington in February 1862³³¹, Fletcher noted Kilgore's more critical view of those surrounding Lincoln:

"Col. (sic) [David] Kilgore ex member of Congress who has been emploid (sic) by the government last year to visit certain points, has been at Washington & was one of the first to visit Manassas after the evacuation of troops. He thinks Mrs. Lincoln a corrupt woman who controles (sic) her husband. He esteems Seward a drunkard & coward. He beliefs (sic) Genl. McClelland (sic) a pretender & unfitted for the position he has occupied; that he might have driven the army of the Potomac in December or

³²⁹ Benjamin F Wade, Zachariah Chandler, David Kilgore letter to Hon Abraham Lincoln, Washington, 1 November 1861. Robert Todd Lincoln Collection of Abraham Lincoln Papers, Library of Congress, Washington D.C.

³³⁰ Gayle Thornbrough, Dorothy L. Riker & Paula Corpuz (editors), *The Diary of Calvin Fletcher, Volume 7, 1861-1862* (Indianapolis: Indiana Historical Society, 1980), 256

³³¹ David Kilgore telegram to Oliver P Morton, 24 February 1862. Morton Telegram Book No. 3, 57. Indiana State Archives (IUPUI University Library: digital publisher of Governor Morton Telegraph Books at <http://indiamond6.ulib.iupui.edu/Telegraph/> 2006). Kilgore wired Morton from Washington recommending the recommissioning of Capt Wilson of the 19th Indiana Regiment.

January; that he was too stupid or too corrupt to make recognizences (sic) to ascertain the strength of the enemy & thereby was deceived as to the wooden canon. He speaks discouragingly of the conclusion of the war as we hoped this spring."³³²

Kilgore had returned home, in part,³³³ to take the pulse of his friends regarding a potential run for Congress against the abolitionist and Radical Republican, George W Julian, who had taken his seat in 1861. In April 1862 Kilgore brainstormed with friends about how he might win the election:

"...we cannot beat Julian by going into a convention. I know enough about this district to know that the man that beats him has got to do it by running as an independent union candidate and must be able to carry at least a majority of the democratic votes of the district. I never would have thought of being a candidate against Julian at this time had I not been assured by leading democrats in every portion of the district that in case I would consent to run (not as a nominee) that they would not run a candidate, but would cheerfully support me in order to defeat Julian."³³⁴

Within days of his elevation to Governor, it will be recalled, Oliver P Morton had called for politicians to set aside political divisiveness and rally under the local "Union" party banner during the course of the Civil War.³³⁵ As such the new party would be sprinkled with Democrats as well as Republicans. George Julian already felt Morton held a weak/equivocal anti-slavery position which would be further diluted under the all-inclusive Union party label. As a result Julian

³³² Gayle Thornbrough, *The Diary of Calvin Fletcher, Volume 7, 1861-1862*, 388-389. Fletcher's entry was dated April 2, 1862.

³³³ Jay, *History of Jay County Indiana* 1, 125. Kilgore's legal practice also required his presence in Indiana, as he would serve as defense council in March, 1862 in the alleged robbery of \$4,600 from the Jay County Treasury.

³³⁴ David Kilgore letter to Chester Meeker, 6 April 1862, Delaware County Archives, Chronological File, Ball State University, Muncie IN.

³³⁵ Fuller, *Oliver P. Morton and Civil War Politics in Indiana*.

continued to run as a Republican though unenthusiastically connected to the local "Union" party. He had fundamentally become an Indiana Republican outcast for his radical abolitionist views - never endorsed, up to that time, by the state-level Republican Party.

The Morton-devised 'Union' Party concept both undermined Julian's candidacy and gave Kilgore an opening. Kilgore could run as a bi-partisan 'Union' candidate in deference to Morton's call,³³⁶ circumventing traditional Republican mores without truly abandoning the Republican Party. In this way he could naturally expect support of Democrats as well as Republicans - and had apparently lined up several Democrats to do so.

Prompted by this situation, Kilgore announced his candidacy in May of 1862. Alluding to a necessary sense of 'Union', Kilgore deftly crafted his nominating letter to the editor of the Muncie Times:

"...I have concluded to become a candidate and ask the people of the district irrespective of party to hear me before they enter into judgment...Let me say in conclusion that I feel that at a time like this, it is the duty of every true patriot to forget old party differences and prejudices and to stand united in defense of our constitution as it is and for the maintenance of our union as it was before the commencement of the present wicked rebellion..."³³⁷

Meanwhile Morton and others were advocating for a single, easier to control, 'Union' nominating convention to be held in September 1862 - instead of the

³³⁶ Ronald Townsend, *Project #2 Letter from D. Kilgore to C. Meeker*, Government Class Paper in Kilgore Family File, Archives & Special Collections, Bracken Library, Ball State University, Muncie, IN, 8

³³⁷ David Kilgore letter to Editor of the Times, 21 May 1862, in Kilgore Family File, Archives & Special Collections, Bracken Library, Ball State University, Muncie, IN.

district-level primary nominating/election format which had led to Julian's success in 1860. While Julian resisted the state primary convention concept, loyal supporters in several counties orchestrated local summer conventions in which Julian received their endorsement: in abolitionist-oriented, Quaker dominated Wayne and Henry counties in particular. By August it had become clear that in spite of Kilgore's clever political maneuvers, Julian had already lined up enough district support to assure a primary victory.³³⁸ Kilgore saw the handwriting on the wall and withdrew from the race on August 7th.³³⁹

None-the-less, Kilgore had attempted to maintain a political presence following his departure from Congress. He was proposed to President Lincoln as a judicial appointee by Indiana Congressman³⁴⁰ Albert G. Porter in March of 1862,³⁴¹ made himself known as interested in a vacant Indiana District Court judgeship in the fall of 1862,³⁴² and continued to work with Governor Oliver P Morton gathering soldier recruits in Delaware County,³⁴³ raising state funding from Muncie bankers,³⁴⁴ and advising Morton on funding the State government following the

³³⁸ Townsend, *Project #2*, 8-9, citing Riddleberger, *George Washington Julian, Radical Republican*, 173

³³⁹ Townsend, *Project #2*, 15, citing *New Castle Courier*, 7 August 1862.

³⁴⁰ and later Indiana Republican Governor between 1881-1885

³⁴¹ A.G. Porter letter to The President, Washington, 7 March 1862. in author's possession.

³⁴² Caleb B Smith letter to President Abraham Lincoln, Washington, 12 November 1862. Smith, then Secretary of the Interior but in failing health, mentions Kilgore as an applicant for the judgeship while urging his own appointment – which he subsequently received.

³⁴³ Oliver P Morton telegram to David Kilgore, 14 July 1862. David Kilgore telegram to Oliver P Morton, 14 July 1862. Morton Telegram Book, no. 4. Indiana State Archives (IUPUI University Library: digital publisher of Governor Morton Telegraph Books at <http://indiamond6.ulib.iupui.edu/Telegraph/> 2006)

³⁴⁴ D Kilgore (for Govr Morton) to J. W. Benson, Bank Muncie, 19 August 1862. Morton Telegram Book No. 7. Indiana State Archives (IUPUI University Library: digital publisher of Governor Morton Telegraph Books at <http://indiamond6.ulib.iupui.edu/Telegraph/> 2006). The telegram requested Muncie Bank's president to provide financing for the state.

Democratically-controlled legislature's failure to pass requisite appropriations in 1863,³⁴⁵ while occasionally weighing in on Constitutional questions.³⁴⁶

In some respects Kilgore could live his political career vicariously through his eldest son, Alfred, a lawyer who served as a captain in the 36th Indiana Infantry between September 1861 and May 1862,³⁴⁷ and was then elected to the Indiana House of Representatives - serving between 1863 and 1867.³⁴⁸ Alfred would follow in his father's political footsteps until Alfred's untimely death in August of 1871.³⁴⁹

But David Kilgore continued to insert himself into the political process in his own right. In early 1864 he wrote President Lincoln about a growing political

³⁴⁵ Gayle Thornbrough & Paula Corpuz (editors), *The Diary of Calvin Fletcher*, Volume VIII 1863-1864 (Indianapolis: Indiana Historical Society, 1981), 153-154.

³⁴⁶ such as: "Has the United States government power, under the Constitution, to levy a tax upon banks incorporated by a State?" which Kilgore addressed in a March 19, 1863 letter to the Commissioner of Internal Revenue. *see* George S. Boutwell, *A Manual of the Direct and Excise Tax System of the United States* (Boston: Little, Brown & Co, 1863), 224 (Correspondence)

³⁴⁷ several of Kilgore's other sons served in the Union Army during the Civil War, including George W (Corporal, 30th Indiana Infantry, Company H, Dec 17, 1863 - Nov 25, 1865), Tecumseh (Hospital Steward, 84th Indiana Infantry, Company B, Aug 7, 1862 - Nov 15, 1863; Surgeon, 13th Indiana Cavalry/131st Indiana Infantry, Apr 19, 1864 - Nov 18, 1865), David Jr. (Musician, 8th Indiana Infantry, Company E, Apr 22, 1861 - Aug 6, 1861; Captain, 140th Indiana Infantry, Oct 8, 1864 - Mar 4, 1865), and James L (First Lieutenant, 19th Indiana Infantry, Company A, Jul 29, 1861 - Oct 11, 1861; Private, 19th Indiana Infantry, Company A, Feb 1, 1862 - Apr 23, 1862; Private, 36th Indiana Infantry, Company K, Jan 1, 1864 - Aug 5, 1864 [died of chronic diarrhea in Chattanooga, TN; buried in Chattanooga National Cemetery])

³⁴⁸ Kemper, *History of Delaware County*, 530

³⁴⁹ Like his father, Alfred had become a Mason (in July, 1857), supported and participated in conventions for President Andrew Johnson in 1866 and shifted support to and campaigned for Republican presidential candidate Grant in 1868. Alfred also served as US Attorney for Indiana (appointed 1866 and serving until May, 1869). He maintained a lucrative legal practice.

opposition movement,³⁵⁰ and by June was orchestrating a private meeting with Lincoln preceding the National Union Convention in Baltimore – one of two “Republican” factional conventions held that year.³⁵¹ On June 7th Kilgore introduced Ft. Wayne Republican delegate Isaac Jenkinson to Lincoln at the White House.³⁵² The conversation was both lighthearted and serious, as Jenkinson later recalled:

“We sat and talked with the president for an hour and he and Judge Kilgore told story after story³⁵³...while the President, in answer to the direct question, frankly said he desired his own nomination, he utterly refused to indicate any preference for the vice-presidency.”³⁵⁴

Although uncertainty remains as to Lincoln’s involvement in the eventual nomination of Andrew Johnson [see Fig 16] as his running mate, Johnson’s strong political track record in Tennessee and outspoken stance for “Union” made him a very attractive potential candidate. Most importantly, he was the only Southern Senator who would not relinquish his seat when Tennessee seceded from the Union. At the same time, Johnson’s life-long career as a

³⁵⁰ David Kilgore letter (private) to Hon Abraham Lincoln, President, Yorktown, IN, 1 February 1864. Kilgore mentions Mr. John Willson of Chicago as heading an opposition numbering over 150,000 organized in 23 states

³⁵¹ “Get Out the Vote! Campaigning for the US Presidency” digital exhibition (2004) in *1864: The Civil War Election*, Cornell University Library, Division of Rare & Manuscript Collections web site at

<http://rmc.library.cornell.edu/vote/1864/index.html>. The National Union faction of the Republican Party was formed to attract so-called ‘War Democrats’ who would not have otherwise voted for a Republican. True to form, the National Union Party would place Andrew Johnson, a War Democrat from Tennessee, on the ticket with Republican Lincoln. Radical Republicans who deemed Lincoln incompetent and desired a stronger stand against slavery held their own convention in Cleveland under the banner “Radical Democracy Party” and nominated John Fremont as their candidate.

³⁵² “Caught Lincoln Smiling at Joke – Ft Wayne Man Recalls His Only Meeting with the President,” *Fort Wayne Daily News*, 14 February 1906.

³⁵³ Ibid.

³⁵⁴ Charles Eugene Hamlin, *The Life and Times of Hannibal Hamlin* (Cambridge, MA, 1899), 597

Democrat played well to the National Union Party theme.³⁵⁵ David Kilgore's political life would soon become intertwined with Andrew Johnson's.

Kilgore reemerged on the public political scene in the fall of 1864 when he was a featured speaker at Indiana's "Union" party mass meeting in Indianapolis.³⁵⁶ He echoed Governor Morton's "Union" mantra:

"...there were [are] but two parties - patriots and traitors. They say Mr. Lincoln is a tyrant - ...that he arbitrarily arrests free American citizens. Men have been arrested - and for what? For open treason. Under any other Government in God's world, they would not only have been arrested, but hung."³⁵⁷

Then, consistent with his observations to Calvin Fletcher in early 1862, Kilgore was critical of Lincoln's Democratic presidential opponent General Robert McClellan as

"...lacking ability and energy to conduct a campaign to a successful issue. General McClellan did not then see things as they were, and does not now see things as they are."³⁵⁸

³⁵⁵ James L. Sledge III, "Andrew Johnson (1808-1875)," in *Encyclopedia of the American Civil War: a Political, Social, and Military History*, David S. Heidler and Jeanne T Heidler, editors (New York: W. W. Norton & Co., 2000); Hans L. Trefousse, *Andrew Johnson: A Biography* (New York: W. W. Norton & Co, 1989), 176-180. Johnson had been elected to the US House five times (1843-53), served as Tennessee Governor and then as US Senator. Trefousse indicates "What few contemporary pieces of evidence can be found seem to indicate that Lincoln was indeed interested in strengthening the ticket by the addition of a War Democrat...the president apparently mentioned his preference for the governor not only to McClure and Cameron, but also to others...If firm contemporary substantiation is lacking, circumstantial evidence would generally seem to bear out McClure's account."

³⁵⁶ "The Grand Union Mass Meeting," *Daily Journal*, Indianapolis, Friday, October 7, 1864. Lincoln Financial Foundation Collection, Tributes Volume K at <http://archive.org/details/tributestoabrahaklinc> (accessed 2012)

³⁵⁷ Ibid.

³⁵⁸ Ibid.

No sooner had Kilgore restarted his mainline political career than he began to undermine it. Kilgore had made clear and supportive allusions to the pending Milligan case during his October 1864 speech – which was definitely consistent with the mood and opinion of Indiana citizens.³⁵⁹ He drew a clear line between patriot and traitor, spoke specifically about the Order of the Sons of Liberty (of which Milligan was a member) and defended Lincoln’s broad executive powers to arrest US citizens suspected of treason. In a similar and characteristic way, Governor Oliver Morton had refused to relinquish military control to the US government for Indiana’s welfare. Morton had established a close liaison with Indiana’s Military District Commander, Colonel Henry B. Carrington, and subsequently orchestrated his promotion to Brigadier General.³⁶⁰ Doing Morton’s bidding, Carrington had used covert agents to uncover an alleged plot to subvert the US Government by members of the Confederate-oriented Order of the Sons

³⁵⁹ Elisheva R Coleman, *Call it Peace or Call it Treason: The Milligan Case and the Meaning of Loyalty in the Civil War*, Bachelor of Arts in History Thesis, Princeton University, 2005 at http://web.princeton.edu/sites/jmadison/awards/2005-coleman_thesis.pdf. During the first week of October, 1864, Huntington, IN lawyer Lambdin P Milligan and five others had been arrested for treason under the auspices of Military District of Indiana and brought before a military tribunal in Indianapolis on October 21st. General Alvin P Hovey, Commander of the Indiana Military District, working closely with Indiana Governor Oliver P Morton, had authorized the arrests. President Lincoln had suspended the writ of habeas corpus in 1861 (expanding it to the entire Union 18 months later) which thereby authorized the military to arrest civilians and confine them indefinitely. Milligan, an alleged member of the Order of the Sons of Liberty (a secret society supporting the Confederacy) had been painted as part of an 1863 conspiracy to subvert the Government and defeat the Union. While convicted of treason along with others and sentenced to hang in May of 1865, Milligan’s sentence was commuted by President Johnson and Milligan’s legal appeal to the US Supreme Court ultimately resulted in his exoneration and release in 1866. This case has been seen as a seminal Supreme Court case on the issue of civilian access to civil instead of military courts – cited most recently in addressing the authority of military tribunals to try Guantanamo terrorist detainees.

³⁶⁰ *Ibid.*, 18

of Liberty.³⁶¹ The arrest of Order member Milligan and others by Carrington's successor Alvin P Hovey, proved to be a popular step.

None-the-less, on January 5, 1865 Kilgore made an about face and petitioned Morton to seek the commutation of death sentences imposed upon Milligan and two other defendant³⁶², indicating:

"I start this evening for Washington. I ask your Excellency to forward to me at that place a letter to the President asking for the commutation of the punishment of Bowles, Milligan and Horsey. Did I not believe it both right, and politic I would not make the request. I do, and therefore, I appeal to your magnanimity and mercy."³⁶³

Kilgore's efforts were soon picked up by the press, which characterized him as "...engaged in a very poor business."³⁶⁴ Even so, Kilgore's appeal to Morton was among the first of a string of such letters to both him and President Andrew Johnson by various political and civic figures. Included in these appeals were letters from the very justices who had forced the Milligan case to the Supreme Court: Judges David Davis and David McDonald.³⁶⁵ Ultimately, Morton also reversed his position and urged President Johnson to commute the Milligan defendants' death sentences. As Judge McDonald reflected in his journal:

³⁶¹ Ibid., 29

³⁶² Ibid., 20. Coleman characterized Kilgore as "a friend of Milligan's" which was clearly Kilgore's rationale for his change of heart. While a direct connection has not been documented, Kilgore and Milligan were both lawyers in Eastern Indiana, had been Republicans, and had been actively involved in railroad business: Kilgore with the Indianapolis & Bellefontaine where he was a director, and Milligan with work to establish The Lake Erie, Wabash and St Louis Railroad. see Frank Sumner Bash, editor, *History of Huntington County, Indiana Volume I* (Chicago: The Lewis Publishing Company, 1914), 223-225.

³⁶³ David Kilgore letter to Oliver P Morton, 5 January 1865

³⁶⁴ "The News Briefly Stated," *Putnam Republican Banner* 13, no.5, Greencastle, IN, Thursday, February 2, 1865. DePauw University Digital Library, Greencastle, IN <http://digital.library.depauw.edu/cdm4/document.php?CISOROOT=/putnam&CISOPTR=3599&REC=16>.

³⁶⁵ Coleman, *Call it Peace or Call it Treason*, 90

“The truth, I learn, is that Gov. Morton has become alarmed, justly fears the consequence of the execution of these bad men [and therefore] last night telegraphed President Johnson earnestly begging a delay of the execution.”³⁶⁶

Kilgore’s changing position on the touchy Milligan matter foreshadowed his similar independence when it came to supporting Abraham Lincoln’s successor: Andrew Johnson. It was a fitting tribute, however, to both Abraham Lincoln and David Kilgore, that Kilgore would figure prominently in Indiana’s solemn procession honoring Lincoln when his funeral train traveled through the state on April 30th, 1865. Although it had been four years since he had held elective office, Kilgore was among the Indiana dignitaries which boarded the train when it arrived in Union City, IN to make its way to Indianapolis.³⁶⁷ Later, in a procession scheduled to carry Lincoln’s coffin around the city, Kilgore was the left front-most honorary pallbearer flanking Lincoln’s funeral car.³⁶⁸ It was, for the United States, Indiana and David Kilgore, the end of an epoch.

Reconstruction of the Union 1865-1872: Kilgore and Presidents Johnson & Grant

As author Glenna Schroeder-Lein characterized Andrew Johnson’s ascendancy to the White House:

“...he appeared to be all things to all people. To more radical elements in the Republican Party, his anti-secession stance, experience as military governor of Tennessee, and apparent openness to black suffrage suggested that he might deal harshly with former rebels. But Northern and Southern conservatives, including former Confederates, Northern

³⁶⁶ *Ibid.*, 92

³⁶⁷ “Funeral Cortège from the State Line to Indianapolis,” *The Indianapolis Daily Journal*, 30 April 1865. In author’s possession.

³⁶⁸ “Decorations of the City,” *The Indianapolis Daily Journal*, 30 April 1865. In author’s possession.

Peace Democrats and Copperheads,³⁶⁹ and even conservative Republicans saw Johnson differently. He was, after all, not a Republican, but a Democrat who had been elected vice president on the Union (not Republican) Party platform. A Southerner, former slaveholder, fiscal conservative, and states' rights supporter in the Jacksonian tradition, Johnson might be amenable to a new coalition."³⁷⁰

In May, 1865 Johnson signed a proclamation excluding blacks from voting in the restoration process, then selected former Unionists as provisional governors indicating his moderate approach to Reconstruction,³⁷¹ hinted that suffrage was a states rights issue, restricted the confiscation of former Confederates' property and removed black troops from the Southern States.³⁷² As a result, Southern States controlled their elections in 1865, when former Confederate leaders were elected to Congress – but not seated. Radical Republican³⁷³ leadership in Congress prevented them from assuming their elective seats.

³⁶⁹ . "Copperhead (politics)," *Wikipedia*, at:

[http://en.wikipedia.org/wiki/Copperhead_\(politics\)](http://en.wikipedia.org/wiki/Copperhead_(politics)). A "Copperhead" was from the more extreme wing of Northern Peace Democrat who opposed the Civil War and wanted an immediate peace settlement with the Confederates

³⁷⁰ Glenna Schroeder-Lein and Richard Zuczek, *Andrew Johnson: a Biographical Companion* (Santa Barbara, CA: ABC-CLIO, Inc., 2001), 58

³⁷¹ "Reconstruction Era of the United States," *Wikipedia* at:

http://en.wikipedia.org/wiki/Reconstruction_Era_of_the_United_States.

"Reconstruction" refers to the rebuilding of the society and structure of Southern States following the Civil War. President Lincoln and successor President Johnson took a moderate position designed to bring the South back to normal as soon as possible. The moderates were overridden by Radical Republicans who prevailed in the Congressional election in 1866, removed ex-Confederates from power, enfranchised former slaves/Freedmen and set up a free labor economy in the states – supported by the Army.

³⁷² *Ibid.*, 59

³⁷³ "Radical Republican," *Wikipedia*, at:

http://en.wikipedia.org/wiki/Radical_Republicans. Radicals strongly opposed slavery during the war. After the war they distrusted ex-Confederates, demanding harsh policies for dealing with former rebels (limiting political and voting rights), and emphasizing civil rights and voting rights for Freedmen/former slaves.

Johnson's veto of an enhanced Freedmen's Bureau Bill³⁷⁴ on February 19, 1866 and again on July 16th (which was overridden by Congress) as well as his veto of a first Civil Rights bill on March 27, 1866 and opposition to the Fourteenth Amendment granting citizenship to former slaves brought a new sense of reality as to Johnson's ulterior intentions. In vetoing the Civil Rights bill, Johnson even broke with his to-then supportive moderate Republicans.³⁷⁵ On June 11, the day Congress passed the Fourteenth Amendment, Johnson agreed to a 'new' National Union party convention of those opposed to the Radical Republican's Congressional Reconstruction approach.³⁷⁶ The date was set for August 14th in Philadelphia. Its ostensible purpose: to uphold states' rights against the 'usurpation and centralization of power in Congress.'³⁷⁷ In reality, Johnson hoped a coalition of Democrats and conservative Republicans could win control of Congress in the 1866 elections or at least garner enough votes to sustain his veto power.³⁷⁸ Then, on July 12th, the Republican Congressional Caucus passed a resolution effectively ousting any Republican who took part in the convention.³⁷⁹

³⁷⁴"The Freedmen's Bureau," *Wikipedia* at:

http://en.wikipedia.org/wiki/Freedmen's_Bureau. The Freedman's Bureau had been created under the Lincoln administration on March 3, 1865 in order to aid former slaves by providing food and housing, oversight, education, health care, and employment contracts with private landowners. It was originally intended to last only one year from the end of the Civil War. President Johnson vetoed a bill to increase the power and extent of the Bureau. So-called Radical Republicans (those favoring immediate and extensive freedom for the slave population) had supported the bill.

³⁷⁵ Schroeder-Lein, *Andrew Johnson: a Biographical Companion*, 59

³⁷⁶ Robert C. Kennedy, *Complete HarpWeek Explanation*, Cartoon of the Day: 'The Tearful Convention,' originally published September 29, 1866, at HarpWeek web site:

<http://www.loc.harpweek.com/09Cartoon/BrowseByDateCartoon.asp?Month=September&Date=29>.

³⁷⁷ Ibid.

³⁷⁸ Ibid.. Johnson was not up for re-election in 1866, as he was filling out the unserved portion of Abraham Lincoln's term until 1869.

³⁷⁹ Ibid.

Broadly speaking, many of Johnson's policies and underlying motives lined up with David Kilgore's longstanding political positions. While Radical Republican elements sought guarantees that former slaves would receive decent treatment, Johnson's real goal, consistent with Kilgore's stated views, was the assumption of power by common whites in the South.³⁸⁰ Reminiscent of the Whig, People and National Union parties' emphasis on "union," Johnson like Kilgore also embraced a prompt return of Southern states to the Union once disloyal elements had been removed. By as early as February 22, 1866, Kilgore's support for Andrew Johnson was made clear at the State Republican Convention in Indianapolis.³⁸¹ When it looked as if a resolution supporting the President might be voted down, Kilgore went so far as to call on friends of the President to rally and leave the Convention if Johnson was not endorsed.³⁸²

Kilgore's expressed support of Johnson's moderate Reconstruction policy even led to calls by Johnson supporters and Copperheads for him to run to regain his old Congressional District seat – then occupied by his three-term Radical Republican nemesis George Julian.³⁸³ While Kilgore did not pursue the nomination, he did serve on the Business Committee of the Indiana State Conservative Convention (i.e., the Johnson convention) when it met on July 19th – where he was nominated as a delegate at large to the forthcoming National

³⁸⁰ Sledge, *Andrew Johnson (1808-1875)*.

³⁸¹ Gayle Thornbrough & Paula Corpuz, *The Diary of Calvin Fletcher, Volume IX, 1865-1866* (Indianapolis: Indiana Historical Society, 1983), 225

³⁸² "Atlantic Correspondence – Letter from St. Louis, March 8, 1866," *Daily Alta California*, San Francisco, Sunday Morning, April 8, 1866. The correspondent reported on the Indiana State Convention

³⁸³ "Accepting the Situation," *Sacramento Daily Union*, Friday, June 22, 1866. The correspondent reported: "In Julian's district, in Indiana, the Johnsonians have fused with the Copperheads, and the combination supports David Kilgore as a candidate for Congress."

Union Convention at the Philadelphia Wigwam.³⁸⁴ Showing his penchant for compromise, Kilgore helped scuttle a resolution violently attacking Congress and the Committee on Reconstruction and gained passage of a less polarizing resolution disapproving of the Senate's refusal to confirm Presidential appointments of loyal and patriotic soldiers.³⁸⁵

As the Philadelphia Convention approached a number of the President's cabinet members resigned instead of endorsing the National Union Convention's platform.³⁸⁶ At the same time, the entire fabric of the new party was hardly secure as conservative Republicans and peace Democrats agreed on few issues other than a shared opposition to Radical Reconstruction.³⁸⁷ To facilitate needed compromise, while at the Philadelphia Convention Kilgore participated in a joint meeting between select Indiana Union/Johnson and Democrat delegates "...to secure a union of all in favor of the President's policy of restoration...and the appointment of the officers...that one from each side should be nominated..."³⁸⁸ At the convention itself Kilgore was appointed to the Committee on

³⁸⁴ "Political Movements In Indiana – State Conservative Convention," *Cincinnati Commercial*, Indianapolis, 19 July 1866 reprinted in *Daily National Intelligencer*, Washington: 23 July 1866. Kilgore's son, Alfred, was also listed as a Vice President of the convention.

³⁸⁵ *Ibid.*

³⁸⁶ Kennedy, *Complete HarpWeek Explanation*. The Attorney General, Postmaster and Interior Secretary all resigned. While Secretary of War Edwin Stanton abhorred the convention, he remained to resist the president's effort to thwart enforcement of Congressional Reconstruction. Capitalizing on this situation, Kilgore requested the appointment of friend Henry Marsh as Postmaster in Muncie, in a letter dated July 28, 1866 to the President. *see* Paul H. Bergeron, editor, *The Papers of Andrew Johnson, Volume 10 February-July 1866* (The University of Tennessee Press, 1992), 744

³⁸⁷ Kennedy, *Complete HarpWeek Explanation*.

³⁸⁸ "Gone Into Bad Company," *Daily Gazette*, Fort Wayne, Indiana, Saturday Evening, 18 August 1866.

Credentials³⁸⁹ and sat among Democrats and Republicans sprinkled throughout the Indiana delegation.³⁹⁰ However, the well-attended convention at the Philadelphia Wigwam failed to bridge the growing gap between Johnson and the Republicans.³⁹¹

Although the Southern States were not allowed to vote in the congressional elections in 1866, Johnson decided to campaign vigorously in an effort to shift the balance of power in Congress. His so-called "Swing Around the Circle" which commenced August 28th with Midwest speaking stops in Chicago, St. Louis, Indianapolis and Columbus proved to be a political disaster.³⁹² Although he brought along loyal cabinet members William Seward and Gideon Welles as well as Civil War heroes David Farragut and Ulysses S Grant [see Fig 17], Johnson found crowd reaction notably negative. In Indianapolis on September 10th, after Johnson was shouted down with calls for Grant and "shut up" as he attempted to address an assembled crowd from the balcony of the Bates Hotel, David

³⁸⁹ *Proceedings of the National Union Convention held at Philadelphia, August 14, 1866*, 7 at The Library of Congress, Internet Archive:

<http://archive.org/details/proceedingsof00lcna>.

³⁹⁰ "Letter from Mad Anthony - Philadelphia, August 16th," *Daily Gazette*, Fort Wayne, Indiana, Saturday Evening, 18 August 1866. The writer reported:

"Around me sit the Indiana delegation, composed of men who for years have acted with the two different political parties. Immediately in front is General Sol. Meredith, of the Indiana Iron Brigade, from the 'burnt district;' on my right, Judge Kilgore, for several years Representative in Congress; in judgment clear as a diamond and solid as a rock, I am not afraid to follow his advice; on the next seat back is Senator Hendricks, of Indiana, without question the ablest Democrat in either house of Congress."

³⁹¹ *American President: Andrew Johnson: Campaigns and Elections*, University of Virginia Miller Center web site (Rector & Visitors of the University of Virginia 2012), at millercenter.org/president/johnson/essays/biography/3. 7,000 delegates were in attendance.

³⁹² *Ibid.*; "Andrew Johnson," Wikipedia at: en.wikipedia.org/wiki/Andrew_Johnson. Johnson made distasteful and blasphemous comparisons between himself and Christ, and occasionally engaged in hostile and irrational arguments with hecklers. On several occasions it also appeared he had had too much to drink.

Kilgore stepped forward to try to quell the mob - but to no avail.³⁹³ In fact, before the evening was out one person among the throng was killed and several others injured as partisan factions went at each other. Crowd reaction foretold the fall elections, as anti-Johnson Republicans won two-thirds of both houses - sealing Johnson's doom, giving his opponents the power to override his moderate Reconstruction programs, and leading to his impeachment in May, 1868.³⁹⁴

Johnson entertained the prospect of running for re-election in 1868 - but this time as a Democrat. However, while his name was placed in nomination at the Democratic Convention, his best showing was 2nd on the first ballot. His re-election bid was over. Still, as a lame duck president Johnson granted unconditional amnesty to all Confederates on Christmas Day, 1868³⁹⁵ - a final shot across the bow of the Radical Republican element which had orchestrated his impeachment and upended his political agenda.

Alfred Kilgore [see Fig 19] had been appointed by President Johnson as Indiana's District Attorney in 1866.³⁹⁶ None-the-less, although Alfred was mentioned in

³⁹³ "Radical Riot at Indianapolis - Murder of Unoffending Citizens," *The Times* (Hartford, CT), Saturday, 15 September 1866, as reported September 10th; *Daily Union and American*, Tuesday, 11 September 1866. It was reported: "Hon. David Kilgore went to the portico to try his powers of persuasion. He said, for one moment, hear me, (No, no, cries for Grant and groans,) let me appeal to you, citizens of Indianapolis and Indiana, (the confusion still continuing) let me appeal to you again, (but the crowd was unrelenting, and would not be quiet.) The gentleman retreated from the portico, and the excursionists went to dinner."

³⁹⁴ *American President: Andrew Johnson: Campaigns and Elections*, University of Virginia Miller Center web site.

³⁹⁵ Hans L. Trefousse, *Andrew Johnson: A Biography* (NY: W. W. Norton & Co, 1989), 347

³⁹⁶ Leanders J Monks, *Courts & Lawyers of Indiana Volume II* (Federal Publishing Co., Indianapolis 1916), 415. Alfred Kilgore served as Indiana's US District Attorney between 1866 and May of 1869.

1868 as a possible Democratic Congressional candidate³⁹⁷ he soon joined father David in taking to the stump for Republicans Ulysses Grant and Hoosier running mate Schuyler Colfax [see Fig 20].³⁹⁸ Along with other Indiana leaders of the Johnson movement of 1866, both Alfred and David Kilgore turned their backs on the Democratic Party – surprising the Indiana Democratic leadership which had “taken for granted that the leading Johnsonites of 1866 would take the stump for [Democrats] Seymour and Blair.”³⁹⁹ It should not have been that surprising, however, as Republican Vice Presidential candidate Schuyler Colfax as well as his loyal Indiana supporters John Defrees and Henry S. Lane had all been Kilgore Republican political confidants in earlier years.⁴⁰⁰ The strength of these bonds trumped whatever Democratic party interest he may have harbored.

In reality, however, Kilgore would never again fully embrace nor be embraced by the mainline Republican Party in Indiana. Whether it was because of Republican support for so-called Radical Reconstruction and the Fifteenth Amendment,⁴⁰¹ the Indiana Republicans’ high-handed methods to secure its

³⁹⁷ *New York Herald*, Monday, 18 May 1868. The article indicated Alfred Kilgore would be the Democratic candidate for Congress. Subsequently, however, he joined his father in supporting and taking the stump for Republicans Grant and Colfax

³⁹⁸ “Indiana – Failure of the Democratic Canvass,” *The Daily Evening Telegraph – Philadelphia*, Friday, 21 August 1868. As reported by the New York Tribunes’ correspondent writing from Lafayette, IN August 17th

³⁹⁹ *Ibid.*

⁴⁰⁰ Thornbrough, *Indiana in the Civil War Era 1850-1880*, 240; Kettleborough, *Indiana on the Eve of the Civil War*, 137-39. Defrees along with Henry S. Lane and Schuyler Colfax had controlled Indiana Republican politics during much of the 1860s. It should also be recalled that Kilgore had written a letter to President-elect Lincoln in 1861 urging Colfax’s appointment as Postmaster General (“David Kilgore letter to Abraham Lincoln,” House of Representatives, Washington City, January 20th, 1861), and had sought to steer the lucrative Congressional Printer contract to Defrees in 1861 as well (see pages 84-85).

⁴⁰¹ The 15th Amendment, which was proposed on February 26, 1869 and ratified on February 3, 1870, reads in part: “the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on

ratification⁴⁰² or growing distaste for rampant Grant administration corruption,⁴⁰³ Kilgore would emerge as a Liberal Republican by 1872. Along with political confidant John Defrees, Kilgore would be among the Indiana delegates when the national Liberal Republican convention convened in Cincinnati on May 1, 1872.⁴⁰⁴ Kilgore nemesis George W Julian, recently gerrymandered out of his congressional seat after 10 years,⁴⁰⁵ was also a delegate.⁴⁰⁶

The Liberal Republican movement was relatively short-lived. It had come to life in 1870 around a belief that the Grant administration was totally corrupt – rife with underhanded partisan patronage. The new movement, therefore, sought civil service reform. And with the destruction of slavery and Confederate nationalism, Liberal Republicans also felt the goals of Reconstruction had been achieved: federal troops should be removed from the South. They believed in civil and political rights for blacks – which they felt had been achieved. As a result, the Liberal Republicans believed it was time to extend amnesty to former Confederates by restoring their vote and permitting public office-holding.⁴⁰⁷

account of race, color, or previous condition of servitude." Republican support of this amendment became a political issue as the Republican platform of 1868 supported the Fourteenth Amendment granting citizenship to all, but indicated suffrage was a states' rights issue.

⁴⁰² Thornbrough, *Indiana in the Civil War Era 1850-1880*, 242-244. In spite of Indiana Democrats' attempt to block a ratification vote by resigning in significant numbers to prevent a quorum from being achieved, Republicans interpreted a quorum as 2/3s of the remaining members, ratified the amendment, certified the vote to Washington – counting Indiana as among the states ratifying it.

⁴⁰³ Thornbrough, *Indiana in the Civil War Era 1850-1880*, 245-247n41. By 1872 allegations of corruption would extend to Schuyler Colfax himself. The scandal related to Colfax's stock holdings in Credit Mobilier - holding company for the federally subsidized Union Pacific Railroad. Managers of Credit Mobilier were accused of siphoning off money, and bribing Congressmen and others with discounted stock.

⁴⁰⁴ *Ibid.*, 248

⁴⁰⁵ *Ibid.*, 241

⁴⁰⁶ *Ibid.*, 248

⁴⁰⁷ "Elections, 1872 Overview, Liberal Republican Movement," HarpWeek web

Different things drew the Hoosiers to the Liberal Republican convention. Defrees had split with Colfax and the Republicans over patronage.⁴⁰⁸ Julian was more broadly angered by the Grant Administration's corruption and took an ethical stand against it.⁴⁰⁹ And while Kilgore's rationale is unknown, it was most likely related to his strong belief in 'union' as expressed throughout his Whig, Peoples, Republican and National Union Parties tenures. This long-held belief had driven Kilgore's nearly singular support among Indiana Republicans for Andrew Johnson's moderate position on Reconstruction – including the prompt repatriation of the Confederate States, its officials and citizens. His and Johnson's approach was inconsistent with the Republican Party's more radical and less tolerant reconstruction policy.

It was on the sixth ballot that the Liberal Republican convention delegates nominated surprise presidential candidate: Horace Greeley⁴¹⁰ (former editor of *The New York Tribune*, which he had founded). Incredibly the Democratic Party, which had delayed its national convention in Baltimore until the conclusion of the Liberal Republican conclave, lined up behind the Liberal Republican platform and its nominee – nominating Horace Greeley as well.⁴¹¹ Clearly, this was a concerted effort to defeat Grant. The strategy failed both in concept and because Greeley died on November 29, 1872: after his routing defeat in the national election (he won 44% of the vote) but before the Electoral College met to

site, at: elections.harperweek.com/1872/Overview-1872-1.htm; "Liberal Republican Party (United States)," *Wikipedia* web site, at: [en.wikipedia.org/wiki/Liberal_Republican_Party_\(United_States\)](http://en.wikipedia.org/wiki/Liberal_Republican_Party_(United_States)).

⁴⁰⁸ Thornbrough, *Indiana in the Civil War Era 1850-1880*, 248n42; Defrees had been removed as Congressional Printer in 1869 – potentially influencing his support of the Liberal Republicans.

⁴⁰⁹ George W Julian, *Political Recollections 1840-1872* (Chicago: Jansen, McClurg & Co., 1884), 332-333, 335

⁴¹⁰ "United States Presidential Election, 1872," *Wikipedia*, at: http://en.wikipedia.org/wiki/United_States_presidential_election,_1872

⁴¹¹ *Ibid.*

cast its votes (where he would have received 66 votes.)⁴¹² The Liberal Republican movement died with Greeley and Grant's overwhelming reelection.

Grant's Monetary Policy and the Panic of 1873: Kilgore's Greenbacks swan song

Since the beginning of the Civil War the issue of monetary policy had been a controversial one. In 1862 Congress had passed a measure authorizing the issuance of US treasury notes or "greenbacks" as legal tender for all debts – not backed by 'specie' such as gold or silver.⁴¹³ This wartime measure was intended to help fund the war effort, but was resisted by those who still supported Andrew Jackson's strong "hard currency" policy. With the conclusion of the Civil War a related wartime boom was followed by economic readjustment and falling prices, bringing the issue once again to the fore.⁴¹⁴ Withdrawing "greenbacks" from circulation and returning to a 'specie' based system was generally endorsed by Congress in March 1866, when it authorized Secretary of the Treasury (and Hoosier) Hugh McCulloch to begin the withdrawal of US Treasury notes.⁴¹⁵ However, over the next several years there was inconsistency and equivocation on the currency question from both of the major parties.

In Indiana the departure of agricultural manpower for the War and a related rise in demand for agricultural foodstuffs to feed the troops had led to a period of significant economic prosperity on the farm. Greater access to a growing pool of "greenbacks" to fund the purchase of labor-saving agriculture machinery was a fundamental ingredient in Western economic expansion.⁴¹⁶ However, this situation reversed when the war ended as returning soldiers found their jobs

⁴¹² Ibid.

⁴¹³ Thornbrough, *Indiana in the Civil War Era 1850-1880*, 252-253

⁴¹⁴ Ibid.

⁴¹⁵ Ibid.

⁴¹⁶ Logan Esarey, *History of Indiana from its Exploration to 1922*, Volume II (Dayton, OH: Dayton Historical Publishing Co, 1924), 849-850

replaced by farm and other machinery. At the same time, wartime demand had pushed up prices for transportation as produce and machinery prices pulled back. Returning soldiers, as a result, moved west to Iowa, Kansas, Nebraska and Minnesota to claim land and begin farming operations fueled by access to greenbacks and resulting, by 1870, in a surplus of agricultural products.⁴¹⁷ Prices of everything began to decline.

In the waning days of Andrew Johnson's administration O.H. Kelly, an employee of the bureau of agriculture, formulated the idea of a US government-initiated guild-like secret society of farmers which would become known as "The Grange."⁴¹⁸ Indiana was among the first states to form a Grange lodge – in December 1869.⁴¹⁹ By 1876 more than 2,000 lodges had been established in Indiana, counting more than 53,000 members.⁴²⁰ While initially created as a way to stimulate farm production through agricultural education and professional training, the Grangers would soon become a political force.

During the 1870s associations of like-minded businesses began to coalesce. Railroads in particular began to pool their interest to preserve freight rates.⁴²¹ Competition existed only where there was a choice of transportation modes. As a result, in spite of falling prices generally rail freight rates remained high. The control of key routes proved pivotal in this pricing strategy, with the so-called "Bee Line" in the crosshairs of both the Vanderbilts' railroad empire and the Atlantic & Great Western Railroad.⁴²² Extending from Cleveland through Indianapolis to St. Louis and totaling 543 miles the "Bee Line" was a nick-name for the Cleveland, Columbus, Cincinnati & Indianapolis (CCC&I) and

⁴¹⁷ Ibid., 851-852

⁴¹⁸ Ibid., 853-855

⁴¹⁹ Ibid., 854

⁴²⁰ Ibid., 855

⁴²¹ Ibid., 860

⁴²² Ibid., 861

Indianapolis & St. Louis railways, and was "...shorter, in both time and distance, to St. Louis and western cities than any other route we know."⁴²³ Ultimately, the Atlantic & Great Western secured the Bee Line in 1873 bringing 1,800 miles of railroad under one management.⁴²⁴

David Kilgore was and had been a member of CCC&I's Board of Directors since the inception of one of its predecessor lines in 1848: The Indianapolis & Bellefontaine railroad.⁴²⁵ He had been an active participant, financial stakeholder and oftentimes the voice of reason when unbridled enthusiasm and personal greed of board members bubbled to the surface.⁴²⁶ None-the-less, after more than twenty years on the board, the slate of directors of which Kilgore was a part was defeated on March 4, 1874 when nearly 89% of the outstanding shares of the CCC&I voted – between 3 and 4 times the normal number of shares voting.⁴²⁷

⁴²³ "The 'Bee Line'," *Republican Advocate*, Batavia, NY, 5 January 1871. This article describes the extent and make-up of the 'Bee Line' road.

⁴²⁴ *Indianapolis Journal*, 14 October 1873; Esarey, *History of Indiana from Exploration to 1922*, 861

⁴²⁵ Kemper, *History of Delaware County*, 88-92: "In July, 1848, three directors were elected from Delaware County as representatives on the railroad board, namely...David Kilgore..."

⁴²⁶ Gayle Thornbrough, Dorothy L. Riker & Paula Corpuz, editors, *The Diary of Calvin Fletcher*, Volume IV 1848-1852 (Indianapolis: Indiana Historical Society, 1975), 504-505. Illustrates an example of an adopted Kilgore compromise in 1852 regarding the location of the Indianapolis & Bellefontaine Railroad's Indianapolis depot, being sensitive to president Oliver H. Smith's personal interest in property on which the current depot was located. Later when the Indianapolis & Bellefontaine merged with the Bellefontaine & Indiana to form The Bellefontaine Line in 1853, Kilgore remained as a director on the new board. *see* Gayle Thornbrough, Dorothy L. Riker & Paula Corpuz, editors, *The Diary of Calvin Fletcher*, Volume V 1853-1856 (Indianapolis: Indiana Historical Society, 1977), 86. Then as the Bellefontaine Line teetered on bankruptcy in 1855, then-president Calvin Fletcher drove the board to assume personal liability for a loan of \$100,000-\$150,000 to pay the floating debt of the railroad. *see* Thornbrough, *The Diary of Calvin Fletcher*, Volume V, 414

⁴²⁷ "Railway Election – Annual Meeting of the Stockholders of the Cleveland, Columbus, Cincinnati & Indianapolis Railway Company," *Cleveland Daily Herald*, Thursday Evening, 5 March 1874.

The Atlantic & Great Western Railway had taken control of the board and with it control of freight rates in the center of the country.

Among the political issues on which the Indiana State Grange took a position were the excessive freight rates of railroads. At its annual meeting of 1874 and again in 1876, it passed resolutions denouncing railroad freight rates and requested Congress and the General Assembly to pass remedial legislation.⁴²⁸ Equally troublesome was a growing economic crisis which spun around the unresolved political question of currency and money supply expansion (via printing of greenbacks) or contraction (via return to 'specie' based currency). A combination of the so-called "Panic of 1873"⁴²⁹ and President Grant's subsequent veto of an April 14, 1874 Congressional measure which would have expanded the nation's money supply by \$100 million⁴³⁰ drew an immediate reaction from the Grangers in Indiana.

Finding both the Democrats and Republicans to have been equivocal or inconsistent on the currency issue, the reformers among the farmers and laboring class moved to establish a new political party: what became known as the Greenbacks or Independent Party.⁴³¹ In what proved to be their organizational meetings in Indianapolis between October 25th and November 14th, 1873, the organizers concluded the panic was attributed to the lack of a sufficient circulating medium, saw it as a Congressional responsibility to provide an elastic, uniform and regulated currency, and demanded that legal tender notes

⁴²⁸ Esarey, *History of Indiana from Exploration to 1922*, 862-863

⁴²⁹ "Events 1873, 1874," Explore History section, *HarpWeek* web site, at: <http://elections.harpweek.com/1876/Events-1876.htm>. The Panic of 1873 commenced with the failure of Philadelphia financial firm Jay Cooke on September 18, 1873 and ultimately resulted in what some would characterize as a financial downturn to rival the Great Depression of the 1930s

⁴³⁰ Ibid. This measure was in response to the economic impact of the Panic of 1873.

⁴³¹ Esarey, *History of Indiana from Exploration to 1922*, 872-873

then authorized but not in circulation be put into circulation.⁴³² This statement, which became known as the “Indiana Plan,” was adopted as the national platform for the newly evolving party. The State Grange organization at its meeting of November 27, 1873 and at other county-level Granger meetings in 1874 endorsed the “Indiana Plan” and its new political party.⁴³³

At the first state convention of the Independent (or Greenback) party, held at Indianapolis on June 9-10, 1874, it was David Kilgore who presided over this historic gathering.⁴³⁴ In typical straightforward fashion, Kilgore set forth the work of the party as “one grand reform of the government from tail to snout.”⁴³⁵ Resolutions at the convention railed against the oppression of the banks, the consolidation of railroads,⁴³⁶ growing manufacturing monopolies and the squandering of the public domain. While a state ticket was nominated and subsequently defeated, three state senators were elected who held the balance of power in the General Assembly.⁴³⁷ Subsequently, at a mass convention of Indiana Greenbackers held after the election on November 26, 1874, a recommendation was made to hold a national convention in the spring of 1875 and establish a national executive committee on which nine Hoosiers took a seat. It was the “Indiana Plan” around which this new national political movement would be built.⁴³⁸

⁴³² Ibid., 873

⁴³³ Ibid., 873-874

⁴³⁴ Ibid., 874

⁴³⁵ Ibid., 875

⁴³⁶ With Kilgore’s recent defeat as a board member of the CCC&I railroad at the hands of the new Atlantic & Great Western Railroad owners, one wonders as to his motives for taking such a lead and visible role in the Greenbacks convention.

⁴³⁷ Ibid.

⁴³⁸ Ibid.

As if to celebrate his long political career, David Kilgore was the keynote speaker of a Grangers' Mass-Meeting held in Anderson in September, 1874 punctuated by a procession

“...over two miles in length and numbered over 800 teams...There were three bands of music; a number of light horse teams with glee clubs; a log-cabin 8x16 on wheels, with stick-chimney, coonskins and seed-corn hanging by the door...All agree that there were more than 10,000 persons present. The mottoes upon the numerous banners...together with the enthusiasm and earnest attention to the speakers show that the people are thoroughly in earnest in this great popular uprising...”⁴³⁹

He spoke for an hour, pointing to the corruptions of the old parties, noting how little they were to be trusted, and exhorting his listeners to stand by the nominees of the Independents until the rights of labor are restored, and all classes are made to bear their equal share of the burdens for the support of our common Government.⁴⁴⁰

It was clearly a flashback moment for Kilgore, as captured by the journalist covering the meeting:

“These immense meetings portend just what such gatherings did in 1840, and the people well understand that to go back to old parties, with the hope of reaching the reform they *will have*, will only be fastening the fetters more strongly upon themselves...”⁴⁴¹

This would be the last recorded public appearance of David Kilgore in his long and many faceted political career.

⁴³⁹ “Grangers’ Mass-Meeting at Anderson, Indiana,” *Pacific Rural Press*, San Francisco, Saturday, 12 September 1874, Volume 8, no. 11.

⁴⁴⁰ *Ibid.*

⁴⁴¹ *Ibid.*

Conclusion & Summary of the Political Life of David Kilgore

From “White Water faction” member and “Clay Man,” to “National Republican” then “Whig” in the 1830s, Kilgore’s political wanderings were not even half complete by 1850. Behind the scenes he had then joined the “Know Nothings,” which supported his leadership role with the “Fusion” and then the “Peoples” Parties, returned briefly to the “Know Nothing’s” as they emerged publicly as the “American” Party, then shifted to the “Republicans” before taking on Lincoln’s “National Union” banner – all completed within the ten year period of 1852-1862. His continued commitment to the “National Union” Party concept and Indiana’s and the nation’s new “Union” Party after the death of Abraham Lincoln in 1865 further distanced him from the core Republican Party, although he briefly returned to the fold for Grant’s election of 1868 - before joining the short lived “Liberal Republican” Party in 1872 and finally landing in the “Independent/Greenback” Party movement in 1874.

Kilgore’s political career was, to be sure, broad based. As Logan Esarey, paragon of Indiana History in the early 20th century noted:

“One of the curious features of this forty years of political struggle and development is that most of the greater reforms have been championed first by a third party and carried into execution by one of the old parties.”⁴⁴²

It would be a fitting epitaph to the political career of David Kilgore.

⁴⁴² Esarey, *History of Indiana from Exploration to 1922*, 871

Although he would serve as a board member of the Citizen's National Bank of Muncie for two years before he death in 1879,⁴⁴³ and was named by Congress in 1872 to the state finance committee of the Centennial Exposition of 1876 from Indiana's ninth Congressional District,⁴⁴⁴ for all intents and purposes Kilgore finally retired from political and public life in 1874. He had begun to spend more time on his farm by 1870,⁴⁴⁵ in part because of the anticipated but untimely death of his son Alfred in 1871.⁴⁴⁶ Another son, Tecumseh, would also predecease Kilgore in November of 1876⁴⁴⁷ - leaving his children Albert and Clarence under their paternal grandparents' guardianship.

David Kilgore's own death was also unexpected, as noted in his obituary:

"Mr. Kilgore had been sick for some time, quite seriously so until a few days ago, when it was thought he was much better and out of danger. But Death knocked at his door unexpectedly last night, his stay upon this earth is suddenly terminated...For some years Mr. Kilgore, owing to his age, had not been prominently connected with politics or the practice of

⁴⁴³ "Death of Hon. David Kilgore," *The Daily Muncie News*, 23 January 1879. In the article it was noted: "For two years past he has been one of the Directors of the Citizens' National Bank of Muncie, as well as a large stock holder."

⁴⁴⁴ "A Father of Expositions" reprint in *Indiana Quarterly Magazine of History*, Volume 8, No. 1, March, 1912 (Indiana Historical Society), 36

⁴⁴⁵ "Indenture from S Hathaway to David Kilgore," 10 June 1869, in Benjamin Tucker Olson, Sr. personal Kilgore documents collection, Libertyville, IL. Kilgore had paid a license fee to utilize a patented Bee Hive on his Delaware County farm in June of 1869. He was also listed as a "Farmer & Stock Dealer" in "1874 Mt. Pleasant Township Business Notices" section, *Map of Delaware County Indiana* (A. L. Kingman 1874), as *Indexed and Printed in Atlas Form From 1874 Wall Map* by Dolores Rench & Nona Nunnally (Muncie, IN: D & N Research Service, 1989), 13. Clara Pugsley, great granddaughter of David Kilgore, recalled her mother's stories that "The Kilgores were keepers of hounds, race horses and buffaloes." see Dick Greene, "Our Neighborhood," *Muncie Star*, 11 March 1961.

⁴⁴⁶ T.B. Helm, *History of Delaware County, Indiana* (Chicago: Kingman Bros., 1881), 270-271

⁴⁴⁷ *Ibid.* Two other children, Henry C. (1831) and Absalom V. (1837-1866) would also die before Kilgore: Henry as a newborn, and Absalom, of an accident related to his impaired mental faculties, as a young adult.

his profession, but his counsel has often been sought in both, as well as in financial matters. He was a wise counselor, a fine judge of human nature, cool and deliberate in the transaction of all business, clear in his decisions, quick to discern the drift of public events and their outcome, an ardent lover of his country, and strictly honorable in all business transactions.”⁴⁴⁸

So who was this man: David Kilgore? As author Charles W. Taylor observed in his 1895 book *The Bench and Bar of Indiana*:

“David Kilgore, the ‘Delaware Chief,’ as he was called, a man of rough exterior and tall form, with an independent and manly bearing, was a striking figure. His powers as a stump speaker and as a jury lawyer were even then famous. His strength of character, common sense and strong reasoning powers made him a man of note in any Court and in Congress. His complexion was fair, his eyes blue, his head narrow and high, his features were regular.”⁴⁴⁹

Peeling back the surface of the man, Kilgore was an individual in the truest sense. Drawn to political power and tempted by pecuniary opportunity but strong in his own convictions, he drew upon reason, perspective, candid self-reflection and a subtle self-confidence in forming and maintaining his individual opinions. Political party dogma went only so far with him, as Kilgore confidently carved his political path and destiny around well gestated and crystallized concepts and philosophies. He was, none-the-less, a character of his own era. Many of his expressions and positions would be anathema to the politically correct and proper politicians of today – but in the context of his time, they were well within the bounds of ‘normal’ thought. He would bend his own philosophy only so far, yet could rouse a crowd to whatever point of view he was espousing

⁴⁴⁸ “Death of Hon. David Kilgore,” *The Daily Muncie News*, 23 January 1879.

⁴⁴⁹ Charles W Taylor, *Biographical Sketches and Review of The Bench and Bar of Indiana* (Bench and Bar Publishing Company, 1895), 69

with a satirical quip, a light-hearted self-deprecating comment, or a well-reasoned argument. He was as independent and self-sustaining in his personal life as he was in his public persona.

At the bottom line, David Kilgore helped his peers better evaluate their political vision and positions. Through his independent non-conformity, he often said and did things others had not considered or would have only thought about without taking action. Kilgore took action, and in so doing did as historian Esarey observed: he helped bring about reform by championing ideas within the womb of sometimes short-lived 3rd parties which ultimately pushed the old entrenched parties to action for the betterment of all.

Maybe unintentionally, but impactful none-the-less, David Kilgore's independent path through his political and personal life helped bring definition to important issues of the day. His articulate expressions of position caused others from the growing institutional political two-party system to consider again as they charted the course of the nation through their more powerful political vehicles. He made an impact and left a legacy of political action which helped define the tumultuous political eras, sometimes from the fringes, in which he lived.