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Daniel D. Pratt: Lawyer and Legislator

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It has been Daniel Pratt's fate to be one of the nearly forgotten senators from Indiana. He served in Congress for only one term, 1869-1875, and no important piece of legislation is connected with his name. He was a modest, rather self-effacing man who served in an arena where modesty is seldom the rule. Active during a period of extreme political partisanship, he was a moderate. In an age when the reputation of many politicians became spotted, his shone with luster. His Senate colleague from Indiana was Oliver P. Morton, the Civil War governor, who had entered the Senate in 1867 and whose prominence always overshadowed that of the Junior Senator from Indiana. After completing his term in the Senate, Pratt became commissioner of internal revenue at the time of the exposure of the Whiskey Ring. As did so many other good men connected with the Grant administration, he resigned without completing his term, because the President insisted on dismissing a courageous investigator of the Whiskey Frauds. Although Pratt lacked political flair and brilliance, he was an able public servant, an arduous worker, and a politician of integrity.

Pratt came to Indiana from the East as a young man. He was born in Palermo, Maine, on October 26, 1813, the son of a country physician. His family, however, soon moved to Madison County in western New York.¹ His formal education was better than that of most Americans of his time. He was graduated from Hamilton College, Clinton, New York,

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¹ Pratt to Cooley [Fletcher], February 2, 1869, Daniel D. Pratt MSS (Indiana Division, Indiana State Library, Indianapolis, Ind.). Cited hereafter as Pratt MSS.

in 1831 as valedictorian of his class. While a student at Hamilton, he was greatly influenced by John H. Lathrop, professor of mathematics and natural philosophy, who later became president of the universities of Missouri, Wisconsin, and Indiana, and a "pioneer in higher education in the Middle West."² The young graduate taught for a short time at Madison University in New York but soon determined to move west.

Pratt came to maturity during the decade of the 1830's when the Jacksonian westward migration was at its height and the lure of the West strong. In 1832, with thirty dollars in his pocket, he left New York by way of the Erie Canal. By the time he reached Chillicothe, Ohio, he found his small savings so depleted that boat travel was no longer possible. Leaving his trunk to be brought on by boat, he walked to Cincinnati. Pausing there for only a short time, he pushed along the Ohio River to Lawrenceburg, Indiana.³ Here Pratt advertised himself as a teacher and taught a few students during the summer of 1832. In the fall of that year he was appointed principal of the seminary at Rising Sun, Indiana, a few miles farther down the Ohio River.⁴

Teaching, however, did not appear to offer the opportunities that the ambitious young man desired; law seemed to be a more alluring profession. George H. Dunn, prominent lawyer and politician of Lawrenceburg, and Pinkney James, a well-known businessman of Rising Sun, gave him letters of introduction to influential friends in Indianapolis. Thus, after fifteen months in southern Indiana, and carrying letters of introduction to Governor Noah Noble, Judge Bethuel F. Morris, Samuel Merrill, the state treasurer, and Calvin Fletcher, he moved once more.⁵

When Pratt came to Indianapolis in 1833, it was a town of about twenty-five hundred inhabitants and in its first decade as the state capital. The new statehouse was still

² *Dictionary of American Biography* (22 vols., New York, 1928-1958), XI, 16-17; *Hamilton [College] Literary Monthly*, June, 1878, 47; John H. Lathrop to Pratt, May 12, 1852, Pratt MSS.

³ [Daniel Pratt Baldwin], "Daniel D. Pratt," *History of the Republican Party in Indiana*, ed. Russell M. Seeds (Indianapolis, 1899), 284.

⁴ *Hamilton [College] Literary Monthly*, September, 1869, 81.

⁵ George H. Dunn to Calvin Fletcher, September 26, 1833; George H. Dunn to Judge B. F. Morris, September 26, 1833; Pinkney James to Noah Noble, October 2, 1833; Pinkney James to Samuel Merrill, October 1, 1833, Pratt MSS.

under construction. Through Pratt's eyes, the city looked promising. As he wrote in 1834 to his friend, John H. Jones, "The country around here is beautiful and fast filling up—and Indianapolis contains all kinds of society and has already made considerable advances in refinement."⁶ Calvin Fletcher, one of the leading lawyers in the capital, permitted Pratt to study in his office, and from this association there developed a very fine friendship. Their correspondence and visits continued until Fletcher's death in 1866.⁷ The young law student also needed to maintain himself while studying. Governor Noble employed him for a time as his private secretary and appointed him a quartermaster general at a salary of fifty dollars per year. He also found part-time work with Secretary of State William Sheets, who employed him as a clerk while the general assembly was in session.⁸

Despite these jobs and his legal studies, Pratt did not neglect opportunities for gaining experience and training as an orator. In his younger days, Pratt wrote out his speeches and memorized them. He joined the newly-organized Athenaeum in Indianapolis, and among his papers is a copy of an address on "The Atmosphere," with the notation that it was read before members of that organization on February 24, 1835.⁹ There are also copies of several addresses on temperance, a reform in which Pratt retained an interest throughout his life.¹⁰ The decade of the 1830's was one of revived interest in slavery and intemperance; each received attention from reformers. Pratt's law mentor, Calvin Fletcher, was greatly interested in both of these movements, and Pratt was quite likely influenced by him.¹¹

⁶ Pratt to John H. Jones, October 2, 1834, John H. Jones MSS (Indiana Division, Indiana State Library, Indianapolis, Ind.).

⁷ Jacob P. Dunn, *Greater Indianapolis: The History, the Industries, the Institutions, and the People of a City of Homes* (2 vols., Chicago, 1910), II, 645.

⁸ Pratt to J. H. B. Nowland, October 19, 1869, in John H. B. Nowland, *Early Reminiscences of Indianapolis with Short Biographical Sketches of its Early Citizens* (Indianapolis, 1870), 258; Pratt to Cooley [Fletcher], February 2, 1869, Pratt MSS.

⁹ The Atmosphere, February 24, 1835, Pratt MSS.

¹⁰ Temperance address, delivered at Rising Sun, March 10, 1833, and at Indianapolis, February 28, 1834; temperance address, delivered before the Carroll County Temperance Society, October 10, 1836; temperance address, April 20, 1843; William B. McKay to Pratt, February 15, 1848; James Dunn to Pratt, January 10, 1851, Pratt MSS.

¹¹ Temperance address, delivered at Rising Sun, March 10, 1833, Fletcher Papers (Indiana Historical Society Library, Indianapolis, Ind.).

The militant antislavery movement, beginning in the decade of the 1830's, was probably too extreme for Pratt's cautious, legalistic, and conservative outlook. Rather, the gradual methods advocated by the American Colonization Society were more appealing to him. Another handwritten address among his papers, with the notation that it was delivered in a Methodist church at Indianapolis on July 6, 1834, indicates his interest in antislavery. It is a plea for greater support for the Indiana branch of the American Colonization Society. Using the well-known phrase of the Declaration of Independence as a premise, Pratt asked his audience if the colored man was recognized in Indiana as the equal of the white man. After sketching the disabilities under which the free Negroes lived in the state, it was obvious that "while they live and work among us, they are not of us." While Pratt had no hope that their condition would be better in the foreseeable future, he urged greater public interest in the society's branch in the state, which sorely needed some financial support. The state branch had been organized in 1829, but after five years no more than \$600 had been contributed by Hoosiers to the parent society. Pratt expressed his belief that the society's program would not only aid the free Negroes in America, but that Liberia could serve as a base for "the redemption of Africa" from barbarism and Islam. Therefore, he urged Hoosiers, as philanthropists and Christians, to contribute. Referring to the Denmark Vesey revolt in South Carolina in 1822 and the revolt of Nat Turner in Virginia in 1831, he continued: "It becomes, then, a matter of serious policy to remove as fast as possible combustibles that may one day ignite and spread confusion and devastation around."¹²

By 1836 Pratt felt prepared to start practicing law on his own, and he chose to settle in Logansport, seventy miles north of Indianapolis. Since a large part of Fletcher's business was devoted to debt collections, Pratt had been sent to various parts of the state on such errands and, therefore, had an opportunity to observe a number of towns.¹³ In 1836 Logansport had about eight hundred inhabitants. It had been

¹² Address delivered in a Methodist church of Indianapolis on July 6, 1834, Pratt MSS.

¹³ Pratt to A. H. Dunihue, November 9, 1834, A. H. Dunihue MSS (Lilly Library, Indiana University, Bloomington, Ind.).

laid out as a town in 1828 and became the county seat for Cass County the following year. It was in the heart of what was then called the "Wabash Country." Located on the Michigan Road, which was being constructed southward from Lake Michigan, it had the added advantage of being on the proposed route of the Wabash and Erie Canal, which was then under construction.¹⁴ Its proximity to the areas occupied by Miami and Potawatomi Indian reservations also made it a lively trading center. It was near their "Treaty Grounds," and, since considerable litigation originated there, it was a place where there was need for lawyers. At that time Indianapolis lawyers came there to practice when the circuit court was sitting.¹⁵

One position which Pratt sought during his first year of legal practice was that of assistant clerk of the lower house of the general assembly of 1836-1837. But as one of four aspirants nominated for that position, Pratt lost to George P. R. Wilson.¹⁶ This was apparently his first political contest. The policy of the federal government in removal of the Indians gave Pratt another opportunity for a temporary position. Colonel Abel C. Pepper, the Indian agent, was negotiating a treaty of removal with the tribes near Logansport in 1838, and Pratt eagerly accepted a post as his assistant secretary. Pratt's salary was four dollars per day, with an additional sum of eighty-five dollars for keeping the accounts and distributing the gifts.¹⁷ Many years later Pratt vividly recalled this experience—the methods used in treaty negotiations, the transfer of lands, the distribution of presents and money, and the drunken orgies of the Indians.¹⁸

While Pratt was with Colonel Pepper during the Indian negotiations his thoughts turned to marriage. The girl to whom he decided to propose was Sophia James, who five years before had been his "most talented pupil" at Rising Sun

¹⁴ Thomas B. Helm (ed.), *History of Cass County, Indiana* (Chicago, 1878), 32; John D. Barnhart and Donald F. Carmony, *Indiana: From Frontier to Industrial Commonwealth* (4 vols., New York, 1954), I, 292.

¹⁵ Leander J. Monks, Logan Esarey, and Ernest V. Shockley (eds.), *Courts and Lawyers of Indiana* (3 vols., Indianapolis, Ind., 1916), I, 155.

¹⁶ Indiana, *Journal of the House of Representatives*, 21st Sess. (1836), 5-6.

¹⁷ Pratt to Calvin Fletcher, November 17, 1838, Calvin Fletcher Papers, Book XII.

¹⁸ "Personal Recollections of ex-Senator Pratt," *Logansport Weekly Star*, March 31, 1877.

Seminary.¹⁹ She was the niece of Colonel Pepper and the daughter of Colonel Pinkney James, a man of wide business interests. Pratt's proposal of marriage was favorably received, and on November 28, 1839, he married Sophia.²⁰

Pratt devoted all his energies to building up a law practice. Apparently, one of the reasons for the fine practice he eventually developed was "the exclusive and exhaustive manner in which he gave himself to his profession."²¹ Nonetheless, the first few years were financially lean; Pratt later recalled that his earnings during the first year were from \$300 to \$400.²² The Panic of 1837 and the ensuing depression had to be weathered. Judged by current standards, the scale of fees on which the lawyers of Logansport agreed to base their charges in 1835 was indeed modest. For debt collections under \$100, the fee was 10 per cent; from \$100 to \$500, it was 6 per cent; 5 per cent fee was charged for collections over \$500. A fee of \$1.50 was to be charged for preparing a mortgage or executing power of attorney; \$10 was the established fee for filing a bill in chancery; and \$15 was the charge for attending a chancery suit.²³

Pratt entered into a law partnership with William S. Palmer, but this partnership was dissolved in 1843, and evidently the two lawyers divided their business when they ended their association. Several years after the dissolution, Palmer absconded with nearly \$500 in debt collections belonging to clients, some of whom had started with the firm of Pratt and Palmer. Pratt was scrupulously honest and was deeply hurt by this action of his former partner.²⁴ After practicing alone for several years, Pratt formed a partnership with Stephen C. Taber, son of a wealthy Logansport

¹⁹ Pratt to Calvin Fletcher, November 17, 1838, and February 2, 1839, Calvin Fletcher Papers, Book XII.

²⁰ Diary of Rev. William M. Pratt, D.D., December 22, 1839 (transcript of extracts in the Indiana State Historical Society Library, Indianapolis, Ind.). The original diary is in the University of Kentucky Library, Lexington, Ky. William M. Pratt, a Baptist preacher, was a brother of Daniel Pratt.

²¹ [Baldwin], "Daniel D. Pratt," *History of the Republican Party in Indiana*, ed. Seeds, 289.

²² Pratt to J. H. B. Nowland, October 19, 1869, in Nowland, *Early Reminiscences of Indianapolis*, 260; Pratt to Calvin Fletcher, June 14, 1839, Calvin Fletcher Papers, Book XII.

²³ List of charges for services by members of the Logansport bar, March 6, 1835, Pratt MSS.

²⁴ Pratt to Calvin Fletcher, October 16, 1847, Calvin Fletcher Papers, Book XII.

merchant. But Taber soon gave up his legal career to manage his widely-scattered properties.²⁵ In 1858 Pratt accepted one of his former students, Dudley H. Chase, as a partner for a short time.²⁶ His last partner was his nephew, Daniel Pratt Baldwin, who came to Logansport from Columbia (New York) Law School in 1860, and who eventually became the owner of the *Logansport Journal* and judge of the Court of Common Pleas of Cass County.²⁷

As a young lawyer in a raw country, Pratt handled almost any practice that came his way. One of his early cases concerned the Scott murder of 1838. Jeremiah H. Harrison, a shoemaker by trade, had moved to Logansport from Rising Sun. In a night of brawling in a tavern, David Scott, a popular farmer of the neighborhood, was stabbed, and Harrison was charged with the murder. Harrison was too poor to employ legal counsel, and the court appointed Pratt and William Z. Stuart to defend him. The jury found Harrison guilty of first-degree murder, and he was sentenced to be hanged. Evidently Pratt was firmly convinced that the evidence of Harrison's guilt was not clear, for he made two trips to Indianapolis by horseback to seek reprieves from the governor. Since Scott had been a popular man in the community, Pratt was hanged in effigy by some local residents for delaying the execution. Harrison, however, committed suicide the night before he was to be hanged.²⁸

Much of Pratt's business consisted of collection of debts, payment of notes, and transfer of real estate.²⁹ As his reputation grew, he became legal counsel for W. G. Ewing and G. W. Ewing, Indian traders, land speculators, and merchants, who had extensive land holdings in northern Indiana.³⁰ The

²⁵ S. C. Taber to Pratt, January 10 and 22, 1851, Pratt MSS; Jehu Z. Powell (ed.), *History of Cass County, Indiana* (2 vols., Chicago and New York, 1913), II, 793.

²⁶ Dudley M. Chase to Pratt, March 24, 1858, Pratt MSS; Powell, *History of Cass County, Indiana*, II, 735.

²⁷ *A Biographical History of Eminent and Self-made Men of the State of Indiana* (2 vols., Cincinnati, 1880), II, 10th Dist., 2.

²⁸ Powell, *History of Cass County, Indiana*, I, 102-103; Monks, Esarey, and Shockley, *Courts and Lawyers of Indiana*, I, 154.

²⁹ S. Bogardus, New York City, to Pratt, November 3, 1847; William Goodrich and Co., Mercantile and Law Agency, Philadelphia, to Pratt, January 5, 1848; B. Douglass and Co., Mercantile Agency, Cincinnati, to Pratt, April 28, 1852, Pratt MSS.

³⁰ George W. Ewing to Pratt, December 26, 1850, and September 1, 1851; W. G. Ewing to Pratt, January 31, 1851, and March 7, 1857, Pratt MSS.

trustees of the Wabash and Erie Canal retained him as their counsel in litigation in Cass and adjoining counties.³¹ The Lafayette branch of the State Bank of Indiana also sought his services as its agent in the vicinity of Logansport.³²

By the decade of the 1850's Pratt's professional stature had grown to the place where he was considered among the best lawyers in northern Indiana. This position was a result of his integrity, the thorough way in which he prepared his cases, and his skill in pleading. "He was of indefatigable industry. . . . When employed in time, he was never surprised or defeated. He would explore every phase" of a case.³³ William Z. Stuart, a member of the Logansport bar and later a judge of the state supreme court, is quoted as having said that Pratt "would develop more original views of law in a case that he studied, and maintain them better and with more authorities" than any other man he ever knew.³⁴ Pratt's closing argument before a jury was considered the strongest feature in his conduct of a trial case. David Turpie wrote:

An argument to a jury, delivered upon the facts of the case in the close, was by him very seldom made in vain. He was tall in stature, some inches over six feet, and well proportioned in his whole figure. His voice when raised to its full pitch and volume might literally be well likened to the sound of many waters.³⁵

In general, Pratt seems to have been at his best in a jury trial.³⁶

A discussion of Pratt's legal career would not be complete without reference to the young men who read law in his office. Pratt himself wrote: "I regard the most useful and honorable part of my life that [which was] engaged in teaching."³⁷ Between twenty-five and thirty students were trained by him. Among these were John Upfold Pettit, who later

³¹ S. G. Dodge to Pratt, November 30, 1849; Thomas Dowling to Pratt, June 14, 1851; Baird and Sims to Pratt, July 2, 1851; Thomas Dowling to Pratt, March 12, 1857, Pratt MSS.

³² Cyrus Ball to Pratt, July 18, 1853, Pratt MSS.

³³ [Baldwin], "Daniel D. Pratt," *History of the Republican Party in Indiana*, ed. Seeds, 285.

³⁴ *A Biographical History of Eminent and Self-made Men of Indiana*, I, 10th Dist., 34.

³⁵ David Turpie, *Sketches of My Own Times* (Indianapolis, 1903), 216.

³⁶ [Baldwin], "Daniel D. Pratt," *History of the Republican Party in Indiana*, ed. Seeds, 285.

³⁷ Pratt to J. H. B. Nowland, October 19, 1869, in Nowland, *Early Reminiscences of Indianapolis*, 262.

became a member of the lower house of Congress, and David Turpie, a future United States senator. Among Pratt's papers are numerous letters from young men requesting the opportunity to study with him.³⁸ Turpie later recalled Pratt's methods of instruction. He remembered him as being always "considerate" and "conscientious in the discharge of his duty" toward these young men:

Unless actually engaged in court he spent some hours every Saturday with his students, questioned them closely on the subject upon which they were reading, answered himself questions upon the same, and sometimes advised that a particular section or chapter should be read over again, saying, by way of encouragement, that he had, when a student, taken the same course. He accepted no compensation for his services; the work which a student did in the office was perhaps of some assistance to him, but more to the student.³⁹

Pratt's reputation at the bar and his eloquence as a public speaker led also to many invitations for public addresses⁴⁰ and to honorary membership in the college literary societies of Asbury (now DePauw), Wabash, Franklin, and Wittenberg (Ohio) colleges.⁴¹

Pratt's rise to eminence in the legal profession was accompanied by ventures in politics. The Whig party, generally regarded as the more conservative of the major parties of the time, was the one with which Pratt affiliated. The men who probably influenced him the most at the beginning of his residence in Indiana were National Republicans or Whigs. As already mentioned, Governor Noble helped him in Indianapolis when he was a young law student. Calvin Fletcher, his legal preceptor and close friend, and Pinkney James, his father-in-law, were Whigs. With the congressional election of 1847 approaching, Pratt sought the Whig nomination for Congress from the Ninth District. His chief rival was John B. Niles, but Pratt was chosen as the Whig candidate at the district convention at Plymouth.⁴²

³⁸ Thomas P. James to Pratt, January 4, 1850; A. J. Neff to Pratt, February 15, 1851; A. Lytle Jones to Pratt, August 11, 1856; John Eiler to Pratt, June 6, 1857; Jesse W. Weik to Pratt, December 26, 1876, Pratt MSS.

³⁹ Turpie, *Sketches of My Own Times*, 84.

⁴⁰ M. Cox *et al.* to Pratt, November 29, 1849; C. H. Richards to Pratt, May 17, 1852; William Gillespie *et al.* to Pratt, May 6, 1852, Pratt MSS.

⁴¹ M. C. Smith to Pratt, March 20, 1844; John B. Tisdale to Pratt, May 4, 1846; W. B. Shipp to Pratt, October 28, 1856; M. L. Kunkelman to Pratt, May 21, 1862, Pratt MSS.

⁴² William C. Graves to Pratt, December 31, 1846, Pratt MSS.

At this time the Mexican War was being fought, and the question of extension of slavery into territory that might be acquired from Mexico was being debated. In the fifteen counties comprising the Ninth Congressional District, which was located in northern Indiana, the population included many settlers from the East. Free-Soilism had a greater number of sympathizers there than in the southern section of the state. With most of them, the war was not popular.⁴³ The Democratic administration of President Polk was waging the war, and, as the opposition party, the Whigs had to speak carefully on war issues. Pratt wrote to John D. Defrees, a Whig leader in the state, for advice on the position he should take in his campaign. Defrees' reply was a model of caution, astuteness, and political sagacity. He advised Pratt to uphold the "no-annexation principle" as far as any Mexican territory was concerned but to support the soldiers in the field as long as the war continued. The old Whig planks, advised Defrees, should not be discussed at great length, although the subtreasury and tariff might be mentioned, "occasionally and mildly."⁴⁴

Pratt's Democratic opponent was Charles W. Cathcart of La Porte, who was seeking re-election. A former sailor, land surveyor, farmer, and member of the state senate, Cathcart had served as a presidential elector in 1844 and had been elected to Congress in 1845.⁴⁵ As was customary at that time, the two candidates conducted a joint canvass of their district from June 29 to July 31.⁴⁶ The chief issue was a national one—the support of the war, and particularly the question of voting supplies for the American army fighting in Mexico. Cathcart stood on his record in supporting the war and American troops. Pratt pledged his support to the army, but opposed the annexation of any possible slave territory from Mexico.⁴⁷ Pratt went down to defeat in his first serious effort for an elective office; Cathcart received 7,474 votes, Pratt

⁴³ Schuyler Colfax to Pratt, July 15, 1848, Pratt MSS.

⁴⁴ John D. Defrees to Pratt, April 17, 1847, Pratt MSS. The attitude of the Whigs toward these issues is discussed in Charles Roll, *Colonel Dick Thompson: The Persistent Whig* (Indiana Historical Collections, Vol. XXX; Indianapolis, Ind., 1948), 92-104.

⁴⁵ *Biographical Directory of the American Congress, 1774-1927* (Washington, D.C., 1928), 796.

⁴⁶ Logansport *Democratic Pharos*, June 30, 1847.

⁴⁷ *Ibid.*, May 12, 19, June 30, 1847.

6,995, and Robert Stewart, Liberty party candidate, 185. In that year the Whigs won four of the ten congressional seats from Indiana.⁴⁸

In 1848 a presidential campaign was fought. By that time the war with Mexico was concluded, and the issue of slavery in the newly acquired territory was a burning one. The Whigs had the major military heroes of the war; both General Zachary Taylor and General Winfield Scott were serious contenders for the Whig presidential nomination. Scott was more popular with the Indiana Whigs than Taylor was. At the Battle of Buena Vista, the Second Indiana Regiment had retreated, and General Taylor had censured it, an action that lost him much support he might have had in the state.⁴⁹ Pratt was a delegate to the Whig national convention in Philadelphia and was the last of the Indiana delegation to switch his vote from Scott to Taylor.⁵⁰ Pratt took this occasion to visit his old home in New York and then returned to Indiana to throw himself into the canvass for the Whig ticket.⁵¹ He had accepted the nomination as presidential elector and participated, during July and August, in a joint canvass with Dr. Graham Fitch, Democratic contestant for the same post.⁵²

Although Indiana went Democratic in the election, the national success of the Whig ticket and Pratt's share in the canvass of 1848 placed him in a strong position for renomination for Congress in 1849. He was also mentioned as a possible candidate for governor.⁵³ Pratt now displayed an unfortunate flaw in political shrewdness—excessive caution, hesitation, or timidity—which prevented him from grasping opportunities for political advancement. Although his friends were certain that he again could have had the congressional nomination had he demonstrated that he wanted it, he did not do so, and the district convention chose William Wright

⁴⁸ Dorothy Riker and Gayle Thornbrough (comps.), *Indiana Election Returns, 1816-1851* (*Indiana Historical Collections*, Vol. XL; Indianapolis, Ind., 1960), 114-118.

⁴⁹ Barnhart and Carmony, *Indiana*, I, 403.

⁵⁰ James S. Frazer to Pratt, July 11, 1848; Schuyler Colfax to Pratt, June 26, 1848, Pratt MSS.

⁵¹ Schuyler Colfax to Pratt, July 15, 1848; John L. Knight to Pratt, July 17, 1848; James S. Frazer to Pratt, September 28, 1848, Pratt MSS.

⁵² Logansport *Telegraph*, July 15, September 16, 1848.

⁵³ George W. Blakeman to Pratt, December 24, 1848; Schuyler Colfax to Pratt, February 12, 1849, Pratt MSS.

as the Whig candidate for Congress.⁵⁴ Graham Fitch, Pratt's friend, neighbor, and family physician, was nominated for Congress on the Democratic ticket. Fitch had entered politics in 1836 as a candidate for the state legislature. He was elected to Congress over Wright and later served as United States senator.⁵⁵ In 1852, as a member of Congress, he was asked by the secretary of war for a nomination for the Board of Visitors of West Point. He suggested Pratt, but the appointment was not offered.⁵⁶

Having failed election to Congress in 1847 and having permitted the Whig nomination to go to another in 1849, Pratt turned his attention to a race for the state legislature. The railroad fever had reached Logansport, and its citizens were interested in securing better railway facilities to the East. The Lake Michigan, Logansport, and Ohio River Railway Company, a north-south line, had been chartered in 1848. In order to join an east-west route, Logansport citizens hoped to intersect the proposed Indianapolis and Bellefontaine line between Anderson and New Castle.⁵⁷ Under the old Indiana constitution it was necessary that the legislature pass special charters for each road. This necessitated a legislative amendment to the first charter of the Lake Michigan, Logansport, and Ohio River Railway. Cass County thus needed a strong representative in the legislature to take care of these vital local interests, and Pratt had been very active in the Logansport railroad mass meetings.⁵⁸ At the Whig county convention in January, 1850, he had no opposition for the nomination as representative from Cass and Howard counties to the lower house of the general assembly.⁵⁹ The small Free Soil party in Cass County also endorsed his candidacy, and he was elected to the Thirty-fifth General Assembly.⁶⁰

When Pratt took his place at that session, it was as a member of the minority party. The Democrats elected Ebenezer Dumont as speaker. This general assembly also re-elected Jesse D. Bright to the United States Senate. In

⁵⁴ Schuyler Colfax to Pratt, March 26, April 17, July 21, 1849, Pratt MSS.

⁵⁵ *Biographical Directory of the American Congress, 1774-1927*, 969.

⁵⁶ Graham N. Fitch to Pratt, March 11, 1852, Pratt MSS.

⁵⁷ *Logansport Journal*, September 15, 1849.

⁵⁸ *Ibid.*, September 15, 29, 1849.

⁵⁹ *Ibid.*, June 29, 1850.

⁶⁰ *Ibid.*, August 3, 1850.

spite of his affiliation with the minority party, Pratt soon emerged as one of the leaders in the house. Appointed to serve on three standing committees—Judiciary, Benevolent and Scientific Institutions, and State Prison—he was made chairman of the last.⁶¹

Pratt soon gained wide attention as the author of the report of a select committee to recommend additional appropriations required by the protracted meeting of the state constitutional convention. This lengthy session, with its added expense, had irritated many voters.⁶² The committee report called attention to the fact that the first constitution of Indiana had been framed in twenty-one days, whereas the convention to revise it had already spent four months in debate. It stated that, while the act calling the convention did not actually limit its session, the committee believed that the previous legislature had never expected a session longer than three months. If "strict economy of time" had been used, the convention's work could have been completed in the three-month span. The report concluded that "the people are restless and dissatisfied with the state of things."⁶³

The house journal records that Pratt introduced twenty bills during this session, fifteen of which became laws.⁶⁴ Among those that were successful was the "NewCastle Amendment" to the charter of the Lake Michigan, Logansport, and Ohio River Railroad.⁶⁵

Pratt was not a candidate for re-election in 1851,⁶⁶ nor is there any evidence that he expected to be a candidate in 1852. The Cass County Whig convention of September, 1852, over which Pratt presided as chairman, nominated James W. Dunn, a Logansport lawyer, for the Cass County seat in

⁶¹ Indiana, *Journal of the House of Representatives*, 35th Sess. (1850-1851), 44-45.

⁶² James P. Case to Pratt, January 27, 1851; W. M. Reyburn to Pratt, January 25, 1851, Pratt MSS.

⁶³ Logansport *Journal*, January 25, February 1, 1851. For a reply to these charges, see "An Address to the Electors of the State (February 8, 1851)," in Charles Kettleborough (ed.), *Constitution Making in Indiana* (3 vols., *Indiana Historical Collections*, Vols. I, II, XVII, Indianapolis, Ind., 1916-1930), I, 413.

⁶⁴ Indiana, *Journal of the House of Representatives*, 35th Sess. (1850-1851), 21, 50, 63, 76, 103, 110, 140, 142, 180, 227, 228, 248, 308, 390, 405, 479, 566, 699.

⁶⁵ *Ibid.*, 818-819; Logansport *Journal*, August 2, 1851.

⁶⁶ Logansport *Journal*, June 14, August 2, 1851.

the lower house.⁶⁷ It was later found, however, that Dunn was a justice of the peace whose commission would not expire for two years. The new constitution declared any state officer ineligible as a candidate for another state office during his term. Dunn withdrew, and Pratt was selected to make the race.⁶⁸ It was very short notice, for the elections were only a few weeks away, but he won by a majority of twenty-four votes.⁶⁹

In the Thirty-seventh Session of the legislature in 1853, Pratt was again a member of the minority party in the house. Among his friends in the majority party was David Turpie, his former law student, who was now flexing his political muscles and was the Democratic representative from White and Benton counties.⁷⁰ Pratt's role in this session was in marked contrast to the active part he played in the earlier one. He was appointed to the committees on the judiciary and corporations, but held no chairmanship.⁷¹ The record indicates that he introduced only eight bills, four of which were passed.⁷² One of the successful ones authorized two or more railroad companies to assume a common name.⁷³

One of the major bills which some legislators hoped to force through this session of the assembly was one to repeal the Free Banking Act of 1852. The subject of banking was so highly controversial in Indiana in this era that it seemed impossible to reach any general agreement within either party on the subject. The Second State Bank, with its branches, and a number of recently authorized free banks were doing business in the state in 1853.⁷⁴ Although the Whigs were regarded as strong supporters of the State Bank, there were numerous Whigs who supported free banking. Pratt was among them. The Cass County Whig convention of 1852 had adopted a resolution, introduced by Pratt, endorsing free banking "with proper supervision" and opposing a system

⁶⁷ *Ibid.*, September 25, 1852.

⁶⁸ *Ibid.*, October 2, 9, 1852.

⁶⁹ *Ibid.*, September 25, October 2, 9, 16, 1852.

⁷⁰ Indiana, *Journal of the House of Representatives*, 37th Sess. (1853), 3, 5; Turpie, *Sketches of My Own Times*, 135-136.

⁷¹ Indiana, *Journal of the House of Representatives*, 37th Sess. (1853), 49, 50.

⁷² *Ibid.*, 140, 272, 302, 303, 456, 477, 522, 659.

⁷³ *Ibid.*, 996.

⁷⁴ Barnhart and Carmony, *Indiana*, II, 74.

granting a "monopoly" of banking.⁷⁵ The general assembly of 1852 had authorized "free banks"; now after only one year of free banking, it was proposed that the banking structure again be changed by repealing the Free Banking Act of 1852. The repeal bill passed the senate, but when it reached the house, a bolt was staged by those members who favored free banking, including Pratt, and the attempt to repeal the act thus failed.⁷⁶

These two sessions of the general assembly offered Pratt the only legislative experience he had until his election to the United States Senate in 1869. In that interval of sixteen years, great changes were taking place in the country. Pratt's party was in the last months of its existence when he left the legislature in 1853. Out of the political flux that followed, a new party emerged in which he found a place for his loyalty. In 1854 Stephen A. Douglas introduced the Kansas-Nebraska Act, with its provisions for the organization of two territories in the West, the repeal of the Missouri Compromise line, and popular sovereignty as a method of solving the question of slavery in the new territories. The political repercussions of that act are well known. The Whig party disintegrated, and new political groups struggled for the allegiance of the voters. Out of this change came the formation of the Republican party.

There were at least five groups that combined to form this new party in Indiana—the old-line Whigs, Know-Nothings, antislavery Democrats, temperance advocates, and former Free-Soilers. But their fusion did not develop quickly. Skill and time were needed to accomplish this, and, above all, leadership. Whig leadership appears to have been primarily responsible for this fusion, but that leadership could not be too blatant or asserted too aggressively for fear of alienating some elements within the new party.⁷⁷ Pratt was a representative of three of these elements in the embryonic party. He was an old-line Whig, an opponent of slavery, and a strong advocate of temperance. His correspondence reveals no suspicion of any adherence to the Know-Nothing movement.

⁷⁵ Logansport *Journal*, February 28, 1852.

⁷⁶ *Ibid.*, March 19, 1853.

⁷⁷ Walter Sharp, "Henry S. Lane and the Formation of the Republican Party in Indiana," *Mississippi Valley Historical Review*, VII (September, 1920), 97; Willard H. Smith, "Schuyler Colfax and the Political Upheaval of 1854-1855," *Mississippi Valley Historical Review*, XXVIII (December, 1941), 386.

The first state mass meeting of the opponents of the Kansas-Nebraska Act, or Fusionists as they were then called, was held at Indianapolis on July 13, 1854. Pratt took no active part in it, and appears not to have been present.⁷⁸ In the following year a similar meeting was held in Indianapolis on July 15, and there is a copy of the call to attend that meeting among Pratt's papers, which was franked to him over Congressman Lucien Barbour's signature.⁷⁹ William Wallace, of Marion County, wrote Pratt, urging him to attend and "to bring along with you as many delegates from Old Cass as you can." Wallace also wrote that Pratt would be expected to address the crowd and warned: "We shall be disappointed if you are absent."⁸⁰ But neither the Logansport newspapers nor Pratt's correspondence mention his presence at the convention.

Pratt's sympathies, however, were known to be with this Fusionist party, and, as the campaign of 1856 began to gather momentum, he was proposed as the candidate for governor.⁸¹ In his letter to the Logansport *Journal* declining to be a candidate, Pratt stated that he had wavered between his political ambitions and his "professional trusts," and had reluctantly reached the conclusion that demands of the legal profession made it impossible for him to undertake a heavy campaign.⁸² He did, however, accept the nomination for presidential elector from his district, and he participated in the campaign.⁸³ The Democrats carried the state in that year.⁸⁴ During the next four years, Pratt's name was advanced for judge of the state supreme court in 1858 and for attorney general of Indiana in 1860.⁸⁵

⁷⁸ Logansport *Journal*, July 15, 22, August 5, 21, 1854.

⁷⁹ Printed circular letter, "A Call for a Mass Convention to be held in Indianapolis on July 15, 1855" (dated at Indianapolis, June 21, 1855), Pratt MSS.

⁸⁰ William Wallace to Pratt, July 5, 1855, Pratt MSS.

⁸¹ J. W. Harlan to Pratt, March 9, 1856; E. Burks Fisher to Pratt, March 24, 1856; R. W. Hofsinger to Pratt, March 25, 1856, Pratt MSS; Logansport *Journal*, February 2, March 8, 1856.

⁸² Logansport *Journal*, March 22, 1856.

⁸³ *Ibid.*, July 12, 1856; Theodore F. Stokes to Pratt, June 30, 1856; C. B. Hensley to Pratt, July 8, 1856; J. M. Cowan to Pratt, August 12, 1856; J. W. Defrees to Pratt, August 13, 1856; E. H. Hawley to Pratt, August 16, 1856, Pratt MSS.

⁸⁴ Barnhart and Carmony, *Indiana*, II, 147.

⁸⁵ George Smith to Pratt, March 6, 1858; Mark L. DeMotte to Pratt, January 30, 1860, Pratt MSS; Cincinnati *Commercial*, February 23, 1860.

During the presidential election year of 1860 Pratt became very active. He attended the Republican state convention at Indianapolis on February 22 and was chosen as one of the delegates-at-large to the national convention at Chicago.⁸⁶ At Chicago he was given the post of "reading secretary," since his stentorian voice could carry over the noise of that rather unruly convention.⁸⁷ Returning from Chicago, Pratt did yeoman service in the canvass. Calls from managers in his own district and in northern Indiana indicate how highly his services as a political orator were valued.⁸⁸ The Republicans were successful in carrying the state in that year. The governor-elect, Henry S. Lane, was soon elected to the United States Senate, and Lieutenant Governor Oliver P. Morton succeeded as governor.⁸⁹ But no sooner had the Republican administration taken over the reins of government than it was faced with unprecedented problems. With the outbreak of the Civil War, the administration's abilities were severely tested in supporting the Union cause.

These war years not only brought public sorrows for Pratt but private ones as well. Mrs. Pratt's health had begun to fail as early as 1857. In the early summer of 1861, the family spent a long vacation on Martha's Vineyard, where Pratt had an opportunity to engage in his favorite sport of fishing.⁹⁰ The change did not help his wife, however, and she died in November, 1861.⁹¹ Her loss was felt keenly by her husband and three surviving children.

The eldest son, James, was not at home. He had started college at Wabash in 1857 but transferred to Yale, and was graduated from there in 1861.⁹² He at once enlisted in the infantry. Through the unsolicited efforts of Senator Henry S.

⁸⁶ *Cincinnati Commercial*, February 23, 1860.

⁸⁷ *Ibid.*, May 19, 1860.

⁸⁸ F. Ryland to Pratt, May 30, 1860; A. H. Conner to Pratt, July 26, August 4, 1860, Pratt MSS.

⁸⁹ Kenneth M. Stampp, *Indiana Politics During the Civil War* (*Indiana Historical Collections*, Vol. XXXI; Indianapolis, Ind., 1949), 61.

⁹⁰ T. Keith to Pratt, August 17, 1857; Graham N. Fitch to Pratt, April 18, 1858, Pratt MSS. Pratt to Henry S. Lane, August 23, 1861, Henry S. Lane MSS (Lilly Library, Indiana University, Bloomington, Ind.).

⁹¹ J. C. Brown to Pratt, November 26, 1861; telegram from J. J. Hayden to Pratt, November 26, 1861, Pratt MSS.

⁹² Statement of tuition for James Pratt from Yale College, January 21, 1861, Pratt MSS.

Lane, he was later commissioned a lieutenant.⁹³ Young Pratt was with the Army of the Potomac through its long series of campaigns. When the government decided to enlist Negro troops, Pratt sought from Secretary of War Stanton a commission for his son in a colored regiment, but "the interests of the services" would not permit it.⁹⁴ On May 29, 1864, on the eve of the Battle of Cold Harbor, James was killed near Hanover Town, Virginia.⁹⁵ Julia, the only daughter, came home from Ohio Female College, in College Hill, to take care of her father and younger brother. Shortly after the war she married Edward S. Huntington.⁹⁶ The younger son, Charley, became the black sheep of the family—an alcoholic and a ne'er-do-well. The escapades of this scapegrace became a source of constant worry and sorrow to his father until the young man's death in 1873.⁹⁷

In spite of these personal sorrows Pratt undertook those duties which leaders in a community are called upon to do in times of crisis. He assisted in encouraging enlistments. When, in 1861, "Cass County sent out, upon a three days' notice, two companies of soldiers, he advanced hundreds of dollars to the needy families of those who had gone."⁹⁸ During the excitement of Morgan's Raid in Indiana during the summer of 1863, he helped to organize the home guard.⁹⁹

Throughout his life, Pratt was a true humanitarian, sympathetic to a righteous appeal. When the potato famine occurred in Ireland in 1846-1847, he and the Rev. M. M. Post were Cass County leaders in collecting money, wheat, and corn for the sufferers.¹⁰⁰ Pratt was a member of the Logansport branch of the American Indian Mission Association, an organization with the object of securing means "to give

⁹³ Pratt to Henry S. Lane, December 20, 1861, Henry S. Lane MSS.

⁹⁴ Pratt to Hon. E. M. Stanton, Secretary of War (no month or day), 1863, Pratt MSS.

⁹⁵ Young Pratt's death is recorded by an unknown writer in Diary of James Pratt, Pratt MSS.

⁹⁶ Diary of William M. Pratt, December 22, 1868. (The extracts from the diary cited in note 20 are also cited here.)

⁹⁷ Julia [Huntington] to Pratt (no date, but misfiled), 1846, Pratt MSS.

⁹⁸ *A Biographical History of Eminent and Self-made Men of Indiana*, II, 10th Dist., 34.

⁹⁹ Thomas B. Helm (ed.), *History of Cass County, Indiana* (Chicago, 1886), 361.

¹⁰⁰ Logansport *Democratic Pharos*, March 10, 1847.

the gospel to the American Indians."¹⁰¹ His devotion to the cause of temperance, already mentioned, led to membership in the Indiana Reform Alliance, which strove for a state prohibition law.¹⁰² One of the provisions of Pratt's will set aside the income from \$5,000 for the city of Logansport to use in "relieving the necessities of the worthy poor . . . overtaken by sickness, old age, or misfortune."¹⁰³ Pratt had been reared by a devout Baptist mother, and although one of his brothers was a Baptist clergyman, Pratt himself never affiliated with that church. His nephew wrote that he was a Unitarian,¹⁰⁴ probably referring to his theology rather than to church membership.

During the war years, Pratt was not inactive, but there was a decline in his political activity. He did not forsake politics completely, but he was not an active campaigner. Yet he was the nominee of the Republican legislators for one of Indiana's seats in the United States Senate in 1863. Although the elections of 1860 had been favorable for the Republicans, the methods of the Morton administration often irritated and even angered many voters in the state. Nor was the course of the Lincoln administration popular with many of them. Consequently, the political pendulum swung in reverse in the off-elections of 1862, giving the Democrats a majority in both houses of the general assembly.¹⁰⁵ What followed is a confused and sordid story. Legislators from both parties displayed excessive partianship inflamed by wartime passions.

The election of two United States senators—one, to serve the unexpired term of former Senator Jesse Bright, the other, to serve the regular six-year term that followed—was an important item of business for that session of the assembly. When Jesse Bright was expelled from the Senate on February 5, 1862, his successor was appointed by the governor to hold office until the next session of the legislature. Governor

¹⁰¹ Constitution of Logansport Indian Mission Society, 1843, Pratt MSS. This group was an auxiliary to the American Indian Mission Society.

¹⁰² Printed circular, "Constitution of the Indiana Reform Alliance," March 20, 1858, Pratt MSS; U.S., *Congressional Record*, 43d Cong., 1st Sess., 1873-1874, II, Part 2, 1885-1886.

¹⁰³ Cass County, Ind., Office of the County Clerk, Logansport, Record of Wills, Book 3, June, 1877-September, 1888.

¹⁰⁴ [Baldwin], "Daniel D. Pratt," *History of the Republican Party in Indiana*, ed. Seeds, 289.

¹⁰⁵ Stampp, *Indiana Politics During the Civil War*, 156.

Morton then appointed Joseph A. Wright, the former Democratic governor and a War Democrat. His term would normally expire in March, 1863. By the time the assembly convened, he had served less than a year, and if elected by the assembly in 1863, he would serve for only the few weeks until the expiration of Bright's term.¹⁰⁶ The Republican caucus, therefore, chose Wright as their candidate for the long term. Pratt was then nominated for the short term. The Democrats chose Thomas A. Hendricks to oppose Wright and David Turpie to oppose Pratt. Thus, teacher and former student were rivals for the same seat. For a time, a bolt by some Republican legislators blocked any business of the legislature, but the bolters were finally persuaded to return.¹⁰⁷ By a vote of 85-62, Turpie was elected for the short term, and Thomas A. Hendricks won the regular seat.¹⁰⁸ There is no evidence that Pratt sought this office. In fact, the statement appearing in a Cass County history that he knew nothing of the choice of the caucus until he read of it in the columns of the *Cincinnati Gazette*, might well be true.¹⁰⁹

Near the close of the war Pratt increased his political activity. He sought a federal appointment, either as district attorney or as judge of the Federal Court of Claims. His services to the Republican party and his outstanding success in the legal profession apparently made him a strong candidate for an appointment to the judicial branch of the federal government. He also had a good friend in Washington, Schuyler Colfax, then Speaker of the House. But because of pressure from other quarters and the inability of the Indiana delegation to agree, President Lincoln turned to other applicants for these posts.¹¹⁰ Unsuccessful in securing an appointment, Pratt sought an elective office.

In the election year of 1868, the Republicans held their state convention in February. Pratt's law partner, D. P. Baldwin, a member of the Republican State Central Committee, was in Indianapolis before the convention met. The managers agreed that Pratt should be temporary chairman of the convention. Baldwin sent a telegram to Pratt telling

¹⁰⁶ *Ibid.*, 98.

¹⁰⁷ *Ibid.*, 167-168.

¹⁰⁸ Indiana, *Brevier Legislative Reports*, VI (1863), 46.

¹⁰⁹ Helm, *History of Cass County, Indiana* (1886), 522.

¹¹⁰ Schuyler Colfax to Pratt, February 7, 9, 15, 22, 25, 1865, Pratt MSS.

him of the choice and added, "You must be here."¹¹¹ The newspapers also reported that Pratt would be temporary chairman.¹¹² But for some reason which is not now apparent, Pratt did not preside, nor was he present. General Thomas Browne was elected temporary chairman, and James Hughes, of Monroe County, became permanent chairman. The enthusiastic convention adopted a platform calling for the payment of government bonds in greenbacks, except where payment in coin was expressly called for. The rapid contraction of the currency was condemned, as was the monopoly of public lands "either by individuals or corporations." With reference to the question of Negro suffrage, which was to emerge as a prominent issue in this campaign, the platform stated that "the question of suffrage in all loyal states belongs to the people of those states." Conrad Baker was nominated for governor and Will E. Cumback, for lieutenant governor.¹¹³

The district conventions were held amid considerable doubt regarding the results, since the legislature had redistricted the state for representation in both the legislature and Congress. In the new Eighth District, Pratt was successful in winning the Republican congressional nomination. His Democratic opponent was Nathan O. Ross.¹¹⁴ As the campaign in this district came to a climax, the Republicans brought into the district, Colfax, their vice-presidential nominee, Governor Walter Harriman, of New Hampshire, Paul Troback, a German-American member of the Alabama legislature, and Horace Maynard, strong Radical congressman from Tennessee. At a mammoth mass meeting held at Logansport on October 2, a crowd estimated at 15,000 persons heard all of these speakers.¹¹⁵ The race was a successful one for Pratt; the vote was 17,227 for Pratt and 14,496 for Ross.¹¹⁶ Pratt, however, had not yet left for Washington to take up his duties before a new position was thrust upon him—that of United

¹¹¹ Telegram from D. P. Baldwin to Pratt, February 19, 1868, Pratt MSS.

¹¹² *Cincinnati Commercial*, February 18, 1868; *Cincinnati Gazette*, February 19, 1868.

¹¹³ W. E. Henry (comp.), *State Platforms of the Two Dominant Political Parties in Indiana, 1850-1900* (Indianapolis, Ind., 1902), 34-35; *Cincinnati Commercial*, February 21, 1868.

¹¹⁴ Joseph R. Gray to Pratt, June 11, 1868; M. L. Bundy to Pratt, June 13, 1868; John Green to Pratt, May 23, 1868, Pratt MSS.

¹¹⁵ *Cincinnati Commercial*, October 3, 1868.

¹¹⁶ *New York Tribune, Almanac*, 1869, 70.

States senator. This unexpected turn of events resulted from one of those violent intraparty quarrels that erupted at a meeting of the state legislature.

In 1869 the Republicans had a majority in both houses of the general assembly. They also had several aspirants who hoped to succeed Thomas A. Hendricks in the United States Senate. There had been some sentiment in favor of Walter Q. Gresham. According to Gresham's wife and biographer, the Republican state chairman, Governor-elect Conrad Baker, and a number of Greenfield, Indiana, Republicans favored his candidacy before the legislature met. Although Morton and Gresham were antagonistic, Morton had agreed not to oppose Gresham. But Gresham found that Negro suffrage was to be backed by the regular administration leaders, and he was opposed to pushing it at that time. He therefore eliminated himself as a candidate before the legislature convened.¹¹⁷

Godlove S. Orth was another candidate who was eager for the honor. He solicited Pratt's support, and wrote that Pratt could "do much among the Members elect [*sic*] from your district, and with that support I shall feel much encouraged in my efforts."¹¹⁸ But Orth's candidacy received very little support either before the meeting of the legislature or after a deadlock developed. When the legislature assembled, it was clear that Lieutenant-Governor Will E. Cumback, of Greensburg, was the strongest contender. Cumback had been very busy in building strength for this election. Shortly after the elections of 1868, he wrote to George F. Chittendon, a member of the lower house from Madison and Henry counties, requesting him to write to some of his colleagues. He stated that some of them might not know that "it was the understanding of our State Convention that if I would make the race for Lieutenant Governor that I should have the preference for senator," and added, "Should I succeed I will be in a position where I can help you or any of your friends."¹¹⁹

¹¹⁷ Mathilda Gresham, *Life of Walter Quentin Gresham, 1832-1895* (2 vols., Chicago, 1919), I, 345.

¹¹⁸ Godlove S. Orth to Pratt, October 22, 1868, Pratt MSS. See also Orth's letter of October 27, 1868, in which he replies to Pratt's "flattering opinion" of his fitness for the Senate, Pratt MSS.

¹¹⁹ Will Cumback to George F. Chittenden, October 22, 27, 1868, George F. Chittenden MSS (Indiana Division, Indiana State Library, Indianapolis, Ind.).

Three other men were likewise hoping that the lightning would strike them. One of these was James Hughes. Hughes was a former professor of law at Indiana University who had served as a judge of the circuit court, a member of the national House of Representatives from 1857-1859, and a judge of the United States Court of Claims from 1860-1864. He was a War Democrat and had supported the Morton administration. After the war he was appointed an agent for the Treasury Department. He was now a member of the state senate and was inordinately ambitious for the senatorship. He was politically restless and was always a man of strong personal feelings.¹²⁰ Richard W. Thompson was another candidate. He was urged by John D. Defrees, who was then congressional printer, not to "let modesty keep you too much in the background," but to write to the Republican legislators and inform them of his interest in the office. Defrees wrote that "it is about time that the custom of running for two offices at once should be repudiated."¹²¹

The custom to which Defrees referred was that of electing governors to the Senate. It is probable that Governor Baker hoped that the custom would be continued.¹²² The newspaper accounts of the Republican caucuses, however, do not mention his name as being under consideration there.¹²³ Of all of these candidates, it was Cumback who showed the greatest strength. In the first caucus of the Republican legislators, it was reported that he had 51 of the 76 votes of those attending, while the remaining votes were scattered among other contenders.¹²⁴

A group of Cumback's personal enemies within the party, aided by the Democrats, engineered a coup de grâce that blasted his chances for election. The moving spirit of this group was James Hughes, who had little respect for Cumback, whom he claimed had opposed his nomination as a state senator and had excluded him from the senate's standing

¹²⁰ *Biographical Directory of the American Congress, 1774-1927*, 1127; H. C. Duncan, "James Hughes," *Indiana Magazine of History*, V (September, 1909), 91; George A. Buskirk to Colonel J. P. Baird, December 8, 1868, Richard W. Thompson MSS (Indiana Division, Indiana State Library, Indianapolis, Ind.).

¹²¹ John Defrees to Richard W. Thompson, November 20, 1868, Richard W. Thompson MSS.

¹²² Seeds, *History of the Republican Party in Indiana*, 40.

¹²³ *Cincinnati Commercial*, January 9, 13, 22, 1869.

¹²⁴ *Ibid.*, January 15, 1869.

committee on education. He especially desired this committee assignment since he represented the county in which the state university was located.¹²⁵ Thus, with violent personal hostility toward Cumback and strong aspirations for the office, Hughes hoped to unite the Democratic legislators with enough anti-Cumback Republican members to be elected to the Senate.¹²⁶ Through this coalition, a senate resolution was passed calling on Governor Baker to transmit certain correspondence that had passed between Cumback and Baker in 1868.¹²⁷ In this way an opportunity was found to brand Cumback as unethical and unfitted for the high office he sought.

The correspondence consisted of four letters, the first of which was from Cumback to Baker, dated January 6, 1868. In it, Cumback proposed that if Senator Hendricks were to resign while the legislature was not in session, the governor could appoint his successor. If Baker were elected governor, Cumback asked assurance of receiving the senatorial appointment from him, and, if such assurance were given, Cumback promised not to contest the party nomination of Baker for governor. Baker's reply was a scorcher. He stated that such a proposition was "corrupt and indecent" and that he felt "humiliated that any human being should measure me by so low a standard of common morality as to make it." Cumback then requested the return of the first letter, but Baker refused.¹²⁸

The striking disclosure of this year-old correspondence offered an opportunity for the senate to pass a resolution censuring its own presiding officer for making "a corrupt and indecent attempt to tamper with . . . the appointing power vested in the Governor."¹²⁹ Anti-Cumback Republican legislators, including Hughes and nine others, now refused to vote for Cumback. The resolution of censure was later expunged after it had served its partisan purpose.¹³⁰ Seven joint sessions of the two houses failed to elect a senator. The Democratic members refused to cooperate any longer, but

¹²⁵ *Ibid.*, January 16, 1869.

¹²⁶ Duncan, "James Hughes," *Indiana Magazine of History*, V (September, 1909), 93; *Cincinnati Commercial*, January 16, 1869.

¹²⁷ *Indiana, Brevier Legislative Reports*, X (1869), 45-55.

¹²⁸ *Ibid.*, 78, 82, 92-93, 95.

¹²⁹ *Ibid.*, 78-99.

¹³⁰ *Ibid.*, XI (1869, Special Session), 99.

voted for Thomas A. Hendricks. By this time the friends of Pratt were actively promoting his candidacy as a compromise candidate.

Gilbert A. Pierce and James S. Frazer of Warsaw were most active in Pratt's behalf. Both of them were old friends and both were from the northern part of the state.¹³¹ When Cumback failed to be elected on the first few ballots, it was unfortunate that he did not withdraw. When he did do so, he attempted to throw his influence in favor of James C. Veatch,¹³² which merely added to the difficulty. The strident voices of the factions indicated serious party discord—just what the Democrats hoped would develop. Finally, on the morning of January 22, 1869, a tired Republican caucus nominated Pratt.¹³³ When the eighth joint session of the legislature met, the Republicans were able to elect him. The total number of votes cast was 143, with 73 necessary to elect. Pratt received 83 votes and Hendricks, 60.¹³⁴

In telegraphing his congratulations, Speaker Colfax told Pratt that he "must be a child of destiny."¹³⁵ Pratt had nothing approaching a personal organization within the party. He had been actively identified with the party since 1856; candidates for party nominations had solicited his influence; and his genial personality had won him many friends.¹³⁶ He was the choice of the Republicans in the assembly for senator in 1863, when there was little likelihood of success. He lived in the northern part of the state, and sectional balancing of candidates played a part. There was no group within the party which bore him a grudge, as was the case with Cumback. Pratt was a good compromise candidate, a man of stature in his community and profession, and without any strong ties of obligation to a faction. After Pratt's election, the Indianapolis *Daily Mirror* stated that it was the first paper to urge "persistently" his nomination. The reasons

¹³¹ Pratt to Gilbert A. Pierce, January 13, 1869; Gilbert A. Pierce to Pratt, January 21, 1869; James S. Frazer to Pratt, February 22, 1869, Pratt MSS.

¹³² James M. Tyner to Pratt, January 22, 1869, Pratt MSS.

¹³³ Telegram from Gilbert A. Pierce to Pratt, January 22, 1869, Pratt MSS.

¹³⁴ Indiana, *Brevier Legislative Reports*, X (1869), 169.

¹³⁵ Telegram from Schuyler Colfax to Pratt, January 22, 1869, Pratt MSS.

¹³⁶ W. Dunn to Pratt, February 26, 1858; Mark L. DeMotte to Pratt, January 30, 1860; Miles J. Fletcher to Pratt, February 1, 1860; Thomas Slaughter to Pratt, October 8, 1867, Pratt MSS.

given for its choice were that "he was no trading politician," "he was worthy and well qualified," "he was free of entangling alliances," and he "was not a candidate, but was a modest man."¹³⁷

Pratt's election also came without the active assistance of Morton, who might have been expected to have exerted some influence on the election. The paucity of correspondence between Pratt and Morton is not without significance in assessing their personal relationship. No congratulatory letter from Morton is to be found among Pratt's papers. There is evidence of an episode dating from 1865 that might have prevented cordial relationships. In that year Pratt went to Washington, D.C., during which time he checked on military volunteers from his county—an act that appeared to question Governor Morton's figures in determining draft quotas, and hence, was to be regarded by the governor as presumptuous on Pratt's part. Word reached Morton through the columns of the *Huntington (Indiana) Democrat* that this was the object of Pratt's visit, and he at once challenged Pratt. Morton's letter of inquiry, delivered by an aide, Charles J. Jacobs, was peremptory, terse, and arrogant.¹³⁸ Pratt replied that the primary object of his visit was to obtain a pass from the War Department to seek the grave of his eldest son, killed in Virginia; but he had also sought information on quotas from the War Department, although he had made no discovery as stated in the newspaper article.¹³⁹

The relationship between the Indiana Senators continued to be a very formal one and never ripened into cordiality during their association in the Senate. Morton had developed the habits and attitudes of an autocrat. As his biographer wrote, Morton "suffered no peers among his associates."¹⁴⁰ Pratt had not worked closely with Morton during the war. Never autocratic or vigorously aggressive, Pratt was a man of independent judgment and strong convictions.¹⁴¹ Consequently, he was not one who merely reflected Morton's

¹³⁷ Indianapolis *Daily Evening Mirror*, January 27, 1869, clipping in Pratt MSS.

¹³⁸ Morton to Pratt, April 10, 1865, Morton MSS, Chicago Collection (Indiana Division, Indiana State Library, Indianapolis, Ind.).

¹³⁹ Pratt to Morton, April 11, 1865, Morton MSS, Chicago Collection.

¹⁴⁰ William D. Foulke, *Life of Oliver P. Morton* (2 vols., Indianapolis, Ind., 1899), II, 517.

¹⁴¹ *Ibid.*, 63.

views in the Senate; he followed his own path, reached his own conclusions, and acted upon them in an independent fashion.

At the time of his election to the Senate, Pratt was fifty-five years of age. He had attempted to take up some of the broken strands of his family life, caused by the death of his first wife and eldest son, by remarrying. In 1865, he married a widow, Mrs. Jane D. Warren.¹⁴² In 1869 Pratt was a strapping man, six feet four inches in height and 270 pounds in weight; later he became much heavier.¹⁴³ The story was current that, because of his size, a special chair in the Senate chamber was constructed for him and later used by Senator David Davis, of Illinois, another giant.¹⁴⁴ His voice matched his height and weight. His physical appearance and voice conveyed dignity, authority, and presence. In spite of this, however, there was a modesty, bordering on genuine humility, that manifested itself after his election to the Senate.

The party wounds opened by the Cumback-Baker correspondence had not yet healed when Pratt reached the astonishing conclusion to resign his seat in the Senate. He had been senator for less than a year when this decision became known, and it created consternation among the party leaders in his state. It was probably the greatest blunder of his career. Pratt's decision to resign was the result of a number of factors. His letter to Governor Baker, forewarning him of the resignation, gave limitations of his capabilities as the reason. He wrote: "Whatever capabilities I possessed as a mere lawyer, I have none as a statesman—and it is too late in life to qualify for this place."¹⁴⁵ His formal letter of resignation, written two days later, gave personal reasons—his legal practice, which was suffering, and the need for directing the legal studies of his younger son.¹⁴⁶ Pratt's intention to resign became widely known, and there was considerable speculation over it. Ill-health, distrust of his own abilities, and the lack of a personal political organization were also

¹⁴² [Baldwin], "Daniel D. Pratt," *History of the Republican Party in Indiana*, ed. Seeds, 287.

¹⁴³ Pratt to Cooley [Fletcher], February 2, 1869, Pratt MSS.

¹⁴⁴ Hamilton [College] *Literary Monthly*, February, 1877, 237.

¹⁴⁵ Pratt to Baker, December 22, 1869, Miscellaneous MSS (Indiana Division, Indiana State Library, Indianapolis, Ind.).

¹⁴⁶ Pratt to Baker, December 24, 1869, Miscellaneous MSS.

mentioned.¹⁴⁷ What is more probable, although he did not mention it in his letters, is that the crass and sordid search for offices depressed him. Certainly office-seekers were harassing him from every side.

Whatever his reasons, they were overborne by influences from his home state. Even Morton wrote one of his few letters to Pratt to encourage him by telling him:

You greatly underrate your ability, and if you will but make a speech upon some question you have examined, you will make a fine impression and be relieved effectively from the timidity which oppresses you. . . . If, however, you have determined to resign or have done so, I shall be glad to have you let me know, and also whether you have communicated your purpose to other persons besides Governor Baker. There will be an immense scramble for the place and I shall feel a deep interest in the character of your successor.¹⁴⁸

Governor Baker and others were more urgent in their pleas, reminding Pratt that harm would come to the party by opening old wounds, and of the impossibility of making an appointment that would give general satisfaction.¹⁴⁹ The party state chairman, A. H. Conner, telegraphed that Pratt's resignation would "make a difference of thousands of votes at the next election. . . . It would be charged that you are not in sympathy with our party."¹⁵⁰ Pratt yielded to this pressure and decided to retain his seat for the remainder of his term. He determined to fulfill his duties to the best of his ability. During his six years of service, he would earn the esteem and confidence of his colleagues and establish a reputation for integrity and faithful performance of his tasks.

¹⁴⁷ Cincinnati *Commercial*, December 28, 1869.

¹⁴⁸ Morton to Pratt, December 23, 1869, Pratt MSS.

¹⁴⁹ Baker to Pratt, December 23, 1869; S. Fisher to Pratt, December 31, 1869, and January 1, 1870; Thomas H. Nelson, U.S. Minister to Mexico, to Pratt, February 10, 1870, Pratt MSS. Pratt to Richard W. Thompson, January 7, 1870, Richard W. Thompson MSS.

¹⁵⁰ Telegram from A. H. Conner to Pratt, December 28, 1869, Pratt MSS.