PORTRAIT OF AN AGE: THE POLITICAL CAREER
OF STEPHEN W. DORSEY, 1868-1889

DISSERTATION

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By

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The political career of Stephen Dorsey provides a focus for much of the Gilded Age. Dorsey was involved in many significant events of the period. He was a carpetbagger during Reconstruction and played a major role in the Compromise of 1877. He was a leader of the Stalwart wing of the Republican party, and he managed Garfield's 1880 presidential campaign. The Star Route Frauds was one of the greatest scandals of a scandal-ridden era, and Dorsey was a central figure in these frauds. Dorsey tried to revive his political career in New Mexico after his acquittal in the Star Route Frauds, but his reputation never recovered from the notoriety he received at the hands of the star route prosecutors.

Like many of his contemporaries in Gilded Age politics, Dorsey left no personal papers which might have assisted a biographer. Sources for this study included manuscripts in the Library of Congress and the New Mexico State Records Center and Archives in Santa Fe; this study also made use
of newspapers, records in the National Archives, congressional investigations of Dorsey printed in the reports and documents of the House and Senate, and the transcripts of the star route trials. Dorsey's voting record in the Senate was analyzed with the aid of a computer, and the study of the Star Route Frauds benefited from access to the business records of Dorsey's partner, James W. Bosler, supplied by the Bosler family.

This study traces the public life of Stephen Dorsey chronologically from his service in the Civil War to the end of his political career, which came with his failure to have a friend appointed governor of New Mexico Territory in 1889. Traditional interpretations of Dorsey are based on a combination of scant evidence, carpetbagger stereotypes, and the assumption that he was guilty of masterminding the monumental swindle of the Star Route Frauds. Closer examination of Dorsey's public life, however, reveals that this traditional view is distorted.

Dorsey does not conform to the image of the carpet-bagger painted by Arkansas historians. Dorsey's involvement in Arkansas politics shows further that historians have misinterpreted the nature of the Republican party in Arkansas during Reconstruction. Dorsey also does not conform to the
image of the machine politician typical of traditional accounts of the Gilded Age.

In addition to being a politician, Dorsey was an entrepreneur, personifying the alliance of business and politics characteristic of his era. This study shows that it is impossible to study a Gilded Age political figure without also considering his business interests. Many of Dorsey's political activities, for example his involvement in the Compromise of 1877, can be traced to his business enterprises. Dorsey was typical of the many Gilded Age speculators who never realized any lasting gains from their adventures.

A major conclusion of this study is that the assumption on which most traditional views of Dorsey are based, that he was the mastermind behind the Star Route Frauds, is not supported by the evidence. Although Dorsey was not entirely innocent in the frauds, he was not guilty of the crimes with which the government charged him. This study also concludes that Dorsey was left vulnerable to the prosecution which ended his career in national politics by the peculiarly personal nature of the Republican party in the Gilded Age. That personal control had contributed to Dorsey's rise to power in the Republican party; it also led to his destruction.
PREFACE

The political career of Stephen Dorsey provides a focus for much of the Gilded Age. Dorsey earned the Civil War record necessary for success in the Gilded Age, and from then on, he participated in nearly every significant event or movement of the period. He was a carpetbagger during Reconstruction and played a major role in the Compromise of 1877. He was in the Senate during the great currency debates of the 1870's. He was intimate with the leaders of the Stalwart wing of the Republican party, and he managed James A. Garfield's 1880 campaign and became an important adviser for the president-elect. After the Whiskey Ring, the Star Route Frauds was perhaps the greatest scandal of the period; Dorsey was on the fringes of the Whiskey Ring scandal, and he was a central figure in the Star Route Frauds. He was also a primary target of the anti-monopoly sentiment in New Mexico that surfaced in that territory's Populist revolt.

But one of the lessons of this study is that one cannot treat a Gilded Age political figure without also considering his business interests. Dorsey was an
entrepreneur, a speculator, a promoter. He became involved in national politics through his presidency of the Arkansas Central Railway Company during Reconstruction, when many railroad owners relied on some form of government aid. His involvement in the Compromise of 1877 was at least partly related to his interest in a branch of the Texas and Pacific Railroad. When the railroad boom ended, Dorsey continued speculating in land, cattle, mining, and a number of other enterprises; his partners in these ventures were also Gilded Age political figures, such as James G. Blaine, Stephen B. Elkins, and Robert G. Ingersoll.

An examination of Dorsey thus affords a closer look at, and perhaps a re-examination of, Reconstruction and carpetbaggers, Gilded Age machine politics and the scandals of the age, and the relationship of politics and business in late-nineteenth-century America. Like most of his contemporaries in Gilded Age politics, however, Dorsey left no papers. The only available Dorsey correspondence of any political significance is that preserved in the James A. Garfield papers, and this correspondence covers only an eight-month span in Dorsey's career, from July, 1880, to March, 1881. Information concerning Dorsey is therefore scant, and biographers must sift through newspaper accounts,
congressional investigations, and the testimony taken in the star route trials, carefully allowing for the bias of a Democratic editor or a self-interested witness. Most of the generalizations made about Dorsey by historians are therefore based on a combination of slender evidence and the notoriety he received in the most public event of his life, the star route trials.

Scholars have assumed Dorsey's guilt in these frauds and have extrapolated that view of Dorsey backward over his entire career. Thus, one student of the 1880 election, describing Indiana as a particularly venal battleground, comments, "It was Stephen Dorsey's kind of state."¹ When Dorsey was selected as secretary of the Republican National Committee, many of Garfield's friends warned the candidate not to trust Dorsey; many others, however, praised the selection, and both sets of predictions would have been dismissed as samples of the kind of political backbiting common to a campaign had not the star route trials made prophets of Dorsey's detractors. Historians have used the assumption of Dorsey's guilt in the Star Route Frauds

to throw light on his earlier career in Arkansas, about which little is known, and have combined this assumption with the traditional view of Reconstruction to present Dorsey as a corrupt and opportunistic carpetbagger. Charges relating to Dorsey's sale of the Sandusky Tool Company, unspoken at the time of the sale in 1871, were aired in the press during the star route trials and found their way into the official history of the company. The official history of Oberlin College, written in 1943, apologizes for the school's association with Dorsey, an apology not called for by Dorsey's record as a student in 1860.

This study attempts to trace the public life of Stephen Dorsey from his birth forward, without preconceptions superimposed onto it. Examining Dorsey's career forward instead of backward allows one to trace the development of that career in a manner impossible for those who assume that the Star Route Frauds were typical of Dorsey's public life. Such an examination reveals a somewhat different picture of Dorsey's life from that usually presented, particularly with reference to his activities as a carpetbagger, his role as a member of the Stalwart faction of the Republican party, and his part in the Star Route Frauds.
Because this is primarily a political biography, it will conclude with the end of Dorsey's political career, which came with his failure to secure the appointment of a friend and business partner as governor of New Mexico in 1889. Dorsey remained active in business until his death in 1916, but his influence in national affairs ended with his departure from the political arena. Correcting the traditional image of Dorsey will, it is hoped, make it possible to bring much of post-Civil War America into clearer focus.
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CHAPTER I

FOUNDATIONS OF GILDED AGE SUCCESS

When Stephen Dorsey was on trial for mail fraud in 1882, one of his attorneys remarked that if a person did not have the good fortune to be born in Ohio, the best thing he could do would be to move there as soon as he gained the use of reason.¹ This comment, given as a light remark to a jury considering matters much more serious than the place of Dorsey's birth, nonetheless described the course of Dorsey's early years.

Stephen Wallace Dorsey was born 28 February 1842 in the small town of Benson, Vermont, the son of John and Mary Dorsey, farmers who had come to America from Ireland in the 1820's. At the time of Dorsey's birth he was the youngest of five children; by 1850 the Dorsey family had grown to ten.²

John Dorsey was a strict Congregationalist and ran his household along very rigid lines. In the 1850's the Dorsey family moved to Ohio, where young Stephen settled finally in Oberlin, the place he called home for the rest of his life. In Oberlin, Dorsey gained the friendship of one of Oberlin's most prominent businessmen, Samuel Plumb, through whose sponsorship Dorsey was able to attend Oberlin College.

The town of Oberlin during the 1850's had already gained notoriety as a station on the underground railroad through which blacks escaped the South to freedom. The citizens of Oberlin were overwhelmingly anti-slavery and became Republicans when that party was organized. They were also extremely religious, of the evangelical Congregationalist persuasion, and joined with Charles Grandison Finney in referring to Oberlin College as "God's College." The college was the first in the nation to offer degrees to women and blacks, and it was a leader in national movements

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3 *Lorain County (Ohio) News*, 7 January 1863; Robert Samuel Fletcher, *A History of Oberlin College from Its Foundation through the Civil War*, 2 vols. (Oberlin, O.: Oberlin College, 1943), 2:571, 917. In light of evidence to the contrary, circumstantial though it is, this writer is not convinced by Fletcher's denial that Dorsey ever attended Oberlin. See, for example, *Cincinnati Enquirer*, 26 October 1880, wherein Dorsey speaks of an Oberlin classmate.

for moral reform, abolitionism, perfectionism, universal peace, and educational experiment. The life of the town was inseparably bound up with the life of the college. Dorsey's stay at Oberlin reportedly gave him a liberal attitude toward the Negro, which appeared later as he entered national politics as a Republican. Dorsey was bright, with a sharp and alert mind, and he readily absorbed the classical education offered at Oberlin. The religion of Oberlin, however, apparently did not rub off on Dorsey, who later became a professed atheist.

While Dorsey was at Oberlin he worked as a house painter and boarded at the tavern of Postmaster Chauncey Wack, perhaps the most unpopular man in Oberlin. In addition to being a tavern keeper, a non-church-goer, and a Democrat,


6Memphis Daily Appeal, 12 January 1873.


Wack was also notorious for sheltering the slave catchers who periodically appeared in Oberlin hunting fugitive slaves. Wack was also reported to be an informer against people who assisted the underground railroad, and he scandalized the more righteous citizens of Oberlin by allowing his children to play around the tavern on Sundays. Thus although Dorsey himself was a Republican and would become quite prominent in the councils of that party, his early association with the despised Wacks made his Oberlin neighbors ready to believe the worst about him, a situation he did not improve by marrying the Wacks' daughter, Helen, after the Civil War.

Dorsey compiled a solid if somewhat clouded military record during the Civil War, and he was subsequently cited for "distinguished gallantry" in the Army of the Potomac. It was during this war also that Dorsey met and grew to admire some of the men who were central to his later political

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10 Ibid., p. 413; 2:577-78, 565.

career; among these men were James A. Garfield and Ulysses S. Grant, who became heroes to Dorsey during the war and who later guided the direction of his national political career.

The outbreak of the Civil War gave Dorsey a chance to make something of himself and perhaps the chance to prove something to his Oberlin neighbors, who until then did not think he had amounted to much. After making arrangements to have his body returned to Oberlin in the event of his death in battle, Dorsey enlisted in the Union army in April, 1861. He served for a brief period in West Virginia, but when Warren Edgarton received permission to raise a battery of light artillery, Dorsey returned home and quickly recruited approximately 100 men to serve in Edgarton's unit. For raising the unit, Edgarton became captain, Battery E, First Ohio Volunteer Light Artillery; in October, 1861, Dorsey was appointed first lieutenant in the battery. Dorsey's acquaintances in Oberlin got the impression that in the army

12 Lorain County News, 7 January 1863.

Dorsey had found a home, a place where he truly belonged for the first time in his life. He continued recruiting for the regiment until December, 1861, when he rejoined his battery as part of General Ormsby Mitchel's division of General Don Carlos Buell's Army of the Ohio.  

After Shiloh, Mitchel took his division, including Dorsey's artillery, on a mission which resulted in the capture of Huntsville, Decatur, and Stevenson, Alabama, all on the Memphis and Charleston Railroad. All of the rolling stock of this road had been collected in Huntsville to be moved to a place of safety; Mitchel's invading force captured nearly all of it. One of Mitchel's brigades, under Colonel John B. Turchin, went north from Huntsville and occupied Athens, Alabama, on the Nashville and Decatur  


Railroad. From Huntsville, Mitchel launched an expedition against Chattanooga, and in June, 1862, he succeeded in establishing batteries of artillery on the heights surrounding the town. Returns from Dorsey’s battery show that unit engaged in heavy fighting in Chattanooga on 7-8 June. Mitchel was forced to retreat, however, when reinforcements from Buell failed to arrive.

In Athens, Turchin ordered his command, which included Edgerton’s battery, to subsist on the community. Turchin’s officers, including Edgerton, interpreted the colonel’s orders and attitude in such a manner as resulted in wholesale looting, pillaging, and destruction of property in Athens; Turchin’s men were also accused of violating the persons of some civilians. Mitchel asked for and received authority from the War Department to inflict the death penalty on soldiers committing these offenses, but this did not stop the depredations. When Buell reached Huntsville he ordered

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18 Return of Company E, First Regiment of Ohio Light Artillery, for the Month of June, 1862, Box 3475, Volunteer Organizations (Civil War), RG 94, National Archives.
Turchin court-martialed, and Edgerton, accompanied by Lieutenant Dorsey, spent the month of July, 1862, participating in court-martial proceedings at Huntsville.\footnote{Ibid., 16, pt. 2:273-78; Return of Company E, First Regiment of Ohio Light Artillery, for the Month of July, 1862, RG 94, National Archives.} This was perhaps the first meeting between Dorsey and General James A. Garfield, who served as president of Turchin's court-martial board. If so, it was a most inauspicious beginning of a personal and political alliance that climaxed in the presidential campaign of 1880, Garfield the candidate and Dorsey the skilled and controversial campaign manager. Turchin was convicted and sentenced to dismissal from the army (although the War Department later promoted him), and Edgerton himself was court-martialed for the behavior of his battery in Athens. The captain was acquitted, however, when it was shown that he had been acting under orders from his superior officer.\footnote{O.R., ser. 1, 16, pt. 2:277-78; ibid., pt. 1:637; Nevins, War Becomes Revolution, p. 293.}

When the court-martial proceedings were concluded, Dorsey returned to Ohio at the request of Edgerton to recruit an additional thirty men for his depleted battery.\footnote{Military Service Record, "Stephen W. Dorsey"; Return of Company E, First Regiment of Ohio Light Artillery, for the Month of September, 1862, RG 94, National Archives.} While
Dorsey was in Ohio, in August and September, 1862, Buell's army and the Confederate forces under General Braxton Bragg were racing northward in parallel lines from Chattanooga to Louisville, Kentucky. Dorsey returned to his battery in time to be part of the forces that stumbled across each other, bloodily but indecisively, at Perryville, Kentucky, 8 October 1862.24

When General W.S. Rosecrans replaced Buell as commander of the Army of the Ohio late in October, 1862, Dorsey and his battery had been involved in few actual battles since the beginning of the war. After resting his army in Nashville for nearly two months, Rosecrans decided to take it into battle in December, 1862, against the Confederate forces concentrated at Murfreesboro, Tennessee; Dorsey's relatively untested battery was placed at the extreme end of the Union right wing.25 Shortly after daybreak on 31 December 1862, as some of the battery horses were off being watered and most of the men were huddled around breakfast, the Confederates struck at the Union right wing. The infantry

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support around Battery E dissolved, and the enemy was upon Edgarton's men before they knew what was happening. They struggled desperately for a few minutes, but with half of their horses killed outright and the battery mired in the winter mud, the situation was hopeless. After two men were bayoneted at their guns, the battery was overrun and captured, and Edgarton and twenty-two men were taken prisoner. The battle of Stone's River was barely five minutes old. 26

Preliminary reports of the battle announced that Dorsey had been killed on the field, and in Oberlin preparations were made for his burial. The joy with which the news of his survival was received, however, was soured by reports that he had survived through cowardice. 27

As the ranking officer of the battery after Edgarton's capture but now with no guns, Dorsey had taken what was left of his command back to Nashville, where Dorsey was put in charge of the city's siege batteries. 28 This move led the battery's other first lieutenant, Albert Ransom, to accuse Dorsey of battlefield cowardice to his superiors.


27 Lorain County News, 7 January 1863, 4 February 1863.

28 Ibid., 11 February 1863; James Barnett to Lt. Col. C. Goddard, 22 January 1863, Box 3475, Volunteer Organizations (Civil War), RG 94, National Archives.
and to the press. Ransom had apparently acted out of personal malice, and he later retracted his statements. The commander of the Nashville garrison supported Dorsey, as did the men of Battery E, who characterized Dorsey as a brave officer, "well worthy of our confidence and . . . always . . . at our head in times of danger." Having contemplated resignation at the time Ransom's charges were levelled, Dorsey could feel gratified that his men, and his friends in Oberlin, had come readily to his strong support.

Dorsey and his men remained in Nashville for most of January, 1863, while replacements were sought for his horses and guns. He was then ordered to return to divisional headquarters at Murfreesboro, and then the headquarters were moved to Nashville, where Dorsey continued in command of the battery. But Rosecrans' artillery commander, Colonel James Barnett, never revised the low opinion he had formed of Dorsey when it had been reported to him that Dorsey had "without authority . . . left the field of

29Lorain County News, 18 February 1863.

30Ibid., 11 February 1863.

31Ibid., 4 February 1863, 11 February 1863, 18 February 1863.

32Barnett to Goddard, 22 January 1863, Box 3475, Volunteer Organizations (Civil War), RG 94, National Archives; O.R., ser. 1, 23, pt. 2:579.
battle taking with him some eighty-three men and thirty
horses . . . ." Thus when in July, 1863, Dorsey requested
leave to return home to attend to the affairs of his recently-
deceased parents, Barnett denied the request, even though it
bore the endorsement of Edgerton (paroled in June) that Dorsey
had been diligent in the performance of his military duties
and should be permitted to meet his family obligations. 34

Most of 1863 saw Dorsey with his battery at Nashville,
while Rosecrans kept his headquarters at Murfreesboro and
regrouped his forces for an assault that would drive the
Confederates out of Tennessee. 35 In June, 1863, the Army
of the Ohio and the Army of the Tennessee were reorganized
into the Department of the Cumberland, with Rosecrans as
commander and Garfield as his chief of staff, a position he
had held since the battle at Stone's River. Dorsey's
battery became part of General James Morgan's division of
the Reserve Corps, commanded by General Gordon Granger. 36

33 Barnett to Goddard, 6 January 1863, Military Service

34 Dorsey to Barnett, 30 July 1863 (there are two letters
of this date, covering the same subject), ibid.

35 Return of Company E, First Regiment of Ohio Light
Artillery, for the Months of January-September, 1863, RG 94,
National Archives; Nevins, The War for the Union, vol. 3,

36 O.R., ser. 1, 23, pt. 2:579; Whitelaw Reid, Ohio in
the War: Her Statesmen, Her Generals and Soldiers, 2 vols.
(Cincinnati: Moore, Wilstach & Baldwin, 1868), 1:751.
Late in June Rosecrans began to move his army southward from Murfreesboro, leaving Dorsey's battery as part of a garrison holding Nashville. By July Rosecrans had driven Bragg's army southward into Chattanooga; by September he had maneuvered the Confederates out of Chattanooga into northern Georgia, all without a pitched battle. But as the Union army celebrated the prospect of driving Bragg into the sea, the Confederate army turned at Chickamauga Creek and nearly annihilated Rosecrans' force, sending all but one wing under General George H. Thomas streaming in disorder toward Chattanooga. Believing his army defeated, Rosecrans himself retired to Chattanooga, but his chief of staff, General Garfield, returned to the field to join in Thomas' heroic effort to stave off complete disaster. Garfield thus came to share in the glory that came to Thomas as the "Rock of Chickamauga," while his superior, Rosecrans, was shortly thereafter relieved of his command. Also sharing in the glory of Chickamauga was Granger's Reserve.

37 Nevins, The Organized War, p. 192.


40 Ibid., p. 203.
Corps, which came into the battle unbidden to provide a vital buttress to Thomas' flank. But although Dorsey's battery was part of Granger's corps on paper, and he later claimed to have been with Thomas at Chickamauga, records show that Dorsey's battery remained at Nashville, forgotten until 20 September when Morgan suddenly remembered that he had "a very fine six-gun battery" at Nashville and asked Rosecrans for orders to call it up.  

By the time the battery arrived in Stevenson, Alabama, on 22 September, Chattanooga was under siege by the Confederate army, which occupied Lookout Mountain and thus commanded the Tennessee River route into the city. Stevenson was the only source of the hopelessly inadequate supplies that infrequently reached the Union army, and the road from Stevenson to Chattanooga was a circuitous route which covered sixty miles of treacherous terrain. Supply trains traveling over this route were continually harassed.

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42 O.R., ser. 1, 30, pt. 1:159; Nevins, The Organized War, p. 201.

43 Nevins, The Organized War, p. 201.
by Confederate cavalry, and Dorsey's battery now became part of a force assigned to protect the Union supply lines. Part of the battery was sent to guard the Nashville and Chattanooga Railroad that brought supplies into Stevenson, and part was stationed at Anderson's Cross-roads, where it could protect Union supply trains as they crossed Walden's Ridge and began their descent into Chattanooga.\(^4^4\)

Nearly a month after the siege of Chattanooga began, on 19 October Rosecrans was relieved of command of the Army of the Cumberland and was replaced by Thomas, the "Rock of Chickamauga." Then, on 23 October Ulysses Grant, summoned from Vicksburg, arrived in Chattanooga, and less than a week later the siege was broken. The feeling of the soldiers around Chattanooga was that Grant had worked a miracle in dislodging the Confederate forces from Lookout Mountain, and Grant himself, already a hero, was fast becoming a legend.\(^4^5\)

With the lifting of the siege, Dorsey's battery occupied a position overlooking the Tennessee River and awaited the


\(^{4^5}\) Nevins, The Organized War, pp. 203, 206.
campaign that would drive Bragg's army out of Tennessee permanently. When Grant decided to make his move, late in November, Dorsey's battery was assigned to guard a fort at Dallas Tennessee, a few miles north of Chattanooga on the Tennessee River. This battery was thus not directly involved in the battles of Lookout Mountain and Missionary Ridge that marked the end of the Confederate threat to Chattanooga.

From Dallas, Dorsey was moved as part of the Artillery Reserve of Thomas' army to Bridgeport, Alabama, where he once again found himself under the command of James Barnett, who had become so displeased with Dorsey after Stone's River. Dorsey now became engaged in a running battle over regimental paperwork with Barnett's headquarters, with Barnett's adjutant at one point threatening to cut off Dorsey's pay if the paperwork were not completed to Headquarters' satisfaction. Dorsey was not temperamentally


47 Ibid., pt. 3:556; Return of Company E, First Regiment of Ohio Light Artillery, for the Month of December, 1863, RG 94, National Archives.

suited to clerical tasks and regimental minutiae, and even when he did complete the required forms, Barnett found reasons to complain of their inaccuracy. This petty feuding continued for months and showed signs of continuing for the duration of the war, for in March, 1864, Dorsey's battery was assigned as part of a permanent garrison at Huntsville. Luckily for Dorsey, however, he was soon removed from Barnett's command; in April, 1864, he was promoted to captain and transferred to Battery H, First Ohio Light Artillery, which was with the Army of the Potomac in Virginia.

The transfer to the Army of the Potomac gave Dorsey the opportunity to participate in the war for practically the first time, and to earn a minor place on its list of heroes that he never could have gained otherwise. Being associated with the famous and powerful was life's blood to Stephen Dorsey, and after the Chattanooga campaign

49 Randall to Dorsey, 6 February 1864, ibid., p. 56.

50 Randall to Dorsey, 21 January 1864, ibid., p. 40; Randall to Dorsey, 26 January 1864, ibid., p. 47; Randall to Dorsey, 2 February 1864, ibid., p. 52; O.R., ser. 1, 32, pt. 3:134.

51 Special Order No. 43, 19 April 1864, First Ohio Light Artillery Regimental Order and Miscellaneous Book, RG 94, National Archives.
Garfield had resigned from the army to take a seat in Congress and Grant had gone east to assume command of all the northern armies, leaving Dorsey stranded in Bridgeport with no idols and no battles and only the prospect of an interminable paper war with Barnett to relieve the boredom. Now for the price of staying alive he could share in the glory of Grant and Sheridan, of Winchester, Petersburg, Cedar Creek, and Appomattox, a glory that Barnett, Nashville, and Bridgeport would never know.

The battery of which Dorsey took command in May, 1864, had already seen much heavy fighting since the start of the war. It had been engaged against "Stonewall" Jackson during the Shenandoah Valley campaign of 1862; it had seen action at Antietam and Fredericksburg; and at Chancellorsville it had been abandoned by its infantry support, nearly surrounded by Jackson's men, and had lost half of its guns. This battery was also part of the Sixth Corps, which by 1864, in the words of a later historian, "had been in the Army of the Potomac too long. It had known too many defeats, and its officers and men were afflicted with the Potomac psychosis

that Robert E. Lee and his lieutenants were invincible."  
Also, by mid-1864, the North's ability to supply Grant with men had far outstripped its ability to supply him with guns, and the order assigning Battery H to the Sixth Corps was part of a general reshuffling of artillery which included reducing all six-gun batteries to four guns, thus creating more batteries with which to hammer at Robert E. Lee.  

When Dorsey took command of his new battery in May, 1864, he had had little experience directing a battery in actual combat, and the circumstances under which he reached the battery, as it maneuvered through the Wilderness to Spotsylvania Court House, gave him little time to learn what three years in Nashville and Bridgeport had failed to teach. With the Sixth Corps there would be no more long layovers while somebody tried to decide what to do with a battery of light artillery. The Sixth Corps saw the heaviest fighting in the trenches around Spotsylvania at

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54 O.R., ser. 1, 36, pt. 2:813. One effect of this relative shortage of artillery in the Army of the Potomac was that the men and their guns were often separated, so that where the battery was on paper often bore little relationship to where its components were on the field.
the Bloody Angle, and on the march from Spotsylvania to Cold Harbor, as Grant was desperately trying to get between Lee and Richmond, Dorsey's battery had to fight for every mile of ground it covered.\textsuperscript{55} At Cold Harbor Dorsey's battery was one of the first units engaged.\textsuperscript{56} After miraculously surviving the bloodbath at Cold Harbor, where 7,000 Union soldiers fell dead in one half-hour assault, Dorsey took his battery with the Sixth Corps across the Chickahominy and the James Rivers to the front of Petersburg, and by the end of June he was heavily entrenched in siege lines around that city.\textsuperscript{57}

Grant would not be able to keep all the forces he had assembled along his twenty-six-mile lines around Petersburg. A co-ordinated effort that was supposed to have driven the Confederates out of the Shenandoah Valley had gone sour, and Washington, defended only by young boys, old men, and raw


\textsuperscript{56} Morning Reports, Batteries G-M, 1 June 1864, RG 94, National Archives; O.R., ser. 1, 36, pt. 1:757-58.

troops, was under attack from Jubal Early's Confederate army. Grant dispatched the Sixth Corps to Washington to meet the immediate threat. But while men could be spared from the Petersburg lines, artillery could not, so while Dorsey went to Washington, where there was artillery but nobody trained to use it, his cannon remained at City Point, where they continued to occupy the lines around Petersburg.

Dorsey was engaged in battle with the Confederates at Seventh and Boundary Streets in Washington, while President Abraham Lincoln looked on from the Seventh Street fortifications. Years later, when the government was trying to put Dorsey in prison in connection with the Star Route mail frauds, his accusers would be reminded that Dorsey had almost singlehandedly defended the capital against capture by the Confederate army. While the people of Washington were

certainly relieved to see the Sixth Corps, and Lincoln was spared enormous political embarrassment in the middle of his re-election campaign, the military danger was probably not that great. But Dorsey had certainly come a long way, from petty squabbling over regimental paperwork at an Alabama outpost to fighting in defense of the national capital with the commander-in-chief for an audience.

Grant now decided that these perpetual threats from the Valley must cease, and on 1 August 1864 he put General Philip Sheridan in charge of a force which included the Sixth Corps and Dorsey, with orders to destroy Early's army and to lay waste to everything in the Valley that could be used to support another Confederate army. Dorsey had seen Sheridan before: both had served with the Army of the Cumberland until May, 1864, when both had been transferred to the Army of the Potomac. But while campaigns in the West had contained a large element of drudgery, being with Sheridan in the Shenandoah Valley in 1864 was positively exhilarating. Headlines followed Sheridan's victorious route in the heat of a presidential campaign. Then Sheridan

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62 Esposito, ed., West Point Atlas, 1:140.
63 Reid, Ohio in the War, 1:329-34, 503-11.
climaxed this venture with a ride from Winchester to Cedar
Creek and into legend, driving Early's army and everything
else before him as he finally cleared the Shenandoah Valley. 64

In December Sheridan sent the Sixth Corps back to Grant
at Petersburg, and Dorsey and his artillery were reunited. 65
In January, 1865, Dorsey once again petitioned for a leave
of absence to attend to the legal matters of his deceased
parents, now deferred for eighteen months owing to the absence
of a responsible heir. 66 This time his request was granted
and he received a twenty-day furlough, which he was able to
extend to six weeks with a doctor's certificate that Dorsey
was suffering from "congestion of the lungs" and was too ill
to return to duty. 67 Dorsey returned to his battery in
March, 1865, in time to take part in the fall of Petersburg,
the capture of Richmond, and the final campaign that resulted

66 Dorsey to Benj. Freeborn, 20 January 1865, Military
67 Morning Reports, Battery H, First Ohio Light Artillery,
23 January 1865; affidavit of Dr. Wm. Bunce, 11 February
1865, Military Service Record, "Stephen W. Dorsey," RG 94,
National Archives.
in Lee's surrender to Grant at Appomattox Court House on 9 April 1865.68

The war was over. Dorsey had served creditably, and he was subsequently brevetted to the rank of lieutenant colonel for "gallant and meritorious service" at the Wilderness, Spotsylvania, Cold Harbor, and Petersburg.69 His service in the Union army continued as a proud memory for Dorsey, and he was active in the Grand Army of the Republic for the rest of his life.70 He had compiled a military record that would serve as an invaluable aid to advancement in later years. He had also met some of the people who would be important to his later political career.

But that would be in the future. Now, in 1865, he was a civilian again, bright, handsome, twenty-four years old, and a war hero. He had "fought his way, step by step, . . . to a good name and an honored reputation."71 It was time to make his fortune.

68 Morning Reports, Battery H. First Ohio Light Artillery, 2 March 1865, RG 94, National Archives; O.R., ser. 1, 46, pt. 1:565, 1011.


71 Lorain County News, 18 February 1863.
CHAPTER II

ENTREPRENEUR AND POLITICIAN

Less than a month after Appomattox and before Dorsey was mustered out of the army, his old friend from Oberlin, Samuel Plumb, tried to secure Dorsey a position in the Treasury Department, "or any other place of trust that he will take." 1 Denied a place in the treasury, Dorsey secured a position as postmaster at Demopolis, Alabama. 2

Postwar Demopolis offered great opportunity for northerners with money. It was an area of large plantations, cotton was bringing high prices, and for a brief period after the war only northerners could trade in cotton. Because they lacked the funds necessary to cultivate the land, the plantation owners were selling or leasing their land to northerners who expected to make their fortunes in a few years. 3 A federal garrison was stationed in Demopolis

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1 Samuel Plumb to Hon. B.F. Wade, 2 May 1865, Benjamin F. Wade Papers, Manuscript Division, Library of Congress, Washington, D.C.
2 Lorain County (Ohio) News, 29 August 1866.
for a time after the war, and the town was the Freedmen's Bureau headquarters for an eight-county district. Because most natives could not take the required loyalty oath, most of the federal officials in Alabama were northerners, including Demopolis Postmaster Dorsey.  

Dorsey settled in Demopolis and established himself in the mercantile and cotton businesses. In the autumn of 1865, he visited Oberlin briefly to marry Helen Wack, daughter of Oberlin tavern owner Chauncey Wack. Dorsey returned with his bride to Alabama and prepared to get rich in the cotton trade. With H.F. Nettleton he opened a dry goods store in Demopolis, and the store gave every appearance of prospering. Economic and political misfortune overtook Dorsey's young enterprise, however. A general crop failure in 1865 was repeated in 1866; the army left Alabama during the summer of 1866; and in July, 1866 the formation of the Conservative (Democratic) party in Alabama marked the


5 Lorain County News, 22 November 1865, 29 August 1866; Robert Samuel Fletcher, A History of Oberlin College from Its Foundation through the Civil War, 2 vols. (Oberlin, 0.: Oberlin College, 1943), 2:917.

6 Demopolis (Alabama) New Era, 27 June 1866, 7 July 1866.
beginning of an organized effort to resist Reconstruction in Alabama.  

7  Seeing the reviving strength of the Democrats and lacking the moral support of a federal garrison, Dorsey decided to cut his losses and return to Ohio. He resigned as postmaster and sold his business interests; while he was settling his accounts he was reportedly attacked by the cholera that reached epidemic proportions during the autumn of 1866.  

8  He soon recovered, and upon their return to Ohio the Dorseys settled in Sandusky, where Dorsey went into partnership with William Robertson and L.H. Tenney in the manufacture of wooden barrels, staves, heading, and hoops.  

9  One year later this partnership had become the manufacturing firm of Allen, Dorsey and Tenney, "manufacturers of and wholesale and retail dealers in cooperage material."  

10  Allen, Dorsey and Tenney prospered to the point that they were able to add substantially to their plant by the end of their first year in business. The partners also prepared to build a

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7  Fleming, Reconstruction in Alabama, pp. 278, 282, 401, 420.  
8  Lorain County News, 29 August 1866.  
9  Sandusky (Ohio) Daily Register, 8 November 1866, 9 November 1866.  
10  Ibid., 26 October 1867.
steamer to facilitate the contracted delivery of several thousand cords of wood annually to the Northern Transportation Company.\(^1\) When completed, the steamer was named the *Lotta Bernard* in honor of Dorsey's infant daughter Carlotta, born in November, 1868, and L.H. Tenney's son Bernard.\(^2\) During this time Dorsey dabbled slightly in politics, working in Sandusky for the election of Ulysses S. Grant to the presidency in 1868. He also organized the first reunion of his old Civil War unit, Battery E of the First Ohio Volunteer Light Artillery.\(^3\)

In the spring of 1869 Dorsey helped to incorporate the Sandusky Tool Company, and over the course of the next few months the firm of Allen, Dorsey and Tenney slowly disappeared.\(^4\) By this time Dorsey had won the confidence of Sandusky's capitalists as "a practical, honorable and shrewd business man," and he secured ample capital for an ambitious

\(^1\)Ibid., 24 December 1868, 18 January 1869.

\(^2\)Ibid., 10 November 1869.

\(^3\)Ibid., 28 October 1868, 31 October 1868, 18 December 1868.

\(^4\)Ibid., 14 May 1869, 6 September 1869. The advertisement on 6 September was the last one that appeared in the Register for Allen, Dorsey and Tenney.
manufacturing enterprise. Under Dorsey's management as superintendent, the Sandusky Tool Company soon gained a nationwide reputation, and by mid-1870 it was the largest firm of its type in the country.

During the summer and autumn of 1869 Dorsey once again entered the political field as Ohio prepared to elect a governor and other state officials. He was selected as a delegate from Sandusky to the state's Republican convention, which renominated Rutherford B. Hayes for governor. For the campaign of 1869 Dorsey had made preparations, and in the midst of a divided Erie County Republican party he maneuvered to have himself named to the five-man Erie County Republican Central Committee, of which he then became chairman.

The task of the central committee was to set up an organization for the county's Republican campaign and to arrange for mass meetings and popular public speakers to spread the Republican message in every township. Through the efforts of the county central committee, Hayes carried Erie County by a larger margin than he had won in 1867, and

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15 Ibid., 30 June 1870.
16 Ibid., 14 June 1869, 24 June 1869.
17 Ibid., 15 June 1869, 20 August 1869, 27 August 1869.
this in spite of actions by the Republican State Central Committee that hampered the campaign effort in Erie County. Dorsey had done well in his debut as a campaign organizer, although he was not able to overcome the divisions that cost the Republicans votes in races for local office in Erie County.  

The next political campaign that Dorsey managed was his own. In March, 1870, the Sandusky Republican caucus selected him to run for the Sandusky City Council. Dorsey was elected in a close and hotly-contested race, and the Sandusky Daily Register remarked that "the election of Colonel Dorsey... is one of the most favorable signs of a reform in the management of City Government."  

Dorsey was now one of Sandusky's recognized civic leaders. From his position on the municipal Committee on Streets and Public Grounds and the Committee on Gas and Gaslights, he was responsible for the erection of many gas lamps on Sandusky's improved streets. This experience

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18 Ibid., 4 September 1869, 14 October 1869, 11 November 1869, 15 November 1869.
19 Ibid., 31 March 1870.
20 Ibid., 6 April 1870.
would stand Dorsey in good stead years later when he was in the United States Senate on the District of Columbia Committee. He helped to organize a volunteer fire company in Sandusky and became its hose marshal. He also helped to co-ordinate the city's celebration of July 4, 1870.21

By the end of 1870 Stephen Dorsey could look back on a period of uninterrupted success in the city of Sandusky. He had built Allen, Dorsey and Tenney and then the Sandusky Tool Company into prominent and profitable manufacturing firms. He had tried his hand at politics with victorious results. He had gained the friendship and the respect of Sandusky's most important men. It seemed that everything he touched must turn to gold, and the future seemed to hold only the promise of brighter rewards for his energy and talent.

But these rewards would not be in Sandusky. Dorsey and James E. Gregg, another Sandusky businessman who had worked with Dorsey in Ohio politics, conceived the idea of cashing in on the Reconstruction railroad boom in the

21 Ibid., 7 May 1870, 25 May 1870, 27 May 1870, 28 May 1870, 1 June 1870, 4 June 1870, 8 June 1870, 10 September 1870.
South. As the new year began, Dorsey resigned his seat on the city council, collected letters of introduction from influential Ohioans, including Governor Hayes, to ease his entry into New York financial circles, and prepared to move to Arkansas as the president of the newly-incorporated Arkansas Central Railway Company.

The Arkansas Central was incorporated in January, 1871, to build a road from Helena to Little Rock, Arkansas; its charter was later amended to include branches from Aberdeen to Clarendon, Aberdeen to Pine Bluff, and Clarendon through Pine Bluff and Camden to Shreveport, Louisiana. The Central was capitalized at $1,500,000, of which Dorsey held $30,000. Among the other incorporators, besides Dorsey and Gregg, were a prominent Helena attorney, the mayor of Helena, and John M. Peck, who had some large saw mills in Arkansas.

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23 Rutherford B. Hayes to Oran Follett, 9 February 1871, Hayes to Dorsey, 17 February 1871, Dorsey to Hayes, 15 March 1871, Gwynne, Johnson & Day to Hayes, 31 May 1871, Rutherford B. Hayes Papers, Hayes Library, Fremont, Ohio; Sandusky Daily Register, 22 February 1871.

had been a member of the Arkansas legislature, and was superintendent of construction of public buildings at Little Rock. Peck later became Dorsey's brother-in-law.²⁵

The Arkansas Central was one of what became many speculative ventures into which Dorsey plunged expecting to make his fortune. In post-Civil War America, if the examples of Tom Scott and Collis P. Huntington meant anything, the way to fortune in the land of the Great Barbecue was in railroads, and the Arkansas Central was potentially one of the richest ones available. The Central, when completed, would provide a vital link from Louisiana and Texas to the Mississippi River and points east. The Reconstruction legislature had passed laws pledging the state's credit to railroads on generous terms, and the carpetbagger administration under Governor Powell Clayton had a policy of awarding state aid bonds very liberally.²⁶


Postwar Arkansas hungered for railroads and would welcome anyone, even a carpetbagger, if he would build them.\footnote{Daily Arkansas Gazette, 27 August 1871.}

Dorsey's welcome to Arkansas was a warm one. Within weeks after his arrival the Central was awarded state aid at the rate of $15,000 per mile, and counties rushed to offer county aid bonds in the hope of bringing a branch of the Central through their communities.\footnote{Ibid., 14 March 1871, 2 June 1871, 6 November 1871.} In short order Dorsey had contracted for delivery of all the iron and rolling stock necessary to complete the road, and he confidently predicted that the road and all its branches would be running by 1 June 1872.\footnote{Helena World reprinted in ibid., 26 September 1871.}

Dorsey now laid out a grand design for a narrow-gauge empire that would bypass Memphis on the Mississippi River and transform Helena, Arkansas, into the commercial center for the Southwest. He helped to incorporate a separate company to build on the line from Clarendon to Shreveport, and he became president of a road running from Helena to Corinth, Mississippi.\footnote{Daily Arkansas Gazette, 13 July 1871, 24 December 1871.} At Camden, the Shreveport branch...
of the Central would connect with the Mississippi, Ouachita and Red River road, which ran westward from Arkansas into north central Texas. He also helped to incorporate the Little Rock, Hot Springs and Southwestern road and the Helena and Old Town, a twenty-five-mile line which would operate as a feeder from the Mississippi River levees to the Central terminus at Helena. Once his network was complete, Dorsey would be at the center of a web of rails running from Louisiana and north Texas through Helena and Corinth to the markets of the Northeast. In a move that would have political repercussions later, Dorsey was also an incorporator of the Memphis, Pine Bluff and Shreveport, a company incorporated to build a branch of the Texas and Pacific Railway. Dorsey enthusiastically forecast that his narrow-gauge enterprise would "mark a new era for the whole of the southwest", he offered the promise that the desert Southwest would "blossom as the rose" as the result of his industrious efforts. In August, 1871, the Little

31 Ibid., 13 July 1871; Memphis Daily Appeal reprinted in ibid., 20 October 1871.
32 Daily Arkansas Gazette, 9 April 1871.
33 Ibid., 28 June 1871.
34 S.W. Dorsey, comp., Statistical and Other Facts relating to Narrow Gauge Railways (New York: George F. Nesbitt & Co., 1871), p. 27.
Rock Daily Arkansas Gazette reported that the Central was the only road to make uninterrupted progress under the policies of the carpetbagger regime. Dorsey resigned his position in the Sandusky Tool Company, purchased controlling interest in the Helena Clarion, and made plans to build a palatial home in West Helena.

Then minor problems developed. A strike in Liverpool, England, delayed shipment of 1,000 tons of iron for the Central. Dorsey was unable to negotiate for sale of the state levee bonds he had been issued, and he could only realize fifty-five cents on the dollar for the state aid bonds. The Democratic-Conservative Daily Arkansas Gazette, once a warm supporter of the Central, began a campaign of vilification and abuse against the Republican Dorsey that seriously impaired his credibility. The city of Little Rock refused to support a $100,000 bond issue for the

35 Daily Arkansas Gazette, 21 August 1871.
37 Helena World reprinted in Daily Arkansas Gazette, 26 September 1871; Staples, Reconstruction in Arkansas, p. 350.
38 Daily Arkansas Gazette, 9 December 1871, 10 December 1871, 21 February 1872, 26 March 1872.
Central, and the Gazette revealed that it had opposed the bond issue on the strength of rumors that Dorsey had bribed the Little Rock City Council to obtain the award. The Central slipped into debt, and Dorsey was forced to travel to Europe to secure more capital for the road. And despite the endorsement of the London-based Railway Record, which encouraged investors to buy the seven per cent Arkansas State bonds, Dorsey was unable to sell these and was forced to take a second mortgage on the road for the money necessary to get out of debt and resume construction. Thoroughly disgusted, Dorsey spoke of returning the state aid bonds to the state's treasury since they could do him no good.

In June, 1872, Dorsey returned to Helena and paid off the indebtedness of the Central, and work on the road resumed. By the end of July a portion of the Central was running, and the press once again spoke in glowing terms of the progress of the road.

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39 Ibid., 28 November 1871.
40 Railway Record reprinted in ibid., 6 April 1872; Daily Arkansas Gazette, 15 June 1872.
41 Daily Arkansas Gazette, 15 June 1872.
42 Ibid., 20 July 1872; Helena World reprinted in ibid., 5 June 1872; Helena Clarion reprinted in Daily Arkansas Gazette, 30 July 1872.
With prosperity returning to his business enterprise, Dorsey once again turned his attention to politics. This shift in focus was perhaps inevitable: because of the close relationship between government and railroads in the Gilded Age, most railroad presidents became actively involved in politics during this era, especially in the South. And with the fall elections approaching, Dorsey's personal inclinations might have drawn him into the political arena in the absence of a more concrete motive. Dorsey found political opportunity more abundant in Arkansas than he had in Ohio, partly because by 1872 there were few "available" Republicans left in Arkansas.

The Republican party which took control of Arkansas under congressional Reconstruction was primarily a combination of native white Arkansans and northern white carpetbaggers. These groups had never worked well in harness, and a split that began over the choice of a carpetbagger as the party's candidate for governor in 1868 had grown by 1870 to create two separate and irreconcilable factions, corresponding to the divisions in the national party evident in the Liberal

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Republican revolt against Grant. The native whites organized themselves as the Liberal Republicans in 1869 and campaigned in opposition to the carpetbagger-controlled regular Republicans for the election of 1870.\textsuperscript{44} In the spring of 1872 the Liberals sought to purge the regular Republican members from the state's Republican Central Committee; this attempt resulted in the formation of two Republican State Central Committees and the holding of three Republican state conventions and the nomination of two Republican state tickets.\textsuperscript{45} The Democrats, meanwhile, having for three years supported the Liberal Republicans in the absence of a functioning Democratic party in Arkansas, were gleefully anticipating the final disintegration of Arkansas Republicanism and the restoration of Democratic rule to that state.\textsuperscript{46}

\textsuperscript{44}Staples, \textit{Reconstruction in Arkansas}, pp. 252, 334, 374, 378, 380-381; Martha A. Ellenburg, "Carpetbagger Policies during Reconstruction in Arkansas" (M.A. thesis, North Texas State University, Denton, Texas, 1963), pp. 74-75. These lines were not concrete: the leader of the Liberals was Joseph Brooks, a carpetbagger who had been alienated by the regular Republican machinery, and the regular Republican nominee for governor in 1872 was a native Arkansan.


\textsuperscript{46}Staples, \textit{Reconstruction in Arkansas}, p. 392.
Under the circumstances, anyone seeking a political career as an Arkansas Republican was well advised to proceed with caution. In August, 1872, Dorsey attended the Phillips County regular Republican convention, held to elect delegates to the regular state convention. Reflecting the fragmentation of the state's Republican party, the Phillips County convention split over the election of a permanent chairman, with the dissatisfied delegates bolting and holding their own convention.47 Demonstrating enviable political adaptability and applying the lessons he had learned in Sandusky, Dorsey managed to get elected to the regular state convention by both county factions.48 At the state convention Dorsey exerted his influence in behalf of the nomination of Elisha Baxter for governor over the claims of three carpetbag candidates, including Acting Governor O.A. Hadley, who was associated with Dorsey in the railroad business. Baxter, a native Arkansan, was considered the only hope the regular Republicans had to forestall a Liberal Republican-Democratic victory in November.49 Dorsey was also appointed to the

47Daily Arkansas Gazette, 8 August 1872.
48Ibid., 14 August 1872.
49Herndon, Annals of Arkansas, 1:190; Staples, Reconstruction in Arkansas, p. 393; Arkansas, General Assembly, Report of the Joint Select Committee of the Two Houses of the General
regular Republican State Central Committee, from which position he spent much of September and October of 1872 working with the Republican National Committee for the Grant ticket in Arkansas. Thus it happened that when the first stretch of the Central opened, with great celebration and fanfare, in September, 1872, Dorsey was in New York trying to arrange for money and speakers to be sent to Arkansas in support of Grant's re-election. Work continued on the Central, but Dorsey's attention was now firmly riveted elsewhere; on 15 November 1872, the Gazette announced that Dorsey was a "prominent candidate" for a seat in the United States Senate.

For the purposes of Arkansas Republicans, who in 1872 believed their power seriously threatened, Dorsey was the


50 Dorsey to E.D. Morgan, 2 September 1872, William E. Chandler Papers, Manuscript Division, Library of Congress, Washington, D.C.

51 Daily Arkansas Gazette, 29 September 1872; Dorsey to Chandler, 12 September 1872, 26 September 1872, Chandler Papers.

52 Daily Arkansas Gazette, 2 November 1872, 15 November 1872.
perfect man to send to the Senate. He was widely known throughout the state as the able and energetic builder of the Arkansas Central, but he was not well known politically. He was in sympathy with the Radical Republicans, but he had not been in the state long enough to be associated publicly with the hated Clayton regime of Arkansas carpetbaggers.

The Democratic *Helena World* ruled that Dorsey, "though a Republican of the strictest school, is not devoid of principle. Our people have found him to be a good citizen in every respect . . ."

and the *Gazette* commented that "if he has stolen anything, stuffed any ballot-boxes, or been a party to any such conduct, or in any manner aided or abetted in oppressing the people, we have not heard of it." Clayton, in fact, supported Dorsey's Republican opponent, Thomas Bowen, in the senatorial contest; this opposition won Dorsey much Democratic support and helped him ultimately to win the election. Dorsey also promised his support for a bill

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55 *Daily Arkansas Gazette*, 19 January 1873.

lifting the franchise restrictions from former Confederates in return for Democratic support for his election.\textsuperscript{57}

On 18 January 1873 the Arkansas legislature elected Stephen Dorsey to the United States Senate. Reaction throughout Arkansas was mixed, the major objection to Dorsey's election being the indecent haste with which he had risen to power in Arkansas politics. He had been in the state for less than two years at the time of his election, and no one was certain that he had met the residence requirement for officeholders. There was also some question concerning Dorsey's involvement with the Central and the realization that he had been awarded, at a conservative estimate, $1,615,077.04 in state and county bonds and had built only fifty-seven miles of railroad.\textsuperscript{58}

Democrats who had spoken kindly of Dorsey as a candidate reversed their field now that he was actually a senator. The \textit{Helena World} was incensed at the elevation of "an iron-monger in Ohio, a native of Vermont, and an offshoot

\textsuperscript{57}Arkansas, General Assembly, \textit{Report}, pp. 18, 47, 51-53.

\textsuperscript{58}This estimate is based on the state auditor's report of levee bonds issued, \textit{Daily Arkansas Gazette}, 22 January 1873; Governor O.A. Hadley's message on leaving office, \textit{ibid.}, 10 January 1873; also included are $200,000 of county aid bonds.
It will be remembered that Dorsey has been in our state only about two years all told. About half that time he was not a denizen, his family remaining in his cherished home--Oberlin, his alma mater. . . . He came here to promote his railroad interests; he commenced work upon the Central, and promised to make it a first-class road; he obtained state, county and city aid under that most solemn pledge. By trickery, hocus-pocus or legerdemain, the gauge of the road was changed and today we have a wheelbarrow road from Helena to Clarendon, costing nothing in comparison to the intention he came here to further and carry through. . . . The labor and means expended on the Central have made [Dorsey], according to report, a man of wealth, enabling him to spend, to secure his election to the United States Senate, some sixty or seventy thousand dollars.  

Most of the state press was not so violent as the World; nor was it so charitable as the Gazette, which observed that "those who know [Dorsey] best speak in the highest terms of his integrity and ability." The Arkadelphia Standard described Dorsey as "a man of fair ability, indifferently honest as the times go, having never been caught stealing anything bigger than a railroad, a Republican of the [Radical] persuasion, and a warm supporter of the state and

59 Helena World reprinted in Daily Arkansas Gazette, 9 February 1873.

60 Daily Arkansas Gazette, 19 January 1873.
national administrations." The press generally, however, followed the attitude adopted by the Fort Smith Herald:

In order to make the people satisfied that Dorsey is an honest man--and we would not condemn him before he is tried--he must make his own reputation, and by his actions in the Senate prove that he is a representative of the people.

The sincerity of those expressing a willingness to allow Dorsey to vindicate himself in the Senate is open to question: before he ever took his seat, the press was issuing calls for an investigation into the manner of his election. Dorsey also left himself open to charges of breaking faith with his Helena constituency by resigning the presidency of the Arkansas Central Railway Company and accepting the presidency of the Memphis, Pine Bluff and Shreveport line. He did, however, remain active on behalf of the Central, juggling his railroad interests and his

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61 Arkadelphia Standard reprinted in ibid., 29 January 1873.

62 Fort Smith Herald reprinted in Daily Arkansas Gazette, 28 January 1873.

63 Daily Arkansas Gazette, 11 February 1873 (quoting Arkadelphia Standard), 13 February 1873, 20 February 1873 (quoting St. Louis Republican), 21 February 1873, 23 February 1873, 25 February 1873.

64 Arkansas, General Assembly, Report, p. 67; Daily Arkansas Gazette, 7 March 1873.
political ambition until finally both became untenable.

Dorsey's rise to political prominence in Arkansas had been meteoric and lucky, the result of a fortuitous combination of opportunity and circumstance. Later, when Dorsey was floundering in his attempts to save a Republican party in Arkansas, reports circulated that he had moved to Arkansas specifically for the purpose of becoming a United States senator. But he could not have created the conditions in Arkansas Republicanism which paved the way for his election; similarly, he was not able to prevent the development of conditions which led two years later to his equally rapid loss of power in Arkansas. Dorsey had the misfortune of becoming involved in Arkansas politics just as Arkansas Republicanism was disintegrating and the Democrats were mounting their final, successful struggle for "Redemption." As a newcomer to Arkansas, he was hardly able to cope with the shifts in alignment and the massive political confusion attendant upon these events. He had become involved in Arkansas politics as an extension of his presidency of the Arkansas Central Railway Company.

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65 Daily Arkansas Gazette, 7 February 1875.
But because of the peculiar circumstances of the state's Republican party by the time of Dorsey's arrival, he was unable to consolidate his railroad empire through political influence, and Dorsey ended his Arkansas sojourn financially bankrupt and politically adrift.
CHAPTER III

DISASTER IN ARKANSAS

Stephen Dorsey might have entered the United States Senate with the idea of using his political influence to further his business enterprise. He soon discovered, however, that events in Arkansas required more of his personal attention than he had anticipated, leaving him little time to develop political influence in Washington. Dorsey had been in the Senate barely long enough to cast a vote when strange reversals began occurring in Arkansas' political alignments, and he spent most of his first two senatorial years attempting to save the Republican party in Arkansas. Dorsey's attempt to save both Arkansas Republicanism and the Arkansas Central Railroad caught him in the middle of a chain of events that led to the collapse of Dorsey's fortunes in that state.

These events had begun with the gubernatorial election of 1872. In that contest, the regular Republicans had nominated Elisha Baxter, with Dorsey given some credit for engineering Baxter's nomination.¹ The Liberal Republicans

¹Memphis Daily Appeal, 11 January 1873.
had chosen Joseph Brooks, and the Democrats had supported Brooks in lieu of selecting their own ticket. Amid charges and counter-charges of partisan voter registration, ballot box-stuffing, and ballot stealing, the state legislature had declared Baxter elected.  

Baxter was inaugurated as governor of Arkansas on 6 January 1873. Immediately he began cultivating Liberal and Democratic support by endorsing a proposed amendment to the state's constitution removing the last franchise restrictions from former Confederates.

Baxter gained further Democratic support with his opposition to a bill introduced in the Arkansas legislature that would release several railroads from their liability to the state. Popularly known as the "Railroad Steal Bill," this act would have netted certain railroads, among them the Arkansas Central, close to $5,200,000. Although Dorsey published a statement in the Helena Clarion saying that he opposed the Railroad Steal and considered it "a swindle,"

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3 Ibid., p. 401.
4 Daily Arkansas Gazette, 25 March 1873.
5 Helena Clarion reprinted in ibid., 2 May 1873.
it was rumored in the Gazette that Dorsey was working behind the scenes for the bill's passage. In May, 1873, the Railroad Steal failed to pass the Arkansas House of Representatives, presumably because of Baxter's opposition. By this time enough Republicans were sufficiently dissatisfied with Baxter that Brooks and a group of his partisans, who had never conceded the election to Baxter, saw an opportunity to act. On 2 June 1873, Brooks filed suit in the Arkansas Supreme Court for Baxter's ouster, claiming that Brooks had actually been elected governor in 1872. The court ruled that it had no jurisdiction in the case, Chief Justice John McClure dissenting.

Dorsey immediately telegraphed to Baxter from Washington that "You have the unqualified support of myself and friends. The revolutionary proceedings instituted against you will not be sustained by the people." Dorsey obviously concluded that the matter was settled and did not require any further attention on his part. Four days after sending this telegram,

6 Little Rock Daily Republican, 5 May 1873.
7 Ibid., 29 May 1873; Martha A. Ellenburg, "Carpetbagger Policies during Reconstruction in Arkansas" (M.A. thesis, North Texas State University, 1963), p. 91.
8 Daily Arkansas Gazette, 4 June 1873.
he left for London on business for the Central, not to return until late in November. Dorsey's telegram and departure were not enough to convince the St. Louis Republican, however, that Dorsey was not involved with McClure and former carpetbagger Governor Powell Clayton in an attempt to set up a dual government in Arkansas. Equally unconvincing to the Republican was an interview with Clayton, published in the Little Rock Daily Republican, in which he claimed that he knew of no plans to unseat Baxter. The Gazette, certainly no partisan of Dorsey, tried to silence its St. Louis exchange by maintaining that no one was thinking of establishing a dual government in Arkansas.

The Brooks-Baxter contest lay dormant for almost a year after the State Supreme Court decision of 4 June 1873, but Dorsey remained under fire. As late as 27 June 1873 the St. Louis Republican was still accusing him of trying to overthrow the government of Arkansas, and on 9 July the

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9 Ibid., 8 June 1873.

10 St. Louis Republican reprinted in ibid., 14 June 1873.

11 Little Rock Daily Republican, 29 May 1873; Daily Arkansas Gazette, 8 June 1873, 29 October 1873, 21 November 1873.

12 Daily Arkansas Gazette, 14 June 1873.
Gazette reported that Dorsey had put up $200,000 in bonds of the Central to secure passage of the Railroad Steal.\textsuperscript{13}

Rumors began circulating that work on the Central was about to be suspended, strengthening speculation that the road had served its purpose by transporting Dorsey to the United States Senate and would now be allowed to die.\textsuperscript{14}

Dorsey was not available during the summer and autumn of 1873 to respond to these reports and accusations. With the Senate in adjournment, he had resumed his role as railroad entrepreneur, and he was in London trying to raise money for the Central. In July the Pine Bluff Republican reported that grading was completed for the Pine Bluff branch and that Dorsey had arranged for the purchase of enough iron to finish the road.\textsuperscript{15} In August, Dorsey negotiated four separate loans in London for "means to complete the Central," and he returned to Little Rock late in November prepared once more to build a railroad in Arkansas.\textsuperscript{16}

\textsuperscript{13}St. Louis Republican reprinted in ibid., 27 June 1873; Daily Arkansas Gazette, 9 July 1873.

\textsuperscript{14}Pine Bluff Republican reprinted in Daily Arkansas Gazette, 11 July 1873.

\textsuperscript{15}Ibid.

\textsuperscript{16}Assur H. Moses et al. vs. Stephen W. Dorsey, Case File No. 1437, Circuit Court of the United States for the District of Colorado, Record Group 21, Federal Records Center, Denver,
Although work on the road proceeded, Dorsey was unable to meet its financial obligations in the wake of the panic of September, 1873, and in January, 1874, the Central defaulted on its interest payments on its mortgage bonds.¹⁷

Dorsey's political troubles kept pace with his financial worries. In January, 1874, the Gazette issued another call for an investigation into the manner of Dorsey's elevation to the Senate.¹⁸ Less than a week later it began to look as if those wishing for an investigation of Dorsey would be satisfied, but from another quarter. In December, 1873, Dorsey had been appointed to the District of Columbia Committee of the Senate,¹⁹ and on 30 January 1874 the Gazette reported:

And now Senator Dorsey's time, it seems, is coming. The Washington editor of the St. Louis Republican telegrams . . . that it is reported in Washington that among those who will be found implicated with the District of Columbia ring, when an investigation is had, will be Senator Dorsey . . . whose appointment

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ⁱ⁸Daily Arkansas Gazette, 24 January 1874.

ⁱ⁹U.S., Congress, Senate, Congressional Record, 43rd Cong., 1st sess., pp. 56-57.
on the District of Columbia Committee simultaneously with a large transaction with Shepherd, in Washington real estate, has given rise to a good deal of speculation.

In February, 1874, Congress passed a resolution appointing a committee to investigate affairs in the District of Columbia. By the time of this investigation, however, the Brooks-Baxter contest was reviving, and this time Dorsey was in the center of the storm.

Governor Baxter had continued his wholesale conversion to the Democracy after the defeat of the Railroad Steal in May, 1873. Taking advantage of the adjournment of the Republican-controlled legislature, and in defiance of strict Republican policy, Baxter had appointed many Democrats to fill important state offices. Since many of these Democrats served as legislators, a special election became necessary in November, 1873, to fill thirty-nine vacant seats. In announcing this election, Baxter called also for a new voter registration, commensurate with the recently passed amendment to the state's constitution removing the franchise.

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20 Daily Arkansas Gazette, 30 January 1874.
21 Ibid., 3 February 1874.
restrictions from former Confederates. The Democrats, seeing a chance to win control of the legislature, nominated candidates for all the vacancies and began calling for a convention to rewrite the carpetbagger constitution of 1868. The Republicans, relying on Baxter's promise not to call a special session of the assembly, made no concerted effort to prevent a new voter registration, nor did they put up candidates for all the vacant seats. Instead, they concentrated on controlling Baxter.

Shortly after the special election, however, it became apparent that Baxter himself favored constitutional revision, and that Republican efforts to control him would be ineffectual. In March, 1874, Dorsey and Clayton, whose election to the Senate had anticipated Dorsey's by two years, left Washington while Congress was in session and appeared in Little Rock. There was "considerable speculation as to the object of their visit to the capital at this time," but

23Staples, *Reconstruction in Arkansas*, pp. 405-06.

24Ibid., p. 407.


it was rumored, according to the Gazette, that the Senators were in Little Rock "to fix up some scheme by which they can thwart the oft-expressed intention of Governor Baxter to have a fair registration and a fair election next November."\(^2^7\) In a letter published in the New York Herald in April, 1874, Baxter reported that, through an agent, Dorsey and Clayton had attempted to secure Baxter's complicity in election frauds and, failing this, had offered Baxter a federal judgeship if he would vacate the office of governor.\(^2^8\) The agent, however, later contradicted Baxter's letter in testimony before a House committee investigating the affairs of Arkansas. In July, 1874, Asa Hodges testified that

at the request of Senator Clayton and Senator Dorsey, I . . . called to see [Baxter] for the purpose of inquiring whether or not he desired that they should secure an appointment for Mr. Brooks, in order to get [Brooks] out of the way in the [Brooks-Baxter] contest.

In answer to a question over whether Dorsey had asked Hodges to induce Baxter to resign as governor, Hodges replied that "it was not Senator Dorsey's wish that Mr. Baxter

\(^2^7\)Daily Arkansas Gazette, 17 March 1874, 24 March 1874.

\(^2^8\)Ibid., 30 April 1874.
should resign." If Hodges was correct, Dorsey changed his mind some time between 17 March and 15 April; Baxter's action in refusing more state aid to the Arkansas Central Railway Company, while Dorsey was in Little Rock, probably dictated this decision.

By March, 1874, parts of the Central were under four feet of water, Dorsey had defaulted on two of his London notes in addition to having already defaulted on the interest payments on the Central's mortgage bonds, and the road was behind in payments to its contractors. An additional grant of state aid was the road's only hope of avoiding bankruptcy, and the new president of the Central applied to Baxter for more state aid.

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31 Concerning these bonds, one historian of the Brooks-Baxter War has commented that "rumor at the time said ... that the leaders of the Republican Party had called upon Governor Baxter to issue and sign some $2,000,000 or more in state aid bonds, or other securities, to be used for some purpose, and out of which the party expected to get benefits." Benjamin S. Johnson, "The Brooks-Baxter War," Publications of the Arkansas Historical Association 2(1908):131.
the grant but announced that all grants of state aid to railroads since 1869 had been illegal and unconstitutional, thus opening the way for the state's repudiation of this debt.\textsuperscript{32} The \textit{Van Buren Press} observed that Baxter's courageous decision in this matter was doubly commendable because Baxter had supported Dorsey for the Senate in 1873, and it remarked that "now we may expect to find Clayton and Dorsey arrayed in bitter hostility to the Governor."\textsuperscript{33} It appeared that Baxter had completely deserted his Republican supporters and had gone over to the Democrats. The \textit{St. Louis Republican} remarked on 5 April that "after their little trip to Arkansas, Clayton and Dorsey are convinced that the only way for Republicans to carry in November is for the Supreme Court [of Arkansas] to oust Baxter and install Brooks"; this was probably also the only way to salvage the Arkansas Central.\textsuperscript{34}

Shortly after the senators returned to Washington, Joseph Brooks suddenly revived his efforts to reverse the results of the gubernatorial election of 1872.

After the Arkansas Supreme Court had ruled in June, 1873, that it had no jurisdiction in the matter of the 1872

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  \item \textsuperscript{32} \textit{Daily Arkansas Gazette}, 22 March 1874.
  \item \textsuperscript{33} \textit{Van Buren Press} reprinted in ibid., 27 March 1874.
  \item \textsuperscript{34} \textit{St. Louis Republican} reprinted in \textit{Daily Arkansas Gazette}, 5 April 1874.
\end{itemize}
election, Brooks took his case to the Pulaski County Circuit Court, apparently appealing the decision of the supreme court. No action had been taken in the circuit court at that time, but on 15 April, 1874, Brooks, through attorney W.G. Whipple, asked Pulaski County Circuit Judge John Whytock to rule on his suit. In the absence of Baxter's attorneys, Whytock reversed the decision of the supreme court and issued a writ declaring Joseph Brooks the legal governor of Arkansas. Supreme Court Chief Justice McClure hastily accepted this lower-court reversal of his own court's ruling and administered the oath of office to Brooks, who forcibly ejected Baxter from the state house. Both governors appealed to President Grant and called out the state militia, and the Brooks-Baxter War was on.35

Within a period of slightly more than a year the political alignments in Arkansas had been reversed. The Democrats and Liberal Republicans, who had supported Brooks in 1872, were now solidly behind Baxter; the regular Republicans, who had allegedly used every means imaginable to inaugurate Baxter in 1872, were now trying to oust him by force and

install Brooks. Baxter's conversion to the Democracy placed Dorsey in a particularly awkward position, politically and financially. Dorsey had helped get Baxter nominated in 1872 and had supported Baxter in the first Brooks-Baxter contest in 1873, but that had been before Baxter had switched parties and threatened the Central with financial ruin. Dorsey now faced a difficult choice: he could remain consistent and continue to support Baxter, gaining popularity in Arkansas at the cost of probable bankruptcy and a loss of power in the Republican party; or, he could switch to Brooks, which offered the possibility of saving the Central but also meant the loss of political power in Arkansas.

Dorsey chose the latter. He telegraphed congratulations to Brooks from Washington, pronounced Baxter a political traitor, and set about to persuade Grant to recognize Brooks. On 16 April 1874, Dorsey and the other members of the Republican congressional delegation from Arkansas called on Grant and Attorney General George Williams to confer with them regarding the situation in Arkansas. "Both the President and Judge Williams were assured that the question had already been settled in the courts, and that in the view

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36 Little Rock Daily Republican, 17 April 1874; Chicago Tribune reprinted in Daily Arkansas Gazette, 25 April 1874.
of the delegation this should be the final decision." On the same day, Grant instructed the secretary of war to keep the federal troops in Arkansas strictly neutral. As the Memphis Avalanche pointed out, however, "President Grant's action in the Arkansas case, though not interference in one sense, is, in another, direct intervention; for it renders the Brooks revolution for a time a success" since federal troops stood between Baxter and the state house. Dorsey confirmed this view in a dispatch to the Little Rock Daily Republican, in which he stated that Grant's course was exactly the one desired by Brooks's friends.

On the 21st of April Dorsey and the Arkansas congressional delegation once again met with Grant, this time in the presence of the cabinet, to discuss the situation in Arkansas. They urged the president to maintain his original position, "to take all proper measures to prevent collision and bloodshed, and let the matter in controversy be settled in the courts."

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37 New York Times, 17 April 1874, p. 5.
38 O.E. Babcock to the Secretary of War, 16 April 1874, Ulysses S. Grant Papers, Manuscript Division, Library of Congress, Washington, D.C.
39 Memphis Avalanche reprinted in Daily Arkansas Gazette, 25 April 1874.
40 Little Rock Daily Republican, 18 April 1874.
Having the matter settled in the courts was Brooks's only hope of success in this coup, but there were some legal problems involved in this type of settlement. In the first place, the courts had no jurisdiction in this case. Under Article 6, Section 19 of the Arkansas constitution of 1868, the Arkansas General Assembly had exclusive jurisdiction in cases of contested elections for state offices. In the second place, the action of the Pulaski County Circuit Court in overruling the Supreme Court of Arkansas was, to say the least, a highly irregular method of settling the matter in the courts.

Under the circumstances it was extremely unlikely that the opinion of the attorney general, if he were forced to give one to restore peace in Arkansas, would sustain Brooks. According to Secretary of State Hamilton Fish, Dorsey told the attorney general "with a good deal of feeling . . . that everything he had was involved in this decision"; Fish added that Dorsey "had become excited and threatened [trouble] when told that the President would be obliged to recognize

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Baxter. Thus on 9 May, in a last-ditch attempt to forestall federal intervention in the case, Dorsey and other representatives for Brooks met with agents for Baxter in the office of Attorney General Williams to effect a compromise by which both governors would disband their troops and end the fighting in Arkansas. An agreement was worked out and Brooks was hastily advised to accept it, which he did; Baxter, however, refused to co-operate.

With the failure of this compromise, the federal government had no alternative but to intervene to restore order in Arkansas. On 15 May 1874 the attorney general delivered his opinion, and on the same day Grant issued a proclamation recognizing Baxter and ordering all troops in Arkansas to disperse. The New York Times reported that

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46 The attorney general's opinion may be found in U.S., Congress, Senate, Affairs in Arkansas, Senate Ex. Doc. 25, 43rd Cong., 2nd sess., 1875, pp. 9-13. Grant's proclamation followed the argument of the attorney general almost exactly. The proclamation is reprinted in Johnson, "The Brooks-Baxter War," p. 175.
Clayton and Dorsey were "in a rage" over Grant's decision "and breathing foul threats," and the St. Louis Republican quoted Dorsey that "the Proclamation issued today by the President is the death-knell of Republicanism in Arkansas." Dorsey had not exhausted all his resources, however. For the next few weeks he was busy in the House, lobbying for passage of a resolution to send a House committee to investigate matters in Arkansas, to "ascertain whether there was such a republican form of government there as the United States should recognize." This resolution was generally understood to be a direct challenge to Grant's recognition of Baxter. On 27 May the House created the Select Committee to Inquire into the Condition of Affairs in the State of Arkansas, with Luke Poland of Vermont as chairman and composed of three Republicans and two Democrats.

48 St. Louis Republican reprinted in Daily Arkansas Gazette, 19 May 1874.
50 St. Louis Times reprinted in Daily Arkansas Gazette, 21 May 1874.
51 U.S., Congress, House, Congressional Record, 43rd Cong., 1st sess., p. 4305.
creation of this committee breathed new life into the Brooks forces, and Dorsey was optimistic that the Poland committee would reverse Grant's proclamation.52

Just when it began to look as though something might be salvaged out of Arkansas, tragedy struck Dorsey from another direction. On 1 June 1874 his daughter Carlotta, not quite six years old, died suddenly in Washington. "Little Lotta was the idol of her father," and for a time the world around Dorsey stopped as he accompanied the child to Ohio for burial.53 Just as he was returning to Washington to resume his campaigns, Dorsey was recalled to Ohio by news of the serious illness of his wife.54

But the political situation in Arkansas left Dorsey little time for grief. Baxter's recently-convened legislature appointed a committee to investigate the conduct of the state's two United States senators with regard to the Brooks-Baxter contest, and this action by the legislature was thought to signal "the commencement of charges against them.

53 Little Rock Daily Republican, 4 June 1874.
54 Ibid., 22 June 1874.
to overthrow the State Government."\textsuperscript{55} Friends of Baxter, meanwhile, were preparing to turn the House investigation of Arkansas into an investigation of the manner of Dorsey's election to the Senate. Baxter himself sent a telegram to Washington, stating that:

Col. F.A. Terry will testify that Judge Bowen, who for a time was the opponent of Dorsey for the United States Senate, told him that Dorsey proposed to pay him (Bowen) the sum of $36,000 in bonds of the Arkansas Central Railroad if he would withdraw from the contest; and further, that Bowen a day or two afterward withdrew and exhibited Dorsey's check for the sum mentioned. Dorsey afterward paid $5,000 each to Hodges and his nephew, Chapman, for their influence in the Legislature, and other similar amounts have been paid. In conversation with me over a year ago, Dorsey stated that he deposited $200,000 in Stoddard's bank here, for the purpose of bribing the Legislature.\textsuperscript{56}

In St. Louis it was reported that

the checques given by Senator Dorsey to the members of the Arkansas Legislature for . . . their votes

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\textsuperscript{55} New York Times, 21 May 1874, p. 1; Daily Arkansas Gazette, 20 May 1874.
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\textsuperscript{56} Arkansas, General Assembly, Report of the Joint Select Committee of the Two Houses of the General Assembly of the State of Arkansas, Appointed to Investigate the Matter of the Election of the Hon. Stephen W. Dorsey, as Senator of the United States from Arkansas, stenographic report (Little Rock: The Arkansas Gazette Office, 1876), pp. 11-13 (hereafter cited as Arkansas, General Assembly, Report); New York Times, 19 May 1874, p. 1. This might be the $200,000 allegedly used by Dorsey to secure passage of the Railroad Steal (supra, pp.49-52), but this writer finds it improbable that Dorsey volunteered this information to Baxter.
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cast for him to be United States Senator, are in
the hands of Gen. Albert Pike . . . who is a warm
friend of Baxter. These he proposes to use against
the Brooks ring in case the opportunity is offered. 57

On 28 May 1874 a black Republican from Arkansas sent a
letter to Grant denouncing Dorsey as a fraud; this letter
was submitted to the Poland committee as evidence. 58 In
July, the convention meeting in Little Rock to draft a new
constitution for Arkansas passed a resolution asking for
the recall of the entire Republican congressional delegation
from Arkansas. 59

In spite of all this, Dorsey managed to keep his seat
in the Senate, from which he continued his attempts to
salvage Arkansas Republicanism and his own fortunes. This
task, made exceedingly difficult by Grant's recognition of
Baxter, was made even more so by the ratification in
October, 1874, of a new state constitution voiding the
carpetbagger document of 1868. Displaying a remarkable
talent for flying in the face of overwhelming odds, Dorsey
refused to concede the validity of the new constitution. He

57 St. Louis Republican reprinted in Daily Arkansas
Gazette, 21 May 1874.

58 W. H. Furbush to Grant, 28 May 1874, Senate Ex. Doc.

59 Daily Arkansas Gazette, 16 July 1874.
argued that since Baxter was not the legal governor, he
could not legally have called the special session of the
legislature which had set up the constitutional convention,
and thus the new constitution was null and void. In a
series of resolutions adopted at the Republican state con-
vention, of which Dorsey was chairman, the Republican party
refused to put up candidates for the election of state
officers to be held with the ratification election in
October, 1874. By this tactic, the party hoped to gain
national recognition of the illegality of Democratic rule
in Arkansas. The state convention also selected Dorsey
as a delegate to a convention of southern Republicans
scheduled to meet in Chattanooga, Tennessee, in October,
1874, to explore the problems of southern Republicanism.

By the time this convention met, Arkansas was once
more faced with the prospect of two governors. Refusing to

60 These views are given in the "Address to the Republican
State Convention," 15 September 1874, adopted unanimously.
The address may be found in Senate Ex. Doc. 25, 43rd Cong.,
2nd sess., pp. 76-94.

61 Ibid., pp. 94-96; Daily Arkansas Gazette, 16 September 1874.

62 St. Louis Republican reprinted in Daily Arkansas
Gazette, 21 October 1874.

63 Daily Arkansas Gazette, 16 September 1874.
concede the validity of the new constitution, the Republican party refused to recognize the legal title of Augustus H. Garland, elected governor when this constitution was ratified on 13 October. The St. Louis Republican claimed that the Republicans assembled at Chattanooga "propose to overturn the state government of Arkansas next winter," and outlined a plan of action which included Congress' re-opening of the Brooks-Baxter case on the ground that the 1874 constitution had not been legally ratified and that Garland could thus not have been legally elected governor. Dorsey played a minor role in the Chattanooga convention; but when the opportunity came to put the plan of ousting Garland into effect, "Dorsey was left all alone at Washington . . . to conduct the case."  

That opportunity came in November, 1874. The Republicans, having decided that the October election for state officers under the 1874 constitution was illegal, ran their candidates for state office on the November 3 ballot. As the constitution of 1874 specified that the November election was to be

64 St. Louis Republican reprinted in ibid., 21 October 1874.

65 Memphis Avalanche reprinted in Daily Arkansas Gazette, 22 October 1874; Daily Arkansas Gazette, 19 November 1874.
exclusively for federal representatives, the Democratic
election judges refused to count the votes cast for state
legislators. At this point Volney Smith, who had been
Baxter's lieutenant governor but who had supported Brooks
in the ouster attempt of 1874, appeared in Washington to
lobby for recognition of the Republican legislature elected
on 3 November. Apparently Arkansas was going to have two
legislatures.  

Approximately one week later, on 13 November 1874,
Smith issued a proclamation claiming that he was governor
of Arkansas. Under the 1868 constitution, which Smith
claimed was still in force, the governor's term would not
expire until 1876. In this view, Baxter's turning the
governorship over to Garland on 11 November 1874 constituted
abandonment of the office, which Smith as lieutenant governor
was thus entitled to take over.  

This last desperate attempt to salvage Arkansas Repub-
licanism was grounded in fundamental illogic and was patently
absurd. As lieutenant governor and presiding officer of
the state senate, Smith had signed the order in May, 1874,

66 *Daily Arkansas Gazette*, 6 November 1874, 17 November
1874.

67 Smith's proclamation is given in ibid., 15 November
1874.
calling for the constitutional convention; he had also served as a delegate to that convention. These facts made it logically difficult for Smith to deny the validity of the new constitution—which had, incidentally, abolished the office of lieutenant governor—or to maintain that the 1868 document was still in effect.

Smith's support of Brooks in the Brooks-Baxter War created further logical problems for Smith's claim to the governorship. Smith had been elected on the same ticket with Baxter in 1872; but Brooks's case was based on the argument that Baxter had never been elected. If Baxter had not been elected, however, then neither had Smith; and if Baxter had not been elected, then he could not have abandoned the office. Taking any approach, Smith's title to the governorship of Arkansas was highly fanciful at best, and most of Arkansas took the whole affair as a big joke.

Stephen Dorsey and a few other die-hard Republicans, however, took this matter seriously. On the day of Smith's proclamation Dorsey wrote to Attorney General Williams, "by

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68 Ibid., 26 November 1874.

69 Ibid., 17 November 1874, 18 November 1874.
the authority of Governor V.V. Smith, of Arkansas," presenting Smith's case "up to the date of the inauguration of the revolutionary government under Garland" and referring to "the necessity of the interposition of the General Government," presumably to install Smith. On 18 November, the Gazette printed a dispatch Dorsey had allegedly received from Henry M. Cooper, secretary of the Arkansas Republican State Central Committee, picturing mass mayhem and terror in Arkansas under Democratic rule. The dispatch added that Arkansas Republicans "unanimously sustain Governor Smith. The people do not sustain Garland . . . . We hope for relief from Washington; if we cannot get that, we must fight it out." Cooper immediately denied ever having sent such a dispatch to anyone, and the New York Sun claimed that there was "good authority for the statement that [it was] written in the room of Senator Dorsey . . . and very probably on paper for which the United States Senate has to pay." The Chicago

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70 Dorsey to Geo. H. Williams, 14 November 1874, Senate Ex. Doc. 25, 43rd Cong., 2nd sess., p. 28.

71 Daily Arkansas Gazette, 18 November 1874.

72 Ibid., 19 November 1874; New York Sun reprinted in ibid., 29 November 1874.
Tribune commented that "the incident indicates what kind of tactics the advocates of Smith have been compelled to adopt." 73

Meanwhile, the pro-Garland legislature created a committee to investigate the manner of Dorsey's election to the Senate and to report its findings to that body. Dorsey announced that he intended to ignore this investigation, which Garland's "ex parte mob" had no authority to make and which was merely intended to ruin Dorsey's effectiveness in "serving his constituents." 74 Less charitable sources, however, speculated that Dorsey's enthusiastic support of Smith was governed by the hope that Grant would unseat the Garland government before it had a chance to unseat Dorsey. 75

Whether with contempt or foreboding, Dorsey continued to argue Smith's case. On 23 November, he forwarded to the attorney general the address and resolutions of the Republican state convention of September, 1874. Dorsey presented these documents to Williams to challenge the idea

73 Chicago Tribune reprinted in Daily Arkansas Gazette, 21 November 1874.

74 Little Rock Daily Republican, 24 November 1874, 26 November 1874 (quoting Washington Republican).

75 Chicago Times reprinted in Daily Arkansas Gazette, 21 November 1874.
that the people of Arkansas accepted "the pretended constitution under which the Garland faction of the democratic party have usurped the government of the state." Written before Smith's "accession" to the governorship, however, these documents had only dubious relevance; and as their primary argument was that Elisha Baxter had never been elected governor, they offered a somewhat illogical buttress for Smith's claims.

Tenuous as Smith's claim was, however, there was some basis for hope that the national government would recognize it. The Poland committee extended the scope of its investigations to include an inquiry into the legality of the constitution under which Garland was elected, and Grant was thought to oppose recognition of Garland. Dorsey remained in Washington following the adjournment of Congress to continue his lobbying efforts on behalf of Smith.

Early in 1875, however, events occurred which rendered the merits of the case in Arkansas irrelevant to the solution of the problems of that state, and which rendered the success

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76 Dorsey to Geo. H. Williams, 23 November 1874, Senate Ex. Doc. 25, 43rd Cong., 2nd sess., p. 76.

77 Little Rock Daily Republican, 20 November 1874, 28 January 1875 (quoting St. Louis Times).

78 Ibid., 24 November 1874.
of Dorsey's cause hopeless. On 4 January, a Brooks-Baxter-style conflict erupted in Louisiana when Democrats attempted to prevent the organization of the Republican legislature in that state. To restore some semblance of order, Republican Governor William Pitt Kellogg summoned the state militia, and Grant dispatched General Philip Sheridan with United States forces to protect Kellogg and the Republican legislature.

These events in Louisiana probably had more influence than the volumes of testimony gathered by the Poland committee in deciding the outcome of the various Arkansas gubernatorial contests. The logic of the situation dictated that either Kellogg or Smith would be recognized, but not both: Grant had supported Kellogg in Louisiana on the grounds that the Kellogg government was already functioning. Based on that reasoning, he would also have to sustain the Garland government in Arkansas, and on 16 January the Washington correspondent of the St. Louis Republican reported that "the carpetbaggers in Arkansas are to be sacrificed that the Administration policy in Louisiana may be endorsed." The correspondent added that Dorsey was "about ready to endorse

79 St. Louis Republican reprinted in ibid., 19 January 1875.
the plan," perhaps in the hope that the Garland legislature would curtail its investigation of his election if he co-operated in the recognition of Garland, and speculated that the Poland committee report, when finally submitted, would endorse the Grant administration while allowing all sides in Arkansas to save some face.

The report of the Poland committee, submitted to Congress on 6 February 1875, was suitably ambiguous. The committee backhandedly acknowledged that Joseph Brooks had actually been elected governor in 1872, but ruled, in effect, that it was too late to do anything about that. Concerning the 1874 constitution and Garland, the committee admitted that there were many irregularities in the framing and adoption of the constitution, but recommended that, in view of the fact that the constitution was republican in form and seemed agreeable to the majority of Arkansas, no governmental interference to unseat Garland was advisable. 80

The report of the Poland committee was signed by four of the committee's five members. The fifth member, Jasper D. Ward of Illinois, submitted a minority report holding that

as Joseph Brooks had been elected governor of Arkansas and had been illegally deprived of his office, and as the constitution of 1868, having never been legally overthrown, was still in force, the national government should act to restore Joseph Brooks as the rightful governor of Arkansas. 81

Two days after the submission of these reports to Congress, Grant sent a special message to Congress essentially supporting the Ward report and asking Congress to act quickly to restore the rightful government in Arkansas, "to relieve the Executive from acting." 82 Two cabinet members who opposed Grant's message, Secretary of State Fish and Treasury Secretary Benjamin Bristow, suspected that Dorsey had induced Grant to write it. 83 If so, this is the last reported action Dorsey took in the matter. On 2 March Dorsey watched in silence as the adoption of the majority report of the Poland committee rendered him a political lame duck and a financial wreck. He had already been forced to curtail his lavish Washington entertaining and move to

81 Ibid., pp. 17-70.
82 Little Rock Daily Republican, 9 February 1875.
more modest quarters in the capital.\textsuperscript{84} He had defaulted on the last of his London notes, and the Central was on its way into receivership.\textsuperscript{85} And as if to put a final punctuation mark on his Arkansas financial downslide, Dorsey filed for personal bankruptcy in Helena in December, 1875.\textsuperscript{86}

But Dorsey's Arkansas adventure had left him with some pieces that could be used to construct a national political career. The Garland legislature's investigation of his Senate seat proceeded anything but vigorously, perhaps because the legislature feared implicating the many Democratic legislators who had voted to send Dorsey to the Senate in 1873;\textsuperscript{87} but the report, when finally issued, exonerated Dorsey of all charges of having purchased his Senate seat.\textsuperscript{88} And although there was little left of the Republican party in Arkansas after 1875, Dorsey controlled

\textsuperscript{84}Daily Arkansas Gazette, 23 February 1875, 26 February 1875.

\textsuperscript{85}Assur H. Moses et al. vs. Stephen W. Dorsey, RG 21, Federal Records Center, Denver; Hull, Shortline Railroads of Arkansas, p. 337.

\textsuperscript{86}In the matter of Stephen W. Dorsey, File No. 27, District Court of the United States for the Eastern District of Arkansas, RG 21, Federal Records Center, Fort Worth, Texas.

\textsuperscript{87}Little Rock Daily Republican, 19 January 1875.

\textsuperscript{88}Arkansas, General Assembly, Report, p. 3.
it, replacing Powell Clayton as Arkansas' representative on the Republican National Committee. Dorsey was also chairman of the executive committee of the Southern Republican Conference, established at the Chattanooga convention in 1874. He had thus gained a measure of credibility in national Republican circles that would eventually lead him to great political power. The political career that had begun as a means of furthering Dorsey's railroad enterprise remained after that enterprise had been destroyed, and eventually political power for Dorsey became an end in itself.

89 Daily Arkansas Gazette, 17 September 1874.
90 Little Rock Daily Republican, 15 October 1874, 29 October 1874.
CHAPTER IV

CARPETBAGGER SENATOR

On 4 March 1873 Stephen Dorsey began what was to be his only term as a Republican United States senator from Arkansas. Dorsey was in the Senate for the Forty-third, the Forty-fourth, and the Forty-fifth Congresses. His record in the Senate was singularly unspectacular; during his first two Congresses he apparently did not take his senatorial duties seriously, and he was absent for nearly 60 per cent of the votes cast. But although he seldom voted, Dorsey was involved in much that occurred outside the Senate chambers. His Senate career thus exemplifies many of the political fortunes of a period in which the cloakroom counted more than the cast ballot and political friends meant more than constituents.

The political chaos in Arkansas which determined that Dorsey would serve only one term in the Senate also caused that term to be unremarkable. Having made the decision to try to salvage his fortunes in Arkansas, Dorsey absented himself from Washington for most of the Forty-third Congress. During that time he should have been making the contacts...
and developing the influence to which membership on the District of Columbia Committee, the Committee on Appropriations, and the Committee on Post Offices and Post Roads would ordinarily have entitled him. As it was, Dorsey's initial mistake of trying to rescue Arkansas Republicanism doomed his Senate career to obscurity.

Some of the friendships that Dorsey did form when he entered the Senate proved to be politically embarrassing. Dorsey's membership on the Senate's District of Columbia Committee brought him into contact with Alexander Shepherd, governor of the District of Columbia and formerly vice-president of the city's Board of Public Works. Shepherd was commonly known in the District as "Boss Shepherd," and District residents spoke darkly of a "D.C. Ring," a group of Shepherd's friends who were reportedly getting rich from government contracts for paving streets in the District of Columbia. The District of Columbia Committee was responsible for authorizing street pavings and for appropriating the necessary money, and Dorsey's friendship with Shepherd led Dorsey's enemies to accuse him of collusion

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with the governor.² Pressure for an investigation into the Board of Public Works mounted, and in June, 1874, a special congressional inquiry resulted in the abolition of the District's territorial form of government on the grounds that the Board of Public Works under Shepherd had gained too much autonomous power.³ The committee's report, however, while suggesting that Shepherd was in collusion with a group of Washington street paving contractors, made no reference to Dorsey. Dorsey remained on friendly terms with Shepherd, and their names continued to be linked with various political and financial deals that would not bear the light of day.⁴

Dorsey introduced four bills in his first session of Congress, only one of which survived referral to committee. That bill, to organize the Territory of Oklahoma and provide

²Daily Arkansas Gazette, 30 January 1874.


for governing the Indian tribes there, was acted upon only to the extent that the Committee on Territories resolved to investigate conditions in Oklahoma. Dorsey's legislative record, like that of most first-term senators in the Gilded Age, was thus unimpressive.

On only one issue affecting the Forty-third Congress did Dorsey cast enough votes to permit analysis; that issue was currency and banking. In September, 1873, the failure of Jay Cooke's bank touched off the first post-war panic. As the economy deteriorated and money and credit tightened, the idea of issuing irredeemable paper money, or greenbacks, became popular. Treasury Secretary William Richardson issued $26,000,000 in greenbacks on his own initiative and with no authority from Congress to do so, and it was not certain whether fiscal conservatives in Congress would allow that body to authorize the issue of this currency retroactively.

When the Forty-third Congress reconvened in December, 1873, the economy was thus an immediate and explosive issue.

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5U.S., Congress, Senate, Congressional Record, 43rd Cong., 1st sess., 19 June 1874, p. 5189 (hereafter cited as Congressional Record). Unless otherwise specified, all subsequent references to the Congressional Record will be to the Senate portions.

and a bill was offered in the Senate to issue $382,000,000 in greenbacks, which would have the effect of legitimizing Richardson's issue.\(^7\) By the time the Senate began debate on this bill, the Arkansas Central Railway Company, chronically in debt, had halted construction for lack of funds and was in default, one of the many railroad casualties of the 1873 panic. Railroad promoters generally were among the loudest exponents of currency expansion following the panic, and Dorsey's votes on the Senate's currency bill were consistently expansionist.\(^8\) He voted to increase the greenback issue to $400,000,000, and he voted against amendments that would have prohibited any increase in the principal of the national debt.\(^9\) Dorsey also voted to override Grant's veto of this "Inflation Bill."\(^10\) Dorsey's economic votes, while consistently expansionist, however, were not consistently inflationary. He favored an expanded national bank note

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\(^7\)Congressional Record, 43rd Cong., 1st sess., 25 March 1874, pp. 2386-87.


\(^9\)Congressional Record, 43rd Cong., 1st sess., 26 March 1874, pp. 2484, 2488; 6 April 1874, p. 2827.

\(^10\)Ibid., 28 April 1874, p. 3436.
issue, but he voted to maintain a prohibitive tax on the notes of state banks, and on a later bill he voted to redeem the bonds of the District of Columbia in gold. Dorsey was thus apparently part of that western business-Republican coalition that saw recovery in an expanding currency supply, but he was not comfortable with the idea of uncontrolled inflation. In this sense he was voting his railroad interests rather than his agrarian constituency.

Dorsey's legislative initiative in the second session of the Forty-third Congress were confined exclusively to matters dealing with the Post Office Department. Two of his proposals were for the creation of postal routes in Arkansas, which were undoubtedly aimed at maintaining the Republican party as well as transporting the mails. Dorsey also offered several proposals for cutting down the expenses of the Post Office Department, much to the chagrin of some of his patronage-conscious colleagues. It is ironic that Dorsey, later accused of organizing a post office

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11 Ibid., 6 April 1874, p. 2829; ibid., 43rd Cong., 2nd sess., 3 March 1875, p. 2151.


13 Congressional Record, 43rd Cong., 2nd sess., 2 February 1875, p. 907; 3 February 1875, p. 922.
swindle of major proportions, expended so much of his energy in his first term in fighting soaring post office costs. In one strictly party-line vote, for example, Dorsey went against more than three-fourths of his Republican colleagues in voting to reduce the weight of a piece of third class mail. Dorsey argued that this reduction would save the Post Office Department over $6,000,000 annually. 14

Dorsey also tried to bring the telegraph lines under the same regulations that governed the mails. He offered a proposal that telegraph lines be for personal use, as the mails were, and not a medium for transmitting commercial information. The proposal would have equalized telegraph rates, and required all telegrams to be sent in the order of their arrival at the telegraph office unless a certain time for transmission was specified by the sender. 15 Senate opposition to this measure was so overwhelming that Dorsey was unable even to get a roll call vote on its rejection. 16

During the last few weeks of the Forty-third Congress, the St. Louis Dispatch printed a review of Dorsey's performance

14 Ibid., 22 February 1875, pp. 1588-89.
15 Ibid., p. 1590.
16 Ibid.
of national power, this evaluation might have been an accurate one. The reporter failed to notice, however, that Dorsey had struck a responsive chord among his Arkansas constituency with his Oklahoma Territory bill. Furthermore, Dorsey would have shuddered at the thought of being a tool of Powell Clayton, whom he later described as a bitter enemy. Dorsey's voting record for the Forty-third Congress reveals that there were other influences at work besides subservience to Clayton, and that any alliance between Clayton and Dorsey was probably simply a coincidence.

Dorsey cast a vote, or expressed an opinion, on 194 of 430 votes taken in the Forty-third Congress, and he and Clayton agreed on approximately 85 per cent of their common votes. This does not make Dorsey the docile tool of

17 St. Louis Dispatch reprinted in Daily Arkansas Gazette, 26 February 1875.


19 Pairing on an issue was not the same as voting on the issue, since at least one senator of a pair had to be absent from the Senate floor in order for their votes to be
Clayton, however, unless one is prepared to assume that
Henry Pease of Mississippi, John Patterson of South Carolina,
and George Spencer of Alabama, who also voted with Dorsey
regularly, were also Clayton's agents. Instead, a comparison
of those who voted together most often in the Forty-third
Congress reveals a loose community of interest among all
southern Republicans, and not a simple alliance of Dorsey
and Clayton.²⁰

This comparison also shows that while Dorsey was a
party regular, the Republican party in the Senate was not
a unified body. Dorsey and John Sherman of Ohio disagreed
on over half of their common votes, while Dorsey sided
most frequently with Oliver Morton of Indiana, John Logan
of Illinois, and Simon Cameron of Pennsylvania. Dorsey
was thus apparently aligning himself with the Grant wing of
the Republican party in Congress, but he disagreed with

²⁰See Appendix, Table I.
Roscoe Conkling, the titular leader of this faction, over 40 per cent of the time.

In one of its last acts, in February, 1875, the Forty-third Congress voted to accept the majority report of the Poland committee investigating Arkansas, thereby pronouncing the last rites over Dorsey's former political base. Meeting in special session in March, 1875, the Forty-fourth Congress followed this process to its logical conclusion by voting to recognize William Pitt Kellogg as governor of Louisiana and to accept the credentials of Pinckney B.S. Pinchback as that state's senator. Dorsey followed the Republican party line in voting to commend Grant's action in sustaining the Kellogg government in Louisiana, even though that action had severely embarrassed Dorsey's efforts in Arkansas.21

Although Dorsey would continue to work with Republicans in Arkansas, and to attempt to pass legislation for the benefit of that state, he did not spend his time during the recess of the Forty-fourth Congress, from March to December, 1875, mending political fences in Arkansas. Rather, he remained in Washington to seek political revenge.

Dorsey was convinced that Grant had originally supported his attempt to install Volney V. Smith as governor of

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21 *Congressional Record*, 44th Cong., special sess., 20 March 1875, pp. 103-11; 23 March 1875, pp. 146-48.
Arkansas, and that the president had later succumbed to adverse cabinet pressure in withdrawing that support. Dorsey focused much of the blame for this pressure on Treasury Secretary Benjamin Bristow, and during the recess of the Forty-fourth Congress he set about to have Bristow removed from the cabinet. His campaign against Bristow involved Dorsey peripherally in the final stages of the investigation and exposure of the Whiskey Ring frauds.

Bristow's office, suspicious of the operations of certain Internal Revenue agents, particularly in St. Louis, had sent special investigators to inspect the books of the St. Louis office. These investigators were perilously close to discovering and exposing the entire Whiskey Ring operation, and John McDonald, supervisor of Internal Revenue for the St. Louis district, after submitting his resignation in case it was needed, travelled to Washington in an attempt to squelch the inquiry. One of the first persons McDonald encountered in Washington was Dorsey. Without revealing the complete story, McDonald told Dorsey that Bristow was giving him trouble in St. Louis and must be stopped. This suited Dorsey perfectly, and "the Senator advised [McDonald] to

join him in a determined effort to dismiss Bristow."

McDonald, however, had other plans and left Dorsey to his own campaign. Nevertheless, McDonald and Dorsey used each other in their efforts against the secretary: McDonald applied pressure on Bristow with thinly-veiled threats of powerful Senate opposition, and Dorsey bombarded Grant with urgent demands that he dismiss Bristow to save McDonald.

Dorsey's involvement in the Whiskey Ring investigation was typical of his singular talent for panic diplomacy. A second team of investigators for the Treasury Department reached St. Louis on 10 May 1875; on 8 May Dorsey wrote to Grant from that city advising the president not to accept McDonald's resignation because the supervisor was doing so much good for the Republican party. This was literally true, as much Whiskey Ring money had found its way into Republican campaign coffers, including Grant's, but it was naive to expect Grant to sustain McDonald on those grounds.

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23 Ibid., p. 132.

24 Ibid., pp. 140, 273, 277.

25 Dorsey to Grant, 8 May 1875, Ulysses S. Grant Papers, Manuscript Division, Library of Congress, Washington, D.C.

Resigning was McDonald's only hope of avoiding prosecution once the investigators reached St. Louis.

Dorsey was never implicated in the Whiskey Ring frauds, but his behavior has left open the question of whether he was involved. His prosecution of McDonald's cause, even after that cause had clearly become hopeless, was more energetic than could have been expected from someone not fully aware of the issues at stake. On the other hand, Dorsey retained an animosity for Bristow long after the exposure of the Whiskey Ring; he never forgave Bristow once he had conceived the fantastic notion that Bristow was responsible for the loss of Arkansas. That Dorsey could have blamed the secretary for a development that was so clearly inevitable shows the unsophisticated level of Dorsey's political thought; it also shows a tendency to look for scapegoats that intensified as Dorsey's career progressed.

Another evidence of Dorsey's political shortsightedness was his failure to support Roscoe Conkling of New York on an issue which, if carried, could have saved Dorsey and the Republican party much grief later. Because of the rate at which the southern states were returning to Democratic control, Republican leaders in the Forty-third Congress
foresaw that theirs would be the last Congress in which the Republicans controlled both houses. Anticipating a problem with the southern states' electoral votes in the forthcoming presidential election, Conkling argued forcefully that a new method of counting electoral votes must be devised while the Republicans still controlled Congress.  

Under the Twenty-second Joint Rule then in effect, both houses had to agree to the electoral vote of a state before that state's vote could be counted. Before the Forty-third Congress adjourned, a new bill was offered which provided that the electoral vote of any state would be counted unless both houses joined in rejecting it. This would protect the electoral vote of a state which offered only one set of returns, but it did not provide for choosing between two sets of returns. Conkling, the most ardent advocate of revision of the Twenty-second Joint Rule, tried hard to convince his Senate colleagues that this particular variety of revision was inadequate, but he was able to carry only seven senators with him, and Dorsey was not among them. The election of 1876 showed that

28 Ibid.
29 Congressional Record, 43rd Cong., 2nd sess., 25 February 1875, p. 1786.
30 Ibid.
Conkling had been correct in his apprehension, but the majority of Republicans either did not recognize the danger or refused to acknowledge Conkling's leadership.

By the time the Forty-fourth Congress convened, the redemption of Arkansas had rendered Dorsey a virtual lame duck. But while he attended this Congress irregularly, Dorsey was much more active in his second Congress than he had been in his first, and much of his activity was on behalf of Arkansas. Curiously, Dorsey worked harder for Arkansas as a lame duck than he had while the Republicans had controlled that state. Many of his proposals were for postal routes and federally funded internal improvements, but Dorsey also sponsored legislation for the benefit of Arkansas that was not so patronage-conscious.

Dorsey spoke on behalf of the residents of the Hot Springs Reservation area in their fight to purchase the land and facilities of the springs. By an act of Congress, the proprietors of Hot Springs were required to pay rent to the federal government for the facilities at the resort. The residents of the Hot Springs area resented paying rent to the national government for land that they felt belonged properly to them, and they bombarded Dorsey with petitions
to use his influence to change the law under which the rent was paid.  

On 6 January 1876 Dorsey offered a bill in the Senate allowing the residents of Hot Springs to purchase the reservation from the government, and during the course of the Forty-fourth Congress he presented supplementary evidence in support of this measure.  In August, 1876, he got the matter of the springs placed before the Senate Judiciary Committee, which reported another bill authorizing the purchase of the reservation.  After the Forty-fourth Congress failed to enact corrective legislation, Dorsey continued his efforts for Hot Springs in the Forty-fifth. The battle moved to the Senate floor, where Dorsey finally succeeded in passing a law permitting Hot Springs area residents to purchase the land on which they were settled.

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31 See, for example, Congressional Record, 44th Cong., 1st sess., 3 May 1876, p. 2899; ibid., 44th Cong., 2nd sess., 3 January 1877, p. 393; 6 January 1877, p. 471.

32 Ibid., 44th Cong., 2nd sess., 5 January 1877, p. 274; ibid., 44th Cong., 1st sess., 3 May 1876, p. 2899; 4 May 1876, p. 2969.

33 Ibid., 44th Cong., 1st sess., 1 August 1876, p. 5035; 3 August 1876, p. 5096.

Dorsey also proposed several measures in the Forty-fourth Congress for the benefit of the Negro. Blacks who had served with the Union army during the Civil War were being subjected to various discriminatory practices relating to their bounties and pensions. Dorsey offered bills designed to place black and white soldiers on an equal basis regarding bounties and pensions and remove restrictions prohibiting former slaves from receiving these benefits. He also tried to shore up the Freedmen's Savings and Trust Company by sponsoring a bill providing for the payment of a $33,000 note held by the company against doubtful collateral. Dorsey's efforts on behalf of the Negro, however, did not meet with universal success on the Senate floor.

On one issue coming before the Forty-fourth Congress, Dorsey went against the majority of his Republican colleagues in supporting the position of the Arkansas Redeemers. A Reconstruction statute of 1866 allowed only homesteaders to use the public lands in five southern states, including Arkansas. The land in question was uniformly uncultivatable and was valuable only as timber land. Southerners believed

36 Ibid., 22 March 1876, p. 1873.
that the intent of the statute was to keep their region in economic bondage by preventing lumber companies from exploiting this timber. In the Forty-fourth Congress Powell Clayton offered a bill repealing the homestead restriction, and Dorsey, usually silent on the Senate floor, joined in debate for the bill's passage. Clayton's bill passed with the southern Republicans, aligned with the Democrats, providing the margin of victory.

Dorsey's support of the Redeemers' position is particularly curious in view of Dorsey's status as a lame duck and the Redeemers' continued efforts to have him unseated. Dorsey's votes on this issue were two of the only five times that he voted against the majority of his party during the Forty-fourth Congress. The votes of the southern Republicans for Clayton's bill might have heralded the Redeemer-Republican business alliance that first surfaced in the Compromise of 1877.

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38 Congressional Record, 44th Cong., 1st sess., 3 February 1876, p. 853; 15 February 1876, p. 1090.

39 Ibid., 15 February 1876, p. 1090; Woodward, Reunion and Reaction, p. 54.

40 For example, see Woodward, Reunion and Reaction, pp. 145-49.
In the Forty-fourth Congress, the loose community of interest among carpetbaggers evident in the preceding Congress hardened into a tight coalition, with the added factor that those Republican senators with the greatest degree of variance from the carpetbagger votes were native southerners. The carpetbaggers were in almost perfect agreement with Dorsey on their common votes, with the greatest divergence being only 10.26 per cent.\(^{41}\)

Indeed, party discipline generally was much tighter in the Forty-fourth Congress than in the Forty-third. In the Forty-third Congress, the percentage of variance from the strict party line ranged from 6.38 to 64.18. In the Forty-fourth Congress that range closed to from 2.86 to 40.0. Significantly, the senators with the best records on party loyalty in the Forty-fourth Congress were carpetbaggers, and those with the worst records on party loyalty in that Congress were native southerners. The average Republican in the Forty-fourth Congress disagreed with the majority of his party on 14.23 per cent of party votes cast; the average carpetbagger disagreed only 6.85 per cent, and Dorsey

\(^{41}\)Patterson of South Carolina had the greatest index of disagreement with Dorsey among carpetbaggers, 10.26 per cent. Robertson of South Carolina and Hamilton of Texas, both native southerners, had indexes of 37.40 and 40.00, respectively. See Appendix, Table III.
disagreed 5.15 per cent. In the Forty-third Congress, the average divergence had been 21.75 per cent, the average carpetbag variance 23.47 per cent, and Dorsey's record 22.02 per cent. 42

One factor influencing this hardening of ideological lines in the Forty-fourth Congress may have been the presidential campaign in 1876. With the South rapidly slipping from Republican control, the party could not afford any conflict that might lose the presidency, and southern Republicans, dreading the political consequences of a Democratic presidential victory, clung to the Republican party for political survival. After the 1876 election, Republican party leaders would not be able to restore the rigid discipline of the Forty-fourth Congress.

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42 See Appendix, Tables II and IV.
CHAPTER V

NEGOTIATING WITH HAYES

The presidential election of 1876 was to be the last battleground of congressional Reconstruction; it was also the beginning of a shift in power in the Republican party, away from Grant's friends and toward a moderate and more national view. With the inauguration of Rutherford B. Hayes, the last of the southern Republican governments supported by the national party fell, and patronage passed into the hands of those who for various reasons had been Grant's bitter political enemies. After 1877 the power of the Grant wing of the Republican party faded, and all of their efforts over the next three years would not quite be able to recapture the old prestige.

For Dorsey, the campaign meant a return to Arkansas in April, 1876, to organize the Republican effort. The issues surrounding the Brooks-Baxter War had divided Arkansas Republicans, and the schism remained. Furthermore, Dorsey, as chairman of the Republican State Central Committee, might have controlled some Radicals, but he could not speak for all Arkansas Republicans. In what was perhaps a fit of
nostalgia, since they knew there was no way their ticket could win a Democratically controlled election, the central committee Republicans placed Joseph Brooks at the head of their ticket with the nomination for governor. Those members of the Grand Old Party who had never supported the carpetbaggers ignored the central committee and nominated their own state ticket.

The central committee had its own problems, focusing on a rift between Clayton and Dorsey, who had never worked well together, over support of a presidential candidate. With Grant out of the running because of the tradition against a third term, the field of Republican candidates was wide open. A few favorite sons entered the race with scattered support, among them Pennsylvania Governor John F. Harntraft and Postmaster General Marshall P. Jewell. Governor Rutherford B. Hayes of Ohio, backed by the powerful John Sherman, entered the field as a favorite son, but by the time of the national convention Hayes had gathered the support of many delegations who would vote for him as their second choice if the convention deadlocked. Those Republicans


2 Ibid., 9 May 1876, p. 1, 30 June 1876, p. 5, 28 July 1876, p. 4.
for whom reform was the paramount issue supported the
candidacy of Benjamin H. Bristow, Grant's secretary of the
treasury who had exposed and prosecuted the Whiskey Ring
frauds.\(^3\)

The support of the Grant wing of the party was divided
between candidates Roscoe Conkling of New York and Oliver
Morton of Indiana, each of whom detested the other.\(^4\) Conkling
was not in the race for the purpose of electing Conkling;
he intended to deadlock the convention sufficiently so that
Grant would emerge as the nominee. Conkling viewed Morton's
candidacy as a vehicle for siphoning off enough Grant votes
to give the nomination to James G. Blaine of Maine.\(^5\) Morton
saw his own candidacy as a way to keep the nomination from
going to Blaine, and he viewed Conkling's candidacy as an
expensive nuisance which was draining Morton's support.\(^6\)

Blaine, the "Plumed Knight" of Robert G. Ingersoll's
oratory, entered the national nominating convention in


\(^4\)Ibid., p. 230.

\(^5\)Ibid.

\(^6\)Ibid., p. 234.
Cincinnati with the most first-ballot support. His supporters included those who had little use for reformers, as well as those who had even less use for Grant. For many years Speaker of the House, Blaine had a large following drawn by the sheer force of his personality. His celebrated hatred of Roscoe Conkling brought him much additional support from those disgusted with Conkling's pompous egotism and the high-handed methods with which he ran the New York party machinery.\(^7\)

Dorsey arrived in Little Rock ten days before the Arkansas state convention was to meet, in an attempt to line up convention support for Conkling.\(^8\) When he got there, however, he found that Clayton had preceded him and was busy gathering Morton delegates. Neither side had a majority of the delegates when the state convention met.\(^9\) Clayton attempted to run a resolution through the convention instructing the delegates to Cincinnati to support Morton. He succeeded in having a resolution passed that "Oliver P. Morton is the choice of Republicans in Arkansas for President of the United States," but the Dorsey forces

\(^{7}\) Ibid., pp. 230, 239-40.


\(^{9}\) Ibid.
managed to strike that portion of the resolution instructing the delegates. 10 With the balance of power in the state convention held by delegates who supported neither Morton nor Conkling, Clayton and Dorsey worked out a compromise whereby Clayton led two-thirds of the Arkansas delegation to Cincinnati pledged to Morton, and Dorsey led one-third of the delegation for Conkling. 11

As the election tide rolled high and states began holding their conventions to elect delegates to the national nominating convention, Blaine's candidacy was dealt a major blow by reports issued in the newspapers of questionable activities in which he had allegedly been engaged as House Speaker, culminating in the so-called "Mulligan Letters." According to the reports, Blaine had made some rulings from the chair designed to favor the Little Rock and Fort Smith Railroad. He had then sold worthless bonds of this road to some of his friends for an exorbitant sum, at which point the Union Pacific Railroad had bought the bonds back from those friends before Blaine could be prosecuted for fraud. The Mulligan letters were highly incriminating notes Blaine

10 Ibid.
11 Ibid., 28 April 1876, p. 1.
had written to his broker during these alleged trans-
actions.

These reports cast serious doubts on Blaine's honesty, and he made a melodramatic but not altogether successful attempt on the floor of the House to clear himself of these charges.¹² Blaine was convinced that the exposure of the Mulligan letters had been the work of Dorsey and some of his confederates, who were trying to get revenge on Blaine for his support of the Poland committee report concerning the Democratic takeover of Arkansas.¹³ According to an informant, who warned Blaine of what was coming in an ill-concealed attempt to be bought off, Dorsey was trying to ruin Blaine's presidential prospects and Augustus Garland's Senate chances by publicizing a connection between Blaine's support of the Poland committee report and his interest in the Little Rock and Fort Smith Railroad.¹⁴ The informant went on to accuse Poland of having been in the pay of the Arkansas railroad and to emphasize that the charges against


¹⁴Memorandum of conversation between James G. Blaine and E.M.B. Timoney, 18 April 1876, Garfield Papers.
Blaine were to be given the widest possible publicity for the benefit of Roscoe Conkling. 15

If the exposure of the Mulligan letters was Dorsey's work, it had an ironic aftermath. Shaken by the scandal, Blaine still easily led the first ballot in Cincinnati with 285 votes, to Morton's 124, Conkling's 99, Bristow's 113, and Hayes's 61. These totals held fairly firmly through four ballots. 16 On the fifth and sixth ballots Hayes picked up enough second-choice votes to make the outcome clear, and there was a mad scrambling among the delegates before the seventh ballot began. The battle now was clearly between Blaine and Hayes: Morton and Bristow were withdrawn, and Conkling's supporters were prepared to desert their candidate in a final effort to defeat Blaine. 17 The seventh ballot at Cincinnati thus became an "anything to beat Blaine" vote, with Morton's, Conkling's, and Bristow's support going to Hayes to give him the nomination. 18

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15 Ibid.


18 Proceedings, 1876, p. 109.
Not all of Morton's support moved to Hayes, however. Despite reports that Dorsey would cast either one-third of Arkansas' votes for Conkling or all of them for Hayes, Clayton had voted the state as a unit for Morton on the first ballot. On the second ballot one Arkansas delegate had bolted to Blaine, and he held firm for his candidate for the remainder of the balloting. Before the seventh ballot was taken, the Arkansas delegation, conferring after Morton's withdrawal, agreed to give seven Arkansas votes to Hayes and five to Blaine. In the absence of Hayes's supporters the delegation took a second vote, and when Arkansas was called on the seventh ballot, Clayton cast only one vote for Hayes, giving the remaining eleven votes to Blaine. The irony of this vote, in light of efforts focused in Arkansas to ruin Blaine's candidacy, was not lost on Dorsey's enemies, who maneuvered to gain Hayes's support for a rival Republican party in Arkansas.

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19 New York Times, 9 May 1876, p. 1; A.E. Lee to Hayes, 12 June 1876, Rutherford B. Hayes Papers, Rutherford B. Hayes Library, Fremont, Ohio; Proceedings, 1876, p. 84.

20 Proceedings, 1876, pp. 87, 100, 101, 105, 105.

21 M. Reed to Gen. Comly, 1 July 1876, Hayes Papers, Fremont; Daily Arkansas Gazette, 21 June 1876; Proceedings, 1876, p. 108.

22 Alfonso Taft to Hayes, 3 July 1876, U.S. Grant to Hayes, 5 July 1876, Hayes Papers, Fremont.
Nominating Hayes would prove to be much easier than getting him elected. Hayes was forced to run on the record of the scandal-ridden Grant years, while his opponent, Samuel Tilden of New York, was a popular reformer who had made his reputation by breaking up the notorious Tweed Ring of Tammany Hall. Additionally, by 1876 the Democrats had redeemed all but three southern states, and Republican power in those states, Louisiana, South Carolina, and Florida, was sustained only by the odious presence of federal troops. The election was thus hotly contested, with neither candidate assured of victory.

Dorsey did not let the defeat of his first choice for the nomination prevent an energetic effort in behalf of the Republican ticket. He had previously worked with campaign organization on the local and state level, but 1876 gave him his first taste of trying to oversee a national political campaign. He served on the executive committee of the Republican Congressional Committee, and he was chairman of the campaign’s committee on printing.\(^{23}\) By the end of August, the printing committee had sent out more campaign documents than had ever before been sent out so early in the campaign, and the chairman of the Republican National

\(^{23}\) *Proceedings, 1876, Appendix, p. 57.*
Committee pronounced himself well satisfied with the work of Dorsey's committee. But partly because of a lack of funds, and partly because of a disagreement among the leaders of the national committee over how the campaign ought to be run, the Republicans lost some crucial states in the October elections, and in November the results were so close that Hayes was unable to respond to Dorsey's frantic "are you elected" telegrams sent days after the election. November came and went with no clear victor established.

The problem was that in the three states still controlled by federal troops, the Republican canvassing boards had certified the electoral votes for Hayes, and Democratic state officials had returned a slate of electors for Tilden. To compound matters further, these three states, plus a disputed Oregon vote, held the balance in the electoral college: if all of the votes were counted for Hayes, he would be elected, while Tilden needed only


25 McCormick to Hayes, 29 August 1876, Oliver P. Morton to Hayes, 17 October 1876, Hayes Papers, Library of Congress; Dorsey to Hayes, 8 November 1876, 9 November 1876, Hayes Papers, Fremont.
one of the disputed votes. Since neither the Constitution nor the revised Twenty-second Joint Rule specified the final authority in a disputed electoral vote count, a debate arose in Congress over who would make the determination of which votes would be counted. If the president of the Senate had the authority to decide, as the Republicans claimed, the decision of Republican Thomas Ferry of Michigan would favor Hayes; if, as the Democrats insisted upon, the decision were made by a majority vote of the two houses of Congress meeting in joint session, the decision would favor Tilden, since the Democrats would hold a majority in the joint session.

The debate over who would decide which electoral votes would be counted occupied almost all of the second session of the Forty-fourth Congress. Immediately after the election, the chairmen of the Republican and Democratic National Committees had sent delegations of partisans to supervise the work of the returning boards in the disputed southern states; when Congress reconvened the Senate passed resolutions directing the Committee on Privileges and Elections to investigate the returns from the southern states.\(^{26}\) The

\(^{26}\) *Congressional Record*, 44th Cong., 2nd sess., 5 December 1876, pp. 18-19.
success of such an investigation, however, depended on the unlikely event of both houses accepting its findings, so the problem of who should count the electoral votes remained unsolved.

In mid-December Congress decided on the creation of a bipartisan ad hoc committee charged with devising a method for counting the electoral votes. But as this committee deliberated, there were disturbing signs of defection in the Senate Republican ranks. Roscoe Conkling, a member of the ad hoc committee, reportedly believed that the election properly belonged to Tilden, and some southern Republicans, including Dorsey, were said to prefer Tilden if Hayes intended to appoint Benjamin Bristow to his cabinet, as it was rumored he might.

As one of the few remaining Senate carpetbaggers, Dorsey was in an uncomfortable position. He would not have profited by the election of Tilden, but he did not trust Hayes. After the redemption of Arkansas, Dorsey's only hope of political power lay in the national Republican party and the patronage

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27 Ibid., 15 December 1876, p. 221.

it could bestow; Dorsey feared that Hayes, in his desire for conciliation, would repudiate Dorsey and his carpetbagger colleagues.\textsuperscript{29} Hayes's friends sought to reassure Dorsey, and through him "the whole carpet-bag fraternity," that Hayes was a "reliable Republican" and would not abandon Grant's southern friends if he were elected--assurances which Grant himself apparently also needed.\textsuperscript{30} Dorsey was still not fully convinced that Hayes could be trusted, but he had no realistic alternative to supporting him. He reassured Hayes of his own loyalty and promised to exert his full efforts in behalf of the Ohioan's inauguration.\textsuperscript{31}

In their efforts to find a solution to the problem of counting the electoral votes, the congressional ad hoc committee in January, 1877, proposed the creation of a carefully chosen bipartisan electoral commission. This commission, composed of five senators, five representatives, and five justices of the Supreme Court, would hear arguments from both sides and would then make the final determination.


\textsuperscript{30}Comly to Hayes, 8 January 1877, Hayes Papers, Fremont.

\textsuperscript{31}Dorsey to Hayes, 10 January 1877, ibid.
of which electoral votes would be counted. Dorsey opposed the creation of the electoral commission, believing that the Republican party should hold out for the Senate's right to count the electoral votes. Possibly he feared, with other Republicans, that the commission would rule in favor of Tilden; possibly Dorsey wanted Hayes to feel accountable to Senate Republicans for his election, and not to some compromise group of Republicans and Democrats. When it became obvious that the commission was going to be created, Dorsey tried to neutralize it by voting to make its hearings public. This desperate and hopeless attempt was supported by only a handful of senators, but it suggested the southern Republicans' unstilled fears. On the final vote, no carpetbagger voted in favor of creating the electoral commission.

The Senate approved the commission on 24 January 1877, and it named three Republicans and two Democrats to serve

33 Congressional Record, 44th Cong., 2nd sess., 22 January 1877, pp. 799-800; 24 January 1877, p. 880.
34 Ibid., 24 January 1877, p. 912.
along with the House's three Democrats and two Republicans and the Supreme Court's five selections. Perhaps to demonstrate that carpetbaggers were still to be honored in party councils, Senate Republicans placed Dorsey on a five-member committee appointed to select the Senate's three Republican commission members. The commission as finally constituted consisted of eight Republicans and seven Democrats, and the election of Hayes was now assured if the Democratic House could be persuaded to accept the findings of the electoral commission.

Dorsey had both a political and a financial stake in the outcome of the commission's deliberations. Surrounding the congressional debate over the creation of the electoral commission, negotiations were taking place between Hayes's friends and the Conservative Democratic leaders of the South, designed to siphon off enough Democratic support from Tilden to secure the inauguration of Hayes. At the end of these negotiations the so-called Compromise of 1877 was reached, a bargain by which Hayes's final victory was effected through an intricate structure of political and economic concessions.

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36 Ibid., 30 January 1877, p. 1108.
37 Wm. E. Chandler to Hayes, 29 January 1877, Hayes Papers, Fremont.
to the South. Part of the compromise involved Hayes's promise of a cabinet post to a native southerner.

In spite of their earlier pledges of support to Dorsey and Grant, Hayes's friends were advising the candidate that the carpetbaggers were a disgrace to the South and an embarrassment to the Republican party and were urging that they be sacrificed. The candidate was inclined to agree with this position; he favored building a new southern Republican party on a Conservative-Whig foundation. Reports that Hayes planned to implement this policy through a southern cabinet appointment intensified carpetbag fears of repudiation, and prominent carpetbaggers urged Dorsey to use his influence with Hayes to affect the southern appointment.

Dorsey's influence with Hayes was minimal,

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41 Geo. Spencer to Dorsey, 19 February 1877, Hayes Papers, Fremont.
however, and Hayes named Tennessee Democrat David M. Key as postmaster general without answering Dorsey's plea to "wait to hear from me before making any Cabinet appointments from the South."\textsuperscript{42} Dorsey voted to confirm Key's appointment when it came before the Senate, even though this meant that Arkansas' postmasterships would now fall into Democratic hands.\textsuperscript{43} He had a more tangible reward at stake in another aspect of the 1877 compromise; this involved Hayes's promise of support for a federal subsidy for the Texas and Pacific Railroad.

When the Texas and Pacific bill had first come before Congress in 1871, it had provided for a railroad to be built from Marshall, Texas, to San Diego, California.\textsuperscript{44} The panic of 1873 had forced the building of the road to halt before the tracks had reached Fort Worth. Now, with the Redeemers seeing a chance for federal assistance in building the road, projected branches of the Texas and Pacific appeared overnight, to the point where the mileage of the branches

\textsuperscript{42} Dorsey to Hayes, 3 March 1877, ibid.


\textsuperscript{44} Woodward, \textit{Reunion and Reaction}, p. 71.
exceeded the mileage of the original road.\textsuperscript{45} The company incorporated to build one of these branches, the Memphis, Pine Bluff and Shreveport Railway (Projected) Company, had Dorsey as its president and Powell Clayton, Dorsey's Arkansas carpetbagger Senate colleague, on its board of directors. Also on the board of directors of the Memphis branch was Andrew J. Kellar, Democratic editor of the \underline{Memphis Daily Avalanche} and one of the principal architects of the Redeemers' compromise with Hayes.\textsuperscript{46} If Hayes promised and delivered a federal subsidy to the Texas and Pacific, Dorsey's corporation stood suddenly to be worth $9,150,000.\textsuperscript{47}

A federal subsidy for the Texas and Pacific Railroad and all its branches was much desired by southern Democrats, who saw the subsidy as a way for the North to repay the South for years of economic discrimination. In Congress, however, the Redeemers found that the Republicans were more sympathetic to this desire than were the northern members of their own party.\textsuperscript{48} Tom Scott, president of the Texas and Pacific Railway Company, had used the Redeemers' demand for

\textsuperscript{45}Ibid., p. 78, 84-86, 131.
\textsuperscript{46}Ibid., p. 86.
\textsuperscript{47}Ibid., p. 129.
\textsuperscript{48}Ibid., pp. 55-63.
a subsidy, and the northern Democrats' opposition to it, to
good advantage, and boasted that he could deliver around
thirty Democratic votes in the House for Hayes—if Hayes
promised his support for the Texas and Pacific subsidy.49

A Senate subcommittee had recommended against such a
subsidy in the first session of the Forty-fourth Congress,50
but as part of the bargain to elect Hayes it was agreed
that Mississippi Democrat Lucius Q.C. Lamar, a warm friend
of Scott's road, would bring a Texas and Pacific subsidy
bill to the floor of the House, and that Dorsey would pilot
a similar bill through the Senate. To this end, Dorsey
offered a Texas and Pacific subsidy bill, which included
his projected Memphis branch, in February, 1877.51 Congress
had not acted on the subsidy when the Forty-fourth Congress
adjourned on 3 March 1877, and when the Forty-fifth Congress
convened, Dorsey resigned from the Committee on Post Offices

49Ibid., pp. 66, 102, 119-20.

50U.S., Congress, Senate, Report of James Kelly of
the subcommittee to J.R. West, Chairman, Senate Committee
on Railroads, 20 March 1876, File No. SEN45A-E21, 45th
Cong., Committee on Railroads, Committee Papers, Records
of the U.S. Senate, Record Group 46, National Archives,
Washington, D.C.

51Congressional Record, 44th Cong., 2nd sess., 14 February
1877, p. 1549.
and Post Roads and was transferred to the Committee on Railroads, which would consider the Texas and Pacific bill in the Senate. 52

The Texas and Pacific subsidy bill was possibly intended as an opportunity for Hayes to show his good faith toward the South as well as a chance for Dorsey to enrich himself while salvaging his slender reputation as a railroad builder among southern Conservatives. Whatever the purpose, however, the plan failed. Southern Democrats considered Hayes's inaugural address too weak on the subject of internal improvements, and they thought Hayes was being dilatory about removing the federal garrisons from the South. House Democrats thereupon refused to allow the Republicans to organize the House, and elected a Democrat as speaker in place of James A. Garfield, whose election had been agreed upon as part of the compromise. Seeing the Democrats renege on an important part of their bargain, House and Senate Republicans refused to vote subsidies for the Texas and Pacific Railroad, and Lamar's and Dorsey's bills died. 53

52 Woodward, Reunion and Reaction, pp. 127-33; Congressional Record, 45th Cong., special sess., 8 March 1877, p. 39.

53 Woodward Reunion and Reaction, pp. 229-37.
Thus as the Forty-fifth Congress began, Hayes had already demonstrated that he could neither honor a personal commitment nor keep his party in line, and the Republican party, the weakest it had been since the Civil War, was badly divided. As a southern Republican, Dorsey was in the awkward position of having been repudiated by his southern state and his Republican president, and he took his seat in the Forty-fifth Congress with no tangible constituency.
By the summer of 1877, Stephen Dorsey had apparently reached the end of his political and economic fortunes. Rutherford B. Hayes was in office and was implementing his policy of conciliation by giving much of the patronage in the South to Democrats. The few Republican officials remaining in Arkansas were released from Dorsey's control by Executive Order No. 1, Hayes's directive that federal officials refrain from involvement in party politics. With the Democrats having redeemed Arkansas in 1875, Dorsey's days as a United States senator from Arkansas were clearly numbered, and Hayes's executive order, if strictly observed, would prevent Dorsey from rebuilding a Republican party organization in Arkansas.

Dorsey's financial affairs seemed to be following the trend of his political fortunes. In March, 1877, a federal

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2Ibid., p. 32.
district court granted the petition for bankruptcy which Dorsey had filed in December, 1875, and discharged him from all his debts. On paper, at least, Stephen Dorsey was ruined. There was no reason to suppose, however, that he could not recover his fortunes: he was healthy, energetic, ambitious, intelligent, and still only thirty-five years old. But recovery would obviously require that he leave Arkansas and start anew.

Dorsey found an opportunity to rebuild his fortunes by speculating in land in the sparsely populated territory of New Mexico. He may have been attracted to the possibilities of New Mexico by Stephen B. Elkins, the territory's delegate to Congress during the first part of Dorsey's Senate term. Elkins was an eloquent advocate of statehood for his territory, which Dorsey had supported in 1875 and again in 1876. Elkins had gone to New Mexico from Missouri after the Civil War,

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3 In the matter of Stephen W. Dorsey, File No. 27, District Court of the United States for the Eastern District of Arkansas, Record Group 21, Federal Records Center, Fort Worth, Texas.

and with his partner, Thomas B. Catron, he had developed a lucrative law practice. Before being elected to Congress, Elkins had served for a time as United States attorney for New Mexico, and at his request, Catron had been named to succeed him at that post. Thus, while Elkins was territorial delegate to Congress, his partner Catron was United States attorney for New Mexico. Elkins and Catron had achieved much of their power through successful dealings in titles to Spanish and Mexican land grants, and in 1877 they brought Dorsey into the fraternity of New Mexico land speculators through the Uña de Gato private land claim.

The Uña de Gato land grant took Dorsey from the relatively straightforward business climate of the Sandusky Tool Company and the Arkansas Central Railway Company, where money bore at least some relationship to goods and services, into a slightly unreal world where speculators turned paper into gold with the skill of an alchemist and the dexterity of a magician. The story of Dorsey's involvement with the Uña de Gato is necessarily incomplete and must rest to a

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large degree on conjecture. Most of the transactions related here did not take place under public scrutiny, so that the conjecture is in some places founded on only partial evidence. But although there is only fragmentary evidence concerning the Úña de Gato episode, there is much more evidence on this venture than there is on most of Dorsey's other speculative enterprises. Thus, the Úña de Gato may stand as a model for the pattern of Dorsey's business dealings toward the end of the Gilded Age. Dorsey's connection with the Úña de Gato also provided the background for his later involvement in New Mexico politics.

Land titles in New Mexico were in such a complex state of confusion by the 1870's that the field was wide open for large-scale speculation and outright fraud. The Treaty of Guadalupe Hidalgo, by which New Mexico became part of the United States, pledged the United States to protect the native New Mexicans, or mexicanos, in their property rights under Spanish and Mexican law. Under an 1854 act of

Congress implementing this treaty provision, those claiming land in New Mexico under a Spanish or a Mexican grant had to submit evidence of their title to the surveyor general of New Mexico. He would investigate the claim, and, if found legitimate, he would recommend its confirmation to Congress. In the meantime, all land within the boundaries of the claim was to be withdrawn from sale or other disposal until Congress had acted on the grant. Viewed coldly from an office in Washington, this law might have appeared reasonable, but it proved disastrous in its effects when applied to New Mexico.

In the first place, by providing that only Congress could give clear title, the law ensured that those grants whose claimants had the most political influence would receive preferential treatment, creating a paradise for politicians and influence peddlers. Shrewd and unscrupulous lawyers could take advantage of the Mexicanos' ignorance and exaggerate the complexity of the confirmation process, thus increasing their own fees for navigating the maelstrom. But this

Territory, 1870-1900" (Ph.D. diss. University of Texas at Austin, 1972), pp. ix-x.

8U.S., Statutes at Large, 10:308-10.

9Victor Westphall, The Public Domain in New Mexico, 1854-1891 (Albuquerque: University of New Mexico Press,
feature of the law led to another nuisance: many Mexicanos, distrustful of American law and fearing that they would be cheated, refused to come forward and have their grants confirmed. This made homesteading in New Mexico an extremely hazardous enterprise, because one could never be certain that the land he was settling on would not be claimed later as a private land grant. It was thus practically impossible to guarantee title to any land in New Mexico. The law virtually robbed New Mexico of its public domain, created an empire for land speculators, and guaranteed that traffic in Spanish and Mexican land grants would be New Mexico's foremost industry for many years. The uncertainty of land titles in New Mexico was also a formidable barrier to statehood.

Another problem in confirming titles to land in New Mexico was the labyrinth of Spanish and Mexican procedures under which the grants had been made. Under the Mexican

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11 Larson, New Mexico's Quest for Statehood, p. 221.
Colonization Law of 1824, no private land grant could be made for more than eleven square leagues, approximately 48,000 acres, per grantee. But there were enough contradictory statutes in Mexican law that the 1824 law could not be taken as an ironclad rule, and the Spanish and Mexican custom of defining a grant's boundaries according to natural landmarks almost invited fraud.\textsuperscript{12} Knowing that the only safe title to land in New Mexico was that conferred by private land grant, Anglo speculators stretched grant boundaries to wondrous limits. As Judge Wilbur Stone of the Court of Private Land Claims expressed it, if the grant papers specified the boundary to be a rock, a tree, or a hill, another rock, tree or hill of like description could always be found a league or two farther off and claimed as the grant's intended boundary.\textsuperscript{13} By a strict interpretation of the law, this boundary stretching need not have posed an insurmountable problem, since "grants in New Mexico . . . were generally located within exterior boundaries embracing a much larger area than the grant called for in square leagues."\textsuperscript{14} Under the wording of the law, the only

\textsuperscript{12} Lamar, The Far Southwest, p. 141.
\textsuperscript{13} Westphall, Catron, p. 36.
advantage of boundary stretching would be to give the grant owner a wider range of choice for his claim. In theory, then, it was possible to stretch the exterior boundaries of a grant for miles and still retain title to only eleven square leagues. Practice, however, was governed by the Supreme Court's decision in *Tameling v. United States Freehold & Emigration Company*, which ruled that congressional confirmation of a grant amounted to a new award by the United States of all the land covered by the exterior boundaries.\(^{15}\) Aided by such rulings and by the notorious elasticity of the surveyors' chains, one grant, the Maxwell, limited by the Mexican Colonization Law to 96,000 acres, was finally patented for 1,714,764 acres, or nearly 2,680 square miles.\(^{16}\)

Because land grants were the only safe title to New Mexican land, another tempting invitation to fraud arose in the possibilities of outright forgery of private land claims. By forging the requisite documents, one could lay claim to some of the choicest land in New Mexico, provided that no

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one else claimed it as a private land grant, and provided also that Congress would confirm the forged claim. Merely claiming the land under American homestead or preemption laws did not ensure ownership, since the Treaty of Guadalupe Hidalgo and the act of 1854 gave the holder of a private land grant a prior claim to the land. It was with the ramifications of this particular style of fraud that Dorsey found himself involved when he took over the Uña de Gato private land claim in 1877.

The Uña de Gato grant was situated in Colfax County in the northeastern corner of New Mexico.\textsuperscript{17} Depending on how one interpreted the landmark boundaries of the grant, the grant was either for 96,000 acres, the maximum allowed under Mexican law when the grant was supposed to have been made, or for the approximately 600,000 acres of choice range land later claimed by Dorsey.\textsuperscript{18} The grant was potentially

\begin{footnotes}
\footnotetext[17]{The grant takes its name from the term \textit{uña de gato}, or "cat's claw," used to describe the black locust bush which grows in the vicinity of the grant. Morris F. Taylor, "The Uña de Gato Grant in Colfax County," \textit{New Mexico Historical Review} 51(1976):121.}
\footnotetext[18]{U.J. Baxter to James E. Temple, 18 September 1877, Miscellaneous Private Claims, Letter Book, vol. 34, p. 314, RG 49, Records of the General Land Office, National Archives and Records Service, Washington, D.C. Although the Mexican Colonization Law of 1824 limited the size of a private land grant to eleven square leagues per grantee, the Uña de Gato would have been allowed twenty-two leagues because it had originally been granted to two persons.}
\end{footnotes}
UNA DE GATO TRACT

Map I
valuable for other reasons only vaguely related to its size: an 1876 map of Colfax County shows a projected line of the Atcheson, Topeka and Santa Fe Railroad running through the heart of the 600,000-acre tract; this road narrowly skirts the 96,000-acre boundaries.\(^{19}\)

The background of the Uña de Gato private land claim is almost impossible to separate from the web of charges and counter-charges that were made in 1877, when the grant was accused of being fraudulent. Supporters of the grant's authenticity claimed that the grant's history went back to 1839, when Mexican Governor Manuel Armijo supposedly donated the land to Salvador Vernal and Thomás López. According to papers later filed in the Colfax County court, Vernal and López "walked over the land pulling up grass and throwing stones and shouting with joy Glory to God our Lord . . ." and thus took possession of the land, according to Mexican law, in 1839.\(^{20}\) They then supposedly sold the grant in 1841.

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\(^{19}\) See map, p. 130. This map is based on the map enclosed in Dorsey to J.A. Williamson, 11 September 1877, Congressional Letters Received, Division "E," box 51, RG 49, National Archives.

\(^{20}\) Records of Private Land Claims Adjudicated by the U.S. Surveyor-General, 1855-1890, Report No. 94, "Una de Gato," Papers Relating to New Mexico Land Grants, U.S., Bureau of Land Management, Santa Fe, New Mexico, reel 22, frame 19 (hereafter cited as BLM, Report No. 94). Frame numbers are given in preference to page numbers because in many cases the documents cited were not filmed in page order.
to Antonio Matías Gómez for "three hundred goats, a Navajo blanket, a grey mule and a yoke of oxen, and seventy-five silver dollars specie . . . ."\(^{21}\) At this point the history of the grant becomes definite. In 1873 Jesús María Gómez y López filed the papers of the grant, including Armijo's donation, the act of possession, and the record of the sale to Gomez, in the court of Colfax County, and in the spring of 1874 Gómez y López sold the grant to Manuel Antonio Otero for the rough equivalent of $5,000.\(^{22}\)

Manuel A. Otero belonged to one of the wealthiest and most politically prominent Spanish families in New Mexico. Under the Kearny Code, which governed New Mexico from 1846 to 1850, Otero served as the highest administrative officer of Valencia County, and one brother, Antonio José Otero, was one of the three judges appointed to preside over New Mexico's courts.\(^{23}\) Manuel Otero was also part of a small group trying to secure territorial organization for New Mexico, which Congress finally granted in 1851.\(^{24}\) Another

\(^{21}\)Ibid., frame 21.

\(^{22}\)Ibid., frames 79, 100-01.


of Otero's brothers, Miguel Otero, Sr., was one of New Mexico's first territorial delegates to Congress, and a nephew, Miguel Otero, Jr., later became New Mexico's only Spanish-surnamed territorial governor. 25

Manuel Otero's wealth was commensurate with his political importance. Otero's estate "was a typical hacienda, or country estate, located in the richest and most desirable part of the Territory." 26 In reality this "typical country estate" was actually a small town, with three separate farms, a country store, an orchard, a winery, a flour mill, and "thousands of acres on which ranged . . . great herds" of cattle, sheep, goats, and the finest horses in New Mexico. 27 In 1870 Otero listed his assets as $24,500 in real estate and $150,000 in personal property. 28 In 1871 he became a partner with Elkins and Catron in the immensely wealthy


27 Ibid., p. 64.

First National Bank of Santa Fe, at that time the only bank in the territory.  

When Otero purchased the Uma de Gato in 1874, he sought to have the grant confirmed according to the act of 1854. He filed a petition for confirmation of the grant with the United States surveyor general for New Mexico, James K. Proudfit. Proudfit pronounced the grant genuine, and in July, 1874, he recommended that Congress confirm the grant for slightly over 551,000 acres. Congress had not yet acted on this recommendation by 1877, so that the status of the property remained uncertain. It was at this point, in July, 1877, that Senator Stephen Dorsey began his involvement in the Uma de Gato private land claim.

The circumstances under which Dorsey came into possession of the Uma de Gato are vague—if, in fact, Dorsey ever actually owned it. On paper, Manuel Otero remained the sole claimant of the grant, and it was as attorney for Otero that Samuel Ellison defended the grant when it came under

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29 Twitchell, Leading Facts, 5:261-62. Elkins and Catron had purchased the bank from Lucien B. Maxwell, who had started it with proceeds from the sale of the Maxwell Land Grant.

investigation in 1877. Thomas B. Catron, who had drawn the papers to transfer title when Otero purchased the grant in 1874, maintained in 1878 that Otero was still the sole owner of the grant and that Dorsey held no interest in it. But in fact Dorsey did claim the property and lived on it. It is possible that Dorsey obtained his interest in the Uña de Gato from Stephen B. Elkins, who retired from Congress in 1877 and opened an office in New York dealing in New Mexico land and Colorado mining stock. Dorsey claimed that he purchased his interest in the grant before going to New Mexico in the summer of 1877, and Elkins helped Dorsey to convince the General Land Office of the grant's boundaries. This tends to support Morris Taylor's speculation that Elkins showed Dorsey the 1876 map of the Uña de Gato while they

31. BLM, Report No. 94, frames 48, 78.

32. Catron affidavit enclosed with F.W. Angel to Chas. Devens, 12 September 1878, Department of Justice, Source-Chronological Files, February-November 1878, box 54, Records of the Department of Justice, RG 60, National Archives.


34. Dorsey to Carl Schurz, 18 October 1877, Papers Relating to Charges against Governor Samuel B. Axtell, Appointment Papers, Territory of New Mexico, 1850-1907, Records of the Department of the Interior, RG 48, National Archives; Dorsey to Atkinson, 26 April 1878, BLM, Report No. 94, frames 62-62.
were still in Washington, and that he sold the grant to Dorsey at that time. 35

Whether Dorsey had been warned that the grant might be a fraud before he took possession or found out only afterward is open to question. Lewis Kingman, who had conducted the 1874 survey of the grant, said that he told Dorsey the grant was a fraud while Dorsey was still considering its purchase, but Kingman may have been trying to protect his brother, who owned a ranch inside Dorsey's boundaries. 36 At any event, it is possible that Dorsey thought he could get the grant validated in spite of Kingman's warning. The grant had the imprimatur of Surveyor General Proudfit; Dorsey could presumably count on the support of Stephen B. Elkins; Territorial Governor Samuel B. Axtell had at least tacitly vouched for the validity of the grant when he visited it with Dorsey in July, 1877; and if Dorsey needed further reassurance, he got it in the form of United States Attorney Thomas B. Catron, perhaps New Mexico's most powerful attorney. Although Catron later denied any


36Kingman testimony, BLM, Report No. 94, frame 372; Kingman to Henry Arms, 8 July 1877, ibid., frame 338; affidavit of Lewis Kingman, 1 July 1877, Papers Relating to Charges against Governor Samuel B. Axtell, RG 48, National Archives.
involvement with the Uña de Gato and disclaimed all knowledge of Dorsey's interest, Catron, by report, was himself interested in the grant, and he represented Dorsey in the 1877 investigation. 37

The conflicting claims of Dorsey and Otero to the same land grant invite questions that at this date can only be approached through speculation. If Otero purchased the Uña de Gato in 1874, was this purchase somehow conditional on the confirmation of the grant by Congress? 38 Was Otero aware that Elkins sold the grant to Dorsey in 1877? Did Otero agree to give up part of his interest in return for a friendly voice for the grant in the Senate? Did Otero know or suspect that the grant was forged? On the other hand,

37 Catron affidavit, Department of Justice, Source-Chronological Files, RG 60, National Archives; Dorsey to Atkinson, 6 December 1877, BLM, Report No. 94, frame 350; Dorsey to Atkinson, 26 April 1878, ibid., frame 67. Since Catron was being accused by this time of having forged the Uña de Gato and of having pawned it off on Dorsey, he may have felt that his best defense was to deny any knowledge of either. See affidavit of William R. Morley, 15 August 1878, ibid., frame 101.

38 Otero and Catron were apparently not strangers to this kind of arrangement; they shared an interest in the Bartolomé Baca grant on just such a contingency. Miguel A. Otero, My Life on the Frontier, 1882-1897: Death Knell of a Territory and Birth of a State (Albuquerque: University of New Mexico Press, 1939), pp. 99-100.
did Dorsey, purchasing the grant in 1877, know that Manuel Otero already owned it? Did Dorsey agree to sell his influence in the Senate for a piece of New Mexico land from which he could make a new start? What were Elkins and Catron doing for themselves, for each other, for Otero, and for Dorsey?

It is inconceivable that Dorsey did not know of Manuel Otero's claim to the Uña de Gato. If he did not know of it when he made the purchase, he must certainly have learned of it during his 1877 visit when he talked with Lewis Kingman. It is also incredible that Otero was not aware of Dorsey's interest after the new investigation into the grant was ordered in 1877. The explanation of the conflicting claims that seems most logical is that Dorsey was sold an interest in the grant in return for his influence in getting it confirmed. In an era when political influence often functioned as currency, this kind of transaction was not unknown. If this was the arrangement, Otero must have known about it and agreed to it; otherwise, one is at a loss to explain Otero's silence in the face of Dorsey's claim to his, Otero's, property.

How Elkins and Catron fit into this scheme must remain vague. After careful investigation, a special agent sent
from Washington concluded that Catron had been responsible for selling the grant to Dorsey. But evidence points to Elkins as the one who sold Dorsey his interest; asking where Elkins got the authority to sell a grant belonging to Otero leads only to another blind path of speculation. Perhaps Elkins, Catron, and Otero arranged the sale together.

In the autumn of 1877 Dorsey began taking steps to protect his investment. He asked the General Land Office to reserve the 600,000 acres of the grant from settlement or sale pending confirmation of the grant. The commissioner of the General Land Office instructed New Mexico's new surveyor general, Henry M. Atkinson, to withdraw from settlement or sale all land within the "true boundaries" of the grant. This instruction reopened the question of the validity of the Uña de Gato grant.


40 Dorsey to Williamson, 11 September 1877, Congressional Letters Received, Division "E," box 51, RG 49, National Archives.

Atkinson decided that a new survey was needed to determine the grant's "true boundaries," and the surveying team of John Elkins and Robert Marmon was given the contract to conduct a new survey. Deputy surveyor John Elkins of this team was the brother of former Territorial Delegate Stephen B. Elkins. Before the Elkins-Marmon survey was made, Dorsey and Stephen Elkins had "several interviews" with the commissioner of the General Land Office in Washington, and it was agreed that Dorsey's 600,000-acre boundaries were the true boundaries of the grant. Atkinson, however, did not follow these guidelines in his instructions to Elkins and Marmon. Had the deputy surveyors followed Atkinson's instructions, most of the land Dorsey claimed, including his home ranch, would have fallen outside the grant's boundaries, and the grant would have encompassed only 96,000 acres instead of the 600,000 acres Dorsey claimed. Dorsey therefore asked that the surveyors' instructions be changed.

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42 Atkinson to Williamson, 1 October 1877, Letters Received from the Surveyor General of New Mexico, box 90, letter no. M93115, RG 49, National Archives.


44 Williamson to Atkinson, 17 October 1877, BLM, Report No. 94, frames 41-42.
to conform with his claimed boundaries. Atkinson amended the instructions, but before the resurvey could be completed, a new investigation of the grant was ordered in October, 1877. 45

After Dorsey had moved to occupy the Uña de Gato, a group of Colfax County ranchers had written letters to Washington protesting that the Uña de Gato's supposed boundaries included land that was commonly assumed to be public domain, upon which these ranchers had settled and built improvements. These ranchers, including engineer Lewis Kingman and sheepman Henry Arms, would be wiped out if the Uña de Gato were declared valid. They thus tried to convince the General Land Office that not only were Dorsey's supposed boundaries fraudulent, but that the grant itself was a forgery. Their letters charged that "Catron & Co." were behind an attempt to manufacture and sell fraudulent land grants in New Mexico and Colorado. Among anti-grant people in Colfax County, it was commonly believed that Catron himself had forged the Uña de Gato and had sold it to Dorsey and that Otero was acting as a shield for Catron. 46

45 Atkinson to Williamson, 26 October 1877, Letters Received from the Surveyor General of New Mexico, box 90, letter no. M97914, RG 49, National Archives.

46 Kingman to Arms, 8 July 1877, BLM, Report No. 94, frames 336-38; Arms to Wm. Evarts, 5 October 1877, ibid.
Accounts differed as to whether Dorsey was a party to the fraud, but on the strength of these accusations, the General Land Office ordered Atkinson to conduct a new investigation into the nature of the Una de Gato grant. At Dorsey's request, the General Land Office supplied him with copies of Kingman's and Arms's letters, and he, too, joined in the request for an investigation of the grant.

There was ample cause for suspicion. The document conferring the grant on Vernal and López bore on its face evidence of having been tampered with. The dates on the document had obviously been changed, and the official seals on the document had been altered. Crucial to the grant's case was the question of whether these alterations had been made before Mexican Governor Armijo had signed the document in 1839, as the grant's supporters claimed, or after


48 Williamson to Dorsey, 10 December 1877, ibid., p. 469; Dorsey to Atkinson, 6 December 1877, BLM, Report No. 94, frame 350.

49 BLM, Report No. 94, frame 7.
the papers were filed in Colfax County in 1873, as the grant's opponents charged. Opponents of the grant testified that Jesús María Gómez y López, who had recorded the grant in Colfax County in 1873 and had sold the grant to Otero in 1874, was a convicted forger and that he had stolen some official Mexican stationery and had used it to create the Uña de Gato land grant out of whole cloth.\(^{50}\)

Further evidence of tampering strengthened the grant challengers' case. When Gómez y López had filed his papers in Colfax County in 1873, the clerk of the court had made duplicate copies of the grant documents. But in 1878 the duplicates and the original documents no longer matched. In the document acknowledging the act of possession, for example, the duplicate stated that Vernal and López had shouted "viva el Rey," while the original had been changed to read that they had shouted "viva el dios."\(^{51}\) The point was a minor one, but the grant was supposed to have been made in 1839, by which time Mexico was a republic and no

\(^{50}\) Ibid., frames 222-24 contain a document recording the conviction of Jesús María Gómez y López in a Colorado court for forgery, July, 1873, and his sentence to the penitentiary.

\(^{51}\) Cf. ibid., frame 211, the duplicate, and frame 8, the original document.
longer acknowledged a king. Someone had obviously changed the wording of the document to make it conform with 1839 Mexican usage, and the alteration must have been made after the papers had been recorded in 1873 and the duplicates made. These and other changes in the documents formed the basis for the charge that the entire grant was fraudulent and that the signature of Armijo was a forgery.

By the time Atkinson's investigation was under way, Dorsey had returned to Washington for the second session of the Forty-fifth Congress, leaving his interest in the claim to be handled by Catron. The investigation proceeded with agonizing slowness for seven months, prompting the grant's opponents to complain that "more should be done than is being done to investigate the Uña de Gato, although great hindrances are being put in the way of government witnesses, and witnesses are being bribed to testify for the grant."  

52 Although Catron denied that he or his firm had anything to do with the Uña de Gato, it was generally believed that Otero's attorney, Samuel Ellison, was working for Catron, and at one point during the Atkinson hearings William T. Thronton, Catron's partner, appeared in court as the attorney for the grant's claimants. Ibid., frames 338, 413.

53 Arms to Evarts, 23 March 1878, in "Report of Special Agent F.W. Angel on the Death of John H. Tunstall (1878)," Department of Justice, Mail and Files Division, RG 60, National Archives.
It was generally believed that Catron was behind these tactics.\(^{54}\) But delaying Atkinson's investigation became pointless in the spring of 1878, when the Departments of Justice and Interior sent a special agent to New Mexico to conduct a separate investigation of the Uña de Gato.

Dorsey's taking over the Uña de Gato in 1877 had placed him in the middle of long standing New Mexico political conflicts. The western boundary of the Uña de Gato overlapped the eastern boundary of the fabulous and controversial Maxwell Land Grant in Colfax County.\(^{55}\) Hostility between the Maxwell grant's owners and those who had settled claims within the grant's boundaries had brought violence and political bitterness to Colfax County, highlighted by the murder of a Methodist minister, F.J. Tolby, in 1875.\(^{56}\) When Dorsey visited Colfax County in the summer of 1877 with Territorial Governor Samuel B. Axtell, events were already in motion which would lead to the governor's removal in 1878 on charges of gross corruption and malfeasance in office.

\(^{54}\) Ibid.


\(^{56}\) Pearson, Maxwell Land Grant, pp. 62-68; Larson, New Mexico's Quest for Statehood, pp. 137-38.
Axtell's enemies, including many of the same persons who opposed the Uña de Gato, had been petitioning for his removal since the spring of 1877. They supported their requests with affidavits charging Axtell with complicity in the "Santa Fe Ring," an amorphous group of politicians and businessmen who controlled New Mexico politics and who were trying to gain control of New Mexico's land as well. When Dorsey appeared in Colfax County with Axtell, the governor's enemies simply added Dorsey to the ring and the Uña de Gato to their list of charges. Because Axtell had refused previous requests to visit Colfax County and had come only with Dorsey in 1877, charges immediately circulated that Axtell had conspired to sell Dorsey the grant, which was rumored to be fraudulent. Dorsey tried to defend Axtell by insisting that he had decided on the purchase of the grant "long before" he ever saw Axtell.


58 Kingman to Arms, 8 July 1877, BLM, Report No. 94, frames 336-38; Arms to Evarts, 5 October 1877, ibid., frames 333-34; affidavit of Harry Whigham, 21 August 1877, Papers Relating to Charges against Governor Samuel B. Axtell, RG 48, National Archives; affidavit of Frank Springer, 30 August 1877, ibid.
but this defense was not enough to help the embattled governor. 59

Catron, also, was in deep political trouble in Colfax County. It was no secret that he had almost succeeded in gaining control of the Maxwell grant, and his partner Elkins was president of the Maxwell Land Grant and Railway Company. 60 Catron was also reputed to be the head of the powerful Santa Fe Ring, and it was charged that one could not obtain a favorable decision in any New Mexico court without paying a fee to him. 61

It was also widely held that Catron controlled most of New Mexico's public officials. The territorial legislature had passed a law in 1876 authorizing the courts to partition land grants and place them for sale on the petition of one owner, even of a small section. This made it possible for any interested party to force partition and sale, and it jeopardized large land holdings. The people of Colfax County

59 Dorsey to Schurz, 18 October 1877, Papers Relating to Charges against Governor Samuel B. Axtell, RG 48, National Archives.

60 Westphall, Catron, p. 101; Pearson, Maxwell Land Grant, p. 74.

61 Westphall, Catron, p. 118.
believed that this law was designed to force most of the large land holdings in New Mexico to pass into the hands of the ring, and they held Catron responsible for its passage. In Colfax County it was commonly believed that Tolby had been murdered because he had opposed the ring, and when the territorial legislature passed a law annexing Colfax to Taos County for judicial purposes, effectively robbing Colfax County of its courts, opponents of the Santa Fe Ring in Colfax County charged that this was done to ensure that the minister's murderers never came to justice. Petitioners appealed to Washington that no man's life, liberty or property was safe as long as Catron was United States attorney for New Mexico. These petitions finally resulted in the sending of Frank Warner Angel, a special agent from the Departments of Justice and the Interior, to New Mexico. Angel was directed to investigate the conduct of the territory's federal officials, especially Catron; part of Angel's assignment was to investigate Catron's involvement with the Una de Gato. Angel arrived in New Mexico on 4 May 1878, and his visit to

62 Larson, New Mexico's Quest for Statehood, p. 143; Horn, New Mexico's Troubled Years, pp. 176-79.

63 Westphall, Catron, pp. 119-20; Horn, New Mexico's Troubled Years, p. 178.

64 Westphall, Catron, p. 121.
New Mexico coincided with the surveyor general's investigation into the validity of the Uma de Gato grant.  

Before Angel arrived in New Mexico, Dorsey began to retreat from his 600,000-acre claim in a letter to Surveyor General Atkinson on 26 April. In this letter Dorsey seemed to reaffirm the validity of the 600,000-acre survey, but he told Atkinson that he had purchased several ranches within the 600,000-acre boundaries, which should have been unnecessary if Dorsey in fact already owned the property. The letter continued: "More than that--under no circumstances can the owners of the grant get one fourth of this survey and I think they ought to be allowed to select their 22 leagues in a fair part of the grant." It appeared that Dorsey was now holding that the actual grant consisted of only 22 square leagues within the 600,000-acre tract.

Dorsey's new interpretation of the boundaries of his grant was in keeping with the law on the subject, but it did not conform with the established practice of claiming all the land within a grant's enlarged boundaries. Why Dorsey


67 See above, pp. 126-28.
should have retreated into the letter of the law in this instance is not clear. He had held out for the 600,000-acre boundaries for as long as possible, but as confirmation of these boundaries became increasingly remote, he shifted his ground, set about to control the area to the east of Chico Creek by purchase, and claimed the area to the west of the creek as his grant. Perhaps he feared that the grant would be rejected entirely and sought a compromise that would save at least twenty-two square leagues.

Dorsey may have discussed the possibilities of such a compromise with Commissioner J.A. Williamson of the General Land Office, for in a letter to Surveyor General Atkinson in May, 1878, Williamson supported Dorsey's interpretation of the grant's boundaries. This letter stated that the Elkins-Marmon survey was a preliminary survey only, intended to establish the general location of the grant; after Congress confirmed the grant, a final survey would be done to determine the grant's exact boundaries. Williamson advised Atkinson that pending confirmation and final survey, the grant's owners were entitled to select their twenty-two leagues within the boundaries of the preliminary survey.68

68Williamson to Atkinson, 28 May 1878, BLM, Report No. 94, frames 69-70.
If a compromise with Williamson is the most plausible explanation for Dorsey’s April retreat, the question at this point becomes, for whom was Dorsey trying to save the twenty-two leagues? If he was still trying to honor his part of the arrangement with Manuel Otero by which he had acquired his interest in the grant, the compromise with Williamson may have been part of a larger bargain by which Otero would get his twenty-two league grant and Dorsey would get the rest of the 600,000-acre tract. On the other hand, Dorsey by this point may have decided that he was no longer obligated to Otero and that his chief responsibility now was to negotiate the best possible terms for himself. If he had in fact sold his influence in the Senate for a piece of a New Mexico land grant, he had done so before the prospect of two separate federal investigations had rendered that influence—and the grant—worthless.

Dorsey’s April letter to Atkinson had ended with the remark that Dorsey would not ask Catron to bother with the grant any further on Dorsey’s behalf. 69 By the time Congress adjourned in June and Dorsey returned to New Mexico, there was probably little that could have been done. In the face

69 Dorsey to Atkinson, 26 April 1878, ibid., frame 67.
of a growing certainty that the grant would be rejected outright, Dorsey in December, 1878, reversed his field completely. He now entirely repudiated the 600,000-acre survey in favor of the original twenty-two league boundaries, and he hinted that he considered the whole grant to be fraudulent.

In January, 1879, the Atkinson investigation concluded with a report that the Una de Gato was a forgery. Atkinson's report reinforced the conclusion already reached by Special Agent Frank Warner Angel. In October, 1878, Angel had reported that the Una de Gato was a fraud; Angel's report had attempted, further, to fix responsibility for the fraud:

... Senator Dorsey was swindled in the purchase of this fraudulent grant. It is my opinion, derived from diligent inquiry, that Mr. Catron stands sponsor for this fraud perpetrated on Senator Dorsey, and although there is no positive proof of the fact, yet Mr. Catron has the credit of engineering this fraudulent grant and shouldering the same on Hon. S.W. Dorsey and filling his own pockets with Dorsey's money.

In conclusion I most respectfully report that the Una de Gato grant is a forged grant, that Thomas B. Catron, late United States Attorney, well knowing it to be a forgery, induced S.W. Dorsey to purchase

70 Dorsey to Williamson, 12 December 1878, Congressional Letters Received, Division "E," box 53, letter no. N83632, RG 49, National Archives.

71 BLM, Report No. 94, frames 262-81.
the same, and that S.W. Dorsey's only connection
with this grant is that he has been the victim.\footnote{Frank Warner Angel, "Report in the Matter of the Una
de Gato Grant," RG 233, National Archives. This is possibly
the report that Victor Westphall was unable to find; see
Westphall, Catron, pp. 130, 133.}

In the face of these reports, Congress did not confirm the
Una de Gato, but neither did they reject it. They simply
refused to act, leaving the grant legally in limbo, although
practically it was dead.\footnote{Atkinson's report was made on 6 January 1879; on
21 January, Dorsey introduced a bill in the Senate repealing
the section of the 1854 law requiring the land to be with-
held. U.S., Congress, Senate, Congressional Record, 45th
Cong., 3rd sess., p. 594. This repeal did not pass, and the
Una de Gato remained technically a private land claim until
finally retired in 1895. See Commissioner, General Land
Office, to the Register and Receiver at Santa Fe, 21 August
1895, General Land Office, Letters Sent, Division "G," vol.
264, pp. 423-25, RG 49, National Archives.}

Dorsey now set about to purchase what he could not
claim by grant, and he requested that the land encompassed
by the grant be reopened for settlement.\footnote{J.M. Armstrong to Atkinson, 7 January 1879, BLM,
Report No. 94, frame 283.} Technically this
could not legally be done, since the land in question was
still on paper as a private land claim, but it was done
anyway, and scores of men, subsequently described as "squads
of [Dorsey's] henchmen," homesteaded sections roughly equalling the original 600,000-acre survey. Over the course of the next three years, Dorsey purchased the interests of these "homesteaders" for a sum, on paper at least, totalling over $53,000. By these purchases, and by the purchase of other large ranches in the area, he came to control an area of Colfax County measuring forty miles by sixty miles.

Dorsey was now a large landholder in New Mexico, but he was to enjoy the life of the leisurely squire-cattle baron for only a short period. Before he could attend to his land holdings, he was to undergo the whirlwind of the 1880 presidential campaign, which led him to the pinnacle of his national power, and the disgrace of the star route trials, which left him a physical and financial wreck. His experience with the Uña de Gato had left him with little love for New Mexican land grants, but it had enabled him to recover the fortunes he had lost in Arkansas. New Mexico also provided Dorsey with a whole new field of speculative


opportunity in cattle ranching and silver mining; and, perhaps most important, it provided him with a retreat after his Senate term expired.
CHAPTER VII

LAME DUCK SENATOR

Stephen Dorsey's last two years in the Senate were marked by greater activity than he had shown in his first two Congresses. In the Forty-fifth Congress, Dorsey kept his seat on the Appropriations Committee, moved from the Committee on Post Offices and Post Roads to the Railroads Committee, and was chairman of the District of Columbia Committee. At this time the District of Columbia was administered by Congress, with the House and Senate District of Columbia Committees bearing the major burden of this administration. Consequently Dorsey, as chairman of the Senate committee, spent much of his time during the Forty-fifth Congress simply governing the District of Columbia, which involved everything from preparing the annual budget for the District to licensing street vendors.

1 U.S., Congress, Senate, Congressional Record, 45th Cong., special sess., 8 March 1877, p. 39 (hereafter cited as Congressional Record). Unless otherwise noted, all future references to the Congressional Record will be to the Senate portions.

Dorsey's appointment to the District of Columbia Committee had initially placed him under suspicion of collusion with Boss Alexander Shepherd and the "D.C. Ring" of street paving contractors. Although an investigation into the "Ring" in 1874 did not implicate Dorsey, his reputation remained suspect, and in 1877 he was openly accused of using his position on the District of Columbia Committee for his own enrichment. In March, 1877, reports appeared in the press that Dorsey was blocking action on a bill affecting the District's creditors pending payment to him of $25,000. By report, certain creditors refused to contribute their share of this fee, and the bill in question never came out of committee. That the bill died in committee is a fact; that its death was caused by a refusal to pay Dorsey is unproven and unprovable. Many bills die in Senate committees of natural causes, and the D.C. bill may simply have run out of time: it was offered on 14 February 1877, the session ended on 3 March, and in the three weeks before the inauguration of Hayes, the Senate had much to consider besides the creditors

3Daily Arkansas Gazette, 7 March 1877.

4Ibid.
of the District of Columbia. Nevertheless, Dorsey never shook the reputation that his vote was for sale.

Part of Dorsey's job in the Forty-fifth Congress was to secure for the railroads their part of the bargain by which Hayes had been inaugurated in 1877. To this end he traded his seat on the Committee on Post Offices and Post Roads for a place on the Senate Committee on Railroads, from which he could more directly influence any proposed railroad legislation. The two bills most desired by the railroad lobby were a federal subsidy for the Texas and Pacific Railroad and a friendly sinking fund bill for the Pacific railroads.

The Pacific roads in question were the Central Pacific Railroad, controlled by Collis P. Huntington, and Jay Gould's Union Pacific Railroad. Both roads had received substantial assistance from the government in the form of land grants and interest-bearing bonds, which the law required to be repaid out of the proceeds of the road; by clever manipulation of the law and the books, both roads had

5 Congressional Record, 44th Cong., 2nd sess., 14 February 1877, p. 1549.

6 John Murray Forbes to Garfield, 1 July 1881, James A. Garfield Papers, Manuscript Division, Library of Congress, Washington, D.C.
managed to avoid repaying any of the money advanced by the
government. By 1876 the Pacific railroads were facing a
serious effort by Congress to set up a machinery for collect-
ing the debt in the form of a bill introduced in the Senate
by Democrat Allen Thurman of Ohio, and it appeared that
Thurman's bill had a good chance of passing. Huntington
and Gould had always been bitter rivals in the railroad
business, but during the negotiations surrounding the Hayes
compromise they united with the common goal of defeating
the Thurman bill and substituting a sinking fund structure
more acceptable to the railroads. Huntington had already
come to terms with Tom Scott of the Texas and Pacific Railroad,
thus removing a major obstacle to a federal subsidy for Scott's
road. The effect of the Huntington-Gould union was to create
an apparently invincible railroad lobby, composed of the
forces of Huntington, Gould, and Scott, working in harmony
to secure a subsidy for the Texas and Pacific Railroad, a
friendly sinking fund bill for the Pacific railroads, and
the election of Rutherford B. Hayes.

7 C. Vann Woodward, Reunion and Reaction: The Compromise
of 1877 and the End of Reconstruction (Boston: Little, Brown
8 Ibid., p. 123.
By the opening of the Forty-fifth Congress Hayes had been inaugurated, but both railroad bills had died in the final days of the Forty-fourth. Acting as spokesman for the railroads, Dorsey reintroduced both the Texas and Pacific subsidy and the Pacific railroads sinking fund bill in the Forty-fifth Congress.¹¹ Both bills were reported favorably out of the Railroads Committee, but neither one survived on the floor of the Senate. The Pacific railroads bill was first to be considered, and its fate revealed the attitude of Congress toward the railroads by 1878.

Thurman had reintroduced his bill to force payment from the railroads, and his bill had been reported favorably by the Senate Judiciary Committee. Early in the debate on Thurman's bill Stanley Matthews of Ohio, chairman of the Railroads Committee, moved to substitute his committee's bill for the one from the Judiciary Committee.¹² This motion led to weeks of spirited debate over the merits of both proposals, with much of the discussion focusing on whether Congress had the right to amend earlier grants to railroad

¹¹Congressional Record, 45th Cong., 2nd sess., 11 December 1877, p. 119; 15 January 1878, p. 326.

¹²Ibid., 14 March 1878, pp. 1757-65.
companies to the adverse interest of the companies. When it became apparent that the railroads could not summon enough support to have Dorsey's "impudent bill" substituted for the Judiciary Committee's version, Matthews withdrew the substitute, and a few days later Thurman's bill passed the Senate.

Coming up right as the Pacific Railroad sinking fund bill was going down to destruction, the Texas and Pacific subsidy measure was destined to suffer a similar fate, but what the Senate had in store for the Texas and Pacific was not so much defeat as oblivion. After desultory debate, the railroad subsidy bill was deferred to the third session of the Forty-fifth Congress, where it died without mustering enough votes to bring it to the floor for discussion.

Dorsey was thus not able to gain legislation for the benefit


\[14\] New York Times, 13 March 1878, p. 4; Congressional Record, 45th Cong., 2nd sess., 4 April 1878, p. 2263; 9 April 1878, p. 2384.

of the railroads. The railroad lobby was not invincible after all, and the Hayes compromise had fallen apart.

Anyone familiar with Dorsey's legislative history must have noticed an amusing irony in his championship of the Pacific railroads. In the Forty-fourth Congress, while Huntington was still fighting against a subsidy for Scott's Texas and Pacific road, which included Dorsey's branch, Dorsey had offered a bill in the Senate calling for an investigation into the Central Pacific's monopolistic practices and demanding that Huntington issue no more bonds for his road until his debt to the government was paid.¹⁶ Dorsey's bill yielded nothing to Thurman's in its measure of severity, threatening the Central Pacific with receivership if its terms were not met. Huntington's co-operation with Scott on the Hayes compromise had paved the way for Dorsey's conversion, in the Forty-fifth Congress, from an enemy of the Central Pacific into one of the road's warmest supporters.

For the Forty-fifth Congress the major burden of representing Arkansas in the Senate fell to Democrat Augustus H. Garland, elected to succeed Powell Clayton, but Dorsey did not neglect that state entirely. He continued to work for

¹⁶Congressional Record, 44th Cong., 1st sess., 6 March 1876, p. 1470.
the Hot Springs Reservation bill which had been stalled in
the previous Congress, and he offered several proposals for
internal improvements in Arkansas.\textsuperscript{17} Dorsey was trying to
represent Arkansas Republicans, but by 1877 the Arkansas
Republican party was no more unified than it had been in
1873, and the party had largely dwindled to those who either
held or hoped for federal appointment. The way to get a
solid hold on the Republican party in Arkansas was thus to
get control of the patronage, but Dorsey's attempts to do
this placed him squarely in confrontation with a president
who was trying to use the patronage to build a Republican
party in the South independent of the carpetbaggers.\textsuperscript{18}
Hayes had come into the presidency pledged to civil service
reform, which to him meant primarily that congressional
control over patronage should be abolished and the appointment
power, usurped by Congress, should be restored to the presi-
dent.\textsuperscript{19}

\textsuperscript{17}Ibid., 45th Cong., 2nd sess., 25 February 1878, p. 1289;
13 March 1878, pp. 1717, 1720, 1731; 17 April 1878, p. 2599;
24 April 1878, p. 2758; 17 June 1878, pp. 4728-32; ibid., 45th
Cong., 3rd sess., 1 March 1879, p. 2200.

\textsuperscript{18}Kenneth E. Davison, The Presidency of Rutherford B.

\textsuperscript{19}H. Wayne Morgan, From Hayes to McKinley: National Party
Politics, 1877-1896 (Syracuse: Syracuse University Press,
1969), pp. 27, 32.
By the time of Hayes's inauguration, the president no longer controlled the national Republican party. Under the Grant administration a system had developed whereby favored congressmen, and especially senators, exercised control over all federal appointments in their states. This system had reduced the Republican party to a loose coalition of state and local Republican organizations, each group bound in loyalty to the individual with power to dispense patronage in a given state. Federal officials became the backbone of the party in each state, particularly in the South during Reconstruction. It was understood that those appointed to hold federal office were expected to repay their benefactors with political organization, votes, and an assessment against their salaries for the benefit of Republican candidates during election years. Under this system, control over the Republican party had passed, during the Grant administration, from the president to those senators with the most patronage at their disposal, and thus with the largest political machines at their command: Roscoe Conkling of New York, John Logan of Illinois, and Simon and Don Cameron, father and son, of Pennsylvania. What Hayes hoped to do by

20 Ibid., pp. 30-31, 35.
civil service reform was to regain control of the appointment power and thus to regain control of the national Republican party.

Implementation of the Hayes policy threatened to destroy the political power structure as Dorsey understood it. Dorsey had moved easily in a system in which friendship and political loyalty were rewarded with office, and as an ally of the Grant Republicans he had been given his share of appointments in his effort to solidify his political base in Arkansas. With Executive Order No. 1, issued in June, 1877, Hayes undermined the power of the local political machines by forbidding federal employees to engage in electoral politics.\(^{21}\) Now Dorsey could no longer protect his Arkansas base by strategic federal appointments, and there were enough anti-Dorsey Republicans in Arkansas to make life uncomfortable for the senator if he tried to do so.\(^{22}\) Moreover, Hayes's insistence on controlling the federal patronage meant that Dorsey could no longer reward his friends, and these friends, seeing that he was powerless to help them, would inevitably fade away. Dorsey had to

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\(^{22}\)John McClure to Hayes, 1 July 1878, Rutherford B. Hayes Papers, Rutherford B. Hayes Library, Fremont, Ohio.
challenge Hayes for control of the federal patronage in Arkansas. In one instance the senator gained the upper hand by threatening to have a position abolished if one of his friends were not appointed to it, and an embarrassed Hayes was forced to offer his own appointee the consulate in China to get him out of Arkansas.\footnote{William Dennison to B.F. Kelley, 24 October 1877, ibid.}

Dorsey's battle with Hayes over the patronage in Arkansas was part of a larger struggle Hayes was fighting with the entire Grant wing of the Republican party. In his effort to regain control over federal appointments, Hayes had declared war on Conkling's pet fiefdom, the New York Customs House. With its hundreds of employees and its millions in revenue, the customs house was the foundation of Conkling's New York machine; without the customs house, Conkling's power would quickly vanish.\footnote{Jordan, Roscoe Conkling, pp. 152-53, 287; Morgan, From Hayes to McKinley, p. 34.} Thus when Hayes tried to replace the top three customs house officers with men of his own choosing, New York Republicans opposed to Conkling, Conkling brought all his power to bear against Senate confirmation of Hayes's nominees.\footnote{Jordan, Roscoe Conkling, pp. 273-87; Morgan, From Hayes to McKinley, pp. 36-38.}
effort by those senators who read in Hayes's move a threat to their own power; Conkling's allies included Dorsey, who helped orchestrate Conkling's fight to keep his friend Chester Arthur as collector of the port of New York. Conkling succeeded in blocking two of Hayes's New York nominees, but Hayes eventually won the port of New York with the Senate's confirmation of Edwin Merritt as collector.

Dorsey succeeded in maintaining a moderate control over the Arkansas Republican party in spite of Hayes's opposition, but he did not devote his full energies to this task. After the summer of 1877, although he continued to represent Arkansas, Dorsey also adopted the territory of New Mexico as his new constituency. This was perhaps natural now that Dorsey was a large landholder in that territory. One of the first bills Dorsey proposed when the Forty-fifth Congress convened in October, 1877, was for the creation of four postal routes that would cross his Colfax County property.

26 Congressional Record, 45th Cong., 2nd sess., 27 February 1878, pp. 1363-64, 1375-76; Conkling to Arthur, 29 January 1879, Chester A. Arthur Papers, Manuscript Division, Library of Congress, Washington, D.C.

27 Jordan, Roscoe Conkling, pp. 300-301.

28 Congressional Record, 45th Cong., 1st sess., 19 October 1877, p. 108.
This bill did not pass in the first session, and he reintroduced three of the routes as an amendment to the general post office appropriation in the second.\textsuperscript{29}

Since New Mexico at this time did not have a senator, its citizens occasionally sent petitions to Dorsey as their means of making their wishes known to Congress.\textsuperscript{30} Dorsey acted as an intermediary in one of the few times Congress annulled an act passed by a territorial legislature. The New Mexico General Assembly passed an act incorporating the Society of Jesuit Fathers of New Mexico, led by Donato Gasparri.\textsuperscript{31} Territorial Governor Samuel Axtell, fearful of the influence of the Catholic Church in New Mexico and bitterly opposed to Gasparri, vetoed the bill, which the legislature promptly re-passed over his veto.\textsuperscript{32} Not to be out-maneuvered by the despised Gasparri, Axtell then sent the bill and his veto message to Dorsey with a request that

\textsuperscript{30}Ibid., 14 January 1878, p. 299; 11 March 1878, p. 1626.
\textsuperscript{31}Arie W. Poldervaart, Black-Robed Justice: A History of the Administration of Justice in New Mexico from the American Occupation in 1846 until Statehood in 1912 (Santa Fe: Historical Society of New Mexico, 1948), pp. 122-23.
\textsuperscript{32}Ibid., pp. 123-24.
the senator have the law disallowed by Congress. In February, 1879, Congress upheld Axtell's veto of the Jesuit incorporation bill on the grounds that the bill conferred special privileges in violation of the territory's enabling act, although by the time Congress acted Axtell had been replaced as governor of New Mexico. Dorsey also acted as spokesman for ranchers in New Mexico who were trying to rid their territory of bands of marauding Indians established at an agency in Cimarron, within the bounds of the Maxwell Land Grant near Dorsey's Colfax County property.

One issue that came before the Forty-fifth Congress allowed Dorsey to represent the wishes of both his Arkansas and his New Mexico constituencies while at the same time protecting his own self-interest. The issue concerned inflation and the coinage of silver. Congress had reacted to the onset of the depression in 1873 by authorizing the secretary of the treasury to increase the national bank note

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33 Congressional Record, 45th Cong., 2nd sess., 11 March 1878, p. 1626.

34 Poldervaart, Black-Robed Justice, p. 124.

35 Congressional Record, 45th Cong., 2nd sess., 11 December 1877, p. 120; 16 January 1878, p. 353; 7 May 1878, pp. 3255-37, 3262-64; ibid., 45th Cong., 3rd sess., 10 January 1879, pp. 401-03.
issue and to issue $44 million in greenbacks to supplement
the $356 million already in circulation from the Civil
War.  But Congress had not been able to override Grant's
veto of this "Inflation Bill," and the best that currency
expansionists had been able to secure in 1875 was a modest
increase in the supply of national bank notes, tied to a
promise to redeem all outstanding greenbacks in specie on
1 January 1879.  

Because of the demonetization of silver in the 1873
Coinage Act, it was generally assumed that the resumption
in 1879 would be in gold, and the treasury, hoarding gold
against resumption day, aggravated an already severe currency
shortage.  But the Resumption Act failed to specify the
form of specie to be used; this omission opened the floor
of the Forty-fifth Congress to a lively debate on the merits
of gold, silver, and paper currency.

The depression that had prompted Congress to expand
the currency in 1874-1875 had not abated by 1877, and those

36Irwin Unger, The Greenback Era: A Social and Political
History of American Finance, 1865-1879 (Princeton: Princeton

37Walter T.K. Nugent, Money and American Society, 1865-

already hard hit by deflation were not willing to accept the further contraction of the currency that would result from resumption in gold. Opposition to resumption made erstwhile allies of such unlikely partners as farmers and railroad owners, debtors and bankers in the South and West, new and small businesses, as well as the promoters and speculators who gambled their fortunes on an expanding--inflationary--economy. But while these groups were united in opposing a return to solid gold currency, they were not at all united on a means of avoiding this calamity.

The unsteady nature of the coalition opposing resumption became apparent as the Senate debated Missouri Congressman Richard P. Bland's proposal for the unlimited coinage of the 412.5-grain silver dollar. While coining all the available silver and putting it into circulation would solve the currency shortage in the South and West and relieve the pressure on farmers and debtors, simply reinstating the silver dollar as it existed before 1873 would create a nearly inexhaustible supply of "cheap dollars," the dread of bankers and established businesses. The hard-money advocates of silver were hoping that Congress would remonetize

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39 Ibid., pp. 44-48, 118.
silver at a new ratio, requiring more grains of silver per dollar; this would have the effect of simply increasing the supply of gold-equivalent dollars in circulation without inflating the currency. What emerged from the Senate was a compromise, the Bland-Allison Act, which restored the 412.5-grain silver dollar but limited the amount of silver to be coined monthly.

The slightly ambiguous stand Dorsey had taken on currency in the Forty-third Congress hardened, in the Forty-fifth, into a firm commitment to inflation. He voted against the large majority of his party to consider a bill forbidding the retirement of greenbacks, and throughout the currency debates in the Forty-fifth Congress, he voted consistently for an expanded currency. Before the Bland free silver bill was debated in the Senate, Dorsey voted to make government bonds payable in silver regardless of the outcome of that debate, and in what was seen as a test vote for the inflationists, he supported the resolution by Stanley Matthews stating that the remonetization of silver did not violate the public

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41 Congressional Record, 45th Cong., 2nd sess., 7 May 1878, pp. 3227-28.
faith or endanger the public credit. He repeatedly resisted hard-money efforts to limit the legal tender powers of silver currency, and he fought to retain the 412.5-grain silver dollar against attempts to increase the number of grains to 440, 425, and 420.

Although Dorsey voted for the Allison amendment limiting the monthly amount of silver to be coined, he was clearly trying to establish a bimetallic currency. He voted for an amendment making silver legal tender in payment of debts unless the contract acknowledging the debt expressly stated that the debt was to be paid in gold; this vote occurred during a hard-money attempt to have all debts made payable in gold if the contract specified payment in "coin," or unless the contract specifically called for payment in silver. Dorsey also voted against amendments providing for the redemption of silver dollars in gold.

43 Congressional Record, 45th Cong., 2nd sess., 15 February 1878, pp. 1099-1102.
44 Ibid., p. 1084.
46 Ibid., pp. 1106, 1110-11.
Dorsey's consistent support of inflation in the Forty-fifth Congress reflected a number of converging influences. Silver was widely popular in the agrarian South and West, as well as among practically all business interests west of the Alleghenies. Ohio politicians in particular, especially Sherman, Hayes, and Garfield, had to walk a careful line to avoid antagonizing either their solid gold principles or their pro-silver constituents.\footnote{Unger, The Greenback Era, pp. 333-34, 338-39, 345, 348-49.} The \textit{Daily Arkansas Gazette} editorialized in favor of silver, and in a bill introduced in the Forty-fourth Congress, Dorsey had proposed that the federal government develop the mineral resources of Arkansas and establish a mint at Little Rock to coin silver and distribute it throughout the currency-starved Southwest.\footnote{\textit{Daily Arkansas Gazette}, 3 January 1879; Congressional Record, 44th Cong., 1st sess., 22 March 1876, p. 1873.}

New Mexico was beginning to develop its own mineral resources, and after he left the Senate Dorsey became interested in several silver mining ventures in Colorado.\footnote{Frank Fossett, \textit{Colorado: Its Gold and Silver Mines}, 2nd ed. (New York: C.G. Crawford, 1880), p. 439; Dorsey to James G. Blaine, 27 October 1879, James G. Blaine Papers, Manuscript Division, Library of Congress, Washington, D.C.}
He was also, in 1879, still involved in railroad promotion, an enterprise whose success depended on easy credit and an expanding economy. Under these circumstances, with his Ohio heritage, his Arkansas and New Mexico constituencies, and his self-interest as an entrepreneur all pulling him in the same direction, the potentially thorny issue of free silver was perhaps Dorsey's easiest vote in the Forty-fifth Congress.

In the spring of 1878 reports appeared in the press charging Dorsey with irregularities connected with the awarding of Post Office Department contracts for carrying the mails. It was alleged that Dorsey had sent mail contract bids to his friend, Little Rock Postmaster O.A. Hadley, with instructions to secure two bondsmen to a bidder not named on the forms, in direct violation of postal regulations. It was further charged that after these bids were signed and returned to Dorsey in Washington, the names of John Peck, Dorsey's brother-in-law, John Miner, a former Ohio business

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associate, Thomas Bowen, a former Arkansas associate, and John Dorsey, the senator's brother, were inserted, and further that the signature of Peck was a forgery. These charges, if proven, would mean that Dorsey had helped his friends to obtain fraudulent mail contracts.

Dorsey's friends claimed that these charges stemmed from the desire of Powell Clayton and other anti-Dorsey Arkansas Republicans to discredit Dorsey and his appointees and thus gain more Arkansas patronage for themselves. Congress nevertheless conducted an investigation into the postal contracts awarded to Dorsey's friends and into Dorsey's own connection with mail contracts. This investigation failed to show that Dorsey had done anything illegal concerning mail contracts, or indeed that anything criminal had been done at all. In fact, Dorsey's accusers failed to appear before the investigating committee when they learned that Dorsey planned to appear in his own defense.

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52 Ibid., 19 March 1878, p. 1.
54 *Washington Post*, 4 April 1878.
Most of the committee's questioning concerned itself with the legality of Peck's signature, which a clerk had signed and Peck had later acknowledged. From the testimony and the documents presented to the committee, "it [was] shown that Senator Dorsey simply did for his personal friends what is customary for members of Congress to do in such cases." It appeared that Dorsey's only involvement in the mail business, other than helping to secure bondsmen for his friends, was to try to have more mail service put on postal routes in Arkansas and New Mexico, which could have been expected of an Arkansas senator with landholdings in New Mexico. Dorsey had secured bondsmen not only for his brother and for John's partners, but also for other mail contractors in Arkansas who had no connection with Dorsey. But this investigation, which concluded lamely and issued no report, proved to be the beginning of an ordeal that was to plague Dorsey for

55 House Misc. Doc. 16, pt. 1, 45th Cong., 3rd sess., pp. 70, 78, 163-64.
58 Ibid., pp. 68-69.
many years, eventually causing his political downfall and contributing to his financial ruin.

For the Forty-fifth Congress Dorsey reversed his attendance pattern of the Forty-third and Forty-fourth Congresses, and he was present for over 70 per cent of the votes cast. He possibly believed that he was the only one who could be trusted to vote in his interest, since few carpetbaggers were left in the Senate and the Republican president was not in sympathy with the carpetbaggers' position. Also, for the Forty-fifth Congress Dorsey's Arkansas Senate colleague was Democrat Augustus Garland, elected to fill the seat vacated by the expiration of Powell Clayton's term. Garland's presence might have contributed to the improvement of Dorsey's attendance record in the Forty-fifth Congress, for they opposed each other on fifty-seven per cent of their common votes. Dorsey might have felt compelled to be present to cast his vote so that Garland's vote would be cancelled.

The tight Republican party discipline of the Forty-fourth Congress had considerably relaxed, if not totally evaporated, by the Forty-fifth. In the Forty-third and

\[59\] See Appendix, Table V.
Forty-fourth Congresses, while Grant was in the White House, Logan, Morton, and Don Cameron had been the leaders of the Republican party in the Senate; in the Forty-fifth Congress, with Grant, Logan, and Morton gone, and the Republican position threatened by the timorous Hayes, the Republican party in the Senate was without direction. The carpetbagger coalition disappeared entirely, as had most of the carpetbaggers by this time. Apparently, without a sympathetic president in the White House, the carpetbaggers saw it necessary to go their own ways, which they had not done with Grant as president.

Dorsey's record on party votes in the Forty-fifth Congress was slightly better than average: he disagreed with the majority of his party 17.71 per cent of the time, against a party average of 19.43 per cent. Dorsey and Conkling came no closer to agreeing than they ever had, even though by the time of the Forty-fifth Congress both were firmly committed to the re-election of Grant in 1880.

When the Arkansas legislature met in February, 1879, no one was surprised that Dorsey was not nominated to succeed himself in his Senate seat. He thus faded out of a Senate seat.

60 See Appendix, Table VI.

61 Daily Arkansas Gazette, 22 January 1879.
he had occupied as at best a mediocrity, and although Dorsey for a time continued his efforts to maintain a Republican party in Arkansas, he finally left that state for good in 1880. The overwhelmingly Democratic majority in Arkansas thereupon began a mighty effort to erase the memory of this carpetbagger from their books. This effort culminated in the passage of an act by the Arkansas legislature in 1885, changing the name of Dorsey County to Cleveland County, to remove "the only name . . . on the map that was a stigma on the state of the old carpetbag rule." The passage of this act was the occasion of great joy and celebration in the Arkansas Senate.

Dorsey's political career, however, and his power within the Republican party, did not diminish with his exit from the Senate halls; in fact, that power increased. Slightly more than a year after Dorsey left the Senate, he was elevated into the inner circle of the Republican hierarchy as secretary of the Republican National Committee for the campaign of 1880. In this position Dorsey exercised the

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62 Proceedings, second trial, p. 3672.
63 Daily Arkansas Gazette, 3 March 1885.
64 Ibid., 5 March 1885.
most power he attained throughout his political career, and he made himself indispensable to the Republican victory of 1880.
CHAPTER VIII

TESTING PARTY LOYALTIES

The convention which met in Chicago in June, 1880, to nominate Republican candidates for president and vice-president represented a seriously divided party. While the American people had generally accepted Hayes as a welcome relief from the sordid years of the Grant administration, Hayes was not popular with Republican party leaders. His policy of conciliating the South effectively abandoned the southern Republicans, his conservative currency views seriously embarrassed Republican congressmen from pro-inflation districts, and his announcement that he would not seek re-election left the field wide-open for Republican presidential aspirants who were invited to use the Hayes administration as a forum for their own ambition.¹

The most persistent of Hayes's congressional opponents was Roscoe Conkling, the New York leader of the Stalwarts, the name given to the Grant wing of the Republican party. After his initial struggle with Conkling over the New York

Customs House appointments, Hayes had been moderately successful in implementing a degree of civil service reform, and Hayes's particular brand of reform meant that the Stalwarts were no longer given preference in patronage appointments. The result of Hayes's policy was that while the Stalwarts retained much of the control of the national party machinery that they had acquired under Grant, they were in trouble in three key states: New York, Illinois, and Pennsylvania. The Stalwart leaders in these states, Conkling, John Logan, and Don Cameron, thus decided that for them to revive their sagging political power, the re-election of Grant in 1880 was essential. 2 These northern Stalwarts were joined by much of the Republican leadership in the South, where it was hoped that Grant would restore the party to the power it had enjoyed before Hayes had abandoned Reconstruction. 3

After the inauguration of Hayes in 1877, the country had been allowed to forget the scandals that had rocked Grant's second term. Shortly after leaving office, Grant


embarked on a world tour, where he was treated as an equal by monarchs and idolized by the cheering multitudes. A full account of Grant's triumphs reached the American people daily through the columns of the *New York Herald*, and Grant once again became the hero of Appomattox and the savior of the Union.  

As Grant returned to San Francisco in September, 1879, speculation was already rising in the press concerning a possible third term. This speculation Grant carefully ignored, while his managers guarded a nascent Grant boom equally carefully. In the spring of 1880 Grant toured the South, ostensibly for his health, but the timing of his appearances in the southern states coincided with the Republican state conventions. Grant emerged from this excursion with much popularity in the South, but this popularity was of questionable value because there was little hope of the Republicans' carrying the South in November.

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5 Ibid., pp. 321-22.

In response to the Grant boom, an "anything to beat Grant" movement developed under the unofficial leadership of James G. Blaine of Maine. Blaine had been a candidate for the Republican presidential nomination in 1876, before the unfortunate scandal of the Mulligan letters had ruined his chances. He was not certain, in 1880, that he could survive another presidential contest in which the Mulligan letters were certain to be an issue, but he was convinced that the country could not survive another four years of Grant. He thus remained in the background, allowing others to use his name in an effort to pull convention delegates away from Grant.

As the convention year dawned, six candidates competed for the Republican nomination. Grant and Blaine would go to Chicago with most of the convention divided between them. Treasury Secretary John Sherman, for years a mainstay of the Republican party and the architect of Republican fiscal policy, decided that it was now his turn to be the presidential nominee. Intricate problems of finance were not the stuff of which campaigns were fashioned, however, and no one was drawn to Sherman by the force of his personality.

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Furthermore, Sherman had bitterly antagonized party regulars by preaching civil service reform while secretly using the patronage of the Treasury Department to further his own candidacy. Sherman's largest asset in his race for the nomination in 1880 was his campaign manager, James A. Garfield, a popular war hero who had worked for years mastering the science of politics while making few enemies. George Edmunds of Vermont, the choice of Republican reformers, was a reluctant candidate who had been persuaded to enter the contest by the prospect of being able to exercise the presidential power of veto if he won. William Windom of Minnesota, soon to be secretary of the treasury, and Elihu B. Washburne, at one time a Grant sponsor, were in the contest to be available for selection if the convention deadlocked, which was acknowledged as a possibility as early as February of the convention year.

Dorsey began planning for Grant's return to the White House before the general had returned to San Francisco from his world tour. Dorsey visited Arkansas after the close of his Senate term in the spring of 1879, and in an effort to

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excite the enthusiasm of Arkansas Republicans for the upcoming campaign, he hired the editor of the now defunct Little Rock Daily Republican to prepare a history of the blessings that had come to Arkansas under Republican rule. During the autumn and winter of 1879 Dorsey cultivated his New Mexico ranches; he also developed numerous speculative mining ventures in Colorado, where he accumulated great wealth and developed business ties with some of the most prominent political leaders of the West, including Senator John Jones of Nevada, Senator Jerome Chaffee of Colorado, and candidate Windom of Minnesota. Dorsey also solicited, and received, the active support of Elkins and Blaine for at least one of his mining companies.


12 Dorsey to Blaine, 27 October 1879; receipt, Dorsey to Blaine, 10 November 1879; prospectus, Leadville Mining Company, April, 1880, James G. Blaine Papers, Manuscript Division, Library of Congress, Washington, D.C.
But while Dorsey was mining for silver, he was also mining for Grant delegates to Chicago. In February, 1880, Dorsey gave a lavish banquet for Jones at Delmonico's Restaurant in New York, where Blaine, as the main dinner speaker, celebrated the prosperity of the western mines and the boldness of the entrepreneur. But in the midst of the floral decorations, jellies, and confectionery that had transformed the Delmonico ballroom into "a mimic mining camp," the talk quickly turned to politics. A straw poll revealed that of the fifty-one guests present, representing considerable financial and political power, forty were for Grant and eleven favored Blaine. Sherman's name evoked universal hostility for his shameless "prostitution of a great office to subserve personal interests," and it was generally agreed that Sherman's nomination would lead the Republican party to "ignominious defeat." Two days after this dinner Dorsey gave an interview to the New York Times in which he complained bitterly of Sherman's use of Treasury Department officials to sabotage his efforts to secure a Grant delegation from Arkansas. Provoked by Sherman's interference in Arkansas, Dorsey tried to rob Sherman of

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14 Ibid.
his only claim to the presidency by accusing him publicly of having opposed resumption.15 By the time the Arkansas convention met in April, 1880, however, Dorsey's efforts had been aided by a timely visit by Grant to Little Rock, and the Arkansas state convention instructed its delegates to Chicago to vote for Grant as a unit.16

The obvious Grant strategy was to secure enough delegates before the convention to win the nomination on the first ballot. In the South there was enough support for Grant that most of the southern state conventions pledged themselves to the general without much difficulty.17 In the three largest Republican states, however, New York, Illinois, and Pennsylvania, disaffection with the Stalwart leadership was taking the form of a revolt against a third term for Grant. In these states Grant's managers resorted to heroic measures to secure friendly delegations. By selecting delegations composed of a majority of Grant supporters and instructing the entire delegation to follow the will of the majority as a unit, Grant's men hoped to carry the convention for their candidate in spite of strong minority opposition.

15 Ibid., 17 February 1880, p. 1.
16 Dorsey to Thomas W. King, 9 April 1880, Garfield Papers.
The trouble with this strategy was that the unit rule had never been enforced in a Republican national convention, and as the 1880 meeting approached, delegates in New York and Pennsylvania announced that they intended to ignore their instructions and vote for Blaine.18 In Illinois a pro-Blaine delegation prepared to challenge Logan's hand-picked pro-Grant delegation for their seats at the convention, and it would be up to the convention itself to decide which Illinois delegation would be seated.19

The New York and Pennsylvania defections and the Illinois challenge threatened to put the convention out of reach for Grant. Faced with this threat, the Stalwart leadership devised a simple but desperate strategy to gain control of the convention and the nomination. Their plan involved a method whereby the unit rule, rejected by national Republicans as recently as 1876, would become the modus operandi for 1880.20 This plan was never put into operation. At the pre-convention meeting of the Republican National Committee

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19 Marcus, Grand Old Party, pp. 29-30.

20 Kleeberg, Formation of the Republican Party, p. 158.
the anti-Grant majority, having heard of the plan to enforce the unit rule, introduced a strongly worded resolution reaffirming the right of each delegate to vote in defiance of unit instructions.\textsuperscript{21} When Cameron refused to allow the resolution to come to a vote, the anti-Grant men prepared to remove him from the chairmanship. At this point a compromise was effected whereby Cameron was allowed to keep the chairmanship of the national committee and the anti-Grant men won the organization of the convention with George F. Hoar, an Edmunds supporter, as chairman, and Garfield, Sherman's floor manager, in charge of the committee on rules.\textsuperscript{22}

Grant had lost the organization, but because none of his opponents was willing to yield his own candidacy, Grant's leaders still hoped to win the convention. Grant lost the early rounds, however, as the convention unseated the Illinois Grant delegation and supported a change in the convention rules specifically protecting individual delegates from any attempts to enforce the unit rule. In spite of these losses, the Grant men approached the time for the actual

\textsuperscript{21}Carl Becker, "The Unit Rule in National Nominating Conventions," \textit{American Historical Review} 5(October, 1899):77.

\textsuperscript{22}Kleeberg, \textit{Formation of the Republican Party}, pp. 159-60.
nomination convinced that they could still capitalize on the lack of unity among their opponents.\textsuperscript{23}

When the delegates convened on Monday, 7 June, the convention settled into long, weary hours of balloting. The delegates had demonstrated that they had the strength to defeat Grant, but they had settled nothing else, and Conkling would not allow Grant's name to be withdrawn.\textsuperscript{24} Grant led the pack with 304 votes on the first ballot, followed by Blaine with 284, Sherman with 93, Edmunds with 34, Washburne with 30, and Windom with Minnesota's 10 votes.\textsuperscript{25}

When New York was called on the first ballot, Conkling tried to wither his rebellious delegation into submission by having each delegate announce his vote, but Blaine's New York supporters withstood Conkling's hostility and cast seventeen votes for the Plumed Knight.\textsuperscript{26} On the second ballot one Pennsylvania delegate switched his vote to Garfield,


\textsuperscript{24}Jordan, \textit{Roscoe Conkling}, pp. 332-34.

\textsuperscript{25}\textit{Proceedings, 1880}, p. 197.

\textsuperscript{26}Ibid., p. 199.
and he kept it there throughout the balloting. As ballot after ballot continued with the totals virtually unchanged, it became obvious that none of the current candidates was going to emerge as the Republican presidential nominee. When the convention adjourned for the night after twenty-eight ballots, each candidate was within five votes of his first-ballot total, and Garfield's lonely champion had acquired a colleague.

In a midnight strategy session after the adjournment, Conkling, Logan, Dorsey and other Grant leaders assessed the day's balloting and decided that if Grant's votes held firm, the rest of the convention would eventually come to them. They thus determined to "stand by [Grant] and secure his nomination by waiting for the breakup of their opponents," and, reminiscent of the general in an earlier campaign, they proposed to fight it out on that line if it took all summer. The convention, by this time, was already the longest Republican convention on record.

The break came on the thirty-fourth ballot, but it was not "the breakup of their opponents" that the Grant men were

\[27\text{Ibid., pp. 202-03.}\]
\[28\text{Ibid., pp. 249-51.}\]
\[29\text{New York Times, 8 June 1880, p. 1.}\]
hoping for. Wisconsin moved its votes from Washburne to Garfield, an early leader of the anti-Grant coalition. Garfield made a fumbling effort to decline these votes, but by this time the exhausted delegates were willing to accept anything that looked like a change from the monotony of the first thirty-three ballots.\(^30\) On the thirty-fifth ballot more states followed the example of Wisconsin, and the deadlock appeared broken.

Finally, on the thirty-sixth ballot the landslide started for Garfield, and the Stalwarts worked the floor in a last, desperate attempt to muster all of Grant's strength. And on this ballot, in the face of an obvious stampede to Garfield, 306 votes held for Grant, the legendary "306" for whom medals were later struck commemorating their loyalty.\(^31\) But this last-ditch stand for Grant in the process of Garfield's nomination served also to accentuate the divisiveness that already plagued the Republican party. With Garfield

\(^{30}\) Proceedings, 1880, pp. 268-69; Morgan, From Hayes to McKinley, p. 93.

\(^{31}\) Proceedings, 1880, p. 271; Reeves, Gentleman Boss, p. 178. Having cast Arkansas' vote as a unit throughout the convention, Dorsey led the Arkansas delegation into the ranks of the "306" on the last ballot. New York Times, 9 June 1880, p. 1.
nominated, Conkling immediately offered the customary motion that the nomination be made unanimous; he then stalked out of the convention.  

To appease Conkling, and with the hope of bringing the crucial state of New York into line behind the Republican ticket, Garfield's managers cast about for a vice-presidential nominee from New York. Their first choice was banker Levi P. Morton, who consulted with Conkling. After submitting to a verbal blistering on the subject of political loyalty, Morton decided that Conkling would not be appeased by his candidacy, and he declined the offer. The vice-presidency was then tendered to Stewart Woodford, who repeated Morton's behavior with the same result. In desperation, Garfield's managers finally approached Chester A. Arthur, a Conkling lieutenant whose involvement in a New York Customs House scandal had provided the impetus for the patronage battles of the Hayes administration. Defying Conkling, Arthur accepted the nomination, and the Republicans finally had a ticket.

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33 Jordan, Roscoe Conkling, pp. 341-42.

34 Reeves, Gentleman Boss, pp. 179-80.
The defeated Grant forces immediately staged a coup in an attempt to gain control of the campaign, if not the candidate. Immediately after the convention adjourned, Cameron called a meeting of the Republican National Committee to elect officers and organize the upcoming campaign. The Grant members of the committee were instructed to come early, so that they could name the officers of the committee before any opposition arrived. A few Blaine supporters got word of this scheme, however, and arrived at the meeting in time to foil it. The committee then adjourned until 1 July, at which time officers would be elected at a meeting to be held in New York.

The intervening weeks did nothing to heal the rift in the Republican ranks, and Cameron's attempted coup had only served to harden the anti-Stalwart opposition. When the national committee reassembled on 1 July, the Blaine-Garfield forces were determined that no Stalwart, particularly Cameron, would be named chairman. But they could not afford simply


to ignore the Grant wing of the party, which controlled the party machinery of three essential states. Thus a sub-committee consisting of William E. Chandler, former secretary of the committee and a strong Blaine supporter, the Stalwart Logan, and John Murray Forbes, an Independent and a reformer, was instructed to nominate the chairman and the secretary of the National Committee, which choices the committee would then ratify.\textsuperscript{37}

In the subcommittee, Logan pressed hard for the selection of Thomas Platt, nicknamed "Me Too" for his almost sycophantic loyalty to Conkling, as chairman, but Chandler and Forbes would not hear of this and instead named Marshall P. Jewell of Connecticut, "the only man on Garfield's list who would accept."\textsuperscript{38} Jewell, a former postmaster general, was reported to be a good fund-raiser, was generally innocuous, and was prone to indecisiveness at critical moments. Jewell was apparently not expected to exercise much leadership on the committee, and he served in his position as a somewhat petulant figurehead.\textsuperscript{39}

\textsuperscript{37}Forbes, Letters and Recollections, 2:196.

\textsuperscript{38}Richardson, Chandler, p. 258; Morgan, From Hayes to McKinley, p. 104.

\textsuperscript{39}Richardson, Chandler, p. 259; Peskin, Garfield, p. 486; Chandler to Garfield, 14 June 1880, Chandler Papers.
Jewell's selection was supposed to balance the various party factions. Logan, however, was far from satisfied, and he announced that if the Blaine men wanted to run the campaign, then they could do so without Stalwart help. This sent Chandler and Forbes into a panic, and they pleaded with Logan to remain. After some importuning, Logan let himself be persuaded to name the national secretary, and after "some difficulty and much storming" he named Dorsey.40

Logan's choice probably came as something of a surprise to Chandler and Forbes, although Forbes, at least, had considered Dorsey within the realm of Stalwart possibilities for the post. Forbes knew of Dorsey only vaguely as "a rich and successful mining manager of great organizing power . . . [who] had been, and perhaps still was, a senator,"41 and although he suspected Dorsey of having been "at the bottom" of Cameron's 8 June plot, he agreed to the nomination without argument.42 Chandler, recalling Platt's boast that pledges would be exacted from Garfield before the Stalwarts entered into active campaigning, required a promise from Dorsey that

41 Ibid., p. 197.
42 Forbes to Chandler, 28 June 1880, Chandler Papers.
the secretary would do nothing to "crowd or annoy" the candidate. Obtaining this promise, Chandler joined with Forbes in ratifying Logan's selection.

Control of the Republican National Committee was the Stalwarts' last hope of retaining power within the national Republican party. It seemed a forlorn hope at best, because the National Committee had traditionally been subservient to the individual state Republican organizations, its major function being to raise money and assign speakers. The National Committee had not taken an active hand in a presidential campaign until 1876. But the Stalwarts hoped that by tying themselves to the campaign through control of the National Committee, they could exercise a measure of control over the candidate they helped to elect. There was also speculation that the Stalwarts wanted to use their control of the party machinery to name the 1884 presidential nominee.

The Stalwarts fought for the chairmanship because they wanted the prestige of that position, but the real power of

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43 Chandler to Garfield, 17 February 1881, Garfield Papers.


45 Forbes to Garfield, 31 October 1880, Garfield Papers.
the committee was in the secretaryship, because while the chairman had traditionally been a neutral figurehead, "it was customary to select as Secretary a practical politician who would be in actual control of the details of the campaign." Thus Dorsey's appointment as secretary was potentially more valuable to the Stalwarts than Platt's appointment as chairman would have been.

Dorsey had no sooner been confirmed as secretary than rumors began filling the air concerning his fitness for the post. Someone told Forbes that Dorsey's vote in the Senate had been notoriously for sale, "often not for a very high price," and the Massachusetts reformer tried immediately to have Dorsey's nomination revoked, to no avail. Forbes lamented that the campaign had been turned over to "the worst machine men in the whole party," and he resigned himself to a determination to "make the best of [Dorsey] and fight all the harder for not having the best materials in our organization." While the New York Tribune hastened to

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47 Forbes to Garfield, 1 July 1881, Garfield Papers; Forbes, Letters and Recollections, 2:197.

48 Forbes, Letters and Recollections, 2:197; Forbes to Garfield, 7 July 1880, Garfield Papers.
assure its readers that Dorsey, "a man of great force, [is] sure to give his whole heart" to the work of organizing a successful campaign, some of Garfield's friends were not sure that they wanted the kind of help Dorsey would provide.49 One correspondent informed the candidate bluntly that "I have no faith in [Dorsey] or his methods,"50 and another correspondent, while advising Garfield that it was probably wise to mollify Conkling, termed the selection of Dorsey "a great mistake."51 The candidate was advised that Dorsey "is a conspirator by nature, & built up in the ways & methods of betrayal & c."52 It was suggested that the party would find it difficult to raise money with Dorsey at its head.53

The charge that Dorsey was a member of a corrupt Post Office Ring, stealing millions from the treasury annually, resurfaced as part of the effort to discredit him.54 After

49New York Tribune, 3 July 1880.
50[Illeg.] to Garfield, 3 July 1880, Garfield Papers.
51S.C. Boynton to Garfield, 10 July 1880, ibid.
52Ibid.
53Mrs. H.S. Kimball to Garfield,--August 1880, Garfield Papers.
54Boynton to Garfield, 10 July 1880, ibid.
inconclusive findings in 1878, Congress had conducted a second investigation into postal contract irregularities as recently as the spring of 1880, issuing its report just as the delegates were gathering in Chicago for the national nominating convention. But while the 1880 probe had uncovered some questionable dealings between Dorsey and the Post Office Department, the contract scandal revolved around Second Assistant Postmaster General Thomas J. Brady, and the investigating committee's report focused exclusively on the workings of Brady's office.

As the campaign of 1880 commenced, the Republican party was no more unified than it had been before the convention, and in such condition it could hardly hope to survive a strong Democratic threat. As a long-time associate of Garfield and a close friend of Conkling and Arthur, Dorsey was potentially in a position to act as liaison between the Stalwarts and Garfield; as the campaign progressed, this

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mediation would become an important part of Dorsey's job as manager of the Republican canvass. By attacking Dorsey's credibility, Garfield's friends seriously threatened the secretary's effectiveness at this task. But achieving party harmony had become the sine qua non of the Republican campaign effort, so Dorsey spent the first month of his tenure as secretary of the Republican National Committee in wooing dissatisfied Republicans. Conquering the Democrats would have to wait until later.

At the start of the campaign, Republican strategists estimated that with the departure of federal troops from the southern states, the South would go solidly Democratic; if the electoral votes of the Solid South and the border states were joined by those of Indiana and New York, this combination would give the Democrats the election. Both of these northern states had gone to the Democrats in 1876, and no one was certain that they would not repeat this behavior in 1880. Some national committee members, and Garfield, advised campaigning for at least one of the southern states to offset possible Republican losses in the North. Perhaps from painful experience with Democratically controlled elections in Arkansas, however, Dorsey preferred to write
off the Solid South and concentrate on getting out the Republican vote in the crucial states of New York and Indiana.  

The campaign in New York was off to a rocky start after the Chicago convention. Roscoe Conkling did not take his losses lightly, had no respect for Garfield, and gave every indication that he would be at least neutral in the campaign, if not openly hostile. Without Conkling's active support, the political machine in New York would not extend itself to produce the Republican vote, and much of the money needed to finance the campaign would not be forthcoming. It was thus necessary that Conkling be induced to support the Republican ticket; Arthur's nomination, intended for this purpose, had not been demonstrably effective in achieving this result.

Conkling by this time was desperate. After four years under Hayes's civil service policies, Conkling was swiftly losing his grip on the New York Republican party, and he had counted on the nomination of Grant to restore the New York

57E.C. Hubbard to Garfield, 4 August 1880, Garfield Papers; Cincinnati Enquirer, 28 August 1880.

58Morgan, From Hayes to McKinley, pp. 102-03.

59Whitelaw Reid to Garfield, 30 July 1880, Garfield Papers.
patronage to his control. With the failure of this plan at Chicago, Conkling was faced with a candidate who owed his nomination primarily to Blaine's supporters, including the bolters in Conkling's own delegation. If Garfield believed that his obligation to these renegades required him to give them control of the patronage in New York, Conkling was finished. It is thus not surprising that Conkling was less than enthusiastic about working for a candidate whose election would mean his own political ruin.

Dorsey's position at the outset of the campaign was thus far from enviable. A leader of the "306," he had been named secretary of the Republican National Committee to appease the Grant wing of the party; as secretary of the national committee, it would be up to Dorsey to bring the Stalwarts into line behind the campaign. His friendship for Garfield and his own ambition demanded that he do his utmost to elect the Republican ticket, and this meant that he could not let Conkling's rule-or-ruin mentality stand in the way of a successful campaign. Dorsey's loyalty to Conkling, however, required that he use the utmost tact and subtlety to bring the senator into the campaign on his own terms.

60 Thomas M. Nichol to Garfield, 31 July 1880, ibid.
By this time it was necessary that Conkling be brought into the campaign not only for the success of the campaign, but for Conkling himself, if he had any hope of retaining control of the New York Republican party. There were already signs of defection within the ranks of Conkling’s own organization--Arthur had declared his independence by agreeing to go on the ticket with Garfield, and Platt was beginning to chafe under the restrictions imposed by loyalty to Conkling. Dorsey’s task as he began the management of the campaign of 1880 was thus to unite the New York Stalwarts, bring them into the Republican campaign while allowing Conkling to save face, and ensure Conkling’s continued leadership of the New York Republican party. It was a delicate position, and Dorsey knew it.

Dorsey and Arthur discussed the political situation in New York as they travelled to Arthur’s home after the Chicago convention, and the two concluded that the only hope of bringing Conkling out of retirement for the duration of the campaign lay in arranging a meeting between Conkling and Garfield. Arthur, in fact, suggested that Garfield come

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61 Jordan, Roscoe Conkling, p. 325.

to New York for the 1 July meeting of the Republican National Committee to meet with Conkling. Dorsey realized, however, that a private meeting between Conkling and Garfield, whatever the outcome, would inevitably be publicized and would lead to unfortunate speculation in the press. He thus decided to camouflage the meeting behind a general conference of the Republican National Committee, the Congressional Republican Committee, the chairmen of the Republican state central committees, and any other party dignitaries not included in any of these, ostensibly to plan the strategy of the campaign. Amid such a gathering, a meeting of Garfield and Conkling would appear to be natural. The conference was scheduled for 5 August at the Fifth Avenue Hotel, New York headquarters of the Republican National Committee.

For such a conference to have the desired effect, Garfield would have to be the one to go to New York. Garfield had already invited Conkling to call on him, with no result.

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63 Reeves, Gentleman Boss, p. 191.
64 Dorsey to Garfield, 25 July 1880, Garfield Papers.
Dorsey's job was to persuade Garfield both that the meeting was necessary and that a trip to New York would not sacrifice Garfield's dignity as a presidential candidate, and he had to do this persuading without presenting Conkling as a spoiled child. It was a tall order diplomatically, and it is not surprising that Dorsey got short tempered as the negotiations progressed.

Dorsey raised the subject of Garfield's appearance in New York when he met with Garfield at Mentor, Ohio, to discuss the candidate's letter of acceptance.\textsuperscript{66} Garfield apparently balked at the idea, but he did not close the door entirely. He took the matter under advisement. From Mentor Dorsey went to the Thousand Islands, where Conkling and Arthur had gone on a private fishing trip.\textsuperscript{67} There he tried for a few days to convince Conkling that his political fortunes were safe in the hands of a Garfield administration, but he left the islands "more convinced than ever" that a trip to New York by the candidate was "absolutely essential" before active campaigning would begin in New York.\textsuperscript{68}

\textsuperscript{66}Garfield to Dorsey, 9 July 1880, Dorsey to Garfield, 24 July 1880, Garfield Papers.


\textsuperscript{68}Dorsey to Garfield, 25 July 1880, Garfield Papers.
Garfield and some of his friends, including Chairman Jewell, were not convinced that a meeting between Garfield and Conkling was necessary, or that it would be wise for the candidate to go to New York. Whitelaw Reid suggested that Arthur's nomination had appeased the Conkling faction sufficiently, and it would be beneath the dignity of a presidential candidate to make a special trip to confer with the senator from New York.⁶⁹ Reid was concerned over Conkling's hostility, but his solicitude for the candidate's dignity permitted him to offer nothing more substantial than the suggestion that Garfield invite Conkling to confer with him on the letter of acceptance.⁷⁰ Carl Schurz thought that Conkling's ill will could be tolerated, since most of the senator's following appeared willing to work for the ticket.⁷¹ Garfield's friends reinforced the doubts that he himself felt on the subject, and he communicated them to Dorsey in a letter asking why this conference was necessary.⁷²

⁶⁹ Reid to Garfield, 19 July 1880, ibid.
⁷⁰ Reid to Garfield, 26 June 1880, ibid.
⁷¹ Marcus, Grand Old Party, p. 46.
Dorsey swiftly lost patience with those who were advising Garfield to boycott the conference. He bombarded the candidate with letters and telegrams urging the constant theme that Garfield's well-meaning friends did not know what they were talking about and reminding the candidate of the duty he owed to the Republican party as well as to himself.\textsuperscript{73} He informed the candidate that "I am going ahead in this matter" on the assumption that Garfield would attend.\textsuperscript{74} When Garfield hesitated and Jewell voiced further objections, Dorsey's tone with the candidate became positively abrupt:

\begin{quote}
I repeat with all the earnestness I have that in my judgment it is a duty which you owe to yourself and to the Republican party to be here on the 5th of August regardless of what Mr. Jewell says or Mr. Geo. Curtis or Mr. anybody else . . . . I have been told within the last four or five hours that when this question was suggested to you you made the natural inquiry as to what these people wanted to see you about. My reply is that they want to know whether the Republicans of the State of New York are to be recognized as a portion of that party in this country or whether the "scratchers" and Independents and "featherheads" are to ride over the Republican party in this state as they have for the past four years. They not only want to know that but they intend to know it and they can only be satisfied by a personal conference with you . . . . Your presence is a paramount duty that you owe to yourself and to your party. I am not certain that Gov. Jewell concurs
\end{quote}

\textsuperscript{73}Dorsey to Garfield, 24 July 1880, 25 July 1880, 26 July 1880, ibid.

\textsuperscript{74}Dorsey to Garfield, 25 July 1880, ibid.
with me in any part of this. I am rather inclined to think that he does not but I cannot see for the life of me what good Gov. Jewell can do you or the party by running out to Mentor on next Friday and bustling about the country and producing none of those results which you and I and every practical man knows to be the essentials of success. What we want is the State of New York and we want to do whatever is necessary to secure it so it does not imply dishonor or indignity.

Garfield thought that Dorsey's letter contained "more anxiety than reasons" for going, and the candidate continued to straddle the fence, advising Dorsey to go ahead with his plans for the conference but not yet committing himself to attending. He was worried that the conference would alienate "our Independent allies," and he sought further advice. Chairman Jewell advised him that he was still seeking counsel, but that he would "within a week have an opinion, and perhaps a definite one." Former Secretary Chandler was also trying to make up his mind. He was slowly coming to the view that the votes of New York were probably worth the trip; he had, in fact, suggested that Garfield have an hour's conversation with Conkling.

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75 Dorsey to Garfield, 26 July 1880, ibid.
76 Garfield Diary, 27 July 1880, ibid.
77 Dorsey to Garfield, 28 July 1880, ibid.
78 Marcus, Grand Old Party, p. 42.
few days earlier.\textsuperscript{79} What bothered Chandler was the high-handedness with which Dorsey had arranged the conference without consulting with Jewell. Chandler was not pleased by Dorsey's having presented the national committee with a fait accompli, but he finally advised, grudgingly, that since plans had gone as far as they had, Garfield had no real choice but to attend. "But," he wrote, "Dorsey's flourish of trumpets is contrary to all my notions of political management and ought to be omitted hereafter."\textsuperscript{80} 

Against his better judgment, Garfield reluctantly agreed to appear in New York on 5 August. Then another problem developed: on 1 August, too late to cancel the conference, Conkling announced that he had no intention of meeting with Garfield. He did not trust Garfield to remember any conversation accurately, so he saw no point in conferring with the candidate.\textsuperscript{81} Seeing his grand design suddenly collapsing around him, Dorsey tried to bargain. When Conkling remained adamant in his refusal to appear at the Fifth Avenue Hotel, Dorsey proposed the compromise solution of having Conkling meet the candidate's train in

\textsuperscript{79}Chandler to Garfield, 24 July 1880, Garfield Papers.  
\textsuperscript{80}Chandler to Garfield, 28 July 1880, ibid.  
\textsuperscript{81}Jordan, \textit{Roscoe Conkling}, p. 351.
Buffalo. This, finally, the senator agreed to do—provided that the invitation to join the train came from Garfield. Dorsey was sure that he could arrange this and, with the major problem solved, continued with the final preparations for the conference.

Again, however, Dorsey had not anticipated the candidate's feelings. Garfield had reluctantly agreed to make the trip to New York; he steadfastly refused to budge on the idea of bowing to Conkling. When Dorsey asked if it would be acceptable to Garfield for Conkling to meet him en route from Ohio to New York, the candidate replied yes, but "since the Committee is making all the arrangements, I don't think I should send an invitation." 82 This was after Garfield had already telegraphed an invitation to Logan, so obviously the issue of who would send the invitations to meet the candidate's train was not at stake. 83 At this point Dorsey must have felt sorely tried. Garfield could not have chosen a more unfortunate moment to elect to stand on his pride. Now he was threatening Dorsey's entire strategy,

82 Garfield to Dorsey, 1 August 1880, Garfield Papers.
83 Garfield to Logan, 1 August 1880, John A. Logan Papers, Manuscript Division, Library of Congress, Washington, D.C.
and with it, the secretary firmly believed, the success of the campaign.

Even those who had adamantly opposed Garfield's trip to New York were forced to admit that it was a resounding success for the candidate. He was greeted by enthusiastic crowds wherever he stopped on his way to the city, and his route to the Fifth Avenue Hotel was lined with cheering throngs of New Yorkers. But when he got to the hotel, Dorsey was forced to greet him with the news that Conkling would not be there. Although Dorsey might have been warned to expect such behavior, he must have appeared shamefaced as he explained to the candidate that the meeting which Dorsey had ridden roughshod over everyone to arrange, toward which he had applied such heavy pressure on Garfield, would not occur. Dorsey's ever-precarious position could not have been improved by his failure to bring about the much-heralded summit on which he had staked the success of the campaign, but Garfield reacted to Conkling's absence philosophically. The senator had left his lieutenants to

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84 Peskin, Garfield, p. 488; Reeves, Gentleman Boss, p. 192.

85 New York Times, 5 August 1880, p. 1; Reeves, Gentleman Boss, p. 192.
speak for him, and Garfield wrote in his journal that "if [Conkling] intends to take . . . hold of the campaign it is probably best that he does not call on me here. I think his friends are showing zeal and enthusiasm and will work, whether he does or not."\(^6\)

Dorsey did not attend the meeting between Garfield and Conkling's lieutenants which had been the real purpose of the conference, although he would later be called upon to settle disputes arising out of the meeting.\(^7\) Conflicting accounts of what was said at Fifth Avenue would lead to much bitterness after Garfield was elected, but for the moment, at least, harmony reigned in New York.\(^8\) But whether the conference succeeded in solidifying Conkling's power in New York would now be up to Conkling. He had saved his pride and asserted his supremacy by refusing to attend the conference, but with that refusal he had lost the initiative, and he knew it. Garfield had not had to explain his presence at the meeting, but Conkling and his friends had found themselves offering embarrassed explanations for

\(^6\)Garfield Diary, 5 August 1880, Garfield Papers.

\(^7\)New York Times, 6 August 1880, p. 1.

\(^8\)New York Tribune, 6 August 1880; Forbes to Garfield, 13 August 1880; Jewell to Garfield, 13 August 1880, Reid to Garfield, 13 August 1880, Garfield Papers.
the senator's absence. If Conkling did not want to be
isolated permanently, he would have to quit sulking and join
the Republican campaign. Thus while Dorsey's conference
had failed on the surface to achieve his purposes, it had
in fact succeeded. Within a week after the conference
Conkling appeared at the offices of the national committee,
had a lengthy meeting with Dorsey, and announced that he
was ready to put his affairs in order and commence work on
the campaign. Dorsey's work in planning the Fifth Avenue
Conference was finally justified.

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89 McCormick to Chandler, 13 August 1880, Chandler
Papers; McCormick to Garfield, 16 August 1880, Garfield
Papers.
CHAPTER IX

VICTORY AND STALEMATE

The Fifth Avenue Conference apparently healed the rift in the New York Republican party, but in arranging the conference Dorsey had created a serious breach in the ranks of the Republican National Committee. Dorsey had carried out his elaborate strategy over the head of Chairman Jewell, leaving the chairman to lament "I don't know whether I'm running this committee or not--sometimes I think I'm not--Dorsey's running it himself I guess or all creation's running it, I don't know which."¹ Jewell paid Chandler's expenses to stay in New York because no one else would talk to him, and friends complained heatedly to Garfield that Dorsey was usurping the role of the chairman.² Dorsey defended his actions by saying that those who confided in him did so only on the condition that he not confide in

¹ Thomas M. Nichol to Garfield, 31 July 1880, James A. Garfield Papers, Manuscript Division, Library of Congress, Washington, D.C.

Jewell. This was probably true, but Dorsey was not going to promote harmony on the national committee by continuing to ride roughshod over its chairman. Jewell might have been able to salvage some of his authority had Dorsey's summit conference collapsed, but Dorsey had emerged triumphant, if a bit weathered, from the Fifth Avenue Conference. The success of the conference had convinced most doubters of Dorsey's "admirable executive qualities," so most observers were left wringing their hands and hoping that somehow harmony could be maintained until after the election.

Belatedly, Jewell tried to reassert his control over the campaign. With the idea that a friendly newspaper could probably convert more voters than could a sheaf of obviously propagandistic campaign documents, Dorsey had authorized the distribution of the New York Tribune among doubtful voters in Indiana and New York. Now, a week after the Fifth Avenue Conference, Jewell rescinded this authorization and announced that the national committee would not reimburse the Tribune for those 15,000 newspapers already distributed.

3 Dorsey to Garfield, 26 July 1880, 18 August 1880, Garfield Papers.

4 Whitelaw Reid to Garfield, 13 August 1880, ibid.

5 A.P. Miller to -- Filkins, 14 August 1880, Dorsey to Garfield, 18 August 1880, ibid.
Furious, Dorsey stormed into the national committee offices and confronted Jewell, but the chairman stood his ground in the heated debate that ensued. Dorsey thereupon stalked out of the offices "in disgust" and hinted that he intended to give up his position in the campaign and return to New Mexico to raise sheep. Having demonstrated his strategic judgment and his executive capacity with the Fifth Avenue Conference, he had no intention of being relegated to "a mere clerk with no initiative and no responsibility."

Dorsey decided not to resign, if he had ever seriously considered it, and when he went west it was only as far as Chicago, where he set up a headquarters to supervise the canvass of Indiana.

The idea that Dorsey take personal charge of the Indiana campaign was probably his own, although Garfield, who fully understood the importance of Indiana, readily assented to the move. Given the personalities of the secretary and the

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7 E.V. Smalley to Garfield, 17 August 1880, Garfield Papers.

8 Garfield to Chester Arthur, 30 August 1880, Garfield to Dorsey, 31 August 1880, ibid.
chairman, the intense drive of Dorsey and the indecisiveness of Jewell, the two were inevitably going to clash. Furthermore, neither one trusted the other: in Dorsey's view, Jewell was politically untrustworthy; in the chairman's view, Dorsey was financially suspect. The secretary was dynamic and extravagant, and cared not how much something cost so long as it would work; Jewell saw himself as the guardian of the committee's funds and was never quite sure that Dorsey was not putting these vast sums into his pocket. Such, anyway, was Dorsey's reputation. Whatever the circumstances, it was readily apparent that the two would not work well in harness, and it was probably best for the conduct of the campaign that Dorsey found something to do outside New York.

Indiana was a "must" state for the Republicans to carry. Along with Ohio, the Hoosier State held its elections for state officers in October and thus could influence the outcome of the November elections—particularly if the Republicans lost Blaine's state of Maine in September. If the Republicans won the October states the election might be saved, but if the October states went Democratic, the

9 Dorsey to Garfield, 29 August 1880, Mrs. H.S. Kimball to Garfield, 7 August 1880, ibid.
November election would likely find the voters jumping onto an apparent Democratic bandwagon. Indiana was thus a crucial state.

It was also, along with New York, doubtful. Both of these states had gone to the Democrats in 1876. At the outset of the 1880 campaign, Indiana was conceded to have a Democratic majority of 5,000 votes, and it had the added advantage to the Democrats of being the home state of their 1880 vice-presidential nominee, William English. A good, efficient, and tightly run Republican organization might be able to turn out enough Republican votes to offset this majority, but the organization Dorsey found in Indiana, while impressive on paper, was totally unsuited to the purpose for which it was desperately needed.

Elections in Indiana were traditionally marked by the importation of voters from states with lax residence requirements for voting (thus enabling the "repeater" to return home and vote again in November) and by the expenditure of large sums of money to secure the "floating vote," voters whose party affiliation was determined by the highest bidder. 

10 Garfield to Arthur, 30 August 1880, ibid.

Exactly what Dorsey was expected to do in Indiana was not certain, but Garfield had been warned of his manager's "ideas of the sacredness of pure elections and the glory of American citizenship" when a friend told him of a conversation he had had with Dorsey: "Speaking of Indiana he said '[illegible] are d---d fool if they can't carry the state, they have six times as much republican tender as the democrats. And I believe in fighting the devil with his own fire.'"

Before leaving for Indiana Dorsey stopped in Washington "to arrange the details in regard to the campaign in Indiana." These "details" included collecting the customary campaign assessments from government employees, and although Dorsey complained to Garfield that Sherman was not co-operating and that Hayes's civil service rules were "most damaging to our cause," he reported success in every other department. Dorsey also had a long conference with Second Assistant Postmaster General Thomas J. Brady, a graduate of Oliver Morton's Indiana machine and recently suspected

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12 Thomas M. Nichol to Garfield, 31 July 1880, Garfield Papers.

13 Dorsey to Garfield, 18 August 1880, ibid.

14 Ibid.; Cincinnati Enquirer, 11 August 1880.
of post office contract frauds, on the best methods for carrying his home state.\textsuperscript{15}

Dorsey would not repeat the mistakes made by the Republicans in 1876: this time, no price would be considered too high if it would produce a Republican victory in Indiana. Dorsey began his work on the Indiana campaign organization immediately upon reaching that state. Within a week after his arrival in Indiana, armed with a request from the Republican State Central Committee to take over the management of the state's campaign, Dorsey was receiving reports from workers he had stationed all over the state.\textsuperscript{16}

Dorsey divided the state into sixteen districts, each district containing from three to eight counties. The head of each district, with Dorsey, was to select a man to take charge of each county. The district and county men were then to appoint a man in each town

to make an immediate poll of every voter in their township, and to have that poll [in Dorsey's hands]


\textsuperscript{16}Dorsey to Garfield, 18 August 1880, Garfield Papers.
by the 10th of September. They also report by name every doubtful voter and every floating vote, who the man is, what he is doing, and whether the Democracy is likely to buy him or not. A second poll of every voter in every town in the state was to be taken and delivered to Dorsey ten days before the October election. Dorsey had his fingers firmly on the pulse of every level of his organization. In addition to the organization doing the actual work of polling the voters, Dorsey further subdivided Indiana into thirty groups of towns; the men in charge of these groups were to act as troubleshooters for the towns in their groups. These troubleshooters, and the men directing the polling of the sixteen state districts, were required to report to Dorsey daily. Dorsey also received daily reports from the Pinkerton detectives he had stationed in "New York, Baltimore, Louisville, Indianapolis, Chicago, and elsewhere . . . especially to watch the tricks and schemes of our opponents." The main task of the Pinkerton agents was apparently to infiltrate Democratic campaign organizations in the cities to which they were

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17 Dorsey to David G. Swaim, 1 September 1880, ibid.
18 Ibid.
19 Ibid.
20 Ibid.
assigned. With such an organization at work, Dorsey could justly claim that the Democrats could not spend $25 anywhere in Indiana without Dorsey's knowing about it.  

Dorsey also armed campaign workers and Pinkerton agents on the state's borders with census lists of qualified Indiana voters, obtained United States supervisors to watch the polls, and secured the aid of friendly railroad officials to warn him of the migration of out-of-state voters. All of these measures were designed to minimize the importation of Democratic voters into Indiana. Dorsey was probably not unduly disturbed by reports that numbers of Republican voters were being imported.

This was not an organization of volunteer workers, and it obviously required vast sums of money to sustain it. Raising the money necessary to carry Indiana was the responsibility of the national committee and of Levi P. Morton of New York, who had agreed at the Fifth Avenue Conference to raise a contingency fund, independent of the committee, to be used where it was needed. But contrary to popular rumor,

21 Ibid.; see also reports of Pinkerton agents to Dorsey, 11-16 September 1880, Garfield Papers.

22 Jewell to Garfield, 8 October 1880, Garfield Papers.

the money Morton raised was not being sent exclusively to Indiana, and the national committee was in the control of people who did not trust Dorsey with money. When it appeared that Morton was being dilatory about supplying Dorsey with money, Dorsey warned Garfield that Conkling might have soured Morton on the campaign, and he asked Garfield to rekindle Morton's enthusiasm. Upon investigation, however, Garfield learned that the real trouble was that potential contributors did not want to put money into Dorsey's hands. Whitelaw Reid suggested that Morton might solve this problem by appointing a committee in Indiana to supervise Dorsey's expenditures. Morton was worried lest such an arrangement alienate Dorsey, but after advancing $30,000 "without collecting a dollar from anyone," Morton was driven to suggesting the committee idea to Dorsey, explaining that the suggestion had been forced on him by his finance committee. Dorsey apparently accepted this proposal and collections proceeded,

24 Reid to Garfield, 2 September 1880, Garfield Papers.
25 Dorsey to Garfield, 31 August 1880, ibid.
26 Reid to Garfield, 2 September 1880, ibid.
27 Morton to Dorsey, 7 September 1880, reprinted in New York Herald, 18 December 1882.
while the national committee, and Jewell, remained in the dark concerning Dorsey's plans.\textsuperscript{28}

Partly because he distrusted Dorsey, and still smarting from the setback he had received at the time of the Fifth Avenue Conference, Jewell summarily refused to honor drafts that Dorsey had authorized his chief campaign organizers to draw on the national committee.\textsuperscript{29} The chairman maintained that he would continue such refusal until he received an itemized statement of where and how the money was being spent.\textsuperscript{30} In addition to being grossly insulting, such a proposal amounted to a demand for the surrender of control of the Indiana canvass to Jewell in New York. This would have been both impractical and totally unacceptable to Dorsey. He fired off a perfunctory letter to Jewell and then wrote to Garfield, setting forth the workings of the Indiana canvass and asking Garfield's assistance in wresting loose the necessary funds from New York.\textsuperscript{31} This assistance the candidate promised and gave. In the meantime, Dorsey was driven

\begin{itemize}
\item \textsuperscript{28}Jewell to Garfield, 1 September 1880, Garfield Papers.
\item \textsuperscript{29}Thomas M. Nichol to Garfield, 23 August 1880, McCormick to Garfield, 21 August 1880, ibid.
\item \textsuperscript{30}Jewell to Garfield, 26 August 1880, ibid.
\item \textsuperscript{31}Dorsey to Garfield, 29 August 1880, ibid.
\end{itemize}
to financing the Indiana campaign organization from his own bank account.  

Dorsey's organization in Indiana was independent of the state's Republican Central Committee, which guarded its prerogatives carefully. At a closed meeting of the central committee, Dorsey "read the riot act because of the disposition of several of the members who want to be boss and won't obey orders," and he informed the Indiana Republican press that "he would supervise details, and needed no outside advice." The state committee's jealousy was further aroused as practically all of the money raised for Indiana was going to Dorsey's organization, while the state committee was left to ferret out its own resources. As the campaign for Indiana progressed, rumors of conflict between Dorsey and the state committee increased to the point where Jewell despaired of winning the state if the campaign remained in the hands of "this double-headed

32 Diary of James A. Garfield, 2 September 1880, 3 September 1880 (hereafter cited as Garfield Diary), Garfield to Dorsey, 2 September 1880, Dorsey to Swaim, 1 September 1880, Garfield Papers.

33 Cincinnati Enquirer, 28 August 1880.

34 Jewell to Garfield, 1 September 1880, Garfield Papers; McCormick to Chandler, 5 October 1880, Chandler Papers.
committee." One of the members of the national committee warned Garfield that "if we lose the state it will be the absolute duty of the National Committee to send to the rear certain mischievous elements . . . .".

By mid-September, to encourage efficiency and pacify hurt feelings, Dorsey and the state central committee had arrived at a working division of labor. The state committee, under William Dudley, took over the work of getting out the Republican vote and hiring election supervisors, while Dorsey took charge of work "of a secret kind," the nature of which can only be conjectured upon. Members of the national committee could only hope that Dorsey would not "cover the party with disgrace." It is uncertain whether Dorsey used the money for which he so loudly and consistently clamored in the outright purchase of votes, but he did co-ordinate the activities of 1,500 to 2,000 stave and barrel makers and a number of railroad personnel who had

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35 Jewell to Garfield, 5 October 1880, Garfield Papers.
36 McCormick to Garfield, 5 October 1880, ibid.
37 John C. New to Garfield, 4 September 1880, ibid.
38 McCormick to Chandler, 5 October 1880, Chandler Papers.
been imported into Indiana. While these men were ostensibly practicing their professions in Indiana, Garfield had obtained permission from their employer, Standard Oil of Ohio, to use them for political purposes, and their political influence and Republican votes had considerable impact on close counties on election day.

In September Dorsey and his confidence in the operation of the Indiana campaign received a serious shock at the hands of the Maine voters. In Maine, Blaine's home state which had been virtually guaranteed to the Republicans, the Greenbackers organized a strong effort that drew off Republican votes and resulted in the election of the Democratic ticket. Dorsey's initial reaction to the Maine disaster was to continue in Indiana "as if nothing had happened." Upon reflection, however, he decided to ask the advice of Garfield: "I must have some instructions as to whether to proceed along the same line that I have, or whether we are going to

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39 Dorsey to Garfield, 20 September 1880, Swaim to Dorsey, 9 September 1880, Garfield Papers.


41 Garfield Diary, 2 September 1880, Garfield Papers.

42 Dorsey to Garfield, 14 September 1880, ibid.
One thing Dorsey did decide to do, as a direct result of the Maine election, was to begin discussion with Indiana Greenbacker leaders toward a possible fusion of the Republican and Greenbacker tickets. Dorsey had considered this action for some time, but he had not proceeded because of a lack of support for the idea among his Republican colleagues. Now, with the lesson of Maine glaringly before him, Dorsey on his own initiative began the talks. At least one result of these negotiations was that rumors began appearing that Dorsey was giving money to the Greenbackers, and that the Republican National Committee was paying the expenses of Greenbacker presidential candidate James B. Weaver to campaign only in those places where he would take votes from the Democrats. By report, Jewell admitted giving $1,500 to Weaver's campaign.

By the time the Indiana election approached, Dorsey was fairly certain of a Republican majority of at least 5,000 votes, but he feared that the "desperate, defiant and unscrupulous" Democrats would use their large purse to erase

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43 Dorsey to Garfield, 15 September 1880, ibid.
44 Dorsey to Garfield, 17 September 1880, ibid.
45 Dyer D. Lum to Thompson H. Murch, reprinted in Cincinnati Enquirer, 2 October 1880.
this margin. Thus during the final weeks of the campaign, Dorsey made frantic preparations to distribute money "in small sums to forty or fifty counties" to avoid being overwhelmed by Democratic frauds. In these efforts Dorsey had the full support of the candidate. Alarmed by reports that Dorsey was threatening to resign if more money were not sent to Indiana immediately, Garfield wrote to Dorsey, "Don't relax any grip anywhere . . . . I rely greatly on your calm equipoise which has shown itself so often and so well hitherto."

Indiana proved on election day to be as difficult for the Republicans to carry as had been predicted. The Republicans carried the state, but by a margin of only 7,953 votes out of 470,378 votes cast; the Greenbackers polled over 14,000 votes and may have provided the Republicans with their margin of victory. The election results thus easily justified all the effort concentrated in that state.

46 Dorsey to Garfield, 27 September 1880, 28 September 1880, Garfield Papers.
47 Dorsey to Garfield, 27 September 1880, ibid.
His work done in Indiana, Dorsey did not stay to celebrate his victory. Garfield wanted Dorsey to remain in Indiana to ensure that the October victory carried into November. Dorsey, however, thought that he had done all that he could do in Indiana and now it was more important to ensure Republican control of the House of Representatives. To this end, three days after the Indiana election Dorsey travelled to Harrisburg, Philadelphia, and New York to help with the campaign in the eastern states, leaving most of his campaign organizers behind to guard the victory in Indiana.

Dorsey's work in Indiana apparently had, as Garfield expressed it, "vindicated itself and silenced all cavillers."

At a meeting of the Republican National Committee on 14 October it was decided that Dorsey's talents would be most useful in New Jersey, which Jewell characterized as "the hardest of all the states."

The national committee hoped that Dorsey would create a campaign organization in New Jersey similar

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49 Garfield to Jewell, 15 October 1880, Garfield Papers.

50 Dorsey to Garfield, 14 October 1880, Swaim to Garfield, 18 October 1880, ibid.

51 Garfield to Dorsey, 15 October 1880, in Smith, Life and Letters, p. 1037.

52 Jewell to Garfield, 18 October 1880, Garfield Papers.
to the one in Indiana, but this was going to be difficult.\textsuperscript{53} New Jersey had almost no local structure to build upon, and while Dorsey may have been in little danger of offending local sensibilities as he had done in Indiana, the lack of a local organization greatly slowed the process of finding and mobilizing New Jersey's Republicans.\textsuperscript{54} Exactly what type of arrangement Dorsey actually made in New Jersey is not clear; he apparently worked simply to perfect that state's own campaign machinery.

The New Jersey operation did not have the importance for Dorsey that he had attached to Indiana. The Indiana contest had put a severe strain on his health, and he did not do much work in New Jersey after the initial task of organization had been completed.\textsuperscript{55} In any event, Dorsey was not successful in salvaging New Jersey from the Democrats, who carried the state by 2,000 votes.

New Jersey was the only northern state lost to the Democrats in November, 1880. When the final results were in, Garfield had carried every state outside the South except

\textsuperscript{53}Swaim to Garfield, 16 October 1880, ibid.

\textsuperscript{54}\textit{Cincinnati Enquirer}, 28 August 1880.

\textsuperscript{55}Ibid., 21 October 1880; Chauncey I. Filley to Garfield, 17 October 1880, Garfield Papers.
New Jersey, California, and Nevada; Garfield had 214 electoral votes to Hancock's 155. But the popular vote was much closer, and it was not certain that Garfield had won until the final returns from New York were counted. It thus appeared that the work Dorsey had done, in unifying the campaign in New York and in organizing Indiana, was of vital importance in carrying the election of 1880. Even Jewell was forced to admit that Dorsey had shown "great ability and untiring enthusiasm."\textsuperscript{56}

Having managed Garfield's successful run for the presidency, Dorsey now remained to advise his friend on the most appropriate means of rewarding the Stalwarts for their part in his victory. Rumors soon began circulating that Dorsey himself was slated for a position in Garfield's cabinet, but there is no indication that Garfield ever considered Dorsey for such a position.\textsuperscript{57} Rather, for the

\textsuperscript{56}Jewell to Garfield, 29 October 1880, ibid.

\textsuperscript{57}Burke Hinsdale to Garfield, 20 November 1880, Garfield-Hinsdale Letters: Correspondence between James Abram Garfield and Burke Aaron Hinsdale, ed. Mary Hinsdale (Ann Arbor: University of Michigan Press, 1949), pp. 466-67; D.C. Gordon to Garfield, 27 November 1880, Garfield Papers. During the Star Route trial in 1882, friends of Dorsey claimed that Garfield had offered Dorsey the Interior Department, which Dorsey declined; see New York Herald, 18 August 1882.
next four months Dorsey assumed the now familiar role of mediator between Garfield and the Conkling faction in New York; this mediation became necessary when word got out that Garfield's first cabinet nomination was that of James G. Blaine as secretary of state.

Certain that Garfield could not have been elected without the active support of the Stalwarts, Conkling felt betrayed by Blaine's appointment and was determined to see that the Stalwarts, and New York, received their proper reward in the cabinet. With the Department of State assigned, Conkling focused his attention on the treasury, the only post with the prestige and power—and patronage—to which Conkling thought New York was entitled. Based on reports from Platt and Morton, Conkling believed, furthermore, that the Treasury Department had been promised to New York at the Fifth Avenue Conference in August.  

Garfield recalled no such promise. In fact, he had gone to New York determined that there would not be "any mortgaging of my future freedom," and he prided himself on having escaped the conference with no commitments made to anyone.

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58 Morton to Garfield, 17 January 1881, Garfield Papers.
59 Garfield Diary, 5 August 1880, ibid.
60 Ibid., 9 August 1880.
Furthermore, if the Treasury Department were to go to New York, the most logical choice would be Morton, and Garfield had legal and moral reservations about assigning control of the Treasury Department to a Wall Street banker. In a conference with Morton in Washington after the election, Garfield informed the banker that "I will not tolerate, nor act upon any understanding that anything has been pledged to any party, state or person," and the issue with Conkling was joined.

Perhaps because he had arranged the conference at which this apparent misunderstanding had occurred, Dorsey was asked to try to settle the dispute. Summoned by the president-elect, Dorsey went to Mentor to confer with Garfield on the cabinet; while he was there a delegation of New York Stalwarts arrived to press Morton's claim. Garfield repeated his objections to giving Morton the Treasury Department, and the delegation returned to New York to report to Conkling.

61 Ibid., 13 December 1880; Swaim to Dorsey, 22 December 1880, Garfield Papers.
62 Garfield Diary, 28 November 1880, Garfield Papers.
63 Ibid., 13 December 1880.
64 Ibid.
When Dorsey arrived in New York a few days later he had a lengthy interview with Conkling at the senator's request. During this interview Conkling repeated his account of the Fifth Avenue pledge to Morton, and he impressed upon Dorsey his own desire to support the Garfield Administration. He then suggested that if, upon reflection, Garfield decided not to give the Treasury Department to New York, then perhaps Garfield should "say so distinctly so that there should be no mistake about it and then [Conkling's supporters] would know better what to do." Dorsey might have taken this interview as a declaration of impending war, but instead he interpreted it as a peace offering and immediately fired off an enthusiastic account of it to Garfield.

Two days after this interview, on 20 December 1880, Garfield received some hope that he might be able, in one stroke, to salvage his own scruples, Morton's self-respect, and Conkling's good will. Hayes's secretary of the navy resigned suddenly, and Hayes offered Garfield the chance to fill the vacancy, with the appointment to be continued into Garfield's term. Garfield decided that this was an excellent opportunity to solve the New York situation, and he asked

65 Dorsey to Swaim, 16 December 1880, Garfield Papers.
Dorsey to inquire discreetly whether the appointment of Morton to the Navy Department would be acceptable in New York.

The problem in New York was aggravated by the existence of a vacant United States Senate seat in that state. This seat had originally been reserved for Chester Arthur, but Arthur's election to the vice-presidency had opened the field, and three Stalwarts, Platt, Morton, and Richard Crowley, had announced their candidacies for the position.

Conkling's hold on his New York machine by this time was so fragile that he dared not give his endorsement to any of the candidates, and the New York Senate race soon became a free-for-all, complicated by the candidacy of railroad baron Chauncey Depew. Depew had been induced by Blaine to enter the race to collect anti-Stalwart votes, and he soon held the balance of power in the New York General Assembly.

Conkling badly needed Morton out of the Senate race, but he could not afford to appear to retreat by allowing

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66 Garfield to Dorsey, 20 December 1880, ibid.
68 Peskin, Garfield, p. 523; Chauncey M. Depew, My Memories of Eighty Years (New York: Charles Scribner's Sons, 1924), pp. 111-12.
Morton to take any position other than the Treasury Department. He thus persuaded Morton to refuse Garfield's offer. At this point Dorsey, who had never supported Morton's claim to the Treasury Department, got thoroughly disgusted with Conkling and advised Garfield that "those who are so confident of electing three Senators from New York [should] be permitted to proceed and when it turns out that they have only elected one, perhaps they will be more amenable to reason and to the best interests of the party." Dorsey counselled the president-elect to ignore New York until the Senate race was over, after which he was confident that "you will have no difficulty in choosing, if you wish to do so, a member of your cabinet from this state who will be acceptable to every Republican without regard to faction." 

It was not going to be that simple. Platt won the Senate seat after striking a bargain with Depew that he would support the patronage claims of the Chicago bolters, whereupon Conkling renewed his efforts to place Morton in the Treasury

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69 Peskin, Garfield, p. 522; William B. Allison to Garfield, 2 January 1881, Morton to Garfield, 17 January 1881, Garfield Papers.

70 Dorsey to Garfield, 3 January 1881, Garfield Papers.

71 Ibid.
At this point Dorsey, who since July had found himself repeatedly "appealed to by that wing of the party in New York . . . to adjust their difficulties among themselves as well as with the incoming Administration," decided to try a new solution to New York's knotty problem by suggesting the appointment of Charles J. Folger, of the New York Court of Appeals, to the treasury post. Dorsey characterized the jurist as a Stalwart whom Conkling respected but who was not subservient to the senator, and whose appointment would unify the Republican party in New York. Dorsey probably hoped that Conkling would have no choice but to be pacified with the appointment of Folger to the Treasury Department, but by this time Dorsey had quit caring whether Conkling was pacified or not.

Garfield was determined to treat the New York Stalwarts "fairly and generously" if they would permit him to do so, but he had become puzzled and irritated by their insistence

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72 Depew, Memories of Eighty Years, p. 112; Reeves, Gentleman Boss, pp. 210-13.
73 Dorsey to Swaim, 16 December 1880, Garfield Papers.
74 Dorsey to Garfield, 20 January 1880, ibid.
75 Ibid.; Dorsey to Garfield, 5 February 1881, 24 February 1881, ibid.
upon Morton to the exclusion of all other efforts at harmony.\textsuperscript{76}

He thus welcomed Dorsey's offer of a way out of the New York muddle, and he began gathering information on Folger.\textsuperscript{77}

But while he was investigating Folger, Garfield was also exploring the possibility of solving the New York problem by appointing New York City Postmaster Thomas James, another Conkling loyalist, as postmaster general.\textsuperscript{78}

In the midst of these battles over Garfield's cabinet appointments, on 11 February 1881, a dinner honoring Dorsey was given at Delmonico's Restaurant in New York. The dinner was a Republican extravaganza, "in many ways the greatest thing of its kind ever held in this city," with the invitation committee including John Jacob Astor and J. Pierpont Morgan and the guests including Morton, Platt, Collis P. Huntington, Jay Gould, and Chauncey Depew.\textsuperscript{79} The 200 guests represented all factions of the New York Republican party as well as business and political leaders from all over the country. Former President Grant presided over the occasion, and the

\textsuperscript{76} Garfield to Dorsey, 25 January 1881, ibid.

\textsuperscript{77} Ibid.

\textsuperscript{78} Reeves, Gentleman Boss, p. 212.

\textsuperscript{79} Dorsey to Garfield, 15 January 1881, Garfield Papers.
invocation was given by Henry Ward Beecher. At the height of the festivities, which consisted of effusive tributes to Dorsey's role in the Republican victory, particularly with respect to Indiana, Vice-President-elect Arthur rose to make the main speech of the evening.

I don't think we had better go into the minute secrets of the campaign, so far as I know them, because I see reporters present, who are taking it all down . . . . Indiana was really, I suppose, a Democratic state. It had always been put down in the book as a State that might be carried by close and careful and perfect organization and a great deal of ---- (Here the momentary pause of the speaker was filled in by a cry of "soap!" Laughter) I see the reporters here, and therefore I will simply say that everyone showed a great deal of interest in the occasion, and distributed tracts and political documents all through the country. (Laughter.) If it were not for the reporters I would tell you the truth, because I know you are intimate friends and devoted adherents to the Republican party. 81

Garfield, who had been invited but who did not attend the Dorsey dinner, was puzzled over its possible significance. 82 The timing of the affair gave rise to speculation among Dorsey's enemies that the dinner was designed to force Garfield to accept a cabinet of Dorsey's choice. It was

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81 Ibid.

82 Garfield to Reid, 14 February 1881, Garfield Diary, 17 February 1881, Garfield Papers.
rumored that Dorsey was putting pressure on Garfield to appoint Folger from New York and not James because the latter as postmaster general posed a threat to some deals Dorsey had with the Post Office Department. 83 A person who had some knowledge of the planning of the event, however, reported that the dinner was largely Dorsey's own creation, designed to facilitate his return to private life by giving him enough prestige to secure a rather large loan without much credit. 84 This second version is probably close to the truth about the Delmonico dinner. The timing of the dinner was fortuitous--Dorsey had invited Garfield in January to name a date for the event, but the president-elect had declined to do so. 85 The dinner was in preparation before Dorsey thought of Folger and before Garfield thought of James. 86 When the Delmonico dinner was conceived, Dorsey had had no cabinet to suggest. Dorsey may have hoped that the dinner

84 Reid to Garfield, 20 February 1881, Garfield Papers.
86 Dorsey to Garfield, 15 January 1881, Garfield Papers; Reeves, Gentleman Boss, p. 212.
would help him to establish a base within the New York Republican party, but that was a long way from a desire to use the affair to name Garfield's cabinet. But because the dinner happened when it did, adverse speculation on Dorsey's motives was unavoidable.

Chandler was furious at "the gross want of sense, propriety and taste which prepared a public celebration and glorification of the use of money to carry elections," and he speculated:

The evidently desired sequel of all this apotheosis of corruption is to be the plunder of the government to reward those who boast that they did the deed. The "Star Service" is the grand prize which is to nourish them and to furnish the scandals of the next presidential fight. They are willing to have a cabinet nominally honest; but the lesser cabinet—the Assistant Secretaries and the Assistant Postmaster General, it would be unreasonable to refuse to a band of disinterested patriots who, as Mr. Beecher, speaking at the deification of corruption, said of Dorsey, have done their work in a manner "almost sublime." They may well expect to name the cabinet, select the assistants and get annual incomes from their influence with them!  

Blaine agreed with Chandler in his analysis, but he named the second assistant postmaster generalship as the specific position which Dorsey wished to control. Blaine pleaded with Garfield not to let Dorsey gain control of "the minor

87 Chandler to Garfield, 17 February 1881, Garfield Papers.
Cabinet which in the Post Office Department is even more important than the major." Dorsey vehemently denied having "the slightest interest in any contract or business with the Post Office department or with any department of the government." He also denied having any ulterior motives in opposing the appointment of James as postmaster general, saying that he opposed James only "because he is the merest tool of scheming men in [New York]"--which repeated a judgment that Blaine, Sherman, and Whitelaw Reid had already rendered.

When the excitement of the Delmonico dinner had died down, Garfield still had to select a cabinet member from New York. Dorsey continued his efforts for Folger's appointment, making a trip to Mentor in Folger's behalf. He repeated that Folger's appointment would neutralize Conkling, and he suggested that this appointment would also satisfy Judge William Robertson, the leader of the Chicago

88 Blaine to Garfield, 13 February 1881, ibid.
89 Dorsey to Garfield, 17 February 1881, ibid.
90 Ibid.; Blaine to Garfield, 5 February 1881, Sherman to Garfield, 10 February 1881, Reid to Garfield, 17 December 1880, ibid.
91 Garfield Diary, 14 February 1881, ibid.
bolters. Dorsey advised Garfield that most of the opposition to Folger was motivated by Blaine's desire to see one of his own protégés in control of the patronage in New York.

It would be amusing to speculate on what might have happened to Dorsey had Roscoe Conkling not been so stubborn. Garfield invited Folger to Mentor in February and offered him the Justice Department, and Dorsey was heard bragging that he had succeeded in keeping James out of the cabinet. But after consulting with Conkling, who would be satisfied with nothing less than the treasury portfolio, Folger declined Garfield's offer, forcing the president-elect to offer James the Post Office Department to complete his cabinet the day before his inauguration. James accepted the position, thus finally solving Garfield's New York problem but creating a serious problem for Dorsey. Barely a month after James took office as postmaster general, massive frauds were uncovered in the Post Office Department, for which Dorsey was eventually prosecuted.

92 Ibid.; Dorsey to Garfield, 16 February 1881, Garfield Papers.

93 Dorsey to Garfield, 24 February 1881, ibid.

94 Peskin, Garfield, pp. 528-29; George Spencer to Chandler, 19 February 1881, Chandler Papers.

95 Peskin, Garfield, pp. 529, 533-35; Reeves, Gentleman Boss, pp. 217-18.
CHAPTER X

MAIL CONTRACT SPECULATOR

In June, 1882, Dorsey and seven others, including his brother, his brother-in-law, his confidential assistant, and two Post Office Department officials were tried in the Supreme Court of the District of Columbia for conspiracy to defraud the United States in what became known as the Star Route Frauds. One year and another trial later, the eight were finally acquitted. This verdict, however, has not prevented historians from assuming Dorsey's guilt, and from assuming further that Dorsey was the mastermind behind an entire system of frauds that supposedly robbed the Post Office Department of about four million dollars.¹

The postal "star" service was established by Congress to provide mail service to those communities not served by


This chapter attempts to reconstruct, as far as possible, the events that formed the basis of the charges brought against Dorsey. Chapters XI and XII will cover the government's interpretation of Dorsey's actions and Dorsey's defense of his behavior.
rail or steamboat. Star routes were designated in the books of the Post Office Department by three asterisks, indicating certainty, celerity, and security, from which they derived their name. Contracts for carrying the mail over star routes were awarded on the basis of competitive bidding. A prospective contractor would certify to the Post Office Department that he would carry the mail over a given route a certain number of times per week for a stated amount of compensation. Two other persons would sign the bidder's application as sureties, or bondsmen, and the local postmaster would affirm that the bondsmen were good for a certain amount if the bidder failed to perform the service called for in his contract. The statutes governing the star service also provided for an increase in compensation on a route, at a flexible percentage of the original contract price, for any increase in the speed or in the number of trips per week on the route.²

The star service was run from the second assistant postmaster general's office. When Dorsey became involved in the star routes, the second assistant postmaster general was

Thomas J. Brady, a former internal revenue supervisor appointed to the Post Office Department by Grant in 1876.\(^3\) It was his responsibility to advertise routes for bidding and to award contracts on the routes; he was also responsible for establishing the schedule and the number of trips per week on each route.\(^4\)

The type of service put on a star route was left to the discretion of the second assistant postmaster general, but except for a provision requiring that official to have "due regard" for the productiveness of a route, the law gave almost no guidelines to help him in exercising his discretion.\(^5\) This failure of the law left the second assistant open to the pressure of public opinion, expressed through petitions for increased service on a route, and to the


\(^5\) Ibid., p. 60.
political pressure applied by congressmen who wanted increased mail service in their districts as tangible evidence that they were serving their constituents. Thus a slow route established in a rapidly expanding area—a mining region, for example—would likely find the Post Office Department inundated under a flood of petitions asking for more and faster mail delivery on that route.

Once the second assistant decided to order additional service on a route, his office was responsible for determining the amount of increased pay due the contractor. In the event of an increase in the number of trips, the increased pay was a simple pro rata calculation based on the original contract price. For example, if a contractor were getting $500 per year on a route carried at two trips per week, he would receive $750 if the number of trips was increased to three. But for a faster schedule, called expedition of service, the increase in pay was a complicated calculation based on the number of men and animals it would require to perform the additional service. The real money to be made in star routes was in expedition, for while increased trips simply added to the original contract price on a price per trip basis, increased speed multiplied the original contract price by the additional men and animals required. Thus if
it took eight men and horses to carry a route on one schedule and twenty-four men and animals to carry it on a faster schedule, the Post Office Department would begin calculating the additional compensation by multiplying the original contract price by sixteen. The basis for this figure was an oath filed in the second assistant's office by the contractor; this oath specified both the number of men and animals in use on the present schedule and the number required on the proposed expedited schedule.\(^6\)

The system under which star routes operated opened a number of avenues for mail contract speculation. A speculative bidder would bid on a route hoping to sublet the route to an actual mail carrier for less than the contract price. If he was able to do this, the contractor could turn a profit simply by transacting paper. The contractor was ultimately responsible for putting service on a route, however, and if he could not negotiate a subcontract for a profit, he would have to make the subcontract at a loss.\(^7\) To offset the possibility of taking too many losses, a speculator would usually bid on a large number of routes hoping to make an

\(^{6}\) Ibid., pp. 68-71.

\(^{7}\) Ibid., pp. 157-58.
overall profit on the subcontracts. The greatest potential for profit to a mail contract speculator lay in routes that were advertised for infrequent service at slow speeds. By bidding on these routes at a low price, subletting the routes at a profit, and then securing increases in service on the routes, a speculator could multiply his profit by geometric proportions. Whether by accident or design—a decision the government would eventually ask two juries to make—Dorsey entered the world of mail contract speculation in the autumn of 1877.

In November, 1877, Dorsey approached Albert E. Boone, a large mail contractor, and asked Boone's assistance in establishing Dorsey's brother-in-law, John Peck, as a mail contractor. 8 Boone agreed to do this, probably in return for Dorsey's help in securing bondsmen for some of his own bids, and he sent 5,000 circulars to postmasters in various places asking for information in preparation for bidding on those routes. 9 Dorsey paid for the printing of these circulars, and they were mailed in United States Senate

8 Ibid., pp. 1423, 1443.

9 Ibid., p. 1444. Dorsey supplied one of the bondsmen for the bids of the partnership; Boone furnished the other. See ibid., pp. 315-37; Proceedings, second trial, pp. 3865-66.
envelopes on Dorsey's frank. When these circulars were returned to Washington, Boone sent bidding proposals to Dorsey's friends who were postmasters in Arkansas, with a letter from Dorsey asking these postmasters to secure bondsmen for these bids. Dorsey also went himself to some of his friends and persuaded them to become bondsmen on these bids; among the friends who agreed to become bondsmen were Senator John P. Jones of Nevada and De Witt Clinton Wheeler, police commissioner of New York City and a member in good standing of Chester Arthur's New York machine.

By the time the bid proposals were sent to the postmasters in December, 1877, Peck's partners had arrived in Washington to help Boone. One of these partners was Dorsey's brother John, who had owned a hardware and tin store in Vermont until 1876, when he became a manufacturer of agricultural equipment. John Dorsey had known Peck since 1872, and they had had frequent discussions about becoming partners in mail contracts; in 1877 these talks had resulted

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10 Proceedings, first trial, pp. 1444-48; Proceedings, second trial, pp. 1480-83.


12 Proceedings, second trial, p. 3851.
in a letter from Peck to Senator Dorsey asking for his assistance in getting them started. The other partner who arrived in Washington in 1877 was John R. Miner of Sandusky, Ohio. Miner had been one of the directors of the Sandusky Tool Company while Stephen Dorsey was superintendent, and when Dorsey left Sandusky in 1871 Miner had replaced him on the Sandusky City Council. Peck had asked Miner to join him in a business venture in Arkansas in 1872, but Miner had declined and had remained in Sandusky. Thus when Dorsey suggested to his brother and Peck that they take Miner in as a partner in their mail contracting firm, they agreed. Thus was born the firm of Miner, Peck and Company, with John Dorsey and Boone as silent partners.

Miner, Peck & Co. bid on over 1,000 star routes in the winter of 1877-1878. At the time of the filling out of these bids, Miner and John Dorsey were in Washington, but

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14 Sandusky (Ohio) Daily Register, 4 January 1870, 4 January 1871, 18 April 1871.

15 Proceedings, second trial, p. 3851.

16 Ibid., p. 3840.

17 Proceedings, first trial, p. 2105.
Peck was ill with tuberculosis in New Mexico, so Stephen Dorsey asked his clerk, Montfort C. Rerdell, to help Miner, John Dorsey, and Boone with the preparation of the bids.  

Rerdell had worked for a mail contractor in Arkansas after the Civil War and had helped get Dorsey elected to the Senate in 1873. After the Democrats regained control of Arkansas in 1875, Rerdell became part of the "gang of Arkansas fellows that haunted Senator Dorsey's house" in Washington; in 1877, he was Dorsey's private secretary and held a clerical position in the District of Columbia government while Dorsey was chairman of the Senate's District of Columbia Committee.

The night before the deadline for filing bids in the Post Office Department, John Dorsey, Miner, Rerdell, and Boone gathered at Miner's office on the third floor of Stephen Dorsey's house to complete the bidding forms. During the evening the Senator dropped in intermittently to note

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19. Ibid.

the progress of the bidding and to make suggestions.\textsuperscript{21} The firm of Miner, Peck & Co. was awarded contracts on 134 of its bids.

After the contracts on these bids were awarded, rumors began appearing in the press connecting Dorsey with fraudulent bidding on mail contracts. It was charged that Miner, Peck & Co. had violated postal regulations by not filling in the names of the bidders before sending the forms to Arkansas to secure bondsmen and that Dorsey had instructed the Arkansas postmasters to violate the law by securing bondsmen to a bidder and a bid not specified on the forms.\textsuperscript{22} It was further charged that Peck's signature on the bids was a forgery, since the blanks had been filled out in Washington and Peck had never left New Mexico, and that Boone had wilfully notarized this forgery. Broad hints circulated that Stephen Dorsey held an interest in these mail contracts in violation of a law forbidding officeholders from becoming involved in government contracts.\textsuperscript{23}

\textsuperscript{21}Ibid., p. 2214.

\textsuperscript{22}New York Times, 18 March 1878, p. 1.

In the spring of 1878 the House Committee on Post Offices and Post Roads conducted an investigation into charges of mail contract fraud, with special attention paid to contracts on routes in Arkansas. Dorsey's friends charged that this investigation was motivated by political malice and that it was being pushed by Powell Clayton as an excuse for getting rid of Dorsey's post office appointees and thus moving closer to gaining complete control of the patronage in Arkansas. The investigation showed that some Arkansas postmasters had indeed tried to secure bondsmen to blank bids, but they were reluctant to declare that Senator Dorsey had given them instructions to do this, and Boone testified that the instructions had come from Boone. He also testified that leaving the bidder's name and the amount of the bid off of the forms until the last moment was standard practice among mail contractors, to protect themselves from competitors.


27 Ibid., p. 23.
At the end of the second week of testimony Dorsey surprised the committee by appearing and offering himself as a witness. He censured the committee for having allowed his enemies to smear his name without giving him an opportunity for rebuttal, and he told the committee that

I have rendered each and every one of my friends and constituents who have asked me all the legitimate assistance that it lay in my power to advance their lawful interests, and it need not have required an investigation by a congressional committee to ascertain this fact.  

The committee questioned Dorsey about the validity of Peck's signature and about his attempts to secure bondsmen for Arkansas mail contractors, but the investigation languished and died after failing to show that Dorsey had any illegal connection with mail contracts.

In July, 1878, Rerdell obtained a thirty-day leave of absence from the District of Columbia Committee, and, armed with letters of introduction from Senator Dorsey, he travelled to the Dakotas to begin service on one of John Dorsey's routes. At the same time, Dorsey endorsed four promissory

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28 Ibid., p. 68.
notes over to Miner, Peck & Co., to be negotiated if they were needed to put service on their routes; as security for his notes, Dorsey took drafts against the future pay on these routes. 31 Late in July, Second Assistant Postmaster General Brady informed Boone that if service were not put on certain routes by 15 August, the firm of Miner, Peck & Co. would be declared failing contractors, which meant that they would forfeit their failed contracts, they would not be allowed to bid on any future mail contracts, and their bondsmen would be held liable for the amount of their bonds. 32 Faced with this disaster, Boone asked Stephen Dorsey for more money to start the service, but the senator said he had no more money to advance. He advised the firm to take in another partner who had enough money to perform the contracts; he then left Washington to spend the rest of the summer at his ranch in New Mexico. 33

In August, 1878, Boone sold his interest in the firm to Miner, who cast about for another partner. 34

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31 Proceedings, second trial, p. 3754; Proceedings, first trial, p. 1904.

32 Proceedings, first trial, p. 1448.

33 Ibid.

34 Ibid.; Proceedings, second trial, p. 4162.
powers of attorney from John Dorsey and Peck, Miner approached Harvey M. Vaile, an experienced mail contractor, and offered him a one-third interest in the partnership if Vaile would advance the money to stock the failing routes. An agreement was signed on 16 August creating the firm of Vaile, Miner & Co. As a result of this agreement Vaile was given subcontracts for the full price of many of the Miner, Peck, and Dorsey routes, and Vaile filed these subcontracts in the Post Office Department, thus establishing a first claim for pay on these routes. The purpose of these subcontracts was to guarantee Vaile repayment of the money he advanced, but the effect of their filing was to nullify the drafts which Dorsey held as security for the notes he had endorsed before leaving Washington. These subcontracts also had the effect of robbing John Dorsey and Peck of any pay due them by their contracts on these routes.

Dorsey's notes had been negotiated and were past due when Dorsey returned to Washington in December, 1878, and learned for the first time of Vaile's subcontracts. Dorsey


36. Proceedings, second trial, pp. 3755, 3893, 4127.
was furious with Miner and Vaile for having thus impaired his credit and for having cut the bottom out from under his brother and Peck, and a violent quarrel erupted when he met Vaile for the first time.\textsuperscript{37} Vaile then agreed to pay John Dorsey and Peck for their interest in the contracts, reimburse Stephen Dorsey for the money he had advanced, and pay Dorsey's outstanding notes.\textsuperscript{38} At this point, in December, 1878, Miner and Vaile were the only ones actively pursuing the business of mail contracting, although they were still using Stephen Dorsey's money and the names of John Dorsey and Peck. In December, 1878, Miner and Vaile hired Rerdell to do the clerical work on the routes and to represent their firm at the Post Office Department.\textsuperscript{39}

Relations between Dorsey and Miner and Vaile continued unpleasant after the December agreement because Vaile did not immediately repay the Dorseys and Peck their money. The day after Dorsey left the Senate, on 4 March 1879, he wrote to Brady at the Post Office Department saying that Vaile's subcontracts had been made without authority from John Dorsey

\textsuperscript{37}\textit{Proceedings}, first trial, p. 2204.


\textsuperscript{39}\textit{Proceedings}, second trial, p. 2225.
or Peck, and he demanded that these subcontracts be cancelled as of 1 April 1879. Negotiations proceeded between Dorsey and Vaile in the spring of 1879; these negotiations resulted in an agreement by which all of the 134 routes originally awarded to Miner, Peck, John Dorsey, and Boone were redivided among Vaile, Miner, and Stephen Dorsey acting for his brother and Peck. In this division, Vaile got 40 per cent of the original routes, Miner got 30 per cent, and Stephen Dorsey took 30 per cent. From these routes, Dorsey agreed to pay his brother and Peck for their interest in the partnership (the money originally promised by Vaile) and to pay himself two-thirds of the debt owed him by Vaile and Miner. To complete the division, the original contractor on each route agreed to give a subcontract to the person who took the route in the division, and to furnish that person with all the forms, affidavits, etc. necessary to conducting the business of the route.  

Vaile and Miner pooled their routes and continued in business as Vaile, Miner & Co.  

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40 Ibid., p. 3892.  
41 Ibid., pp. 3755-56, 3932-35, 4015-18; Proceedings, first trial, pp. 2200-01.  
42 Proceedings, first trial, p. 2202.
brother and Peck $10,000 each and took over their interest in the mail contracts.\textsuperscript{43} To manage the routes, Dorsey turned to James W. Bosler, a Pennsylvania banker who had had extensive dealings with government contracts for supplying beef to the army and to various Indian reservations.\textsuperscript{44} Dorsey made an arrangement with Bosler whereby Bosler would assume control of Dorsey's routes and manage them; from the proceeds, Bosler was to pay Dorsey the money due him and to reimburse him for the money paid to John Dorsey and Peck, after which Bosler and Dorsey would divide any remaining profits equally.\textsuperscript{45} In April, 1879, Rerdell left Vaile and Miner and assumed similar clerical duties for Dorsey and Bosler.\textsuperscript{46} At this point, leaving Bosler in charge of the money and Rerdell in charge of the paperwork, Dorsey retired from the business of mail contract speculation and devoted his

\textsuperscript{43} Proceedings, second trial, p. 3755.

\textsuperscript{44} James W. Bosler to Dorsey, 15 May 1879, James W. Bosler Papers, Bosler Family Collection, University of Wyoming, Laramie, Wyoming (hereafter cited as Bosler Papers, University of Wyoming).

\textsuperscript{45} Dorsey to Wayne MacVeagh, 12 May 1881, James A. Garfield Papers, Manuscript Division, Library of Congress, Washington, D.C.

\textsuperscript{46} Proceedings, second trial, p. 3936.
attention to New Mexico land, Colorado silver mines, and the re-election of Grant. 47

Relations between Miner and Rerdell soured during the spring of 1879, with Miner at one point remarking that he would "mash the nose all over his face" if Rerdell ever spoke to him on the street. 48 On 29 May 1879 Rerdell filed suit against Vaile, Miner & Co. for $333.33, which he claimed were wages due him. Vaile's answer, filed toward the end of June, stated that Dorsey had been involved with Vaile and Miner in the matter of Rerdell's employment. 49 This statement implied that Dorsey had been interested in star route contracts while he was still in the Senate. In December, 1879, this suit was settled out of court when Vaile and Miner agreed to pay Rerdell $200. 50

In January, 1880, Second Assistant Postmaster General Brady reported to Congress that he anticipated that the cost of the star route contracts would exceed the budget for

48 Ibid., p. 4182.
49 Ibid., pp. 2244-47.
fiscal 1880; to meet the expected deficit, Brady asked for an additional appropriation of $1,700,000 to run the star service until June. Since Brady had already asked for, and received, $5,900,000 in the regular appropriation bill to run the star service for fiscal 1880, the request for an additional $1,700,000 caused something of a stir, and on 12 January the House Appropriations Committee began an investigation of Brady's administration of the star route contracts. This investigation focused attention on certain contractors whose pay on their routes had been increased, for more trips and faster service, by thousands of dollars. Among these contractors were Miner, Peck, and John Dorsey, who were still on the books of the Post Office Department as the contractors on 134 routes and who were becoming known as the "Dorsey combination" on the assumption that Stephen Dorsey was at their head. Twelve of the original Dorsey routes, originally let for a total price of $44,666 per

51 Proceedings, first trial, pp. 2291-93.

annum, had been increased by Brady to $262,373 per annum. 53

While this investigation was in progress Dorsey was in Arkansas lining up Grant delegates for the Republican national convention in June. Miner testified toward the end of March; Rerdell testified in June as the delegates were gathering in Chicago. 54 Miner and Rerdell were questioned about Dorsey's connection with mail contracts, but Dorsey did not appear before this committee as he had done in 1878; in fact, he seemed to take no interest in this investigation. While Rerdell was testifying about the business affairs of Dorsey and Bosler, those gentlemen were in Chicago, where Dorsey was working mightily for the nomination of Grant and Bosler was working equally hard for Blaine.

The House investigation concluded that Brady's administration of star route contracts provided ample opportunities for "combinations" of mail contractors to form and "extort" money from the government in the form of increased pay for


54 Ibid., pp. 277-86; ibid., pt. 3, pp. 2-13; Bosler to Rerdell, 21 January 1880, Bosler Papers, University of Wyoming.
unnecessary service. The report stated that over the course of his tenure as second assistant postmaster general, Brady had made "arbitrary allowances of vast sums of money" to certain favored contractors "without any commensurate advantages to the country." These allowances were in the form of increased pay for unnecessary expedition, which on only seventy-three routes was going to cost the government $1,164,765 annually over the four-year contract term. The House, meanwhile, had passed a deficiency appropriation for $1,100,000, with a provision that no future pay increases for expedited service should exceed 50 per cent of the original contract price. Ominously, the bill also stipulated the granting of this appropriation was in no way intended "to affect the validity or legality of acts or omissions of any officer of the United States or to affect any proceedings therefor."

56 Ibid., p. 3.
57 Ibid.
58 Proceedings, first trial, p. 3186.
While they were in Chicago, Bosler told Dorsey that the mail business required Dorsey's personal attention as soon as possible.\(^{59}\) By the time Dorsey was able to get to Washington, however, it was August, 1880, and the circumstances relating Dorsey, Bosler, and Brady now encompassed more than the Post Office Department. Dorsey was secretary of the Republican National Committee and was preparing to go to Indiana; Brady had been a member of Oliver Morton's Indiana machine and owned a Republican newspaper in Indiana, and presumably he knew something about campaigning in that state.\(^{60}\) Brady also, as a high-ranking Post Office Department official, was expected to supervise the collection of campaign assessments from his employees, money that would be necessary in Indiana. Bosler was a member of Levi Morton's special finance committee arranged at the Fifth Avenue Conference, and he was committed to seeing that Blaine's friends were properly represented—and appreciated—in Garfield's campaign.\(^{61}\) Thus

\(^{59}\) Bosler to Rerdell, 24 June 1880, Bosler Papers, University of Wyoming; Dorsey to Bosler, 8 July 1880, in possession of Bosler family, Laramie, Wyoming (hereafter cited as Bosler Papers, private collection).


\(^{61}\) Bosler to Stephen B. Elkins, 16 September 1880, Bosler Papers, University of Wyoming.
in August, 1880, when Dorsey, Bosler, and Brady met in Washington, it could have been to discuss mail contracts, the campaign, both, or neither. 62

During the campaign the Democratic press reminded voters of Dorsey's involvement in what by now were seen as at least questionable dealings with the star routes. 63 It was common rumor that much of the money used to carry Indiana came from Brady and the star route contractors, much in the fashion that Whiskey Ring money had been used in earlier Republican campaigns, and there are indications that Garfield knew of and solicited this star route money. 64

As Dorsey pursued his efforts to have the New York Stalwarts recognized in Garfield's cabinet through the appointment of Charles Folger to the Treasury Department, rumors began circulating that Dorsey's solicitude for New

62 Proceedings, second trial, p. 3384. Rerdell later told the government that the purpose of this meeting was to arrange for the remission of some fines that had been levied against the carriers on certain of Dorsey's routes; Brady was to receive half of the sum remitted for performing this service. See House Misc. Doc. 38, pt. 2, 48th Cong., 1st sess., p. 610.

63 Cincinnati Enquirer, 18 August 1880, 22 October 1880.

64 Ibid., 22 October 1880; J.H. Woodard to David Swaim, Garfield Papers; Garfield to J.A. Hubbell, ibid.; Washington Post, 4 May 1881.
York and for Folger was governed by the hope that by securing Folger's appointment he could block the nomination of Thomas James of New York as postmaster general. These reports hinted that Dorsey opposed James because James, a conspicuously able and honest postmaster, would discover and expose Dorsey's involvement in what by now were becoming known as the Star Route Frauds.

There is no doubt that Dorsey opposed the appointment of James. Dorsey had asked James as postmaster of New York City to certify to bondsmen on star route bidding forms and James had refused to do so, claiming that what Dorsey asked was illegal. More recently, James had refused to allow his clerks to be assessed for campaign purposes in 1880, and Dorsey had undisguised contempt for government officials who refused to recognize their party obligations. Dorsey also opposed the appointment of Wayne MacVeagh, another reformer, as attorney general, linking MacVeagh to the hated

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66 Jordan, Roscoe Conkling, pp. 374-75.


68 Cincinnati Enquirer, 2 September 1880; Dorsey to Garfield, 20 January 1881, Garfield Papers.
George William Curtis, whose presence at the Fifth Avenue Conference had reportedly been the reason for Conkling's absence. Dorsey labelled talk that James and MacVeagh were slated for positions in Garfield's cabinet "blathering . . . detestable rot," and he urged Garfield to put a stop to such nonsense at once.

When Garfield did not put an end to the talk but instead justified it by making the two appointments in question, Dorsey's reaction can only be described as panic, giving credence to the speculation that his opposition to James had deeper roots than Dorsey admitted. When the announcement was made on 4 March 1881 that James was to be postmaster general, Dorsey wrote a frantic, almost incoherent letter to Garfield, pleading with him not to appoint James and unsubtly reminding the president that he owed his position to Dorsey. But Garfield ignored Dorsey's importuning, and on 9 March he ordered James to conduct a full investigation of frauds in the Post Office Department.

69 Whitelaw Reid to Garfield, 13 August 1880, Garfield Papers.
70 Dorsey to Garfield, 7 February 1881, reprinted in New York Herald, 12 August 1882.
71 Dorsey to Garfield, 4 March 1881, Garfield Papers.
Approximately one month later, James, Attorney General MacVeagh, and Postal Inspector P.H. Woodward called on Garfield and announced their discovery of massive frauds in the contract office of the Post Office Department. They further advised Garfield that vigorous prosecution of these frauds "may affect persons who claim that you are under obligation to them for services rendered in the last campaign— and one person in particular who asserts that without his management you could not have been elected."\(^73\) Having thus been warned that Dorsey might be personally involved in the frauds, Garfield ordered the investigation continued but directed that no prosecution be begun without his personal authorization.\(^74\)

The investigation proceeded. The Post Office Department sent special agents out to inspect all of the star routes, while other agents went over the books of the second assistant postmaster general's office. One early result of their findings was that on 21 April, not quite two months after James and MacVeagh had assumed office, Garfield instructed James to ask for Brady's removal.\(^75\)

\(^73\) Ibid., p. 4.
\(^74\) Ibid.
On 25 April 1881, the New York Times published on its front page a table of ninety-three star routes in which fraud was alleged, thus climaxing a two-month press campaign against Brady and announcing to the world that the investigation into the star route contracts had begun in earnest.76 Of these ninety-three routes, Miner, Peck, and John Dorsey held nineteen. Following the appearance of this article, the star route investigators hired private detectives and assigned them the duty of following and reporting Stephen Dorsey's every move.77 Special agents of the Post Office Department toured Arkansas to inspect that state's postal system, and they spread the word that any postal official who held appointment by Dorsey's recommendation would be removed.78 At this point Powell Clayton renewed his campaign for the removal of Little Rock Postmaster O.A. Hadley, a Dorsey protégé.79 Meanwhile, taking its cue from the New York Times, the press kept up a barrage of accusation and innuendo against Dorsey.

77 Dorsey to Garfield, -- May 1881, Garfield Papers.
78 Dorsey to Garfield, 26 April 1881, ibid.
79 Ibid.; Dorsey to Garfield, 26 May 1881, 28 May 1881, ibid.
Dorsey's highly publicized efforts in the 1880 campaign made him a convenient target, particularly after the Delmonico dinner, and the star routes furnished a convenient weapon for his enemies. Someone told New Mexico Chief Justice L. Bradford Prince that Dorsey was behind an effort at his removal, and Prince responded by accusing Dorsey of having invited his complicity in mail fraud. In Colorado a suit was filed against Dorsey by a man who claimed that Dorsey had hired him to work on a mail route and had not paid him. The Washington Post quoted a friend of Garfield as saying that the furor against Dorsey was being promoted by Marshall Jewell, who "hates Dorsey cordially. He thinks Dorsey was put into the National Committee to humiliate him." Jewell was, in fact, encouraging Garfield to pursue the star route investigations. It was widely reported that James was using the full power of his office against Dorsey to punish him for having opposed James's appointment.

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80 W. Miller to Prince, 9 May 1881, L. Bradford Prince Papers, New Mexico State Records Center and Archives, Santa Fe, New Mexico; Dorsey to MacVeagh, 12 May 1881, Dorsey to Garfield, 16 May 1881, 18 May 1881, Garfield Papers.
81 Washington Post, 10 May 1881.
82 Ibid., 2 May 1881.
83 Jewell to Garfield, 2 May 1881, Garfield Papers.
84 Dorsey to Garfield, -- May 1881, ibid.
Rumors also circulated that Attorney General MacVeagh was using the star route investigation to protect his own position against an attempt by Blaine to replace him with William Chandler.  

Dorsey felt persecuted and protested that he did not deserve such treatment. He claimed that there were no charges against him that had not been thoroughly aired in 1878, at which time he had been cleared of any wrongdoing.  

He prepared a complete statement of the activities in which he had engaged on behalf of his brother and his friends and gave it to Garfield, demanding that the president order a special investigation of Dorsey forthwith so that his name might again be cleared.  

Garfield apparently promised that he would order such an investigation, but he became dilatory about keeping this promise. Dorsey continued his pressure for an investigation, sending a twenty-two-page explanation of his star route involvement to the attorney

85 New York World, 9 December 1882; Peskin, Garfield, pp. 555-56.

86 Dorsey to Garfield, 5 May 1881, 16 May 1881, 27 May 1881, Garfield Papers.

87 Dorsey to Garfield, 29 April 1881, ibid.

88 Ibid.; Dorsey to Garfield, 5 May 1881, 27 May 1881, ibid.
general and demanding that his innocence be proclaimed. After being kept up all night by James and MacVeagh reviewing the star routes and Dorsey's connection with them, Garfield expressed "sympathy with [Dorsey] and some doubts," but he still refused to order a special investigation. James and MacVeagh also refused to move in that direction, arguing that a separate investigation of Dorsey would unnecessarily divert the star route investigation and would leave gross frauds undiscovered. In May, 1881, the New York Times published a premature report that Dorsey had been indicted.

Early in June, 1881, Washington District Attorney George Corkhill, protesting that the prosecution of the Star Route Frauds was too heavy a burden for him to carry alone, requested the appointment of additional prosecutors to help with these cases. The Justice Department thereupon appointed William Cook and A.M. Gibson to assist Corkhill. Cook had

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89 Dorsey to MacVeagh, 12 May 1881, ibid.
90 Diary of James A. Garfield, 14 May 1881, ibid. (hereafter cited as Garfield Diary).
91 Ibid., 15 May 1881; Dorsey to Garfield, 27 May 1881, Garfield Papers.
93 Washington Post, 3 June 1881.
participated in the Whiskey Ring prosecutions, and Gibson was an experienced investigator who reportedly went at his business "to hurt somebody." The appointment of Cook and Gibson gave the Democratic press reason to hope that Garfield was serious about prosecuting the star route offenders, but the president was furious when he learned of their appointment. Reports had reached Garfield crediting Gibson with the exposure of some questionable transactions involving Garfield with a Washington street paving contractor while he was a congressman. These charges had plagued Garfield since 1874 and had caused him considerable grief in his presidential campaign, and he bore no kind feelings toward the man responsible for publicizing them.

The constant press attacks, rumors of impending indictment, and what he called "the ingratitude of the Republican party . . . in even suspecting him of complicity in the frauds after all the services he has rendered [it]" wrought

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94 Ibid.
95 Ibid., 2 June 1881, 3 June 1881; Garfield Diary, 3 June 1881, 6 June 1881, Garfield Papers.
96 Unidentified newspaper article enclosed in unsigned letter to Garfield, 1 June 1881, Garfield Papers.
97 Peskin, Garfield, pp. 377-81, 492.
a severe strain on Dorsey's health, and he prepared to go to New Mexico to rest. Before he left New York, however, word reached him that Rerdell had given a statement to James and MacVeagh accusing Dorsey of being at the head of a large star route conspiracy. Rerdell, encouraged by Powell Clayton, had gone to James, MacVeagh, and Woodward with the story that while Dorsey was in the Senate, he had devised a plan for making money on mail contracts by bidding on routes for much less than they were worth, and then, by forging petitions and affidavits and paying a bribe to Brady, having the service and the pay on the routes increased by large amounts. Rerdell also claimed that Dorsey's books showed cash payments made to Brady and to William Turner, another postal official. He claimed that he had feigned illness at the time of the 1880 congressional investigation to give himself time to prepare a clean set of books, at Brady's suggestion. These books, according to Rerdell, disguised the payments to Brady and Turner as profit and loss. Rerdell showed MacVeagh Dorsey's letterpress books, which he said contained letters from Dorsey asking people

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98 Washington Post, 4 June 1881.
to prepare petitions for increase in the service on certain routes, and he offered to secure Dorsey's financial records from New York to substantiate his claim of payments made to Brady and Turner. 100

Dorsey was "terribly demoralized" when he learned of Rerdell's behavior, and when Rerdell reached New York, Dorsey greeted him with angry denunciations of Rerdell's treachery. 101 Rerdell tried to reassure Dorsey that he had only acted in Dorsey's best interest, but Dorsey would not listen. Rerdell, insulted and infuriated, returned to Washington, telegraphing Dorsey on the way that he was resigning his position as clerk for Dorsey and Bosler. 102

Dorsey apparently thought better of his outburst as soon as Rerdell had left, and he chased Rerdell back to Washington with letters and telegrams urging him to reconsider his course. 103 He refused to accept Rerdell's resignation, and he wrote to Bosler explaining what Rerdell had

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100 Ibid., pp. 337, 609, 614. Rerdell was not asked to produce any books at this hearing, and Dorsey maintained throughout both star route trials that no such books existed.

101 Ibid., pp. 13, 611.

102 Proceedings, second trial, pp. 2281, 2287.

103 Ibid., pp. 2284-86.
done. Before Rerdell was supposed to return to James and MacVeagh with his additional evidence, Dorsey and Bosler appeared in Washington and persuaded Rerdell to prepare a written affidavit retracting everything he had told the government, affirming Dorsey's innocence, and accusing James and MacVeagh of trying to manufacture evidence against Dorsey. With this document in hand Dorsey and his attorney, Robert G. Ingersoll, called on Garfield and demanded the resignations of James and MacVeagh for subornation of perjury. By this time, Garfield was thoroughly disgusted with the whole proceeding, and he told Dorsey that Rerdell had already pronounced himself a liar and a scoundrel and that the president did not believe a word of Rerdell's recantation concerning James and MacVeagh.

Dorsey thus failed to secure the resignations of James and MacVeagh, and he had probably forfeited any sympathy the president might have held for him, but he relaxed

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104 Index of Letters Received, 1881, "S.W. Dorsey," Bosler Papers, University of Wyoming.


107 Garfield Diary, 28 June 1881, Garfield Papers.
considerably after Rerdell's credibility was destroyed.\textsuperscript{108} He resumed his pressure for a separate investigation.\textsuperscript{109} Then in July, 1881, Garfield was shot, moving the entire process of the star route investigations beyond the range of Dorsey's control.

After the president's condition had stabilized somewhat, he was moved to Elberon, New Jersey, to get him out of the unbearable climate of the Washington summer; from Elberon he conducted the essential business of the presidency. The star route investigators had almost completed preparations for criminal prosecutions of Dorsey when Garfield was shot, and they were ready to lay certain of Dorsey's routes before a Washington grand jury for indictment when the president was moved to Elberon. The prosecutors thus travelled to Elberon to review the case with Garfield and to secure the president's approval to prosecute.\textsuperscript{110} By the time the attorneys returned to Washington, however, the grand jury had recessed after sitting only three days of its scheduled


\textsuperscript{109}Ibid., p. 15.

\textsuperscript{110}Ibid., pp. 102-03; Washington Post, 6 September 1881, 14 September 1881.
four-month term, and by the time it was to reconvene, the statute of limitations would have expired on some of the key routes in the government's case. District Attorney Corkhill, who had dismissed the grand jury, maintained that he was unaware of any business for which the jury would be required, but the press had been full of the anticipated star route indictments for weeks, and Corkhill's behavior aroused considerable suspicion.

Temporarily stymied, the prosecution tried to proceed on the basis of an information rather than an indictment. An information could be handed down by a justice of the peace and did not require a grand jury, so that with an information the government could go to trial without any further delay. The justice of the peace in Washington ruled, however, that the crime of which Dorsey was accused came under the definition of an "infamous crime" in the District of Columbia


113 Washington Post, 1 October 1881; Bosler to Dorsey, 8 October 1881, Bosler Papers, University of Wyoming.
statutes and thus could be tried only by indictment. This forced the government to abandon prosecution of some key star route contracts, because the statute of limitations expired before the grand jury reconvened.

The government had not been able to get into court with the star route cases when Garfield died in September, 1881, elevating Chester A. Arthur to the presidency. Inheriting the prosecution of the Star Route Frauds placed Arthur in an uncomfortable position. He had a clear understanding of the influences that had placed the Republican party in the White House in 1880, and he had made an injudicious but widely publicized acknowledgement of the party's debt to Dorsey at the Delmonico dinner. On the other hand, Arthur as president had to live down the scandals in which he had been involved as collector of the Port of New York. Thus he could not afford to appear lenient in Dorsey's behalf, particularly since the press was howling for Dorsey's conviction and hinting darkly that Arthur would not have the courage to pursue the star route prosecutions to this end.

With a new and possibly sympathetic president now in control of the prosecution, Dorsey renewed his campaign to

114 Washington Post, 11 November 1881.
have James and MacVeagh dismissed for subornation of perjury and to secure a special investigation into his own activities.\textsuperscript{116} Arthur did not respond to Dorsey's importuning. Perhaps he believed that the star route matter had gone so far that a public trial was necessary to satisfy everyone, and that a special investigation of Dorsey at this point would look like Arthur was trying to protect Dorsey.

Attorney General MacVeagh put Arthur squarely on the spot in November by resigning and challenging Arthur to name a successor who would pursue the star route prosecutions honestly and diligently.\textsuperscript{117} After some hesitation, Arthur named Benjamin Harris Brewster, a Pennsylvania attorney who had been brought into the case as a special prosecutor after Garfield was shot. Brewster was a close personal friend of Bosler, and there is some evidence that Bosler was responsible for Brewster's appointment.\textsuperscript{118} Brewster retained George

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\item \textsuperscript{116}Dorsey to Arthur, 26 September 1881, Chester A. Arthur Papers, Manuscript Division, Library of Congress, Washington, D.C.

\item \textsuperscript{117}MacVeagh to Arthur, 8 November 1881, ibid.; Washington Post, 9 December 1881.

\item \textsuperscript{118}Reeves, Gentleman Boss, pp. 254-55; draft biographical sketch of James Williamson Bosler prepared for Jordan's Encyclopedia of Biography, Bosler papers, private collection.
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Bliss as an assistant prosecutor for the star route cases. Bliss was a former member of Arthur's New York political machine and had attended the Delmonico dinner, but he was no friend of Dorsey. Bliss had cautioned Garfield against taking Bliss's advice on the New York cabinet appointments, and when Postmaster General James suggested that Bliss institute civil suits for recovery of the money stolen in the Star Route Frauds rather than go through a lengthy criminal process, Bliss replied that it was more important to punish the offenders than to recover the money.

With the addition of experienced attorneys William Ker and Richard Merrick, who were both Democrats, and the subtraction of Cook and Gibson, who were suspected of giving government evidence to Dorsey, the government's prosecution staff was now complete.

The government laid its case before the Washington grand jury in January, 1882, summoning witnesses from as far away

119 Reeves, Gentleman Boss, pp. 299, 305.

120 Dorsey to Garfield, 7 February 1881, reprinted in New York Herald, 12 August 1882; Washington Post, 22 December 1881.

as Oregon. While the grand jury was hearing evidence against Dorsey and Brady in the most celebrated phase of the Star Route Frauds, another investigation was being conducted into what were called the "straw bond" cases, charges that Boone and some of his associates had fraudulently supported their star route bids with worthless bondsmen. Boone was incensed at this investigation and suggested that it had been instigated by Dorsey to pull the government off of his own case.

The government was forcing Dorsey to spend large sums of money to defend himself. In addition to paying attorneys' fees for himself, his brother, Rerdell, and Boone, Dorsey also hired detectives to find out who the government's witnesses were and when they arrived in Washington, since the defense was not allowed access to Post Office Department files. These expenses were a serious financial burden for Dorsey, and toward the end of January, 1882, he agreed

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122 Washington Post, 4 January 1882.

123 Ibid., 7 January 1882, 8 January 1882.

to lease two-thirds of his New Mexico property to Bosler for $200,000.\textsuperscript{125} This agreement, originally intended to protect Dorsey's property, would eventually lead to the end of Dorsey's career as a New Mexico cattle baron.

The grand jury began presenting indictments late in February, 1882. The first indictment was against Boone in the straw bond cases.\textsuperscript{126} The grand jury next indicted Miner and John Dorsey for perjury in preparing false affidavits to secure increased pay on their star routes.\textsuperscript{127} The indictment everyone had been waiting for came on 4 March 1882: John Dorsey, Miner, Stephen Dorsey, Peck, Henry M. Vaile [sic], M.C. Rerdell, J.L. Sanderson, Brady, and Turner for conspiracy to defraud the United States.\textsuperscript{128} Brady's attorney asked that his bond be set at $1,000, but Judge Andrew Wylie, before whom the case was to be tried, set the bond at $20,000 to "make sure that he understands the seriousness of the charge against him."\textsuperscript{129} Stephen Dorsey's bond was set at $10,000.\textsuperscript{130}

\textsuperscript{125}Dorsey to Bosler, 5 January 1882, Articles of Agreement between Dorsey and J.W. Bosler, 23 January 1882, Bosler Papers, private collection.

\textsuperscript{126}Washington Post, 26 February 1882.

\textsuperscript{127}Ibid., 2 March 1882.

\textsuperscript{128}Ibid., 2 March 1882.

\textsuperscript{129}Ibid., 5 March 1882.

\textsuperscript{130}Ibid., 10 March 1882.
Trial was set for 4 May 1882, but the defense had not yet exhausted its efforts to keep the case from going to trial. Judge Wylie refused to entertain defense motions to quash the indictment on the grounds that the charge was too vague and that the grand jury was illegally constituted; he also refused a motion for a bill of particulars setting out the specific offenses charged. 131 The defense also charged that the indictment was improperly drawn in that it indicated Rerdell and Sanderson by their initials only, that Henry M. Vaile's name was Harvey, and that Peck had been dead since September, 1881. These defects forced the government to go before the grand jury a second time to secure a proper indictment. 132 Meanwhile, warrants were out for the arrest of John Dorsey, variously rumored to have fled to New York, Vermont, and Texas. 133

By this time, the government's failure to produce an indictment that would stand up after over a year of investigation had created considerable skepticism concerning the administration's sincerity in pursuing the prosecutions. A

131 Ibid., 26 March 1882, 11 April 1882, 19 April 1882, 21 April 1882.
132 Ibid., 23 April 1882, 1 May 1882.
Republican signing himself "Vindex" told the readers of the
Washington Post that Dorsey had done "herculean" work in
organizing and carrying Indiana, "and whether it was good
or bad those who have profited by it should not at this
late day seek to slander the unrewarded leader in that fierce
October battle." The Post fumed that "this ostentatious
pretense of virtue" by which the administration tried to
appear "to send to the penitentiary the efficient agents
by which [it was] elevated to power" had become "the very
poetry of hypocrisy." Dorsey at this time did not believe
that Arthur personally desired his prosecution or conviction;
by the end of the trial Dorsey had changed his mind on this
score.

When the grand jury came back with its second indictment
on 20 May 1882, Rerdell's name was spelled out, Vaile's
name was corrected, and Sanderson had been removed from the
indictment, but the government refused to believe that Peck
was dead, so the final indictment included Peck along with

135 Ibid., 17 May 1882.
136 Ibid., 19 March 1882; Dorsey to Arthur, 8 March
1882, Arthur Papers.
the Dorseys, Miner, Vaile, Brady, Rerdell, and Turner.\textsuperscript{137} The defense once again entered motions to quash, but these motions were summarily dismissed by the judge, who became so incensed at Rerdell that he almost prosecuted Rerdell for the language of his motion.\textsuperscript{138} By 1 June 1882 the defense had exhausted all its motions, the prosecution was ready, and the case of the United States vs. John W. Dorsey, John R. Miner, John M. Peck, Stephen W. Dorsey, Harvey M. Vaile, Montfort C. Rerdell, Thomas J. Brady, and William Turner for Conspiracy finally went to trial.

\textsuperscript{137}Washington Post, 21 May 1882.

\textsuperscript{138}Ibid., 30 May 1882.
CHAPTER XI

STAR ROUTE TRIAL

The star route trial opened in June, 1882, amid general public agreement that Dorsey and Brady were guilty, and that they would never be punished because of their positions within the Republican party. To defend the eight accused was a battery of ten lawyers representing the most accomplished legal and oratorical talent in the country. For his defense, Dorsey had secured the services of the peerless apostle of atheism, Robert G. Ingersoll, in addition to attorneys he had imported from Ohio. The courtroom sparring between the defense and prosecuting attorneys, while conducted for the edification of the judge and the jury, provided magnificent entertainment for the spectators who crowded the courtroom daily throughout the trial.

The defense won an early round in the selection of the jury. Judge Andrew Wylie ruled that each defendant had the

right to his own defense and was thus entitled to four peremptory challenges; this ruling gave the defense twenty-eight challenges, while the government was limited to a total of three.\(^2\) Once the jury was selected, however, the judge reversed this position and held that since the defendants were bound together in the indictment, only one attorney, representing only one of the defendants, would be permitted to cross-examine witnesses. The attorneys argued that the separate interests of their clients were incompatible, but this argument had no effect.\(^3\)

The crime of which the defendants were accused touched every level in the operation of the postal star service. The government charged that Stephen Dorsey, using John Dorsey, Peck, and Miner as dummies, bid on certain mail routes while he was still in the Senate, with the intention of defrauding the government. The prosecution tried to sustain this charge by showing that Peck had been too ill


\(^3\)Ibid., pp. 352-53.
in 1877 to fill out his own bidding proposals and by pointing out the absurdity of the notion that John Dorsey and Miner had left perfectly sound businesses in Vermont and Ohio to engage in mail contract speculation with Peck on their own initiative. 4 It was alleged that the "Dorsey combination" had bid fraudulently and had never intended to put service on their routes at the ridiculously low contract price; rather, they had bid only on slow and infrequent routes with the intention of having the service, and their pay, increased by Brady. 5

After the contracts were awarded on the basis of these low bids, the charge continued, the real fraud began. The prosecutors maintained that Dorsey had bid for these routes at speeds too slow for a horse to travel, so that when his subcontractors carried the mail at normal speeds, Dorsey could petition the Post Office Department for additional compensation based on the faster rate of speed. Thus the original price of a Dorsey contract was immediately doubled before any special service was put on a route. At this point, according to government allegations, Dorsey applied

4 Ibid., pp. 107-10, 2420, 3121.
5 Ibid., pp. 83, 90, 110-11.
pressure to the carriers and the postmasters on the various routes, telling them to secure petitions asking the Post Office Department for totally unnecessary advances in the speed and in the frequency of mail delivery on the routes. Then Brady, with these petitions on file to give him an excuse for acting, would increase the price of Dorsey's contracts at the maximum rate, based not on the original contract price, but on the value as they then stood, having already been doubled at least once. Brady's "fee" for these increases was generally conceded to be one-third of the amount of the bonus. By this method, one Dorsey route for which the original contract price was $2,000 had jumped to $150,000 after only two months. It was charged that Miner and John Dorsey had deliberately falsified the oaths upon which the pay for expedition was based, understating the number of men and animals required to perform the original service and overstating the number required for expedition, thus further increasing their gain. According to the government's theory, Brady had the subcontracts on file and knew how much the actual carriers were being paid for the route; thus, Brady had to know that he was giving the contractors money for work they were not doing. In this view, any

6Ibid., pp. 70-73, 75-77, 80-84, 92.
profit to the contractors, over and above the price paid to the carrier who actually performed the service, was taken from the treasury by fraud.7

The government contended that Dorsey had forced Boone out of the partnership, after Boone had outlived his usefulness in helping to secure the contracts, because of Brady's animosity toward Boone. With Boone in the combination, Brady would not co-operate in granting increases. To carry out the original purpose of bidding, which was to secure increases, Dorsey forced Boone out and brought in Vaile, toward whom Brady was supposed to be friendly.8 Vaile had thereupon filed subcontracts in the Post Office Department with the intention, according to the charges, of cheating the actual mail carriers out of their pay so that the money could go into the pocket of Stephen Dorsey. The government contended that Dorsey had come forward in the spring of 1879 and taken his rightful place at the head of the star route combination he had been directing since 1877.9

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7Ibid., pp. 95-96. Brady's successor in the second assistant postmaster general's office later testified that it would be impossible to determine how much of Brady's increases could be considered fraudulent. See House Misc. Doc. 38, pt. 2, 48th Cong., 1st sess., p. 399.

8Proceedings, first trial, pp. 1449-50, 1454.

9Ibid., pp. 96, 107-08, 110-12.
Dorsey's defense was basically the same one he had argued before the House investigating committee in 1878 and in his statements to Garfield and MacVeagh. Dorsey maintained that he had assisted his brother, Miner, and Peck when they had come to him with the idea of becoming mail contractors, but that he had advised strongly against the venture at the time and had helped them only when he saw that they were determined to go ahead. He said that he had advanced money to his brother and his friends only to keep them from becoming failing contractors and to prevent embarrassment to the bondsmen Dorsey had secured for their bids.\(^{10}\)

Dorsey held that instead of making an enormous profit on the star route contracts, he had done well to break even after sinking thousands of dollars into the routes in an effort to sustain his friends. He stated that he had taken over a few routes in 1879, after leaving the Senate, only to recover the funds he had advanced to his brother, Miner, and Peck. The management of these routes he had immediately turned over to James W. Bosler, and after having thus expended vast amounts of energy and money to salvage the

\(^{10}\)Ibid., pp. 227-28.
reputations of his friends, Dorsey had washed his hands of the Post Office Department. 11

The case was complicated, and in court it became more so. The defendants were being tried under a conspiracy statute which required the government to prove both a corrupt combination and an overt act done by at least one of the defendants in furtherance of the objects of the combination. 12 Furthermore, the statute of limitations on crimes against the United States was three years; by the time the Washington grand jury had finally returned a valid indictment on 20 May 1882, they had been forced to set the date of the conspiracy at 23 May 1879 to bring it within the statute of limitations, and by 23 May 1879 the final division of the 134 routes among Vaile, Miner, and Dorsey had already taken place, and many of the "conspirators" had become quite hostile toward each other. To complicate matters still further, the government was trying to prove overt acts in furtherance of a conspiracy on nineteen different routes, which they expected a jury of ordinary citizens to keep straight in their minds.

11 Ibid., pp. 230-42.

12 Ibid., pp. 280-82.
In the atmosphere in which the trial opened, it is not surprising that rumors soon circulated that Dorsey was trying to bribe the jury. A government detective later testified that Arthur B. Williams, of counsel for the defense, "knew every instrument in Washington that could be used for the purpose of bribing jurors," was notorious for this method of trying cases, and had probably been employed for this purpose alone.\(^{13}\) It was reported that Dorsey and Brady had begun bribing the jury panel even before the trial commenced, approaching those who were likely to be on the final jury.\(^{14}\) One prospective juror was heard boasting that he would make $5,000 for serving on this jury, and when Judge Wylie dismissed the comment as a joke, the government was forced to use one of its three peremptory challenges to disqualify the man.\(^{15}\) One of the Pinkerton agents hired by the government to conduct surveillance on the jurors reported

\(^{13}\) Affidavit of Brewster Cameron, 23 June 1884, Department of Justice Central Files, Year Files 1884-152, Records of the Department of Justice, Record Group 60, National Archives and Records Service, Washington, D.C.

\(^{14}\) Unsigned letter to Richard T. Merrick, 13 September 1882, ibid.

\(^{15}\) Proceedings, first trial, p. 44.
that he had been approached with an offer to join the
other side.\footnote{Report of Pinkerton Agents, 2 June 1882, Department
of Justice Central Files, Year Files 1884-152, RG 60, National Archives.}

The government conducted its case by presenting the
evidence on each of the nineteen routes in the indictment
in order. For each route the prosecution presented the
original contract, the subcontract to Vaile, the subcontracts
filed after the April, 1879, division, letters from the
Dorseys, Miner, or Rerdell asking people along the route to
circulate petitions for increased service, the petitions
themselves, the oath of the contractor stating the number
of men and animals required to perform the service on the
present and proposed schedules, and Brady's order for
increased service and pay. The government also put the
treasury warrants for the pay on the routes into evidence.\footnote{See, for example, Proceedings, first trial, pp. 374-86, 457, 476-77.}

By such evidence the government hoped to show the relation-
ship of all the defendants to each of the routes, and to
refute the defense contention that the Dorsey and Peck
had had nothing to do with Miner and Vaile after April, 1879.

For each route, the government produced witnesses to show
that the petitions for increased service had been altered after they were signed, that the form of the petitions had been suggested by the defendants, and that some of the petitions bore forged signatures and the names of people who did not exist. Witnesses and documents were introduced to show that the increases were unnecessary, that in many cases the increased service was impossible to perform, and that Brady had been notified of these circumstances. The prosecution also produced witnesses to show that in the summer of 1878, before any service was put on the routes, John Dorsey, Miner, and Rerdell were telling mail carriers that their pay would be increased through influence in Washington, and that they had made subcontracts for carrying the mail at higher than the original contract price in anticipation of these increases. The government examined mail carriers on the routes to show the actual numbers of men and animals used to perform the service, in an attempt to prove that the contractors' oaths were deliberately falsified to increase the pay on the routes. The carriers also testified that the contractors did not pay them for performing the increased


19 Ibid., pp. 811-12, 1222-26.
service but instead kept the increased pay for themselves. The government contended that the contractors required this large profit so that they could pay Brady his one-third of the increases and still keep money in their own pockets.²⁰

One advantage the prosecution had in this case, as prosecuting attorney George Bliss wrote later, was that Dorsey had antagonized a good many people who were willing to testify for the government.²¹ Embittered at having been indicted in the "straw bond" cases, Boone testified for the prosecution concerning his early involvement with the Dorsey combination. Boone stated that Dorsey had shown him a letter from Peck when Dorsey had first asked Boone for help with the bidding proposals, and he said that Miner had appeared to be "running the machine."²² But the impression given by Boone's testimony was that Dorsey had supplied the impetus and the "motive power that impelled the combination forward."²³ Dorsey had brought the bidders together, had

²¹George Bliss to Benjamin Harris Brewster, 6 November 1882, Department of Justice Central Files, Year Files 1884-152, RG 60, National Archives.
²²Proceedings, first trial, pp. 1443, 1447.
²³Prosecuting attorney Richard Merrick used this phrase while examining Boone. See ibid., p. 1432.
paid for the printing and mailing of the bidding forms, had supervised the final bidding, and had suggested changes to be made in the form of the subcontracts.\textsuperscript{24}

Boone tried to weaken the defendants' case by stating that he had met Vaile at Dorsey's house in April, 1878, almost a year before Vaile and Dorsey claimed to have met. This attempt failed, however, when Vaile's attorney demonstrated that Boone felt a bitter enmity toward Vaile and that Vaile had been in Missouri when Boone claimed he was in Washington.\textsuperscript{25}

The government tried to get Boone to say that Dorsey had forced him out of the combination because of Brady's animosity toward him, but Judge Wylie would not allow testimony on Boone's motives for leaving.\textsuperscript{26} Boone's most damaging statement was that he had kept no books because "the company did business on grave-yard principles."\textsuperscript{27}

When the trial was a month old, Rerdell once again approached the government with an offer to testify against Dorsey and Brady. He apparently wanted lenient treatment

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\textsuperscript{24} Ibid., 1443-48.
\textsuperscript{25} Ibid., pp. 2263, 2270-71, 2296-2300.
\textsuperscript{26} Ibid., pp. 1449-50, 1454.
\textsuperscript{27} Ibid., p. 2271.
with respect to this case, settlement of an outstanding claim against the government, and a job for his father-in-law, and he was willing to sell Dorsey to gain these things. Two separate Justice Department agents, however, reported that Rerdell had no evidence and was simply trying to extort money from Dorsey and Brady; Rerdell had apparently also approached Bosler, threatening to implicate him in the frauds if he were not paid $5,000. In July, 1882, Dorsey and Bosler persuaded Rerdell to sign a second affidavit, this one composed by Dorsey, exonerating Dorsey and Bosler, and the threat of Rerdell's testimony was once again averted.


29 F.H. Fall to Brewster Cameron, 11 July 1882, 12 July 1882, Edward Taylor to Cameron, 29 July 1882, Department of Justice Central Files, Year Files 1884-152, RG 60, National Archives; House Misc. Doc. 38, 48th Cong., 1st sess., pp. 133-35. Rerdell apparently made good his threat against Bosler after his conviction in the first trial. In November, 1882, he gave a statement to the government in which he claimed, among other things, that he had altered the books at the time of the 1880 congressional investigation at Bosler's suggestion; earlier, Rerdell had ascribed this suggestion to Brady. See House Misc. Doc. 38, 48th Cong., 1st sess., pp. 609-14.

30 Proceedings, second trial, pp. 2373-74, 3728-29.
To prove its charges, the government had no choice but to maintain that the April, 1879, division had never occurred. When the evidence forced the prosecutors to retreat from that position, they adopted the stance that the division had been a dividing of "burglars' tools" only, and that the money stolen on all the original contracts continued to go "for the benefit of Stephen W. Dorsey."\(^{31}\) In this the prosecution had help from some friendly rulings from Judge Wylie, who repeatedly stated that a combination which existed before 1879 could be inferred to have existed afterward. At one point, Wylie admitted some questionable evidence on the grounds that "an existing conspiracy may be taken hold of and used for new purposes."\(^{32}\)

The key to the charge in the indictment was Brady. Unless the prosecution could prove that Brady had been bribed to grant the increases, the government’s case dissolved, because every other act charged in the indictment was, by itself, legal—bidding, making subcontracts, securing petitions, and filing affidavits for increased service.\(^{33}\)

\(^{31}\) Proceedings, first trial, pp. 2415, 2809.

\(^{32}\) Ibid., p. 1926.

"Public opinion," as Judge Wylie stated, "is a legitimate product of manufacture." Even if some of the petitions were altered or asked for unnecessary increases in service, Brady could not be presumed to have known this when he granted the increases on the strength of those petitions. Only if the prosecution could show that the petitions were not the basis for the increases would their origin and manufacture become relevant. Thus, early in the trial the government tried to examine former Attorney General MacVeagh on the subject of Rerdell's June, 1880, confession, but Wylie ruled at that point that the government had not yet established a conspiracy and therefore could not introduce any evidence bearing on the overt act. After the prosecution had completed its evidence on the nineteen routes it tried again to introduce evidence that Brady had been bribed. Again the defense argued that a conspiracy had not been established, and the judge invited argument on the point by both sides. When the court convened the next day, however, the judge greatly simplified the government's task by accepting as a working assumption

34 *Proceedings, first trial*, p. 1576.

that which the prosecution was supposed to be trying to prove. He ruled that because there was enough evidence on the existence of a conspiracy to lay before a jury to decide, he would assume a conspiracy and admit testimony to show the corrupt nature of the conspiracy and the commission of an overt act.36

The only witness willing to testify to having given money to Brady was a mail contractor named John Walsh, who testified that Brady had extorted a bribe from him for increasing the pay on one of his routes. Walsh said that Brady had told him that it was common practice to pay Brady 20 per cent for increases, and that all contractors knew and accepted this.37 If Walsh had withstood a withering cross-examination by Brady's attorney, which he did not, Walsh's testimony still could not have convicted Dorsey of having paid money to Brady. Thus the government tried once again to introduce Rerdell's statement to Janes and MacVeagh; this time, the judge allowed the testimony, but ruled that Rerdell's confession would be admitted only as evidence against Rerdell and not against any of the other defendants.38

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37 Ibid., pp. 1700-01.
38 Ibid., pp. 1795-1807.
On examination, it developed that Rerdell's statement to the attorney general had not been committed to writing, that the government had never seen either the altered set of books Rerdell claimed to have prepared or the original books from which he said he had prepared them, and that Rerdell had never seen Dorsey give any money to Brady. The prosecutors' third attempt to prove that Dorsey had bribed Brady failed when the witness, former Alabama Senator George Spencer, left town to avoid testifying. According to Bliss, Spencer had stated privately that he had seen Dorsey give money to Brady, but Spencer contended that he had never said this, and he was able to avoid testifying when Roscoe Conkling pointed out a defect in the subpoena served on him.

When the time came for the defendants to present their case, lawyers and clients conferred and decided that the government had not succeeded in making its case against them.

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39 Ibid., pp. 1816-19, 1822.

40 Deposition of George Bliss, 27 November 1883, Department of Justice Central Files, Year Files 1884-152, RG 60, National Archives; George Spencer to William E. Chandler, 6 July 1882, in typed transcript of United States vs. George E. Spencer for Contempt, 8 December 1883, p. 8, ibid. One witness later testified that Dorsey had given Spencer $10,000 to absent himself from the proceedings. See Affidavit of Frederick C. Shaw, 25 February 1884, ibid.

41 Proceedings, second trial, p. 4151.
Their part of the trial was therefore brief. The only defendant who testified in his own behalf was Vaile, who was called to state the circumstances under which he had come into the combination.\textsuperscript{42} The defense also introduced the notes Dorsey had endorsed to Miner, Peck, & Co. to substantiate its interpretation of Vaile's subcontracts and the April, 1879 division.\textsuperscript{43} Judge Wylie refused to admit evidence that the combination had not been the low bidders on many other routes; he also refused to allow testimony relating to orders for expedition made by officials other than Brady, or on the general policy of the Post Office Department concerning expedition.\textsuperscript{44} So after examining several congressmen, Interior Secretary Henry M. Teller, and General William T. Sherman in reference to the necessity for increased postal service in the territories served by the Dorsey routes, the defense rested its case.\textsuperscript{45}

The government, in its final arguments to the jury, admitted that it had no case against Turner and Peck and

\textsuperscript{42}Proceedings, first trial, pp. 2199-2202.

\textsuperscript{43}Ibid., pp. 1904-15.

\textsuperscript{44}Ibid., pp. 1917-18, 1925, 2051-66, 2072-73, 2092-95, 2174-77.

\textsuperscript{45}Ibid., pp. 2002-24, 2074-83, 2194-96.
asked that these defendants be acquitted.\textsuperscript{46} The government
did, however, think it had made a case against Dorsey, and
prosecuting attorney William Ker reminded the jury that
the people of the United States were "eagerly awaiting" a
guilty verdict.\textsuperscript{47} He told the jury that the importance of
the people involved in the case rendered such a verdict
imperative, and his colleague, Richard Merrick, warned the
jury that a failure to convict Dorsey and Brady would
subject this country to evils reminiscent of the fall of the
Roman Empire or the excesses of the French Revolution.\textsuperscript{48}

While the prosecution and the defense were making their
final arguments to the jury, Dorsey took his case to the
press in an effort to discredit the prosecution. He published
his 7 February 1881 letter to Garfield opposing the appoint-
ments of James and MacVeagh and deprecating Bliss.\textsuperscript{49} This
attempt to cast doubt upon the motives of the prosecutors
backfired, however, and instead brought a storm of abuse
down upon Dorsey for daring to associate himself with the

\textsuperscript{46} Ibid., pp. 2318, 2397, 2781.
\textsuperscript{47} Ibid., pp. 2313-14.
\textsuperscript{48} Ibid., pp. 2313, 2871-74.
\textsuperscript{49} New York Herald, 12 August 1882.
martyred president. To defend himself from these charges of impudence and arrogance, Dorsey gave an interview to the New York Herald setting forth the full story of his relations with Garfield; he also published additional correspondence which supported the genuineness of his first offering.50

This correspondence did not convince anyone of Dorsey's innocence, but it did increase public suspicion that the administration was not sincere in its efforts to secure his conviction. The Washington Post dismissed the trial as a "roaring farce" and condemned Bliss for "working up a hypothetical case against Brady and Dorsey, while avoiding the plain case he might have made against them."51 The paper speculated that the administration was conducting the trial for public consumption, to make a reputation for reform while at the same time making sure that the party's friends did not come to harm.52 Bliss's summation to the jury intensified this skepticism by making almost no reference to Dorsey. To make sure that everyone understood the earnestness of the administration's desire for a conviction, Attorney General Benjamin Harris Brewster, who had not been

50 Ibid., 19 August 1882, 20 August 1882.
52 Ibid., 1 July 1882.
involved in the actual trial of the case, made the government's closing argument to the jury. Brewster's summation made up for Bliss's omission by concentrating almost exclusively on Dorsey, and the vehemence of his denunciations against the former senator should have dispelled any lingering doubts about the sincerity of the prosecution.  

The jury, deliberating after three months of testimony, was not entirely certain who was guilty, or of what. By the third ballot they had acquitted Turner, by the fourth ballot they had acquitted Peck and convicted Miner and Rerdell. But there the certainty ended. John Dorsey came within one vote of conviction on five successive ballots, but that was as close as the jury came to a decision on the remaining defendants. After three days of deliberation, the jury reported that Turner and Peck were innocent, that Miner and Rerdell were guilty, and that they could not reach a verdict on Brady, the Dorseys, and Vaile.

The government attorneys, the defense attorneys, the press, and the judge immediately protested the absurdity of

54 Record of votes of jury, first trial, Department of Justice Central Files, Year Files 1884-152, RG 60, National Archives.
55 Proceedings, first trial, p. 3235.
a verdict that convicted the subordinates of a conspiracy of which the principals were not guilty, and the prevailing assumption was that the jurors had been paid to produce such a verdict. Judge Wylie had created a sensation in the courtroom during the final arguments to the jury by announcing that several members of the jury had reported offers of bribes made to them to secure a verdict. The judge did not report the source of the offers, but he left the clear impression that they had come from one or more of the defendants, and he admonished the jury not to be influenced by such attempts to corrupt their integrity.

After the verdict was announced, however, Jury Foreman William Dickson released an affidavit stating that a representative of the Justice Department had offered him $25,000 to secure a conviction.

The jury might have been correct in deciding that Miner and Rerdell were guilty of something, but without Brady it could not be the conspiracy charged in the indictment. Had


57 Proceedings, first trial, p. 3156-57; Washington Post, 8 September 1882.

58 Proceedings, first trial, pp. 3268-70.
the charge not been a conspiracy with Brady, the verdict might actually have made some sense based on the evidence presented at the trial. Miner had brought Vaile into the partnership; as hard as it tried, the government could not prove a connection between Vaile and Dorsey. Rerdell had conducted the correspondence for Miner, Peck & Co., Vaile, Miner & Co., and Dorsey, and he had represented all three firms at the Post Office Department; Rerdell was the only defendant who could be connected with all the other parties in the indictment. The government had been forced to admit that a division of the routes had in fact taken place in April, 1879, and it could not prove that anything Miner or Rerdell had done had been done either at Dorsey's direction or with his consent. Dorsey maintained throughout the trial that he had turned his interest in the routes over to James W. Bosler in May, 1879, and that Bosler had kept the books; the treasury warrants introduced into evidence supported this claim, and the government never subpoenaed Bosler to deny it. Over the course of the trial, the government had managed to convince the public that there were a number of irregularities connected with the star route contracts, and it had focused considerable suspicion on Dorsey and Brady, but it had not in fact been able to prove the conspiracy charged in the indictment.
Rerdell wept openly when the verdict against him was pronounced, and a few days in the Washington city jail strengthened his determination to co-operate with the government. For the third time, he notified the Post Office Department that he would give evidence against Dorsey; this time, in November, 1882, the department sent Inspector Woodward to take a sworn statement from Rerdell. In this sixty-six-page document, Rerdell gave a complete history of his association with Dorsey from 1872 forward. His version of Dorsey's role in the star route contracts coincided with the government's interpretation in every particular, and he implicated many people in the frauds who had heretofore not been included, among them Bosler and former government investigators Cook and Gibson. Armed with Rerdell's affidavit, the government prepared to go after Dorsey a second time.

Citing "misbehavior on the part of the jury" in that they had discussed matters not related to the evidence presented to them, Judge Wylie had overturned the verdict and had ordered a new trial, for all except Turner and

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Peck, to begin in December, 1882. The government occupied the interim between trials in investigating jury tampering charges and in purging the civil service of friends of Dorsey and Brady. Ingersoll was in possession of affidavits, sworn by jury members and former government detectives, which he said detailed a complete system of espionage conducted on the judge, the jury, and the defense counsel during the trial. Ingersoll further claimed that the affidavits revealed a deliberate and systematic network established by agents of the Justice Department to corrupt the jury. The anomaly of the Justice Department's conducting an investigation into charges that officials of the Justice Department had tried to bribe the jury struck Ingersoll as absurd, and he refused to turn any of his affidavits over to the department's investigators. Instead, he released them to the press.

These affidavits showed that one of the detectives hired by the Justice Department, Frank H. Fall, had told

61 Proceedings, first trial, p. 3286.
63 Ingersoll to H.H. Wells, 13 October 1882, Department of Justice Central Files, Year Files 1884-152, RG 60, National Archives.
64 Washington Post, 16 October 1882.
Assistant Attorney General Brewster Cameron in June, 1882, that he had information that the defense was trying to corrupt the jury. Cameron had offered to pay Fall handsomely if he could produce evidence of this, whereupon Fall had set out to manufacture it. The affidavits showed that Fall had employed intermediaries to approach individual jurors with offers of money to swear that they had been approached by the defense, and, as the trial progressed, Fall had coupled these offers with offers of money for the conviction of Brady and Dorsey. The affidavits also showed that one man had approached a juror on behalf of Dorsey.

Upon the publication of these affidavits, the Justice Department immediately disavowed Fall and issued a warrant for his arrest, along with the arrest of his two intermediaries, on charges of bribery. The investigation

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65 Affidavit of Edward Taylor, 11 October 1882, ibid.
67 Affidavit of Ed. Doniphan, ibid.
68 Washington Post, 19 October 1882, 25 October 1882; F.H. Fall to Brewster Cameron, 7 October 1882, Affidavit of Brewster Cameron, 18 October 1882, Department of Justice Central Files, Year Files 1884-152, RG 60, National Archives.
continued, and late in October, the special investigator
for the Justice Department concluded his sixty-three-page
report on the charges by recommending that Foreman Dickson
be prosecuted for jury tampering. When Dickson responded
with an open letter to the grand jury suggesting that Judge
Wylie had known about the approach made to Dickson as early
as August and had done nothing toward investigating it,
Wylie cited Dickson for contempt. Thus as the second star
route trial approached, Dickson faced trial on charges
growing out of his disclosure to the other members of the
jury that the government had tried to bribe him during the
first trial.

Dorsey had returned to his ranch in New Mexico
immediately after the close of the first trial. When he
returned to Washington to face trial a second time, he was
greeted with President Arthur's summary dismissal of five
government officers on the strength of statements by Bliss
and Brewster that these officers had befriended Dorsey and
Brady. One of these officers, George Spencer, had

69 Report of Special Investigator H.H. Wells to the
Attorney General, 20 October 1882, Department of Justice
Central Files, Year Files 1884-152, RG 60, National Archives.
70 Washington Post, 28 October 1882.
71 Ibid., 26 November 1882.
left Washington to avoid testifying against Dorsey; another had contributed articles to a Washington newspaper vilifying the prosecution during the first trial.\textsuperscript{72} Two other officers, both postmasters in Washington, were accused of having improperly certified to bondsmen on some of the bidding forms of the Dorsey combination.\textsuperscript{73} Dorsey and Ingersoll both spoke in bitter terms of a "reign of terror" being inaugurated in Washington against the star route defendants.\textsuperscript{74}

By the time the second trial began in December, 1882, Dorsey was suffering from severe nervous prostration, complicated by a serious drinking problem. Ingersoll tried to have the trial delayed on the grounds that the strain of going to trial would irreparably damage Dorsey's health and perhaps cause permanent blindness. He presented several affidavits from physicians attesting to the weakened condition of Dorsey's health and the dangers attendant upon his standing trial at this time, but Judge Wylie refused to be moved by Dorsey's appeal for sympathy.\textsuperscript{75} The New York Times

\textsuperscript{73}New York Times, 27 November 1882, p. 1.
\textsuperscript{74}Ibid.
\textsuperscript{75}Proceedings, second trial, pp. 2-5, 101-02. Dr. D.W. Bliss, who had attended Garfield after the assassination,
had reported that the defendants did not believe that Wylie had been fair to them at the first trial and that they would try to get a new judge for the second trial.\textsuperscript{76} Ingersoll's motion for a continuance of the case until the March term of the court, when Wylie would no longer be presiding, was part of this attempt, although Dorsey was actually suffering from the symptoms described in the physicians' affidavits.\textsuperscript{77} The defendants filed another affidavit for continuance in which they charged specifically that Wylie was biased against them and they could not get a fair trial as long as examined Dorsey, and, finding circulatory problems and hypertension, diagnosed Bright's Disease. But when further examination failed to reveal sufficient kidney damage to confirm this diagnosis, Bliss called in an eye specialist, who found amblyopia, a visual field impairment, possibly hysterical in origin, but also possibly indicative of a deterioration of the visual nerves or of the optic centers in the brain.


Wylie was on the bench. Rerdell did not sign this affidavit, partly because he did not want to repeat the mistake he had made before the first trial in antagonizing the judge, and partly because he did not share his co-defendants' desire for a delay. Rerdell's failure to sign the affidavit evoked a threat from John Dorsey that he would expose and prosecute Rerdell for forgery if Rerdell attempted to injure any of the other defendants, but Rerdell held his ground and refused to sign. The affidavit thoroughly antagonized Judge Wylie, but it did not result in a continuance of the case. The trial proceeded as scheduled.

By this time, the "Star Route Frauds" had been daily newspaper fare for nearly two years, and it was impossible to find twelve intelligent men in Washington who had not formed or expressed an opinion concerning the guilt of the defendants. Thus the jury chosen for the second trial, while it may not have been "the worst jury . . . ever . . . summoned to the box," was not a jury noted for its intelligence.

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78 Proceedings, second trial, pp. 8-15. In his charge to the jury in the first trial, Wylie had done everything but tell the jury point-blank that Brady was guilty. Proceedings, first trial, pp. 3184-86, 3190-93.

79 Proceedings, second trial, pp. 4150-51.

At least one member could not read and could barely write
his name; in a trial in which much of the evidence was
documentary, illiteracy was a disabling handicap in a
juror. 81

The second star route trial occurred in an atmosphere
of anticlimax, but the trial generated its own tensions.
Judge Wylie served notice that he intended to deal sternly
with the defendants when he invited reargument on the question
of peremptory challenges and reduced the number of defense
challenges to a total of four. 82 Reports had surfaced at
various times during the interim that Rerdell intended to
testify for the government at this trial, and Ingersoll's
opening argument for the defense discrediting Rerdell gave
substance to these reports. 83 The friendly interchanges
between opposing counsel that had characterized the first
trial were replaced by sarcasm, hostility, and silence. The
prosecution, having failed to prove its charges against
Dorsey in the first trial, gave notice that it now had
evidence that would leave no doubt of Dorsey's guilt, and

82 Ibid., pp. 40-58, 112.
that the case against Dorsey would be presented with redoubled vigor.\textsuperscript{84}

Dorsey had intensified his efforts to discredit the prosecution in the weeks before the second trial opened. In several interviews given to the press Dorsey characterized the proceedings against him as a government conspiracy motivated by jealousy and revenge, and he charged that the virulence of certain newspaper editors in their attacks on him was the result of his not having met their demands for blackmail.\textsuperscript{85} Dorsey stated that Garfield had not believed the charges against him, and he claimed that James and MacVeagh had not believed the charges at first but had later found them a convenient shield when their offices were threatened.\textsuperscript{86}

By the time the second trial opened, Dorsey had become unshakeably convinced that his persecution was somehow related to his role in the Republican campaign in Indiana and that Garfield would have protected him had he lived.

\textsuperscript{84} Proceedings, second trial, pp. 222-23, 304-05.

\textsuperscript{85} New York Herald, 2 December 1882; New York World, 10 December 1882.

\textsuperscript{86} New York World, 7 December 1882; Washington Post, 2 December 1882.
Dorsey thus, during the first few weeks of the trial, made public much of his correspondence from the 1880 campaign, primarily that with Garfield and finance chairman Levi Morton. These letters showed that Garfield fully understood and approved what Dorsey was doing in Indiana, that Arthur was kept informed as the campaign proceeded, and that Morton had co-operated in raising the money used in the effort. The implication of all this correspondence was that the Republican party was punishing Dorsey for actions it had fully condoned while he was taking them and that his prosecutors were no more virtuous than he. But if his intention was to bring himself up to the level of Garfield and the rest of the party leadership, he only succeeded in pulling them down to his own level. When the Republican National Committee met in January, 1883, Dorsey resigned as secretary in a letter reaffirming that the candidates had known and approved of everything he had done in 1880. The resignation was "gratefully accepted," and Dorsey's official connection with the national Republican party was at an end.

87 New York Herald, 18 December 1882.
88 Ibid.
90 New York Herald, 17 January 1883.
CHAPTER XII

THE PROSECUTION CONTINUES

The government took no chances on an undecided verdict in the second star route trial. This time, the prosecutors determined that there would be so much evidence presented that even an incompetent jury would be left in no doubt about the defendants' guilt. The prosecution proceeded as it had in the first trial, taking each of the routes in the indictment in order, but for the second trial the government proceeded in much greater detail than it had done the first time. For each route, the government now presented the charge in the indictment concerning the route, the contracts, subcontracts, letters, petitions, affidavits, and orders that were presented in the first trial, and much additional correspondence that had not appeared the first time. The government also summoned many additional witnesses for the second trial. The prosecution left no avenue


2Proceedings in the Trial of the Case of the United States vs. John W. Dorsey, John R. Miner, John M. Peck,
unexplored that could lead to Dorsey's conviction, and as a result, a trial that Judge Wylie expected to last for only a week consumed over six months and six thousand pages of evidence, testimony, and argument.

By the time of the second trial, Dorsey's financial manager, James W. Bosler, had acquired the status of unindicted co-conspirator owing to Rerdell's November, 1882, statement to the government. It had been presumed until that time that Bosler was the innocent bookkeeper in Dorsey's nefarious scheme; during the first trial his integrity was never questioned. But Rerdell's statement implicated Bosler in the frauds as well and in the payments made to Brady, so the government spent much effort in the second trial trying to show that Bosler was "a member of this combination." Thus the treasury warrants introduced in


Proceedings, second trial, p. 801.
the first trial, showing mail contract payments transferred from Dorsey to Bosler, while they had gone to show Dorsey's innocence in the first trial, were reintroduced in the second trial to prove Bosler's guilt. Bosler was never charged with anything concerning mail fraud, however; he was simply used as a tool in the government's attack on Dorsey.

Much of the new evidence presented in the second trial went to show the actual involvement of Stephen Dorsey in the frauds, an element the prosecution felt it had neglected in the first trial. Dorsey's letters to the Arkansas postmasters asking them to certify to bondsmen on the bidding forms, excluded from the first trial because they could not prove any official misconduct on Dorsey's part, were admitted in the second trial to show Dorsey's early involvement with the combination. A witness named Andrew Moore, whom Miner had employed as an agent on some of his routes, testified that he had received his instructions and his pay from Dorsey.

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5 Ibid., pp. 935-41, 1215-17.
7 Proceedings, second trial, pp. 1492-1504.
8 Ibid., pp. 1355, 1363.
Moore told the court that although the 134 routes stood in the names of Miner, Peck, John Dorsey, and Boone, "the contracts belonged to Senator Dorsey." Moore said that John Dorsey had complained to him that Stephen had involved him in a business he knew nothing about, and John wished he were back home in Vermont. According to Moore, Stephen Dorsey told him that he could assure any potential subcontractor that the routes would be increased and expedited, and Moore told at least one subcontractor that the senator was at the head of the combination and could secure increases through his influence in the Post Office Department. This influence, however, was expensive, according to Moore, and Dorsey was said to have told Moore that the money used to hold this influence "must be taken out of the general fund before the division of profits."

Moore's testimony seriously weakened Dorsey's case, and Ingersoll's blistering cross-examination only partially rescued his client. Under Ingersoll's probing, Moore revealed that the assurances that Dorsey could be depended

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9 Ibid., p. 1378.
10 Ibid., pp. 1277, 1366-68, 1378.
11 Ibid., p. 1374.
upon to secure increases had come from Miner; Moore also admitted that, under instructions from Miner, he had assumed the management of Miner's routes and had let John Dorsey's and Peck's routes "go to the devil." Moore also testified that Miner had instructed him to leave blank spaces in the petitions circulated for increased service so that the petitions could be more easily altered when they reached Washington. Judge Wylie ruled that Moore's inferences about who was head of the combination were not admissible as evidence, but Moore's statement that Dorsey had paid for influence in the Post Office Department was left, for a time, unanswered.

Stephen Dorsey fared better with the government's next witness, Albert E. Boone, who had been one of the original members of the Dorsey partnership. Boone repeated his first-trial testimony that Dorsey had asked him to make preparations for bidding and had paid all the expenses required for doing this, but on cross-examination Boone denied emphatically that Dorsey himself had been involved

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12 Ibid., pp. 1373, 1408.
13 Ibid., p. 1395.
14 Ibid., p. 1369.
or interested in the original bids. Boone assumed full responsibility for everything done in preparing the bids, and he stated that the combination had bid on slow and infrequent routes not in anticipation of increases, but to keep the obligations of their bondsmen to a minimum. He further stated that Dorsey had not forced him out of the partnership to make room for Vaile and that Dorsey did not know Boone had left until some months later.\footnote{Ibid., pp. 1480-83, 1529-30, 1554-57, 1566-73, 1581-83.}

By mid-February, 1883, the prosecution had all but concluded its case with the examination of former Attorney General MacVeagh and former Postmaster General James concerning Rerdell's June, 1881, statements to them. Up to this point, the government's case against Dorsey was not substantially stronger than it had been in the first trial. Then on 15 February, Rerdell announced that he was changing his plea to guilty and placing himself at the mercy of the court.\footnote{Ibid., p. 2202. Rerdell had evidently been planning this move for some time. Before the opening of the second trial, he went to the government and offered to use his peremptory challenges on jurors for the benefit of the prosecution. See ibid., pp. 2521, 5068-82.} Ingersoll responded that there was no objection to Rerdell's plea on the part of the other defendants, but
he was visibly uncomfortable over this latest turn of events, and the government provided Rerdell with an armed escort to protect him from violence at the hands of the defense. The day after Rerdell changed his plea, he took the witness stand for the prosecution.

The press reported that Rerdell appeared relaxed, as though a great load had been lifted from his mind, as prosecuting attorney Richard Merrick led him through his story. Merrick charged that Dorsey had "brought [Rerdell] from the wilds of Arkansas to the city of Washington, taught him in the ways of iniquity, and, having debauched him, used the moral wreck he had made for his own personal benefit and emolument," and under Merrick's careful guidance, Rerdell's narrative gave substance to this charge. On the witness stand, Rerdell repeated the accusations he had made against Dorsey in June, 1881, and again in November, 1882, concerning Dorsey's involvement with the original star route bids. He stated that Dorsey had determined the amount for every bid, based not on the circulars Boone had sent out, but on his own calculations of the profit per route.

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18 Washington Post, 17 February 1883.
19 Proceedings, second trial, p. 5652.
after anticipated increases. Rerdell testified that he had altered petitions, forged affidavits, and filled out fraudulent oaths for expedition at Dorsey's instruction; he further testified that, at Dorsey's command, he had lengthened one route sixty miles, thus increasing the pay on the route, by certifying to a post office that did not exist. According to Rerdell, Dorsey planned to force Boone out of the partnership as early as June, 1878, because of Brady's hostility, and Rerdell claimed that Dorsey had employed him to negotiate the subcontracts on John Dorsey's routes because he did not trust his brother's judgment. Rerdell maintained that when he went to work for Miner and Vaile in December, 1878, they had assured him that the annual profit from their routes would be as much as $700,000. 

The most damaging part of Rerdell's statement came with reference to the account books he claimed to have kept for Dorsey and Bosler. Rerdell stated that Dorsey had instructed him to open the books in April, 1879, giving him a memorandum showing $18,000 paid to Brady under the name William Smith and an account in the name of Oregon Senator John H. Mitchell. Rerdell swore that he had showed these

20Ibid., pp. 2214-19, 2224-27, 2230-43.
21Ibid., p. 2250.
books to Bosler when Bosler had come into the business in May, 1879, and that he had explained to Bosler that Brady was to receive one-third of all increases in pay on the routes. By Rerdell's statement, he had accompanied Dorsey to a Washington bank in June, 1879, where Dorsey withdrew a large sum of money; they had then gone to Brady's office, and when they returned to Dorsey's rooms, Dorsey had instructed Rerdell to charge the money to Brady's account. Rerdell claimed that he had directed the preparation of an altered set of books, disguising the payments to Brady, at the time of the 1880 congressional investigation, that he had informed Bosler of this, and that he had surrendered both sets of books to Dorsey at the time of his June, 1881, statements to the government. He maintained that he had prepared the affidavit retracting those statements under pressure from Bosler and at Dorsey's dictation.  

Ingersoll's task on cross-examination was obviously to destroy Rerdell's credibility, and he began his task with a weapon which came as a surprise to the government. In July, 1882, Rerdell had prepared a second affidavit exonerating Dorsey and Bosler of any wrongdoing in connection

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22 Ibid., pp. 2251-54, 2263-65, 2268-73, 2280-98.
with the star route contracts. This affidavit effectively negated everything Rerdell had said on the witness stand, but the government did not learn of its existence until Ingersoll produced it in court for Rerdell's cross-examination. Armed with this affidavit, Ingersoll reduced Rerdell to such a level of self-contradiction that Rerdell was soon claiming that Dorsey had forced him to prepare the second affidavit by threatening to have him prosecuted for perjury—for having made the June, 1881, affidavit in Dorsey's favor. Under Ingersoll's relentless interrogation, Rerdell admitted that he had never seen Dorsey give money to Brady and that he had told several people that he had lied to James and MacVeagh because he wanted to punish Dorsey. Ingersoll met with only indifferent success in his efforts to show that Rerdell had invented the books he described, but Rerdell did admit that during the two years from April, 1879, to March, 1881, he had had complete charge of the mail business in Washington owing to Dorsey's absence.

25 Proceedings, second trial, pp. 2374-76.
27 Ibid., pp. 2549-50.
Of more benefit to the star route defendants was Rerdell's statement that Dorsey had had nothing to do with Miner and Vaile, nor they with him, after the April, 1879, division of the routes, thus supporting the defense contention that the conspiracy charged in the indictment, dating from 23 May 1879, did not exist. When Rerdell left the witness box, he went over to the table reserved for the prosecuting attorneys, where he spent the remainder of the trial.28

While Rerdell was on the stand, a Washington grand jury returned indictments against two of the jurors of the first trial for receiving bribes; these jurors had given affidavits to Ingersoll stating that they had been approached by the government during that trial, but the indictment charged them with improper influence on behalf of the defense.29 The grand jury also indicted Arthur B. Williams, one of the attorneys for the defense, for receiving stolen property. In reporting this indictment, the New York Times noted that Williams had been indicted for jury tampering several years before but had never been tried.30 The day

28 Ibid., pp. 2484-86.
30 Ibid., 27 February 1883, p. 2.
before Rerdell changed his plea, Vaile was called home to attend his seriously ill wife; he arrived to find her dead, the victim of a morphine overdose, an apparent suicide.  

Dorsey was not in court when Rerdell testified; he had, in fact, not been in court since the end of the first trial.  

The first public indication that he was even paying attention to the proceedings in court came nearly a week after Rerdell had finished his testimony, when it was reported in the press that Dorsey had assaulted William Lilley at Dorsey's home.  

Lilley, an attorney and the father of former Deputy Sixth Auditor Fred Lilley, who was also suspected of complicity in the Star Route Frauds, had encouraged Rerdell to testify for the government. According to Rerdell, Lilley had told him that he could probably get the charges against Rerdell dismissed if Rerdell would testify; Lilley had also made the appointment with Postal Inspector P.H. Woodward that had resulted in


32 Although Judge Wylie refused to grant a continuance of the case because of Dorsey's illness, he did not compel Dorsey's attendance in the courtroom, Proceedings, second trial, pp. 101-02.

Thus Dorsey had good reasons for thinking that Lilley had turned Rerdell against him. Lilley was, however, seventy years old, and the description of Dorsey slapping this man in the face and then kicking him in the ribs when he hit the floor was not calculated to arouse public sympathy for Dorsey's cause.

Dorsey was not the only one whose frustration erupted in violence as the second trial progressed. Bosler had submitted his account books for inspection by government attorneys in the period before the second trial, and he had been told that he would be expected to produce these books at the trial. After Rerdell concluded his testimony, the government decided to call for Bosler, and Deputy United States Marshal Charles Cake was sent to Bosler's home with a subpoena for Bosler to appear at the trial. But when Cake attempted to deliver the summons by invading Bosler's bedroom, uninvited, at ten-thirty at night and arousing Bosler from his sleep, Bosler responded by thrashing the

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34 *Proceedings*, second trial, p. 2516.


deputy about the arms and shoulders with a cordwood stick. Cake prepared an affidavit describing the attack and gave it to the United States attorney for the eastern district of Pennsylvania. This gentleman sent the affidavit to Attorney General Benjamin Harris Brewster in Washington, who ordered Bosler's arrest on charges of assault. Bosler claimed that the attack was justified owing to the circumstances under which it had occurred, but he apologized to the deputy and the case never went to trial. Furthermore, the subpoena, which Cake had not been able to serve, was returned to Washington, and Bosler was never called to produce his books at the star route trial. When Rerdell completed his testimony, the government called several witnesses to confirm the existence of the books Rerdell claimed to have kept, and then the government rested its case, certain that this time it had guaranteed Dorsey's conviction.

37 Affidavit of Charles H. Cake, 15 March 1883, Department of Justice Central Files, Year Files 1884-152, Record Group 60, Records of the Department of Justice, National Archives and Record Service, Washington, D.C.

38 James W. Kerns to John K. Valentine, 23 April 1883, ibid.

39 Bosler to Benjamin H. Brewster, 19 April 1883, ibid.


41 Proceedings, second trial, pp. 2633-53.
In the first trial, the defendants had trusted their fate to the testimony of third parties, declining to proclaim their own innocence in the face of what they supposed was the government's failure to prove their guilt. For the second trial, however, the government had made a much stronger case; this time, the chief witnesses for the defense were the defendants themselves as, beginning with Brady, they paraded across the stand to tell their story and to deny the government's allegations against them.

When Dorsey appeared to testify on 26 March 1883, it was the first time he had appeared in court during this trial. He was wearing black goggles to protect his eyes, and Ingersoll had to lead him to the witness stand to take the oath.\(^{42}\) The melodrama of this scene was shattered, however, when prosecutor Merrick interrupted Dorsey's oathtaking to ask "whether the oath is administered in a form which is binding on the conscience of the witness."\(^{43}\) Merrick's question caused a sensation in the courtroom as Ingersoll launched into a peroration denying the obligation of a witness at the bar to believe in the Almighty, but


\(^{43}\)Proceedings, second trial, p. 3695.
that might not have been the point of Merrick's inquiry. Dorsey had reportedly stated earlier that perjury in the defense of a friend was no crime, and Merrick wanted to get this statement on the record. At any rate, the judge directed that Dorsey be sworn "not with reference to his belief or disbelief in a future state of rewards and punishments, but [because] the law provides temporal punishments that may be imposed in case of false swearing."

The incident accompanying Dorsey's taking the stand unnerved him somewhat, but his good humor returned as Ingersoll led him through a complete denial of Rerdell's testimony. He was most emphatic in his assertions that Rerdell had never kept any books for him, that he had never given anyone such a memorandum as that described by Rerdell showing payments to Brady, and that he had never paid Brady or any other official for increased service on a mail route. Ingersoll refused to produce the books Rerdell described in court, claiming that he had not "the power supposed to be in the creative fiat... [to] evoke from the chaos of

44 Washington Post, 27 March 1883.
45 Proceedings, second trial, p. 3702.
perjury two red books," but he did introduce what he claimed were all of Dorsey's checks for the period during which Rerdell claimed to have accompanied Dorsey to the bank and then to Brady's office. These checks showed that the money withdrawn from the bank on the occasion Rerdell described had actually gone to Rerdell. Dorsey also denied having anything to do with the employment of Moore, or with giving Moore any instructions; Ingersoll corroborated this testimony with Dorsey's checks showing that all the money paid to Moore had gone through Miner.

Ingersoll then led Dorsey through the now familiar story of his involvement with the star route contracts. Dorsey continued to insist that the original bidding idea came from John Dorsey and Peck and that he had simply given them legitimate assistance in getting their business started. He was unable to respond, however, to the government's queries as to why they had not abandoned the idea when they discovered that John was too impecunious, and Peck too ill, to conduct the business. Stephen Dorsey had apparently advanced all the money that had gone into the business, and

47 Ibid., p. 3777.
48 Ibid., pp. 3717-21, 3738-43.
49 Ibid., pp. 3759-64.
Peck's illness had predated the bidding. Dorsey repeated his account of the circumstances under which Vaile had entered the partnership, corroborating Boone's statement that Dorsey knew nothing of these events until he returned to Washington in December, 1878, and the government was never able to give a satisfactory explanation as to why Brady threatened Miner with failure if they were in a conspiracy together. The prosecutors were also not able to explain Dorsey's apparent abandonment of what was supposed to be his own conspiracy in the summer of 1878, resulting in the circumstances surrounding his quarrel with Vaile.

The division of April, 1879, was again described at length, and Dorsey repeated his insistence that he had had nothing to do with a mail contract after turning the business over to Bosler and Rerdell in the spring of 1879. He claimed that he would never have had any connection with a mail contract at all if the money he had advanced to Miner, Peck, and John Dorsey could have been recovered any other way.

Ingersoll supported part of Dorsey's story with the testimony

50 Ibid., pp. 3744-54, 3880-84, 4915-20.
51 Ibid., pp. 3754-55, 5054-60, 5429-32.
52 Ibid., pp. 3755-58.
of two of Dorsey's bookkeepers, who swore that Rerdell had never kept Dorsey's mail accounts and that Rerdell had not appeared in Dorsey's office the day he was alleged to have retrieved the incriminating books for presentation to James and MacVeagh.  

Dorsey seemed most concerned over the charge that he had had improper dealings with government contracts while he was in the Senate, and his answers became evasive and vague when he was faced with questions covering this period. He could not remember whether he had signed Peck's name to the bidding forms or why it had been necessary for Dorsey to secure bondsmen in Arkansas, since Peck was equally well known in that state, and he went out of his way to adhere to a rather improbable denial of a report that he had offered to buy John Dorsey's interest in the business in December, 1878.  

His testimony was also extremely confused concerning the arrangement under which he had advanced money to his brother, Miner, and Peck. Dorsey was able to offer plausible explanations for all of his actions.

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53 Ibid., pp. 3611-13, 3619-20, 3634-35.

54 Ibid., pp. 3814-26, 3861-67, 3884-91. Dorsey was trying to deny having sent a letter to which the government had John's answer.
after April, 1879, but he had great difficulty justifying his behavior before that date.\(^{55}\)

Testimony in the case finally concluded on 18 April 1883; the next two months were occupied with the closing arguments to the jury. By this time the public had largely lost interest in the proceedings; it was difficult to sustain an air of drama or suspense over a six-month period.\(^{56}\) The liveliest moment of the trial occurred after the case had already gone to the jury. On the second day of their deliberations, one of the jurors, John Vernon, appeared in court, exclaimed loudly, and fainted, having succumbed to what was diagnosed as a fit of delirium tremens. Judge Wylie observed that the juror was a heavy drinker and had been warned several times about appearing in court intoxicated, but after this incident he allowed Vernon to take a bottle of brandy into the jury room.\(^{57}\)

Once again, the government had been able to create a good deal of suspicion; moreover, it had been able to establish fairly conclusively that Dorsey had been more involved in the original bidding than he cared to admit, that he had taken

\(^{55}\)Ibid., pp. 3912-16, 3920, 3923-24, 3932-35.

\(^{56}\)New York Times, 8 March 1883, p. 4.

\(^{57}\)Proceedings, second trial, p. 5872.
some questionable steps to hide that involvement, and that Brady had probably taken bribes for favors to certain mail contractors. Dorsey might, in fact, have originated the plan involving his brother and his friends in a scheme for getting rich quickly through speculation in mail contracts, although this was never proven; he certainly did not invent, as Bliss and Merrick claimed, the idea of mail contract speculation or the system of bribing Brady to secure increases. "There isn't much doubt there was some crookedness," Ingersoll admitted later, "but they can't prove a conspiracy." The government was, however, still committed to an indictment charging conspiracy, so the jury had no way of convicting the defendants of individual criminal acts.

The jury, after two days of deliberation, brought in a verdict of not guilty on all of the defendants--including Rerdell--on 14 June 1883. Pandemonium reigned in the

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58 Ibid., pp. 222, 4855.
60 Ibid. Jury Foreman John Crane told the Times that the jurors wanted to convict Rerdell but could not do so because the law required that any conviction for conspiracy must reach at least two defendants. They could not convict Rerdell alone, so they acquitted him.
courtroom: Helen Dorsey screamed "Glory to God!" (Ingersoll, under the circumstances, took no offense), Medora Peck fainted, and Brady's attorney pushed the wrong end of a lighted cigar into his mouth, burning off half of his mustache. Dorsey told a group of Negro serenaders who appeared at his home that evening that the verdict would stand as a monument to the oppressed peoples of the world that in America a citizen could fight against government oppression and win, but the verdict probably attested more to the exhaustion and ignorance of the jury and to the special talents for which the defendants had reportedly employed Arthur B. Williams. Regardless of the questions surrounding the integrity of the first star route jury, there is little doubt that the defense had tampered with the second. Ironically, William Lilley, whom Dorsey had assaulted during the course of the trial, died of heart disease the morning the verdict was announced.

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61 New York Sun, 15 June 1883.
63 Affidavit of James Nelson, 18 March 1884, Department of Justice Central Files, Year Files 1884-152, RG 60, National Archives.
The press erupted in high moral indignation at the jury's verdict. A Chicago attorney thundered that "if a man steals $25 he is a thief, but if he purloins a million he is a financier." The Philadelphia press promised that "the world will be too small for [Brady and Dorsey] to . . . find a resting place where they can rest in forgetfulness of their crimes." A few suspected that juror Vernon had not kept his brandy to himself, and reports again circulated that the jurors had been liberally supplied with money.

The New York Times spoke for much of the press of the country when it declared, "we do not acquiesce in the verdict." The Times regretted that "the greatest conspiracy case ever tried in this country" was tried before a jury too stupid or besotted to understand it, and the paper suggested that the law on jury selection be changed to ensure the intelligence of future panels. The Washington Post, however, was kinder to the jury and blamed the verdict on the government's

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65 Ibid.
66 Philadelphia Times reprinted in ibid.
69 Ibid., 16 June 1883, p. 4.
attempt to try a hopelessly complicated charge. The Post repeated its earlier judgment that had the government actually desired Dorsey's conviction, it would have charged him with something it could prove.\textsuperscript{70}

The government had not succeeded in convicting Brady and Dorsey, but it had succeeded in convincing the public that they were guilty. Thus, when Congress convened in December, 1883, the House Committee on Appropriations, under Illinois Congressman William Springer, began an investigation into why the administration had failed to secure a conviction.\textsuperscript{71}

Much of the evidence given at both trials was repeated before the committee, but it told the members nothing they did not already know. The people who had had charge of the case for the government offered a variety of excuses for their failure, among them that the juries were bribed and that Judge Wylie was biased in favor of the defense.\textsuperscript{72} The

\begin{footnotesize}
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\item \textsuperscript{70}Washington Post, 15 June 1883. See also New York Herald, 15 June 1883, for the same judgment.
\item \textsuperscript{71}U.S., Congress, House, Committee on Appropriations, Frauds in the Star Route Mail Service: Investigation of Expenditures in the Department of Justice, Report by Mr. Springer, House Report No. 2165, 48th Cong., 1st sess., 3 July 1884, p. 1.
\item \textsuperscript{72}House Misc. Doc. 38, pt. 2, 48th Cong., 1st sess., pp. 158-60, 553, 650.
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first charge might have been true, although it says nothing about the source of some of the attempts to bribe the jury; the second is nonsense. The most important question the committee asked, to which it never received a satisfactory answer, was this: why were the defendants not charged with the individual acts of which they were clearly guilty, rather than with a conspiracy which, even if true, is almost impossible to prove? Some committee members felt that the conspiracy charge was proof of the administration's lack of desire for a conviction, while prosecuting attorneys Bliss and Ker maintained that, because of the nature of the evidence, a conspiracy was the only thing the government could have hoped to prove. 73

The committee's skepticism forced the prosecutors to justify their decision to try the Dorsey case first, since indictments had also been pending against other star route contractors, including Walsh, who had admitted giving money to Brady. Having failed to convict Dorsey prejudiced the government's attempts to try other—and infinitely simpler—cases, and the prosecutors offered a number of explanations for their decision to try Dorsey: Dorsey was tried because the evidence against the other contractors was too scant;

73 Ibid., pp. 533-39.
Dorsey was tried because he demanded public exoneration; Dorsey was tried because Bliss hated him; Dorsey was tried because, after the Delmonico dinner, Arthur had to dissociate himself from Dorsey in some public way to win respect for his administration. The Springer committee's report settled nothing, concluding anticlimactically that someone was obviously guilty in the Star Route Frauds, that no one was convicted, and that many unspecified factors contributed to this result.

The jury's verdict did not end the government's effort to recover the money it was convinced Dorsey had stolen. Five days after the verdict was announced, Postmaster General Walter Q. Gresham told the Justice Department that "I have taken the preliminary steps toward suits for the recovery, on account of fraud, of all moneys paid for expedition on all the routes, save one, that were included in [the Dorsey case]." Bliss reported that the government could recover

74 Ibid., pp. 74, 89, 107-08, 201-02, 540.
76 Gresham to Benjamin H. Brewster, 19 June 1883, Department of Justice Central Files, Year Files 1884-152, RG 60, National Archives.
$200,000 from Dorsey alone. The government arrived at the figure to be recovered by determining the number of men and animals then in use on the routes and subtracting this figure from the Dorsey contract price, but this procedure was slightly unfair because many of the Dorsey routes had become obsolete since 1881 owing to railroad penetration into the areas of the routes.

Plans to institute civil suits against Dorsey received a serious setback in December, 1883, with the death of James W. Bosler. Bosler, who had custody of Dorsey's financial records, died suddenly before the government could attach these records, which were then tied up indefinitely while Bosler's estate was probated. The government then tried to serve the attachment papers on Dorsey, but it could never find him for long enough to serve them. As a last, desperate measure, the Justice Department suggested that suits be instituted against Dorsey in Ohio, Indiana, and


78 Gresham to Brewster, 25 October 1883, Department of Justice Central Files, Year Files 1884-152, RG 60, National Archives; Proceedings, second trial, pp. 448-49.

Illinois, with the hope of catching Dorsey as he passed through one of these states on his way to New Mexico. Postmaster General Gresham dismissed this suggestion as ludicrous, and the government finally abandoned its attempts to make Dorsey pay for a crime of which no jury had convicted him. Many Justice Department officials, however, did not want to abandon the case, urging that "not an inch can be yielded to these vampires," so over the course of the next few years, civil suits were instituted against several star route contractors for recovery of money fraudulently obtained; among these contractors were Miner and Vaile. The suit against Miner was never settled, the suit against Vaile was finally dismissed in 1895, several years after Vaile's death, and a suit was still pending against at least one star route contractor as late as 1902.

The question of the extent of Dorsey's guilt in the Star Route Frauds still remains open. Dorsey's acquittal

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80 George Bliss to Brewster, 16 February 1884, Department of Justice Central Files, Year Files 1884-152, RG 60, National Archives.

81 Gresham to Brewster, 21 February 1884, ibid.

82 W.O. Bradley to Brewster, 24 June 1884, ibid.

83 George Douglass to A.H. Garland, 31 October 1895, John R. Walker to Garland, 15 June 1895, ibid.
did not save his reputation, then or later, because his behavior after the frauds became public showed clearly that he was covering something, although the government's charge that Dorsey was the originator of a "ring" that robbed the treasury of four million dollars can safely be dismissed as hyperbole.\textsuperscript{84} The most Dorsey can be said to have originated was the "Dorsey combination" of star route contractors, which held less than 15 per cent of the expedited and presumably fraudulent contracts.\textsuperscript{85} If Brady was actually expediting mail routes for a fee, he had been doing so before Stephen Dorsey had anything to do with a mail contract, and there is no evidence to support the idea that Dorsey called Brady and a few large mail contractors together and proposed a scheme whereby they agreed to let Brady extort their money.

Whether Dorsey actually originated the Dorsey combination is debatable, although it seems likely that he did. In the autumn and winter of 1877 and the spring of 1878, Dorsey was busy trying to establish his title to the Una de Gato

\textsuperscript{84}\textit{Proceedings}, second trial, pp. 222, 4855, 4926-27.

land in New Mexico, but it is possible that he became enchanted with the possibilities of making a large amount of money quickly through speculation in mail contracts. The idea would have appealed to Dorsey provided that it did not require too much effort on his part. On the other hand, it is not impossible that John Dorsey saw an opportunity to get rich through the influence of his brother, the senator. Stephen Dorsey was obviously hiding something with respect to his early involvement in the star route bidding; the ease with which he lost control of the routes to Miner and Vaile, however, suggests that the partnership was not Dorsey's creation. What seems most likely is that Dorsey proposed the original partnership and offered to establish his brother, Peck, and Miner in business as a way of enabling them to share in the good fortune of the Great Barbecue, and he might have taken some questionable steps in pursuit of this goal. Dorsey probably anticipated leaving the business to his friends to manage for themselves after they had repaid him the money he had advanced, plus a bonus for his trouble. This plan, however, did not work, and Dorsey assumed control of the business when his brother proved incapable of running it.
It is also likely that Dorsey was telling the truth, within limits, about his involvement with the contracts after April, 1879. By 1879, the idea was calling for more time and money than Dorsey had planned to invest, and he had not foreseen Miner's partnership with Vaile; when he learned he would not be able to force Vaile out of the partnership, he made the best of a bad situation and got out as advantageously as possible, taking care to ensure the return of his money. He could not totally wash his hands of the contracts, since he stood as guarantor for their performance, but he did try to get out as far as possible, leaving the financial management to Bosler and the clerical work to Rerdell. After the spring of 1879, Dorsey appears to have done only that which was minimally necessary for him to do to carry out the contracts, although these minimum duties probably included negotiating with Brady. But to say that Dorsey abandoned the original idea as a mistake after April, 1879, does not absolve him of responsibility for speculating in government contracts while he was in the Senate.

Rerdell has emerged from the sordidness of the Star Route Frauds as something of a martyr for his role in

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testifying against Dorsey and Bosler, and historians have generally assumed that it was impossible for Rerdell to commit an illegal act without Dorsey's inspiration or connivance. The evidence, however, shows that Rerdell did exactly that. There is too much evidence involving Rerdell, while at the same time indicating that Dorsey was not aware of what was going on, to support the contention that Dorsey was the director of a conspiracy in which Rerdell played only a minor role. Bosler's correspondence, also, contains repeated requests to Rerdell for explanations concerning the star route contracts. Bosler relied for his information on Rerdell and was certainly no part of a conspiracy to pay Brady; furthermore, Rerdell never thought of implicating Bosler in the conspiracy until after the verdict in the first trial, when he obviously had an axe to


grind against those who he thought had betrayed him.  
People have tended to lose perspective in light of the big ones who got away. Rerdell did, after all, plead guilty.

Curiously, the Dorsey combination was the only one ever tried in connection with the Star Route Frauds, although the government had evidence against five other major combinations, and some minor ones, engaged in the same business. The questions must thus be raised concerning, first, why the government pursued Dorsey so vigorously to the exclusion of all other possible conspirators, and second, why the prosecution was so determined to ascribe the whole of the Star Route Frauds to Dorsey. An answer to the second question is readily available: having made the decision to prosecute Dorsey, the government had to make it appear that Dorsey was a significant part of the fraud and not simply a minor piece of a larger puzzle. It is, indeed, likely that the prosecuting attorneys had come to believe in Dorsey's satanic ingenuity by the time they had spent two years trying to prove it. The answer to the first question, however, is harder to determine. Dorsey was convinced that he had been singled out for especial persecution, 

offered as a human sacrifice on the altar of public morality by an administration whose own antecedents were none too pure. In noting that the two largest star route combinations were never prosecuted, however, the Springer committee concluded not that Dorsey had been singled out for persecution, but that "some mysterious and powerful influence must have operated to secure [the other contractors'] immunity." The committee did not specify this influence; this report does suggest, however, that Dorsey might have approached the problem from the wrong direction. The question might not have been who sacrificed Dorsey, but rather who failed to protect him. To Dorsey, of course, it did not matter: the result was the same.

Dorsey remained convinced that his prosecution was related to the Republican campaign of 1880, and to a request that he turn the records of that campaign over to his successor on the Republican National Committee, he responded:

... The only records ... I have are the paid checks of my own contribution [totalling over $13,000], and the unfortunate bank book showing the charges of my own folly.

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91 Houston Daily Post, 18 May 1884.
I regret more than I can tell that I made it possible that such records should be in my books, but they are here, and I think best to keep them as a reminder of the splendid gratitude of dishonest power.

Dorsey pronounced himself "disgusted with everything about political affairs," and he planned a life of solitude in New Mexico, where his only constituents would be cattle and sheep. "I carried Indiana for Garfield and helped the Republican party achieve success," he declared, "and in return for my efforts they tried to put me in prison." Dorsey was particularly bitter against his former friend John Logan, who had introduced a resolution before the national committee commending the efforts of Assistant Secretary George Hooker in the 1880 contest. Dorsey pronounced Logan "an ambitious hypocrite," and he promised to do all in his power to ensure Logan's defeat in his campaign for re-election to the House of Representatives.

Dorsey held Arthur personally responsible for pursuing a prosecution he was certain Garfield would have spared.

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94 *Chicago Herald*, 21 February 1884.
95 Ibid.
96 *Washington Post*, 18 June 1885.
him, and as the presidential campaign of 1884 approached, rumors circulated that Dorsey was willing to contribute $100,000 toward Arthur's defeat. These reports were probably exaggerated, given Dorsey's financial condition by 1884, but Dorsey did not mourn Arthur's failure to receive the Republican nomination. Ironically, many observers ascribed Arthur's defeat to his failure to secure Dorsey's conviction. But Dorsey was not pleased to see the nomination fall to Blaine: Dorsey was convinced that only Grant could revive the Republican party and restore honor to a presidency that Arthur had disgraced. Dorsey thus sat out the 1884 campaign on his ranch in New Mexico.

Blaine was also forced to campaign in 1884 without the services of Robert G. Ingersoll, whose nomination of Blaine in 1876 was still recalled as the most eloquent testimonial ever bestowed on the Plumed Knight. Ingersoll, who accompanied Dorsey to New Mexico, believed that Dorsey was being persecuted because "he had interfered with the career of some piece of mediocrity," and when the results of the campaign were known, Ingersoll pronounced Blaine's epitaph:

97 Chicago Inter-Ocean, 21 February 1884.
98 Reeves, Gentleman Boss, pp. 305, 371.
99 Houston Daily Post, 18 May 1884.
100 Proceedings, second trial, p. 5473.
... The only persons for whom I am really sorry are the 600 preachers who called on Blaine and assured him of the support of Jehovah & Co. I hate to have the old firm disappointed.

I am just a little glad that New York is so close. I feel way down in my gaiters that I could have carried that state for Blaine, and it occurs to me that Blaine will have a like suspicion in his mind. Of course it is wrong to be a little malicious, but I am growing that way as I grow older. Blaine has reached the end of his career. I wish sometimes that he allowed me to be his friend—in other words, I regret that he is not the man I once thought he was; and yet after thinking the election all over, of its effect on the country, taking into consideration the way the leaders have always treated me, the verdict of my heart is, glad of it. I think that I shall enjoy seeing the Brewsters and Arthurs, the Camerons and Shermans, Blaines and Logans sitting on a back seat. Let them R.I.P. The attorney for the defendants in the star route trial has his revenge.

Well, good night.

101 Ingersoll to Clint Farrell, 9 November 1884, Robert G. Ingersoll Papers, Manuscript Division, Library of Congress, Washington, D.C.
Dorsey was at the height of his political power in March, 1881; by the end of the second star route trial he had resigned his position on the Republican National Committee and was in disgrace. After the second trial, Dorsey pronounced himself "disgusted" with politics and spoke of abandoning that occupation, but he soon became obsessed with the idea of returning to power to vindicate himself and punish those who had persecuted him. To revive his political fortunes, Dorsey looked to New Mexico, where he hoped to turn local popularity and large landholdings into renewed political strength:

New Mexico will soon become one among the sisterhood of states. I will stand for the United States Senate, and when I rise in my place to denounce the cowardly, scheming crew who have almost dogged me to my grave and almost driven my dear wife into a madhouse, the record I will give of them will sink them so far beneath the waves of popular indignation that the resurrection horn will never reach them.

1 Chicago Herald, 21 February 1884.
2 Houston Daily Post, 18 May 1884.
Dorsey hoped to revitalize his political career in a territory whose political structure was hopelessly chaotic. Because New Mexico was a territory, most of its officials were appointed in Washington, and many of these appointments were made to satisfy patronage obligations with little concern given to the welfare of the territory. Washington appointees controlled the high administrative and judicial positions in the territory, while members of the legislature, the delegate to Congress, and lower county officials were elected by the people. The delegate could not vote, however, and territorial legislation was subject to review by Congress. New Mexico's territorial status thus created a vacuum in the place of real political authority: the elected officials had no real power, and the appointed officials were usually not in office long enough to develop any sympathy for New Mexico or any strong political following.

Into this vacuum crowded the bewildering array of factions that characterized New Mexico politics in the Gilded Age, factions existing not out of loyalty to a political party or identification with the territory of New Mexico, but out of devotion to an individual or dedication to a cause. The major factions were the nebulous Santa Fe Ring and its opponents, claimants of large Spanish and
Mexican land grants and those who opposed the grants, and supporters and opponents of statehood for the territory. New Mexican politics also broke along geographical lines, with the Rio Abajo region to the south of Santa Fe envious of the power wielded by Santa Fe and the Rio Arriba region to the north. These groups, always amorphous at best, often overlapped, with people crossing party and factional lines at will. Thus, for example, supporters of the Maxwell Land Grant in Colfax County split into pro- and anti-Santa Fe Ring adherents, and the ring itself split in 1884 along Rio Arriba and Rio Abajo lines. All groups contained Democrats, Republicans, and a variety of third-party advocates: party colors were worn lightly in New Mexico during the Gilded Age.

The most notorious of these factions was the Santa Fe Ring, under the reputed leadership of Thomas B. Catron. Catron, the ablest lawyer in a territory noted for its attorneys, had built his reputation and his fortune out of a practice dealing almost exclusively with titles to Spanish and Mexican land grants. Accepting land as payment for his

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3Robert J. Rosenbaum, "Mexicano versus Americano: A Study of Hispanic-American Resistance to Anglo-American Control in New Mexico Territory, 1870-1900" (Ph.D. diss., University of Texas at Austin, Austin, Texas, 1972), pp. 28-35.
efforts in having the grants confirmed, Catron became the largest land-holder in an area where land represented power as well as wealth. Catron began wielding political power in New Mexico as United States attorney for the territory and law partner of Territorial Delegate Stephen B. Elkins. By 1880 Catron was the most powerful man in New Mexico and was credited with manipulating the politics and the economy of the territory through the mechanism of the Santa Fe Ring. 4

The Santa Fe Ring was an amorphous coalition of "aggressive, influential men, . . . who took advantage of their intelligence, wealth, and personal drive, to dominate and maneuver political and economic affairs in the territory for their personal [and] financial benefit." 5 The ring probably enjoyed its most tangible existence in the minds of its opponents, who were quick to confer ring membership on anyone who was involved in land speculation or whose


5 Walter J. Donlon, "LeBaron Bradford Prince: Chief Justice and Governor of New Mexico Territory, 1879-1893" (Ph.D. diss., University of New Mexico, Albuquerque, New Mexico, 1967), pp. 48-49.
political ambition collided with their own. According to Governor Edmund Ross, one of the ring's most outspoken opponents, the Santa Fe Ring stood at the center of the web of territorial rings it controlled, of which "Cattle Rings, Public Land Stealing Rings, Mining Rings, [and] Treasury Rings" were only the most visible. Ross charged that the Santa Fe Ring operated by absorbing every important territorial official, regardless of political persuasion, so that the ring could count among its members an endless succession of territorial governors, attorneys general, surveyors general, United States attorneys, district judges, county probate judges, and the chairmen of the Republican and Democratic territorial executive committees. Dorsey earned his membership in the ring through his association with Catron and Elkins and his interest in Mexican land grants.

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6 Ross to John O'Grady, 26 March 1887, Edmund G. Ross Papers, New Mexico State Records Center and Archives, Santa Fe, New Mexico.
7 Ibid.
It should be noted, however, that while a group such as the Santa Fe Ring might have come together occasionally for their own mutual benefit, the ring was never as solid a structure as Ross described. The group that came together on one issue might dissolve into warring factions over another; of the individuals who were said to compose the ring, Catron and Dorsey were seldom in harmony, Catron and L. Bradford Prince were rarely in harmony, and Dorsey and Prince were never in harmony. The list could go on. Also, one would commit a grave error in assuming, for example, that simply because Catron and Dorsey were both interested in the Maxwell grant, they were interested in the grant together.

Out of the "exhausting factionalism" of New Mexico politics Dorsey sought to fashion a renewed political career. He entertained lavishly at his Mountain Spring ranch in Colfax County, ingratiating himself not only with the people of his region, but with important territorial officials as well. He was elected commander of the Raton post of the Grand Army of the Republic, and he contributed the design and the materials for construction of the monument.

9Lamar, Far Southwest, p. 151.
to Kit Carson that now stands in Santa Fe. Because of his large landholdings and his apparent wealth, Dorsey enjoyed considerable influence in Colfax County, an influence he sought to solidify and expand through the purchase of two county newspapers, the Colfax County Stockman and the Raton Range.

Politically, however, Dorsey labored in New Mexico under a series of crippling disadvantages. First, he was a relative newcomer to a territory that harbored a surfeit of politically able and ambitious men. Unlike Arkansas, where the local Republicans' hold on power was so tenuous that Dorsey could easily shunt them aside, Dorsey would find in New Mexico a host of immovable competitors for office, like Catron, who had worked for a seat in the United States Senate for years and who would not be impressed by Dorsey's ambition, talent, or experience.

Dorsey was also handicapped in his associations. He had no sooner arrived in Colfax County than he was identified

10 W.S. Fletcher to Dorsey, 8 September 1884, Dorsey to Fletcher, 22 September 1884, 29 October 1884, Records of the Grand Army of the Republic, New Mexico State Records Center and Archives, Santa Fe, New Mexico.

as a member of the Santa Fe Ring, and his ownership of the Unía de Gato land grant and interest in the Maxwell grant placed him squarely on the side of the large landowners in a county whose population was overwhelmingly anti-grant.  

The Maxwell grant covered all of western Colfax County, and many Colfax County voters were homesteaders whom the grant's owners were trying to evict. The battle between the Maxwell claimants and homesteaders had erupted in the Colfax County War in the 1870's, the lines of which were complicated by a rift between Colfax County supporters of the grant and members of the Santa Fe Ring who were interested in controlling it.  

The Colfax County War was over by the time Dorsey sought to build a New Mexico political career, but the animosities remained and the lines had not softened, and a Santa Fe Ring supporter of the Maxwell grant would find himself on the wrong side of every political alignment in Colfax County. In addition, the small ranchers in the county resented Dorsey's fencing of his range and watercourses, which they considered public domain and on which they had grazed and watered their stock for years. Opposition

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12 Kingman to Arms, 8 July 1877, BLM, Report No. 94, frames 336-38; Arms to Evarts, 5 October 1877, ibid., frames 333-34.

to "landholding monopoly," and to Dorsey in particular, formed the nucleus of Colfax County's Populist party in the 1890's. 14

When Dorsey returned to New Mexico after the star route trials, he tried to make a place for himself in the territory's Republican organization. He held precinct meetings at his ranch estate and expressed an interest in returning to the Senate. 15 Although many people in New Mexico remained skeptical regarding Dorsey's involvement in the Star Route Frauds—one newspaper played on Dorsey's initials to tag him with the epithet "Stolen Wealth Dorsey" 16—several endorsements by Ingersoll, and Ingersoll's presence in Colfax County as Dorsey's guest, at least partially refurbished Dorsey's sagging reputation. 17 But by 1884 the political divisions in Colfax County were complicated by a split in the territorial Republican party.

14 Ibid., pp. 31-32; Howard R. Lamar, Forward to Larson, New Mexico Populism, p. xi.


16 Springer (New Mexico) Banner, 6 March 1890, 27 March 1890.

17 Washington Post, 2 July 1883; Denver Republican, 17 January 1884.
and Dorsey would soon find himself in a political situation which it would be impossible for him to control.

The territorial party schism had surfaced during the 1884 legislative session, when Catron and other members from the Rio Arriba ruthlessly fended off an effort by the Rio Abajo members to move the capital from Santa Fe to Albuquerque. The bitterness of this battle lingered on after the session, and as the territorial Republican convention approached, Las Cruces attorney William L. Rynerson and former territorial Chief Justice L. Bradford Prince competed for the Republican nomination for territorial delegate to Congress. Although Rynerson had long been a member of the Santa Fe Ring, he campaigned in the Rio Abajo on an anti-ring platform, claiming that the Santa Feans held too much power. Prince, also reputed to be a ring member, saw himself as a reformer. At the convention, Rynerson and his followers bolted in the face of a hostile chairman and held their own convention, nominating Rynerson,

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18 Lamar, Far Southwest, pp. 163-65.


20 Draft of manuscript dated February, 1889, L. Bradford Prince Papers, Santa Fe Ring folder, New Mexico State Records Center and Archives, Santa Fe, New Mexico.
while those who remained behind nominated Prince. Thus, both Prince and Rynerson entered the autumn campaign claiming to be the Republican nominee for delegate. The Democrats, meanwhile, nominated former Taos County Probate Judge Anthony Joseph and waited gleefully for the inevitable Republican collapse.

This three-cornered campaign took on many curious aspects when it reached Colfax County. All three candidates were reportedly members of the Santa Fe Ring, but Rynerson and Joseph managed to escape the association by running effective anti-ring campaigns. In addition, the Democratic party in Colfax County had long been identified as the anti-grant party, and Joseph became a willing anti-grant candidate, carefully hiding his own questionable dealings with several land grants. Anti-ring Republicans who opposed the power of the large landholders in Colfax County supported Rynerson.

Dorsey might have been expected to support Prince in this campaign, if only because the other candidates held

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22 Ibid., pp. 138-39.
23 Larson, New Mexico Populism, p. 25.
24 M.W. Mills to Prince, 23 October 1884, Prince Papers.
unacceptable positions on the land grant issue central to Dorsey's livelihood. But Dorsey and Prince were implacable enemies, dating from Prince's defection from Roscoe Conkling's New York machine in 1876. Dorsey had assisted Conkling in blocking Prince's confirmation for a New York Customs House position in 1877. As a favor to Conkling after Garfield's election, Dorsey had tried to have Prince removed from the patronage position he enjoyed as chief justice of New Mexico, and Prince had retaliated by accusing Dorsey of land and mail fraud. Dorsey and Prince could never be political allies.

Dorsey's failure to support Prince, and perhaps his failure to support Blaine nationally, has led at least one student of the 1884 campaign to infer that Dorsey supported Joseph. This is not the case. Even if Dorsey could have considered campaigning for a Democrat, it would not have

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26 W. Miller to Prince, 9 May 1881, W.G. Ritch to Prince, 25 March 1881, Benjamin Hicks to Prince, 23 April 1881, Prince Papers, Santa Fe; Dorsey to Wayne MacVeagh, 12 May 1881, James A. Garfield Papers, Manuscript Division, Library of Congress, Washington, D.C.

been Anthony Joseph. Joseph had worked for Dorsey as a subcontractor on one of Dorsey's mail routes and had testified for the prosecution in the star route trials, and even though Joseph's testimony was not particularly damaging to Dorsey, neither did it earn for Joseph a place among Dorsey's friends.  

Dorsey thus supported Rynerson in the 1884 campaign, but only because he had no alternative, and he was not comfortable in this alliance. He sympathized with the regular Republican machinery in New Mexico, but he could not tolerate Prince. In September, Dorsey attempted to heal the rift in the Republican ranks, and obtain a more suitable candidate for territorial delegate, by suggesting to both Prince's and Rynerson's managers that their candidates withdraw from the race in favor of a compromise nominee. A meeting was held in Las Vegas, New Mexico, for the purpose of effecting this compromise, but Prince, who had coveted the delegateship

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29 Dorsey to Prince, 16 October 1884, Prince Papers.

30 Ibid.
since 1882, refused to withdraw, and Rynerson would not surrender the field to Prince. Dorsey thereupon wrote to Prince, repeating his conviction that the failure of the compromise amounted to a surrender of the territory to the Democrats "for many years to come," and he continued to support Rynerson, whom he predicted would poll "much the largest part of the American vote of this territory." The Republican candidates combined for a majority of the votes cast in the 1884 delegate contest, but Joseph won the election, generating much bitterness among New Mexico's disgruntled Republicans. Prince held the Santa Fe Ring responsible for the Republican party split, and he blamed Catron and Dorsey for his defeat. Governor Ross, who worked vigorously for Joseph during the campaign, later decided that the ring had engineered the Republican split for the purpose of electing Joseph. In Colfax County,

32 Dorsey to Prince, 16 October 1884, Prince Papers.
33 Draft of manuscript dated February, 1889, ibid., Santa Fe Ring folder.
Joseph's victory was hailed as a defeat for the holders of large land grants.  

While Dorsey was attempting to negotiate the maze of New Mexico's political structure, he was also trying to sort out his own financial entanglements. His financial troubles included both the Palo Blanco Cattle Company, which he had formed to finance the star route trials, and a new series of investigations into the titles to his Colfax County land. Shortly before the end of the second star route trial, the commissioner of the General Land Office had issued a circular authorizing "persons who desire to make bona fide settlements" to destroy all fences obstructing access to the public domain in New Mexico.  The manager whom J.W. Bosler had employed to oversee the Palo Blanco Cattle Company's business in New Mexico, Charles Woolworth, expressed a fear that the General Land Office circular threatened the company's possession of the land Dorsey claimed. There was a basis for this fear, because small


ranchers and homesteaders in Colfax County looked on all land grant property as public domain; many had settled within the boundaries of the Maxwell grant on this assumption and were looking hungrily at Dorsey's property. Dorsey was not worried about the effect of this circular, however, and he told Bosler that "no settlements can be made upon any land we have enclosed because there is no water about upon which a settler can locate not owned by me." Dorsey had not relied for proof of ownership on his title to the fraudulent Una de Gato land grant; when that grant was voided in 1879, he had begun acquiring the land encompassed in the grant by filing homestead and pre-emption entries on the land in 160-acre sections. In the spring of 1883, however, the General Land Office decided to conduct an investigation into the titles to the land Dorsey claimed under the homestead and pre-emption laws. Dorsey was not


38 Dorsey to Bosler, 15 May 1883, Bosler Papers, private collection.


40 Dorsey to Bosler, 8 June 1883, Bosler Papers, private collection.
unduly worried about this investigation when it was announced, but in September, 1883, a letter from Colfax County appeared in the General Land Office accusing Dorsey and the Palo Blanco Cattle Company of fraudulent entries of land under the homestead and pre-emption laws. This letter prompted the General Land Office to send a special agent to New Mexico to investigate the charges. The agent, John Dunn, stayed at Dorsey's ranch while conducting his investigation, and in November, 1883, he reported to the General Land Office that Dorsey's land claims were valid and that the charges against the Palo Blanco Cattle Company were groundless.

Problems with his land titles formed only one element of the financial difficulties confronting Dorsey at the close of the star route trials. Dorsey returned home to find that Bosler's manager, Woolworth, who had been living at the Mountain Spring ranch, had allowed the property to deteriorate badly through either carelessness or mismanagement.

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41Charles Watson to N.C. McFarland, 18 September 1883, U.S., Congress, Senate, Reports on the Fraudulent Acquisition of Titles to Land in New Mexico, Senate Ex. Doc. 106, 48th Cong., 2nd sess., p. 129.

Dorsey suspected both. He charged that Woolworth had allowed mules to kick through the walls of his home, and he claimed that $200,000 was missing from the safe of the Palo Blanco Cattle Company. To mollify Dorsey, Bosler agreed to an audit of the company's books, but although Dorsey participated in the audit and signed a statement that the company's accounts were in order, he was hardly pacified. In December, 1883, he evicted Woolworth from the company's offices at gunpoint, withstanding a three-day siege as he took possession of the company's records. Bosler, who had spent two years trying to defend Dorsey to Woolworth, abandoned the attempt at this juncture and advised Woolworth of the most effective methods of retaliation. Bosler ascribed Dorsey's behavior to drunkenness, which by this time was habitual, and he counselled Woolworth that "if [Dorsey] ever got sober or sane enough to think the matter over he would be glad to

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43 Las Vegas (New Mexico) Daily Optic, 17 December 1883, 28 February 1884.


45 Palo Blanco Cattle Company vs. Stephen W. Dorsey, Case No. 499, Colfax County District Court Records, New Mexico State Records Center and Archives, Santa Fe, New Mexico.
make terms as he has no money and is only injuring the value of his property."\(^4\)

Bosler died three days after writing this letter, leaving his estate, which included a $50,000 debt owed by Dorsey, in the hands of his brother Joseph, who promptly sued Dorsey for the return of the Palo Blanco Cattle Company records.\(^4^7\) Dorsey thereupon filed a counter-suit charging that he had acted properly in assuming control of the company because of Woolworth's gross mismanagement.\(^4^8\) The cases were heard before territorial Chief Justice Samuel B. Axtell, who as territorial governor had accompanied Dorsey to Colfax County when Dorsey had taken possession of the Una de Gato grant in 1877. Dorsey's attorneys were Catron and William Breeden, chairman of the territorial Republican party. In January, 1884, Axtell decided the cases against Dorsey without hearing his defense, and rumors circulated that Axtell had responded to pressure from Attorney General

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\(^4\) Bosler to Charles Woolworth, 14 December 1883, James W. Bosler Papers, Bosler Family Collection, University of Wyoming, Laramie, Wyoming.

\(^4^7\) Palo Blanco Cattle Company vs. Dorsey, Case No. 496, Colfax County District Court Records, Santa Fe.

\(^4^8\) Dorsey vs. Palo Blanco Cattle Company et. al, Case No. 499, Colfax County District Court Records, Santa Fe.
Benjamin H. Brewster, a long-time friend and attorney of James Bosler.\(^{49}\)

Winning a judgment against Dorsey was always easier than collecting it, and the Palo Blanco Cattle Company had to sue him again for the return of the books.\(^ {50}\) In the meantime, the day after Axtell’s judgment was announced, Joseph Bosler offered to settle the entire Bosler interest in Dorsey’s New Mexico ventures for $700,000.\(^ {51}\) Dorsey had no way of coming up with this amount himself, but he went to Ingersoll with a proposal for reorganizing the Palo Blanco Cattle Company, with Ingersoll as a partner, if Ingersoll would help Dorsey to buy out the Bosler interest.\(^ {52}\) Dorsey had not yet paid Ingersoll for his services in the star route trials, and both men may have seen in the cattle

\(^{49}\) Santa Fe New Mexican, 8 January 1884; Las Vegas Daily Optic, 9 February 1884.

\(^{50}\) Palo Blanco Cattle Company vs. Dorsey, Case No. 500, Colfax County District Court Records, Santa Fe.

\(^{51}\) J.H. Bosler to Dorsey, 8 January 1884, A.A. Jones Papers, New Mexico State Records Center and Archives, Santa Fe, New Mexico.

\(^{52}\) Robert G. Ingersoll to Dorsey, 20 December 1884, Robert G. Ingersoll Papers, Manuscript Division, Library of Congress, Washington, D.C.
venture a means for settling this debt. Dorsey and Ingersoll travelled to Washington, where they settled with the Boslers and Woolworth, and then, with the aid of former Massachusetts Congressman John B. Alley and Chicago businessman Murray Nelson, they reorganized the Palo Blanco Cattle Company. Dorsey held nine-twentieths of the stock of the new company, and Ingersoll, Alley, and Nelson together held the remaining shares.

The new company prospered. Dorsey built an elaborate mansion a few miles from his own castle in Colfax County and gave it to Ingersoll as part of his payment for the star route trials. Ingersoll was a popular figure in Colfax County, and the New Mexico press painted a picture of Dorsey and Ingersoll as "the ideal cattle kings." By the end of 1884, the company had shipped 10,600 head of cattle to market, for an estimated value of nearly $400,000.

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53 Eva Ingersoll Wakefield, ed., The Letters of Robert G. Ingersoll (New York: Philosophical Library, 1951), pp. 174-75. This debt was still unpaid as of November, 1885; see John Alley to Dorsey, 29 November 1885, A.A. Jones Papers.

54 Caperton, Rogue!, p. 23.

55 Interview with Stephen W. Dorsey, 27 July 1885, copy in A.A. Jones Papers.

56 Caperton, Rogue!, p. 24.

57 Ibid., p. 25.

On the surface, it appeared that Dorsey had managed to salvage his life from the wreckage of the star route trials, but this appearance was misleading. He still struggled with bouts of drunkenness that left him incapacitated for days at a time, he became irritable and suspicious, and he was convinced that everyone was trying to destroy him. 59

In spite of the apparent large profits of the company, Dorsey remained heavily in debt. In December, 1884, Ingersoll advised Dorsey that he should turn the management of the company over to someone else until he could control his drinking, and in January, 1885, Dorsey asked former Arkansas Governor O.A. Hadley, who had accompanied Dorsey to New Mexico, to take over as manager of the Palo Blanco Cattle Company. 60 In the summer of 1885, Dorsey and his partners agreed to a dissolution of the company. 61

By this time, Dorsey's problems with land titles had resurfaced. The General Land Office, not trusting the report

59 Ingersoll to Dorsey, 20 December 1884, Ingersoll Papers.


submitted by Special Agent Dunn, sent Frank Hobbs to New Mexico in 1884 to retrace Dunn's footsteps. Hobbs was apparently impervious to the fabled Dorsey charm, and in June, 1884, he submitted a report charging Dorsey with fraudulent homestead and pre-emption entries of the public land. By the summer of 1885, the government had decided to prosecute Dorsey for land fraud. Trial on these charges was to be heard before New Mexico Chief Justice William Vincent, appointed by Cleveland to replace Samuel Axtell in 1885. The hearing, however, never occurred, owing partly to the bizarre circumstances surrounding Vincent's removal from the bench.

Vincent had assumed his duties amid circumstances approaching anarchy in Colfax County. Conflicts between land grant owners and homesteaders, always smoldering just below the surface, again erupted in violence which the local citizenry was either unable or unwilling to quell. The anti-grant quarrel was complicated by a continuing conflict


between sheep ranchers and cattle ranchers over water and range rights. The effect of all this squabbling was that almost everyone in Colfax County was involved in some sort of quarrel with his neighbors, and neutrality was at a premium. In the midst of this hostility, Dorsey gained a reputation as a peacemaker, and when the time came for the appointment of a commission to select grand and petit jurors for the Colfax County court, Vincent named Dorsey as one of the five commissioners.64

Dorsey's appointment had been recommended to Vincent by many persons, including Territorial Delegate Anthony Joseph, who believed that it would help to end the disturbance in Colfax County.65 Three months after making the appointment, however, Vincent found himself summarily removed from the bench.66 Vincent was not informed directly of the reason


65 Vincent to Cleveland, 23 November 1885, Grover Cleveland Papers, Manuscript Division, Library of Congress, Washington, D.C.

66 Vincent to Cleveland, 16 October 1885, Department of Justice, Appointment Papers, RG 60, National Archives; Vincent to Cleveland, 5 November 1885, Cleveland Papers.
for his dismissal, and he had to travel to Washington to learn that he was accused of "too much intimacy with Stephen Dorsey." 67

Word had reached Washington that Vincent had accepted some of Dorsey's legendary hospitality and had permitted Dorsey to select the jurors before whom the charges against him for land fraud were to be tried. 68 The first charge was exaggerated, the second false. Vincent had visited Dorsey's ranch once on business, and Dorsey "was intoxicated when [Vincent] reached there, and remained in that condition during [Vincent's] short stay at his ranch," so that no conversation passed between them. 69 Dorsey did not remember having met Vincent when the jury commission appointment was made, and they had to be reintroduced at that time. Furthermore, the juries Dorsey had a hand in selecting were for Colfax County cases only and had no jurisdiction in the matter of land fraud, which was to be tried in the territorial federal court. 70

67 Twitchell, Leading Facts, 2:497.
68 Springfield Journal, 7 October 1885.
69 Vincent to Garland, 21 October 1885, Department of Justice, Appointment Papers, RG 60, National Archives.
70 Ibid.
Vincent was dismissed because his appointment of Dorsey had placed him in the middle of a battle between the claimants of the Maxwell Land Grant and a group of settlers who were trying to have the grant declared void. The settlers were both represented and led by the volatile Oscar P. McMains, who had broadened the fight against the Maxwell grant into a David-and-Goliath struggle against all Spanish and Mexican land grants in New Mexico and Colorado.  

McMains had become a folk hero in Colfax County for his dedicated championship of the cause of the small homesteader against the power of large landholding monopolies.  

Because Dorsey had claimed the Uña de Gato grant and was interested in purchasing the Maxwell grant, and because he had deprived small ranchers of grazing land and water by fencing his extensive property, Dorsey became a living symbol of exactly the kind of monopoly power McMains was fighting.

McMains's brother-in-law, William Fishback, who was also interested in some small ranches in Colfax County,

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71Taylor, O.P. McMains, pp. 104-08.

72Colfax County had elected McMains to the territorial legislature in 1882 on an anti-grant platform; see ibid., pp. 94-97. His opponent in that race was cattleman Joseph Dwyer, who would later run, with Dorsey's backing, for territorial delegate and for governor of New Mexico.
learned of Dorsey's appointment to the county jury commission shortly after it was made. Upon learning of the appointment, Fishback wrote to the General Land Office charging that Vincent had surrendered his court to Dorsey. The Cleveland administration was already committed to a policy of removing all fences from any portion of the public domain; Dorsey's reaction to this policy, expressed through the Colfax County Stockman, had been to remind the president that "once upon a time the Pope of Rome issued a bull against the comet, but the comet kept sailing along through space." Such flippancy had only strengthened Cleveland in his conviction that Dorsey was guilty of land fraud, and as one El Paso newspaper expressed it, "one can readily understand the feeling of disgust and indignation that actuated the President when he discovered that his own appointee . . . was hobnobbing with the very rascals" he had been sent to punish. Cleveland removed Vincent from the New Mexico bench, and he

73 Ibid., pp. 135-36.
74 Vincent to Garland, 3 November 1885, Department of Justice, Appointment Papers, RG 60, National Archives.
75 Undated clipping from Colfax County Stockman, enclosed in Ross to Cleveland, 16 August 1885, Cleveland Papers.
76 El Paso Lone Star reprinted in Las Vegas (New Mexico) Herald, 1 November 1885.
remained committed to that decision in spite of the pleas of Delegate Joseph, Governor Ross, and others that he had made a mistake. 77  Ironically, the man who recommended Vincent's removal to the president was his attorney general, Augustus H. Garland, who ten years earlier had been the Redeemer governor of Arkansas. 78

Dorsey was never tried for land fraud, but the government's campaign against what it considered his great land steal continued. In his annual report to the Department of the Interior, New Mexico Surveyor General George W. Julian charged that the owners of large land claims had "brooded over [New Mexico] like a pestilence for a quarter of a century . . . . They have confounded political distinctions and subordinated everything to their impelling greed for land." 79  The surveyor general claimed that "S.W. Dorsey, S.B. Elkins, and their confederates" had exerted so much power over Congress that, under his predecessors,

77 Vincent to Garland, 19 October 1885, Department of Justice, Appointment Papers, RG 60, National Archives.

78 Dorsey to Garland, 31 October 1885, ibid.; Washington Post, 20 October 1885.

there had been "criminally surrendered to monopolists not less than 5,000,000 acres which should have been reserved for the landless poor." Among these 5,000,000 acres Julian included Dorsey's property, which Julian claimed had been stolen from the public domain.

Not content with simply filing this report in Washington, Julian repeated his charges in the July, 1887, issue of the North American Review. Dorsey published his reply in October. After spending several pages in an attack on Julian, Dorsey devoted the remainder of his response to a discussion of land conditions in New Mexico, arguing that the government's policy for dealing with land in America's arid regions should not try to duplicate policy for the Mississippi Valley. In the words of one New Mexico historian, "Dorsey's views and observations . . . demonstrate clear, sound thinking when dealing with the future . . . and the uses to which, in his opinion, public domain and large tracts of privately owned land in New Mexico could be put." Dorsey

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80 Ibid., p. 665.
83 William Keleher, Maxwell Land Grant: A New Mexico Item (Santa Fe: The Rydal Press, 1942), p. 131.
also suggested a structure for a tribunal to adjudicate land titles in New Mexico; this structure was eventually incorporated into the Court of Private Land Claims, established by Congress in 1891.84

By the autumn of 1886, Dorsey had emerged as the chief spokesman for the cattle industry in northern New Mexico. He was a partner in several cattle corporations in Colfax County, a member of the Territorial Cattle Growers' Association, and a part of the cattle syndicate that owned the Santa Fe New Mexican, one of the most influential newspapers in the territory.85 He travelled to Europe "for his health" in the spring of 1886, and he returned to New Mexico in July with a large collection of French art treasures and the promise of European capital for a new mining enterprise.86

Having "fully recovered his health," Dorsey was once again ready to do battle in New Mexico's political arena.87

84 Ibid.; Dorsey, "Land Stealing in New Mexico," pp. 404-05.


86 Caperton, Rogue!, p. 29.

87 Colfax County Stockman, 24 July 1886.
The Colfax County Stockman declared that "there are several plums now ripening for those who would have the nerve and ability to pluck them," and the paper credited Dorsey with both. The plum to be plucked in this case was the office of territorial delegate to Congress, which Dorsey wanted for his friend, Joseph Dwyer, another Colfax County rancher and president of the Territorial Cattle Growers' Association. Dwyer was also, in 1886, chairman of the territorial Republican party.

Dwyer had come to New Mexico from Washington late in the 1870's, and it is likely that Dorsey knew him when they were in Washington. By the time of the territorial Republican convention in September, 1886, Dwyer was clearly the leading candidate for the nomination for territorial delegate, and he received the nomination without opposition. The convention also established a territorial executive committee to conduct the Republican campaign, and Dorsey was elected chairman of this committee.

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88 Ibid.
89 Ibid.; Santa Fe New Mexican, 7 September 1886.
91 Santa Fe New Mexican, 7 September 1886.
92 Ibid.
Perhaps owing to the Republicans' strategy of concentrating their assaults on incumbent Joseph, rather than attacking the entire Democratic party, the 1886 campaign quickly bogged down in mud. Dwyer received a scorching at the hands of the territorial Democratic press, which daily accused him of anti-Mexican race prejudice, moral turpitude, and the murder of a number of Taos County sheep herders. Dorsey responded to these attacks with an open letter to Democratic Chairman Charles Gildersleeve, which raised personal abuse to the level of an art form and which would have justified Gildersleeve in a suit for slander. Dorsey's letter concluded:

You tender your services as an attorney to prosecute the violators of the election laws. Your services are declined. If we need a prosecutor we will employ a lawyer. If a prosecution is instituted you will be in urgent need of one yourself. You tender us the active aid of the democratic party in bringing your clique of fraudulent voters to justice. When we want the aid of that party, as we may, we will try to secure it through some person who has its confidence and respect. You have neither.


94 (Albuquerque) Bernalillo County Democrat reprinted in Colfax County Stockman, 30 October 1886; Albuquerque Citizen reprinted in Colfax County Stockman, 16 October 1886.

95 Colfax County Stockman, 23 October 1886.
Vicious attacks on the Democrats did not help to overcome a serious problem within the Republican party. Although former candidate Prince campaigned for the Republican ticket, many Republicans resented Dorsey's part in the 1884 split, which had cost Prince that election. To repay Dorsey and Dwyer, many of these Republicans either stayed home or voted for Joseph in 1886, helping to turn a Republican majority of 2851 into a Democratic majority of 3888 and resulting in Dwyer's defeat. The Democratic attacks on Dwyer also took their toll, as he carried only two of the territory's eleven counties and lost overwhelmingly in the Mexican areas of the territory. Many Republicans, including Catron, believed that Dwyer had lost because of Dorsey's presence in the campaign, and one newspaper predicted that "now Dorsey has ungracefully retired to the oblivion of his ranch and cattle, and will probably never again bob up in the politics of New Mexico." 

96 Santa Fe Weekly Leader, 6 November 1886. Republican candidates had combined for 15,122 votes to Joseph's 12,271 in 1884; in 1886, Joseph defeated Dwyer by 3888 votes. See Twitchell, Leading Facts, 2:500 n 417.

97 Las Vegas Daily Optic, 7 March 1889.

98 Santa Fe Weekly Leader, 6 November 1886.
But Dorsey was not yet ready to retire. He still dreamed of returning to the United States Senate. Immediately after the election, he held an elaborate reception at his remodelled home on the Mountain Spring ranch, and as 1887 arrived, he formed a syndicate to purchase the Maxwell Land Grant from its Dutch owners. The Dutch, however, would not sell, and by the summer of 1887, Dorsey found himself forced again to defend his title to the land he already held.

The election of Benjamin Harrison to the presidency in 1888 was the occasion for much political maneuvering in New Mexico. It was assumed that all patronage positions now held by Democrats would be restored to the Republicans, and Catron held a closed meeting of leaders of the Santa Fe Ring to apportion New Mexico's offices among the faithful. By this time, however, the power of the ring was considerably weakened, and a number of Republicans rebelled at the idea that no one could hold office in New Mexico.

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101 William W. Griffin to Prince, 24 November 1888, Prince Papers.
unless approved by Catron. One of these rebels was Dwyer, who travelled to Harrison's home in Indianapolis soon after the election to stake his own claim on the New Mexico governorship. With Dorsey's vigorous assistance, Dwyer soon claimed the support of most of New Mexico's Republican press, as well as the endorsements of national political figures like William Windom and John Sherman.

The campaign soon took on the appearance of a Catron-Dorsey feud, although neither one of them was a candidate. Catron claimed that Dorsey and Dwyer were responsible for the weakened condition of the Republican party in New Mexico, and he told Elkins that Dwyer's appointment "would be ruinous to me . . . . It would be the same as having Dorsey as Dwyer is a tool in his hand only." But while Catron and Dorsey

102 R.E. Twitchell to Prince, 28 November 1888, Griffin to Prince, 14 December 1888, Miguel Salazar to Prince, 7 January 1889, William Breeden to Prince, 9 January 1889, 11 January 1889, Prince Papers.


104 Ibid., pp. 181-82; endorsements of candidacy of J.W. Dwyer, of Raton, for Governor of New Mexico, Appointment Papers, Territory of New Mexico, 1850-1907, RG 48, Records of the Department of the Interior, National Archives and Records Service, Washington, D.C.; C.H. Gildersleeve to Prince, 10 March 1889, Prince Papers.

105 Raton Independent, 8 December 1888.

were fighting to keep the patronage in New Mexico from each other, a third candidate, opposed to both of them, entered the race: former Chief Justice L. Bradford Prince.

Prince was a relative latecomer to the campaign, but he soon gained strong support among the many Republicans who saw him as the logical opponent of the Santa Fe Ring. With Prince in the race, Dorsey redoubled his campaign efforts, travelling to Washington to warn Interior Secretary John Noble of the disaster that would befall New Mexico if Prince were appointed governor. It appeared to some observers that Dorsey was now more interested in securing Prince's defeat than he was in Dwyer's victory. When Harrison finally appointed Prince in April, 1889, the other contenders and their champions rallied behind the new governor; only Dorsey refused to accept the president's decision.

Dorsey had possibly hoped for a share in New Mexico's patronage under a Dwyer administration; Dwyer's failure to receive the governorship marked the end of Dorsey's career.

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108 Ibid., p. 188.
109 Ibid., pp. 107-08; J.J. Fitzgerrell to Prince, 2 April 1889, M.W. Mills to Prince, 2 April 1889, W.L. Rynerson to Prince, 20 April 1889, Prince Papers.
in politics. Dorsey remained active in business affairs, but these activities fall beyond the scope of this study, which is concerned with Dorsey's political career. While many of Dorsey's business associates remained men of national prominence, his own influence in national affairs ended with his departure from the political arena.

Dorsey continued his pursuit of the speculative bubble after his departure from politics, forming the American Meat Company with Dwyer, Hadley, and Ingersoll, to compete with the large packing houses of Armour and Swift. This company, however, never operated, perhaps owing to pressure applied on the directors by Philip Armour, and Dorsey lost more money. A few years later, Dorsey left New Mexico under a storm of lawsuits, and his Colfax County property passed into the hands of a sanitorium company.

Dorsey spent the remainder of his life eluding creditors, at which he became particularly adept, and pursuing an endless variety of speculative schemes. His speculations

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110 Dorsey to Ingersoll, 11 July 1889, A.A. Jones Papers; Raton Range, 19 April 1889.
112 Caperton, Rogue!, pp. 37-41.
were never permanently successful, perhaps because he was too eager in realizing immediate profits, but he did enjoy great wealth for brief periods. 114 When Dorsey died in Los Angeles in 1916, he was apparently wealthy and enjoyed a measure of social prestige, but the man who had been "declared . . . to make and unmake Presidents" had never recovered the political position he had enjoyed before 1881. 115 He was never able to vindicate himself from the charges levelled against him in the Star Route Frauds, and the bust of Garfield which occupies so conspicuous a place at the Dorsey mansion remained a tangible reminder of what he had lost.


CHAPTER XIV

THE POLITICAL CAREER OF STEPHEN W. DORSEY

Historians wishing to present the Gilded Age as a period devoid of principle or substance, during which rapacious speculators, or "robber barons," plundered the public treasury with the eager co-operation of equally corrupt politicians, or "spoilsmen," have used the public career of Stephen Dorsey in support of this interpretation. 1 Dorsey emigrated from Ohio to Arkansas as a railroad builder and soon found himself subjected to all the abuse usually tendered to carpetbaggers, including, in Dorsey's case, the charge that he had stolen the money awarded to his railroad, purchased his seat in the United States Senate,

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and bankrupted the state of Arkansas. While he was in Washington, the charges that he was part of a corrupt "D.C. Ring" and that he sold his vote regularly were added to his Arkansas reputation, and his association with the Stalwart Republicans was interpreted as evidence that he, and they, had no morals. By 1880, it was easy to believe that Dorsey had purchased the voters of Indiana in wholesale lots to secure Garfield's election, and by the time the prosecuting attorneys made their opening charges in the star route trials, the only remaining question was not whether Dorsey was guilty, but whether he would be convicted. That he was not convicted has not convinced anyone that Dorsey was innocent, either of the Star Route Frauds or of any of the other offenses with which he was charged.²

With such a view of Dorsey, it is not difficult to paint a picture of carpetbaggers as opportunistic adventurers more interested in increasing their own fortunes than in enhancing the lives of their adopted states. This view of

Dorsey also supports an interpretation of Gilded Age politics as sordid and corrupt, engaged in by "spoilsme ns" concerned only with holding office for their own personal advancement and caring nothing about pressing national issues. This view of Dorsey also lends substance to an image of Gilded Age business as an aggregate of speculative enterprises built by shady promoters who sacrificed stockholders, customers, and ethical standards in an overwhelming hunger for immediate riches. Together, these spoilsmen and promoters set the tone for an age which ultimately proved its wickedness by allowing Dorsey to escape punishment for his crimes in the Star Route Frauds.

This image of Dorsey is, however, distorted. Because neither Dorsey nor many of his contemporaries in Gilded Age politics left papers, the picture that has survived of Dorsey has been that drawn by his enemies: Arkansas Democrats, Gilded Age reformers, star route prosecutors, and small New Mexico homesteaders. Each of these groups, for its own reasons, was interested in presenting Dorsey in the worst possible light. By applying the necessary corrective to the accepted picture of Dorsey's public life, it should be possible to bring much of the Gilded Age into sharper focus.
The view that has survived of Dorsey as a carpetbagger is that presented in the histories of postwar Arkansas written largely by Democrats who were trying to blot out the memory of Reconstruction. When he is mentioned specifically in these accounts, the statements usually come from the pages of the Conservative-Democratic *Daily Arkansas Gazette*; in most of these accounts, however, Dorsey is simply lumped together with the rest of that group labelled as Arkansas carpetbaggers and is made to share in the worst characteristics of this class, irrespective of the enmity between Dorsey and carpetbagger Governor Powell Clayton. Carpetbaggers were corrupt, rapacious plunderers; Stephen Dorsey was a carpetbagger; therefore, Stephen Dorsey was a corrupt, corrupt, corrupt.

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rapacious plunderer. Some of the facts of Dorsey's life in the South, however, suggest that the generally accepted interpretation of this label is inaccurate and that it has been inappropriately applied to Dorsey.

Dorsey originally settled in the South as postmaster of Demopolis, Alabama, in 1865. He invested in cotton and helped to establish two mercantile houses in Demopolis, and he was apparently a respected member of that community. Dorsey sold his Demopolis businesses and returned to Ohio in 1866, still on cordial terms with the citizens of Alabama. The traditional Democratic history of Reconstruction in Alabama has only kind words for those northern businessmen who went to Alabama after the Civil War and left before 1867—that is, before the beginning of Radical Reconstruction in that state. The term "carpetbagger," with all the opprobrium attached to it, is reserved for those northerners who remained in Alabama after 1867—and became involved in Republican politics. 4

Dorsey's career in Arkansas suggests a similar interpretation of the term "carpetbagger" and provides clues to

his extreme unpopularity in that state. When he arrived in Arkansas as the builder of the Arkansas Central railroad, the Conservatives in Arkansas welcomed him warmly and rushed to offer him money for construction of his road. Dorsey and the *Daily Arkansas Gazette* remained on amicable terms, with the *Gazette* praising Dorsey and the Central regularly, until he openly affiliated with the Arkansas Republican party. The *Gazette*'s reversal of attitude toward Dorsey at that point was almost magical. Before he acknowledged his Republican affiliation, for example, the *Gazette* endorsed his decision to make the Central a narrow-gauge road; after it learned that he was a Republican, the *Gazette* charged that Dorsey had tricked the legislature into allowing him to build the Central as a narrow-gauge road. The *Gazette* lauded Dorsey's judicious use of state aid funds before he announced his Republicanism; after this announcement, the paper accused him of having stolen this money.\(^5\)

These examples suggest that Dorsey's crime in Arkansas was not plunder, but Republican politics; likewise, historian Richard Current has hypothesized that Republicans in the

\(^5\) *Daily Arkansas Gazette*, 17 February 1871, 5 May 1871, 20 June 1871, 21 August 1871, 27 August 1871, 28 November 1871, 9 December 1871, 10 December 1871, 21 February 1872, 10 March 1872.
South were condemned, not because they were corrupt, but because their party was identified with the political aspirations of the Negro. To say that political malice has exaggerated the sins of the carpetbaggers, however, is not to suggest that Dorsey was a model representative of this group. While Dorsey did not steal the money awarded to the Arkansas Central Railway Company, neither did he build the road. He might have used some of the railroad’s money for his own personal expenses, spending what he calculated were the anticipated profits of the road before it was built, only to find himself badly overextended when the Panic of 1873 occurred. The railroad boom did not operate the way Dorsey expected: state aid bonds did not sell at par, and the money that was supposed to accumulate in Dorsey’s hands never materialized. Every effort to continue building the railroad placed him further in debt. Not only did the Central end in receivership, but Dorsey himself went bankrupt in 1875. The strongest evidence arguing for Dorsey’s financial irresponsibility in Arkansas

is that he made no effort to repay the debts incurred prior to his declaration of bankruptcy.\(^7\)

Dorsey entered Arkansas politics in 1871 as a necessary concomitant to his presidency of the Arkansas Central Railway Company; once in Washington, he soon discovered that having a public figure on one's letterhead was considered a good way of promoting one's business, and thus Dorsey found in politics a swift road to financial advancement. Entrepreneurs engaged in businesses involving railroads, land, or mining were eager to have a politician among their directors for the favorable influence he could bring to bear on such matters as subsidies and regulation, and Dorsey found it disarmingly simply to secure money and influential partners for a wide variety of speculative schemes.\(^8\) He also learned that political affiliation need not stand in the way of a profitable partnership: two of his business associates were James G. Blaine, the Stalwarts' implacable enemy, and

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\(^7\) Assur H. Moses et. al. vs. Stephen W. Dorsey, Case File No. 1437, Circuit Court of the United States for the District of Colorado, Record Group 21, Federal Records Center, Denver, Colorado, was a suit filed in 1884 for recovery of debts incurred for the Central in 1873; Dorsey refused to pay the debts on the grounds that they had been nullified by the bankruptcy judgment.

William Barnum, perennial chairman of the Democratic National Committee. 9

The ease of these acquisitions, coupled with the pervasiveness of the Horatio Alger rags-to-riches mythology, might have confirmed Dorsey in his cavalier attitude toward money and lulled him into a false perception of wealth. Scholars tend to present Gilded Age businessmen as ruthless speculators and promoters interested only in immediate personal riches, and Dorsey seems to have spent his life conforming to this stereotype, manipulating paper and taking short-cuts in everything he attempted. 10 But none of Dorsey's speculative enterprises survived and he was perpetually in debt, which might suggest that there is something wrong with the Gilded Age stereotype: if all entrepreneurs were of the Dorsey mold, they might have shared his fate, and


10 Josephson, The Robber Barons; Hofstadter, American Political Tradition, pp. 164-69. The character of Beriah Sellers in Mark Twain's The Gilded Age satirized and stereotyped the promoter, but Sellers himself was modelled on a real character. See Justin Kaplan, Mr. Clemens and Mark Twain (New York: Simon and Schuster, 1966), pp. 185-89.
those who were mere speculators usually did. But making money in the Gilded Age was never so easy as Dorsey thought it was supposed to be, and he consistently omitted the two elements which proved vital to the entrepreneurs who succeeded: diligence and hard work. If there is a lesson to be learned from Dorsey's business activities, it is that scholars are probably overestimating the ease with which fortunes were acquired in the Gilded Age and placing too much stress on the greed of the speculator to the exclusion of those qualities which enabled Gilded Age businesses to survive.

Dorsey personified the alliance of business and politics characteristic of his era. After apparent success in a couple of manufacturing enterprises in Ohio, he became infected with the popular mania for speculation, but although he quickly learned the trick of manipulating fortunes, he never acquired the skills necessary to win the speculative game; nor did he discover a cure for the mania. After 1873 it became impossible to tell where his business began and his politics ended. Dorsey used his railroad as a

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11 None of Sellers' dreams ever materialized, and Twain himself, while satirizing Sellers, could have been a model for the character. See Kaplan, Mr. Clemens and Mark Twain, p. 187.
steppingstone to the Senate, and then he used his senatorship to gain entry into further railroad enterprises, mining claims, and landholdings until his business and his politics became quite inseparable. His speculation in mail contracts was a financial venture which eventually resulted in his political ruin, and after having for years used his influence to secure money, he found himself, in New Mexico, using his money in an attempt to regain political power. He never regained this power, and it is barely possible that the reason none of his post-1890 speculative schemes succeeded is that he continued to see money as a road to political power and not as an end in itself.

Dorsey can more justly be accused of the political opportunism with which carpetbaggers are usually charged in traditional accounts of Reconstruction. While he may not have gone to Arkansas for the purpose of becoming a United States senator, he quickly made a place for himself in that state over the heads of people who, if not wiser or wealthier than Dorsey, had certainly been involved in Arkansas politics longer. And although he made an effort actually to represent Arkansas in the Senate, his concern

12Coulter, The South during Reconstruction, pp. 126-27.
for Arkansas did not survive his loss of political power in that state. The political opportunism ascribed to carpetbaggers might also be an exaggeration, but carpetbaggers did share interests in common with other carpetbaggers which they did not share with either Democrats or native Republicans in their adopted states. An analysis of Dorsey's voting record in the Senate shows that during his first four years in that body, there existed an identifiable bloc of carpetbaggers who voted together on almost all issues and who were opposed most consistently by the native southern members of their own party.

Dorsey's record in the Senate lends support to further generalizations concerning Gilded Age politics. First, as noted earlier, Dorsey exemplified the partnership of business and politics so vigorously complained of by reformers in the Gilded Age. This alliance was not necessarily corrupt, although it furnished the material for many of the scandals of the Grant era, most notably the Credit Mobilier scandal. But because the business-political alliance was assumed to be corrupt, a politician who acted in concert with big

business, and particularly with the railroad lobby, could expect to be accused of being in the pay of the corporations. This might be the basis of the charge that Dorsey sold his vote in the Senate, although Ari Hoogenboom has suggested that the claims of corruption were exaggerated by the reformers whose writing has formed the basis of modern impressions of Gilded Age politics. There is no evidence either in support or denial of the charge that Dorsey sold his vote, but it is hard to imagine how he could have sold a vote he only rarely cast. He spent most of his first four years in Congress occupied with matters having little to do with the Senate, and after 1877, most of his votes can be explained in terms of his own economic and political self-interest. If money were being passed around in Washington, Dorsey would have accepted it, but he probably did not cast any vote for money that he would not have cast the same way for reasons of self-interest.

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14 See Peskin, Garfield, pp. 267-68, for an example of the treatment accorded a congressman who acted in concert with the lobby.

Dorsey's political career also allows a closer examination of the workings of patronage politics in the Gilded Age. Like the alliance of politicians and businessmen, the patronage system was a popular target for reformers, who blamed the system for the indifference and corruption they found in Gilded Age politics. Dorsey aligned himself with the Grant wing of the Republican party, whose leaders are most often accused of existing for no purpose other than to appoint their friends to office so that they themselves could be re-elected. Patronage politics, however, like the influence of businessmen in politics, was not necessarily corrupt. Dorsey, at least, saw the appointment of loyal Republicans to postmasterships as simply the necessary mechanism through which the political system functioned. To Dorsey, anyone who did not believe that Republicans were entitled to appointive offices after their party won at the polls was not a Republican; in 1884, the Mugwumps proved him right. Dorsey could not understand

how a party could recruit workers and followers if it could not reward its faithful with offices, and if these officeholders were expected to return part of their salaries to the campaign coffers during election years, they should have been willing to make this sacrifice for their party. How else could it, and they, survive?

Patronage was also a useful weapon for keeping workers loyal to particular party leaders, a fact which provided the greatest potential for abuse of the system. While Dorsey was in the Senate, most of the patronage was dispensed through that body; the fight between Conkling and Hayes over the New York Customs House marked the beginning of the return of patronage appointments to White House control. But a variety of individual senators with patronage control in their own states contributed to the fragmentation of the national Republican party into a variety of local organizations, bound in loyalty not to a national leader or cause, but to these individual senators. The national party thus became an agglomeration of local organizations whose leaders were often not in harmony. The most notorious of these state party leaders, Roscoe Conkling of New York, used his patronage

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power ruthlessly to retain control of the Empire State's Republican party in defiance of most of that state's Republican voters, and Dorsey tried to use this power to retain control of the party in Arkansas four years after he left that state.

Patronage provided the oil for the Gilded Age political machine, and machine politics has always carried the connotation of corruption. The system itself was not necessarily corrupt, but patronage politicians certainly engaged in some corrupt practices. Dorsey carried Indiana for Garfield in 1880 by spending vast amounts of money in areas notorious for their "floating vote"—voters whose political affiliation was determined by the highest bidder. Violations of electoral propriety were apparently so flagrant in Indiana that one newspaper speculated that the Republicans gave Dorsey full credit for carrying Indiana because no one else would claim it. Although many Republican leaders, including Garfield and Arthur, knew of and condoned Dorsey's methods in Indiana, the party began to dissociate itself from Dorsey after Arthur's embarrassing slip at the Delmonico dinner.

Dorsey's career and reputation never recovered from the notoriety he received at the hands of the star route prosecutors

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20 Cincinnati Enquirer, 22 October 1880.
soon after this electoral triumph. Large segments of the population were convinced that Dorsey was guilty before the star route case ever went to trial, and the government's failure to prove its charges changed nothing. The government continued to insist after 1883 that it had actually proved the charges against Dorsey and had failed to obtain a conviction only because of the corruption and ignorance of the two juries. Writers dealing with the Star Route Frauds have assumed that everything the prosecution said about Dorsey was true, and they have accepted the government's explanation for the outcome of the trials. But someone reading the trial transcripts asking whether the government proved its case, instead of assuming that it did, is forced to conclude that it did not. It thus becomes appropriate to ask, why not? To this question, two answers are possible: either the government was careless in presenting its case,

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21 See, for example, New York Times, 5 May 1882, p. 1; Washington Post, 3 June 1881, 17 May 1882.


or Dorsey was innocent of the conspiracy with which he was charged. Neither answer is entirely satisfactory, although both contain an element of truth. The prosecution's case against Dorsey was extremely weak in comparison with the case it could have made, for example, by prosecuting Brady individually for bribery, and it was probably too much to expect even an intelligent jury to differentiate among nineteen different mail routes covered in three months of testimony without the benefit of notes. On the other hand, Dorsey was probably not guilty of the gross frauds of which he was accused, although he was certainly guilty of illegal speculation in mail contracts, misuse of public office, and bribery.

Because he was the only contractor criminally tried in connection with the Star Route Frauds, Dorsey has taken full historical blame for the frauds, although he was only one of many mail contractors--and politicians--engaged in the same business. He was convinced that he was singled out for prosecution by people envious of his power within the Republican party. The Springer committee, established by Congress to investigate the Justice Department after the second jury failed to convict Dorsey, however, concluded that Dorsey alone was tried because the other contractors
were somehow protected from prosecution. If the Springer report is correct, it leaves open a glaring question: why was Dorsey left vulnerable?

Dorsey had achieved prominence in the national Republican party by 1877, and by 1881 he was at the height of his political power; by 1882 he was in disgrace. His rise to power had been swift and steady; his fall was sudden and spectacular. Dorsey never understood what happened to him in 1881, or why it happened, but he saw his downfall as somehow related to the campaign of 1880. This campaign might have provided part of the explanation for Dorsey's destruction, but for the rest of the answer Dorsey might have looked more closely at the structure of Republican politics in the Gilded Age.

Dorsey was a party loyalist who could, and did, put personal and factional loyalties aside for the sake of party victory. Despite strong personal and political reservations, he worked hard for Hayes in 1876, and in 1880 he rose from the ashes of the "306" to help put Garfield in the White House over the obvious hostility of most of the Stalwart leaders. He never understood why he was subjected to the star route trials because he expected the party for which he had labored for more than ten years to reciprocate his loyalty. But
the Republican party of the Gilded Age was a peculiarly personal organism, in which the strength of the whole was not equal to the power of the individual parts. Dorsey had made enemies of rival political factions in the course of his rise to power, and by forsaking the leaders of his own faction in the interest of party loyalty, he completed his own political isolation. By the time the Star Route Frauds became public knowledge, many were willing to believe that Dorsey was guilty, and no one in power was willing to champion Dorsey's cause. Dorsey was a convenient scapegoat for the prosecutors, but he was never involved in the frauds as deeply or as nefariously as they tried, unsuccessfully, to make two juries believe.

After his acquittal, Dorsey tried to revive his political career in New Mexico, where he owned a large and apparently prosperous cattle ranch. But if Dorsey expected to rise in New Mexico politics as easily as he had risen in Arkansas, he reckoned without his host. He had gained a foothold in New Mexico through the influence of Thomas Catron and Stephen B. Elkins, but they were certainly not interested in grooming a political rival when they sold him the Uña de

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24 Rothman, Politics and Power, pp. 15-20, 26-35.
Gato land grant. It is most likely that they were simply looking for support in Washington for their own land claims: Catron abandoned Dorsey as soon as it became expedient for him to do so, and Elkins planned to sacrifice the senator as soon as he ceased to be useful. In New Mexico, Dorsey found himself in a position similar to the one he had occupied in Washington: his enemies were accusing him of land fraud, and those he counted as friends had no interest in defending him. Indeed, he found in Catron perhaps his bitterest political opponent.

In the final analysis, Dorsey was both a product and a casualty of the Gilded Age. The period of Dorsey's public life coincided almost exactly with the period of Stalwart predominance in the national Republican party. He began his involvement in national politics during Grant's first campaign for the presidency, and his spectacular demise at the hands of the star route investigators coincided with the disintegration of Stalwart power at the time of Garfield's assassination. The peculiarly personal nature of politics

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26 Catron to Wm. H. Alley, 24 October 1895, 11 November 1895, Thomas B. Catron Papers, University of New Mexico Library, Albuquerque, New Mexico.
in this period meant that Dorsey's road to power was paved with influential friends---Conkling, Logan, Garfield, Grant---but it also meant that an equally small number of individuals could dictate Dorsey's destruction simply by staying their hands. Dorsey and all the political figures with whom he was associated during his career faded from national life during the 1880's, and by the time William McKinley ushered in the next Republican majority in 1896, the face of the Republican party had changed. The organization to which the Gilded Age surrendered control eventually submerged personalities and became a national party interested in solving national problems. If Dorsey could somehow have regained his Senate seat in 1900, he would not have been at home.
APPENDIX

The methodology used in Chapter IV to explain Dorsey's Senate votes is not strictly a quantified analysis, although some of the techniques of quantitative history were used. The original data for analysis come from the compilation of roll call votes from the Senate Journal and the Congressional Record done by the Inter-University Consortium for Political Research (ICPR) at the University of Michigan. This compilation is available in a form suitable for use with the Osiris package of computer programs for statistical analysis developed by ICPR.

Only votes in which Dorsey participated, either by voting or by being paired, were used for this comparison. Since Dorsey's attendance in the Forty-third and Forty-fourth Congresses was minimal, this criterion produces an eccentric selection of votes for analysis.

Senators who did not vote on at least half of the roll calls on which Dorsey voted were eliminated from the sample. Then, Dorsey's votes were compared with the votes of every other Republican senator. The number of times each senator disagreed with Dorsey was then divided by the number of votes.
in which that senator and Dorsey both participated. The result is a simple index, by percentage, of disagreement with Dorsey.

This index of disagreement was used to determine Dorsey's position relative to individual Republican senators. To discover Dorsey's position relative to the Republican party in the Senate as a whole, an index of party regularity was constructed, using much the same method as that used to compute the index of disagreement with Dorsey. Again, only those votes in which Dorsey participated were used, and those senators were eliminated who did not vote on at least half of the party-line votes. For the purposes of this analysis, a party-line vote was defined as a vote in which over half of the Republicans opposed over half of the Democrats, with at least half of the members of each party voting on the issue.

At this point the votes of each Republican senator were compared to the party majority on each vote. The number of times each senator voted against the majority of his party was then divided by the number of party votes in which the senator participated, to yield a simple index of party regularity.
TABLE I

REPUBLICAN DISAGREEMENT WITH DORSEY,
FORTY-THIRD CONGRESS

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<tr>
<th>Per cent of Variance</th>
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TABLE II

REPUBLICAN VARIANCE FROM PARTY MAJORITY, FORTY-THIRD CONGRESS

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TABLE III

REPUBLICAN DISAGREEMENT WITH DORSEY,
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### TABLE V

REPUBLICAN DISAGREEMENT WITH DORSEY, FORTY-FIFTH CONGRESS

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### TABLE VI

**REPUBLICAN VARIANCE FROM PARTY MAJORITY,**
**FORTY-FIFTH CONGRESS**

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