

DANIEL S. DICKINSON – “WAR DEMOCRAT”

by James M. Thunder*

*A Washington, D.C., attorney. This essay incorporates, with permission, material from K. Chris Todd, ed., *225 Years (1789-2014): The United States Attorneys for the Southern District of New York* (2014), to which the author was a principal contributor.

In 1865, President Lincoln, following his re-election with the National Union Party, nominated Daniel S. Dickinson, a nationally known “War Democrat,” to the office of the United States Attorney for the Southern District of New York. April 11 marks the 150th anniversary of the death of this great American.



D. S. Dickinson

United States Magazine and Democratic Review



Broome County (NY) Historical Society

DANIEL S. DICKINSON (1800-1866)

LEFT: The earliest known likeness of Dickinson from 1846.

RIGHT: Painted posthumously in 1887.

In his life, Daniel S. Dickinson had a large national profile. He might have become

president in any of four consecutive elections:

- in 1852 if he had not rejected Virginia's votes for him for the Democratic nomination for president;
- in 1856 if he had not declined to be considered for the Democratic nomination;
- in 1860 if the Democrats had been united and had nominated him; or
- in 1864 if the delegation of his native New York had favored Dickinson over Andrew Johnson of Tennessee for vice president.

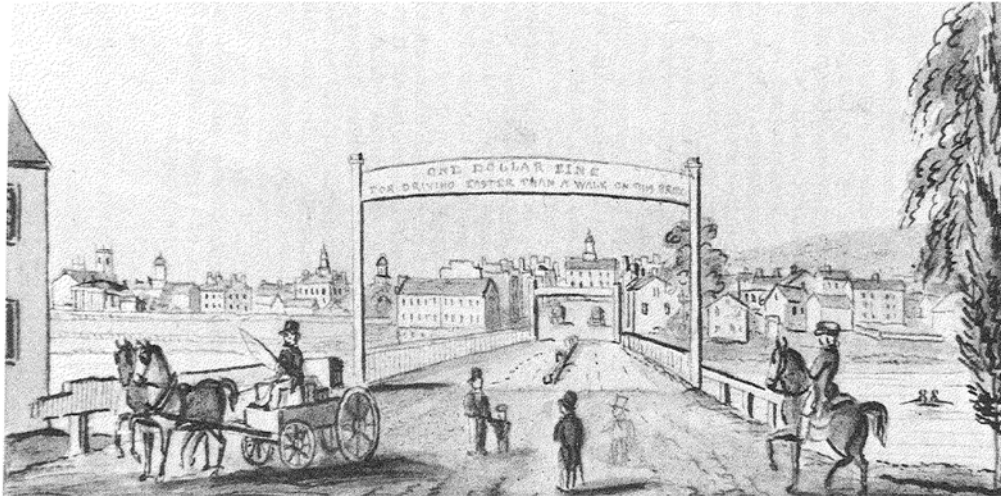
Dickinson had achieved great success at a young age – like Theodore Roosevelt. Elected the first mayor of Binghamton, New York in 1834 at age 34, he thereafter went from triumph to triumph: State Senator, at age 36 (1836-1841), Lieutenant Governor of New York at age 42 (1842), United States Senator at age 44 (1844-1851), and New York Attorney General (1861). A principal source for the story of his life is the 1987 biography, M. Hinman, *Daniel Dickinson: Defender of the Constitution*.

Dickinson was born September 11, 1800, in Goshen, Connecticut, the fourth of eight children of Daniel and Mary Dickinson, who were Connecticut natives of English descent; his father was a farmer of modest circumstances. The family moved in 1806 170 miles to Guilford, New York, to homestead. Dickinson attended local public schools but “had never gone to [formal] school more than two weeks in his life.” He worked on the family farm. Later, while apprenticed to a clothier (or “wool-dresser”), he studied Latin, mathematics, and general science on his own.

Dickinson married Lydia Knapp (1803-1880) in 1822. At the time of their marriage, he was 22 and she 19. She was “quick to discover her husband's talents, and urged him by every means in her power” to study.¹ For five years he taught in public and private schools during which he studied law and surveying. There were no law schools at the time. Dickinson apprenticed himself to lawyers in Norwich, New York. He was an “old man” of 28 when Dickinson believed he was ready to take his bar examination in 1828 after his prior independent study and three years as an apprentice. He was stymied by a new rule that required seven years' of study under a lawyer rather than the previous rule of three. He won his first oral argument when he met with the Chief Justice and persuaded him to waive the rule. He began his practice of law in Guilford, where he was also postmaster. Three years later, in 1831, he moved his practice to Binghamton, New York, and became active in the Democratic Party.

When the Town of Binghamton was incorporated in 1834, he was elected its first mayor. In 1836, he was a delegate to the National Democratic Convention which nominated Martin Van Buren who was elected president in the general election, and Dickinson himself was elected to a four-year in the New York State Senate. His debating ability made him a recognized leader of the Democratic Party.

¹ N.Y. Times, March 30, 1880 (obit of Dickinson's widow).



Court Street in the Village of Binghamton looking east across the Chenango River bridge. It was drawn between 1835 and 1840 – when Dickinson was its first president (mayor). The sign above the bridge warns, in words common at the time:

***ONE DOLLAR FINE
FOR DRIVING FASTER THAN A WALK ON THIS BRIDGE***

Beginning in 1841, Lydia Dickinson became a near invalid, but supported Dickinson's political career from the very beginning, and would sometimes accompany him on his trips. In 1842, Dickinson was elected to a two-year term as Lieutenant Governor of New York State. Ex officio he was president of the New York State Senate, president of the Canal Board, and Overseer of the New York Court of Errors.

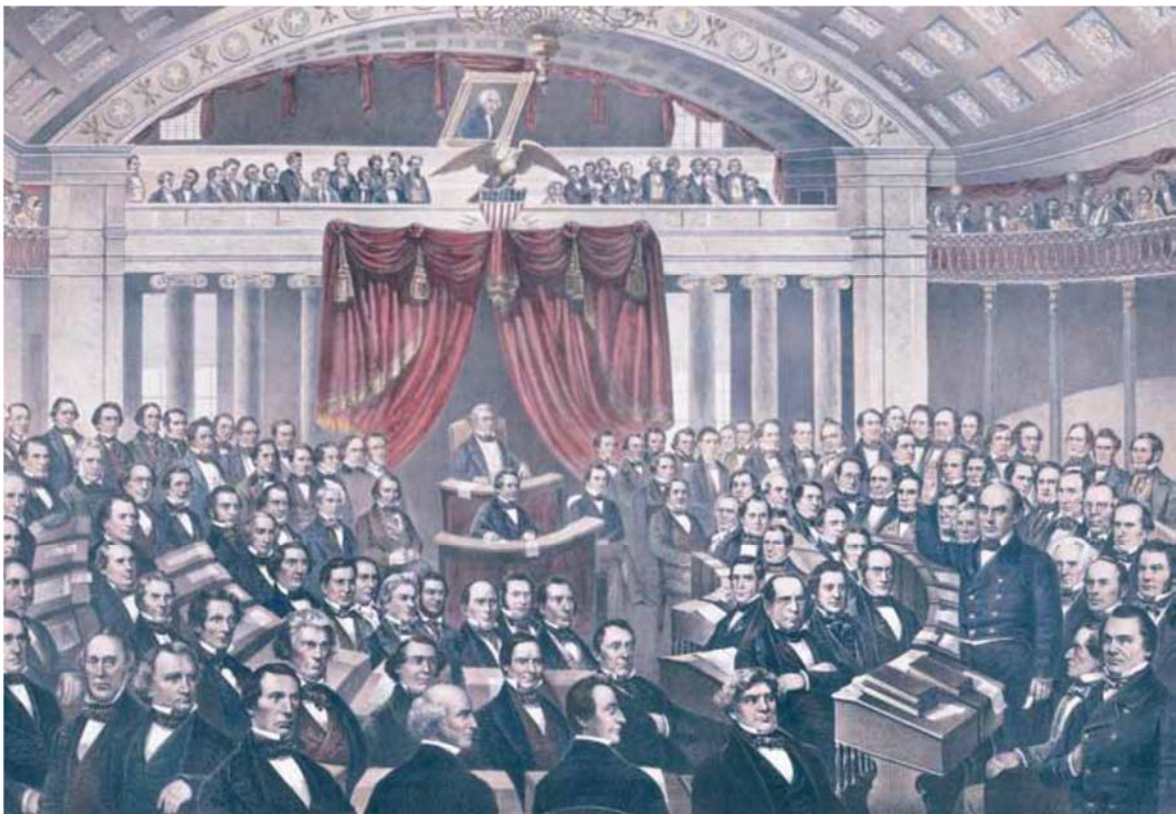
In 1844, he was recruited to run for re-election as lieutenant governor by the Democratic gubernatorial nominee, and eventual winner, Silas Wright, who had defeated incumbent Governor Bouck in an internal party fight. He turned it down, but later accepted the outgoing Governor Bouck's appointment on December 9, to complete the few months remaining in the term of U.S. Senator N.P. Tallmadge after the latter's resignation to become governor of Wisconsin. In the history of New York under the 1789 U.S. Constitution, governors have appointed U.S. senators only seven times:

- William North for John Sloss Hobart in 1798;
- John Armstrong for De Witt Clinton in 1803;
- Henry A. Foster for Silas Wright Jr. in November, 1844;
- Dickinson for Tallmadge in December, 1844;
- John Foster Dulles for Robert F. Wagner Sr. in 1949;
- Charles Goodell for Robert F. Kennedy in 1968; and
- Kirsten Gillibrand for Hilary Rodham Clinton in 2009.

Dickinson was elected a few months later in 1845 to a full term as U.S. Senator by the

New York State Legislature. He became chairman of the Senate finance committee and active on numerous issues including the annexation of Texas, the joint occupation of Oregon, the Mexican War, and opposition to the Wilmot Proviso. While Senator, he was a member of New York State delegation at the 1848 National Democratic Convention. Also, he was present for the debate over the Compromise of 1850. The two images below depict two different events associated with this debate.

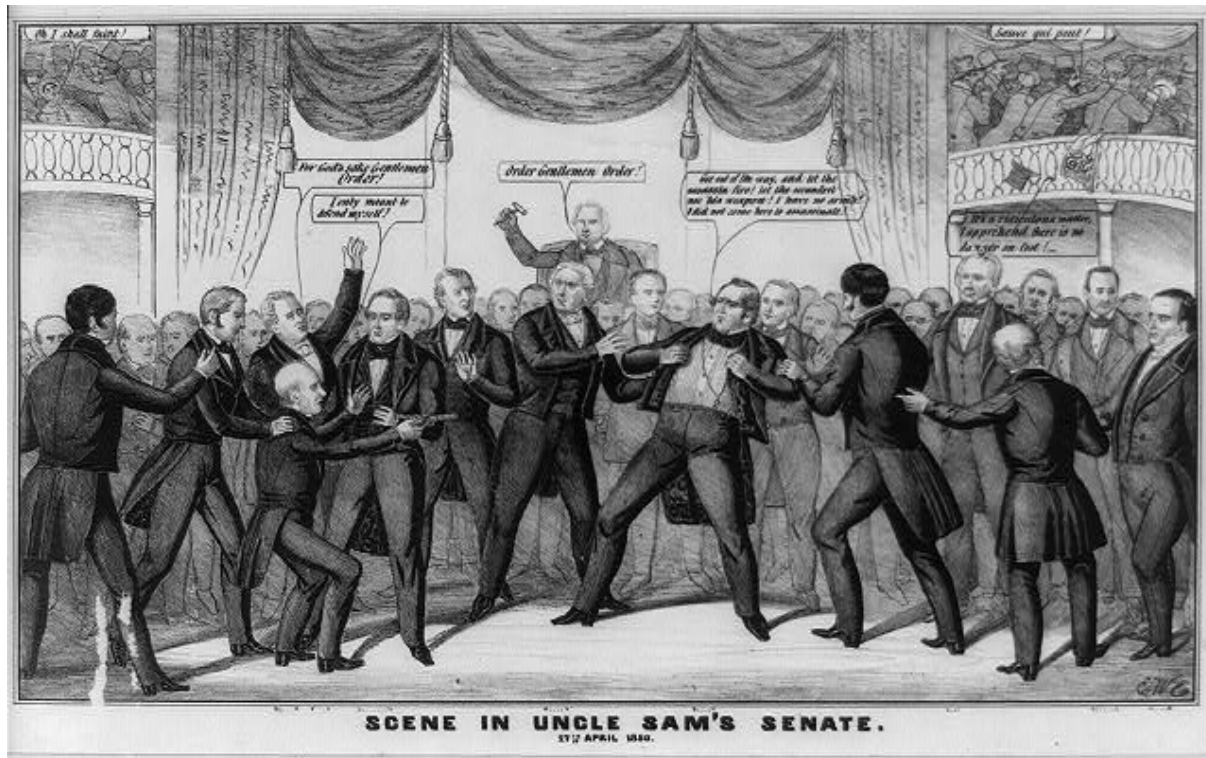
Each Senator is depicted in James M. Edney's after-the-fact 1860 engraving entitled "Daniel Webster Addressing the United States Senate in the Great Debate on the Constitution and the Union [March 7] 1850." The color version below is from the U.S. Senate [Art] Collection. Dickinson is depicted, it is said, "on the left of the speaker's stand [presumably of Webster], directly right of the last inside desk."²



On April 17, 1850, Dickinson disarmed Senator Henry Foote who had drawn a pistol on the floor of the Senate against Senator Thomas Hart Benton. In the contemporaneous cartoon by Edward Williams Clay, entitled "Scene in Uncle Sam's Senate, April 17, 1850," below, "Benton (center) throws open his coat and defiantly states, "Get out of the way, and let the assassin fire! let the scoundrel use his weapon! I have no arms! I did not come here to assassinate!" He is attended by two men, one of them North Carolina senator Willie P. Mangum (on the left). Foote, restrained

² Hinman, *supra* note 1, at 94.

from behind by South Carolina's Andrew Pickens Butler and calmed by Daniel Stevens Dickinson of New York (to whom he later handed over the pistol), still aims his weapon at Benton saying, "I only meant to defend myself!" In the background Vice President Fillmore, presiding, wields his gavel and calls for order. Behind Foote another senator cries, "For God's sake Gentlemen Order!" To the right of Benton stand Henry Clay and (far right) Daniel Webster. Clay puns, "It's a ridiculous matter, I apprehend there is no danger on foot!" Visitors in the galleries flee in panic."³



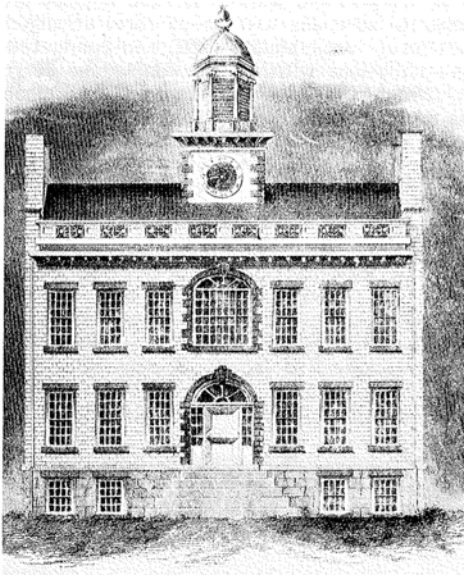
(Shortly after the Civil War was concluded, Dickinson moved for the admission to the U.S. Supreme Court bar of ex-Confederate Senator Foote.⁴)

In 1852 there occurred the first of four consecutive presidential contests in which Dickinson may have become president. In that year, the Democratic National Convention in Baltimore was experiencing a deadlock when Virginia changed its vote from Buchanan and cast them all for former U.S. Senator Dickinson. Dickinson rejected the votes and asked that the Convention support the candidate to which he would continue to remain loyal, Lewis Cass. On the next ballot, Virginia voted for Pierce, another who had been receiving votes, and on the 49th ballot Pierce won the nomination, and subsequently the election. It is believed that, if Dickinson had accepted Virginia's votes, he would have been nominated and elected.

³ <http://www.loc.gov/pictures/item/2008661528/>

⁴ .NY. Times, Oct. 27, 1865 (Judge Nelson granted the motion; Foote took the oath to support the constitutions of the United States and New York, but declined to take the oath of allegiance with its stringent requirements).

In 1853, newly-elected President Pierce nominated Dickinson for the post of Collector of Port of New York and the Senate confirmed him, but Dickinson declined it. While an important post, especially to New York, Dickinson and others believed that President Pierce should have named more “Hunker Democrats” (a/k/a “Hard Shells”) to nationally prominent posts such as Collector of the Port of New York. On November 1, 1854, Dickinson addressed the 3,000 “Hard-Shells” Democrats who were opposed to the “Soft-Shells” of the Pierce Administration.⁵



LEFT: “Broome County Court House (1828-1858) in which Dickinson tried most of his cases and before which he delivered many addresses to the community.” (Hinman biography, p. 8)

RIGHT: Dickinson helped dedicate this courthouse in 1858. It is shown draped in mourning for him in 1866. The banners read:

*We Mourn the Loss of Our Distinguished Fellow Townsman
Statesman Patriot & Friend, Hon. D. S. Dickinson*

Dickinson attended the 1856 Democratic National Convention in Cincinnati. Some urged Dickinson to run for the nomination for president, but he urged his supporters to back Buchanan, who won the nomination, and subsequently the presidency.

Four years later, in April 1860, Dickinson and his son-in-law, Samuel G. Courtney, were two of six delegates from Albany to the Democratic National Convention in Charleston, South

⁵ N.Y. Times, Nov. 2, 1854 (verbatim speech).

Carolina, arriving on the steamship *Nashville*.⁶ This was the first of three Democratic conventions in 1860. Delegates from eight Southern states withdrew from Charleston's. The remaining delegates placed six names in nomination for president, including Dickinson's. After 57 ballots, these delegates adjourned without a nominee, Dickinson having received no more than 16 on any ballot, with New York's 35-vote block for a different candidate. The convention reconvened in Baltimore. Again the delegates from Southern states withdrew, with the remaining delegates selecting Stephen Douglas. The delegates from the South who had withdrawn, and some other delegates including Dickinson, convened – and did so in Baltimore. There were only two names placed in nomination and these delegates picked Breckenridge over Dickinson on the first ballot.⁷

On December 15, 1860, there was a “peace meeting” of 100 prominent men of New York. Dickinson was one of the six speakers.⁸ Commissioned by those present, Colonel Richard Lathers traveled to Richmond, Charleston, Augusta, Savannah, Montgomery and elsewhere, to address officials, including Jefferson Davis. Lathers was addressing officials in Mobile when the news came that Fort Sumter had been fired on.⁹

After Fort Sumter had surrendered on April 14, and President Lincoln had issued a call on April 15 for 75,000 troops for federal service, a “mass meeting” (the 19th century term for large gatherings) was held at Union Square on the afternoon of April 20. Dickinson traveled 200 miles that morning to arrive on time. Over 100,000 people were assembled. “The throng was so great that the square...could not contain it, and the crowd overflowed the side streets, while Broadway, from Fourteenth-street to the Battery was one surging mass of people.”¹⁰ There were five “stands” erected, each with speakers. At one stand, Dickinson and Major Robert Anderson, who had surrendered Fort Sumter, spoke. An illustration of the scene that appeared in *Harper's Weekly*, May 4, 1861, is below. Dickinson's speech included:

*When the timid falter and the faithless fly — when the skies lower, the winds howl,
the storm descends, and the tempest beats — when the lightnings flash, the
thunders roar, the waves dash, and the good ship Union creaks and groans with
the expiring throes of dissolution, I will cling to her still as the last refuge of hope
from the fury of the storm and if she goes down I will go down with her, rather
than survive to tell the story of her ignoble end. I will rally round the star-*

⁶ N.Y. Times, April 19, 1860.

⁷ N.Y. Times, June 7, 1852.

⁸ N.Y. Times, Dec. 17, 1860.

⁹ N.Y. Times, Sept. 18, 1903 (obit of Col. Lathers).

¹⁰ N.Y. Times April 21, 1861 (on the 20th anniversary of the departure of troops the next day, April 21, 1861); April 21, 1861 (short summary of news of day); April 21, 1861 (second article same day; publication of speeches).

*spangled banner so long as a single strip can be discovered, or a single star shall shimmer from the surrounding darkness.*¹¹

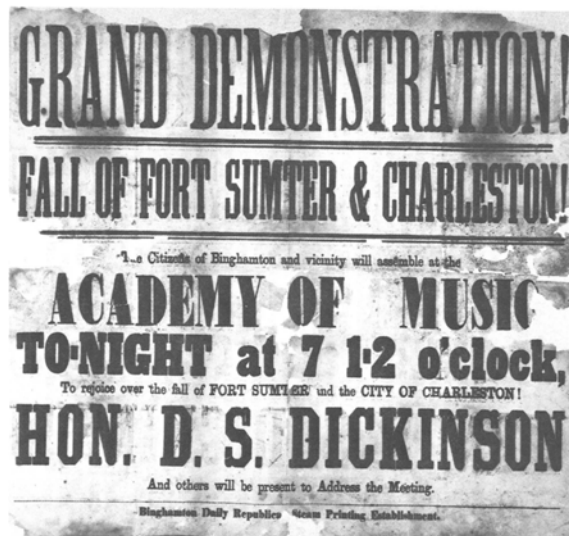


This speech was the first of hundreds he gave during the war years throughout Pennsylvania, New York, and New England, promoting the Union cause and stimulating enlistment in the Union Army. Both the 89th New York Infantry and the battery recruited at Binghamton were named in his honor. Here is his description of his busy schedule in a two-week period: “Dickinson wrote of his travels to daughter Mary on April 10, 1863. He had spoken six evenings in succession in Connecticut, returned to Albany for a day, went to Washington to take care of business for a day, returned to Albany where he spoke three days in the Court of Appeals, and made a speech at Tweddle Hall. Then he went to Johnstown and prosecuted a murder trial for two days, back to Albany for another cause in the Court of Appeals, and then a speaking engagement in New York City.” (Hinman biography, p. 191)

In 1861, Dickinson ran for Attorney General of New York State on the Union (Republican) ticket. He was elected to a two-year term. In 1862, he unsuccessfully sought the Republican nomination for U.S. Senator and declined to accept the nomination for governor. The following

¹¹ Carl Sandburg, 1 *Abraham Lincoln: The War Years* 220-221 (1939), quoted in biography of Dickinson in “Lincoln Institute Presents: Mr. Lincoln and New York,”
<http://www.mrlincolnandnewyork.org/inside.asp?ID=73&subjectID=3>

year, he declined to run for re-election as Attorney General, and declined Governor Fenton's offer to appoint him to the bench of the New York Court of Appeals (New York's highest court).



LEFT: A “broadside” (“flyer” in today’s parlance).

RIGHT: A broadside for the “Dickinson Guard” unit of the 89th N.Y. Volunteers of Broome County, named after Daniel S. Dickinson.

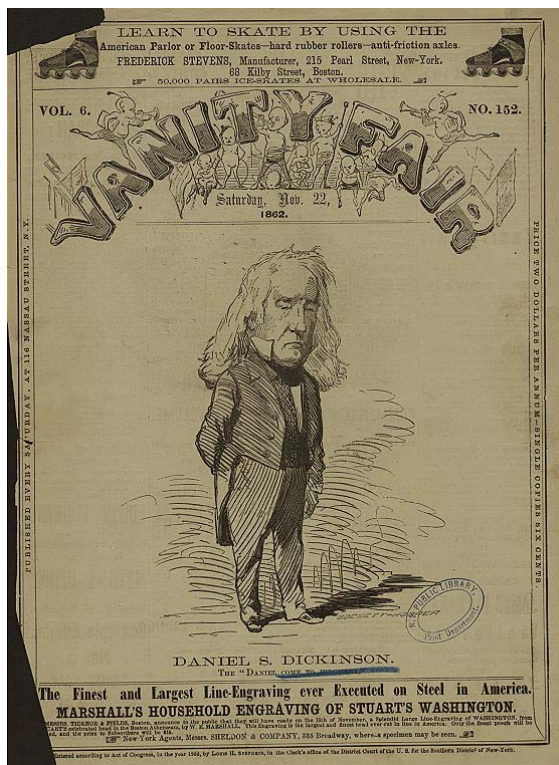
In 1864, Dickinson was appointed by President Lincoln, and confirmed by the Senate, to a treaty commission to resolve disputes concerning the Northwest Boundary with Great Britain (“British and American Joint Commission for the Final Settlement of the Claims of the Hudson's Bay and Puget's Sound Agricultural Companies”), but he declined it.

In 1864, the Republicans united with “War Democrats” in the “National Union Party.” They opposed the “radical Republicans” who had formed the Radical Democracy Party, and fired General McClellan’s “Peace Democrats” of the Democratic Party.

At the 1864 Union Convention, the New York delegation, under Seward’s influence, slimly favored Andrew Johnson over Dickinson for vice president.¹² On the first of two convention ballots, Johnson received 200, Hamlin 150, and Dickinson 108 out of 519 votes cast. Also in 1864, Dickinson declined to run for governor of New York.

¹² N.Y. Times, Jan. 1, 1880 (recollections by a “prominent Republican” with initials H.C.); July 11, 1891 (recollections of former Collector Robertson) (within NY delegation: 32 Johnson, 28 Dickinson, 6 Hamlin).

After Lincoln's re-election he nominated Dickinson to the office of the United States Attorney for the Southern District of New York. Dickinson was confirmed by the Senate and Dickinson assumed the position the day before Lincoln was assassinated. One of Dickinson's cases was the Confederate arson attack on New York City a few months earlier, in November, 1864.



Vanity Fair; New York Public Library

**Dickinson on the cover of the May 22, 1862, issue of *Vanity Fair*.
The “Daniel Come to Judgment”**

On the evening of November 25, 1864, several Confederate agents, led by Lieutenant Colonel Robert Martin of the 10th Kentucky Calvary, set fire to “nineteen hotels, two theaters, Barnum’s museum, several vessels, and some stores, factories, and lumberyards...” While they all escaped immediate capture by returning to their base in Canada, one was captured after he re-entered the country in Detroit. This Confederate soldier, Captain Kennedy, was tried by a military commission as a spy and for arson and was executed in March, 1865. After the war concluded, military personnel arrested former Lt. Col. Martin on former Confederate territory. General Hooker was holding him in New York with the intent of trying him by military commission. A petition for a writ of habeas corpus was filed in the Southern District of New York and defended by Dickinson and an assistant, Samuel G. Courtney. The court granted the writ on December 30, 1865, reported in *In Re Martin*, 45 Barbour’s Sup. Ct. Rep. 142 (N.Y. 1865); 31 How. Prac. Reports 228 (N.Y. Supreme Court, Dec. [no specific date], 1865). He was arrested to face civil charges as

soon as the writ was granted in open court. A book on the arson plot was published in 2010 by Clint Johnson: *A Vast and Fiendish Plot*.

In April 1866, without knowing he would die five days hence, Dickinson penned a long poem in tribute to his wife and their marriage. Daniel S. Dickinson died in office, April 11, 1866. The poem was read in open court during a memorial service. The full text of the poem was printed in the *New York Times* April 19, 1866, and in the 1867 compilation of his speeches. He was buried in Binghamton alongside his daughter Virginia and son Manco at Spring Grove Cemetery. The funeral rites were conducted at his home, "The Orchard," and were attended by 6,000. The minister at his funeral noted that Dickinson was well known for referring to the Scripture during his speeches and had obtained a nickname for doing so. The nickname was "Scripture Dick."

MEMORIALS

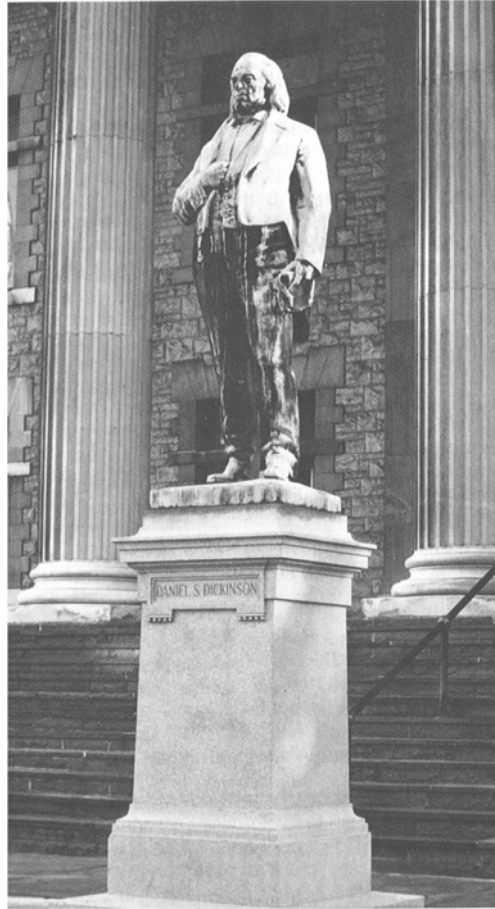
Before law schools became commonplace and required, veteran attorneys would train younger folks in the law. The following men's lives were living memorials to Dickinson. They were among those trained by Dickinson:

- Samuel G. Courtney who married a daughter four years after his 1848 admission to the bar; U.S. Attorney (1866-1869);
- John Dickinson, his brother;
- Stephen A. Walker, admitted to the bar in 1861, future President of the New York City Board of Education (1880-1886) and U.S. Attorney (1886-1889);
- Samuel S. Randall, admitted in 1834, future Superintendent of the Schools of New York City (1854-1870);
- Charles Monroe Dickinson (1842-1924), of no known familial relation, admitted in 1865; future owner of the Binghamton *Republic* and, in the interest of that paper, helped found the Associated Press; and.
- Ausburn Birdsall, who after his studies with Dickinson married Dickinson's adopted niece, Louisa, in 1836; he became a U.S. Representative (1847-1849).

Dickinson County, Kansas, is named after Daniel S. Dickinson in recognition of resolutions he introduced in the Senate for popular sovereignty. Dickinson County, Iowa, is named for him. Dickinson County, Michigan, is not. The town of Dickinson, New York, a suburb of Binghamton, is named after him. And a Binghamton high school bears his name.

Brother John Dickinson started collecting Dickinson's speeches in 1861. After Dickinson's death, John, Dickinson's widow, and Dickinson's two daughters (Lydia and Mary) finished collecting documents and had his speeches, letters and poems published in two volumes in 1867.

In 1924, a statue of Dickinson was erected in front of the Broome County (Binghamton) courthouse.



**Outside Broome County (NY) Courthouse
(built 1897-98)
Dedicated 1924**

REFLECTIONS ON A POLITICAL LIFE

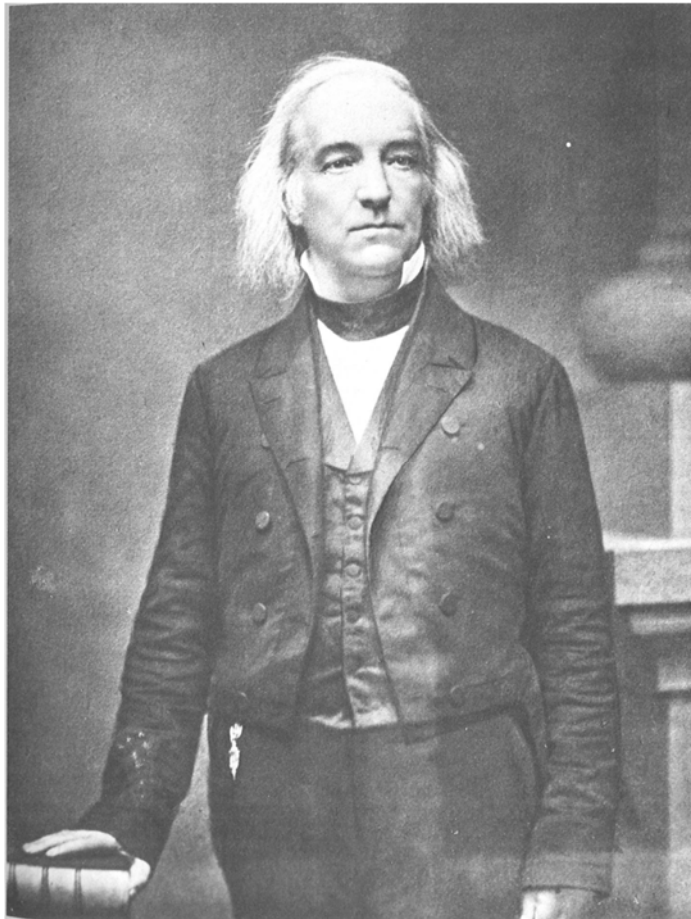
Dickinson and his wife had four children and adopted a niece. The eldest child of Dickinson and his wife, Virginia, had died in 1846 at age 20, three months after her wedding to Henry K. Murray.¹³ Their son, Manco, married the same year and had two children before he died in 1851. When Dickinson built a new home in 1851, the year he left the U.S. Senate, living in the house with him were his invalid wife; his youngest child (a daughter age 13); the young widow of his son and their two young children.

Three years later, Dickinson gave a speech about the November 1854 elections, reported in the October 5, 1854, issue of the *New York Times*. Before launching into his evaluation of

¹³ N.Y. Times, Oct. 16, 1880 (notice of death of Henry K. Murray, b. 1822, leaving widow [his second wife, not first wife Virginia Dickinson] and son).

politics and candidates, he said he had come to the town of Delhi on legal business without any expectation of speaking.

He said he had not for some time appeared before the public upon political subjects...The most active part of his life had been devoted to the public service. When he entered upon it his brow was ruddy with the glow of youth, and when he left it his head was whitened with the weight of years. When he returned to his home, at the expiration of about fifteen years, he had been bereaved of one-half the little household with which it had pleased Heaven to bless him—his domestic altar lights were nearly extinguished, and his private interests crippled by long neglect...He had learned to look upon political struggles with more of calm philosophy than partizan [sic] asperity...He said the only end and aim in political affairs worthy of the pursuit of an honorable mind was that of establishing sound principles; and that organizations for the mere purpose of obtaining office and place, were in the highest degree mean and discreditable...



This image was chosen by Dickinson's relatives as the frontispiece for their 1867 collection of his speeches, correspondence.