

LINCOLN LORE

Bulletin of the Lincoln National Life Foundation - - - - - Dr. Louis A. Warren, Editor
Published each week by The Lincoln National Life Insurance Company, Fort Wayne, Indiana

Number 828

Fort Wayne, Indiana

February 19, 1945

LINCOLN, MINORITY LEADER

It is not often that we observe Lincoln at work in a subordinate position and it may be of interest to note how he followed through in the capacity of the House minority leader in an attempt to unseat one of his Whig colleagues in an 1840 session of the Illinois Legislature.

The first session of the twelfth General Assembly of the State of Illinois began on Monday, November 23, 1840. On the following day the House proceeded to elect a speaker and William Lee D. Ewing, a Democrat, received forty-six votes and "Abram" Lincoln, Whig, received thirty-six votes, which clearly indicated the political composition of the lower branch of the Legislature.

During the morning, immediately after the election of the minor offices for the session and before the routine business was concluded, Ebenezer Peck presented a petition of N. H. Purple (Democrat) claiming a seat in the House of Representatives from the county of Peoria, then held by William J. Phelps (Whig), but on the motion of Mr. Minshall, the petition was laid on the table. Mr. Lincoln then offered the following resolution which was carried:

Immediately upon the opening of the afternoon session, giving the preference over all other business, Speaker Ewing laid before the House depositions in the case of the contested seat from Peoria, and on motion of Mr. Peck, were immediately taken up for consideration, and on his further motion were referred to a select committee of five Democrats and four Whigs, of which he was made the chairman.

On Thursday the message of the Governor was read and in one section of his address he commented at some length on the rights of the elective franchise, closing with this recommendation:

"I feel it my duty to recommend the passage of a law providing for the apprehension and rigid punishment of offenders who may invade the rights of the elective franchise." It must have been evident by this time that there was partisan action on the part of the Governor, the Speaker of the House and Mr. Peck to unseat Phelps, the Whig representative from Peoria.

By Saturday most of the preliminary business of the session was over and just after the committee appointments were read, including the naming of the standing committee "on elections," Mr. Lincoln offered for adoption the following resolution:

"Resolved, That so much of the Governor's message as relates to fraudulent voting, and other fraudulent practices at elections, be referred to the Committee on Elections, with instructions to said committee to prepare and report to the House a bill for such an act as may, in their judgment, afford the greatest possible protection of the elective franchise against all frauds of all sorts whatsoever."

It will be observed that Mr. Lincoln's resolution called for action by the regular standing "Committee on Elections." However, following Mr. Lincoln's resolution Mr. McClernand, Democrat, "moved to amend the resolution by striking out all after the word 'Resolved,'" which, of course, meant Lincoln's entire resolution. McClernand then substituted in its place a resolution which would create a special committee for the investigation, which was carried.

Mr. Peck, the chairman of the committee to investigate the claims of Purple's right to a seat in the House from Peoria County, submitted his report on Friday, December 4, 1840, which follows in part:

"It appears that the sitting member (Phelps), at the election in August, had a majority of seven votes over the claimant (Purple).

"In the scrutiny adopted by the committee, it appears that there were twenty-three illegal votes cast. Of these fifteen were for Mr. Phelps, and eight for Mr. Purple. There were two other votes, about the rejection of which the committee were equally divided.

"Two individuals, Enos Rowland and Lewis Lecroy, came to the polls in Peoria precinct, took the oath prescribed by the law, and wished to have their votes recorded for Mr. Purple. Two of the judges of election, making a majority of the board, rejected these two voters on their mere motion, without any evidence impugning the right of the individuals claiming the franchise. A majority of the committee are of opinion that these votes should be counted for Mr. Purple.

"Number of illegal votes cast for Mr. Phelps—15. Illegal votes cast for Mr. Purple—8. Two votes for Purple improperly rejected by the judge—2."

Mr. Peck then recommended the adoption of the following resolution:

"Resolved, That Norman H. Purple, having received a majority of all the legal votes in the county of Peoria, at the late August election, for Representative, be declared the sitting member in this House from said county."

Mr. Henderson demanded a call of the House, but on motion of Mr. Lincoln it was "dispensed with," which paved the way for the minority report. Mr. John J. Hardin, from the select committee, then made the minority report from which these excerpts are noted:

"According to the understanding of the testimony, entertained by the minority, there are but eleven votes proved to be illegal, by primary and positive evidence, (by which we mean, the best evidence which could be produced to prove the fact desired.) Of these eleven votes, five voted for Phelps, and six for Purple. Thus, if we are governed by the same rules of law which prevail in courts of justice, the right of Phelps to retain his seat cannot, in our opinion for a moment, be questioned.

"It has been gratifying to the undersigned that nothing has appeared in the depositions, or from any other quarter, during the investigation, which would even look like imputing fraud or unfairness to either Mr. Phelps or Mr. Purple. Nothing has appeared to us but gentlemanly and honorable conduct.

"In the absence, then, of all unfairness, and of all suspicion of fraud in the management of the election, and the sitting member, Mr. Phelps, having received the largest number of votes, as appears by the poll-book, and having honestly obtained his certificate of election from the proper officer, the fullest and most indubitable testimony should be required by this House, before they oust him out of his seat."

Immediately upon the conclusion of the reports, "on motion of Mr. Lincoln said reports were referred to a committee of the whole House." Mr. Webb moved "to reconsider the vote on" referring the foregoing reports to a committee of the whole house, which was not agreed to.

Although there were some attempts to sidetrack the discussion on three different occasions, the committee of the whole House debated the issue only to "obtain leave to set again." Finally on Wednesday, December 9 "on motion of Mr. English (Chairman) the committee of the whole were discharged from the further consideration of the subject of the contested election from Peoria county." Lincoln and the minority group of Whigs had made secure the seat of Mr. Phelps, member of their party from Peoria county.