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Suppression of the Chicago Times: June 1863

Norma Ann Paul

Loyola University Chicago

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SUPPRESSION OF THE CHICAGO TIMES
JUNE
1863

by

NORMA ANN PAUL

A THESIS SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS
IN
LOYOLA UNIVERSITY
1932
To

My Mother

I dedicate this thesis

and

humbly and gratefully do I

acknowledge my indebtedness to

Dr. Sam'l. Knox Wilson, S.J.

and

Mr. John Boughan

of the

Associated Press

who, by their kindly counsel, criticism,

and encouragement, have made the

manuscript possible.
VITA

NORMA ANN PAUL

Resident of Chicago, Illinois, and educated in the public schools of the city. Received a Bachelor of Science degree from Northwestern University in 1925.

Instructor in General Science at Sabin Junior High School from 1926 to 1929. In the fall of 1929 became a member of Crane Senior High School faculty. At Crane is teaching Social Science and Mathematics.
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BIBLIOGRAPHY

A - PRIMARY

I - UNPRINTED SOURCE MATERIAL

1 - Autograph Letters - Miscellaneous collection - Vol. 66 - 1886. (This volume can be found only at the Chicago Historical Society.)

The volume was compiled by Albert D. Hagger, Librarian of the Chicago Historical Society, in 1886. Hagger used every lead within his means to collect valuable information from the men and women who played important parts in early Chicago history. Some of the correspondence sent to him from people who had left Chicago and moved to different parts of the States, dates back to 1802. There are numerous newspaper clippings, programs, pictures of early settlers and their homes, and letters from the private correspondence of some of our early citizens that are our only source of historical data.

The volume contains a letter written by Henry M. Hugunin dated November 22, 1886, which is an answer to Hagger's inquiry about the early history of the Chicago Times. Hugunin's letter throws considerable light on the character of Wilbur Storey. Hugunin says: "At three o'clock in the morning after the last item had been put into type, I frequently left him supervising the 'make-up' of the final papers".

.....

2 - Hon. John Wentworth - scrap-book Vol. XIII - 1886. (This volume can be found only at the Chicago Historical Society.)

A volume containing newspaper clippings, pictures, programs, souvenirs, invitations, etc., that relate not only to the life of Wentworth, but many other prominent Chicago citizens. It was compiled in 1904. It is of value for information on Wentworth's early life in Chicago and also for the early history of Chicago newspapers. Went-
worth died October 16, 1888 and during that week the Inter Ocean, Tribune, Chicago Times, Herald, etc., gave a great deal of space to his biography. These articles can all be found in this volume.

In this volume, an interesting sidelight on Wentworth is depicted, in a letter written by Charles Harpel. Harpel says: "I saw the Prince of Wales when he was here. I saw him introduced to the crowd by John Wentworth, then Mayor of Chicago, from a balcony of the Richmond House. Mr. Wentworth's introduction of him was coarse; it went something like this: 'Boys, this is the Prince of Wales. He has come here to see the city, and I am going to show him around. Prince, these are the boys'."

3 - Papers from the files of the Isaac N. Arnold Estate

Not for public use as yet. The photostatic copies of the original telegrams pertinent to the Chicago Times' suppression can be had, however, the originals being in the collection of papers held in trust by the Chicago Historical Society.

4 - Storey, Wilbur F.

General Burnside's Order No. 84 Suppressing the Chicago Times and Its History - (Can be found at Chicago Historical Society and the Rare Collection Room, Congressional Library, Washington, D.C.)

This is a 7" x 5" pamphlet presented to the Chicago Historical Society by Marie E. Carr in July, 1886.

The front page of the pamphlet reads: "The following was published by W. F. Storey after the excitement had subsided". It was evidently published in 1864. The pamphlet contains a short summary of the facts during the interval of suppression, the Republican stand on the question of arbitrary arrests, etc., Arnold's speeches against the suppression, Arnold's letter repudiating his willingness to have the Times order revoked, Burnside's justification of his order (taken from a speech he made in Chicago in 1864),
Arnold's three positions and how he justified them (extracts from newspaper clippings), and hatred of the Tribune for Times, etc.

It is the only evidence that is first-hand from Storey's supervision, on the suppression. The pamphlet ends with the statement: "The foregoing pages are commended to the careful, earnest consideration of every loyal man in this Congressional District". The pamphlet must have been written to show Arnold's changing position on this subject during his campaign for reelection to Congress in 1864.

......

5 - Sketch of W. F. Storey
by George B. Catlin - 1925
(To be found only at the Chicago Historical Society)

This is a brief biography of Storey still in the manuscript form. To quote from it, permission must be obtained from the author, George Catlin, who is the Librarian of the Detroit News. Catlin's account of Storey's life in Detroit is of considerable value because it was related to Catlin by Storey's neighbors and acquaintances.

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II - PRINTED SOURCE MATERIAL

6 - Abraham Lincoln as Attorney for the Illinois Central Railroad Company

Compliments of Illinois Central Railroad to Newberry Library - (The Illinois Central compiled this document as proof of Lincoln's affiliation with their company before the Civil War and also as an explanation of how Lincoln came to file this suit against them.)

......

7 - Abraham Lincoln and the Traditions of Civil Liberty
In Illinois State Historical Society Transactions
Vol. 19 - October, 1926 to January, 1927
At Chicago Historical Society

......
8 - Abraham Lincoln, Complete Works (i.e., speeches, letters, state papers and miscellaneous writings)
Edited by John T. Nicolay and John Hay
The Century Co. - 1902 - New York

9 - Blanchard's Guide
Map of Chicago - year 1862
Published by Rufus Blanchard, 52 La Salle Street
(No. 44 found at Chicago Historical Library)

10 - Chicago American
Published every Saturday morning by Thomas O.
Davis, first copy Monday, May 8, 1835 and all
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First copy, Vol. 1, No. 1, Tuesday, November 26, 1833 to August 3, 1836
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(Stacks in Chicago Public Library and Newberry
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15 - Cincinnati Enquirer - June 2, 1863
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16 - Daily Chicago American
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(Found in stacks at Chicago Historical Society)

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Proprietors - Cook, Cameron, and Sheahan
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July 14, 1914, and is quite badly charred by
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avenue directory for year of 1863

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(At Chicago Historical Society)

22 - Military Dictionary - by Colonel H. L. Scott
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(Newberry Library)
23 - Military and Naval Situation and the Glorious Achievements of Our Soldiers and Sailors  
Washington - 1864  

24 - New York Times - June, 1863  
(At Newberry Library, Chicago)  

25 - Rhode Island Soldiers and Sailors Historical Society Personal Narratives - Nos. 11-20,  
1881-1883  
(Series 17 contains a sketch of General Burnside by Augustus Woodbury.)  
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Providence, Rhode Island - 1882  

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by Mabel McIlvaine  
Published by R. R. Donnelley & Sons Co. - 1914  

27 - The Burnside Expedition  
by Ambrose E. Burnside  
Published by N. Bangs Williams & Co.  
Providence, Rhode Island - 1882  

28 - War of the Rebellion  
Official Records of the Union and Confederate Armies  
Washington Printing Office - 1901  
All state correspondence during the Civil War between President Lincoln and his Generals,  
his political friends and enemies, his orders, etc.  
(Very valuable for primary source material)  

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Edited by James Grant Wilson and John Fiske - 1888  
Published by Appleton & Co., 1, 3 & 5 Bond St., N.Y.
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CHAPTER I ........................................

Lincoln as Commander-in-Chief of the Army and Navy and his powers as such - Lincoln's actions in the Vallandigham trial - Vallandigham's life - his offense (political speech) - arrest - trial - verdict - sentence - Lincoln commutes sentence and upholds General Burnside in arbitrary arrests - Chicago Times takes up the cudgels for Vallandigham

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WILBUR F. STOREY
INTRODUCTION

When Abraham Lincoln became President of the United States the country was facing a crisis in which the very existence of the government was at stake. President Lincoln had to meet problems such as not only try men's souls, but such as also strain to the utmost the safeguards of civil liberty. 1

It was at the height of this crisis that, by a sweeping military action, the Chicago Times was suppressed. It was suppressed under circumstances which were not only critical, but dramatic. The suppression was decidedly contrary to civil procedure and indicative of arbitrary highhandedness that, if not checked, might have resulted in great discord both in the military and civilian ranks of the North during this high tension period of Civil War history.

The men who took a prominent part for or against the suppression of this Chicago newspaper were among the national leaders of that day. Wilbur Fiske Storey, a conspicuous Democrat, was the editor and owner of the suppressed newspaper. He was a man endowed by nature with a profound sense of justice. His actions proved him to be fearless, his opinions were independent and he never hesitated in expressing them. Furthermore, he was

1 - Abraham Lincoln and the Tradition of Civil Liberty - p. 106

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a consistent devotee of facts. It was his dogged determina-
tion to print the 'facts' that led to the temporary suppres­sion of his newspaper by the apparently well-meaning but
over-zealous General Ambrose E. Burnside, military commander
of the Department of the Ohio, which embraced in its confines
the State of Illinois. The specific offense of Editor
Storey, of the Chicago Times, that resulted in the arbitrary
act on General Burnside's part, was the publishing of minute
details of the famous Vallandigham case, details which were
so presented as to put General Burnside and Lincoln himself
in an unfavorable light.

Vallandigham, a civilian, arrested by soldiers, was
refused the Constitutional privilege of writ of habeas
corpus, and was tried by a military commission for publicly
"giving aid and comfort to the enemy" in a Mayday political
oration. His speech also contained censorious statements
on the war policies carried out by the government, statements
which were considered by some officials to be a "highly
treasonable bit of crime".

President Lincoln regretted very much that this
Vallandigham affair had taken place, and apparently
appreciated that Vallandigham was a Democrat of the state-
right's type, expressing a doubt as to the good faith of
the Republican Party in power. ¹ On the other hand, Congress

¹ - See appendage ¹ - p. 129
had on March 3, 1863, just previous to Vallandigham's arrest, passed a law authorizing the President to suspend the writ of habeas corpus in the United States when, during the existence of the rebellion, the public safety required it. Evidently President Lincoln thought Vallandigham's case required drastic measures, for he not only suspended the writ of habeas corpus, but changed Vallandigham's sentence to "banishment within the enemy's lines". Lincoln did this, no doubt, as an example to all Northerners, particularly Democrats, who were not yet fully convinced of the right of the government to bring erring sister states back into the fold by force of arms.

Regardless of storms of protests that arose from Republicans and Democrats alike, Lincoln refused to reconsider or lighten the punishment. Vallandigham evidently had no friends near enough to the President's ear to plead his cause.

The course of events, however, was different indeed when on the heels of the Vallandigham banishment, General Burnside resorted to another spectacular procedure, and suppressed the Chicago Times. The matter of suppressing a newspaper was likely to prove far more troublesome and have more unpleasant consequences than banishing a private citizen. Furthermore, President Lincoln, by this time, had his ears better 'tuned in' on public sentiment and was
not so willing to back General Burnside's order of suppression.

Then, too, in the Chicago Times case, the storm of protest broke at once, not after the case had been tried and a verdict rendered. Within twenty-four hours after General Burnside suppressed the paper, President Lincoln received a telegram signed by some of the foremost citizens of Chicago asking that Burnside's order be revoked. To the telegram was appended a request to Lincoln for his "serious and prompt consideration". This request was signed by Republican Senator Trumbull and Republican Representative Arnold.

President Lincoln immediately revoked Burnside's order and later said that the reason for so doing was the two names, Trumbull and Arnold, attached to the request for "serious and prompt consideration". Lincoln further stated that when he received a second telegram from Representative Arnold repudiating responsibility for anything but the request for "serious and prompt consideration" a telegram was sent at once from the White House to Burnside not to revoke the order suppressing the Chicago Times, but Burnside wired back immediately that Lincoln's dispatch was too late, by half an hour.

Why did Senator Trumbull and Representative Arnold, both Republicans, sign a request asking "serious and prompt consideration" be given a petition that a Democratic paper be restored to circulation after having been summarily
suppressed by a Union Major-General? Apparently Trumbull and Arnold felt themselves compelled to do so by the pressure brought to bear on them by the leading constituents of their party, including prominent men such as Judge Drummond, Judge Davis, Wirt Dexter, etc. These Republican leaders doubtless saw that it would be disastrous not only to their party, but to the Union cause and to the future life of the country if highhanded acts of the military were to be tolerated. Thousands of voices arose in protest to give encouragement to these leaders in Chicago but, of course, the greatest clamor came naturally from the Democratic Party.

President Lincoln could not easily turn away from this 'cry of protest' from not only a great metropolis, but the entire North. Furthermore, he could hardly ignore the familiar maxim, "It is not what you ask for in politics, but who does the asking, that produces results".

Vallandigham had no one to plead his cause before the President. The Chicago Times received his "serious and prompt consideration" because the request came through effective channels. Moreover, Judge Drummond and Wirt Dexter urged forcibly during the court hearing of the case that if the Constitution of the country were not lived up to, the whole fabric of the government would soon become moth-eaten.
The men who had the important roles in the struggle of contending forces during those fateful days in Chicago endeavored each in his own way, according to his own lights, to fulfill his respective duties. How these duties were performed and the results that ensued were for the people of Chicago and of the entire North, a real 'thriller'. With the passage of years this stirring incident in Chicago history has been almost forgotten locally, but nevertheless it was the 'test' case since the signing of the Constitution and has set the precedent in the United States for freedom of the press. So impressive and so lasting was the lesson that it has not again been repeated even during the trying days of the World War.

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Locations cited in connection with the story of the Chicago Times Suppression - 1863

CHAPTER I

Lincoln as Commander-in-Chief of the Army and Navy and his powers as such - Lincoln's actions in the Vallandigham trial - Vallandigham's life - his offense (political speech) - arrest - trial - verdict - sentence - Lincoln commutes sentence and upholds General Burnside in arbitrary arrests - Chicago Times takes up the cudgels for Vallandigham

President Lincoln is quoted as saying, soon after he took office:

Every department of the government was paralyzed by treason... Even in the portions of the country which were most loyal, political combinations and secret societies were formed furthering the work of disunion, while, from motives of disloyalty or cupidty, or from excited passions or perverted sympathies, individuals were found furnishing men, money and war materials, as well as food and clothing supplies, to the insurgents' military and naval forces. At the same time ships, fortifications, navy-yards, arsenals, military posts, and garrisons, one after the other, were betrayed or abandoned to the insurgents. 1

In this unprecedented emergency, the President ordered the arrest of many persons who were represented to him as being, or about to be, engaged in disloyal and treasonable practices. Arrests were made by military as well as civil agencies, and the prisoners were detained in military custody when it was deemed necessary to prevent such offenses.

Lincoln upheld his right to make military arrests "in localities where rebellion or insurrection did not actually

......

exist". Furthermore, he claimed his actions were Constitutional, that under Article II, Section 2, of the supreme law of the land, the President is Commander-in-Chief of the Army and Navy and that under this title he had the lawful authority over the lives and liberties of all citizens. He claimed he had the same powers that a military commander exercises in a hostile country occupied by his troops, and that his authority extended throughout the entire country, and evidently he considered it all under martial law. Of course, his interpretation of this article of the Constitution would now be held by everyone as absolutely wrong.

There is this to say in justifying his actions, that during such a crisis as confronted President Lincoln he naturally had to consider what was right and necessary for the success of the Union cause. However, the powers which he exercised on the freedom of speech and the press, must be said to have been usurped. But then, the government was not pursuing men for erroneous opinions, but for certain very definite kinds of action dangerous to the country. Lincoln avowed that he aimed rather at preventing intended actions than at punishing them when done.

Thus, Lincoln acquiesced in the arrest and court-martial of the celebrated Ohio Democratic leader, Clement L. Vallandigham, although he was evidently acting with reluctance and wished that General Ambrose E. Burnside, the Union
commander who ordered the proceedings, had been more conservative and less highhanded. It was the military arrest of Vallandigham in Ohio which directly led up to the military suppression of the Times in Chicago. Democrats of the North who were supporters of the Times and of its editor, Wilbur F. Storey, contend that the suppression was an abuse comparable only with the Peter Zenger case before the adoption of our Constitution. On the other hand, opponents of the Times who uphold General Burnside, declare the course of the Times and of Editor Storey were, in a moral sense, little, if anything, short of the doings of J. Wilkes Booth, assassin of Abraham Lincoln.

An account of the Vallandigham incident is necessary in this narrative to explain the circumstances under which the Chicago Times was brought to General Burnside's special attention, which finally resulted in his order suppressing it. It is also related for a comparison, to show how two military orders, under the same general, were issued and how different their outcomes. Then, too, this Vallandigham case creates an atmospheric background that explains the political temper of our country during this trying period, and makes the suppression of the Chicago Times more comprehensible.

Vallandigham's case is strangely suggestive of Edward Everett Hale's classic tale of "The Man Without a Country". Pitiful experiences of Hale's fictitious exile
are partially similar to the treatment meted out to Vallandigham under the direction of Burnside, treatment that stirred the ire of thousands in the North.

Clement L. Vallandigham was born in New Lisbon, Ohio, July 23, 1820. 1 He received an academic education and from 1838 to 1840 taught school in Maryland. He returned to Ohio in 1840 and was admitted to the bar two years later. In 1845-6 he was a member of the Ohio legislature, and from 1847 until 1849 he was editor of the Dayton "Empire". In 1856 he served as a member of the National Democratic Convention and a year later he was a candidate for Congress against Lewis D. Campbell and though defeated, he contested the seat and won it, serving from May 25, 1858, until March 3, 1863.

During the thirty-seventh Congress he became conspicuous for his bold utterances against the acts of the administration in the conduct of the war and on December 5, 1862, he offered a series of resolutions in which he declared "That, as the war was originally waged for the purpose of defending and maintaining the supremacy of the Constitution and preservation of the Union... whosoever should attempt to pervert the same to a war of subjugation, and for overthrowing or interfering with the rights of the States, and to abolish slavery, would be guilty of a crime against the .......

1 - Appleton's Cyclopaedia of American Biography - Vol. VII
Constitution and the Union." Vallandigham's term expired and he returned to Ohio in the early spring of 1863 and started in to make known his opinions to his fellow citizens, which, of course, meant a clash eventually with the government. The 'clash' came on May 1, 1863, when a large Democratic meeting was held at Mount Vernon, Ohio. There were hundreds of persons present, each wearing a butternut or copperhead badge. In the lapel of the men's coats were copperhead buttons which had been made from the heads cut out of the common cent coins, with the inscription "Liberty". 1 Leaders of the different delegations of the county and state held in their hands poles on which were nailed banners with inscriptions such as "The Copperheads Are Coming", and "The Constitution as it is and the Union as it was". 2 A large wooden stage on which the speakers of the meeting and prominent townspeople sat was covered with sheets of canvass on which were painted large butternuts. 3 Above the rostrum hung a large American flag.

Vallandigham at this meeting made a "violent and offensive speech" that was reported to General Burnside, who ..........

1 - Testimony of Vallandigham at Trial - Chicago Times May 12, 1863
2 - Ibid - Testimony of Captain H. R. Hill, Government witness at meeting
3 - Butternuts were the Southern emblem, but this statement was denied by Vallandigham at trial
was in command of the Department of the Ohio, which included the States of Kentucky, Ohio, and Illinois.¹

Burnside had been sent to this command to end all disorder and to keep questionable citizens in this entire department well in check.

The Chicago Times quoted him as saying, soon after he took command of the department, "I assert that every power I possess on earth, or that is given me from above, will be used in defense of my government, on all occasions, at all times, and all places within this department". "For", Burnside asserted, "the section embraced in the Department of the Ohio is infested with bitter hostility to the government and I am going to proceed with zeal to suppress all manifestation of such hostility". He issued on April 18 Order No. 38, which read: "All persons found within our lines who commit acts for the benefit of the enemies of our country, will be tried as spies or traitors, and if convicted, will suffer death". The order concluded with this statement, "It must be distinctly understood that treason, expressed or implied, will not be tolerated in this department".²

This order was commented on in an editorial in the Chicago Times the next day. "General Burnside's order is .......... ¹ - See appendage 2 - p. 129 
² - Official Records - Vol. XXIII, part 11, p. 237
not only illegal but foolish and worse than foolish, it is productive of alarm and dissension among the people and injurious to the public peace. There is no such offense known to any law as 'implied treason'. What is 'implied treason'?"

Vallandigham, according to testimony, spoke plainer than the Chicago Times editor wrote. He is quoted as saying that he denounced Burnside and the General's Order No. 38, and he told of the designs of those in power to erect a despotism. That it was not their intention to expect a restoration of the Union... That some of our public men rather than bring back some of the seceded states, would submit to a permanent separation of the Union. He stated "that France had proposed to act as intermediary, but that her proposition which, if accepted, might have brought about an honorable peace, was rejected. That the people had been deceived and that twenty thousand lives had been lost at Fredericksburg that might have been saved. Furthermore, this war was for the liberation of the blacks and the enslavement of the whites... That a Southern paper had denounced him and the Peace Democrats, as having done more to prevent the establishing of the Southern Confederacy than ten thousand soldiers could do. That it was the purpose of the government to suppress such meetings as he was addressing. That military marshals were to be appointed in every district for the purpose of restricting the liberties of the people; but that he was a freeman. That he did not have to ask Lincoln or Burnside for the right to speak. That his authority for so doing was higher than General Order No. 38 -- it was General Order No. 1, the Constitution. That General Order No. 38 was a base usurpation of arbitrary power. That he had the most supreme contempt for such power. He despised it and spit upon it. He trampled it under his feet. That just a few days before a man had been dragged from his home by an outrageous usurpation of power and tried for an offense not known to our laws, by a self-constituted courtmartial. Tried without a jury which is guaranteed to everyone. That he had been fined ...

1 - Chicago Times - May 12, 1863
and imprisoned... The sooner the people informed the minions of this usurped power that they would not submit to such restrictions upon their liberties and that they would not cringe and cower before such authority, the better. He proclaimed the right to criticize our military servants in power...

Vallandigham closed his speech with a warning to the people not to be deceived and to remember the war was not for the preservation of the Union, but that it was a wicked abolition war, and that if those in authority were allowed to accomplish their purposes, the people would be deprived of their liberties and a monarchy established; but as for him, he was resolved that he would never be a priest to minister at the altar on which his country was being sacrificed.

This Mt. Vernon speech was reported to General Burnside, who retaliated by having Vallandigham arrested. General Burnside's specific reasons for arresting Vallandigham were: "We are in a state of civil war, and an emergency is upon us which requires the operation of some power that moves more quickly than the civil. There never was a war carried on successfully without the exercise of that power". 1

The Chicago Times of May 6 writes up the Vallandigham episode: "The arrest of Mr. Vallandigham in Dayton last night creates a great deal of talk in all political circles, Democratic and Republican... General Burnside issued an order directing Captain Murray to proceed with a company, of the 13th infantry, to Dayton on a special train and arrest Mr. Vallandigham and bring him to Cincinnati.  

1 - Chicago Times - May 12, 1863
"Mr. Vallandigham demanded their authority and said he would not respect any other than a civil process. He refused to come out, so Captain Murray and his troops forced the doors, and Mr. Vallandigham was taken into custody. He was ordered on foot to the depot and brought to Cincinnati and lodged in a military prison on Columbia Street, where he is now confined."

"Intense excitement has run high all day and this evening wagonloads of men came into Dayton, until a large crowd collected and attacked the Journal office with stones, clubs and pistols. A military company was sent up by General Burnside this evening to quell the disturbance and arrived at nine o'clock."

On May 8, Vallandigham was brought before a military commission in Cincinnati, and formally charged with "publicly expressing, in violation of General Order No. 38, his sympathies for those in arms against the government of the United States, declaring disloyal sentiments and opinions with the object and purpose of weakening the power of the government in its efforts to suppress an unlawful rebellion". Vallandigham at once contended that the trial by commission was not justifiable because a civil court was the place to try a civilian, even for treason. His complaint was ignored. 1

1 - See appendage 3 - p. 130
The Chicago Times ran special dispatches from Cincinnati, which read:

Special Dispatch from Cincinnati - May 6

May 7, 1863

All was quiet today and no further outbreak is anticipated. Military are patrolling the streets, there being five hundred in Dayton under arms. Mr. Vallandigham was taken before a courtmartial today and the court was open to the public. The charges and specifications and an abstract were read, to which Mr. Vallandigham declined pleading, but protested against all proceedings, and denied the jurisdiction of the court and asked for a continuance, that he might enter a written plea. This was denied, and the court announced that it declined a continuance, and would enter a plea of not guilty. Captain Hill was examined, but the evidence and proceedings are strictly secret. When the court adjourned, Mr. Vallandigham was escorted by a file of soldiers to the Burnet House, where he is now closely guarded. His arrest continues to elicit much discussion by all parties.

Special Dispatch from Cincinnati - May 7

May 8, 1863

Trial of Vallandigham was concluded this evening. Mr. Cox, most important witness on stand; but all details are forbidden to be printed. His friends claim no case was made out against him. A portion of the charges were withdrawn in open court today.

Special Dispatch from Cincinnati - May 8

May 9, 1863

Court martial closed and decision given to General Burnside, who has not yet announced the verdict. The long delay indicates guilty.
Special Dispatch from Cincinnati - May 9

May 10, 1863

Verdict still a secret. Writ of habeas corpus was made before Judge Leavitt, but hearing continued until Monday.

On Monday when the trial was opened, Vallandigham's lawyer again applied for a writ of habeas corpus, but the writ was denied. The judge refused the writ on the ground that: "In time of war, the President is not above the Constitution, but derives his powers expressly from the provision of that instrument declaring that he shall be Commander-in-Chief of the Army and Navy. The Constitution does not specify the powers he may rightfully exercise in this character, nor are they defined by legislation. No one denies, however, that the President, in this character, is vested with very high powers which, it is well known, have been exercised on various occasions during the present war". ¹

The next development in the case was the verdict, which was "close confinement in a military fortress", and General Burnside ordered Vallandigham sent to Fort Warren, Boston. President Lincoln commuted this sentence, and substituted "expulsion from the Union lines". ² In justifying his interference with the sentence of Vallandigham, President Lincoln took advantage of one of the clauses of Burnside's order, which said "persons found guilty of expressing sympathy .......

¹ - Chicago Times - May 12, 1863, and see appendage 4, p. 130
for the enemy should be sent beyond our lines into the lines of their friends". Lincoln further added "that men like Vallandigham, by their speeches, encouraged desertion in the army. 1 Furthermore, long experience has shown that armies cannot be maintained unless desertion shall be punished by the severe penalty of death. The case requires, and the law and the Constitution sanction, this punishment". Must I shoot a simple-minded soldier boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert? I think that in such a case to silence the agitator and save the boy is not only Constitutional, but withal, a great mercy." 2

To comply with President Lincoln's sentence, Vallandigham was ordered south, and soon he was unceremoniously dumped between the armies of Rosecrans and Bragg, Union and Confederate generals, who were at the time confronting each other near Murfreesboro in Tennessee. 3 In the Chicago Times of May 26, 1863 the 'dumping' of Vallandigham is described:

Vallandigham and his guard arrived, May 25, at Murfreesboro about ten o'clock in the evening, by special train from Nashville. He was driven to a house in the vicinity of the extreme outposts of the Federal line. At daybreak the guard moved forward under a flag of truce until the pickets of

1 - See appendage 6 - p. 132
3 - See appendage 7 - p. 133
the enemy appeared in sight. Major Wiles and Colonel McKebben left the conveyance the party was riding in, and mounted horses. They rode forward to the enemy's lines, and stated to the officer commanding the pickets the object of their visit.

The Colonel at first declined to receive the prisoner. The statement of the case was reiterated and an urgent appeal was made by the Federal officers that Vallandigham be accepted. After much hesitation, the Colonel finally consented to take him. The carriage was then driven forward within the Confederate lines, and the prisoner was delivered. However, the Colonel received Vallandigham not as a prisoner but as a citizen. Vallandigham is quoted as saying, as he walked up to the Confederate Colonel: "I am a citizen of the State of Ohio, the United States of America, and I am sent within your lines contrary to my will and wish". 1

From the beginning to the end of the Vallandigham case law and justice apparently were forgotten. The offense for which Vallandigham was tried was the violation of an order of a Major-General. The right of General Burnside to make the arrest is questioned. From the legal point of view Lincoln should have rescinded the sentence of the military court and released him. 2

In scanning the Chicago Times during the trial of this famous case, attractive headlines are found and bold comments made on the highhanded treatment meted out by General Burnside and backed up by the administration.

1 - Chicago Times and Chicago Tribune - May 12, 1863
2 - Rhodes "U. S. History from Compromise of 1850" - p. 248
ARREST OF VALLANDIGHAM, May 5

There is no such offense known to any law as 'implied treason'. What is 'implied treason'? Probably a court martial composed of fanatical abolitionists would decide that to be a democrat is 'implied treason', and that not to approve the political war policies of the administration is 'implied treason'.

May 21 (in large caps, front page)

GRAND DEMONSTRATION AT INDIANAPOLIS

75,000 FREEMEN IN COUNCIL

GLORIOUS RESOLUTIONS

THE FREEDOM OF PRESS VINDICATED

ATTEMPT OF MILITARY TO DISRUPT MEETING

CANNON TRAINED UPON IT AND SOLDIERS ENDEAVOR TO DRAG SPEAKERS FROM THE STAND... BLOODSHED PREVENTED BY THE FORBEARANCE OF THE DEMOCRACY

SALOONS CLOSED TO CITIZENS OPEN TO SOLDIERS

May 20

General Burnside has notified sundry weekly papers to send him proofs of material they intend to publish...

General Burnside is determined that his orders shall be respected and obeyed.

On May 25 a dispatch from the New York Herald is copied for front page notice:

The military precedent of the Vallandigham case must be abandoned by the administration or the deeply excited popular elements of New York may be inflamed to the most fearful extremities of resistance. The policy of Burnside means civil war in the North.
The Chicago Times comments on this dispatch rather tersely:

Now when language like this is used by the New York Herald, which has always been a staunch and firm supporter of the administration and of the war for the Union, it is alarming, for in the rude language of the ring—"it means business". There is a commotion in the cabinet greater than that caused by Hooker's fiasco. The question whether or not Burnside shall be sustained has been hotly discussed and profanely 'cussed', and the 'cussing' and discussing are still going on.

Special Dispatch from Washington

May 25

PERPLEXITY OF THE ADMINISTRATION ABOUT VALLANDIGHAM AND BURNSIDE

CABINET SQUABBLE IN THEIR REGARD

POLICY OF BURNSIDE MEANS CIVIL WAR IN NORTH

Here are other opinions expressed by newspapers in the North during the Vallandigham trial:

From the Boston, Massachusetts Herald (Republican)

At a meeting called at Albany to express condemnation of this action on the part of the military, an attempt was made by some returning soldiers to break up the meeting by military force. It is well known we have no sympathy with Vallandigham, but we must express our regret that the arrest took place.

From Springfield, Massachusetts (Republican)

The first trial closes and the court is adjourned and straight there is arrayed—a new and more august tribunal. The places and the men begin to shift. The prosecuting officer listens to hear his own indictment. The culprit expounds the law. The Cornish Eliot is King in Whitehall and Charles Stuart lives 'in a dark and smoky room' in the tower.
Governor Seymour of New York wrote:

The people having given a generous support to the administration will now pause to see what kind of government it is for which we are asked to pour out our blood and treasure. Furthermore, the dispositions which should be made of Mr. Vallandigham would determine in the minds of more than one-half of the people of the loyal states whether this war is waged to put down rebellion in the South or destroy free institutions in the North.

This letter was printed in the editorial columns of the Chicago Times, with probably great satisfaction to the editor, Mr. Storey.

On May 27, in this same paper:

As one reads the account of the expulsion of Mr. Vallandigham beyond the Federal lines, the ceremony seems like the funeral of civil liberty. Guilty of no offense save devotion to the Union... charged with no offense save the exercise of the right of freedom of speech given to him by the same power which made Abraham Lincoln President... he has violated no law, he is punished because of his maledictions of those who do violate law -- of those who daily pollute their souls with perjury in breaking their solemn oaths to "preserve, protect, and defend the Constitution of the United States". If a terrible retribution does not fall upon the authors of this foul wrong, then is not God just!"

May 26 - Chicago Times

PROGRESS OF MILITARY USURPATION
SUPPRESSION OF A DEMOCRATIC PAPER IN INDIANAPOLIS

Columbia City News arrives draped in mourning, with explanation, -- "We are commanded by military commander of the Department of Indianapolis (General Hascall) to bown down before the shrine of arbitrary power, become his truckling instrument, or discontinue publication of this journal".
This last article makes it appear that by the president's approval of the arrest of Vallandigham, General Burnside was induced to further acts of folly.

Criticism from both Republicans and Democrats arose against President Lincoln and the administration in every part of the North, and it was at this juncture that the suppression of the most conspicuous, so-called 'undesired' sheet, the Chicago Times, became a second thrilling episode during the spring of 1863. Adding particular zest to the news of the event was the fact that the suppression of the Times was the work of the same general who had ordered the arrest and held the court martial of Vallandigham. For few, if any, Chicagoans then or since have doubted that the Times was suppressed mainly owing to its sensational attacks on the Vallandigham trial.

As already shown, throughout the month of May, 1863, there had been a constant succession of striking headlines and articles in the Times disapproving of General Burnside's arbitrary conduct. It was no doubt these spicy editorials that smacked of the taunt, "Do it if you dare" that made General Burnside take action, for he was a general who did 'dare', and apparently he weighed very little the pros and cons of the outcome of his decisions. However, his career previous to this time is not in any way striking or indicative of such highhanded traits as he exhibited during his military reign under Lincoln, which seems to have been a continual series of military blunders.
CHAPTER II

Burnside's life - West Point - New Mexico - Fort Adams - wins honors on his newly invented carbine - failure to secure government order - goes to New York - west to Chicago as an employee of Illinois Central Railroad - sent to New York - trip to New Orleans - called to the colors - first command in Union Army - Commander of the Army of the Potomac - Battle of Fredericksburg - resigns his command as General of Army of Potomac - Chicago Times' headlines and editorials on Burnside's inefficiency

Strange to say, despite traits of the sternest integrity and honor in tempting conditions, Burnside was an officer who, both by his own confession and by the estimate of those associated with him, was not fitted for high command. 1

He was born at Liberty, Indiana, May 23, 1824, and at an early age became an apprentice in a tailor shop. It was in this shop he met the representatives to Congress, from his district, who made it possible for the boy to gratify an ambition to go to West Point, in 1843. He was graduated in 1847, in the artillery division, -- eighteenth in a class of thirty-eight. 2

He was made a Second Lieutenant in September of this same year and was assigned to the Third Artillery. This division was at once ordered to Vera Cruz to take part in active service in the war with Mexico. The chief

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1 - Macartney "Lincoln and His Generals" - p. 117
2 - Poore - Life and Public Service of A. E. Burnside - p. 31
battles of the war had been fought, however, before Burnside's artillery arrived and there was no opportunity for him to win distinction in the field. Upon the proclamation of peace and the return of the army, Lieutenant Burnside was ordered to Fort Adams at Newport, Rhode Island.

In July he was ordered to go to New Mexico and was assigned to Bragg's Battery. He arrived at his new post on the first of August. The command was organized as a cavalry unit and was employed as escort to the United States mails on the plains. On the twenty-first of August, while in command of a detachment of twenty-nine men, Burnside came in contact with a body of sixty or more Apache warriors, who disputed his passage through a ravine near Las Vegas. His company attacked and routed the savage foe, killing eighteen, capturing nine prisoners, forty horses and all the supplies of the band. In recognition of his bravery, Burnside was made First Lieutenant. At the end of his services in March, 1852, he returned to his former post at Fort Adams, where he remained until November 1, 1853, when he resigned his commission in the army.

His residence at Fort Adams was probably one of the happiest experiences in Burnside's life. He was of a

1 - Woodbury - Personal Narratives of Events in the War of the Rebellion - p. 9
jovial, gay and lighthearted nature. Intelligent and active in mind, handsome in person, of a tall, commanding stature, agreeable in manners and with a position in the army which gave him entre into the best social circles in Newport, he soon became an acknowledged favorite. While at Fort Adams he was married, on April 27, 1852, to Miss Mary Richmond, daughter of the Protestant Episcopal Bishop of Providence, and the union proved to be in all respects a happy one.

While in service on the plains, Burnside saw that the carbine with which mounted troops were armed was not adequate to its purpose. He studied the matter thoroughly, and the result of his studies was the invention of a breech-loading rifle, which was in every way superior to the arms then in use. Hopeful of success in the manufacture of this weapon and encouraged to believe that the government would give him a profitable contract, he resigned his commission, moved to Bristol, built a factory and began manufacturing his newly invented firearms.

On August 17, 1857, there was a governmental experiment test of breech-loading weapons with a view to ascertaining which arm of this description was best suited to the military service. Eighteen inventors submitted their

1 - Memorial Addresses - p. 10
2 - Woodbury - op. cit. - p. 13
devices, and among the eighteen was Burnside's. Although his firearm stood No. 16 on the programme, his was the sixth tested. The board, after careful investigation and due deliberation, awarded the palm to Burnside for inventing the best breech-loading rifle and the one most suited for military service.

He expected that on receipt of this award the Secretary of War would order his arms to the amount of ninety thousand dollars. To Burnside's surprise, however, only three hundred carbines were ordered. Upon going to Washington, he learned through hints given by the Secretary of War, that if a larger contract was wanted the profits must be shared, and Burnside flatly refused to divide with any 'go-between'. 1 & 2

For some months Lieutenant Burnside had been aware that unless he obtained the government appropriation his Bristol Rifle Works would go into bankruptcy. When he did not get the government order, friends offered financial aid, but although he thanked them for their sympathy, he declined accepting any pecuniary assistance. This enterprise ended in disaster.

He then went to New York, where he sold his uniform and sword, for which he received thirty dollars.

1 - Ibid p. 10
2 - John B. Floyd was Secretary of War at this time, and later became a General in the Confederate Army.
Sending half of that sum to his wife, and with about twenty dollars more that was in his pocket, he started westward in search of employment.

Through a friend, Captain George B. McClellan, then Vice President of the Illinois Central Railroad and destined to become one of the foremost Union commanders, Burnside was given a vacancy which his West Point training qualified him to fill, the position of Cashier of the Railroad Land Office. Burnside came to Chicago on April 27, 1858. He soon sent to Rhode Island for Mrs. Burnside, and the young couple resided in the home of Captain McClellan, at 44 North Michigan Avenue, during their Chicago stay. It is a curious circumstance that, before the Civil War, Lincoln, as well as McClellan and Burnside, was associated with the Illinois Central Railroad, Lincoln as an attorney.

Although Burnside lived a somewhat retired life while in Chicago, he enjoyed considerable social popularity. He was neither very witty nor a profound thinker, but he was well informed, and in conversation he always had the right sentence ready at the right time.

Giving unqualified satisfaction to the President and other officers of the Illinois Central Railroad, he was

1 - Halpin & Bailey's Chicago City Directory - 1858
2 - See appendage 8 - p. 134
appointed in June, 1860, Treasurer of the corporation, with his office at New York City. 1 Moving there, he devoted himself diligently to his new duties, and the following fall he visited New Orleans on business for the Illinois Central. While in New Orleans Burnside engaged in many discussions on the threatened aspects presented on the political horizon. Threats of resistance to the Federal Government and of a dissolution of the Union were common boasts on the rotunda of the St. Charles Hotel, where he stayed. Burnside, a loyal and patriotic Unionist, saw that the Democratic Party south of the Mason and Dixon Line, was very southern in its vision. It did not take him long to see that the Southern Democrats had largely ceased to have any national ideas except the desire to make slavery a national institution, and that they declined to protect free labor, but sought only the extension of the area of slave labor, furthermore, that the Southerners would not feel it very keenly if the stars and stripes were hauled down.

Burnside tried to explain to those he conversed with that the South did not understand the temper of the North. "There will be no war", said one Southern Democrat, "Northern men will not fight". General Burnside replied, "You entirely mistake the character of the Northern people. They will fight. They will never allow the Union to be

1 - Woodbury - op. cot., p. 13
broken... The first gun that you fire will unite us all, whatever our political opinions may be, in opposition to your attempt. The government will be sustained, and you will suffer a disastrous defeat". ¹

The crisis came shortly after President Lincoln's inaugural address in March, 1861, in which he said that the North and South were friends and he would see to it that the North would not break the friendship, and if it was broken, it would be accomplished by the South. The South did not keep Lincoln in suspense very long as to the duration of the friendship. Captain Anderson, a loyal Unionist, was made to surrender Fort Sumter, which guarded Charleston, South Carolina, in the early part of April. ² With the bombarding of the flag at Sumter the North arose with patriotic zeal and fierce indignation at such an indignity and President Lincoln issued a proclamation calling for seventy-five thousand volunteers.

General Burnside, anticipating a call from the Federal Government, balanced his books and made preparations for a speedy departure if summoned to the field of battle. While sitting in his New York office of the Illinois Central Railroad on Monday, April 15, 1861, he received a dispatch from Governor Sprague of Rhode Island, saying: "A regiment of Rhode Island troops will go to Washington this week. How

¹ - Poore - op. cit., p. 90
² - See appendage 9 - p. 135
soon can you come on, and take command?" Burnside wired: "At once!" He left that night, and reported for duty the next morning. 1

Burnside's first commission in the Civil War was as commander of a Rhode Island brigade in the Battle of Bull Run. He next led a successful expeditionary force against the North Carolina coast. His successes here made him a Major-General, and his name became known to the public. Twice during the next year, President Lincoln offered Burnside the command of the Army of the Potomac, but twice Burnside refused, explaining he was not fit to hold such a position. In November, 1862, he had to accept this new rank and honor when the President not only offered it, but did so in the form of a command.

Lincoln's order placing Burnside in command of the Army of the Potomac proved a terrible mistake, as the 'bloody slopes of Fredericksburg' revealed on December 13, 1862. 2 Burnside was not the man for this important trust. It is the consensus of historians now that this appointment was Lincoln's greatest military blunder. As General of the Army of the Potomac, Burnside was a colossal failure.

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1 - Poore - op. cit., p. 90
2 - Macartney - op. cit., p. 120
Evidently impressed by Burnside's personal charm and frank, open ways, Lincoln had insisted on placing him in command of this pivotal army of the Union forces. After the battle of Fredericksburg, however, no man in the entire North could have been more unhappy than Burnside. He groaned again and again to General W. F. Smith, "Oh, those men! Oh, those men over there!" 1 The appalling loss of life in this battle was blamed directly on Burnside's method of attack. He rushed his men directly into the fire of the Southern cannons, and their only escape was death.

Americans of Irish ancestry can never forget it was through Burnside's mistakes that thousands of soldiers of the Irish Brigade of the Union Army were swept into hillside graves that fateful day at Fredericksburg. The Irishmen who perished there had to charge against soldiers of their own race, the Irish Brigade of the Confederate Army. This was one of the supreme tragedies of the war. A gallant soldier-poet, John Boyle O'Reilly, dear to the heart of Ireland and America alike, has told the story in a breath-taking ballad that has a place not often, if ever, surpassed, in all the literature of bravery onward from the medieval "Song of Roland".

1 - Ibid - p. 121
O'Reilly begins with a prayer: 1

God send us peace, and keep red strife away;
But should it come, God send us men and steel.

Coming suddenly to the crucial moment of the struggle on the Fredericksburg heights, the ballad says:

The smooth hill is bare, and the cannons are planted,
Like Gorgon fates shading its terrible brow;
The word has been passed that the stormers are wanted,
And Burnside's battalions are mustering now.

The armies stand by to behold the dread meeting:
The work must be done by a desperate few;
The black-mouthed guns on the height give them greeting,
From gun-mouth to plain every grass blade in view.

Strong earthworks are there, and the rifles behind them
Are Georgia militia, -- an Irish brigade --
Their caps have green badges, as if to remind them
Of all the brave record their country has made.

The stormers go forward, -- the Federals cheer them;
They breast the smooth hillside, -- the black mouths are dumb;
The riflemen lie in the works till they near them,
And cover the stormers as upward they come.

Was ever a death-march so grand and so solemn?
At last, the dark summit with flame is enlined;
The great guns belch doom on the sacrificed column
The reels from the height, leaving hundreds behind.

The armies are hushed, -- there is no cause for cheering:
The fall of brave men to brave men is a pain.
Again come the stormers! and as they are nearing,
The flame-sheeted rifle-lines reel back again.

And so till full noon come the Federal masses--
Flung back from the height, as the cliff flings a wave;
Brigade on brigade to the death-struggle passes,
No wavering rank till it steps on the grave.

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1 - Life of John Boyle O'Reilly - edition by Cassell Publishing Co. - complete poem on pp. 466-469
Then comes a brief lull, and the smoke-pall is lifted,  
The green of the hillside no longer is seen;  
The dead soldiers lie as the sea-weed is drifted,  
The earthworks still held by the badges of green.

Have they quailed? is the word. No: again they are forming--
Again comes a column to death and defeat!
What is it in these who shall now do the storming
That makes every Georgian spring to his feet?

"O God! what a pity!" they cry in their cover,
As rifles are readied and bayonets made tight;
"'Tis Meagher and his fellows! their caps have green clover;
'Tis Greek to Greek now for the rest of the fight!"

Twelve hundred the column, their rent flag before them,  
With Meagher at their head, they have dashed at the hill!  
Their foemen are proud of the country that bore them;  
But, Irish in love, they are enemies still.

Out rings the fierce word, "Let them have it!" The rifles
Are emptied point-blank in the hearts of the foe:  
It is green against green, but a principle stifles
The Irishman's love in the Georgian's blow.

The column has reeled, but it is not defeated;
In front of the guns they re-form and attack;
Six times they have done it, and six times retreated,
Twelve hundred they came, and two hundred go back.

Two hundred go back with the chivalrous story;
The wild day is closed in the night's solemn shroud
A thousand lie dead, but their death was a glory
That calls not for tears, the Green Badges are proud!

Bright honour be theirs who for honour were fearless,
Who charged for their flag to the grim cannon's mouth;
And honour to them who were true but not tearless--
Who bravely that day kept the cause of the South!

The quarrel is done,—God avert such another!
The lesson it brought us we should evermore heed.
Who loveth the flag is a man and a brother,
No matter what birth or what race or what creed. 1

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1 - See appendage 10 - p. 135
During this battle, Hooker, one of Burnside's staff-men, begged him to desist from further attack because he felt that the Union forces could make no more impression upon the Confederate works than upon "the side of a mountain of rock". Burnside was obstinate and declared the assault must go on. The battle of Fredericksburg cost the Union forces twelve thousand six hundred fifty three men and the Confederate side only five thousand three hundred seventy-seven.

The following New Year's Day, 1863, President Lincoln had a conference with Burnside, and Burnside, during the interview, asked to be retired to private life. Lincoln refused to do this. Burnside then returned to camp and decided to cross the Rappahannock River again. Lincoln advised him 'to be cautious', etc. Burnside determined to attempt another advance on Fredericksburg and one of his assistants, Franklin, said to him, "Success is impossible". Hooker also declared that the project movement was absurd, and the chances of failure, nineteen to one. Officers and privates agreed with Franklin and Hooker.

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1 - Rhodes - History of the Civil War - Vol. IV p. 197
2 - Works of Abraham Lincoln - p. 296
3 - Rhodes - op. cit., p. 202
The movement finally had to be abandoned and Burnside then prepared Order No. 8, on January 23, in which he asked Lincoln to remove Hooker from the army "as a man unfit to hold such an important commission". He stipulated in the order that if Lincoln would not dismiss Hooker, the President must accept Burnside's resignation. Lincoln chose the alternative.

Lincoln then placed General Burnside in command of the Department of the Ohio in March, 1863. His arrival was a signal for a series of bitter attacks by the Chicago Times on his military career, attacks in which he was referred to more than once as 'Butcher' Burnside.

The article announcing General Burnside's new position as Commander of the Department of the Ohio, in the Chicago Times, reads:

BURNSIDE SENT WEST TO SUPERSEDE OR INTERFERE WITH ROSECRANS!

I predict the failure of the whole campaign, with the defeat of our armies there, and the expulsion of all the Union forces from Tennessee and Kentucky and repossession of both of these states by the Confederates. I have not much faith in Rosecrans as a general... But for a command like that, Burnside has literally no capacity at all. He will fail and fail miserably.

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1 - Official Records - Vol. XXI - p. 954
2 - Works of Abraham Lincoln - p. 306
After Burnside had entered upon his duties as Commander of the Department of the Ohio, the following dispatch was printed in the Chicago Times on April 28:

SECRET HISTORY OF BURNSIDE'S ORDER NO. 8

The order recites "General Hooker has been guilty of unnecessary criticism of his superior officers and of the authorities, and has endeavored to create distrust in the minds of officers... that he should be dismissed as a man unfit to hold an important commission".

"Now the developments of Burnside's campaign at Fredericksburg have proved that he himself is a man of weak judgment and totally unfit to conduct successfully movements of a large army or to plan campaigns."
CHAPTER III

Historical background of Chicago Times and sundry Chicago newspapers - Chicago Democrat - John Wentworth - Douglas and the defunct Chicago Daily American - Douglas and Morning Post - the Herald founded - Chicago Tribune - Chicago Daily Times - Storey and Chicago Times - Douglas' last few weeks before his death

The reader is now justified in asking, "Why did the Chicago Times clamor so loudly to 'take up the flag and carry on' for the ostracized Democrat, Vallandigham, and why was the editor of this paper pushing the press rollers so constantly over any news that would depict Burnside as a man absolutely unfit for any position. An explanation of the development of the Chicago Times from its beginning to the year 1863 and a sketch of its owner, Wilbur Fiske Storey, during this Civil War period, will probably explain satisfactorily both the above questions. In essence, the clue is the personality of Storey himself, a strange firebrand type of man who had as a lifetime aim "to publish the news, and raise hell". ¹

In 1858 the leading newspapers of Chicago were the Chicago Democrat, Daily Journal, Tribune and Democratic Press. The Chicago Democrat was the oldest of Chicago papers. It had been brought into existence by James Calhoun, who printed the first copy on Tuesday, November 26, 1833. On November 16, 1836, Calhoun published a letter on the second

¹ - Catlin - Sketch of W. F. Storey - p. 3
sheet of his paper informing his subscribers that, "We beg to inform the patrons of the Democrat that our interest in the paper ceases with the publication of the present number".

The new owner was Horatio Hill of Concord, New Hampshire, who paid Calhoun $2777.92 for the struggling sheet. Hill, however, was part owner and editor of the New Hampshire Patriot, published at Concord, New Hampshire, and furthermore he did not intend staying in Chicago to edit his newly purchased paper. He at once began to look around for an enterprising young man to fill the editor's chair.

The young man who was finally given the editorship of the Democrat in 1836 became one of Chicago's most talked-of citizens during his long life in this city. His name was John Wentworth. Hill had met young Wentworth at his graduation from Dartmouth College and when he learned that Wentworth was desirous of going west to seek a living, offered him the job of editing the Democrat.

Wentworth came to Chicago at once and found that he had a rival newspaper and editor to cope with. This paper was the Chicago American, published every Saturday morning by Thomas O. Davis. Wentworth wrote to Hill on January 9, 1837, "that he aimed to control all of Illinois and run

1 - This edition can be found at Chicago Historical Society
2 - Honorable John Wentworth's Scrap Book - p. 4
Editor Davis out of the field, and to obtain four thousand subscribers for the Chicago Democrat. He made good his second boast, for the last copy of the Chicago American under Hill was printed June 3, 1837. However, this paper was revived by William Stuart and he renamed it the Chicago Daily American, but the paper, in 1842, again ceased to be published.

Wentworth's next move was to buy the Chicago Democrat from Hill. The paper was published in the Democratic Hall Building on Clark near South Water Street. This paper served as a party organ until the Kansas-Nebraska issue, in 1854, when the slavery question was again raised and the two leading men of the Democratic Party, Buchanan and Douglas, became leaders of two different factions, one for slavery and the other for squatter's sovereignty. John Wentworth sided with Buchanan and this left Douglas without a paper to back him in Chicago.

Douglas and his cohorts then took over the defunct Chicago Daily American, in 1854, and called it the Times. Douglas became the life force of the paper until 1858, when he aroused the animosity of President Buchanan, by opposing

1 - Ibid - p. 4
2 - This edition can be found at Chicago Historical Society.
3 - Sanger - Chicago Times and Civil War - p. 557
4 - His cohorts were Isaac Cook, J. W. Sheahan and Daniel Cameron
certain measures in which the President was deeply interested. Subsequently, in 1858, a coalition was made between the friends of Buchanan and the abolitionists, the object of which was to defeat Douglas for re-election and send Abraham Lincoln as his successor to the Senate. 1

Some of the men on the staff of the Times sided with Buchanan, and Douglas and his followers, headed by James W. Sheahan, left the staff of the Times and started a new paper, which they called the Morning Post. 2 This paper served as the Douglas organ from 1858 to the opening of the Civil War.

In 1858 Mr. Cyrus H. McCormick founded the Herald, which was another organ representing the administration democracy in Chicago. In 1860 Mr. John Wentworth, now familiarly known as "Long John", because of his six feet six inches of towering humanity, sold the Chicago Democrat to the Tribune and bade farewell to the newspaper business. 3 The Tribune had issued its first copy on July 10, 1847. Its founders were Joseph K. C. Forrest, James J. Kelly and John E. Wheeler. The creation of the Republican Party was really responsible for the permanent establishment of this paper. On June 18, 1853 Joseph Medill came from Cleveland, .......

1 - Andreas History of Chicago - Vol. II - p. 305
2 - Sanger - op. cit., p. 559
3 - Honorable John Wentworth's Scrap Book
Ohio, and purchased a share in the paper, and later became sole owner. 1 The paper was not put on a paying basis until after 1857. In this year the Republican Party was organized and chose the Chicago Tribune as its party organ.

At the same time that Wentworth sold out to the Chicago Tribune, Mr. McCormick bought out the Times from the former Douglas cohorts and consolidated the two papers under the name Herald Times. 2 This paper was published on the fifth floor of the McCormick Building, which was on the corner of Randolph and Dearborn Streets. Mr. E. W. McComas was placed in charge of the editorials. He was a journalist from Virginia and the paper now became an exponent of Southern democracy. In the early part of 1861 it was renamed and called the Daily Chicago Times.

By June of this same year the Daily Chicago Times was becoming a liability to its owner rather than an asset, and McCormick determined to sell the paper. 3 He communicated his desire to Wilbur Fiske Storey, of Detroit, and got him interested in the purchasing of his Chicago paper. Storey, late in June, finally agreed to buy the Chicago Times, and he made it once more the organ of the Douglas democracy. Fate decreed, however, that the first number under Storey's control should chronicle Senator Douglas' death. Had the "Little Giant" lived, it is more

1 - Andreas - op. cit. - Vol. I - p. 402
2 - Wisconsin Historical Society
3 - Chicago Times - October 28, 1884
than probable that the policies of the Chicago Times would have been quite different.

For "When treason lifted its arm to strike, Douglas instantly offered himself as a shield for his country. He abandoned all party allegiance, put away all political and personal prejudices, and, with the spirit and power of a sincere patriot, became the champion of the integrity of the Union".

In a speech in Chicago at the beginning of May, 1861, Douglas said: "There are but two sides to this controversy: Every man must be on the side of the United States or against it. There can be no neutrals in this war. There can be none but traitors and patriots". Douglas, soon after he was relieved from his senatorial duties at Washington, returned to Illinois and began to battle manfully for the government. He returned to Chicago just about the time McCormick was negotiating with Storey to buy the Times.

Douglas' warfare was brief. He became ill shortly after he arrived in Chicago, and died on June 3. In Bryan Hall, which was on the east side of Clark Street, between Randolph and Washington, Douglas was laid in state in care of a Masonic guard of honor, until the day of his funeral. At ten o'clock, on the morning of June 7, the body was placed upon the funeral car which had been prepared
The Tremont House at the southeast corner of Lake and Dearborn Streets which was the last of the four Tremont Hotels. When it closed it was taken over by the Northwestern University and used as a law school. The building still stands today with but little to remind one of its glorious past.
for it. The route of the cortege was through Lake Street, Michigan Avenue, Ringgold Place and Cottage Grove Avenue, the distance being about three miles. ¹

During its progress the bells of the churches were tolled, and deepvoiced cannon boomed at Dearborn Park and at the station of the Illinois Central Railroad. A vast concourse had assembled near the place of interment. A grave had been dug on the spot which had once been chosen by Senator Douglas as a site for his future home. Around the grave was a guard of honor selected from among the students of the University of Chicago, whose warm friend and liberal benefactor Douglas had been in life.

No religious services were held at the tomb, but a eulogy was pronounced by Right Reverend James Duggan, Catholic Bishop of the Diocese of Chicago, one of the dead Senator's warmest friends, and who had received him into the church just previous to his death. ² Bishop Duggan's address was admitted to be a masterpiece of eloquence. ³ Senator Douglas's death received front page attention in the Chicago Times for some time after his death.

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¹ - Andreas - op. cit. - Vol. II - p. 305
² - Garraghan - The Catholic Church in Chicago - p. 181 and see appendage 11 - p. 136
³ - Andreas - op. cit. - Vol. II - p. 398
CHAPTER IV

Storey's life - in Vermont - in New York - in Indiana - at Jackson, Michigan - marriage - his political ventures - in Detroit as editor of Detroit Free Press - his divorce - starts to oppose government - buys Chicago Times - Chicago Times' headlines and editorials from January 27, 1862 to May 28, 1863 showing Storey's style of attack

The Chicago Times, under its new manager, Wilbur Storey, gradually became a moneymaking enterprise for its owner. By the close of 1861 it had become known throughout the entire Northwest.

Storey introduced metropolitan methods of editing, surrounded himself with able men, and spent money lavishly in obtaining news. His paper at once made itself recognized as an anti-Lincoln sheet. He apparently was in sympathy with the Southern side of every issue, not because he loved the South, but because he hated abolitionists and eastern political theories. He slashed right and left with all the force and skill his brilliant mind could command, criticizing the conduct of the administration, the blunders of the military commanders, and the follies of the War Department in Washington. He sent men whom he had schooled

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1 - Sanger - op. cit., p. 558
to his purpose, to cover every phase of war news, and this continual probing at methods, men, and policies, caused considerable consternation to Republicans in the North because so much that he charged had enough foundation of fact to make it ring true. 1 One army leader after another mounted to the supreme command, but only to be found wanting, and Storey spared none of them in the columns of his newspaper.

A resume of Storey's life, before he became editor and owner of the Chicago Times, might explain his contempt for the administration and his desire to deride everyone connected with the government.

He was born in Salisbury, Vermont, December 19, 1819. His father was a farmer in but moderate circumstances and of English origin, two brothers of the name coming to this country during the colonial existence of New England. 2 One of the brothers is set down in some accounts as being the ancestor of Judge Joseph Storey, a foremost authority on the Constitution of the United States. 3 From the other brother was descended the family of which Editor Wilbur Storey was a member. Editor Storey's mother was

1 - Catlin - op. cit., p. 4
2 - Chicago Times - October 28, 1884
named Pierce, and was of Dutch extraction. Tradition says that Storey's people were liberal in politics as well as in religion, and were determined to live without some of the usual restraints imposed by the established social order.  

Storey attended the winter terms of a district school until twelve years of age, when he went to work as a 'printer's devil' in the office of the Middlebury Free Press. He served there as apprentice for five years, and during this period occupied every available minute storing his mind with practical information.

In 1836 he left this paper, and went to New York City, a long and tedious undertaking at that time in the absence of railway facilities. Upon arriving in New York he found employment on the New York Journal of Commerce, then published by Hale and Halleck. He remained there for eighteen months at a salary of twelve dollars a week. In two years he had saved up two hundred dollars, and decided to leave New York, venturing as far west as South Bend, Indiana. At South Bend he learned that the Democrats of La Porte, Indiana, wanted to establish a paper, so saddling a white horse he set out for La Porte and found the party

1 - Chicago Tribune - October 29, 1884
2 - Chicago Times - October 28, 1884
organ awaiting a publisher. In those days politics in the west afforded anything but smooth sailing, and local papers were conducted as party organs. For the want of promised support from the Democratic Party, the paper existed only one year, and then floundered, incidentally with all of Storey's savings.

At this juncture Storey was invited to assume the editorship of the Northern Democrat, published at Mishawaka, Indiana, but owing to mismanagement of the partners and the poverty of the Democratic Party, this journal, too, ceased to exist, after a period of eighteen months.

Storey next appears in a little place called Jacksonburg, a slowly growing village that was finally put on the map in 1837 when Nicholas Sullivan started an independent newspaper which had Whig leanings, and which he styled the Jacksonburg Sentinel. In 1838 the state prison was established at Jacksonburg, a circumstance which gave promise of an involuntary increase of population, and in 1840 the town was renamed Jackson.

While in Jackson, Storey married Miss Maria Isham, a young woman of fine character and attainments. Storey did not go into the newspaper business in Jackson, but bought a drug store, which at the end of two years he sold at a comfortable profit. It is an interesting fact that
shortly after Storey's marriage he joined the Congregational Church, but on account of some question arising as to the sale of alcoholic preparations in his drug store, he withdrew from the church and never after was associated with any religious denomination. 1

During spare moments while running his drug store, Storey was busy studying law under the direction of his brother-in-law, who, as clerk of the county, enjoyed considerable political influence. Through this connection, Storey was appointed Deputy County Clerk, a position he held for two years. In 1853, Storey became increasingly active in politics, and at the request of Democratic Party officials, he again went into the newspaper business. He established the Jackson Patriot, which became an aggressive Democratic journal.

The paper thrived, and its editorials written by Storey aided in advancing the successful campaign which elected James K. Polk to the Presidency. In recognition of this service, President Polk appointed Storey Postmaster at Jackson in 1846; but upon the election of General Taylor to the Presidency, Storey was retired.

Storey's next political venture was to campaign for his own election as a member of the State Constitutional Convention in 1850. 2 Bitter antagonism to his election

1 - Chicago Tribune - October 29, 1884
2 - Catlin - op. cit., p. 4
developed into a coalition of all the opposing elements led by Governor Austin Blair. Despite every possible means used to bring about Storey's defeat, he was elected by a majority of several thousand.

Storey next held the office of Inspector of the State Prison, a position which lasted three years.

In the Congressional Convention which nominated David Stuart a candidate for Congress, Storey is given the credit of making Stuart's election possible. In recognition of his service, Stuart obtained for Storey a controlling interest in the Detroit Free Press. Storey immediately disposed of his interests in Jackson and moved to Detroit, where he did all the editorial work of this paper himself, and gradually the Detroit Free Press became very influential in the surrounding states. Alluding to his struggle in this undertaking, Storey said, "I had a boundless ambition, displayed all the judgment I had, kept my eyes keenly open for news, and made the people feel that the paper had a policy of its own. Those were the secrets of my success". 1

During the eight years he lived in Detroit, Storey and his wife boarded most of the time at the Michigan Exchange Hotel, on the southwest corner of Jefferson Avenue and Shelby Street. 2 Mrs. Storey was of a quiet, retiring

1 - Chicago Times - October 28, 1884
2 - Catlin - op. cit., p. 5
disposition, but made many friends. She had the sympathy of all her acquaintances, for her talented husband seemed to harbor a perpetual grouch. Storey probably was so absorbed in his newspaper that he became very self-centered and selfish in his manner of living and was unaware of his unpardonable mannerisms. It was said by people who knew the Storey's in Detroit that nobody ever saw him give her a smile or heard him speak a pleasant word to her. At home, Storey was generally silent and morose unless some visitor managed to draw him into a political discussion.

After eight years of this unhappy life, nobody was the least surprised when Mrs. Storey applied for a divorce and got it. Storey made no opposition to her suit, because he lived now only for the success of his newspaper. He provided liberally for her support, however, and she slipped out of her husband's life completely, and spent her time abroad, particularly in Italy.  

Storey, during his stay in Detroit, underwent a political metamorphosis. He evidently hated any kind of coercion, judging by the stands he took on political questions. He supported the Kansas-Nebraska Act in 1854, and when the newly-formed Republican Party met at Jackson, Michigan, during this same year, he denounced the delegates

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\[ 1 - \text{Catlin - op. cit., p. 5} \]
as "a body of unmitigated abolitionists". When Lincoln was being heralded as a possible candidate for the coming election of 1860, Storey then asserted that the Southern states had a right to secede from the Union. Furthermore, he declared that if the Federal Government under the fanatics of the Republican Party, should attempt to force sovereign states into an unwilling allegiance to a government which they despised for its hostility to their vital interests, the government would encounter a "fire in the rear" that would give it pause.

Later when Storey came to Chicago to be sole editor and owner of the Times he certainly made good the 'threat' which had appeared in the Detroit Free Press over the signature of Mr. L. Hopkins, who had originated the phrase "fire in the rear".

The spirit of the Times, as has been shown, from the moment Lincoln entered the White House was one of hostility to the administration. Whatever Lincoln did was wrong, according to the Times. It even went further, and contended that all failures on the part of the administration were a logical visitation upon the land, a visitation due to lamentable stupidity shown in electing Lincoln to the Presidency. ¹

¹ - Sanger - op. cit., p. 559
In August of 1862, Governor Yates of Illinois, a through-and-through Republican, wrote in exasperation to Secretary of War Stanton: "There is an urgent and almost unanimous demand from the loyal citizens that the Chicago Times should be immediately suppressed for giving aid and comfort to the enemy". ¹

By the end of 1862 more than one military department in the North was demanding its expulsion from their departments because it excited the soldiers, "some to fury against the d... sheet and some to doubt as to whether the North could win with the administration so systematically written up as incompetent".

In February, 1863, a letter was sent to General Grant, then a Democrat, by General Hamilton saying he had prohibited the Chicago Times in his department. General Grant's comments are interesting when compared with General Burnside's later actions. The correspondence between the two generals is given below:

Headquarters, District of West Tennessee
Memphis, February 3, 1863

Major General U. S. Grant:

Both Hurlburt and myself have prohibited circulation of Chicago Times in our command.

C. S. Hamilton
Major-General

² - Ibid - Vol. XXIV, p. 40
General Grant's reply follows:

Headquarters, Department of Tennessee
February 13, 1863

To Major-General Stephen A. Hurlburt
Commanding Sixteenth Army Corps:

I have seen your General Order No. 4, of February 8, prohibiting the circulation of the Chicago Times within your command. There is no doubt but that paper, with several others published in the North, should have been suppressed long since by authority from Washington. As this has not been done, I doubt the propriety of suppressing its circulation in any one command. The paper would still find its way into the hands of the enemy, through other channels, and do all the mischief it is now doing.

This course is also calculated to give the paper a notoriety evidently sought, and which probably would increase the sale of it. I would direct, therefore, that General Order No. 4 be revoked.

U. S. Grant

Storey's 'write-ups' on the administration and its war policies during the early part of 1862 were mildly sarcastic, often more reproachful than caustic in tone. After Lincoln dismissed McClellan, however, Storey's 'specials', 'headlines' and 'editorials' gradually became more stinging and biting with every new move on the part of the government or its officials. His headlines following Burnside's career after he became Commander of the Army of the Potomac certainly were derogatory to him,

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1 - Ibid - Vol. XXIV, p. 49
and after Hooker took command they appeared to be written with deliberate malice to lower him in the eyes of his countrymen.

Turning the pages of the Chicago Times from January 27, 1862 to May 28, 1863, just previous to Burnside's dramatic suppression of the paper, the following headlines and editorials attract the eye:

January 27, 1862 THE LANDING OF BURNSIDE'S EXPEDITION ON ROANOKE ISLAND CONFIRMED

January 29, 1862 EXPEDITION ENCOUNTERS A TERRIBLE STORM

January 30, 1862 BURNSIDE'S EXPEDITION NOT SO BADLY INJURED AS REPORTED. ITS EFFICIENCY SUPPLIES OF WAR MATERIALS NOT IMPAIRED BY STORM

February 1, 1862 BURNSIDE'S EXPEDITION AT HATTERAS

February 5, 1862 We have accounts of the grossest treachery and fraud in the fitting out of the Burnside expedition. In what, connected with this war, has there not been the grossest treachery and fraud, and in what leading to the war has there not been the same? Did not the dismemberment of the Democratic Party at Charleston and Baltimore come of treachery and fraud? Did not the Republicans all over the North acquire power by treachery and fraud? Was not Mr. Lincoln nominated by treachery and fraud, and was he not elected by the same? Were not most of the Southern states carried into secession by treachery and fraud, and has not secession been upheld by the same? Are not both abolitionism and secessionism huge conspiracies, treacherous to the Union and to the highest interests of civilization, and have not all our trials come of those twin miseries?
The war having been produced by the most stupendous treachery and fraud, what wonder that both are encountered at every step in the progress of the war? what wonder that there was the grossest treachery and fraud in the fitting out of the Burnside expedition?

February 11, 1862 FAILURE OF BURNSIDE'S EXPEDITION AND CAUSES OF THAT FAILURE

Reasons for failure: first, by the injudicious publicity given to the affair by the New York press; second, by theunfitness of the vessels; third, by the treachery of the pilots; fourth, by the terrific storm.

February 13, 1862 GREAT ACHIEVEMENT BY THE BURNSIDE EXPEDITION ROANOKE ISLAND CAPTURED AND THE REBEL FLEET DESTROYED. 300 REBELS KILLED AND WOUNDED 25,000 TAKEN PRISONERS

February 20, 1862 INCIDENTS OF OCCUPATION OF ROANOKE ISLAND (A detailed account given)

FEBRUARY 28, 1862 GENERAL BURNSIDE'S PROCLAMATION TO THE PEOPLE OF NORTH CAROLINA

March 10, 1862 BURNSIDE MOVING ON SUFFOLK, VIRGINIA

March 19, 1862 BURNSIDE'S EXPEDITION HEARD FROM

March 26, 1862 CENSORSHIP OF THE PRESS -- DETAILED REPORT OF COMMITTEE BEARING ON POLICIES OF McCLELLAN ASKING THAT "ALL EDITORS BE REQUESTED AND EARNESTLY SOLICITED TO SIGNIFY TO THEIR CORRESPONDENTS NOT TO PUBLISH ANYTHING TO GIVE AID OR COMFORT TO THE ENEMY"
March 27, 1862

The democracy say, restore the Union, support the Constitution and obey the laws. Abolitionists cry, "Destroy slavery". To us the government that made the nation and protects 30,000,000 of white people is of infinitely more consequence than the crude theories for the imagined benefit of 4,000,000 of black men - theories of men who have no practical knowledge of the people whose benefit they seek to promote.

April 4, 1862

SLAVERY THE INSTRUMENT AND ABOLITIONISTS THE CAUSE OF THE WAR

National debt one thousand millions of dollars. How much of this sum has been stolen by Republican politicians and contractors?

April 7, 1862

DEMOCRATS OF TODAY AS IN TIMES PAST ARE THE REAL UNION SAVERS

They prefer the old Constitution of Washington and Franklin to the proposed new one of Sumner, Garrison and Phillips.

April 16, 1862

GLORIOUS UPRISING OF THE CONSERVATIVE PEOPLE FRANCIS C. SHERMAN FOR MAYOR, AND THE WHOLE DEMOCRATIC CITY TICKET ELECTED

May 16, 1862

HUMORED PREPARATION FOR EVACUATION OF RICHMOND

May 30, 1862

BRILLIANT STRATEGIC MOVEMENT OF McCLELLAN CUTTING OFF JACKSON'S RETREAT TO RICHMOND

May 30, 1862

Since Secretary Stanton and the abolitionists succeeded in breaking up the plans of General McClellan, and in dividing his forces, no army has succeeded in accomplishing anything except that under his immediate command. McDowell has been loitering at his leisure entirely out of the way of the rebels, and idling away his time at Washington with his bosom friend, the Secretary of War... So far, then,
the abolition conspiracy to have McClellan defeated, has failed.

The generals who were to be pitted against him have not made very much of a mark. Perhaps the Secretary of War will now conclude that it is time for him to retire. The country would be as gratified thereat as they were when he succeeded Cameron a few months since, and would soon forget his vanity and follies.

June 11, 1862

BURNSIDE ARRIVES AT FORT MONROE

June 21, 1863

McCLELLAN UNWELL BUT NOW RECOVERING

"I would to God", said Washington, in reference to the plunders of the government of his day, "that some of the more atrocious in each state were hung upon a gallows five times as high as that prepared for Haman. No punishment, in my opinion, is too severe for the man who can build his greatness upon his country's ruin". An army of men have built their greatness upon the plunder of the government right under the eyes of President Lincoln, and what one has received a rebuke from him? He, on the contrary, assumes all their sins, and sends the biggest rascal of them all abroad to represent the nation.

July 2, 1862

FEDERAL ARMY NOW OCCUPIES GROUND OVERLOOKING RICHMOND -- GENERAL McCLELLAN GAINS A GREAT ADVANTAGE

July 4, 1862

THE GREAT BATTLE -- FOUR DAYS OF "THE MOST TERRIFIC FIGHTING THE SUN EVER SHONE UPON"

July 7, 1862

DUTY OF THE COUNTRY

It is no use now to refer to the recent mismanagement by the administration at Washington in the conduct of the operations against Richmond except to make a record of it.
July 17, 1862  REPORTS THAT IMPORTANT CHANGES ARE TO BE MADE IN HIGH QUARTERS

August 7, 1862  ARMY OF THE POTOMAC ASSUMES THE OFFENSIVE

August 11, 1862  BURNSIDE AT FREDERICKSBURG ORDERED TO MOVE

August 15, 1862  GENERAL McCLELLAN'S ARMY WITHDRAWING FROM PENINSULA

The President owes more to the Democratic press for the popular unanimity which has sustained him, as well in times of disaster as of triumph, than to any other influence. When this popular unanimity has been impaired, it has been by his own party press and his own party majority in Congress...

August 21, 1862  A MOVEMENT OF THE HIGHEST IMPORTANCE TAKES PLACE ITS NATURE NOT ALLOWED TO BE MADE PUBLIC AT PRESENT TALK THAT BURNSIDE WILL TAKE COMMAND OF THE ARMY OF THE POTOMAC

October 13, 1862  INACTIVITY OF ARMY OF POTOMAC SOON TO CEASE

October 15, 1862  The Reverend Mr. Manning recently said in Boston: "When the curtain rises in heaven to reveal the purest saints, we shall see John C. Fremont, General Hunter, Henry Ward Beecher, Wendell Philips, and Lloyd Garrison as the purest saints in heaven". Travelers in deserts are often cheated with mirages that reveal delicious fountains and glorious verdure. When the mirage passes they are alone with their thirst on the burning sands. These worthies will be seen in heaven through a mirage more deceitful than any earthly one, and from a climate whose uncomfortable warmth would make the desert a paradise in comparison. Abolitionists will have free entrance to that entertainment.
October 26, 1862  REASONS FOR INACTIVITY LACK OF CLOTHING

October 28, 1862  ADVANCE OF THE ARMY OF THE POTOMAC
THE LEFT WING UNDER BURNSIDE MAKES A MOVE

November 11, 1862  REMOVAL OF GENERAL McCLELLAN

November 14, 1862  ARMY OF THE POTOMAC AT A STANDSTILL
SINCE BURNSIDE TOOK COMMAND
(McClellan to have fought a great battle within a few days)

November 18, 1862  BURNSIDE SUBMITS HIS PLAN OF CAMPAIGN
WAITS FOR RESPONSE BEFORE MOVING

November 18, 1862  A few of our prominent generals are disgracing themselves by their flunkeyism to the administration... The surest road to promotion in the army at this time is professions of love of abolitionism and hatred of McClellan... The man who will fawn and cringe to obtain place need not hope that his character will not be understood by the people and himself treated with the contempt he deserves when the people shall have the power to make their scorn felt.

General McClellan touched the right chord in his brief address on the occasion of his reception at Trenton. "While the army is fighting", said he, "you as citizens must see that the war is prosecuted for the preservation of the Union and the Constitution, for your nationality and your rights as citizens". These be letters of gold.

November 20, 1862  BURNSIDE TO MARCH ON RICHMOND FROM FREDERICKSBURG

November 25, 1862  NO BOMBARDMENT AT FREDERICKSBURG YESTERDAY

November 26, 1862  BURNSIDE STAYED IN HIS PROGRESS IS WASHINGTON IN DANGER?
December 2, 1862
OFFICIAL ARGUMENT AGAINST THE FURTHER ADVANCE OF BURNSIDE FOR FEAR OF AN ATTACK ON WASHINGTON

December 3, 1862
REMOVED REMOVAL OF BURNSIDE AND APPOINTMENT OF HOOKER IN HIS STEAD

December 4, 1862
ENEMY INCREASING THEIR WORKS OF DEFENSE ON RAPPAHANNOCK

Mr. Lincoln was elected to the Presidency by the votes of only one-third of the voters of the United States.

He did not, on coming into office, seek to represent the views of the two-thirds who had voted against him, but of the one-third who had voted for him, taking care, in his inaugural address, not to avow his obligations to the Constitution, but to the Chicago platform. In the same inaugural address, he denied the binding obligation of the decisions of the Supreme Court of the United States as to Constitutional construction.

He was against any compromise of the national difficulties and had, before his inauguration, thrown impediments in the way of adjustment by the Peace Conference. Civil War followed. Can we hope for nothing better of Mr. Lincoln in the future than we have experienced in the past? In negotiations which it is in his power to permit to be opened for peace, will he be as obstinate and unreasonable as he was in the negotiations in the outset to prevent war?

These are interesting inquiries.
December 6, 1862  BURNSIDE NOT TO BE INTERFERED WITH FROM WASHINGTON HEREAFTER

December 8, 1862  DAYS OF INACTION ABOUT AT AN END

December 10, 1862  INCLEMENT WEATHER MAKES FIGHTING IMPOSSIBLE! NOT A SINGLE SOLDIER YET CROSSED THE RIVER

December 11, 1862  ARMY OF THE POTOMAC WILL FURNISH STIRRING NEWS BEFORE CHRISTMAS

December 11, 1862  The patience of the radical press under the inaction of General Burnside is worthy of all praise. Nearly a month has gone by since his assumption of command, unmarked by action or advance. He is quiet on the Rappahannock, and the soldiers are cozily toasting shoeless feet before the enormous campfires, occasionally shifting positions to warm other exposed parts that should be protected at least by shoddy. General Burnside, in order, doubtless, to keep the soldiers warm, has commenced digging trenches. But the abolition press has as yet made no howl. Greeley shows symptoms of restlessness, and we may soon look for a yelp from him. The others can't start in until he pitches the keynote. The concert, when it does begin, will exceed in length, variety, and noise any effort of the kind that has preceded it. They are aware that it will be the last one of the season, and are determined to use their vocal powers to their full extent.

December 12, 1862  BURNSIDE OPENS FIRE UPON FREDERICKSBURG WITH 176 CANNON, AND THE ENEMY REPLY NO ENGAGEMENT IN THE VICINITY OF FREDERICKSBURG YESTERDAY

December 15, 1862  FREDERICKSBURGH ALMOST ENTIRELY DESTROYED

December 17, 1862  BURNSIDE RETREATS TO THE NORTH BANK OF THE RAPPAHANNOCK
December 18, 1862
IMMENSE STRENGTH OF REBEL FORCES
PORTRAYED

December 19, 1862
BATTLE OF FREDERICKSBURG FRIGHTFUL
SLAUGHTER OF OUR TROOPS BY REBELS --
UNION LOSS OVER 13,000

December 19, 1862

The country stands appalled at the magnitude of the disaster at Fredericksburg. It excels every other disaster of the war - so prolific of disaster to our arms... More than thirteen thousand of our soldiers dead, wounded and missing is the terrible record of this terrible business, and all this human life sacrificed to no purpose whatever.

The country will not hold General Burnside responsible for the disaster. It will hold the administration at Washington, which has thrust General Burnside into a position from which he shrank, and crowded him forward into a situation which he must have deemed hazardous, responsible for it. The disaster is fruit of the same incompetence and folly and imbecility which have presided in Washington from the day Mr. Lincoln entered upon an office for which he has not a single qualification. It is fruit of the same wild and reckless fanaticism and of the same malicious partisan bigotry and ignorance and hate which have controlled the policy of the administration from the beginning... We forbear to give expression to the great prevailing popular sentiment over this calamity... We have expected scarcely less than this calamity. We predicted it when McClellan was immolated. It was sure to come of the policy of his immolation and of "on to Richmond" by a route which he had pronounced impossible. It was sure to come of his degradation and of the complete predominance of the Stanton-Halleck power in the administration.

What next?
December 20, 1862  WRETCHED MISMANAGEMENT OF THE AFFAIR AT FREDERICKSBURG  REBEL LOSS 2500

December 22, 1862  REPORTED RESIGNATION OF GENERAL BURNSIDE

December 23, 1862  BURNSIDE TAKES THE RESPONSIBILITY FOR HIS RECENT DEFEAT

December 25, 1862  A MILLION MEN IN ARMS BUT NOT A SOLDIER AVAILABLE TO TAKE RICHMOND

December 29, 1862  BURNSIDE'S TESTIMONY

"I had previously commanded one corps. I probably knew less than any other corps commander of the position and relative strength of the army. General McClellan remained some two or three days to arrange his affairs and came with me as far as Warrenton, and then left, having given me all the information he could in reference to the army."

December 30, 1862  BURNSIDE'S OWN DEMONSTRATION OF HIS INCOMPETENCE AND UNFITNESS TO COMMAND A LARGE ARMY. THE ARMY OF THE POTOMAC CAN GAIN NOTHING BUT DEFEATS UNDER HIS LEADERSHIP

December 30, 1862  ANOTHER RAID BY STUART'S CAVALRY. THEY GET ENTIRELY AROUND BURNSIDE'S ARMY

December 31, 1862  A Washington correspondent of one of the New York papers gravely announces that "the grave question of the national finances is commanding much of the President's attention". With those who know the President will this excite a smile? He is even more ignorant of the most elementary principles of finance than of the art of war, and will blunder much worse in meddling with financial matters than he has blurred in military matters; and it is purely his blunders which prevented the taking of Richmond.
Abraham Lincoln giving his attention to the finances! The Lord defend and save us!

January 16, 1863

PROBABLE MOVEMENT OF BURNSIDE'S ARMY WITHIN A FEW DAYS!

January 20, 1863

REASONS TO BELIEVE BURNSIDE HAS CROSSED THE RAPPAHANNOCK

January 21, 1863

ARMY OF THE POTOMAC UNDER MARCHING ORDERS A DESPERATE STRUGGLE EVIDENTLY NEAR

January 22, 1863

EXCITEMENT IN WASHINGTON OVER ADVICES FROM THE ARMY OF THE POTOMAC. WHAT THE ADVICES ARE IS NOT STATED

January 23, 1863

BURNSIDE ANNOUNCES TO HIS TROOPS THAT THEY ARE ABOUT TO MEET THE ENEMY ONCE MORE

January 24, 1863

NO ADVANCE AS YET -- ROADS IN SUCH A CONDITION AS TO RENDER AN ADVANCE IMPOSSIBLE

January 26, 1863

BURNSIDE VISITS WASHINGTON AND HAS AN INTERVIEW WITH THE PRESIDENT AND CABINET

January 26, 1863

Whatever plans Burnside may form, they will be thwarted. No general will be permitted to form and execute his own plans in the vicinity of Washington. The Chandlers, and Wilsons, Lovejoys and Wades, in Congress, will inquire and meddle, and the administration will answer and meddle and the result of inquiring, answering and meddling will lead to other Fredericksburg. Burnside, however, will scarcely again prejudice himself to whitewash the administration.

January 27, 1863

BURNSIDE RESIGNS HIS COMMAND AND IS SUCCEEDED BY HOOKER
February 10, 1863  ABSOLUTE POWER TO BE CONFERRED ON MR. LINCOLN -- COMPLETE SUBVERSION OF CONSTITUTIONAL GOVERNMENT

February 17, 1863  CRITICAL CONDITION OF FINANCE. NATIONAL BANKRUPTCY INEVITABLE

March 12, 1863  HOOKER RECOMMENDS THE DISMISSAL OF 150 OFFICERS

March 26, 1863  How the Administration Appreciates Military Genius

... Sumner had perfect confidence in General McClellan, but he had confidence in the shallow capacity of Burnside.

General Sumner remained with the Army of the Potomac until Hooker was appointed to hold place once held by General McClellan. He knew Hooker well. He knew that small as Burnside's capacity was, it was ten times that of Hooker.

March 31, 1863  CONTINUAL REBEL CAVALRY RAIDS WITHIN THE LINES OF THE ARMY OF THE POTOMAC

April 2, 1863  LESS THAN 1000 DESERTERS RETURNED TO THE ARMY OF THE POTOMAC

April 17, 1863  General Burnside, commanding the Department of the Ohio, has made the State of Illinois a military district, to the command of which he has assigned Brigadier General Jacob Ammen, lately Colonel of the 24th Ohio Infantry. General Ammen's (sic) headquarters have been fixed at Springfield.
<table>
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<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>April 18, 1863</td>
<td>DUPLICITY OF THE ADMINISTRATION IT CLAIMED A VICTORY AT CHARLESTON TERRIBLE REVULSION OF FEELING AT WASHINGTON WHEN TRUTH WAS KNOWN THE ADMINISTRATION ABANDONED THE SIEGE AS HOPELESS ROSECRANS' ARMY HELD EFFECTUALLY IN CHECK</td>
</tr>
<tr>
<td>April 20, 1863</td>
<td>The President is reported to have replied, when asked if disaster still continued to attend our armies, what he was going to do: &quot;Keep pegging away, sir&quot;. It is now rumored that he will order Admiral Dupont to &quot;keep pegging away&quot; at Charleston. &quot;Pegging away&quot; is precisely what we have been doing from the first, without order, system, or strategy, and with no other result than defeat. &quot;Pegging away&quot;, in the slang vocabulary with which the President appears to be unduly familiar, implies perseverance and industry, but these qualities can accomplish nothing if not intelligently directed...</td>
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<tr>
<td>April 21, 1863</td>
<td>DOUBTFUL REPORT THAT GENERAL STONEMAN HAS CAPTURED 3000 REBELS AT CULPEPPER COURTHOUSE</td>
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<td>April 23, 1863</td>
<td>INACTIVITY IN THE DEPARTMENT OF THE CUMBERLAND ABSURDITY OF THE STORIES THAT THE REBELS ARE STARVING</td>
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<td>April 24, 1863</td>
<td>HOOKER'S PLANS DIVULGED TO THE ENEMY</td>
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<td>April 25, 1863</td>
<td>TROOPS BECOMING DEMORALIZED BY INACTION. McCLELLAN STILL THE IDOL OF THE MEN. HOOKER IN TROUBLE ON ACCOUNT OF DISOBEDIENCE TO ORDERS</td>
</tr>
<tr>
<td>April 25, 1863</td>
<td>ARMY OF POTOMAC STUCK IN MUD TROOPS BECOMING DEMORALIZED BY INACTION</td>
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<tr>
<td>April 28, 1863</td>
<td>WHY DOES NOT BURNSIDE HASTEN ONWARD TO COOPERATE WITH ROSECRANS</td>
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April 28, 1863  INTIMATIONS THAT MILITARY AUTHORITIES
OF DEPARTMENT OF OHIO WILL PROHIBIT PUBLIC
SPEAKERS FROM DISCUSSING WAR MEASURES

May 2, 1863  HOOKER EXPECTED TO MAKE HIS BOASTS GOOD

May 6, 1863  HOOKER'S ARMY IN MOTION AT LAST
PART OF LEE'S ARMY IN HOOKER'S IMMEDIATE
REAR

"It is evidently General Lee's design
to draw Hooker's army to some point on the
Mattapony that he has chosen for that
purpose, and there to give a battle on
ground of Lee's selection; attacking him,
too, no doubt in front and rear."

May 11, 1863  GENERAL SEDGWICK'S CORPS DRIVEN OUT OF
FREDERICKSBURG
HOOKER SAYS "THAT IT IS OF NO CONSEQUENCE"
TERRIFIC CARNAGE AT THE STORMING OF THE
HEIGHTS
STRANGE GENERALSHIP ON PART OF HOOKER
DEFECTS IN HOOKER'S PLANS

May 12, 1863  WHY GENERAL HOOKER WITHDREW ACROSS THE
RAPPAHANNOCK
ATTEMPTS TO LESSEN THE MAGNITUDE OF THE
DISASTER
THE REASONS GIVEN BY HOOKER FOR HIS
RETREAT, AND THEIR FALSITY

May 13, 1863  THE END OF HOOKER
CAUSES OF HIS FAILURE
THE MEANS OF SUCCESS WERE WITHIN
HOOKER'S REACH

May 14, 1863  HOOKER'S ARMY STILL AT FALMOUTH
INDICATIONS THAT HE EXPECTS TO BE
EMPLOYED IN SOME NEW ENTERPRISE AT ONCE

May 18, 1863  HOOKER INFORMS THE PRESIDENT THAT HE
WILL RESIGN IF IT BE CONSIDERED DESIRABLE

May 21, 1863  NO INDICATIONS ARMY OF POTOMAC WILL EVER
MOVE AGAIN - THE ATTEMPT TO SOFTEN THE EFFECT OF HOOKER'S DEFEAT

May 25, 1863

VALUE OF HOOKER'S GENERALSHIP WITH 13,000 TROOPS HE RUNS AWAY FROM 7500 REBELS
CHAPTER V

Burnside's Order No. 84 - Storey gets protection of civil court - Judge Drummond against Burnside's arbitrary commands - case of Storey and Worden in court - James F. Joy's defense of his clients - Drummond's order of restraint - political meetings and rallies in defense of freedom of speech and press - Chicago petitions President Lincoln to rescind order - Isaac Arnold rebuffed by Republican Party - President Lincoln revokes Order No. 84 - close of case in court.

Burnside now decided to take the law into his own hands. But by this move he produced an unexpected landslide of intense public feeling against the government in its so-called 'wartime measures of necessity'.

On May 20, 1863, the Chicago Times reprinted an article from the New York Herald, which read:

Burnside in Vallandigham case -- The General has now knocked his head against a thicker wall and precipitated himself into a more dangerous collision than when he attempted to storm the stronghold on the Rappahannock.

And the Times editor explained: "As the blind cannot see when the sun shines, so it is with these blind guides, leaders of the blind. Everywhere public opinion is against Burnside's course".

Perhaps it was unconstitutional, but certainly very human, for General Burnside to end if he could this persistent bombarding in Storey's Times, and on May 30, the upshot came in Burnside's headquarters at Cincinnati. The scene might be described thus:
"Richmond", probably called General Burnside to his assistant adjutant, "write up in correct form, and label it No. 84":

"First, I want the New York World prohibited in my department. Secondly, suppress this Chicago Times", and he slapped the folds of a copy of the Chicago Times which he held in his hands. "And lastly, lay down the law as to what we are going to do to any person, who in any way handles or assists in the distribution of these disloyal papers. And make it strong."

"Right, sir", replied Lieutenant Colonel Lewis Richmond, with a skeptical nod as he left the General's inner office.

The next morning, June 1, there appeared in all the Cincinnati papers an order signed by "General Ambrose E. Burnside, Major-General, Commandant, Department of the Ohio", which read:

Headquarters, Department of the Ohio
Cincinnati, Ohio - June 1, 1863

General Order No. 84:

1 - The tendency of the opinions and articles habitually published in the newspaper known as the New York World being to cast reproach upon the government, and to weaken its efforts to suppress the rebellion, by creating distrust in its war policy, its circulation in time of war is calculated to exert a pernicious and treasonable influence, and is therefore prohibited in this department.
II - Postmasters, news agents, and all others will govern themselves by this order, as any person detected in forwarding, selling, or in any way circulating the paper referred to, will be promptly arrested and held for trial.

III - On account of the repeated expressions of disloyal and incendiary sentiments, the publication of the newspaper known as the Chicago Times is hereby suppressed.

IV - Brigadier General Jacob Ammen, commanding the District of Illinois, is charged with the execution of the third paragraph of this order.

By Command of Major-General Burnside

(Signed) Lewis Richmond
Lieutenant Colonel and
Assistant Adjutant General 

Within twenty-four hours the news of the suppression of the Chicago Times was spread throughout the Northwest and also the Eastern seaboard cities. It was stirring news, and as the event was almost unprecedented, it caused a whirlwind of opinions and conjectures, particularly in Chicago.

It must be remembered that Chicago was a Democratic city, that it had a Democratic mayor and council, and that the Times was by now the Democratic Party's official mouthpiece.

l - Cincinnati Enquirer - June 1, 1863
Next day, June 2, the Chicago Tribune, a newspaper rival of the Chicago Times, and Republican Party organ in Chicago, printed headlines in large bold type:

"THE BLOW HAS FALLEN
THE CHICAGO TIMES IS SUPPRESSED!"

(And no further statement followed the headlines. The Chicago Tribune printed the stirring news but evidently could not decide whether to comment on its justification or let the reader make his own deductions.)

Indeed, the blow had fallen, and had been dealt by a general who little realized, on that first day of June, 1863, what a blow he had dealt to liberty of the press, and also dealt to himself. As soon as the news of the intended suppression reached the Chicago Times office, every department received a rush order, and the press (this was the day of stereotyping and the duplication of 'forms') was set in motion at the earliest possible hour. ¹ As fast as the papers were printed, they were bundled out of the building into safe quarters for distribution. A horseman was sent to Camp Douglas, with orders to speed back to the Times office as soon as a detachment of the garrison was seen to leave camp. ²

\[\ldots\ldots\ldots\ldots\]

¹ - Andreas - op. cit. (History of the Press) - Vol. III
² - See appendage 12 - p. 137
Some spirited citizens of Chicago, on this particular Tuesday morning, in reading this information had to swallow a second time to make the 'bitter pill' go down. Furthermore, many a Northerner, irrespective of party, became indignant that a general would dare issue such a command to apply in a city hundreds of miles from battlefields.

There was more than determination and emphasis in the stride of Wilbur Storey, editor and part owner of the Times, that memorable morning as he paced back and forth in the editorial office of the Chicago Times Building, listening to the noise of the overworked presses and debating with himself as to what course of action he would take. He was finally interrupted by the arrival of a messenger who handed him a dispatch, which he quickly tore open, and read:

Cincinnati, June 2
Headquarters, Department of the Ohio

Editor of Chicago Times:

You are hereby notified that I have issued an order stopping the publication of your paper, which order will be published in the morning papers of this city today. You will please govern yourself accordingly.

(Signed) A. E. Burnside
Major-General

1 - Chicago Times - June 3, 1863
Storey, filled with rage, ceased his pacing, sat down at his desk, and spoke to no one. Perhaps he determined that his policy would be watchful waiting. If so, he did not have a very long wait. The horseman, sent earlier to Camp Douglas, returned swiftly with news that the 'Lincoln hirelings' had started for the Times office. Within an hour, a file of twelve soldiers from Camp Douglas arrived, and their commander handed Storey this dispatch:

By telegram from Springfield
Chicago, June 2, 1863

To Captain James S. Putnam, Camp Douglas

You will enforce the following order of Major-General Burnside

Cincinnati, June 2, 1862

General Ammen -- I have issued an order suppressing the Chicago Times. You will see that no more publications of it are made, and if necessary you will take military possession of the office.

A. E. Burnside

J. Ammen 1

Storey was now ready for action. He decided, for obvious reasons, to engage the services of a Republican

........

1 - Ibid - June 3, 1863
Structures that have seen the change from horse and cable car to modern bus and trolley. The Portland block, at the southeast corner of Dearborn and Washington streets, is shown at the center of the picture, taken in the summer of 1888. To the north, across Washington street, is the McCarthy building, another survivor of the '70s. In an early guide book, the Portland block is described as "a monument to the energy of capitalists whose faith in the future of Chicago was unshaken by overwhelming misfortune."

(Interstate Photo)
law firm, Walker and Dexter. As a preliminary, Storey sent a messenger to Mr. Dexter's office, in the Portland Building, on the southeast corner of Dearborn and Washington Streets, to have one of the firm's representatives come to a conference as soon as possible in regard to handling the Times case in the courts. ¹

Dexter sent back information that he himself would meet Mr. Storey in his rooms at the Sherman House within an hour. When the two finally parted, after a lengthy discussion of the grounds on which the Times case would be fought, Mr. Dexter returned to his office. He and a junior partner of the firm spent about three and a half hours drawing up a bill of restraint against General Burnside. When the bill was finished, the junior partner left the office and hurried with it up Dearborn Street to No. 154, which was the home of Federal Judge Thomas Drummond.²

¹ - The original Portland Building was destroyed in the Chicago Fire of 1871. The new Portland Building was built shortly after the fire and was only four stories in height, but in the early eighties two more stories were added. (Information given by the John R. Magill Co., the present managers of the Portland Building.)

² - Halpin & Bailey - Chicago City Directory - 1863
The Sherman House in the sixties. At the northwest corner of Clark and Randolph Streets. The corner of the Court House square is shown at the left.
The Judge had not retired, and Dexter's representative begged forgiveness for calling at so late an hour, but added that owing to the serious situation presented it was thought the Judge would give the subject immediate attention. Judge Drummond knew of the affair, and at once expressed himself as decidedly opposed to General Burnside's drastic move in interfering with the freedom of the press. The Judge said he realized the possibilities of a general overriding his powers and saddling his orders on civilians who were beyond military jurisdiction. After hurriedly reading the bill of restraint, Judge Drummond announced he would place this case first on the docket for the following morning, and be ready for a hearing around nine o'clock. 1

One of the Judge's servants was sent to the office of the Times with a brief of the bill of restraint. This brief the servant was instructed to give to the officer in command of the squad guarding the presses. The servant encountered a group of soldiers standing on the sidewalk in front of the Times office. He explained his mission and was allowed to enter the building. He found the commanding officer comfortably seated at Storey's roll-top desk,

1 - Storey - General Burnside's Order No. 84, etc. - p. 3
smoking a cigar. On being served with the bill, the officer read it through, spat on the floor, chuckled audibly at the civilian procedure, and then called out loudly to his squad, "Fall in". He turned to the Judge's servant and said: "By tomorrow, soldiers enough will have arrived from down state who will make it possible to carry out the General's orders".

This was done regardless of the restraining order, which read:


Whereas, an application has been made to me by bill of the equity side of this Court to restrain and enjoin the above named defendants from carrying into effect an order of Major General Ambrose E. Burnside dated June 2, 1863, purporting to be made by him as an officer acting under the authority of the United States for the suppression of the publication of a newspaper called the Chicago Times, and whereas the application has been made at so late an hour that it cannot be heard before tomorrow; now, the above named defendants, and particularly the said General Ammen, and Jas. S. Putnam are hereby directed and enjoined to take no steps or measures to carry into effect the said order of Major General Burnside above referred to, until the application can be heard in open Court tomorrow; and they are hereby enjoined not to execute the same. 1

Thomas Drummond 2
U. S. Judge

Chicago, June 2, 1863

1 - Chicago Times - June 5, 1863
2 - See appendage 13 - p. 138
The Judge, before retiring, wrote a circular over his own name and addressed it to the citizens of Chicago, in which he assured them that civil law still prevailed, that the courts were open for the redress of all wrongs, and that everything possible would be done to have the military order revoked. 1

When Drummond arrived at his chambers the next morning he personally tacked up this notice on his courtroom door. The reporters had it copied in short order and before noon the citizens of Chicago were reading 'extras' saying, "Judge Drummond will do everything in his power to prevent any military encroachment of the Constitutional right of the people, namely, freedom of speech and press, and no military commander can override the supreme law of the land".

........

1 - Chicago Times - October 29, 1884
The Chicago Tribune, on the same morning, June 3, printed an 'exposure' of the case, on the front page, in the set-up of an 'extra'.

(Special Dispatch to the Chicago Tribune)  
Springfield, June 2, 1863

The proprietors of the Chicago Times have telegraphed here today stating that they are willing to conform to military orders if allowed to continue the publication of the paper and asking General Burnside's pleasure. They also state that they will be here in the morning to see Burnside.

General Burnside, it is said, will require them to take the oath of allegiance and give bonds for the future conduct of their paper. This, it is said, will be done, and the publication will be allowed to be resumed.

(Followed the next day by a special dispatch to the Chicago Tribune)  
Cincinnati, June 3, 1863

General Burnside has remarked "That freedom of discussion and criticism which is proper in the politician and the journalist in times of peace, becomes rank treason when it tends to weaken the confidence of his soldiers, his officers and his government... Furthermore, it is the duty of a commanding officer to expel it from his lines... But arrests should be made on full affidavits, sustaining distinct charges, except when the exigencies of the case demand instant action".

But ahead of the 'extras' on June 3, Judge Drummond had promptly opened court at nine o'clock and called for the first case on his docket: "Storey and Worden* versus General Burnside, General Ammen and Captain

1 - See appendate 14 - p. 139

* - A. Worden of Michigan had been taken in as a partner, in 1862, and apparently was a silent owner. In 1865 he sold out his interest to Storey. - Andreas - p. 486
Putnam. The courtroom was crowded with citizens from every walk of life. All wore earnest, anxious expressions, and were eager for developments that seemed likely to mark an epoch in the nation's life. Party affiliations made little difference apparently, both Republicans and Democrats being well represented. 1

James F. Joy, of Detroit, the attorney appointed by Walker and Dexter to defend their clients, Storey and Worden, made a motion immediately to defer the application for an injunction until the military commandant of Camp Douglas, charged with the execution of General Burnside's order in this city, could be served with notice of the application as required by law. Judge Drummond granted the motion, and before declaring a recess, made a speech to the crowded courtroom, explaining his action thus far in the case, and also his sentiments in the matter.

"My restraining order of last evening was not an injunction", said Judge Drummond, "but simply a direction to the officers that nothing should be done to affect the rights of the parties until it could be determined whether an injunction should issue in the case. 2 For that reason, the order was given to the Judge at Chambers, with which perhaps most of you are familiar. The Act of Congress and the rules of the court both require that no special injunction shall issue without notice have been given to

1 - Storey's - Suppression of Chicago Times - op. cit., p. 2
2 - Chicago Times - June 7, 1863
the parties affected by it, of the time and place, when and 
where it is to be moved for; and it was for this reason that 
the exigency was so great that the notice of the application 
at that time could not be properly given that the order was 
issued late last night. I have always desired, have always 
wished to greet the government as a government of law and of 
the Constitution, and not a government of mere physical 
force. (loud cheers) I have contended, and shall always 
contend, for the right of free discussion and the right of 
commenting, under the law and under the Constitution, upon 
the acts of the officers of the government... because, I 
think the Constitution and the laws guarantee it. I intend 
personally and officially to maintain it. These parties 
have appealed to the court, and the court, as far as it is 
able to do so, will determine their rights of property... 
It is desirable that we should know whether we live under a 
government of law, or under a government simply of force." 

Court was adjourned about ten o'clock.

It was decided advisable by Storey's lawyers, and 
also by Judge Drummond, to wire Judge David Davis, who was in 
Springfield, and request him to sit with Judge Drummond during 
the hearing of the case, and to assist him in rendering a 
decision. 1

1 - Judge Davis was appointed a member of the Supreme Court 
of the United States December 8, 1862 by President 
Lincoln. (Journal of the Illinois State Historical 
Society - Vol. VII - April, 1914 - No. 1) 
See appendage 15 - p. 139
There were probably several reasons for this move; one might have been that Judge Drummond did not want to assume the entire responsibility of a decision that might cause discord in his party. He was a Republican. Another reason was the known fact that Judge Davis was one of President Lincoln's closest friends, and through him Judge Drummond could perhaps more readily get the immediate attention of the President in any move to have Burnside's order rescinded.

About one o'clock in the afternoon of this same day an informal meeting of a few prominent citizens, irrespective of party, was called in the circuit courtroom of the Court House. ¹ Francis C. Sherman, Democratic Mayor of Chicago, was called to the chair, and M. F. Tuley was requested to act as secretary of the meeting. The men present discussed freely their views on Burnside's order and all its possibilities. The general opinion expressed was that such an action as Burnside had taken when Chicago was not under martial law, was unconstitutional and deplorable. Some of the men at this round table conference were Judge Van Higgins, Lyman Trumbull, Isaac N. Arnold, Wm. B. Ogden, S. S. Hayes, James F. Joy, A. W. Orrington, Samuel W. Fuller and Wirt Dexter.

¹ - Chicago Times - June 5, 1863
At the close of the meeting, Wm. B. Ogden presented an informal statement, which read:

Whereas, in the opinion of this meeting of citizens of all parties, the peace of this city and state, if not the general welfare of the country, is likely to be promoted by the suspension or rescinding of the recent order of General Burnside for the suppression of the Chicago Times; therefore resolved, that upon the ground of expediency alone, such of our citizens as concur in this opinion, without regard to party, are hereby recommended to unite in a petition to the President respectfully asking the suspension or rescinding of said order. 1

The resolution was unanimously adopted, and the chair appointed a committee of five to circulate and obtain signatures to the petition. They were Wm. B. Ogden, Van H. Higgins, A. C. Coventry, Judge Dickey, and C. Beckwith. Senator Trumbull and Representative Arnold announced an intention to telegraph President Lincoln to give the resolution "his serious and prompt consideration". They were both Republicans and said they felt that Lincoln would listen to their recommendations.

The committee was then directed to send the resolutions and petition by telegraph to the President, and the proceedings of the meeting were ordered to be published in the morning papers of Thursday, June 4.

1 - See appendage 16 - p. 100
while this much discussed meeting and telegram were holding the interest of many city officials, a thrilling spectacle was being prepared for Chicago crowds on this same Wednesday afternoon, June 3. Regardless of the fact that the case of the Chicago Times had been placed on record in the United States Circuit Court of Northern Illinois, and that a restraining order had been sent to Captain Putnam at Camp Douglas, a military force arrived at three o'clock at the entrance of the Chicago Times Building and patroled with fixed bayonets up and down the streets, on each side of the block. Mr. Storey had not been ordered to stop the presses from running and about three thousand copies of the Times had been run off. At five p.m. the surrounding military force suddenly broke into the Times office, stopped the presses, tore up the papers already printed, ordered everyone out, and took military possession.

This act profoundly agitated the community. Storey himself said: "That the peace was preserved, that blood had not flowed in our streets, is attributable to the devotion of the democracy of the city, that the highest public duty of every citizen is to maintain the supremacy of the laws". 1

1 - Chicago Times - June 6, 1863
Cook County courthouse and city hall before the fire of 1871. It was enlarged by added wings, extending it to Clark Street and to La Salle Street.
Handbills had been circulated throughout the city during the day, which read:

All good and loyal citizens of Chicago, who favor free speech and freedom of the press, as guaranteed to us by the Constitution we love and uphold, are invited to assemble in massmeeting in front of the Chicago Times office, on Wednesday evening, June 3, at eight o'clock, to take counsel together in regard to the recent infamous and tyrannical order of Major-General Ambrose E. Burnside, suppressing a newspaper always democratic and, consequently, always loyal.  

By evening Randolph Street from State Street to Dearborn Street was a solid pack of humanity. 2 The crowds became so large that it was advisable to move west on Randolph to the grass plots around the Court House Square where there would be plenty of room and all could hear the speeches that were promised in defense of freedom of speech and the press. 3

Fully twenty thousand men assembled in and around the grass enclosure of the Court House. The police stood by, but there was no need of their attendance. Violence was not the intention of the concourse. They came to hear and applaud, and to put a seal of condemnation upon the acts of General Burnside.

1 - New York Times - June 4, 1863 - also see appendage 17 - p.142
2 - Chicago Times - June 6, 1863
3 - Court House Square was the block bounded by Randolph Street on the north, Clark Street on the east, Washington on the south, and La Salle on the west.
The meeting was called to order by ex-Governor E. W. McComas. 1 Samuel W. Fuller 2 was nominated to act as president of the meeting and introduce the speakers, such men as: General Singleton, Wirt Dexter, E. G. Asay, B. G. Canfield, Chas. M. Willard, and Samuel Ashton.

General Singleton, a Democrat who was the first speaker, said: "I have no sympathy with the doctrine which says the entire sovereignty of this country is vested in the federal government. (cheers) It is no heritage. (applause) Such a doctrine is one that would have disgraced any man, even the most humble in this our country... The government was created not to destroy the rights of men, but to perpetuate them and preserve them, and yet freedom of speech has been violated in the person of Vallandigham. (three cheers for Vallandigham and given with a will) And now freedom of the press is violated. (Some confusion occurred in the crowd, and considerable disturbance resulted, which was finally quieted.) There are three rights dear to

1 - E. W. McComas was an ex-Lieutenant Governor of Virginia, a Democrat, and Editor of the Chicago Times under a former regime.

2 - Samuel Fuller was born in Caledonia County, Vermont, 1822. He came to Pekin, Illinois in 1860 as a promising young Democratic lawyer. In 1867 he moved to Chicago and became associated in business with Scammon & McCogg and at once gained a commanding position at the bar. He never sought to wrest the law to unjust purposes, nor gain causes by oblique methods. He died in October, 1873. (Andreas - p. 462)
American citizens -- freedom of speech, freedom of the press, and purity of the ballot box. Two have been violated and when the latter is degraded then we have nothing left". Singleton was from the central part of the state, and under his lashings of the administration the meeting was brought close to the danger line of mob protestation against the government's arbitrary measures.

The next speaker was Mr. McComas, a former editor of the Times. He was greeted with a deafening burst of applause. His speech was to the effect that any suppression of the Chicago Times should be purely a legal one. "The military have no right to interfere with Mr. Storey's newspaper for they have no power except what is delegated to them. Mr. Storey claims the military power have attempted to override the law, and to trample upon his rights and your rights. Mr. Storey appeals to the country for his rights." etc. etc.

Wirt Dexter, prominent Republican lawyer, attorney for Storey, followed on the speakers' rostrum. His message to the crowd was that steps were being taken by leading men from both political parties to have the Burnside order rescinded. He voiced in no uncertain tones the opposition of the conservative element of his party to military interference with the freedom of the press, and assured the crowd
that measures to be taken would surely result in the President's rescinding the order. He made the crowd laugh when he said: "What would my friends of the Tribune have thought if on a beautiful June morning some little upstart of a general, eminent by the magnitude of his blunders and notorious only by defeat, perfectly beside himself in admiration of his shoulder straps, had marched up to that institution and said: 'You will please retire through the back door; your principles are not healthy according to my standard and according to something (God knows what) he saw fit to call his military policy".

A telegram from a group of citizens in New York City was then read by Samuel Fuller:

New York, June 3, 1863

To the Mayor of Chicago

The democracy of the State of New York assembled here in massmeeting tonight to greet the oppressed democracy of Chicago

(Signed) F. C. Dunning, Chairman

Prolonged cheering followed the reading of the telegram. Then Fuller raised his hands requesting silence, and read another telegram sent by the State Legislature of Illinois, which had met that day, taken the suppression of the Times into consideration, and had passed resolutions indignantly condemning the conduct of 'tyrannical oppressors'. 
The text of the telegram was:

Springfield, June 3, 1863

The following preamble and resolutions passed the House of Representatives today by a vote of 47 - 13.

Whereas, information has reached this body that an order was issued on the first day of June by General Burnside, commanding the suppression of the Chicago Times, a public newspaper published in this State and,

Whereas, such an order is in direct violation of the Constitution of the United States and of this State, and destructive of these God-given principles whose existence and recognition for centuries before written constitutions were, have made them as much a part of our rights as the air we breathe or the life which sustains us;

Resolved, that we denounce the order which threatens an act so revolutionary and despotic as contrary to liberty, destructive of good government, subversive of Constitutional and natural rights, and that if carried into effect, we consider it equivalent to the overthrow of our form of government and the establishment of military despotism in its stead.

And Resolved, that we respectfully and yet firmly, request the withdrawal of the order in question, and a disavowal thereof by those in power, as the only course which can be pursued to reassure our people that Constitutional freedom so dear to their hearts has not ceased to be, and be it further

Resolved, that a copy of these resolutions duly certified be transmitted to the President of the United States, to Major-General Burnside, and to the Governor of Illinois, whose attention is hereby called to this infringement of popular rights and invasion of the sovereignty of the State of Illinois. (Loud cheers followed the reading of the telegram.)
Mr. E. G. Asay now came forward and concluded the meeting with a few remarks ending with: "Let us stand firmly fixed upon the rock of Plymouth (cheers) and as we plant our feet there let us say 'Hands off, this is holy ground'. You shall not take from us this last best vestige of freedom - the gift of our fathers - the UNSHACKLED FREEDOM OF THE PRESS".

The secretary then read a series of suggestions, including such opinions as:

(2) The military power is and must remain subordinate to the civil power. Military, like civil, functionaries, derive all their powers from the law. So far as they act under the law they must be obeyed. When they exceed the law their orders and decrees are void.

(3) "General Order No. 84" promulgated by General Burnside by which the publication of the Chicago Times is declared to be suppressed, is without warrant of law, and should, as we have an abiding belief that it will, forthwith be rescinded by the President. If the Chicago Times, or any other public journal, has exceeded the limits of lawful discussion or criticism, the civil tribunals, and they alone, are the competent and lawful judges of its crime. To the courts of law it appeals; let the courts, and the courts alone, decide its fate.

This was telegraphed to President Lincoln.

On June 4, the Chicago Tribune printed on the front page an article entitled "That Crowd", which read:
A full half of the crowd that got together in the Court House Square, last evening, we are sorry to say, was made up of Republicans who in that assemblage which under the pretense of defending free speech, met to assail the government and weaken its power, were strangely out of place. Let us hope that in all future gatherings of the turbulent and mischievous elements in this city, the Union men may not give dignity to the proceedings by their presence.

While the Court House Square meeting of protest was in progress, a conference was called at Warren Hall by a section of Republicans who did not approve of prominent men of their party mixing in this affair or expressing sympathy for Storey and his Times, a paper which it was asserted had always treated the Republican Party in a most shabby and abusive manner in its editorial columns. ¹ The men present determined to call to account those members of the party who were holding office and who were giving Storey public support, daring even to memorialize the President to rescind Burnside's order. When Senator Trumbull, who had telegraphed to President Lincoln asking deep and considerate attention of Burnside's action, undertook to address the meeting, he found the crowd in an ugly mood. Trumbull was frequently interrupted, and again and again charged with consorting with 'traitors' and with aiding and abetting the enemy.

¹ - Storey - op. cit., p. 3
The assemblage was also informed of the cooperation of Representative Arnold with Trumbull. It was decided to appoint a committee of five to wait upon Mr. Arnold at his home that evening and ask him to send a dispatch to the President that might counteract the effect of the first dispatch, and if Arnold declined to do so, to ask him to resign his office of Congressman. 1

The meeting broke up and the five chosen members set out for Arnold's home, which was on the northwest corner of Erie and Pine Streets. 2 Upon reaching it they loudly banged the knocker on the front door and in a few minutes a second story window was raised and a feminine voice inquired: "What is the matter?"

The spokesman apologized for the intrusion and inquired if Mr. Arnold was at home. When informed he had gone to the meeting at the Court House Square the committee decided to sit down on the steps and await his return. *

1 - Ibid - p. 4
2 - Halpin & Bailey's Chicago City Directory, 1863
* - The Chicago Times printed Trumbull's speech the next day in a conspicuous place. It read:

Senator Trumbull made a speech in the Court House Square last night, which, if made by a Democrat, would have been called Copperheadism. He attributed the bad progress of the war to the incompetency of the administration, condemned arbitrary arrests and military suppression of newspapers, and said many other things distasteful to his abolition auditory, who persistently interrupted him by calls for Jennison, the Kansas Jayhawker. Jennison (see next page)
The 'committee' made known to him the object of their visit and he invited them inside the house so that he could explain, and try to justify his actions.

Mr. Arnold claimed that if something of that kind (alluding to telegram) had not been done, violence would have been resorted to. He agreed, however, to write a second dispatch which would be satisfactory to the committee, and which would counteract his first petition to the President. The second dispatch read:

President of the United States:

Sir: In the dispatch sent you yesterday I did not intend to express an opinion that the order suppressing the Chicago Times should be abrogated.

(Signed) Isaac N. Arnold

* - p.

subsequently led an abolition procession about the city.

Mr. Trumbull's defection must be attributed to that instinct which drives rats from a sinking ship. He concludes not to go down with the administration. But where else will he go?

1 - Photostatic copy at Chicago Historical Society
(Original in files of Issac Arnold Estate, not for public use at Chicago Historical Society)
Also see appendage 18 - p. 143
The telegram met with the approval of the party protestors and they decided to take it at once to the nearest telegraph station. When the message was finally sent, another red letter day in the suppression of the Chicago Times was beginning to arrive. The sun was slowly coming over the horizon of the deep, peaceful waters of Lake Michigan.

Before the sun had set that evening, Storey had won his greatest victory, the suppression of the Times was revoked, and in a sense the liberty of the press in the United States had been vindicated. ¹ Beginning the final struggle in the courts, Attorney Joy, representing the Times, was the first to address Judge Drummond. ² He read the bill which had been presented to the Judge at midnight, Tuesday, June 2. In this bill it was stated that the Chicago Times was valued at more than one million dollars, that it had one of the largest circulations of any paper in the Northwest, and that it employed some two hundred persons who were dependent on it for daily support. Attorney Joy gave a detailed account of the happenings from June 2 to June 4, and also related happenings which he said were in defiance of the court's order. He described the arrival .......

¹ - See appendage 19 - p. 143
² - Chicago Times - June 7, 1863
of the military forces at the Chicago Times Building, an event which he said had caused great and dangerous excitement and furthermore, that there were fears by respectable citizens that open violence and breach of public peace when the military arrived would naturally result in destruction of property and life if action was not taken. Moreover, "There are no military operations or hostile forces in the State of Illinois, and the writ of habeas corpus has not been suspended in this State since the passage of the Act of Congress relative to habeas corpus, regulating judicial proceedings in certain cases, approved March 3, 1863. The civil tribunals and the courts of this State within its limits are in the full exercise of their jurisdiction and transacting the civil business of the country as usual."

Mr. Goodwin interrupted: "I understand the question at stake is whether General Burnside has or has not the right to act as he did".

Goodwin's single sentence was apparently just the spark needed to start Mr. Joy's presentment of Storey's side of the case. His appeal lasted one hour and a half and tended to show that the Burnside order was unconstitutional. ¹

¹ - Chicago Times, June 3, 1863 quoted his speech verbatim - See appendage 20 - p. 144
Attorney Goodwin, representing the government, intimated that he was unprepared to enter into arguments for General Burnside and others just then, but would probably be able to do so the following day, Friday. Court was then adjourned. At six-thirty p.m. this same day Storey received this welcome telegram:

Lexington, Kentucky
June 4, 1863

To the Editor of the Chicago Times:

By direction of the President of the United States, my order suppressing the circulation of your paper is revoked. You are at liberty to resume its publication.

(Signed) A. E. Burnside
Major-General

President Lincoln rescinded the order suppressing the Chicago Times because of several forces of pressure. He also ordered the Secretary of War to inform General Burnside to make no more arrests of civilians and suppress no more newspapers without conferring first with the War Department.

This shifting policy of President Lincoln is not to his credit. He ordered Vallandigham 'within the lines of his friends', but he apparently responded to the outburst of public sentiment and pressure from Chicago.

......

1 - Works of Abraham Lincoln - Vol. VIII, p. 290
Duly pondering his action in revoking the Chicago Times order, after many had made evident their disagreement with the course he had taken, President Lincoln, on May 25, 1864, confessed to have been embarrassed "with the question between what was due to the military service on the one hand, and the liberty of the press on the other". As to Burnside's order, he announced himself "still far from certain that the revocation was not right". 1

George Catlin, a biographer of Storey's, in explaining why Order No. 84 was revoked, writes: "President Lincoln, who was nearly always between the devil and the deep blue sea, tried to keep pouring oil on the troubled waters". Furthermore, that Lincoln thought the government and the army would be able to stand up under a little criticism, even of the more unfriendly sort; and, if the criticism contained an element of truth, it might be able to point the way to better achievements; so Lincoln quietly smoothed General Burnside's ruffled plumage, removed the bayonets from Mr. Storey's editorial ribs, and let nature take its course.

1 - See appendage 21 - p. 147
Great was the rejoicing in the Times office when the news came that the order was revoked. Within two hours, all the Times employees were collected, type was hastily set up and presses were soon pounding away at great speed, so that the Friday edition, June 5, would be ready for early morning distribution.

In this edition a terse editorial by Mr. Storey reads:

We have, then, still a free press. Major Burnside may not interfere with it. The fetters which have bound it in certain of the States of the Northwest are now released. The terrorism which has reigned in Ohio and Indiana and which had just reached Illinois, is removed. Let us hope that we have now seen the last of this terrorism. We believe we have seen the last of it. If we were not convinced before, the events of the past two days have convinced us that Illinois, at least, will not submit to it. Illinois, a Loyal State, has lost none of her rights by reason of the Southern rebellion, and she will surrender none of them. She will yet continue to yield her blood and treasure for the salvation of the Union, but more precious to her than even the Union is Civil Liberty!

Friday also witnessed the dramatic final ending of the case of Wilbur F. Storey and Ananias Worden versus Generals Burnside, Ammen and Captain Putnam, in the United States Circuit Court of Northern Illinois. 1

1 - Chicago Times - June 6, 1863
As soon as Judge Drummond ascended the bench, Wirt Dexter, representing Storey, came forward and said: "Your Honor, as the order of General Burnside, against whom the complainants sought relief, has been rescinded by President Lincoln,—a higher power than General Burnside,—we move to dismiss the bill. Furthermore, the real complainants are not Storey and Worden, but the whole American people. The result of the case is the triumph of no one man, but of the Constitution and law of our country."

Mr. Goodwin declared, on behalf of the government: "I maintain the power of the government to issue such an order, and regret that those appearing for the government had not had an opportunity to demonstrate the mere question of power."

With considerable sarcasm Mr. Dexter said: "It is evident that the President agreed with the complainants on this question. And with that they must remain content, and abide the misfortune of Mr. Goodwin holding a different opinion."

Judge Drummond added that it must be regarded as a matter of profound congratulation that the controversy was ended.

And so the spectacular case of Wilbur F. Storey versus General Ambrose E. Burnside came to a close with no
decision rendered by Judge Drummond. This ending of the case prevented it from going down in formal legal history, and rendered it impossible for inquirers to get official documents recording the trial, no case being written up in the permanent records unless a decision has been rendered.

Conservative public sentiment on the issue between Burnside and Storey was well expressed by the New York Times on June 4 in a leading editorial, which is quoted below:

Unless we are greatly mistaken, the government will very soon find it necessary to check the intemperate patriotism of General Burnside in his mode of dealing with disaffected persons and presses in the loyal States. Whether the powers which he claims to exercise over freedom of speech and of the press do actually belong to his office or not, it is very clear that they should never be intrusted to any man whose zeal outruns his judgment. We have no doubt that General Burnside thinks he is rendering the country an essential service in suppressing the Chicago Times and in forbidding the circulation of the New York World within his lines; and we have just as little doubt that he is utterly mistaken. He will very speedily find that he is multiplying tenfold the very evil he seeks to extirpate. It is very rarely that a military man can be found who is capable of understanding what public right is, or who can be made to comprehend that the press has other rights than those which he may be pleased to confer upon it. We do not know that he should gain much on either point by appealing from the camp to the government; but our interest in the welfare of the country impels us to risk the experiment of counseling President Lincoln to put a check upon General Burnside's superserviceable and dangerous proceedings as speedily as possible.
CHAPTER VI

Storey continues to attack government - resentment of generals against his paper - why did Storey act as he did? - his reputation - his splendid pioneer work of advancing methods of journalism - Chicago Times Building burned in Chicago Fire - Storey starts all over again - continued business success - fails in health - European trip - returns home - loss of memory - death

On June 8, a few days after the turmoil in Chicago was beginning to subside, a meeting of newspaper editors in New York was called to discuss the probability of military commanders exercising undue amount of authority in regard to suppressing newspapers. The editors drew up a series of resolutions protesting against such orders on the part of the Generals and Commanders of Departments, and sent these resolutions to President Lincoln and all members of the Cabinet for their attention and consideration. ¹

The suppression of the Chicago Times, coming as it did so soon after the sensational treatment given Vallandigham, under Burnside's regime, not only increased dissatisfaction throughout the Northwest, but put this section of the country in a position of willingness to be quit of the whole affair.

1 - See appendage 22 - p. 149
Strange to say, Storey lost none of his newspaper "nerve". His paper continued to attack Lincoln, and the administration and military commanders continued to prohibit circulation of the Times in their departments. This was fuel added to the flames, and the topic of freedom of the press became the burden of the editorial pages not only of the Times but many other nationally known newspapers. Furthermore, in the years of 1864 and 1865, dispatches are found in the "Official Records of the Union and Confederate Armies", proving just how little perturbed Storey was over the June 2nd suppression of his newspaper and his continued effort not to harmonize the tone of his sheet with the temper of those trying times during the Civil War.

Apparently in the early part of 1864 General Rosecrans prohibited the circulation of the Times in the Department of the Missouri, but pressure made him rescind the order and the General acquiesced, but through an aide-de-camp wrote Storey a letter on his views of unpatriotic newspapers.

Headquarters, Department of the Missouri
St. Louis, February 18, 1864

Messrs. Storey and Worden:

It is the first duty of a military commander to preserve and protect the integrity of his government from all attacks; and anything written or spoken calculated materially to impair that integrity
by weakening its authority or that of its officers -- it is an officer's plain duty to act according to his best judgment, responsible only to the government for such course of action as he may think it necessary to adopt.

(Signed) Frank S. Bord
Major and Aide-de-Camp

With emphatic conviction General James Oakes, in a report as Acting Assistant Provost Marshal General for Illinois, on August 9, 1865, summed up thus the role of the Chicago Times:

The Times was 'chief among those instigators of insurrection and treason, the foul and damnable reservoir which supplied the lesser sewers with political filth, falsehood, and treason', a newspaper which would not have needed to change its course an atom if its place of publication had been Richmond or Charleston instead of Chicago.

The pestilential influence of that paper in this State, he continued, has been simply incalculable. I have not the slightest doubt that it is responsible for the shedding of more drops of the patriot blood of Illinois soldiers than there are types in all of its five pages of political slime and scandal. The conspiracy that came so near wrapping Chicago in flames and drenching her streets with blood was fermented and encouraged by the teachings of the Chicago Times. Without that power there would have been no conspiracy. In my opinion, without desiring in the least to abridge the regulated liberty of the press, it is as much the duty of the government to suppress such newspapers in time of public danger and war, as it is to storm the fortresses, sink the navies, and destroy the armies of the common enemy, and should war again break out I will urge the prompt adoption of the policy.

1 - Official Records - Vol. XXXIV - p. 363
2 - Official Records - Series III - p. 837-838
It is a debatable question in the mind of the writer as to just what were Storey's motives, whether to attract readers or let out personal feelings in continually hacking away at the administration during such a critical period of our history. There is a probability though that living in the period made one's perspective very short-sighted as to the danger line in newspaper daring.

Storey, first of all, was a through-and-through newspaper man. His object, as stated by him repeatedly, was to gather news, all kinds of news, regardless of whether it offended some or pleased others. Moreover, he was a newspaper man considerably in advance of his time. He was a pioneer in his demand for 'news at home, news from abroad, news first and foremost'. He introduced the conspicuous headlines which have since become a feature of journalism in nearly every portion of Christendom. He made NEWS the feature of his paper. News had the place of honor, the highest seat in the congregation that daily filled the Times columns.

Storey was reputed to be a man of peculiar temperament and seemed to have an acid contempt for everybody's opinions except his own. He apparently had no faith .......

1 - Catlin - op. cit., p. 4
2 - Chicago Times - October 28, 1884
in anyone, and few had faith in him. His face was not the type that would invite confidence. "It was so strong in all its expressions, so self-reliant, so suggestive of isolation that all men admired it, but were not attracted to it. It was a face full of expression, was always changeful, and yet was one that was of itself, to itself, and without concern as to its relations to the external world". He was tall and slender, held himself well erect, with hair and beard of jet black. He moved rapidly with an easy, springy step, and an indication of firmness in every motion. When he walked along the street, he looked squarely ahead as if at some fixed object, toward which he strode with the strong, unvarying motion of a machine. 1

Among newspaper men, however, he was considered absolutely square and honorable in all his relations with his associates. He surrounded himself with a staff of capable men, but, strange to say, he never gave one of them a word of praise or commendation. He often boasted that he had no friends, and that he wanted none, because with friends to favor and shelter from publicity he could never be free to print the news, no matter how much the mischief might be in consequence. 'Printing the news' was always Storey's ruling passion. His one demand of his reporters was -- facts, and

1 - Chicago Times - October 28, 1884
nothing but the facts. 1

He got the facts during the Civil War, but played on them in such a manner as to give tremendous leeway to questioning whether he did it deliberately to condemn, or to make the facts appear attractive and colorful so that his paper would increase in circulation. At the close of the Civil War the Chicago Times was one of the most prosperous newspapers in the city, and it was compelled to enlarge its quarters. In 1866 a new building with a stone front was erected on the northwest corner of Dearborn Street and Calhoun Place. It was five stories high and was used solely by the Chicago Times.

......

1 - "On three occasions one reporter wrote the office into as many libel suits. On each recurrence of this offense Mr. Storey interviewed the reporter, bestowed upon him a hearty malediction and suggested more care in the future, but he would not discharge him. He knew the exact value of those whom he employed, and a trifle of one hundred thousand dollars worth of libel prosecutions could not separate them." This reporter was James Chisholm, who was born in Scotland, in 1838, received his education at Aberdeen, came to the United States in 1864 and took up his residence in Chicago. He commenced journalism on the Times as a reporter, but in 1865 joined the Tribune staff. Most of his journalistic work was in the field of dramatic criticism. - Autograph Letters - From letter of Hugunin
In a comparison of the sensational press of the twentieth century with the Chicago Times of 1863, the Times would probably be adjudged 'a bit slow in its pace'. When Storey came to Chicago, journalism contained a great deal of sensationalism and mawkish sentiment.¹ Headlines over an important piece of news were often semi-hysterical, and the headlines alone would fill an entire column. Accounts of a scandal or a public hanging often approached the ridiculous. A sort of stereotyped form came into general adoption when an executed criminal expressed repentance on the scaffold. So often did men with the hangman's noose about their necks announce that they had made their peace with God, had been forgiven, and would meet all present in heaven, that the grim and irreverent Storey started to discourage descriptions of such scenes by the horrifying headline JERKED TO JESUS.²

In 1870 a criticism of Lydia Thompson's 'British Blondes' appeared in the Chicago Times and it aroused the ire of the 'Chief Amazon' to such a degree that one day with a friend, Pauline Markham, she and some male companions

1 - Catlin - op. cit., p. 1
2 - John Boughan (Associated Press)
'ambushed' Editor Storey in the street, and assaulted him with a horse whip. 1

After the Chicago Fire, in which he lost everything, Storey seemed to lose all ambition, but through continual urging of a few admirers he started again to build up a newspaper. He began this time at 42 West Adams Street, and by December of that year, 1872, the Times had resumed its old form, and had begun to make money as it did previous to the destruction of its first building in the great fire.

In 1873 a new building was completed at Fifth Avenue and Washington Street, and the Times moved into its second headquarters. Mr. Storey now began to establish foreign news bureaus. He maintained a bureau in the Balkans for the purpose of reporting the Russo-Turkish War of 1877 and had correspondents in London, Paris, Berlin and other European capitals.

1 - This article appeared on February 15, 1870 and denounces Lydia Thompson and her burlesque troupe at the Crosby's Opera House as a less than mediocre company. It adds: "The house was crowded and to the credit of the Chicago ladies be it said that their sex constituted less than one-twentieth the proportion of the audience. It was essentially a manly house. Before the show was half over the troupe were playing to a less than half-filled house. (Chicago Times - February 15, 1870)
The Chicago Times was at the southwest corner of Fifth Avenue and Washington Street. It was first issued in 1854.
By the end of the decade, however, Storey's health began to fail and he was advised to take an ocean voyage. In 1878 he left for the first long vacation he had ever granted himself. This self-indulgence, however, was too late and Mr. Storey suffered a complete physical collapse while in Paris. The consulting physician advised that he return at once to the States, and arrange his affairs before it was too late. He returned to Chicago a helpless invalid, with his mind affected. During this period, he came under the influence of some scheming spiritualists, and at their suggestion he began the construction of a great marble mansion which was to cost more than two hundred and fifty thousand dollars. This edifice was designed by an architectural charlatan who proposed to erect the building in Gothic style made of white marble from Vermont. It was located at Vincennes and Forty-Third Streets. It was a building large enough for a monastery and after six years of labor had not reached the point to receive a roof, and on account of financial difficulties the edifice was never completed.

1 - Chicago Times - October 28, 1884
2 - Chicago Times - October 28, 1884
In 1884 Storey was adjudged of unsound mind, and his affairs were placed in control of Austin Patterson*, who had become editor and manager of the Times.

On October 27, 1884, Mr. Storey breathed his last at his residence, 1834 Prairie Avenue. Three days later his body was placed in Rosehill Cemetery by a few associates who acted as his pallbearers. They were ex-Senator David Davis, E. R. Washburne, J. W. Drane, ex-Senator Lyman Trumbull, Wirt Dexter, General Singleton, C. B. Farwell, and Judge Dickey, men who had played different parts on the stage of Storey's boisterous career in Chicago.

It seems strange that a man who had weathered such a stormy and laborious life and held such a prominent place in the political and newspaper world between 1861 and

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- A. L. Patterson came from Detroit with Storey when he bought the Chicago Times. At first he served as bookkeeper, but later became business manager of the paper.

In 1883 Patterson, together with the heirs of Storey, brought legal proceedings to secure the appointment of a conservator upon the ground that the distinguished editor was of unsound mind. The case was contested, but a jury in the Probate Court of August 28, 1884 rendered a verdict of "unsound mind". Judge Kirchenbach then appointed Mr. Patterson conservator.

(Chicago Times - October 28, 1884)
and 1880 should leave so few personal records of his own history. To prove his existence at all, except for the Chicago Times itself, only fading memories of his sensational career remain to Chicagoans who were in their early teens when Storey's hectic existence came to an end.
Your dispatch of today received. When I shall wish to supersede you I will let you know. All the Cabinet regretted the necessity of arresting, for instance, Vallandigham, some perhaps doubting there was a real necessity for it; but, being done, all were for seeing you through with it.

A. Lincoln

(Rhodes History of the U. S. from Compromise of 1850 - p. 361)

Departments are territorial divisions during times of war. A general commanding a department may declare it under martial law whenever necessary. (Article 65) On August 7, 1789, a law was passed giving the Secretary of War the right to create departments. In the Rules and Articles of War these territorial divisions are subject, in times of war, not to the Secretary of War, but to the Commander-in-Chief.

(Military Dictionary - by Colonel H. L. Scott)
Vallandigham's letter to his friends, published in the Chicago Times, May 15, 1863.

Military Prison, Cincinnati
May 5

To the Democrats of Ohio:

I am here in a military Bastile for no other offense than my political opinions, and of the defense of them, and of the rights of the people, and of your Constitutional liberties. Speeches made in hearing of thousands of you, in denunciation of the usurpations of power, infractions of the Constitution and laws, and of military despotism, were the sole cause of my arrest and imprisonment. I am a Democrat, for the Constitution, for law, for Union, for liberty--this is my only "crime". For no disobedience to the Constitution, for no violation of law, for no word, sign, a gesture of sympathy with the men of the South, who are for disunion and Southern independence, but in obedience to their demand, as well as the demand of Northern abolition disunionists and traitors, I am here in bonds today, but "Time at last sets all things right".

........

The Chicago Times on May 22 writes the following editorial:

Judge Leavitt denied Vallandigham application for a writ of habeas corpus on the following grounds.

In time of war, the President is not above the Constitution but derives his powers expressly
from the provision of that instrument declaring "that he shall be Commander-in-Chief of the Army and Navy". The Constitution does not specify the powers he may rightfully exercise in this character nor are they defined by legislation. No one denies, however, that the President in this character is vested with very high powers which it is well known have been exercised on various occasions during the present war. It will not be denied that very high powers have been exercised, but where the right to exercise them was received, the Judge does not inform us, save that they pertain to the office of Commander-in-Chief. He says they are not specified in the Constitution nor defined by legislation. When before has any court, state, or federal government declared that any officer could exercise powers not specified in the Constitution or defined by law. Where are we drifting when a judge of a high court deliberately puts forth such monstrous opinions?

"We suspect him of wrong".

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Appendage 5
Cited on p. 33

U. S. Military Telegraph
May 19, 1863

By telegraph from Washington
9:40 p.m. 1863

To Major-General Burnside
Commanding Department of the Ohio

Sir:

The President directs that without further delay you send C. L. Vallandigham under secure guard to the headquarters of General Rosecrans,
to be put by him beyond our military lines; and in case of his return within our lines, to be arrested and kept in close custody for the term specified in his sentence.

By order of the President

E. R. S. Canby
Brigadier-General and Assistant Adjutant-General

(Official Records)

May 20, 1863

To Major-General A. E. Burnside, Commander
Department of the Ohio
Cincinnati, Ohio

Sir:

Your dispatch of three o'clock this afternoon to the Secretary of War has been received and shown to the President. He thinks the best disposition to be made of Vallandigham is to put him beyond the lines, as directed in the order transmitted to you last evening, and directs that you execute that order by sending him forward under secure guard without further delay to General Rosecrans.

By order of the President

Edward R. S. Canby
Brigadier-General

(Official Records)
An extract is quoted from a letter by Lincoln sent to Mr. Birchard and others dated June 29, 1863.

Military arrests, including Vallandigham, have been for prevention and not for punishment, as proceedings to keep the peace, and hence they have not been accompanied with indictments or trials by juries. Vallandigham's sentence was to prevent injury to the military service only, and the modification of it was made as a less disagreeable move for him to secure prevention... The whole burden of his speeches has been to stir up men against the prosecution of the war... and public safety.

(Official Records)

... ... ...

After a brief stay in the South, Vallandigham ran the blockade and went to Bermuda and thence to Canada. From the Canadian side he issued an address to the people of Ohio, where the Democrats had nominated him for Governor, in which he said:

Arrested and confined for three weeks in the United States, a prisoner of state; banished thence to the Confederate states, I found myself first a freeman when on British soil. I am here to enjoy and in part to exercise the privilege and rights which usurpers insolently denied me at home. (Poore, op. cit., p. 127)

Vallandigham, however, was overwhelmingly defeated in the Ohio elections, and defied the order of expulsion and returned to the United States in June, 1864. He delivered speeches more violent and bitter than those for which he had been deported. Lincoln wisely refused to pay any attention to him. Vallandigham's last political act was to take part in the Chicago Convention which
nominated McClellan for the Presidency.

His dramatic career was cut short by an accident in 1871. He was chief counsel for the defense in a murder trial at Lebanon, Ohio, and was demonstrating to some of his counsels in his room at the hotel, the impossibility of the accused having fired the fatal shot. There were two pistols on the table and, to illustrate his argument, Vallandigham took up one of the pistols and holding it to his head in the place where the bullet had entered the dead man's head, he pulled the trigger. By mistake he had taken the loaded pistol and fell mortally wounded, and shortly afterwards expired.

Appendage 8
Cited on p. 44

Lincoln was at this time an attorney for the Illinois Central Railroad. In 1857 Lincoln sued the Illinois Central Railroad for back attorney fees amounting to five thousand dollars. When the case was called on June 18, no representative of the railroad was present and the judgment was taken by default... later, however, the railroad's representative arrived and the case was reopened. Lincoln had taken the depositions of some of the leading lawyers of the State as to what was a reasonable fee. Isaac N. Arnold was one of his advisors. Mr. David Davis, afterwards Justice of the Supreme Court, was the presiding judge. At the second hearing of the case, a verdict for the full amount was given by the jury in favor of Lincoln.

(Incident written up in ABRAHAM LINCOLN AS ATTORNEY FOR THE ILLINOIS CENTRAL RAILROAD COMPANY. - A copy can be found at Newberry Library.)

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Appendage 9
Cited on p. 46

In Catlin's sketch on Storey (p. 9) the following editorial is reprinted from the Chicago Times about a day or two after the fall of Fort Sumter.

When Fort Sumter was bombarded and forced to surrender there was an instant outburst of patriotism all over the North. Up to that moment the national flag had been but sparingly displayed on the buildings and about the streets of Detroit, but suddenly there was a feverish demand for the stars and stripes, and for a time the supply was inadequate. The post office hoisted one for the first time in the memory of the oldest inhabitants. Bands paraded through the streets escorting men and boys carrying flags. Men doffed their hats for a day or two when passing the flag and when an impassioned orator would point to the flag in his peroration "strong men wept", men who a month before would have hardly noticed the national banner.

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Appendage 10
Cited on p. 50

This poem was delivered on October 20, 1875 at the inauguration of the armory of the Second Regiment, Illinois State Guards, Chicago. O'Reilly took as his text the words of General Meagher, "The Irishman never fights so well as when he has an Irishman for his comrade". p. 153

(From Life of John Boyle O'Reilly
by James Jeffrey Roche
edited by Mrs. John Boyle O'Reilly)

John Boyle O'Reilly was born near the town of Dregeda, County Meath, Ireland, June 28, 1844. In May, 1863, he enlisted in the Tenth Hussars. He was arrested in Dublin Castle February 14, 1866, charged with complicity in a Fenian conspiracy. He was tried by court martial, found guilty on July 6, and sentenced to death. On the following day this was commuted to
imprisonment for life and later changed to twenty years penal servitude. He was in the English prisons until he was transported to West Australia, arriving there January 10, 1868. He escaped from there February, 1869, and reached Philadelphia in November, 1869, and then went to Boston, where he became editor of one of the finest Boston journals, "The Pilot". He resided in Boston until his death in 1890. He was known throughout the United States as a journalist and poet of the highest rank.

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Appendage 11
Cited on p. 60

Diary of William J. Onahan - a few months before his death in 1919, Mr. Onahan, lay secretary to Bishop Duggan, writes:

I remember sitting up in the palace one night writing out the address the Bishop delivered at the grave of Senator A. Douglas... It was scarcely known at the time or since that the Senator was received into the church and baptized. Mrs. Douglas was a Catholic, and when in the city a regular attendant at old Saint Mary's, where I often saw her. She induced the Bishop to come to the Tremont House in the Senator's last hours, and so it was he had the grace of dying a Catholic. As this fact has been questioned, I may say I have the most unequivocal testimony of the truth of what I assert. The physician who was in attendance, Dr. Hay, afterwards for a long time my own physician, and a Sister of the Good Shepherd, who at the time was in the Tremont House and not then a religious, both corroborate my assertion.

A comparison of the accounts of the Douglas funeral appearing respectively in the Chicago Times and the Chicago Tribune of June 8, 1861, reveals some highly interesting discrepancies. According to the Times, a Douglas organ, there was an impressive religious service conducted by Bishop Duggan and his clergy, while according to the Tribune, hostile to Douglas, there was no religious service at all, the Bishop and his clergy appearing
in only half-canonical attire", and the Bishop speaking at the grave as a friend only and not as a minister of religion, as Douglas had died outside the pale of the Catholic Church. The historian of today collecting all the existing evidence on the point, will scarcely evade the conclusion that Douglas was really buried according to the Catholic rite, which would not have been the case had he died not a member of the Catholic Church. (Mid-America - January - p. 279-280)

Appendage 12
Cited on p. 89

Camp Douglas was established in September, 1861, to serve as a rendezvous and instruction camp for volunteers. It occupied an irregular block belonging to the Douglas estate, bounded by what is now Thirty-First Street on the north and Thirty-Third Street on the south, Cottage Grove Avenue on the east, and Forest Avenue on the west. None of the streets were laid out at the time the camp was located there. It was all open prairie far below the southern boundary of the built-up district. Its first commander was Colonel Joseph H. Tucker. After February, 1862, it became a prisoners' camp and General Ammen made commander.

(Taken from Story of Chicago by Joseph Kirkland)

Map from description given in Andreas' History of Chicago - Vol. III - p. 301
Judge Thomas Drummond was born on the 16th of October, 1809. At twenty-one he graduated from Bowdoin College and studied law and was later admitted to the bar in Philadelphia in 1833. In 1835 he settled in Galena and practiced law there until he was appointed, by President Taylor, Circuit Judge of the Seventh Circuit Court, which included the States of Indiana, Illinois, and Wisconsin. He held this office until his retirement in November, 1884. He died on the 15th day of May, 1890.

"Not long after the beginning of the Civil War, the Chicago Times published articles that, in the opinion of many and of men in high authority, were seditious and disloyal. These publications created excitement and much bitterness. General Burnside, in command of the Department, issued an order, made effective by military force, suspending the publication of that paper. This added to the intensity of feeling then prevailing and provoked riot. Judge Drummond, who was a devoted friend to the Union and an active supporter of the war, did not hesitate to publicly denounce this act as an act of military usurpation. He asserted that the freedom of speech was guaranteed by the Constitution of the United States and that no military authority without the actual theatre of war, could override the supreme law of the land. So effective was this protest that President Lincoln, with that veneration for the Constitution which always characterized him, revoked the order, and the tumult aroused by its issuance subsided. The ultimate tribunal of the land some years afterwards approved the reasoning of Judge Drummond, and asserted and affirmed the justness of his judgment.

(Presentation to the United States District Court of the Portrait of Judge Thomas Drummond - February 1, 1913
Proceedings in Judge Landis' Courtroom before Judge Landis by Anderson, Baker, Carpenter & Kohlsaat)
One year later, on March 21, 1864, the Chicago Tribune printed the following explanation:

There is a little bit of history connected with Order No. 84 not generally known. Our citizens may recollect what bluster and threats the secesh concern indulged in by handbills while the issue was forbidden. While roaring like a lion in Chicago, they were meek as Moses in Cincinnati. They telegraphed to party friends in Porkopolis to intercede with General Burnside for the withdrawal of the order, offering to enter into bonds to quit spouting treason and behave themselves in the future; if he would let them up. If the President had not been persuaded to interfere in the matter for forty-eight hours longer, the order of suppression would perhaps have been recalled on the terms proposed, and the secesh concern would not, from that day to this, have uttered a single disloyal yelp.

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The following is taken from the diary of Orville Hickman Browning - Vol. I pp. 362 - 363.

Chicago, Sunday, May 17, 1863 --

Attended funeral of R. S. Blackwell, Esq. Rode out to the cemetery with Sam W. Fuller. In the evening Senator Trumbull called to see me. I had much talk with him upon the situation of public affairs. He is much dissatisfied and thinks matters are going about as badly as they can. He is opposed to all arbitrary arrests of citizens by military authority -- thinks with me that they are unwarrantable, and are doing much injury, and that if they continue unchecked the civil tribunals will be completely subordinated to the military, and the government overthrown.
Springfield, June 3, 1863 --

Dined at Judge Treats' in company with Judge Davis, Mr. Weldon and Antrim Campbell. The suppression of the Chicago Times, which has just been ordered by General Burnside, was a subject of conversation. We all agreed that it was a despotic and unwarrantable thing, and most inexpedient even if it had been lawful, and calculated to produce civil war in the state. All agreed that Judge Drummond, who had been applied to for the purpose, should, at once, grant an injunction to restrain the military authorities from interfering with the publication. Judge Davis said if the application had been made to him, he would not hesitate to grant it. He had been telegraphed to and will go to Chicago tonight to sit with Drummond.

(Appendage 16
Cited on p. 100)

Office of U. S. Military Telegraph
War Department

The following telegram received at Washington
10:38 a.m., June 3, 1863
From Chicago dated June 3, 1863

Hon. Abraham Lincoln, President:

At a meeting held today in reference to the suppression of the Chicago Times by order of General Burnside, the following was adopted. Whereas, in the opinion of this meeting of citizens of all parties, the peace of this City and State, if not the general welfare of the country, are likely to be promoted by the suspension or rescinding of the recent order of General Burnside for the suppression of the Chicago Times, therefore
Resolved, that upon the ground of expediency alone, such of our citizens as concur in this opinion, without regard to party, are hereby recommended to write in a petition to the President, respectfully asking the suppression or rescinding of said order. The undersigned in pursuance of the above resolution respectfully petition the President's favorable consideration and an action in accordance therewith.

(Signed) F. C. Sherman, Mayor, City of Chicago
Wm. B. Ogden
E. Van Buren
Saml. W. Fuller
S. S. Hayes
A. W. Orrington
Thos. Hoyne
Wirt Dexter
Van H. Higgin
A. C. Coventry
N. A. Hohn
C. Beckwith
Henry G. Miller
Wm. F. Feeley

We respectfully ask for the above the serious and prompt consideration of the President.

(Signed) Lyman Trumbull
Isaac N. Arnold*

* Original in volume of letters loaned by I. N. Arnold Estate to Chicago Historical Society (not for public use)
GEN. BURNSIDE'S DEPARTMENT.

THE SUPPRESSION OF THE CHICAGO TIMES.

THE OFFICE IN POSSESSION OF THE MILITARY.

A MASS MEETING IN FRONT OF THE OFFICE.

CHICAGO, Wednesday, June 3.

Shortly after 12 o'clock last night Judge Drummond issued a writ directing the military authorities to take no further steps or measures to carry into effect the suppression of the Chicago Times, until the application for a permanent writ of injunction could be heard in open Court to-day.

At 8 o'clock this morning, after nearly the whole edition of the Chicago Times had been worked off, a file of Federal soldiers broke into the office and took possession of the establishment.

The soldiers remained in possession of the establishment for some time, and then left, after giving notice that if any attempt was made to publish another paper, the military would take permanent possession of the office.

A MASS MEETING BEFORE THE OFFICE.

Chicago, Wednesday, June 3.

The following hand-bill has been circulated throughout the city:

"All good and loyal citizens of Chicago, who favor free speech and freedom of the Press, as guaranteed to us by the Constitution we love and uphold, are invited to assemble in mass meeting in front of the Chicago Times office, on Wednesday evening, June 3, at 8 o'clock, to take counsel together in regard to the recent infamous and tyrannical order of Maj.-Gen. Ambrose E. Burnside, suppressing newspapers always Democratic, and, consequently, always loyal."

CHICAGO, Wednesday, June 3—P. M.

A motion was made in the United States Court, this morning, by the Times' counsel, to bar the application for an injunction until the notice of the application could be given to the Military Commandant at Camp Douglas, Judge Darron, in granting the motion said: "I may be pardoned for saying that, personally and officially, I desire to give every aid and assistance in my power to the Government, and to the Administration in restoring the Union, but I have always wished to treat the Government as a Government of law and not a Government of more physical force. I personally have considered and shall always consider the right of free discussion and the right of commenting, under the law and under the Constitution, upon the acts of the officers of the Government."

During the day the Times office seemed the centre of attraction and was visited by a large number of people.

In accordance with a bill passed this afternoon, an immense meeting assembled at 6 o'clock to-night in front of the Times office. The crowd soon filled the street, rendering it impassable. The meeting shortly afterwards adjourned to Courthouse Square, and was there addressed from the north side entrance by gentlemen of both parties. The speeches concurred in the observance of the law, but denounced the recent order of Gen. Burnside as arbitrary and despotic.

During the afternoon the militia was ordered under arms, but at the present writing the meeting is over, and nothing of a serious nature is anticipated. Judge Davis, of the United States Court, Southern District of Illinois, is expected to-night, to act in the matter of the application for an injunction, in connection with Judge Darron.

Gen. ANHEIM is also expected to-night.
Office U. S. Military Telegraph
War Department

The following telegram received at Washington 2:30 p.m., June 4, 1863

From Chicago dated June 11, 1863

President of the United States:

Sir:

In the despatch sent you yesterday, I did not intend to express an opinion that the order suppressing the Chicago Times should be abrogated.

(Signed) Isaac N. Arnold

Photostatic copy of original

Original in Volume of Letters loaned to Chicago Historical Society by Arnold Estate

 Appendage 19
Cited on p. 111

Representative Arnold wrote an explanation and had it published on June 9, 1863 in the Chicago Tribune of his reasons for acting as he did in the revoking of the famous Order No. 84.

Why do I approve of President Lincoln revoking the suppression of the Chicago Times? Because, in my judgment, the order of General Burnside was unwarranted by the law and the Constitution. If the order had been sustained by the President it would have made an issue before the people, upon which the friends of the administration not being in the right could not have succeeded. I do not propose to argue the Constitution question. It is too clear for argument. No intelligent man can deny that such an order violates the Constitution. Intelligent
and candid men who justify the order defend it not as Constitutional but as a necessity resulting from the dangerous condition of the country.

It is simply an exercise of power in direct conflict with every guarantee of the Constitution and of the Magna Charta. If the Chicago Times encourages desertion, advises resistance to the arrest of deserters, etc., it becomes liable to summary trial and punishment. If it gives aid and comfort to the enemy, as in my judgment it often has, under provision of the law it may be indicted, tried and punished. But let it be punished by legal and Constitutional means. With the law on our side we can crush them to atoms. With the law on their side, we provoke civil tumult and commotion, and if you succeed in striking them down, you strike down the Constitution with them.

Appendage 20
Cited on p. 112

"This case", said Attorney Joy, "presents simply the one fact of a Major-General of the Army of the United States making an order, in the State of Ohio and sending it to be executed here, which shall destroy the business of a citizen of Chicago—destroy it by absolute force, without giving him a chance to be heard, without allowing him to excuse himself in any manner or form; by a tribunal from which he has no right of appeal, and to whose judgment executed by force, he must submit, no matter what the amount of ruin, no matter how great the injury. Mr. Storey was the editor of a newspaper publishing, as he claims, such facts and such comments upon facts and upon public officers as he was entitled to publish rightfully under the Constitution and the laws.

"I came into this court politically their enemy", Joy continued, "and I promote no political end of theirs. But I came to claim at the hands of this court protection for a clear, and as I take it, a firmly established Constitutional right, important to my clients, to be sure, but no more
important to them than to every citizen and to the whole country, for the interests of all are involved. Why did I come here? To protect property - no - individual rights - no - it is the liberty of the press. The right to discuss freely all public affairs and the facts of all public men and all public interests."

Mr. Joy then read the first amendment to the Constitution granting freedom of speech and freedom of the press. He said:

"Everything in this State was quiet when suddenly a man is found dressed with the brief authority of a Major-General who, a short time since, was a clerk in one of the offices of this city, never distinguished for any great wisdom or soundness of mind, who now resolves by a military order to assume the censorship of the press - a prerogative of Congress -- to try, condemn, and execute its conductors, without the intervention of court or jury, and without a hearing even, to suspend the power of the Constitution and the laws, to take a citizen from under their protection and thus arbitrarily with the weight of his iron hand, destroy his business and crush him. If he may do that with these men today, he may do it with another tomorrow and none may be safe. Under Roman rule usurpers saw they could not safely hold their places until the brave and loyal outspoken were placed out of the way.

"Liberty of press is incorporated in every State Constitution and is clearly stated in the Constitution of Massachusetts. It reads: 'The liberty of the press is essential to the security of freedom by a State, and ought not therefore to be restrained in this commonwealth'. If General Burnside may suppress the Chicago Times, he may equally suppress every other paper in the country. In the days of Washington and Adams, they never dreamed that such a power existed in a military commander. And yet a man of yesterday-- just endowed with the authority of a military officer, of no importance in the country a short time since--today issues an order which strikes at the very foundation principle of all popular government, and suspends the Constitutional guarantee of free speech and free press.
"If the administration thought free speech and free press should be stopped, why didn't the last Congress do it? In 1798 the Federal Party was in control and tried to check free speech and free press, and this party sank under the odium of it. Congress dare not pass such a law. What then? Shall General Burnside enact such a law which the people shall not tolerate from their legitimate representatives? Congress had not deemed it necessary to reenact the sedition law and what Congress with the right and power to do, had not deemed it fitting to do, General Burnside certainly cannot do--nay, more, go farther and do what Congress itself cannot do, viz., to establish a censorship and suppress newspapers at his pleasure.

"Is Illinois under martial law? Martial law results from the cessation of the power of civil law, and that it extends only so far as the force of the civil law has ceased to prevail. In the case of General Jackson at New Orleans, it was only declared within the military lines of his army, having no force and effect beyond them, in the military department of which he had command. Where the army was actively in command and within its lines preparing to meet or resist an enemy, there civil law could not prevail, and as a result martial law of necessity took its place...

"Here your Honors know that no martial law has been proclaimed in this State. The civil law is in full force, regularly executed. There is no army within its borders, no violence among the people. Therefore there can be no possible reason why martial law should be proclaimed. Therefore this act is simply and purely an act of arbitrary power without any justification whatever.

"These are extraordinary times, and we have seen one court in this country sustaining the extraordinary principles for which Burnside so earnestly contends in his military orders. I allude to the decision of Judge Leavitt, who seems fully to think that both the Constitution and the law must give way to whatever order a military man deems necessary or expedient to promote his military policy, though civil rights, liberty, freedom of speech, and of the press are all violated and that in a country even where there is no such exigency as requires
the exercise of martial law, and where all the machinery of courts and officers for the repression and punishment of crime are in full operation, where the laws are perfectly enforced, and where if they be inadequate, there is still competent authority to amend, alter and change them."

In conclusion the Times' champion said: "We ask justice from the Court because a right is invaded which has always been held sacred by every man of the Anglo-Saxon race for two hundred years. We ask justice too on behalf of every citizen of the United States whose rights in the doctrine of the freedom of the press and of speech are equally assailed as are those of our clients."

(Chicago Times - June 9, 1863)

Executive Mansion
Washington
May 27, 1864

Honorable Isaac N. Arnold

My dear sir:

I hear you are assailed for your action in regard to the revocation of General Burnside's order suppressing the Chicago Times. All you did was to send me two dispatches. In the first you, jointly with Senator Trumbull, very properly, asked my serious and prompt consideration for a petition of some of your constituents praying for the revocation of the order. In the second, you said you did not intend in the first dispatch to express an opinion that the order should be abrogated. This is absolutely all that ever came to me from you on the subject.

I am far from certain today that the revocation was not right, and I am very sure the small part you took in it is no proper ground to disparages (sic) your judgment, much less (sic) to infringe your motives.
Your devotion to the Union and to the Administration cannot be questioned by any sincere man.

Yours truly,

A. Lincoln

(Photostatic copy of telegram in files of Chicago Historical Society - loaned by Isaac Arnold Estate)

........
THE LIBERTY OF THE PRESS.


A conference of editors connected with several New-York journals was held at the Astor House yesterday, pursuant to a call signed by W. C. Prime, of the Journal of Commerce; Parker Godwin, of the Evening Post; Jas. Brooks, of the Express; Anson Hercock, of the Sunday Atlas; Horace Greeley, of the Tribune, and Eli Comstock, of the New-York Argus, having for its object a consultation upon the "nature, extent and rightful limitations (if any) of the liberty of public journalists to criticize the acts of those charged with the conduct of the Government in time of war and civil commotion." Horace Greeley was called to the Chair, and Eli Comstock appointed Secretary. Among the editors present were those who signed the call (with the exception of Parker Godwin) and Rev. Dr. Pain, of the Observer; P. J. Mazin, of the Irish-American; J. Beach, of the Sun; John Clarke, of the Leader; Mr. Ottenhoffer, of the Staats Zeitung; Robert McFarland, of the Scientific American, and several others.

The objects of the meeting were briefly stated by Hon. James Brooks, after which Mr. Greeley submitted a series of resolutions, expressing his views of the position which editors should take in the present aspect of affairs. After some discussion these resolutions were submitted to a committee, consisting of Mr. Brooks, Mr. Titros, and Mr. Pain, to which was subsequently added Mr. Ottenhoffer and Mr. Greeley, to consider and report thereon. A recess was then taken, during which the committee made some amendments to the resolutions as submitted by Mr. Greeley, and on the re-assembly of the conference, submitted the following as their report:

Whereas, the liberty and press of the past, as affected by the existence and necessities of a state of war, and especially of civil war, are topics of the highest public concern; and

Whereas, recent events indicate the existence of grave novelty phenomena and lamentable confusion of ideas with regard to this vital question; therefore,

Resolved, That our conceptions of the rights and duties of the press in a season of convulsion and public peril like the present, are briefly summed up in the following propositions:

1. We recognize and affirm the duty of fidelity to the constitution, government and laws of our country, as a high moral as well as political obligation resting on every citizen, and neither claim for ourselves nor concede to others any exemption from their requirements or privilege to evade their sacred and binding force.

2. That treason and rebellion are crimes, by the fundamental law of the land, as of every other country, and nowhere can be so culpable, so abhorrent, as in a republic, where each has equal voice and vote in the peaceful and legal direction of public affairs.

3. While we thus emphatically disclaim and deny any right as inhering in journalists or others to incite, advocate, abet, uphold or justify treason or rebellion; we respectfully but firmly assert and maintain the right of the press to criticize freely and candidly the acts of those charged with the administration of the Government, as well as those of all their civil and military subordinates, whether with intent directly to ensure greater energy, efficiency and fidelity in the public service, or in order to achieve the same ends remotely through the substitution of other persons for those now in power.

4. That any restrictions of this right, created by the necessities of war, should be confined to localities wherein hostilities actually exist or are imminent threatened, and we deny the right of any military officer to suppress the issues or forbid the general circulation of journals printed hundreds of miles from the seat of war.

Some discussion ensued as to the rights of Generals to exclude certain papers from their lines, during which Mr. Greeley said that Gen. McClellan excluded the Tribune from his camp, and he ordered it to be printed. Mr. Greeley also advocated the insertion of a resolution recognizing the right of the Government to suppress papers palpably treasonable, and such as were evidently published in the interest of the rebels. He thought it if the power of suppressing such papers were trusted to the President alone it would be exercised with discretion and would be In safe hands. In answer to this it was said that papers openly advocating treason would be suppressed anyhow, and it was better to say nothing about it in the resolutions. The resolutions as above submitted were then unanimously adopted and the Secretary was directed to transmit copies thereof to the President and members of the Cabinet. The thanks of the meeting were tendered to Mr. Stannard for his hospitality in furnishing free accommodations and the meeting adjourned.
The thesis "Suppression of the Chicago Times, June, 1863," written by Norma Ann Paul, has been accepted by the Graduate School of Loyola University, with reference to form, and by the readers whose names appear below, with reference to content. It is, therefore, accepted as a partial fulfillment of the requirements of the degree conferred.

Samuel K. Wilson, S.J. 
June, 1932

Paul Kiniery, Ph.D.