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Once a Household Name: Salmon P. Chase

**Written by
Jill O'Neill**

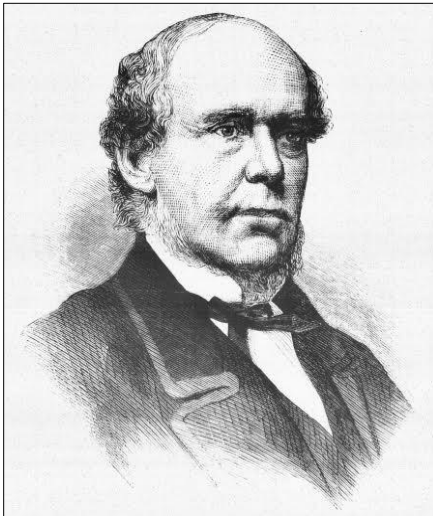


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Frequently in reading, one comes upon minor references to historical figures whose names the author assumes are familiar. Such was the case for me in one segment of my pandemic reading. The opening line of Chapter 11 of Margaret Leach's *Reveille in Washington, 1860-1865* read "On a morning in late September, the three handsomest people in Washington were gathered in a room in the Insane Asylum. Mr. Salmon P. Chase, the majestic figure of a statesman had come on an errand of mercy, nicely allied with his itching political ambition..." Casual mentions of Chase had appeared earlier in Leach's book, but I had no real idea who this majestic figure of a statesman was. History is full of such names. Over the course of the next twelve months, Accessible Archives plans to spotlight four such individuals, people whose names were



"Salmon P. Chase," *Frank Leslie's Weekly*, July 11, 1868

once well-known for their influence over great events, but which now prove to be less recognizable. In satisfying my curiosity about Salmon P. Chase, Accessible Archives proved to be invaluable as a source for the full text of many of his speeches. In his time, he held radical views as to the rights of black citizens. Reviewing those speeches now, however, they prove Chase was a thoughtful statesman who strove to establish a more equitable Union.

Although unfamiliar to many in the twenty-first century, Salmon P. Chase was very much a household name to those living in the United States during the nineteenth century. His career in public service included six years as the elected Senator from Ohio, five years as Governor of that state and a subsequent term as Senator again for three years before being named to President Lincoln's cabinet. For the duration of the Civil War, he served as the Secretary of the Treasury. His final role in the government

was an appointment to the United States Supreme Court, serving nine years as the Chief Justice (1864-1873). At his death, one eulogist noted, "...he was distinguished for great ability and great devotion to duty. Conspicuous among his many claims to popular and lasting regard were his early, continued, and effective labors for the universal freedom of man." [1]

Principled and politically astute, Chase repeatedly sought election to the Presidency but never successfully. Why? Those same "continued and effective labors" were viewed as being too radical.

Early Years

Born in New Hampshire in 1808, Chase spent his childhood there, but experienced an adolescence of struggle. His father, Ithamar Chase, passed away when he was twelve. Left with eight children, his mother -- Janet Ralston Chase -- felt it necessary to send Salmon to an uncle in Ohio, an Episcopal bishop, to ensure the boy's education. The uncle instilled in Salmon a severe sense of discipline, one that would fuel Chase's outlook for a lifetime. When his uncle moved from his bishopric to a new role as president of Cincinnati College, Chase attended there for a short while before family circumstances returned him to New Hampshire. There he completed his education, graduating from Dartmouth University in 1826. He was subsequently able to find employment as a schoolmaster in Washington DC. Two of his students introduced him to William Wirt, then Attorney General of the United States. With Wirt's aid and kindness, Chase was motivated to pursue additional education, enabling him to pass the bar in the District of Columbia in 1830. He then returned to Ohio to begin his practice.

Chase's Legal Career and the Matilda Case

Ohio, acquired as part of the Northwest Territory in 1783, became a state in 1803. Neither as part of the territory nor as a newly admitted state was the practice of slavery in Ohio permissible. However, there was federal legislation, the Fugitive Slave Law of 1793, that made it illegal to harbor blacks who had escaped from states where slavery was permitted. Adding to that, during the first few years of statehood, Ohio passed its own legislation in 1807 which subsequently became known as the "Black Laws". Many of the Ohio settlers had moved there from Southern regions and the new laws were intended to discourage free African-Americans from moving into the region and competing with white settlers for land and business. A particularly onerous aspect of these

laws was the requirement that black settlers be able to provide two (white) witnesses to confirm that these were free blacks (rather than escaped slaves) and to guarantee a payment to the state of \$500 as a surety of good behavior. Additional restrictions applied to gun ownership and inter-racial marriage. The Black Laws of 1807 were not enforced with any consistency, but the threat of those laws was frequently used to drive blacks into the more consolidated, urban environment of Cincinnati. At the time that Chase returned to Ohio, racial tensions had been running high with rioting and destruction of property. Blacks were being driven from the state, many choosing to migrate northward. As noted in an 1829 issue of the publication, *Freedom's Journal*, the offer of assistance to support recolonization back to Africa was not uncommon. "A clergyman in Virginia offers to liberate seventeen and deliver them at Norfolk or Richmond. In giving them up, he becomes poor. Another gentleman in Virginia has made up his mind to liberate a colored woman and her six children, and to purchase and liberate her husband, and provide them with the means of paying their passage to Liberia." [2] Such attitudes drew activist abolitionists to the state.

One such abolitionist was James Birney, editor of *The Philanthropist* newspaper. Birney had a housemaid, Matilda. She was seized as a fugitive slave by an agent of her biological father, Larkin Lawrence. Lawrence had upon occasion brought Matilda across state lines from Missouri into Ohio, even allowing her to pass as a white member of his family. At some point, Matilda asked Lawrence to recognize and free her. Lawrence refused. Martha escaped and fled back to Ohio. Birney asked Salmon Chase to serve as Matilda's legal representation in the Court of Common Pleas.

Chase did so, formulating the legal theory of constitutional abolition. His key argument was to question the constitutional validity of the 1793 legislation regarding fugitive slaves. The question posed to the court was "Were humans to be considered as property in the same sense as land, houses, wagons, etc.?" Chase's position was that, since the governing documents of the Northwest Territory as well as Ohio's own constitution had legally codified the assumption that freedom was a right of all, then the moment that the slave Matilda entered Ohio, she automatically became a free woman. The sheriff therefore had no right to take her into custody nor to turn her over to an agent claiming her to be the property of another, because by doing so, he deprived her of her right as a free citizen to the legal recourse of a trial.

Chase's argument concluded

"Because this act of Congress, exposing as it does, every member of the community to arrest, confinement, and forcible transportation, without process of law, by every other man who may claim him as a fugitive from service, is repugnant to the first principles of civil liberty, and subversive of the civil society. I have now done with this case. I have presented, feebly perhaps and unsuccessfully but honestly and fearlessly, the great principles, legal and constitutional, which, in my judgement ought to govern it. I have not asked -- I do not now ask, on behalf of my humble client, deliverance from imprisonment because that imprisonment is against natural right, but because it is against the constitution and against the law. I claim, however, in her behalf, that it be borne in mind that there is such a thing as natural right, derived, not from any civil constitution or civil code, but from the constitution of human nature and the code of heaven...This court, I am sure, need not to be reminded of the original, paramount truth, written upon the hearts of all men by the finger of God, the same in all ages and in all climes, and destined to no change, proclaimed by our fathers in the declaration of Independence, to be self-evident, and reiterated in our state constitution as its fundamental axiom, that all men are born equally free. And if the petitioner at the bar cannot expect here the full benefit of this fundamental truth - if her right to freedom must here be vindicated upon narrower grounds, let her have, at least, this advantage from it. Let her be regarded as free, until it be shown, by the fullest and clearest evidence, that her case falls within some exception to the universal law of human liberty." [3]

Some twenty years later, Frederick Douglass' *The National Era* carried the commentary from The Boston Telegraph highlighting the impact of the Matilda case on Chase's career as well as his subsequent defense of James Birney on the charge of having harbored a fugitive slave. "The argument was considered very able; but such was then the state of public opinion in Cincinnati upon the subject involved, that Mr. Chase was thought to have ruined his bright prospects at the bar, by having so displayed his professional duty- forebodings which were most signally falsified. About this period, the well-remembered anti-Abolition riots took place in Cincinnati, involving the repeated destruction, by a mob, of the office of an Anti-Slavery paper &c. Mr. Chase publicly took ground against those outrages, as incompatible with freedom of the press, exposing himself with

remarkable fearlessness to serious personal injury, which he narrowly escaped on more than one occasion.” [4]

“Maintain Plighted Faith” – Public Service as Senator and Governor

His positions against the Fugitive Slave laws of the period made it natural that Chase would become active in the leadership of the abolitionist Liberty Party, a splinter group of the Whig party with a primary focus on the abolition of slavery entirely. In an early convening of the party, the political stance was adopted that members would specifically commit to blocking all enforcement of existing Fugitive Slave laws. The Liberty Party was never particularly influential and soon gave way to the “Free Soil” coalition which helped to sweep third-party candidate Martin van Buren into office in the 1848 presidential election. At the same time, Salmon Chase was elected to the U.S. Senate to represent the state of Ohio. He would remain there until 1855.

Chase’s eight-year presence in the Senate was fortuitous. In the wake of the treaty ending the Mexican-American War, new Western territories came under the control of the United States with tension over their acceptance of the practice of slavery. The Compromise of 1850 was the bipartisan scheme of Henry Clay, a Whig of Kentucky, and Stephen Douglas, Democratic Senator of Illinois to maintain a balance in Congressional representation of “free” or “slave” states. The legislation

supported the admission of California as a free state while allowing the newly acquired territories of Utah and New Mexico to ultimately determine for themselves whether or not slavery was permissible. More distressingly to

Chase’s colleagues in the newly-formed Republican Party, the Compromise of 1850 further strengthened the Fugitive Slave Act of 1850. The federal legislation required return of slaves to those who claimed them as property, whether or not the individual was found living in a “free” state, thus superseding control at the state level.



“Salmon P. Chase as Senator,”
Taylor, William A., Ohio in
Congress from 1803 to 1901, with
notes and sketches of senators
and representatives. D. 69.

To facilitate the building of a transcontinental railroad, Senator Douglas wanted to organize into formal territories a region encompassing what is now Kansas, Nebraska, Montana, and the Dakotas. The issue for the nation was that his proposal affected lands above the latitude of 36°30', the demarcation line established by the Missouri Compromise of 1820. To do so would again create an imbalance in Congress and representatives of southern states would object. Douglas, determined to capture the benefits of the railroad for his Northern constituency, offered as a solution the introduction of "popular sovereignty"; if sufficiently supported by popular vote, the practice slavery could be legalized in those territories. Senator Chase was outraged by the reversal in policy such legislation represented and rose in denunciation of the bill in the Senate in February 1854 in what came to be known as his "Maintain Plighted Faith" address.

Is that the teachings of enlightened, liberal progressive democracy? No sir; no! - There can be no real democracy which does not fully maintain the rights of man, as man. Living, practical, earnest democracy imperatively requires us, while carefully abstaining from unconstitutional interference with the internal regulations of any State upon the subject of slavery, or any other subject, to insist upon the practical application of its great principles in all the legislation of Congress.

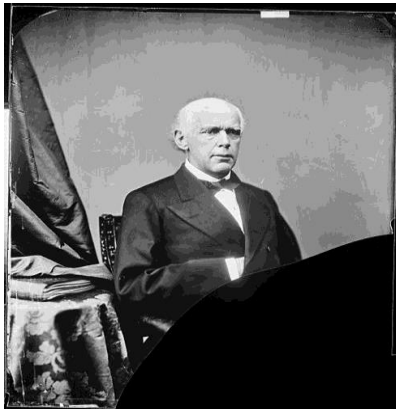
I repeat Sir, that those who maintain these principles, will stand shoulder to shoulder with the men who, differing for us upon the other questions, will yet unite with us in opposition to the violation of plighted faith contemplated by this bill. There are men, and not a few, who are willing to adhere to the Compromise of 1850. If the Missouri prohibition, which that Compromise incorporates and preserves among its own provisions, shall be repealed, abrogated, broken up, thousands will say Away with all Compromises; they are not worth the paper on which they are printed; we will return to the old principles of the Constitution. We will assert the ancient doctrine, that no person shall be deprived of life, liberty, or property, by the legislation of Congress, without due process of law. Carrying out that principles into its practical applications, we will not cease our efforts until Slavery shall cease to exist wherever it can be reached by the Constitutional action of the Government.

Sir, I have faith in progress. I have faith in democracy. The planting and growth of this nation, upon this Western continent was not an accident. The establishment of the American Government, upon the sublime principles of the

Declaration of Independence, and the organization of the Union of these States under our existing Constitution, was the work of the great men, inspired by great ideas, guided by Divine Providence. These men, the fathers of the republic, have bequeathed to us the great duty of so administering the Government which they organized, as to protect the rights, to guard the interests and promote the well-being of all persons within its jurisdiction, and thus present to the nations of the earth a noble example of wise and just self-Government. Sir, I have faith enough to believe that we shall yet fulfil this high duty.” [5]

Wielding Influence at the Highest Levels

Chase served a brief term as Governor of Ohio (1856-1860) during which he continued to express robust views against slavery. *The Vincennes Weekly Western Sun* took exception to such views in 1857, specifically quoting Chase as making the following statement, “I embrace, with pleasure, this opportunity of declaring my disapprobation of that clause in the Constitution which denies to a portion of the colored people the right of suffrage.— True democracy makes no inquiry about, the color of the skin or the place of nativity, or any other similar circumstance of condition. In communities of men, it recognizes no distinctions founded on mere arbitrary will...I am aware that this exclusion is affected by a constitutional provision and purpose no action against the Constitution. But, whenever a convention shall be called to revise that instrument, I trust that this anti-suffrage restriction may be exposed. It is, in fact, already as ridiculous and impracticable as it is wrong in theory.” [6]



“Honorable Salmon P. Chase, Chief Justice, U.S. Supreme Court,” Photo by Matthew Brady.

Despite opposition, Chase was returned to the U.S. Senate in 1860. Almost immediately, Chase was recruited by Abraham Lincoln to serve in his cabinet as the Secretary of the Treasury. One of his first tasks in that role was to determine how best to finance the Union's expenses during the Civil War.

Frank Leslie's Weekly in July of 1861 reported on Chase's tax proposals for raising 217 million dollars required by the War Department and the Navy: “To raise this sum the Secretary proposes to Congress that a duty of two and a half cents per pound be laid on brown sugar; of three cents per pound on clayed sugar; of four cents per pound on loaf and other refined sugars; of two and a half cents per pound on the syrup of sugar cane; of six cents per pound on candy; of six

cents per gallon on molasses, and of four cents per gallon on sour molasses; and it is also proposed that a duty of five cents per pound be imposed on coffee; fifteen cents per pound on black tea, and twenty cents per pound on green tea...He gives it as his opinion that the needed sum may also be obtained from moderate charges on stills and distilled liquors, ale, beer, tobacco, bank notes, spring carriages, silverware and jewelry, and legacies. And he suggests that "the property of those engaged in insurrection or in giving aid and comfort to the insurgents, may properly be made to contribute to the expenditures made necessary by their criminal misconduct." [7]

Chase's taxation measures were successful in financing the war, but no more popular than his insistence upon suffrage rights for blacks. Ultimately in 1864, he resigned from his cabinet position. *The New York Herald* reported at length on his departure:

"It is alleged as an additional reason that last evening the Secretary submitted to the Finance Committee of the Senate and the Ways and Means Committee of the House a bill levying additional taxes upon certain articles of luxury, such as whiskey, tobacco, petroleum, &c., accompanied by a statement that it was absolutely necessary to provide for eighty-five millions more revenue from this source to enable the government to go on with safety, and that the coldness with which his proposition was received by both committees had strengthened his determination to abandon the office, the administration of the duties of which was rendered difficult almost to impossibility by the follies of the administration on the one hand and the unwillingness of Congress on the other to provide the necessary means to sustain the public credit." [8]

Republicans feared Chase might seek the presidency, following Lincoln's second term and his views again were deemed too radical. Three months later, the death of Supreme Court Chief Justice Robert Taney presented the means of foiling any such possibility. In December of 1864, the Senate confirmed Salmon P. Chase as the new Chief Justice, the sixth since the formation of the Court.

Following the assassination of Lincoln, his Vice President Andrew Johnson was sworn in as President by Chase. In 1867, Chase presided over the Senate impeachment trial of Johnson, thereby establishing logistical precedents that other impeachments in the 20th century would follow.

Notes

1. "Tansey and Chase," *The Christian Recorder*, October 30, 1873, African American Newspapers Collection, Accessible Archives
2. "Emancipation and Colonization," *Freedom's Journal*, January 2, 1829. African American Newspaper Collection, Accessible Archives
3. "Speech of Solomon P. Chase, August 5, 1837," *The Colored American*, African American Newspapers Collection, Accessible Archives
4. Initially published in *The Boston Telegraph*, subsequently published in *The National Era*, May 22, 1856, African American Newspapers, Accessible Archives
5. "Maintain Plighted Faith, Speech of Hon. S.P. Chase of Ohio in the Senate," *The National Era*, Feb 16, 1854, Anatomy of Protest in America Collection, Accessible Archives
6. "Gov. Chase's Position, October 3, 1857," *The Vincennes Weekly Western Sun*, Civil War Collection, Accessible Archives
7. "The Treasury Report. Secretary Chase's, July 13, 1861," *Frank Leslie's Weekly*, Frank Leslie's Weekly Collection, Accessible Archives
8. "Important from Washington. Resignation of Secretary Chase, July 1, 1864," *The New York Herald*, Civil War Collection, Accessible Archives

Accessible Archives Collections Used in Preparing this White Paper

Accessible Archives provides diverse primary source materials reflecting broad views across American history and culture have been assembled into comprehensive databases. The following collections were utilized in composing this white paper.

African American Newspapers:

This collection of African American newspapers contains a wealth of information about cultural life and history during the 19th and early 20th century and is rich with first-hand reports of the major events and issues of the day. The collection also provides a great number of early biographies, vital statistics, essays and editorials, poetry and prose, and advertisements all of which embody the African-American experience. These newspapers are included:

The Christian Recorder, Weekly Advocate/The Colored American, Frederick Douglass' Paper, Freedom's Journal, The National Era, The North Star, Provincial Freeman, The Freedmen's Record, and The Negro Business League Herald.

The Civil War Collection, 1855-1869:

Coverage begins with the events preceding the outbreak of war at Fort Sumter, continues through the surrender at Appomattox and concludes with the assassination and funeral of Abraham Lincoln. The newspaper and e-book content in this collection is subdivided into these parts: **A Newspaper Perspective, The Soldiers' Perspective, The Generals' Perspective, A Midwestern Perspective, Iowa's Perspective, Northeast Regimental Histories, and Abraham Lincoln Library Abolitionist Books.**

Frank Leslie's Weekly, 1855-1922:

Full run of issues and includes articles on: slavery and abolition; politics, elections, and political parties; the Civil War; industrialization and technology development; business, commerce, and commodities; society and culture; women's rights and suffrage; African American society and economics; immigration; the world in conflict; labor and radicalism; religion; and featured columns on music, the stage, fashion, fine arts, sports, and literature.

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