

Lambdin P. Milligan—A Knight of the Golden Circle

*Florence L. Grayston**

The Knights of the Golden Circle was a name that never failed to send the cold shivers down my spine as a child. When my father would tell me the story, his own face would be covered with goose pimples and I could scarcely breathe, although I had heard the story dozens of times.

Years ago when my father was quite a small boy, one night after he had been sent to bed and was supposed to be asleep, my grandmother happened to look toward the orchard which was at the rear of the house. There she saw men apparently surrounding the house. Presently, there was a knock. Grandmother opened the door and a man, with a mask covering most of his face, asked in a gruff voice for "the doctor." Grandfather was quickly bundled up and satchels were put into a small buggy. He was securely blindfolded and driven round and round for what he judged to be about an hour. Finally, he was told to get out of the buggy. In an old barn on the straw were two men with masks. One had a broken leg and the other a gun shot wound in the hip. After grandfather had taken care of them, he was again blindfolded and driven home by the same circuitous route. He was cautioned a number of times not to mention "this night's work" to a living soul. Grandfather, however, was an observing person and could recognize his friends and many of his patients by their hands as quickly as by their faces. It happened that he recognized the hands of one of the men that he had attended. He never mentioned "this night's work" except to the boys (his sons), even then he did not give the man's name. He frequently said with a queer smile if the roll of membership of the Knights should ever be published many people might be surprised.

I received an old book *The American Bastille* and read the chapter on Colonel Lambdin P. Milligan. This revived my interest. Then I re-read my mother's scrapbooks which included clippings from old papers and contacted several friends of the family. One was a little blind hostler who

* Miss Florence L. Grayston is an assistant in the City Library, Huntington, Indiana.

had been in charge of Milligan's race horses for many years. Another was Samuel E. Cook, judge of the circuit court, and once a partner of Milligan. He told me that many people from all over the country had written him wanting to know more about the man, but he never answered their letters. He volunteered, however, to tell me anything I wanted to know.

Inasmuch as the Milligan case was quite famous because of the decision given by the Supreme Court, it is natural that we would want to know something of the character and background of the man. Lambdin P. Milligan was of sturdy Irish ancestry, who came to this country with the Baltimore colony. His father, Moses Milligan, settled with his parents at Brownsville, Pennsylvania, in 1774. Later, his family accompanied a surveying party to Jefferson County, Kentucky, and afterwards he served with the Virginia Rangers. His grandfather, John Purdy, was a member of the Irish Grays called the "Heavy Dragoons," a brave and fierce outfit whose members were required to be over six feet in height. His mother, Mary Purdy, a Virginian, came from pioneer stock. She was in the blockhouse at Wheeling, Virginia, when it was attacked by the Indians. Her brother and his family were entirely wiped out in this massacre. Lambdin's father and mother both attended the celebration of Independence at Fort Pitt, July 4, 1776. Shortly after his parents had moved to Belmont, Ohio, Lambdin was born on March 24, 1812. He was the eighth child in a family of nine children. His boyhood was spent on his father's farm where the trials and adventures of the then frontier life had much to do with shaping his career. His father was a great reader and had a good library for that day. At an early age, therefore, Lambdin formed a decided taste for good reading. Although his opportunities were limited, he managed to get enough education to teach school for a number of years. His father, proud of his attainments, promised to educate him for the medical profession on condition "of good conduct and faithful labor." When the time arrived, his mother objected saying, it was not fair to the other children to make a distinction in their education. His father then offered to repay him in money and land, but Lambdin refused and left home regardless of the wishes and the threats of his father.

At the age of twenty-one, he had given up the idea of

a medical career and started to read law in the office of Shannon and Alexander at St. Clairsville, Ohio. He passed the examination, at the head of a class of nine members, on October 27, 1835. In his class were Thomas West, George Shannon, and Edwin M. Stanton, later Secretary of War, who was vitally connected with Milligan's later career.

On the day of his admission to the practice of law in the Ohio Court, he married Sarah L. Ridgeway, who died on November 20, 1870. There were three sons born to this union, Moses, Lewis, and James. Milligan was a tall man six feet and four inches in height with a light complexion and blue eyes. He was always neatly dressed and frequently appeared in a frock coat and high hat. He was associated with the "Legal Lights" of the Ohio courts for ten years, and it was here that he became the Colonel of the National Guards. He came to Huntington County, Indiana, in 1845. His first home was on a farm near Monument City on the Salamonie River, where he hoped to regain his health. For several years he had suffered much from epilepsy and spinal meningitis which caused a partial paralysis of the lower limbs. He had sufficiently recovered in 1860 and continued to practice law in Huntington and Wabash counties. He rose rapidly to become one of the foremost lawyers in northern Indiana comparing favorably with David H. Colerick, William H. Coombs, John U. Pettit, and Daniel Pratt and was frequently associated with John R. Coffroth in the conduct of cases. As a lawyer he was earnest, direct, logical, and clear, endeavoring to convince rather than please, but was much too frank to have ever become a successful politician.

He came to this county when it was practically a wilderness and sparsely settled. His close touch with public affairs afforded him an acquaintance with all the people in the country. He identified himself with the improvements of the new country. He was interested in the Liberty Mills Road, an enthusiastic promotor of the Wabash Railroad, and he had been president and attorney for the Chicago and Atlantic (now Erie) Railroad. He was interested in the work of the Huntington County Agricultural Society for a number of years and took pride in his farming and stock raising. He was a lover of blooded horses and kept a stable of fine race horses. The outline of his training track is still well defined at the rear of the estate. He was at one time deputy clerk

and many of the records are found in his handwriting. He was a member of the Catholic church and during his vigorous days a faithful attendant and supporter of the church. In politics, he was always a Democrat and a student of the teachings of Jefferson and Jackson. He was interested in national and local politics and took a firm stand against all movements and combinations which he considered as opposing the general welfare.

Across the bed of the old Wabash and Erie Canal, just off the Maple Grove Road, south of Mount Hope Cemetery, stands the home of Milligan. A rambling house, almost on the bank of the Little River. The thin limestone slabs of the original structure are retained in what is now the kitchen. The front of the house is weatherboarded with wide poplar boards still in good condition. Here he often entertained his friends, and it was his particular delight to invite members of the bar or intimate friends to dine with him. He was a splendid conversationalist, his reminiscences of events of his life and times, and the meetings with Henry Clay and Andrew Jackson were regarded by his guests as an unusual pleasure. Judge Cook recalled his last big dinner party given to the bar and mentioned the delicious young pig roasted and served with the apple in its mouth. The Milligans were very hospitable, and it was not uncommon for them to serve fifty people at their home on the days of a political rally.

Milligan opposed with great energy every movement looking toward a collision between the North and the South in 1861. He addressed numerous meetings at Plymouth, Fort Wayne, and other cities in 1863 and 1864. He was of the opinion that the war had not been begun to preserve the Union, but advocated a Union restored by negotiation rather than war and denounced military arrests, conscriptions, emancipation, and other war measures. He was a candidate for governor in 1864 and became known all over the state. At the nominating convention he was defeated by Joseph McDonald, but he continued to make stump speeches for the campaign. Detectives reported his speeches and soon the Republican Press teemed with denunciatory articles, charging him with treason. Henry L. Zumro, a special detective, was appointed early in 1864 to watch him. He was to visit Milligan for counsel, gain his confidence, and learn his personal sentiments. Zumro knew Milligan was connected in some way

with the organization known as the Knights of the Golden Circle. A part of the plan was to have Zumro arrested on some political charge. A military officer from a distant part of the state was sent to Huntington and the arrest of Zumro was made with great formality.¹

The "Knights of the Golden Circle," "American Knights," and "Sons of Liberty" were all terms used to describe Democrats, who opposed the war policy of President Lincoln. "Copperheads" was another term used during the Civil War which appeared in Maryland as early as July, 1861, and within a year the word was in common usage.² They were also known as "Butternuts" for some of the members came from the backwoods, their homespun garments were dyed with the juice of the butternut, and the women often wore broaches carved from the nuts to signify that they were Southern sympathizers.

The Knights of the Golden Circle was first organized on July 4, 1854, at Lexington, Kentucky, for action in the slave labor states, and the members pledged themselves to help establish an empire. The empire was to extend as far west as St. Louis, as far east as Baltimore and to include all of Central America and much of Mexico, thus forming a vast realm around the Gulf based on cotton and slavery.³

¹ Personal interview with the late Samuel E. Cook on February 17, 1946, then a resident of Huntington, Indiana; Huntington, Indiana, *Herald*, December 21 and 22, 1899; Huntington, Indiana, *News Democrat*, December 21 and 22, 1899; Indianapolis, Indiana, *Press*, December 21, 1899; Indianapolis, Indiana, *Daily Sentinel*, December 22, 1899; Charles W. Taylor, *Biographical Sketches and Review of the Bench and Bar* (Indianapolis, Indiana, 1895), 554-557; *A Biographical History of Eminent and Self-Made Men of the State of Indiana* (2 vols., Cincinnati, Ohio, 1880), II, 11th District, 31; John A. Marshall, *American Bastille. A History of the Illegal Arrests and Imprisonment of American Citizens during the Late Civil War* (Philadelphia, 1879), 71-72; *Indiana, A Guide to the Hoosier State* (American Guide Series, New York, 1941), 815.

² Charles H. Coleman, "The Use of the Term 'Copperhead' during the Civil War," *Mississippi Valley Historical Review* (Cedar Rapids, Iowa, 1914-), XXV (1938-1939), 263-264; Edward C. Smith, *The Borderland in the Civil War* (New York, 1927), 329; Charles Roll, *Indiana* (5 vols., Chicago, 1931), II, 231.

³ Mayo Fesler, "Secret Political Societies in the North during the Civil War," *Indiana Magazine of History* (Bloomington, Indiana, 1905-), XIV (1918), 185-224, gives Cincinnati as the place of organization. C. A. Bridges, "The Knights of the Golden Circle: A Filibustering Fantasy," *Southwestern Historical Quarterly* (Austin, Texas, 1897-), XLIV (1940-1941), 287-302; Ollinger Crenshaw, "The Knights of the Golden Circle," *American Historical Review* (New York, 1895-), XLVII (1941-1942), 23-50; Oliver T. Morton, *The Southern*

Indiana was divided into four sections, using the National Road as a division line, east and west, and another line north and south, passing through the center of the state. Each section was to be under the command of a major general, who was subordinate only to supreme commander, Clement Vallandigham.⁴

The unit which Henry L. Zumro joined came to be called the "Men's Bible Class" but no one knows if the name was taken to conceal the real identity or assigned in derision, because it received a shipment of pistols labeled "Sunday School Books." Meetings were held in barns and schoolhouses and were called "temples" and "castles" by the members. Zumro wormed his way into the organization and climbed to the position of grand secretary and by his efficiency, almost singlehanded, stopped the delivery, and turned over the chief officers to the government, thereby frustrating one of the most ingenious schemes of the war. Previously, he had saved the lives of eight hundred Negroes on a train by his "inside information."⁵

A mass meeting of Democrats was called for May 20, 1863, in Indianapolis. Several of the speakers could not attend and the burden of oratory fell on Daniel Vorhees, then a congressman from Indiana, and Thomas A. Hendricks, United States senator from Indiana. While Hendricks was speaking, a squad of blue-coated soldiers appeared on the scene. The crowd broke up, and after the meeting adjourned there was considerable confusion on the streets. As the evening trains were leaving Indianapolis, the revolvers were kept busy. The trains were searched. On one of the trains three hundred men were held, fully armed, and when discovered they tried to conceal the guns on the women of the party. One woman

Empire (Boston, 1892), 4-5; William D. Foulke, *Life of Oliver P. Morton* (2 vols., Indianapolis, Indiana, 1899), I, 376; Logan Esarey, *History of Indiana* (2 vols., Fort Wayne, Indiana, 1924), II, 778-779; William H. Smith, *The History of the State of Indiana* (2 vols., Indianapolis, Indiana, 1903), II, 83.

⁴ Benn Pitman (ed.), *The Trials for Treason at Indianapolis* (Cincinnati, Ohio, 1865), 324; U. S. Lesh, *A Knight of the Golden Circle* (Boston, 1911), 194; Foulke, *Life of Oliver P. Morton*, I, 396.

⁵ Foulke, *Life of Oliver P. Morton*, I, 406n; unidentified clipping in Grayston Scrapbook, Huntington, Indiana; Julia H. Levering, *Historic Indiana* (New York, 1910), 309; Smith, *History of the State of Indiana*, II, 87-88; Lesh, *A Knight of the Golden Circle*, 221-222.

was taken from the train with seven guns hidden in her clothes.⁶

When the South was about ready to give up the conflict, after the battles of Gettysburg and Vicksburg, its spirit was rejuvenated by the knowledge that the "knights" had plans all set for the delivery of forty thousand Confederate prisoners in Camp Douglas, Chicago, and other Northern states. Plans were also made for delivery over to the Confederacy, the states of Illinois, Missouri, Indiana, and Ohio. So strong were the forces of the order and so secret were the movements and scheme of the officers that the government was at a loss to know how to stop them. The chiefs of the order met in Chicago and decided upon the date and program for this huge delivery.⁷

The members of the order in Illinois were to concentrate at Chicago and Rock Island and release the rebel prisoners in Camp Douglas and Rock Island. They were to seize the arsenals at those places and at Springfield and thoroughly arm and equip the released prisoners. The three divisions in Illinois were to seize railroads that would carry the group to available points in Missouri. In Missouri they were to join a force called the "Sons of Liberty." The combined forces from Illinois and Missouri together with the released prisoners were to co-operate with the Confederate forces of twenty thousand men that Jefferson Davis had sent into Missouri under the command of Confederate General Sterling Price.⁸

Similar plans for the delivery of prisoners in Indiana and Ohio were discovered. The Knights favored the South in every possible way. They would meet and aid the Morgan raiders, who came across the Ohio River with about twenty-five hundred mounted men to pillage the southern counties. They compelled women to prepare meals for them and stole horses by the hundreds and everything of value that they could take along. When Governor Oliver P. Morton heard the

⁶ Indianapolis, Indiana, *Daily State Sentinel*, May 21 and 22, 1863; Indianapolis, Indiana, *Daily Journal*, May 21, 22, and 23, 1863; Eassey, *History of Indiana*, II, 781-783.

⁷ Felix G. Stidger, *Treason History of the Order of Sons of Liberty . . . succeeded by Knights of the Golden Circle* (Chicago, 1903), 97, 111, 116, 118.

⁸ *Ibid.*, 111-112; unidentified clipping in Grayston Scrapbook, Huntington, Indiana; Foulke, *The Life of Oliver P. Morton*, I, 412-413.

news, he immediately issued a military order for all able-bodied men to take up arms and form into companies, and in forty-eight hours there were twenty thousand men ready for service. Morgan soon discovered that he was in a hornet's nest, so instead of keeping on towards the Capitol as he had intended, he marched eastward and was compelled to retreat into Ohio where most of the raiders were killed or captured.⁹

A general uprising was planned for the city of Indianapolis on August 16, 1864. On that date a Democratic mass meeting was to be held just outside of Indianapolis and near Camp Morton. The major generals of the organization of the Sons of Liberty were to order every available man of the organization to attend the mass meeting. They were to come armed to the best of their ability, come in wagons or other vehicles with their arms concealed in the beds and covered with hay or straw which they were to use for feeding their animals. In the evening at a particular signal each man was to get his arms and fall in line for immediate action.¹⁰ If the movements had been carried out, it is likely that the war might have been prolonged.

By order of Brevet Major-General Alvin P. Hovey, a military commandant of the district of Indiana arrested Milligan at his home on October 5, 1864. A train had been backed from Indianapolis at night to the tracks beside his home to prevent any interference because Milligan was a popular figure in Huntington. William A. Bowles of French Lick, Horace Heffren of Salem, and Stephen Horsey of Shoals were also arrested. In the trial Heffren turned state's evidence and was released after he had accused Bowles, Milligan, and Horsey of plotting to kidnap Oliver P. Morton and hold him as hostage during the insurrection planned for August 16. All three men were convicted of treason and sentenced to be

⁹ Smith, *The History of the State of Indiana*, II, 96-101; Esarey, *History of Indiana*, II, 771-775; Levering, *Historic Indiana*, 310, 314-323; Cecil F. Holland, *Morgan and his Raiders* (New York, 1943), 218-220, 231-241; Margrette Boyer, "Morgan's Raid in Indiana," *Indiana Magazine of History*, VIII (1912), 149-165; Indianapolis, Indiana, *Daily Journal*, July 7, 8, 10, 11, 13, 14, 15, 16, 18, 20, 21, and 22, 1963; Basil W. Duke, *History of Morgan's Calvary* (Cincinnati, Ohio, 1867), 431-444; Basil W. Duke, *Morgan's Calvary* (New York, 1909), 317-326; Louis B. Ewbank, "Morgan's Raid in Indiana," *Indiana Historical Society Publications* (Indianapolis, Indiana, 1895-), VII (1923), 131-184.

¹⁰ Esarey, *History of Indiana*, II, 788-789; Stidger, *Treason History*, 112-113, 115, 131, 132, 136-137, 197; Pitman, *Trials for Treason at Indianapolis*, 101; Lesh, *A Knight of the Golden Circle*, 200-201, 278.

hung. Milligan was placed on trial before a military commission which convened at Indianapolis on October 21. General Silas Colgrave was the president of the commission. Milligan was charged with 1) conspiracy against the government of the United States, 2) affording aid and comfort to rebels against the authority of the United States, 3) inciting insurrection, 4) disloyal practices, and 5) violation of the laws of war. John R. Coffroth, his friend in the Huntington County Bar, was his attorney before the commission. Milligan entered the plea of not guilty and also a special plea that the commission had no jurisdiction to try and sentence him, as he was not a resident of one of the rebellious states, nor a prisoner of war, nor a soldier, but a citizen of Indiana, arrested at his home by a military power. A motion for a separate trial was overruled. The trial lasted until the early part of December, resulting in his conviction, and he was sentenced to be hanged on May 19, 1865, between the hours of twelve and three on the parade grounds between Camp Morton and Burnside Barracks, near Indianapolis.¹¹

When a copy of the record was taken to President Lincoln in December, 1864, he declared that he could find nothing to justify the finding as against Horsey and Milligan and promised that when the official record reached him, he would disaffirm the finding and set Horsey and Milligan at liberty. Bowles he said should be sent across the line to his Southern friends until the close of the war. The official record never was presented to Lincoln because he was assassinated in April before he could act on the request that the sentence be commuted. Andrew Johnson, however, approved the sentence and ordered that it be carried out without further delay. A petition for the writ of habeas corpus was filed in the United States Circuit Court in the District of Indiana on May 10.¹²

The judges of the Circuit court were divided and the case was certified to the Supreme Court of the United States in banc. At the hearing of arguments, J. E. McDonald, J. S. Black, J. H. Garfield, and David Dudley Field were counsel for the petitioner and Attorney General Speed, Special At-

¹¹ *Ex parte Milligan*, 4 Wallace 2; Marshall, *American Bastille*, 73, 79; Huntington, Indiana, *News Democrat*, December 21, 1899; Pitman, *Trials for Treason at Indianapolis*, 74-77, 194.

¹² Huntington, Indiana, *Herald*, December 22, 1899.

torney H. M. Stanberry, and B. F. Butler were the counsel for the United States.¹³

In the meantime, after he had filed his petition for the writ of habeas corpus on the eighteenth of May, an order was read to him postponing his execution until June 2, 1865. Friends who had attempted to petition for him were forced to desist. Finally, Morton recognized the critical situation and commissioned J. U. Pettit of Wabash to visit President Johnson and protest against his execution of the sentence. This was on the day before the date set for the execution. The scaffold had already been erected by rebel prisoners. Milligan had given up hope of being released and had sent word for the family to be prepared for the worst. He selected his pall bearers and made all arrangements for his funeral.¹⁴

Milligan stated,

a few days before the date set for my execution at Indianapolis, my wife visited Washington. A card from Judge McCulloch to Mr. Stanton obtained for her an interview with the Secretary of War. She was courteously received and although the interview was brief, Mrs. Milligan left his presence with full assurance that I would not be executed. Mr. Pettit had an interview with President Johnson, but the President gave no sign of interference and Mr. Pettit was thoroughly disheartened. In the meantime word was received from Indianapolis, about three P.M. from the War Department, and before the interview at Washington was over, ordering the commutation of the sentence. If President Johnson ever did consent to the commutation, it was after Secretary Stanton had issued the order, redeeming his promise to Mrs. Milligan.¹⁵

Milligan was informed that his sentence had been changed to life imprisonment at hard labor in the Ohio Penitentiary. He was taken to Columbus, Ohio, immediately.

After my sentence had been commuted, I was taken to Columbus, Ohio, for confinement. For the purpose of annoying me, I suppose, I was assigned a place at the table of all colored men. This was, no doubt, regarded as a joke but it did not disturb me in the least. Whenever there were distinguished visitors at the Prison, Dr. Bowles and myself were invariably paraded before them. The first quarters given me were exceedingly unhealthy and I fell sick and was sent to the hospital. I was transferred to the "Idle House" but on account

¹³ *Ex parte* Milligan, 4 Wallace 2.

¹⁴ Foulke, *Life of Oliver P. Morton*, I, 375, 427-431; *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (70 vols., Washington, 1880-1901), Series 2, III (1899), 583-588, 637-639.

¹⁵ Huntington, Indiana, *Herald*, December 22, 1899.

on my physical condition, the officers could not "sell me," that is, dispose of my services to prison labor contractors and I was assigned to the position of hospital doctor. I knew nothing of medicine, but had been confused with a Dr. Milligan at one time a member of the Indiana Legislature and my denial was not believed. I had some knowledge of chemistry and as the duty was largely clerical, I got along satisfactorily. I recollect my first case, a young man suffering from toothache. In vain I protested that I had never drawn a tooth. The guard threatened severe punishment if I didn't pull the tooth—so I fished out an old pair of turnkeys and proceeded to business. I pulled two teeth instead of one, but fortunately the aching tooth was one of them.¹⁶

The conditions in the prisons then must have been unspeakable according to an account in the *American Bastille*.

He was put into a small cell, near a pork-house and the hog-yard, and the stench emitted from these together with the squealing of the hogs not yet slaughtered, combined to render the place horrible. There were four persons in the cell with him, but it had been occupied by a much larger number, and was as filthy as it could possibly be. On some occasions when the rations were served, the Colonel could not get to the cubby-hole as quickly as the servant thought he ought, and for that reason he threw his rations into the filth on the floor. He was taken sick and conveyed to the hospital. . . .¹⁷

Milligan seldom referred to his experiences as a military prisoner and when he did there was little trace of bitterness in his manner. Once a mutual friend was introducing him to a stranger visiting in the city, and the stranger replied "Milligan did you say. Let me see the name is familiar, were you a member of Congress once?" "No Sir" was the reply, "I was in the State Prison." In an interview given to the *Herald*, Milligan said that he was in prison eighteen months.

I owe the commutation of my sentence to Secretary of War, Edwin Stanton. Although Governor Morton and the Honorable Joseph McDonald, who was my attorney, had interested themselves in my behalf, I should have probably been hung, but for Stanton. Mr. Stanton and I were early friends. We were admitted to the practice of law at the same time, at the same bar, and he was a frequent visitor at my home while I was a resident in Ohio.¹⁸

Milligan's contention before the military commission was that if he had offended, he had the right to demand a trial by jury in the civil courts, and that he was not subject to

¹⁶ *Ibid.*

¹⁷ Marshall, *American Bastille*, 77, 81.

¹⁸ Huntington, Indiana, *Herald*, December 22, 1899.

the jurisdiction of the commission. The decision of the Supreme Court of the United States, sustained his position on every point. It is the leading case upon the question involved and fully settled that the civil law is superior to military law in all places where the civil courts can be opened. The court said that a military commission has no jurisdiction legally to try and sentence one not a resident of one of the rebellious states, nor a prisoner of war but a citizen of Indiana, who was never in the military or naval service, but while at his home was arrested and imprisoned on certain criminal charges preferred against him, tried, convicted, and sentenced to be hanged by a military commission organized under a military commander of the military district of Indiana. In a state where the federal authority was always open to hear criminal accusations and redress grievances, no usage of war could sanction a military trial for any offense whatever of a citizen in civil life, in no way connected with the military service. Congress could grant no such power. The right of trial by jury is preserved to everyone accused of a crime who is not attached to the army, navy, or militia in actual service. Martial law cannot arise from a threatened invasion. The necessity must be actual and present, the invasion real, such as effectually closes the courts and deposes the civil administration. If the military trial of Milligan was contrary to law, then he was entitled on the facts stated in his petition, to be discharged from custody by the terms of an act of Congress of March 3, 1863.¹⁹

After the result of the case had become known, Milligan returned to Huntington on April 12, 1866. His return was marked by celebrations at numerous points along the journey and a grand celebration was given in the city in honor of his home-coming. The day was ushered in by the roar of a cannon and at an early hour, people began to flock from every direction. An address of welcome was made by Mayor William C. Kocher, and Milligan, although almost prostrated by ill health, responded. He was then escorted to his residence a mile from the courthouse, and the public meeting was continued all day, until late in the evening. Speeches were made by distinguished men from all parts of the country, who had assembled to welcome him home.²⁰

¹⁹ *Ex parte Milligan*, 4 Wallace 2; Huntington, Indiana, *News Democrat*, December 21, 1899.

²⁰ Marshall, *American Bastille*, 87-91.

Milligan soon returned to his practice of law in Huntington County. He was indicted by the Federal Court at Indianapolis by the Grand Jury in May, 1866, on the same charge on which he had been tried by the military commission but was allowed to go on bail. The case was not pressed and was afterwards dismissed. Milligan brought suit in the spring of 1868 against the military commission and others for damages for his imprisonment. The case was tried in May, 1871, with Thomas Hendricks as the leading counsel and Benjamin Harrison as the leading attorney for the defense. The jury returned a verdict in his favor for the sum of five dollars.²¹

Milligan having returned to his profession continued to live in his old home. He married Mrs. Maria L. Cavender, a daughter of Marshall Humphrey, at the time a resident of the city on August 12, 1873. He continued to practice law actively until October 27, 1897, sixty-two years after he had been admitted to the Bar. In recent years the Milligans had made it their custom to live on the farm in the summer and in winter to make their home in a flat near their son, Moses, in the Milligan Block in town.

Milligan died on December 21, 1899, from infirmities of old age at the home of his son Moses in the Milligan Block. He had been confined to his bed since early fall and was not able to attend the funeral of his wife on September 9.²²

The death of Milligan brought to a close a life of an unusual and forceful personality. Perhaps we do not agree with his point of view concerning the Civil War, but we should remember he was a Southerner and his sympathies were with the South, but as one citizen remarked "Yes a southerner—but he should have stayed there and fought WITH them." He believed in "the cause" and stood four square even in the shadow of the gallows. Many of the members fled into Canada, including the once Supreme Commander Vollandigham. Some turned state's evidence while others repudiated their part in the organization, but when Milligan was offered pardon he said, "I do not want pardon—I have done nothing I would not do again."

²¹ Foulke, *Life of Oliver P. Morton*, I, 431-432.