1944

Conrad Baker, Former Governor of Indiana

Arnold Ernst R. Mueller

Butler University

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CONRAD BAKER
FORMER GOVERNOR OF INDIANA

by

ARNOLD ERNST R. MUELLER

A thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts
Department of German

Division of Graduate Instruction
Butler University
Indianapolis
1944
CHAPTER I

PREFACE

In writing this biography of Indiana's fifteenth governor, my intention has been to give as nearly as possible a complete record of all important incidents and personal accomplishments during the lifetime of Conrad Baker; but even this was very difficult to accomplish.

If one compares Governor Baker's administration to the spring of the year after a long and severe winter, he can realize the difficulty encountered in treating the important occurrences during this period of years. When spring finally arrives, all the buds of the vegetation burst forth —there is no way of preventing or hindering this life which is encouraged by the warmer weather. It was similar at the time of Governor Baker's administration; most projects, building and improvement programs were suppressed during the time of the Civil War, but when peace came every possible activity was put into action, so much work of importance was begun and completed during his time of office, that, not even all important matter could be gathered and treated in this paper.

This thesis was assigned by the Department of German principally to learn through the study of the German newspapers of the day what influence the German-American population of Indiana might have had upon the election of Governor
Conrad Baker and also upon his whole administration as such; since Governor Baker was of German descent and the act, August 16, 1869, which provided when the German language should be taught in the common schools, also took effect when Baker was Governor of Indiana.

On the earlier part of his life it is quite difficult to obtain the desired information. Although he spent nearly twenty-six years in Evansville, Indiana, there is no great amount of assembled material. I had to rely largely upon the newspapers of the day. Some of the necessary volumes of newspapers at Willard Library in Evansville, Indiana, are also missing.

Some of the other primary sources were the Governor's Speeches and a large stock of official correspondence on file in the archives of the Indiana State Library.

I wish to acknowledge the kind assistance received at the Indiana Division of the Indiana State Library from the head of the department, Miss Esther U. McNitt, deceased October 1, 1941, and Mrs. Marguerite H. Anderson, her successor; and also at the Indianapolis City Library Reference Department, from Miss Mary F. Gorgas, Chief of this department. I also appreciate the help received from Albert Baker, deceased October 29, 1942, son of Governor Baker, who so willingly supplied me with some of the needed information.

I feel especially indebted to Dr. Milton D. Baumgartner, head of the Department of German of Butler University, for his important suggestions, and to Dr. A. D. Beeler,
of the Department of History of Butler University, for his valuable assistance in general and especially for his critical reading of this thesis. This essay was prepared under the direct supervision of Dr. Beeler.
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CHAPTER II

HIS EARLY YEARS

Introduction

In the final analysis a man is valued or judged according to his qualities or his characteristics, for he will apply himself or give service in his home and community or to his country according to these qualities, as they urge or move him to contribute his share. We are often inspired when we study a man's life, and are able to trace his progress step by step until he finally reaches his goal, his highest ambition, through much resistance and through many hardships. Such a character, I believe, we shall find in former Governor Baker—a character, interesting, worthy of admiration, and worth-while studying.

In the introduction I shall attempt to give briefly a survey of Governor Baker's outstanding qualities, as they were displayed and manifested by him in public life—the characteristics that possibly had a great deal to do with his success in public life.

Although Governor Baker was not born in Indiana, he spent most of his years in our State, giving the best of his lifetime in service to the public. As records tell us, his service was without reproach. In Representative Men of Indiana we find written "... but such was the fact that not the least charge of private or public mis-
conduct was laid at the door of Governor Baker, although he had been acting chief executive of the State for some time.”

It is nothing uncommon that especially during a campaign opponents resort to defamation almost to the extent of slander in order to gain a possible point in favor of election, but Governor Baker did not have to oppose such improper conduct. He was honest in his dealings and "his administration had been characterized as an upright, honest, and conscientious one, so much so that his honorable opponent found nothing to attack but the measures of the party of which Governor Baker was chosen representative.”

Conrad Baker was introduced to the state of Indiana in the city of Evansville, and from the beginning as a lawyer in the Hoosier state to the time of his highest office, we see him as an ambitious and industrious citizen. "He was a man of eminent legal talents and superior executive powers, and his force of character is written in every movement of his well rounded-out, active life.”


2Ibid.

In Pennsylvania

Conrad Baker's parents, Conrad and Catherina Baker, lived in Pennsylvania. His father was born in that state one year after the Declaration of Independence was signed. The name was originally spelled with an e following the a, as in "Baeker", pronounced as Becker. Later this e was dropped and the name is now written Baker.

Baker was born in Franklin County, Pennsylvania, February 12, 1817. His father was a farmer, a man noted for his enterprise and public spirit. "The Bakers were of German origin; and the inter-marriage of Conrad Baker with Mary Winterheimer infused, also, a commingling of the Scotch-Irish element with that of the German, her mother being of German and Scotch-Irish descent."  

Both of Baker's parents died while he was an infant. A step-father then provided for him since he was only two years old.

Education and training of the boy began on the farm and he, Conrad, remained at home to do the chores until he was about fifteen years of age. He went to school about

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1 Conrad Baker was of Pennsylvania German descent. Taeglicher Telegraph, Indianapolis, April 29, 1865, p. 3.

2 Edward White, Evensville and Its Men of Mark, (Evansville, Indiana: Historical Publishing Co., 1873.)
two years in a classical academy in Chambersburgh, the county seat of his native county. Then he went to the Pennsylvania College at Gettysburg, Pennsylvania, where he remained also about two years, but he did not complete the course and therefore could not be graduated. He afterwards studied law in the office of Stevens and Smyser at Gettysburg. The senior member of this firm was Thaddeus Stevens, the noted Whig and Republican and the principal character in the movement to impeach Andrew Johnson. Mr. Baker was admitted to the bar in the spring of 1839 and spent the first two years of his practice at Gettysburg.\(^1\)

While Baker was practicing law in Gettysburg, he already showed his power of wit and initiative. The two incidents related to me by his son, Albert,\(^2\) seem to bear out this fact clearly.

Two men had taken two shad from an owner and were therefore charged with stealing. Mr. Baker tried to defend these men on the ground that the name "shad" implies a live fish and it was found that these men had taken two carcasses

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\(^1\)Jacob Piatt Dunn, Greater Indianapolis, the History, the Industries, the Institutions and the People of a City of Homes, (Chicago: The Lewis Publishing Co., 1910), II, 1093.

\(^2\)Albert Baker lived at 1416 North Pennsylvania Street, Indianapolis, Indiana. Mr. Baker has been a member of the bar since 1876. With a secretary taking notes for me, I was able to get some direct information during a personal interview, November 4, 1941. Albert Baker died October 29, 1942.
of fish. His efforts were, however, unsuccessful. ¹

At a different time Mr. Baker was appointed by the judge to defend a poor man in court. The law stated that if a lawyer was used to defend a poor person, he must do so without pay. After studying the case Mr. Baker presented his argument saying that a man was not a criminal until found guilty; he is not guilty by presumption; the law considers one innocent until found guilty by the jury. In this way Baker didn't have to defend the man.²

The marriage ceremonies of Conrad Baker and Mathilda Bacon Sommers were conducted at Gettysburg, October 31, 1838, by the Rev. Charles McLean, who afterwards established the Indianapolis Young Ladies' Seminary.³ The father of the bride is the Aaron Sommers who was lost at sea while serving as captain of one of the Patterson ships out of Baltimore.

"Mrs. Baker's bridesmaid was Mary Ann McLean, who with her sister, Mrs. Margaret M. Todd, conducted that school (Young Ladies' Seminary), it having been located at the southwest corner of New York and Meridian Streets."⁴

¹Information from Albert Baker, personal interview. November 4, 1941.

²Ibid.

³Jacob Piatt Dunn, Greater Indianapolis, (Chicago: The Lewis Publishing Co., 1910), II, 1095.

⁴Ibid.
At Evansville

Since it was the general tendency during his earlier years to go west, Conrad Baker apparently was led by the same impulse. He was only twenty-one years when he was married and therefore too young to establish a practice where he lived, so he hoped to find a place where an ambitious young lawyer would have a greater opportunity. Evansville, Indiana, a river town, struck him as the place with a possible future for him, since he could also come to the Supreme Court in Indianapolis by way of water. At that time water transportation was the common mode of travelling.

According to different writers Mr. Baker decided to move to Evansville in 1841.\(^1\) The oldest son of the family of thirteen, William Bratton Baker, who was over ninety-five years of age when he died in 1935, was not older than one year at that time. The mother made the trip by carriage from Gettysburg to Pittsburg where the father met them. Here he sold the horses and carriage, and continued the journey with his family by steamboat down the Ohio River to Evansville.\(^2\)

In Evansville Mr. Baker soon acquired his own property which was named Ashland place after Henry Clay's homestead. On a tract of land of two to three acres he built a

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\(^1\) According to Albert Baker, his son, Conrad Baker moved to Evansville in the summer of 1840.

\(^2\) Albert Baker, November 4, 1941.
large brick house. The following is a slightly different version of this incident given by the *Evansville Press* in 1934:

"Ashland Place" that knew the gaiety of Evansville society for nearly eighty years, echoes with the thud of hammers in the hands of a wrecking crew. The Landmark, 818 S. E. First Street, better known as the James Gray house, is torn down because it stood empty so long.

"Ashland Place" was its name when Conrad Baker, Evansville lawyer, bought it May 25, 1858. Records fail to show any owner before him and it is possible he built the house and was its first occupant.

A tablet has been placed on the front of the lot stating that when Governor Baker lived there it had an underground passage in the barn which was used as an underground railroad. This is uncorrect. The underground passage was a connection between the barn and the basement kitchen according to Albert Baker who explains it thus, "Our kitchen was in the basement. Governor Baker had the wood in the barn for the kitchen stove. He made the passage so that the cook could go to the barn to get the wood without going outdoors."

According to the *Evansville Journal* of October 31, 1844, Conrad Baker already shows active interest in the

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1Albert Baker, November 4, 1941.

welfare of the community at this time. On October 19, 1844, a meeting was held for the purpose of organizing a lyceum and Conrad Baker was among the officers elected on the board of censors.¹

Conrad Baker maintained his interest in agriculture while at Evansville, for he is found investing in farmland near the city.

During the residence at Evansville, Mrs. Conrad Baker died on November 4, 1855, and about three years later, January 9, 1858, Conrad Baker was again married. The second wife was Charlotte Francis Chute, a daughter of Daniel and Rachael Chute, of Madison, Indiana. Her death occurred in Indianapolis on November 11, 1902.

Undoubtedly Conrad Baker's success in Evansville as well as his close ties with his brother, William, also brought the latter to Evansville in 1853. William Baker was quite an energetic and a successful man and had a public career in the river city. He was first elected Mayor of Evansville for three years in April, 1859. He was re-elected to this position for three consecutive terms. The Hon. William H. Walker defeated William Baker in 1868, but, since Mayor Walker died while in office September 9, 1870, William Baker was elected in November to fill the vacancy. In 1871

¹Evansville Journal, October 31, 1844, p.2.
for three years, but his official career was terminated by his death May 23, 1872.¹

In the following account Frank M. Gilbert writes very favorably about William Baker:

Mr. Baker (William Baker) of whom the writer could only speak with the greatest esteem and reverence, was one of the best men the Almighty ever gave the breath of life. He was absolutely honest and honorable in every sense of the word. His love for Evansville was great and he was willing at any time to sacrifice his own interests for those of the city. He was absolutely just when he made his decisions, and in everything with which he was connected, that even his most bitter enemies looked up to him with respect.²

William Baker must have been an inspiration to his brother and also a helpful companion in his public life, for he was also a successful lawyer.

¹White, op. cit., p. 17.

CHAPTER III

HIS EARLIER PUBLIC LIFE

Lawyer

As a lawyer, Baker had a high standing. This recognition is bestowed upon him from many sources. The Indianapolis Sentinel contributes the following:

He was a close student of all cases with which he was connected, expending more logic than eloquence upon his subject. Nothing that care could develop ever escaped his wonderful legal acumen. Accuracy rather than rapidity was a mental characteristic and through indomitable energy and naturally strong intellect, he became one of the finest equity lawyers in the West.¹

Mr. Baker practiced law in Evansville for twenty-five years, and he did not give up this promising city until 1867, when the highest office of the state became his position. By the year 1853, Mr. Baker must have been well established as a lawyer for we read, that in 1853 Colonel Charles Denby of Mt. Joy, Virginia, came to Evansville; after a short residence in this promising city, he made arrangements by which he could read law in the office of the Messrs. Conrad Baker and James Gervin, "who were then the leading lawyers of Evansville."²

Colonel Denby was admitted to the bar in 1855, upon

¹Indianapolis Sentinel, April 29, 1885, p. 3.
the report of the examining committee, consisting of Conrad Baker, James Lockhart, and John Law.¹

In the following excerpt Colonel Denby expresses high regard for Conrad Baker:

Nearly thirty-two years ago I entered the law office of Baker and Garvin as a student. He (Conrad Baker) was then at the head of the profession at Evansville. I remained in his office nearly ten years. He was my preceptor. To him I recited. If I have attained any success in my profession, I owe it most of all to his teaching and to his precious example.²

At the time when Fort Sumter fell, the two distinguished lawyers of Evansville were James G. Jones,³ then attorney general of the state, and Conrad Baker.

The first law suit I found in which Conrad Baker pleaded a cause ranks high according to the following records of the History of Vanderburgh County, Indiana: "The most important of civil cases, up to the time of its trial, and perhaps as interesting a case as any ever heard by the court was that entitled Longworth vs. Bell and Kiger."⁴

The case was entered in the Vanderburgh Circuit Court in the March term, 1852.⁵ The lawyers for the plaintiff were Conrad Baker, Thomas E. Garvin, and Alvin P. Hovey;

¹Ibid., p. 17.
²Daily Journal, Evansville, May 1, 1885, p. 4.
³Ibid., p. 4.
⁴Brant and Fuller, op. cit., p. 344.
⁵Archives of Indiana State Library, Indianapolis, Indiana, Docket No. 306, Box 248.
while the defendants were represented by James Lockhart, J. J. Chandler, James G. Jones, and James E. Blythe. The presiding judge was William E. Niblack. The case involved the title of 160 acres of land,\(^1\) which were then near the boundary of Evansville, but are now, perhaps, within the city limits. The land disputed had been entered about 1820 by the Messrs. Pearson and Paxton, who were general merchants then in business at Cincinnati, Ohio. Since it was customary to use the credit system on land entries, the full payment was not at first made by the firm. It appeared, however, that afterward Mr. Longworth paid the purchase money. Several years later the firm of Pearson and Paxton failed. The certificate of purchase for the land was then taken by Nicholas Longworth of Cincinnati in payment of the money the firm owed him. He also received an informal assignment attached to the certificate. Mr. Longworth placed the certificate in the hands of Vachel Worthington, a Cincinnati lawyer, who deposited it in his safe.

Mr. Longworth now took possession of land as his rightful property. Through his agents he made some improvements and had the land cleared of its timber. After a number of years he forgot just how his title was obtained. He knew that he had long been in possession of this property

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\(^1\)The land was between the Boonville and the Princeton Roads. **Archives of Indiana State Library**, Indianapolis, Indiana, Docket 305, Box 248.
and he felt certain that his ownership was based upon a title properly acquired.

The records of the land office and of his county showed nothing beyond the entry of the land by Pearson and Paxton. Crawford Bell and Harrison F. Kiger based their claims upon deeds from the heirs of these merchants. Mr. Longworth was unable to show a title of any sort when the trial commenced, but during the progress of the trial lawyer Worthington discovered the certificate among some old papers in his safe. There was considerable rejoicing when this paper was received by Mr. Longworth's attorneys. The case was decided in favor of Longworth. Immediately arrangements were made to carry the case to the Supreme Court.¹

It was submitted to the Supreme Court November 23, 1852, and affirmed on May 31, 1855.² As a usual procedure the names of the plaintiffs and the defendants are reversed when the case is taken to the Supreme Court, so the case is now entitled, Crawford Bell and Harrison F. Kiger vs. Nicholas Longworth and Archibald Miles.³

There is another law suit during Baker's practice at Evansville which gives an indication of Baker's attitude toward slavery during his earlier practice as lawyer. One's interest becomes aroused to know just how he came to be the

¹Brent and Fuller, op. cit., pp. 344f.
²Archives of Indiana State Library, Indianapolis, Indiana, Docket No. 306, Box 245.
³Ibid.
attorney to prosecute the case. In 1854 Colonel William M. Cockrum of Oakland City, Indiana, was visiting a family in an old settled portion of southern Indiana. During his visit it became known to a young lady of the family that he was gathering data of incidents concerning the early settlers. This lady told him that they had the emancipation and indenture papers of "Old Tome" who was their slave and friend. When the Trumans moved to Indiana, probably from Kentucky, the threat was made that someone would bring habeas corpus proceedings and emancipate Tom, and therefore the following documents were signed.

May 25, 1815

To Whom It May Concern:

This is to certify that this day I have set free and by these presents do give emancipation papers to my faithful servant, Thomas Agnew, and from this date he shall be known as a free man. Given under my hand and seal.

Thomas Truman

Witness Joseph Forth 1

(Seil)

This is to certify that I have this day received my emancipation papers from my former master. As I don't know any other home but the one I have always lived at, I do hereby indenture myself to my master, John Truman, for thirty years from date, he agreeing to feed and clothe me during that time.

Thomas Agnew

May 26th, 1815

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2 Ibid., p. 146.
The faithful servant had worked for nearly twenty-seven years when the father died, but Tom continued working as before. After the death of the father, the heirs could not pay off the mortgage on the farm held by a cousin of the father. The cousin demanded every cent and would consider no leniency. He would, however, settle on the condition Tom become his servant. The mother at first refused to consent to this action, but finally yielded, since Tom himself insisted that this be done to save their home.

Sometime after this settlement the mother inherited several thousand dollars from her uncle with which she attempted to buy Tom's freedom, but all was in vain.

It was at this time when the mother was advised to go to Evansville and see a lawyer by the name of Conrad Baker. The mother explained the whole matter, giving all the evidence to be had. Mr. Baker was confident that Tom was legally free, but the only way to secure his freedom was through court proceedings. These proceedings were brought in the court of the county where Tom was held in slavery. The following decision resulted:

The court, after hearing all the evidence, decided that since Tom had been given emancipation papers which had made him free and since he had indentured himself for thirty years and had put in over time on that agreement, he was now free.¹

¹Ibid., p. 147.
Tom came back to the old home and remained with the family for the remaining days of his life.

After Conrad Baker was elected Governor of Indiana, Colonel Cockrum wrote him about this case and received the following reply on September 20, 1870:

I well recollect the lady Mrs. Truman, who was my client in the case. She was so well pleased with the good deed she had been instrumental in bringing about that she wanted to pay me three or four times my rightful fee.

According to Colonel Charles Denby, Mr. Baker used the most accurate language. His pleadings contained just enough and not too much. He relied on the law's presumptions and did not plead his evidence.

It was also quite impossible to make him take interest in a case in which fraud and oppression were lurking. If, by chance he got into such a case his usefulness was gone. On one occasion he came to Princeton, Ind., at his own expense, to testify at the request of Colonel Denby. When the case was over the party for whom he testified sent him a check for $25. He returned it with the remark, that

1Ibid., p. 147.

2From the context of the description of this case, one might deduct that both men, Gov. Baker and Col. Cockrum were opposed to slavery, and that Col. Cockrum wished to bring this case to the Governor's attention at the time when the slavery question was really being settled for always.

3Daily Journal, Evansville, May 1, 1885, p. 4.

4I was unable to find more information on the case.
the plaintiff case was a fraud, and as a citizen he felt himself bound without fear or reward to do what he could to defeat his claim.¹

Legislative Representative

After several years of public life as a lawyer in Evansville, Mr. Baker won the confidence of the people and was elected as their representative to the General Assembly in 1845.

In the Evansville Journal, (a weekly paper), I found the following letter published regarding his nomination as candidate for this office:

To Conrad Baker, Esquire:

Feeling the great importance of the result depending on the approaching August election, it is the earnest desire of the undersigned that you should allow your name to be placed before the people as a candidate for Representative in the next General Assembly of the State of Indiana for Vanderburgh County, at said election. Our common interests demand united action; and, if you consent to run, we pledge our hearty and efficient support.

Respectfully yours,

Thos. Butler, Chas. I. Battell²

In his reply printed in the Evansville Journal, Baker shows his firm stand on honest procedure in his dealings at all times.

¹Daily Journal, Evansville, May 1, 1885, p. 4.

²There were ninety-two names printed, but I only listed two. The Evansville Journal, April 17, 1845, p. 2.
The offices of the government were instituted not for the benefit of the office holders, but for the good of the people; such being the case, the people should always be left free to choose their own official agents.

"Should I be honored with a majority of the suffrages of the people of Vanderburgh County, I will endeavor faithfully and honestly to execute the trust conferred to me; but I will use no means to bring about my election of which I shall have reason hereafter to be ashamed. In such a contest honorable defeat is greatly preferred to that of success which is the result of dishonest expedients."¹

Being elected to this office in 1845 shows that his worthiness to public office was recognized early in his life.

Conrad Baker was elected as a Whig from Vanderburgh County. He served one term representing this County.

According to the Indiana State Sentinel the Democrats and the Whigs were equally represented in the Assembly. The election results show the following:

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<th>Whigs</th>
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<td>Senators</td>
<td>25</td>
<td>25</td>
</tr>
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<td>Rep.</td>
<td>51</td>
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Mr. Baker must have been quite a forceful supporter of the Whig party for we find when the Whigs nominated Judge Samuel Bigger of Rush County and the Democrats Gen. Tilghman

¹Evansville Journal, April 24, 1845, p. 2.
²Indiana State Sentinel, August 13, 1845, p. 3.
Howard for governor, Conrad Baker was ranked among the speakers for the Whig candidate.¹

Judge

The acts of 1852 created the court of common pleas, which seemed to interest Conrad Baker at once.

It had exclusive jurisdiction over estate and guardianship and misdemeanors which did not come under the justice's court. The Circuit Court retained concurrent jurisdiction in most matters. The first term of this court was held in the first district in the court-house of Evansville, on the first Monday in January, 1853. Hon. Conrad Baker, the eminent jurist and distinguished statesman, graced the ermine of the bench until December 1, 1853, having been appointed to the place and commissioned by Gov. Joseph A. Wright.²

Mr. Baker³ served as judge of common pleas court for the district comprising the counties of Warrick and Vanderburgh, during which time he had some unusual cases to settle, since the court's duty was to effect a reconciliation, if it could reasonably be done, between the plaintiff and the defendant.

Any person claiming to have a cause of action against another for libel, slander, malicious prosecution, assault and battery, or false imprisonment might serve on him a no-

²Elliott, op. cit., pp. 143-144.
³I could not ascertain why a Democratic governor appointed a Whig as judge,
tice briefly stating the cause of the action and requiring him to appear, at a time and place named, before the judge of the court. None but the parties, guardians of infants, husbands or wives, parties of plaintiff or defendant were permitted to appear at the meeting.

In theory the law was a good one, but in practice it was a failure for the parties appeared, refused to be conciliated. The law creating this branch of the court was repealed in 1867.¹

In 1853 he not only was appointed as judge of the common pleas court, but also served as attorney for Evansville, during Mayor John S. Hopkins's term of office, 1853-1856.² By 1855 Baker was considered one of the leading lawyers of Evansville.³

¹Brent & Fuller, op. cit., p. 350.
²Ibid., p. 74.
³Representative Men of Indiana, A Biographical History of Eminent and Self-Made Men of the State of Indiana, (Cincinnati, Ohio: Western Biographical Publishing Company, 1880), II, 17. "Colonel Charles Derby came to Evansville in 1853 and soon made arrangements by which he could read law in the office of the Messrs. Conrad Baker and James Garvin, who were then the leading lawyers of Evansville. Colonel Derby was admitted to the bar in 1855, upon the report of the examining Committee, consisting of Conrad Baker, James Lockhart, and John Law."
Mr. Baker was always ready to serve his country in whatever capacity he could be used. Just at the time when the burning issue of slavery had reached its climax in our country and was on the verge of wrecking our Union of States, Mr. Baker went into military service for the Union, defending the determination of the North to preserve the union of all the States. His patriotism is recognized by the Evansville Daily Journal at the time of his nomination with Gov. Morton in 1864, on the Republican ticket:

Nor need we speak of Colonel Baker's patriotism. That speaks for itself. At the beginning of the struggle he sacrificed a lucrative business and the comfort of a pleasant home to enter upon the service for which, naturally, he had no taste. His actions were dictated by patriotism and patriotism alone.¹

In 1861 he was commissioned colonel of the First Cavalry (Twenty-eighth Regiment Indiana Volunteers) and served in this position over three years. From August 1861, to April, 1863, he commanded either his own regiment or a brigade in the field in Missouri, Arkansas and Mississippi.²

On June 10, 1861, the War Department had issued orders to organize a regiment of cavalry in the Indiana counties bor-

¹Evansville Daily Journal, April 28, 1864, p. 2.
²Brant and Fuller, op. cit., p. 365.
dering on the Ohio River. So at once "camps of rendezvous" were established at Evansville and Madison.

The organization of eight companies was completed at Evansville, and mustered in on the 20th of August, 1861, with Conrad Baker as Colonel. The companies raised at Madison were assigned to the Third Cavalry and not to the First Cavalry as first intended. Subsequently two independent cavalry companies—those of captains Robert R. Stewart and James R. Bracken—were assigned to the First Cavalry as Companies "I" and "K". The eight companies, under command of Colonel Baker, left Evansville on the 21st of August 1861.1

Their first destination was St. Louis, Missouri, from where they were sent to Ironton and in the same state. On September 12, three companies in command of Major Gavitt had a sharp skirmish on Black River which is about twelve miles from Ironton. Five rebels were killed and four captured.2

The next month this regiment was placed on duty in the neighborhood of Pilot Knob where it remained during the fall and winter. During the stay in this region the First Cavalry participated in the battle of Fredericktown, October 21. The charge was so effective that it decided the battle in their favor; a piece of artillery was captured and the enemy was driven from the field. Among the killed in the regiment were Major Gavitt and Captain Highmann.

In the spring of 1862 the First Cavalry moved to Arkansas, and on the 7th of July fought the battle


2Ibid., p. 278.
of Round Hill. On reaching Helena it was assigned to the 1st Brigade, 2nd Cavalry Division of the 13th Corps, and, with the exception of Company "C", remained on duty in Arkansas during the remainder of its term of Service. For a year it was stationed at Helena, engaging in various expeditions in every direction from that point, and during the last year of its service it was stationed at Pine Bluff. 1

"Conrad Baker served in the field under Generals J. C. Fremont, Frederick Steele, S. R. Curtis, A. P. Hovey and others until 1863" when in April of that year, the War Department ordered him back to Indianapolis to organize the Provost Marshal General Bureau for the State of Indiana. 2 During this time he still retained his place and rank in the Army.

From letters between Governor Morton and Colonel Baker it is very evident that a close personal friendship existed between these two Union leaders, but I was unable to establish when this friendship was formed. 3 Since both of the men were lawyers and also had served as judges, they very likely came in contact a great deal and formed favorable opinions of each other. It must have been a mutual understanding, for in the requests and recommendations Colonel Baker made to Governor Morton, he received no opposition at any time in the

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1 Ibid.


3 There is a great deal of correspondence in the Archives of the State Library of Indiana, which was written or received by Colonel Baker during his service in the army and as Assistant Provost Marshal General.
letters found in the Archives of the State Library of Indiana. Colonel Baker made a large number of requests and recommendations for promotions in the army, and the nature of the wording was always such as though it were directed to a personal friend.¹

The following is a letter written to Governor Morton from Indianapolis, May 31, 1861:

Governor Morton

Dear Sir,

This note will be handed to you by my son William B. Baker who desires the appointment of Quarter Master to the 14th Regiment or to some other Regiment if he cannot get the appointment to the 14th Regiment. I believe the public service would suffer no detriment by his appointment, but my relationship to him renders it proper that you should satisfy yourself of his honesty and competency from others who know him. If you find that the public service will suffer no harm from his appointment, I shall feel much indebted to you if you see proper to appoint him.

Yours truly,
Conrad Baker

It was difficult at times to obtain the necessary supplies for the Army. We see the following order written to Governor Morton dated, Indianapolis, September 2, 1861, that there must have been a constant delay in furnishing the war material.

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<td>512</td>
<td>Hose equipment complete</td>
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<tr>
<td>612</td>
<td>Sabres - Sabre belts for private and non-</td>
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¹Letters written and received by Baker on file in the Archives of Indiana State Library.

²Letters in Archives of Indiana State Library.
commissioned officers
812 Navy Revolvers for private and non-commissioned—
with holsters or sockets to be attached to belts.
80 Navy Revolvers for Commissioned Officers
812 Burnside and Sharp Carbines
812 Rubber Blankets, (if we are entitled to them)
5 Uniforms complete, 1 Jacket, 2 have measures with me
5 or 6 Officers Tents (not able to get full quota of
tents as yet)

Conrad Baker met with difficulties and grievances in
various ways. In a letter to Governor Morton from Pilot Knob,
October 27, 1881, Colonel Baker informed the Governor of a tie
vote between Robert C. Clendenning and Lieutenant Josiah Forth,
in a vote for Major of the regiment, each receiving ten votes.
The meeting requested Baker to transmit the vote for Morton's
decision.

On October 13, 1882, Colonel Baker sent a protest
from Helena to Governor Morton, with regard to the promotion
of Lieutenant Col. W. F. Wood. After Col. Baker had arranged
for two promotions for W. F. Wood, against their agreement
Mr. Wood went to Gov. Morton to arrange for a different pro-
motion. Conrad Baker asked to defer the promotion until more
information was received from him.

On October 29, 1882, the following letter was written
to Governor Morton from Helena, Arkansas:

1Letters in Archives of Indiana State Library.
2Ibid.
3Ibid.
I trust you will pardon me for suggesting that no further drafts should be made on the 1st Ind. Cav. for officers for the New Regiment. The Regt. is now without a single Field Officer present for duty, my place being at Brigade Head Quarterly. Besides this some of the Company officers are in bad health.

Respectfully Your
Obt. Servant
Conrad Baker
Col. 1st Ind. Cav.
Comd. 1st Brigade

On March 30, 1863, Colonel Baker was in Evansville, Indiana, from where he wrote a letter to Col. Wm. R. Holloway in the field. From the following excerpt of this letter, we can readily see that Colonel Baker must have already planned to return to civilian life again; and, he had valid reasons to carry out his intention:

I will not resign on account of any real or supposed injustice to myself in the promotion of my juniors over me unpleasant and mortifying as such things are but the conviction is growing upon me that positive duty to my family and home interests require my presence here. I will however defer action until I hear from Gov. Morton. Will you please inform me by return mail what commissions have actually been made for my Regt.
I have been without a single Major since Nov. last and would be glad to know whether the commissions have been made and if so whether they have been forwarded.

Several days after this letter was written, Colonel Baker returned to Arkansas to rejoin his command. In the facts given in the letter very likely lie the reasons for

1 Colonel Wm. R. Holloway was the owner and editor of the Indianapolis Journal, 1864-1866, and the brother-in-law of and Private Secretary to Governor Morton. Max R. Hyman (ed), The Journal Handbook of Indianapolis, (Indianapolis, Ind.: The Indianapolis Journal News Paper Co.), p. 234.

2Letters in Archives of Indiana State Library.
the summons received in April, 1863, by telegraph to repair at once to Indianapolis.

This order which reached him at Helena, Arkansas, was issued by the secretary of war. Upon his arrival in Indianapolis, Colonel Baker was to report to the provost marshal general. He was at once detailed to act as assistant provost marshal general of Indiana and as such to organize the provost marshal's bureau in this state. He performed the duties of this place, superintending volunteer recruiting and acting as chief mustering officer until August, 1864.¹

Our army and government officials had their difficulties also in supplying the manpower for the war. Bounties to citizens were resorted to in order to fill the quota. On Feb. 5, 1864, Colonel Baker advised the Governor in a letter as to a necessary change with regard to the bounty question. The letter reads thus:

I suppose it will be necessary for you to revoke your order offering premiums of $6.00 for recruits for new and old organizations, as the fund out of which the $6.00 premiums were to be paid was to be accumulated by paying to your agent the $15. and $25. premiums offered by the Government. As the latter premiums are now to be otherwise paid it would seem to beget the necessity of changing the arrangements.²

On February 15, 1864, a circular was printed by Henry B. Carrington, (Brig. Gen. Comd'g. Camp of Organization),

¹Brant and Fuller, op. cit., p. 365.
²Letters in Archives of Indiana State Library.
giving the following information about bounties:

Any soldier or citizen, who procures an accepted recruit, is paid as follows:

1. For a recruit for a new regiment $6.00
2. For a recruit for an old regiment $15.00
3. For a recruit for an old regiment (if he had nine months service) $25.00

Near the close of the Civil War the newspapers of the day began to express themselves more boldly concerning the war issues than at the beginning. While the Nineteenth Veteran Regiment was in Indianapolis on a furlough, which was only granted to re-enlisted veterans, the Sentinel made some allusion to the appearance of the men in the party procession. Soon after this news spread a mob gathered at the building of the newspaper with the intention of "cleaning it out". The crowd had become furious by the time Provost Marshal Baker learned of the excitement. Uneafraid end calmly he went in the midst of the turmoil and single-handedly stopped possible destruction and bloodshed. "He met the angry men on the stairs with their guns in their hands, and held them back till he brought them to reason."²

This incident brings out a strong characteristic of Mr. Baker, namely that he was for principle, for truth, and

¹Letters in Archives of Indiana State Library.

justice as he saw them. He knew that the mob would commit an act of the greatest injustice and would not abide by any sane principle. He was ready to sacrifice everything to settle this upheaval in the most fair manner. This is perhaps the trait which won for him Governor Morton as a personal friend. This may have been the characteristic that carried Colonel Baker to the highest position of the State.

In August, 1864, his term of service expired, and he was relieved at his own request, and a few weeks afterwards he, together with his regiment, was mustered out of service. But before he left his office of Assistant Provost Marshal, he proceeded in his same careful and exact manner as he was accustomed to do. On August 19, 1864, he sent a letter to General A. Stone, who at the time was Quartermaster General of Indiana; he inclosed the last invoice for which he was accountable to the Department at Washington, namely, for horse equipment; he also asked Mr. Stone to examine his books and to send a certificate to him verifying that he was not further accountable to Indiana by said books or papers, so far as General Stone was informed, for articles received under head

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1 I could not determine any special reason for this request. It appears, however, that the coming election of 1864 might have had some influence on his decision; although the reopening of his law practice in Evansville and the returning to his family life undoubtedly meant most to him at this time.

2 Dunn, op. cit., p. 1093.

3 Letters in Archives of Indiana State Library.
of Ordnance and Ordnance Stores. He felt his responsibility in his position and therefore meant to take care of his duties to the full extent of his ability.

Nominated for Lieutenant Governor, 1856

Already before Mr. Baker entered military service he had been nominated for Lieutenant Governor in the year of 1856. This was the same year when Oliver P. Morton was present at the birth of the Republican party at a preliminary convention held in Pittsburgh on February 22, 1856.

The Indianapolis Daily Journal gives a lengthy report of the Convention which arranged the "People's Ticket", headed by Oliver P. Morton for Governor and Conrad Baker for Lieutenant Governor. President Henry S. Lane delivered a speech to the convention. One of the issues touched by him was the immediate admission of Kansas into the Union and he disclosed that the Abolitionists had no terror for him. But when Judge Morton's name was mentioned enthusiasm reached its climax. "It was moved that Morton be nominated for Governor by acclamation. The motion was received with long-continued cheers. When they subsided, calls for Morton were made, but it was suggested that the question had not been put. The president


2 Indianapolis Daily Journal, May 2, 1856.
declared that the 'ayes had a majority by what had been said', and it was carried by general consent."

However, no explanation is given why Mr. Baker was put on the ticket. Since Mr. Morton was such a forceful and energetic character, he may have insisted on nominating Conrad Baker as his running mate perhaps for personal reasons not divulged. Morton and Baker were defeated and Ashbel P. Willard and A. A. Hammond were elected. The following are the results of the election:

Willard -- 117,139 votes  Hammond -- 116,717 votes
Morton -- 112,139 votes  Baker -- 111,620 votes

Although the Republicans were defeated in 1856, they seemed to gain favor with certain groups, especially the German American element, according to some of the papers of the day. The German newspaper, Freie Presse, made the following comment in reference to the last campaign and election, namely, that Republicans adhered strictly to their principles; their candidates declared themselves openly in favor of the rights of the immigrants; therefore the Know-nothings voted against them.

In the campaign paper, We The People, we find the following article pertaining to this election:

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2 Indiana Secretary of State Reports, 1835-1871, Compiled at State Library.
3 Freie Presse, Indianapolis, (Weekly Paper), October 23, 1856, p. 2.
The German Vote: All honor to the noblehearted Germans of Marion County! Breaking away from the bondage of the Old Line Party they have dared to think, to reason, and act for themselves. It was a glorious sight to see on Tuesday when not less than three hundred of the most intelligent German citizens of Marion County rallied to the polls and voted for the Republican cause.

1 We The People, October 17, 1856, p. 2.
CHAPTER IV

LIEUTENANT-GOVERNOR AND GOVERNOR 1865-1869

Nomination and Campaign of 1864

The Republican State Convention which met in February 23, 1864 nominated Morton for re-election, and General Nathan Kimball of Loogootee, Indiana, who was in the field, for the office of Lieutenant-Governor. General Kimball declined the nomination April 11, 1864, "because it would interfere with his commission and necessitate his withdrawal from the army. Consequently it later devolved upon the State Central Committee to select another candidate." General Kimball's name remained on the ticket in the Evansville Daily Journal until April 27, 1864, when Baker replaced him. The following morning the announcement of the change was given with the comment of the editor.

1The convention was held in Indianapolis, Feb. 23, 1864. The action of the convention was two-fold—national and local. The temporary President was Colonel George K. Steele; later the name of ex-Governor Wright was announced as "President amid loud cheers". His speech principally gave his stand as to a policy to follow to the end of the Civil War—"no compromise, no concession". The editor of the State Journal did not agree to have Lincoln nominated for President of the U.S.; but he favored Morton for governor. State Journal, March 1, 1864, pp. 1-2.


4At a meeting of the Union State Central Committee, held at their rooms in this city, April 26, Col. Conrad Baker was unanimously chosen to fill the vacancy caused by the declination of General Kimball as candidate for Lieutenant Governor. J.A. Wright, chairman, J.C. Burnett, sec. Indianapolis Daily Journal, April 27, 1864.
Col. Conrad Baker was our first choice. When, however, the Convention selected Gen. Kimball as their choice, we cheerfully waived our preference and considered its action as very proper, and its selection of candidate most excellent. But Gen. Kimball could not accept. . . We feel like congratulating the Committee upon the manner in which it has discharged this delicate and important trust. It has made a wise and Judicious nomination.

Col. Baker possesses in an eminent degree the qualifications requisite to constitute a faithful, firm and popular presiding officer.¹

The interesting feature of this nomination is that "the Republican State Central Committee, without his being a candidate or applicant for the position, unanimously tendered Mr. Baker the nomination for Lieutenant Governor."² There was no explanation given in any of the sources offering a reason for this procedure.

At the time of the Civil War Conrad Baker always showed himself as a staunch and ardent supporter of the North not only by entering military service from August 1861 to April 1863, but also by boldly expressing his opinion before the public, especially on the Negro issue.

On July 4, 1864, in an address before the Union Convention at Franklin, he expressly stated that no state has the right to secede from the Union; that the American unity


is older than the Constitution of 1787, older than the Articles of Confederation of 1777, and older than the Declaration of Independence, 1776, itself. It is at least coeval in date with the Continental Congress of 1774, if indeed it has not its birth as early as 1765. It had its origin not in the writings of men, but in events of time and in the Providence of God who created and controlled events.¹

During these early campaigns debates were quite customary between the leading men of each party. In 1864, as well as in 1868, the newspapers gave detailed reports of several of these wordy contests. For the gubernatorial canvass in 1864 the principal appearances were made by Governor Morton for the Republican Party and by Joseph E. McDonald² for the Democratic Party. They had several debates. The last debate was held at Peru, Indiana, September 30, 1864. There seemed to be a much stronger feeling against this meeting in 1864 than we find in 1868 when Governor Baker and Mr. Hendricks met on the same premises.

The following is the editor's comment on Governor Morton's reply:

I never heard so much matter crowded into twenty-minutes speaking as was contained in Governor

¹Speech of Conrad Baker, Delivered before the Union Convention of Johnson County, Franklin, Indiana, July 4, 1864.

²Joseph E. McDonald was born in Butler County, Ohio, Aug. 29, 1819. In 1826 the McDonald family moved to Montgomery County, Indiana. Sulgrove, op. cit., pp. 201-202.
Morton’s closing speech. His blows fell with great rapidity upon the flimsy superstructure of sophistry created by his opponent.¹

During this political campaign, of 1864, Colonel Conrad Baker gave a number of speeches; but all of his assignments were distributed throughout southern Indiana, because he was better known by the people in this section of Indiana. The following is a list of dates found in the daily paper.

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<td>Lawrenceburg⁴</td>
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The daily papers of Indianapolis were so crowded with news from the war front and with the speeches of some of the principal speakers⁵ of the respective parties, re-

¹Indianapolis Journal, October 4, 1864, p. 2.
²Indianapolis Daily Journal, Sept. 1, 1864.
³Ibid., Oct. 5, 1864.
⁴Ibid., Sept. 30, 1864.
publican and democratic, that no room was found for any com-
ments in these papers on Baker's addresses.

The platforms adopted by the two parties show clearly
the deeper feelings of most adherers to their party. The
Democrats largely condemned the legislation of the Republican
or Union supporters. They disapproved Governor Morton's ac-
tion creating the financial bureau, the suppression right of
writ of habeas corpus where there was no rebellion, the sup-
pression of newspapers, and the failure of the administration
to promptly pay disabled and discharged soldiers. 1

They had ten resolutions in all on their platform in
1864, and the ninth resolution was: "That we cordially sym-
pathize with the Democracy of Kentucky in their present sub-
jugated condition, deprived of rights of free men, and we
will stand by them in a manly and lawful struggle to recover
constitutional liberty they had. 2

Although Governor Morton and also Conrad Baker were
well liked by many and had a large following in their politi-
cal field, and although the campaign was carried on with great
vigor, yet "the successes of the Union forces and the develop-
ment of the great Northwestern conspiracy" added much to sway
the feeling of the people in favor of the Union or the Re-
publican Party. 3

1 Indianapolis Sentinel, July 13, 1864.
2 Ibid.
3 Russel M. Seeds, (ed.), History of the Republican
Party of Indiana, (Indianapolis, Ind.: The Indiana History
There was little doubt by this time when the election was to be held in October, 1864, which side would be victorious in the Civil War, because the newspapers of the day were bringing favorable news from the front. On September 9, 1864, the Indianapolis Daily Journal printed a letter from General Sherman, written September 7, 1864, in which he stated that he is now in Atlanta, Georgia;\(^1\) on August 9, 1864 it was published that the Rebels were ready to make peace.\(^2\) This possible early ending of the military conflict had its influence along political lines. However the anti-Union planning of secret organizations had its influence upon the outcome of the election, especially the following conspiracy:

The last organization known as "The Sons of Liberty", was formed in New York early in 1864, and was rapidly organized in Indiana. . . . The most important project of the organization was a conspiracy for armed uprising throughout Ohio, Indiana, Illinois, and Missouri for the purpose of releasing the Confederate prisoners, and over-throwing the State Governments of Indiana and Illinois. The first direct information of the conspiracy reached Governor Morton in the form of a letter from a lady in New York, who notified him that large stores of arms and ammunition had been landed by certain steamers in New York and forwarded to J.J. Parsons in Indianapolis.\(^3\)

The police of Indianapolis soon obtained evidence to substantiate the report received. Further investigation even

\(^1\)Indianapolis Daily Journal, Sept. 9, 1864.
\(^2\)Ibid., Aug. 9, 1864.
\(^3\)Seeds, op. cit., p. 34.
disclosed that five men on the Democratic State Ticket were members of the "Sons of Liberty", among them also men who had been elected in 1862. The famous conspiracy trial of Mr. Dodd came likewise just before the election in October. Thus followed blow upon blow against the Democratic Party and a bolstering effect was felt for the Republican cause. Many sincere Democrats took a stand with the Republicans in the last hour of the campaign. Foulke makes the following statement on this matter:

"The most melancholy fact was that the Democratic candidates who had been proved to belong to the secret military organizations lately exposed had been allowed to remain on the ticket. But it was for the good of the Union party that these candidates had remained. They had weighed down the ticket like lead." 

"The loyalty of the people was shown by the reelection of Morton and the whole Republican State Ticket by majorities in the neighborhood of twenty thousand and the Republicans carried eight of the eleven districts.

The State election took place on Tuesday, October 11, 1864, so the Indianapolis Sentinel printed the following warning to its supporters on October 3:

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1 Union State Central Committee, "Reason in Indiana Exposed," (Indianapolis: W.R. Holloway & Co. Printers, 1864), Pamphlet, No. 3.

2 Foulke, op. cit., T, p. 370.

3 Seeds, op. cit., T, p. 34.
The election of this and the next month will decide whether the people are capable of and desire self-government or whether our hitherto free Government shall be placed under the rule of military despotism. This is the issue. The man who is unwilling to pledge his life, his fortune and his sacred honor to maintain and perpetuate the great principle of civil liberty is unworthy of freedom.¹

On October 4, 1864, the Indianapolis Sentinel accused Governor Morton of favoritism. He was accused of granting a furlough to a portion of the 12th battery because they should have pledged themselves to support Morton and Lincoln.²

Street brawls and mob actions were quite common outbursts of public feeling especially during political campaigns at this time. Such actions were often incited by either party concerned. Quite often, when members of one party could annoy adherents to the other party, it brought great pleasure. Such an incident was reported to the Indianapolis Journal, September 8, 1864:

A Salute of One Hundred Guns was fired yesterday evening in University Square, in glorification of the cheering aspect of military affairs. The echo of every gun fell upon the Copperhead ears like the death knell to their hopes. Wouldn't wonder if it gave some of them the headache.³

The results of the election were the following:

¹Indianapolis Sentinel, Oct. 3, 1864.
²Ibid., Oct. 4, 1864.
³Indianapolis Journal, Sept. 8, 1864.
The strain and excitement of the election were now removed and by the time the legislature met in January 1865, the early end of the war was evident to all, when Governor Morton could turn his attention to the internal affairs of the State.

Retification of the Thirteenth Amendment

It was during these first sessions in 1865 that the Thirteenth Amendment was ratified, although not without dispute. The Joint Resolution, Number 15, accepting the Thirteenth Amendment was introduced in the session of Senate February 6, 1865; but opposition was not evident until February 9, when the resolutions were brought up for the second reading. The form of delay was principally employed by the opposition—to have the discussion postponed until a later date, to table the motions, or to have the votes counted or recorded.² Nothing was accomplished on February 9, so on February 10, in the afternoon session, the resolution was again discussed. The session extended into the evening; different senators asked for leave of absence; and those who desired could have their vote on this question recorded. The

1 Evansville Daily Journal, Nov. 9, 1864.
2 Senate Journal, 1865, 44th Session, pp. 290-314.
Amendment was finally adopted by a vote 26-24; but the question was not entirely settled for Mr. Oyler offered the following resolution which was adopted by consent:

"Resolved that any senator who desires, may have the liberty to address the Senate upon the Joint Resolution, No. 16, at any time during the session, and that Friday of next week be set apart especially for that purpose."¹

During this wrangling of the Senators, Lieutenant-Governor Baker was the presiding officer of the Senate, but no comment is recorded as to his standing on this question; however, we can get his opinion from some of his speeches on other occasions.²

Before the Senators had opportunity to open the issue of the Thirteenth Amendment again the members of the House of Representatives had already adopted it by a vote of 56-29.³

The matter of the Amendment was announced in Governor Morton's message to the House of Representatives on February 7, 1865;⁴ however, the first reading of this joint resolution is recorded on February 11, 1865. It was resolved to suspend with the standing rule, to read a bill or resolution on three

¹Ibid., p. 316.
²See pp. 4-7.
³House Journal, 1865, p. 396.
⁴Ibid., p. 323.
several days, and that the amendment be read the second time now. In the afternoon the whole House resolved itself into a committee, but there was too much opposition therefore no action was taken. On February 13, the House again resolved itself into a committee for consideration of Joint Resolution, Number 16. In the evening of the same day the House heard the third reading of this resolution, and finally adopted it. 1 By February 16 the Thirteenth Amendment became a state law. 2

The opposition throughout was along political lines, and the Democrats were opposing principally on the grounds that such questions referring to the social status of Negroes should be left entirely to the state. 3

Governor Baker

It became evident during the summer of 1865 that Governor Morton’s health was seriously impaired. His ailing condition seemed to grow worse until he was stricken with paralysis on the 11th of October. His physicians prescribed complete rest, but this was impossible for him; it was not long before he was again at work. 4

1 Ibid., pp. 387-396.
2 State Laws of Indiana, 43 Regular Session, 1865, p. 135.
He had convened the legislature to meet in special session on November 13, and in spite of his illness, Morton prepared for this occasion one of his ablest and most elaborate messages. The message had been delivered on November 14; and he had by this time decided to go to Europe hoping to restore his health under the care of Dr. Brown-Sequard of Paris, so on November 17, 1865, in the afternoon session Governor Morton informed the General Assembly that his ill health compels him "to withdraw from the discharge of official duties for a time". Resolutions of regret and sympathy were adopted and Governor Morton left Indianapolis for Washington the same day. The affairs of the state were now turned over to Lieutenant Governor Conrad Baker.

The sessions which took place during Governor Morton's absence of five months were long, busy, and eventful. Acting Governor Baker did not hesitate in assuming his responsibility. He stood up for his conviction right from the beginning, for on December 14, 1865, he returned act 47 for reconsideration; it was entitled, "an act to increase the powers of the Board of Sinking Fund Commissioners, and to authorize said Board to

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1Ibid., pp. 453-456.


loan any moneys belonging to said fund, and to invest any moneys belonging to said fund, in Indiana State Bonds or Stocks, and providing for cancellation of such bonds or stocks, and the reissuing of new non-negotiable bonds or stocks payable to said funds."

His main objection to the bill was that it proposed to give to the Board of Commissioners of the Sinking Fund an unrestricted discretion to lend more than half a million of dollars of this fund without prescribing any security, any rate of interest, any limit of time for which the loans shall be made or as to the amount which shall be lent to each borrower. 2

The outcome of Governor Baker's objections was House Bill 285. Quite a change was brought about in this new bill as we can see from the following quotation:

An act to provide a State Debt Sinking Fund, for the payment of the principal and interest of the five and two and one-half per cent stocks of the State therein named. . . prescribing the duties of the Auditor, Treasurer, and Agent of the State in relation thereto providing for a clerk of said State Debt Sinking Fund, . . . abolishing the Board of Sinking Fund Commissioners and all officers connected therewith; to invest the moneys belonging to the Sinking Fund in the stocks of the State, transferring the business of said Board of Sinking Fund Commissioners to the Auditor and Treasurer of the State

1 House Journal, W. R. Holloway, State Printer, Indianapolis, 1865, p. 490, (Special Session).

2 Ibid., p. 490.
providing that the tax therein levied shall be taken and considered as part of the tax levied under an act entitled "an act to raise revenue for State purposes for the years 1865 and 1866, approved March 2, 1865, and declaring an emergency for the immediate taking effect of this act."

Some important issues received consideration during this period of five months while Conrad Baker was acting Governor. House Bill No. 208 which proposed to amend the school law so as to tax Negroes and Mulattoes for school purposes, and to admit colored children in the common schools, was lost December 15, 1865. The general objection was that if such favors were shown the colored people would enter the State of Indiana in large numbers.

In the session of December 20, 1865, it was reported that House Bill No. 119, an act to create a State Normal School and declaring an emergency had been approved and signed. At a later date during Governor Baker's administration this matter concerning the Normal School will receive a more detailed discussion.

A large part of the time of these sessions was used to arrange legislation which would assist or improve the educational system. How much Governor Baker became influential in passing this legislation, is difficult to determine,

1Ibid., p. 728.
2Ibid., p. 510.
3Ibid., p. 642.
but his opposition was felt at once to any legislation not in harmony with his opinion or his decision. House Bill 88, entitled "an act to authorize High Schools, Academics, Colleges, Universities, Theological Institution, and Missionary Boards, framed under General Laws of this State, to change their corporate names," was approved and signed December 21, 1865.

On December 13, 1865, the following Resolution went on record:

Whereas, It is desired that some definite expression should be made by this General Assembly in relation to the reconstruction policy by the General Assembly in relation to the reconstruction policy of President Johnson, therefore

Be it resolved (the Senate concurring) that it is the sense of this General Assembly of this State that the reconstruction of the government of the states, lately in rebellion against the United States, each state shall be left to choose for itself its own system of political franchises.

This resolution was accepted with little discussion, perhaps, due to the fact of the general nature of its wording—there was no detail mentioned. I was also unable to find any comment regarding this resolution by Governor Baker, but likely there was not much to be said either for or against it.

"The struggle between President Johnson and Congress

\[\text{1Ibid., p. 725.}\]
\[\text{2Ibid., p. 444.}\]
over the reconstruction methods had caused a recasting of party lines to some extent. Many of the Democrats who had operated with the Republicans during the war, went back to their old party when Congress undertook its reconstruction policy. Quite a number of original Republicans left their party on the same issue and cooperated with the Democrats.\(^1\) It was during this time on September 10, 1866, that President Johnson visited Indianapolis. When he attempted to speak rioting broke out during which several persons were wounded by pistol shots. This public excitement increased to such an extent that guards were called from the arsenal to secure the President's safety during the night.

The incident aroused great indignation throughout the state and country; it increased the bitterness which already divided the political parties. The influence of this indignity to the President was already felt a month later when the Republican party succeeded in electing eight of its eleven Congressmen,\(^2\) and two years later it added to the strength of other influences so that defeat was nearly brought to the Republican party in Indiana.

Governor Morton had returned to his office before this incident occurred, for he was absent from the State from November 16, 1865 until April 17, 1866, during which


time Mr. Baker was left in charge of the administration of the Executive Department of the State Government. Acting Governor Baker performed his duties so well that Governor Morton on his return made the following statement to the Assembly:

"The great ability and fidelity to the interests of the State which distinguished the administration of Governor Baker commanded the general approval of the people, makes a public acknowledgment on my part proper as well as a great pleasure. The duties which devolved upon him were of an important character, and were so well and faithfully discharged as to be satisfactory to all."

In January, 1867, Governor Morton was elected to the Senate of the United States, and therefore the full duties of Governor devolved upon Governor Baker.

Ratification of the Fourteenth Amendment

When Conrad Baker became Acting Governor of Indiana in 1867 there were several of the National problems which worked great influence upon the politics of the State, especially in dividing the political parties more sharply and bringing about increased strife between them. The amendments to the constitution settling the status of the Negro in the United States, the differences of opinion on the reconstruction policy to be followed in the South, and the Greenback issue after the Civil War perhaps wrought the greatest havoc.

1 Message of Governor Oliver P. Morton, delivered Jan. 11, 1867.
in the political parties, which occasionally brought about a shifting of members from one party to the other during the early part of Governor Baker's administration.

This party influence was felt more acutely among the legislators especially when an issue such as the Fourteenth Amendment was brought up for ratification. This Amendment known as Joint Resolution, number 1, was really settled on the same day when Governor Morton was elected to the United States Senate, January 23, 1867.¹

When the Joint Resolution was introduced into Senate, January 11, 1867,² no sentiment was voiced against it; but on January 14 the Matter was referred to the Committee on Federal Relations for a report.³ By January 16 the committee reported that they believed the temper of the public mind was united to the work of the expansion or retrenchment of the organic law of the government under existing circumstances. It was recommended therefore that the whole question be left in the hands of the people for their action at another time and under more auspicious circumstances; and the report was concurred in a vote of 29 to 18.⁴ However, after the third reading of the

²Senate Journal, 1867, p. 46.
³Senate Journal, 1867, p. 57.
⁴Ibid., pp. 77-78.
afternoon of the same day, without much opposition, the Fourteenth Amendment was accepted by the Senators, 29 to 18.\(^1\) In the House there was a greater delay and opposition. Immediately after the first reading the speaker appointed a special committee to discuss the Joint Resolution, Number 1. A week later the committee was ready to report, and in this report is evident the existing sentiment in general among the legislators.

The majority of the committee made a report to accept the amendment since the people at the last general election, most emphatically declared themselves in favor of said amendment\(^2\) and that therefore the Legislature should promptly ratify the same.\(^3\)

The speaker for the minority group expressed the view of the opposition on the question in the following summary:

1. This is the wrong time to settle that question, the people are too excited from the experiences of the last six years.

2. Congress only consists of about two-thirds of all states at this time; it wouldn't be fair to settle the question now.

\(^1\)Ibid., p. 79.

\(^2\)In 1886 the State ticket (Republican) was successful by majorities of about 14,000 and the Republicans elected eight of the eleven Congressmen, Seeds, op. cit., p. 37.

\(^3\)House Journal, p. 101.
3. The object and purpose of the amendment are merely for partisan gains.

4. This amendment places all people, irrespective of race or color on the same basis; this is contrary to our practice.

5. This amendment would give certain states increased federal power according to the proportion of increase of the Negro population.\(^1\)

To see what a strong feeling existed among the legislators not to grant the right of suffrage to Negroes, we can read the resolution offered on January 21, to be affixed to the Joint Resolution: "Resolved, However, that nothing in the foregoing amendment shall be construed as to give Congress the right to confer upon the Negroes in any State the right of suffrage, that power being left wholly with the people of each State to determine for themselves." This was ruled to be out of order by the Speaker, Mr. McLean.\(^2\)

Since it was necessary at this time to elect a Senator in Congress to succeed the Honorable Henry S. Lane, the Senators therefore came at 12 o'clock to the chamber of the House of Representatives to settle the election. The result was O. P. Morton, 88 votes and Honorable Daniel W. Voorhees, 52 votes.\(^3\)

1\(^{Ibid.}\), p. 102.

2\(^{Ibid.}\), p. 152.

3\(^{Ibid.}\), p. 152.
In the afternoon of January 23, the Fourteenth Amendment was brought up for ratification. From the result, 58 to 36, we can see that a large number of the Legislators were still opposed to this issue;¹ but on January 29, 1867, the Fourteenth Amendment became state law in Indiana.

Morgan Raid Claims

One of the first matters confronting Governor Baker in office was the petition of the Morgan raid sufferers asking payment for property lost.² During Governor Morton's term of office the General Assembly could come to no decision.

So it was March 26, 1867, when the Assembly authorized a commission on which were appointed the Honorable John I. Morrison, of Marion County, Colonel John McCree, of Monroe County, Colonel Smith Vawter, of Jennings County, and Colonel Charles W. Chapman, of Kosciusko County, Attorney for the State, to ascertain the damage. The sum total of all claims approved and allowed amounted to $413,599.48, and it was recommended that the federal government assume this debt.³

During the administration from 1865 to 1869 several important projects were started, or at least suggested which were completed during the following administration or partly so. The House of Refuge for the youthful offenders, the

¹Ibid., p. 184.
²Governor Baker's Address to the Assembly, Jan. 8, 1869.
³Ibid.
Soldiers' and Seamen's Home, and the Normal School are the principal ones.

**Soldiers' and Seamen's Home**

On May 15 and May 24 of 1865, Governor Morton spoke to the public to enlist the sympathy of the people to establish a home for disabled soldiers and seamen. On August 27, 1865, the Common Council of the City of Indianapolis generously tendered the use of the City Hospital Building to the managers of the Association, which was formed to take care of this project since the state did not provide any funds. The temporary home was opened in the City Hospital and was used from August 27, 1865, to November 30, 1866 because Knights-town Springs were purchased in the spring of 1866, and the Home which was installed here in April by private funds was not completed soon enough to allow an earlier transfer.

In January, 1867, when Governor Morton urged adoption of the Home and asked for additional appropriations to continue this institution, the sum total of all expenses connected with this project, $17,060.84, plus the purchase cost of $8500.00 amounted to $25,560.84. Governor Morton tried to impress the members of the Assembly with the need of a Soldiers' and Seamen's Home, and that the General Government

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1There were fifty-four acres of land, thirty-five under cultivation. Governor Morton's Address to the Assembly, Jan. 11, 1867.

2Ibid.
should take over and provide for the upkeep of this Home; but no action was taken until Lieutenant-Governor Baker became governor. Governor Morton was elected to the Senate of the United States in January 1867, and on March 11, 1867, the following act was approved:

Section 1. Be it enacted by the General Assembly of the State of Indiana, that there shall be established at Knightstown Springs, Rush County, Indiana, a home for the maintenance of sick and disabled Indiana soldiers, and seamen and their orphans and widows, to be called the Indiana Soldiers' and Seamen's Home.

Governor Baker always kept the welfare and the importance of the upkeep of the different state institutions before the Assembly. In every address to the legislature the Governor either discussed conditions of most state institutions or he would center the attention upon one or two of them. In 1869 Governor Baker also reported on the Soldiers' and Seamen's Home. Since the establishment of this institution 400 men disabled in the service of the army or the navy had received benefits of the Home; two hundred and twenty of these men were discharged after a temporary sojourn during which their condition showed improvement, thirty-one died, and at the present time there were 148 men in need of care.

1Ibid.

2It was estimated that the state had 2070 orphans whose fathers perished in the war. Governor Morton's Speech to the Assembly, Jan. 11, 1867, p. 17.

The Governor closed this part of his discussion with the words: "I feel assured that no effort on my part is necessary to secure from you ample provision for these disabled soldiers and orphans."¹

The act of March 11, 1867 was amended May 14, 1869, referring mainly to matters pertaining to the superintendent, the steward, and the matron of the home. The steward and the matron were to be quartered in the institution, and the Board of Trustees were required to submit a report annually to the Governor on the existing conditions. The superintendent was to pay for the current expenses from the allowance by the State of two dollars per week "for each and every inmate or person connected with said Home".²

The Knightstown institution was occupied and controlled by the State until December 25, 1871, when the men's buildings were destroyed by fire. Governor Baker reported this misfortune to the Assembly November 14, 1872. The new brick building was then occupied by the soldiers' orphans when the old wooden buildings, the quarters of disabled soldiers, were destroyed by fire, therefore all the soldiers had to be removed. Those who were willing were taken to the National Soldiers' Home near Dayton, Ohio, the others, "in accordance with their own preferences", were discharged. Since then the

¹Governor Baker's Address to the Assembly, Jan. 8, 1869.
²Laws of State of Indiana, op. cit., pp. 119-120.
home had been exclusively for the care of the orphan children of soldiers.1

Governor Morton had really given momentum to the beginning of the Soldiers' and Seamen's Home at Knightstown, but Governor Baker always gave his support to this institution and helped to plan improvements when they were needed. The following quotation will give evidence to this effect:

Time may come when the number of soldiers' orphans entitled to admission will be so reduced as to permit the admission of other indigent children. In anticipation of this, I think provision should be made by law for the admission of children from the county asylums of the several counties wherever such can be admitted without excluding any of the class of orphan children entitled to its benefits.2

No actions, however, were taken by the Assembly at this time; the orphans remained the sole occupants of the Home until 1879, when a law was passed to accept the feeble-minded children and care for them also at Knightstown. This arrangement continued until 1857, when the school for Feeble-Minded Youth was established at Ft. Wayne, and thereupon all these afflicted children were removed to this institution. The home was twice destroyed by fire, on September 8, 1877, and July 21, 1886; but it was promptly rebuilt. There were no further provisions made by the State for soldiers and

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1Governor Baker's Address to the Assembly, Nov. 14, 1872.

2Ibid.
sailors until 1895 when the legislature established Indiana State Soldiers' Home at Lafayette.¹

Indiana State Normal School

The State Normal School, at Terre Haute, Indiana, had its early beginning at the time when Baker was acting Governor,² although in 1858 a resolution was introduced in the Legislature providing for a committee to inquire into the feasibility and desirability of a Normal School in Indiana. Nothing was done, however, subsequently for several years "while the rumbling of sectional disagreement and strife were in the public ear", and finally the Civil War prevented the execution of this plan.³

Although Governor Baker did not originate the following bill creating a Normal School, we yet can see from comments made later by him in supporting the institution, that he was very much in favor of the School. The law was approved December 20, 1865, the same year the Civil War was ended:

Section I. Be it enacted by the General Assembly of the State of Indiana, that there shall be established and maintained, as hereinafter provided a State Normal School the object of which shall be the preparation of teachers for teaching in the common schools of Indiana.

²See pages 44-47 of this paper.
³Parsons, op. cit., p. 18.
There were eighteen sections embodied in this law pertaining to the Normal School. Most of these paragraphs had reference to the physical side of the structure. Part of Section 5 reads: "The Board of Trustees is to receive proposals for donations of grounds and buildings, or funds for the procuring of grounds and erection of buildings for said Normal School."¹

The object of the Normal School was plainly stated, namely, "the preparation of teachers for teaching in the common schools of Indiana". The need of capable teachers was keenly felt by the legislators, for they also added to Section 10, that the tuition of the Normal School shall be free to residents of Indiana.

Section 10 included the requirement of a written pledge on the part of the applicant filed with the principal. This promise implied that the said applicant would, so far as may be practicable, teach in the common schools of Indiana equal to twice the time spent as pupil in the Normal School, together with such other conditions as the Board may from time to time impose.²

"The law provided that the school should be located in the city that would contribute most liberally toward its establishment. Terre Haute offered $50,000 in cash and


²Ibid., p. 438.
$25,000 in land. No other city bid against that offer, and the school was located at the enterprising city.¹

Due largely to the need of more money, the erection of this institution did not progress very rapidly, so on March 8, 1867, about one month before Governor Morton went to Washington, D.C. as U.S. Senator, the sum of $50,000 was appropriated for the State Normal School.² It was customary at the opening of the Legislative sessions that the Governor should present urgent matters to the Assembly in his formal address, but in 1867 Governor Morton made no appeal for an appropriation for the Normal School. He was elected to the U. S. Senate before the appropriation was made, so Governor Baker must have given his support privately, since the records make no report of this side of the large appropriation.

In the year of 1859, Governor Baker supported a plea for additional funds for the State Normal School as we can see from the following extract:

I herewith respectfully submit the biennial report of the Board of Trustees of the State Normal. From the inspection of the report it will be seen that a large appropriation will be required to complete and finish the edifice now in course of construction. It is believed, however, that benefits which will accrue to the cause of education from the establishment of the institution, will ultimately vindicate the wisdom of the appropriations, large as they may appear.³

²Supplement to the Statutes of the State of Indiana, 1870, p. 439.
³House Journal, 1859, pp. 85-86.
Governor Baker had the highest regard for the efficient teacher of the Indiana schools, but according to his speech January 8, 1869, he wanted to avoid providing a free education for such people who only used the teaching profession as a stepping stone. He stated that he knew no class of people who devoted so much time and means to the elevation of their profession as the teachers. "If these efforts shall be properly appreciated and encouraged, the time will come when education of the young will not be entrusted to those who resort to teaching as a temporary expedient to enable them to prepare for the duties of some other vocation more congenial to their tastes, but our school will be presided over by trained teachers who love the profession of their choice, and who are anxious to excel in the performance of its duties."  

With all additional appropriations by the State the Normal School was ready for the formal opening which took place January 6, 1870. The principal speakers on this occasion were Colonel Richard W. Thompson and Governor Baker. Colonel Thompson had the honor to be the first speaker on the program. In his speech he referred to the ordinance of 1787, and he said that "the people owed more to this grand provisional instrument than any other ever made to the bene-

1Governor Baker's Address to the Assembly, Jan. 8, 1869.
fit and organization of their now mighty Northwestern States."

He also brought out in his message that it was not until 1849 that the Legislature of the State authorized the taxation of the people for educational purposes, and not even then until the subject had been submitted to and voted upon by the people. These taxes had been increased until now the state is in the services of the common schools doing a work which imperiously demands the preparatory facilities and power of the State Normal School, which they are inaugurating.

When it was time for Governor Baker to deliver his address, much had been said, perhaps, what he intended to express; for he also referred to the year of 1849 when taxation was authorized for educational purposes. However, he interpreted the action of the legislators as cowardly in refusing to levy taxes for school purposes without first submitting it to the people. In the course of his speech the Governor also stressed the importance of the positive mandate in the Constitution of 1851, that the state should provide a juvenile reformatory. This order had received no attention until three years ago, but now he said, that they have a House of Refuge for Young America, they shall also have one soon for his sister.

In this speech Governor Baker proclaimed himself in

1Indianapolis Daily Sentinel, p. 2.
2Ibid., p. 2.
3Indianapolis Journal, Jan. 8, 1870, pp. 4-5.
favor of women's rights in all our colleges, schools and penitentiaries.¹

The Normal School began with a very small enrollment of twenty-three students, January 6, 1870; but fifty years later there was quite an increase, for there was an enrollment of 1939 students by the year of 1919.²

During the years of 1872 and 1873 the appropriations planned for the State Normal School, received no opposition from Governor Baker nor from the Legislators; the need of the institution must have been recognized by all. On December 10, 1872, the following act was approved:

Section I. That there is hereby appropriated the following sum for the following purpose, and to the following persons, viz.: To the State Normal School, to be paid to the Treasurer of its Board of Trustees, the sum of four thousand dollars to pay money borrowed to meet current expenses.

On March 5, 1873, the last appropriation was made to the State Normal School to which Governor Baker could have added some influence since on January 13, 1873, Governor Baker introduced his successor, Governor Hendricks, to the Legislators of Indiana, but Governor Baker has at no time expressed opposition to an appropriation intended to further the educational work of Indiana.

¹Indiana Daily Sentinel, Jan. 6, 1870, p. 2.
²Persons, op. cit.
The appropriation of $3,206.83 was made to liquidate the indebtedness of the Normal School; and an amount not exceeding $2000.00 in any one year was to be granted annually to the Normal School for actual expenses of the institution, such as, "expenses for warming, lighting, and janitor's fees." ¹

The act also stated that a Committee consisting of three persons should visit the school and make a report to the Board of Trustees. The trustees should also now be empowered to issue certificates to the teachers; but even with this certificate did not end the precaution against possible inferior teaching element—a teacher was allowed two years to give satisfactory evidence that he or she possessed professional ability to instruct and manage a school whereupon a diploma was to be awarded to the successful pedagogue. ²

To put the State Normal School on a safe financial basis and to have ready funds when needed, the following law was passed on March 5, 1873.

³ The Superintendent of Public Instruction shall in his next apportionment of school revenue for the State deduct $7,500. and semi-annually thereafter he shall deduct the same amount which shall be set apart and be

¹ Laws of State of Indiana, 1873, Indianapolis Journal Co. Printer, p. 189.

² Ibid.

known and held as the normal school fund. These moneys shall be paid out only on the warrant of the auditor drawn on the board of trustees.1

The people of Terre Haute seemed to have continued their interest in the Normal School even in later years. After fire had destroyed the buildings and the equipment of this institution, April 9, 1888, the citizens of Terre Haute again raised $25,000 for the reconstruction of the School, while the General Assembly appropriated $100,000 for this same purpose.2

This institution has proven itself as very successful during the first fifty years of its existence, 1870 to 1920, for during this period of years 54,000 different students have been in attendance and 3100 have been graduated.3

House of Refuge

The House of Refuge was also built and developed largely during Governor Baker's term of office; but there is already a demand written for this project as early as 1851, in the constitution of Indiana. Article nine, section two reads: "The General Assembly shall provide houses of refuge, for the correction and reformation of juvenile offenders."

In 1855 the demand for this institution became even

1Laws of Indiana, 1873, pp. 199-200.
2Parsons, op. cit., p. 43.
3Ibid.
more definite. On March 3, 1855 the General Assembly approved an act authorizing the Governor, the treasurer, and the superintendent of public instruction to purchase ground by general warranty deed, a lot of ground containing not less than fifty nor more than one hundred acres eligible for a House of Refuge. Such ground should not be less than three miles distant from any town or city, and should not exceed forty dollars per acre.\(^1\)

In his address to the General Assembly in 1865,\(^2\) Governor Morton reminded the Legislators that, as yet, there was nothing done concerning the House of Refuge;\(^3\) and on November 15, 1865, the House of Representatives resolved, "That so much of the Governor's message as refers to a House of Correction for Juvenile offenders be referred to a special committee and that said committee be instructed to report a bill to establish a Reform School for juvenile offenders at an early day."\(^4\) There was, however, no definite bill until March 8, 1867, when the act was approved, to erect the House of Refuge.\(^5\)

An organization of Friends of Southern and Western Indiana and Eastern Illinois undoubtedly had some influence upon the Legislators in 1867 to open a House of Refuge in Indiana for the juvenile offenders. According to the Indiana-

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2. See pp. 43-44 of this paper.
3. Governor Morton's Address to the Assembly, Nov. 14, 1865, p. 15.
5. Supplement of Indiana Statutes, 1870, pp. 298-305.
This organization held a meeting September 14-20, 1868, at Plainfield, Indiana, in behalf of juvenile criminals and mendicant children. The members of this organization adopted a memorial which was sent to the General Assembly of Indiana. In the memorial these Friends expressed their belief as to the prime object of punishment and the cause of crime. The fate of those people sentenced to labor in the State Prison is not necessarily due to any unusual propensity to crime, but is more likely the result of the neglect of parents and guardians and the evil associations around them. Their immature years should induce everyone to hope that influence might be brought to their aid that will lend to their future preservation. The association with hardened criminals in these prisons works no good, and arrangements should be made to separate the juvenile offenders from the mature criminals. It is also desired that these youths receive industrial training so that none of them may be handicapped in later life and exposed to discouraging conditions when released from a place of correction.  

William Cumbback, who was elected as Lieutenant-Governor in 1853, is credited as having drawn up this bill, having it passed through legislature, and organizing the Reform

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1 Indianapolis Daily Journal, Jan. 29, 1867, p. 8.
School, although Governor Baker really urged this institution upon the Legislators.

This law adopted to establish an institution to be known as the House of Refuge consists of 28 sections. Most of the sections include rules and regulations referring to the inmates of the institution.

Section two vests the board of control with the supervision and government of the institution. This board consisting of three commissioners was to be appointed by the Governor, by and with the advice of the Senate. Their term of office was to be for six years, one to be appointed every two years; the members of the first board, however, were to serve for two, four, and six years respectively. The commissioners with the approval of the Governor were to appoint a superintendent of the institution.

The law specified that infants under eighteen years of age might be conferred to the House of Refuge instead of the jail or state prison. Infants under sixteen years of age, according to the law, might be committed to the House of Refuge. The law also specified that infants under fourteen years of age might be committed to the House of Refuge, although Governor Baker really urged this upon the Legislators.

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1 In 1866 he (Cumback) was nominated by his party and elected for state senator. At the first session of the Senate in 1867, of which he was a member, Gov. O.P. Morton was elected to the U.S. Senate and the presiding officer of the Senate, (Conrad Baker), became acting Governor, and Cumback was chosen president of the Senate. Men of Progress, eds. Will Cumback and J. B. Maynard, (Indianapolis: Indianapolis Sentinel Co.), 1899, p. 344.


charged with crime or misdemeanor might be sent to the House of Refuge without trial; but no commitment of any youth to this institution should be for a shorter period than the time when he was reformed or had reached the age of twenty-one years. An infant might, however, be discharged upon the approval of the superintendent and the board of commissioners.1

A provision was included, permitting the infants to be employed and apprenticed, but all indentures had to be reported to the commissioners for approval.

The sum of $50,000 was appropriated to carry out the provisions of this act; and the money was to be paid out of the State treasury to the board of commissioners upon a warrant of the Governor, in such sums and at such times as he might deem necessary and proper.2

After this act had been approved, the Assembly made it the duty of Governor Baker to select and establish a site for the House of Refuge. He was authorized to procure, by donation or purchase, not less than eighty nor more than three hundred twenty-acres of land.3

The Governor immediately made arrangements for the procurement of land. He received numerous offers to sell the land to the government, but no donations were forthcoming. In

1 Ibid., pp. 301-302.
2 Ibid., pp. 302-304.
3 Governor Baker's Address to the Assembly, Jan. 8, 1869.
all he examined thirty farms, either personally or through a competent agent with a view to choose the best site for the institution. Two adjacent tracts of land in Hendricks County, near the town of Plainfield, were ultimately purchased; one of the tracts, 160 acres, was purchased from Robert R. Downard for $12,800, the other tract, consisting of sixty-one acres of superior creek bottom land, was purchased from John Larrance for $8,500. The total cost of this transaction of June, 1867, amounted to $21,300.1

The sum of $50,000 appropriated in 1867 was not sufficient to provide enough money to erect buildings; Governor Baker therefore borrowed $12,000 from the board of control to take care of the building program. One hundred acres of land were to be sold to furnish the needed money, but the plan failed. Only two offers were received, the one was too low to entertain, while the other offer was for $7,500, but the person could not complete his payments, therefore this sale was lost. Even some of the people of Plainfield offered to assist in paying for the land if it were to be purchased in their vicinity; and under these conditions they raised $7,379.2

So on January 8, 1869, Governor Baker asked for an appropriation to refund the $12,000 and to pay the balance of the purchase money with interest, which was due the Messrs.

1 Ibid.
2 Ibid.
Downard and Larrance respectively. On February 24, 1869, the Assembly granted this request.

The Governor also reported in 1869 that, of the $50,000 appropriated for the establishment of the institution and defraying current expenses, the sum of $39,261.25 was expended in buildings and other necessary improvements; and that the expenses since the House of Refuge was opened in January, 1868, amounted to the sum of $20,738.75; and, that the commissioners were compelled to make a loan of $10,000 to keep the institution in operation.

On January 1, 1868 the House of Refuge was ready to receive youths although the buildings were not then fully completed. The Governor immediately commuted the sentence of ten boys who were confined to the Northern Penitentiary, and they were received in January, so that by December, 1868, there was a total of 112 inmates. By the early part of 1869 the total youths was reduced to 108; one was dead and three had escaped.

The superintendent, Francis B. Ainsworth, reported that these boys caused a very heavy strain on their mild system at the institution--most of them being nearly men in size and age and "hardened in sin and crime". As was learned later, these boys from the penitentiary came with the full determin-

1 Ibid.
3 Governor Baker's Address to the Assembly, Jan. 8, 1869, p. 21.
4 Report of Commissioners and Superintendent of House of Refuge to the Legislature, 1869, p. 4.
ation, "with plans concocted", to make their escape; but after a few weeks when these boys had learned the mild character of their government, and that the object of the institution was reformation and not punishment, most of them became satisfied and willingly obeyed rules and regulations of the home. 1

This was part of Governor Baker's plan that the institution should more largely partake the nature of an Industrial School than that of a juvenile prison—a home where manual labor, good training and an education were to go hand in hand with the reformation. He was also convinced that the success of this enterprise would depend greatly upon its starting under favorable auspices and conditions. 2

The board of control also reported on some arrangements that were introduced in order to improve conditions in the home; they had adopted the plan to divide the boys into families of about fifty, having a "House Father" over each, assisted by his wife, when married and an assistant called an "Elder Brother". The whole institution was to be governed by a Superintendent and a Matron, and the boys were to have access to this governing body at all suitable times. 3

1 Superintendent's Report, To the Board of Commissioners of House of Refuge, 1868, p. 13.


3 Report of Commissioners of House of Refuge to the Legislature, 1869, p. 4.
The first group of officers who helped to give the institution a successful beginning were the following:

Commissioners: Charles F. Coffin
Alexander C. Downey
Joseph Orr

Officers of the Institution and their salary:

Francis B. Ainsworth, Superintendent, per year $900.00
Amelia Ainsworth, Matron, per year 300.00
W. S. Carpenter, House Father, per month 41.66
Eli U. Cook, House Father, per month 35.00
Wm. P. Blair, Elder Brother, per month 20.00
Nathan T. Nixon, Elder Brother, per month 20.00
O. G. Hunt, Shoemaker, per month 25.00
S. C. Blair, in charge of teams, per month 25.00

In 1870 142 boys had been received, and the complaint was that they were too old and too hardened in their criminal ways. These boys were forced upon the institution in such rapid succession that it caused a very heavy strain on their system. The wish was therefore expressed that no boys would be received under six nor over sixteen years. There was, however, nothing done in this matter until two years later.

The following report shows a constant increase in the number of inmates in the institution:

Number, January 1, 1871 218
Number, admitted during year 37
Number discharged 5

1First Annual Report to the Governor, Jan. 1, 1868,
2Report of Superintendent to the Legislature, 1870,
Number escaped 2
Number on ticket of leave 1
Number still remaining 196\(^1\)

During the year of 1871 it was also experienced that the allowance of $2500.00 for expenses during the year of 1871-1872 was not adequate to supply all necessary requirements of the institution. The Superintendent had been compelled to suspend all external improvements and to use the labor of inmates in the shops to earn the means necessary to supply the deficit. It was also necessary to make a loan of $10,000.\(^2\)

Due largely to the interest the Governor took in the House of Refuge and to the able management of the board of commissioners, the institution fared well in general, and, whenever need arose, the Legislature provided the necessary funds. On December 10, 1872, the General Assembly approved to appropriate $16,881.62 to the House of Refuge to pay for borrowed money, $3500.00 to pay indebtedness for supplies, and $4000.00 to meet current expenses up to the end of the fiscal year, April 1, 1873.\(^3\)

On December 10, 1872, a law was approved changing the original act of March 3, 1867, as to admitting boys to

\(^1\)Commissioners Report, 1871, p. 6.

\(^2\)Ibid., p. 6.

\(^3\)Laws of Indiana, Special Session, 1872, p. 5.
the institution. So that a boy might now be committed to the House of Refuge, it was necessary that a complaint be made by the parent or guardian, or by any citizen by showing to the proper court that a boy under sixteen years displays an incorrigible or vicious conduct; that in consequence of vagrancy, parent or guardian is incapable of exercising care or discipline; or that infants who are destitute of suitable homes and of adequate means of obtaining honest living, are in danger of leading an idle, immoral life.  

The home for the boys continued under the name of House of Refuge until 1883 when it was changed to Indiana Reform School for Boys and again in 1903 when it was called the Indiana Boys' School.  

Home for Friendless Women  

The act for the new House of Refuge for juvenile offenders had been passed only three days previously when the Law to provide a Home for Friendless Women was approved, March 11, 1867. There was a general willingness among the Legislators to provide some means to take care of the way-

1Report on Indiana House of Refuge by Commissioners, General Laws of Indiana, 1872.  
3Laws of the State of Indiana, 1867, pp. 228-229.
ward citizens, but since hard times were showing up about this time and possibly because the Governor had not gathered the necessary data, no building program was undertaken. About two years later conditions are suitable for the erection of a women's prison, therefore the following law was approved at this time:  

Be it enacted by the General Assembly of the State of Indiana, that when any city or private corporation, or other persons, who shall have established in this state a Home For Friendless Women, upon principles of protection which in the opinion of the Board of County Commissioners of the county in which such is situated, duly recorded, after examination is in a condition to provide for and restrain of liberty any one committee to their charge, on conviction of any woman or girl of any crime or misdemeanor, or violation of any city ordinance . . . order the imprisonment to be made and done in such Home for Friendless Women.

Provisions were also made in this law concerning the trustees and laws governing the Home, and finally it was designated to whom such home shall be open for inspection.

1 High prices of the war began to fail about 1867 and consequently hard times set in. Wheat gradually fell in price from two dollars per bushel down to one. Most people thought it was due to lack of money and they therefore asked the government to leave the Greenbacks in circulation and issue more. The railroads kept up high rates, that the freight on a bushel of corn from west of the Mississippi was more than the corn was worth. The corn rotted in the field and was used for fuel. Thousands of farmers lost their farms because they couldn't pay the mortgages. Logan Esrey, History of Indiana, (New York: Harcourt, Brace and Co.), 1922, p. 299.

2 See pages 113 to 125 of this paper.

3 Laws of Indiana, 1867, p. 228.

4 Ibid., pp. 228-229.
but this regulation did not settle the question, how to take care of the friendless women, as we shall see in a later discussion.

The session of 1867 is considered as one of the best the State has had, for nearly all of the laws enacted by it are in line of reform. ¹ One of the most important acts of this session was the one to reform the laws on election.

Under the existing election laws at that time men would go to the polls and vote who at the time had no right to vote anywhere; the men would vote in precincts and townships where they did not reside; and some would often vote several times on the same day, at different places, and sometimes at the same place. ²

Finally on March 11, 1867, an effort was made to put a stop to this misuse of the privilege of voting when the Senate bill, number 2, was signed by Governor Baker. This was an act to provide for the registry of the voters— to declare their residence; it also provided punishment for fraudulent practices touching elections and it defined the duties of certain officers therein named; it prescribed the form of ballots and provided compensation for services rendered by specified officers. ³

Some of the outstanding features of this bill were

¹ Smith, op. cit., p. 737.
² Governor Morton's Address to the Assembly, 1867,
³ Senate Journal, 1867, p. 1001.
a Board of Register should meet on the first Monday in August in each year and should proceed to make a complete list of the voters; that each year thereafter a new roster be completed from the old list making all necessary corrections; that the Board should attach an affidavit assuring the correctness of the list; and, finally, that "no person should be considered, under any circumstances, as having a residence in any ward, or election district or precinct, unless he has had a permanent abode therein for at least forty days immediately preceding any election in such ward, precinct or district at which such person should offer to vote". 1

This act was later declared unconstitutional by the Supreme Court; and "although the constitution was afterwards amended so as to require a registration, no law was passed for that purpose" 2 for many years.

1 House Journal, 1867, pp. 938-945.
2 Smith, op. cit., p. 737.
CHAPTER V

GOVERNOR BAKER ELECTED ON HIS OWN TICKET 1869-1873

Republican Convention

The Indiana Republican State Convention was held during the early part of the year, February 20, 1868, in Indianapolis. Jacob T. Wright, chairman of the State Central Committee, opened the Convention at ten o'clock which met at Morrison's Opera Hall. General T. M. Browne, of Randolph, was unanimously elected as temporary President; and, after the election of other officers, a letter was read from Honorable Schuyler Colfax, Speaker of the House of Representatives in Washington. In this letter addressed to Governor Baker, Mr. Colfax discussed the difficulties which the Republican Party had to overcome during the Civil War and until now the time of this convention, due to the opposition of many Democrats.¹

Before the Central Committee was called upon to make its announcement to the Convention, the Honorable John Hanna moved that Conrad Baker be declared the choice of the Union Party for governor by acclamation. This motion was accepted with great enthusiasm. The Chair then appointed Mr. John

Ralln.a, General E. Dumont, and the Honorable Isaac Jenkinson
as a committee to announce to Governor Baker the fact of
his nomination, and to learn when it would be his pleasure
to communicate with the convention.¹

In the afternoon session the points for the Republi-
can platform were agreed upon. Nearly all of the eleven
paragraphs have some reference to the conditions brought
about on account of the Civil War.

In the first paragraph the convention expresses the
sentiment of the Party as to the plan of reconstruction in
the following words:

The Congressional plan of reconstruction was
made necessary by the rejection of the Constitutional Amendment and the continued rebellious spirit of the
Southern people, and if they will not upon conditions
prescribed by Congress, become the friends of the
Union, it is the duty of Congress to do whatever the
emergency requires to prevent them from doing harm
as enemies.²

The third section discussed the revenue plan—to
give the greatest possible exemption to articles of primary
necessity and to fall heavily upon luxuries and the wealth
of the country, and all property should bear a just propor-
tion of the burden of taxation.³

In the fifth section the convention expresses it-

¹Ibid.
²Ibid.
³Ibid.
self on the greenback issue by stating, "that the large and rapid contraction of the currency sanctioned by the votes of the Democratic Party in both Houses of Congress had had a most injurious effect upon the industry and business of the country; and it is the duty of Congress to provide by law for supplying the deficiency in legal tender notes, commonly called greenbacks, to the full extent required by business wants of the country." ¹

The names of General Ulyses S. Grant and the Honorable Schuyler Colfax were recorded and endorsed in the last section as the choices of Indiana for President and Vice President of the United States. Immediately after the reading of this section, the whole platform was adopted as a unit "amid the wildest enthusiasm". ²

During the night session Governor Baker appeared before the Convention to give approval of his nomination as Governor of Indiana. In his speech he principally discussed two distinct plans of reconstruction—the one known as the Presidential plan which had the support of the Democratic Party; the other known as the Congressional plan which had the endorsement of the Union Republican Party. He also explained that the advocates of these two distinct plans of

¹Ibid.

²Ibid.
reconstruction differ both as to the law and the fact which enter into any inquiry involving the merits of each. 1

He first presented the question of law at issue between the Republicans and their political adversaries:

We insist, in the language of Mr. Johnson's proclamation, that the rebellion which was waged by a portion of the people of the United States against properly constituted authorities of the government in the most violent and revolting form, deprived the people of each of the revolted States of all civil government these states had, became, and were part and parcel of the rebellion, and perished with it.

We further insist that these revolted states being utterly destitute of any civil governments, were not competent to restore themselves, nor was it competent for the President to restore them to their practical relations to the government but they having sought to destroy the nation and being overthrown in the attempt, the nation alone through the law-making power can and must prescribe (or at least sanction) the terms and conditions of restoration. 2

The Governor divided his subject into the two following questions, under which he proposed to treat it:

1. What are the facts affecting the merits of the two plans of reconstruction now proposed to the Country?

2. What is the legal status of the States lately in rebellion, and what are the constitutional powers of Congress and the President respectively over the questions involved in their restoration?

1Speech of Hon. Conrad Baker, delivered on the occasion of his nomination, Feb. 20, 1868.

2Ibid.

3Ibid.
Throughout his delivery Governor Eaker attacked some of the statements and arguments made by the Honorable Thomas A. Hendricks in his speech to the United States Senate, January 8, 1868. Some of these statements were:

1. That after the close of the war the people of the South entirely acquiesced in the results of the war, yielding obedience to law and respect to the authority of the United States;
2. That the people of all the Southern States adopted the President's recommendations and elected delegates to conventions; Constitutions were made, submitted and voted upon and ratified;
3. That in each state constitution slavery was prohibited; their debt contracted in the rebellion was repudiated; the right of secession was expressly and in the most solemn manner abandoned, and their several ordinances of secession were repudiated and declared invalid.
4. These constitutions were approved and ratified according to the forms always respected and were acceptable to the people, both North and South.\(^1\)

The Governor took objection to these statements, and made a rather tart reply. "If these propositions were true, or even true in the main, the revolted states and their people would today be represented in both Houses of Congress of the United States. My present duty is to show with a few slight exceptions, which will be noticed, they have no foundation in truth or in fact."\(^2\) The Governor furnished what he considered to be sufficient incidents which occurred in the South to prove his accusations.

After a clear and well completed discussion of this

\(^1\)Ibid.
\(^2\)Ibid.
subject, he summarizes his stand in the closing words:

I now confidently submit, that I have clearly established, that under the law and the facts, it was right and the duty of Congress to intervene in the restoration of the revolted States, by overthrowing the disloyal anti-republican organizations called into being by the mandate of Mr. Johnson, and by providing the means which would enable the great body of the people to those States to reorganize local government in harmony with the government of the United States. I do not propose to show that the action which Congress did actually take to accomplish these ends was right, constitutional and proper. Morton in the Senate ... has successfully done that. 1

The following is the Republican State Ticket in part for the campaign of 1868:

For Governor
Colonel Conrad Baker of Vanderburg

For Lieutenant-Governor
Colonel Will Cumback of Decatur

For Secretary of State
Dr. Max F. A. Hoffmann, of Cass

For Auditor of State
General Nathan Kimball, of Martin

For Clerk of Supreme Court
Colonel James B. Black of Marion

For Attorney General
Delane E. Williamson, of Putnam

For Superintendent of Public Instruction
Barnabas C. Hobbs, of Wayne 2

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1 Ibid.
2 Political Pamphlet, No. 5, State Library.
Strenuous Campaigning was planned for the month of August and September up to October 12, the day before election. According to several issues of the *Indianapolis Journal*, 1888, there were at least forty-nine meetings scheduled. Not all of these meetings were conducted as debates; many of them were nothing more than political rallies.

Among the speakers of the Republican Party I found listed:

Governor Conrad Baker
Honorable Oliver P. Morton
Colonel Thomas H. Nelson
Colonel Will Cumbback
Honorable D. E. Williamson
General John Coburn
Major O. M. Wilson
General Carl Schurz
Colonel R. P. DeHart
Honorable W. P. Fishback
General Ira G. Grover
Honorable George W. Julian
General Jasper Packard

"The campaign was prosecuted with great energy and great bitterness. Hendricks was again heading the Democratic

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State ticket, and his political adroitness and great ability in political organization inspired his party with hope and confidence. The organization of each party was remarkably close and effective, and the demonstrations were enormous affairs.  

The first joint discussion between Governor Baker and Senator Thomas A. Hendricks was held at Portland, Jay County, Saturday, September 12. Following their discussion closely one is likely to form the opinion that these two outstanding men of the State were bitter enemies, but in reality this was not true.

Governor Baker was given first chance to present his points, and nearly all of his speech consisted of matter pertaining to the Civil War and conditions brought about on account of the War. He began with the old issue, whether loyal men shall rule the government or whether the people want to entrust this government to men who opposed the war for suppression of the rebellion and maintenance of the government. He declared himself in favor of the amnesty proclamation of Mr. Lincoln, that all engaged in the rebellion might receive pardon, with some exceptions, have free pardon by taking the oath of loyalty to protect and

1 Seeds, op. cit., p. 39.
2 Indianapolis Journal, Sept. 14, 1868.
3 Albert Baker, 1941.
defend the constitution and the Union. 1

The Governor also stated that the Democrats declared Mr. Lincoln's proclamation to free the slaves as wrong, unconstitutional, null, and void, because Mr. Lincoln's purpose was to suppress the rebellion by dividing the enemy in his own country; but the amnesty proclamation of Andrew Johnson, which was issued for the purpose of restoring rebels to power in this Government, was, according to the Democrats, right proper, and holy. 2

The Democrats should also, he said, have proposed pardon for all past political offenders which would include Jefferson Davis, John C. Breckinridge, and John H. Surratt; but this does not correspond with Mr. Lincoln's plan—to pardon all except those who are placed under indictment.

Governor Baker expressed himself further that the burdening with taxation by immediate payment was not desirable since the wealth of the country was increasing steadily—in 1850, it was eleven billion dollars and by 1860 it amounted to sixteen billion. He suggested, therefore, that they should wait until our national resources have been more developed, the national wealth largely increased, and the South, who are the authors of the debt, be in a position to help pay. 3

1 Indianapolis Journal, Sept. 14, 1868.
2 Ibid.
3 Ibid.
Senator Hendricks replied to Governor Baker on all points by adding humor and ridicule occasionally. He spoke at length on the reconstruction of the South and discussed especially the three demands on the South:

1. Abolition of Slavery.
2. Repudiation of the Southern Debt.
3. Repudiation of the Right to Secede from the Union.

He insisted, since the North came along with Negro equality, the people of the North had to provide for a military law above civil law for nearly three years.

During his argumentation on the reconstruction law he blended his illustrations with humor. The Freedmen's Bureau, according to Mr. Hendricks, was a law which was to be guardian of every Negro. Within a year Congress saw fit to give the Negro the right to vote and hold office. From that day to 1868 the Negro has been engaged in the work of making laws, tearing down and rebuilding the structure of human governments. This rested, as he stated, upon the idea that the Negro is not only able to take care of himself but of everybody else, which evoked a great deal of laughter.  

Humorous incidents are always helpful to keep the interest of the audience and often assist in teaching a

1 Ibid.
lesson. Mr. Hendricks frequently resorted to these means to attain desired result. According to his story when he left home several weeks before this meeting, a friend was visiting at his house. He had recently been in the neighborhood of the old home of Jefferson, in Virginia. As he stood in front of Monticello, with the University of Virginia on his left, an acquaintance called his attention to a poor, old, barefooted Negro and said: "Do you know that colored man?" "No", he replied. "Well, that is the Senatorial delegate sent to reframe the Constitution of the State of Virginia, and he just returned to his home." This story also brought forth a great deal of laughter.¹

Mr. Hendricks argued for the taxation of bonds and he urged the redemption of them in "greenbacks" as the law provided.

He referred to the impeachment action against President Johnson saying had Mr. Johnson been impeached, B. F. Wade would have become president and asked what good this would have been for the country.²

Mr. Hendricks also used the story of the Prodigal Son³ to impress the people of the Union with their duty toward the South. These people were now poor and dejected and it should be the duty of the North to deal charitably

¹ Ibid.
² Ibid.
with the states of the South and reinstate them in the Union.

Mr. Hendricks had expressed worry over the coming Negro supremacy, so Governor Baker in his reply said that he would rather experience this than the rebellion. He also gave his answer on the Prodigal Son Application; the Son did not come back with the harlots but the South came back with all their doctrines of state rights, so the Union has to remove these disabilities. He also expressed disapproval of the action of Wade Hampton, Confederate general, on his way to the New York Democratic Convention; he first stopped at Baltimore, Maryland, and thanked the soldiers who fought under him in the South; he asked them now to fight for liberty and the Constitution under Seymour and Blair.¹

In his rejoinder Mr. Hendricks stressed the truth that soldiers fought for the maintenance of the constitution and the Union, and, if there was a soldier in the audience that fought for Negro equality, for Negro supremacy, or to establish Negro supremacy in the South, he has learned it since the War.²

There often was a great deal of rivalry in ostentation; and this was also carefully planned. For the second debate to be held at Peru, September 14, both parties had

² Ibid.
agreed to have no parade before the gathering, but when Mr. Hendricks arrived, he was met at the station by "White Boys in Blue" and a band to lead them through the streets. The Republicans didn’t lose any time getting ready for their display; by one o’clock "with Fighting Boys in Blue" they formed a parade bigger than ever. ¹

It is interesting to note that each respective newspaper in the interpretation of the debates favored the representative of its party; the Indianapolis Journal credits Governor Baker with completely surpassing Mr. Hendricks in his disputation;² while the Indianapolis Sentinel places Mr. Hendricks on the pedestal as a powerful disputant. About the debate held in Peru the Sentinel writes, that Mr. Hendricks replied to Governor Baker in a speech of half an hour; and that his reply completely demolished the position of Governor Baker. He completely refuted the idea that Democrats proposed to pay for the emancipated slaves, it was a proposition that Mr. Lincoln originated and was combatted by every Democrat in Congress.³

With all the campaigning by both parties up to October 12, the people had sufficient time and information to form their opinion for the election, Tuesday, October 13.

¹Indianapolis Journal, Sept. 15, 1868.
²Ibid.
³Indianapolis Sentinel, Sept. 15, 1868.
According to the results of the election the parties were quite equally divided and the winners had very few votes to spare:

Conrad Baker 171,575 Thomas A. Hendricks 170,614
William Cumback 171,711 A. P. Elgerton 170,379

The results of this election in 1868, the victor having a majority of votes, less than one thousand, shows quite a drop since the election of 1864, when Governor Morton was re-elected with the whole Republican State Ticket by majorities in the neighborhood of 20,000 votes. By 1868 there were no conspiracy trials to attract extra votes for the Republicans; the fiery spirit for the cause of the Union against the southern rebels was subsiding; and several national issues helped to estrange some of the supporters of the Republican Party in 1868. The Congressional Plan on the policy of reconstruction in the South was not approved by all Republicans and the handling of the National debt by putting additional printed money, "greenbacks," into circulation was really supported by the Democratic Party in general, although in Indiana the Republicans also favored this plan. The Negro issue was likewise freely discussed with disfavor since the Thirteenth and Fourteenth Amendment had already

1Stoll, op. cit., p. 238.
2The election of 1868 was the closest state election in the state history.
3Seeds, op. cit., p. 35.
4Ibid., p. 37.
been passed but the man at the head of the Democratic Party
Thomas A. Hendricks, "with his political adroitness and
great ability in political organization" helped to attract
a large number of votes for the Democratic Party in the State
election of 1868. The election frauds of which the Repub-
lican party was accused likely give a reason for the majority
of votes in the election of 1868. Otherwise this election
might have shown defeat for this party. The Republicans
should have planned to appoint some of their ablest men as
judges of the election, to help obtain votes by unfair means;
at the election of the Court House, "the Republicans should
have had their way to stuff the ballot box." 2

Baker-Cumbock Controversy

The Baker-Cumbock controversy had its real beginning
in 1868 with the following letter written by William Cumbock
to Governor Baker:

"Greensburg, Ind., Jan. 6, 1868.

Governor Baker - Dear Friend - If I had not a
thousand things to demand my attention this week, I

1Ibid., p. 39.

2Political Pamphlet, The Radical Conspiracy of Fraud
upon the Ballot Box. No publisher or date is given. This
pamphlet is compiled at Indiana State Library. The informa-
tion is on the election frauds of 1868 but comparisons are
made to the election of 1864.
would come up and see you. I will therefore venture to make this suggestion: I think Hendricks will be chosen by the Democrats, and he will certainly, (if he intends to inspire hope among friends), resign his position. The person appointed by you will, other things being equal, stand the best chance to be chosen by our Legislature. If you will assure me of the appointment, I will withdraw from the contest for any position on the State Ticket, and take the position of elector at the State Convention. If this proposition does not meet with your approbation, please return this letter to me. Let me have your reply at an early day. I do most earnestly hope for the unity of the Republican party.

"I am, as ever, your friend, Will Cumback."¹

Governor Baker rejected this proposition of Will Cumback in his letter of January 8, 1868:

"Indianapolis, Ind., Jan. 8, 1868.

Hon. Will Cumback, Greenburg, Indiana.

"Sir: Your communication of the 8th instant was received, and absence from the city prevented a reply. The proposition is corrupt and indecent, and I feel humiliated that any human being should measure me by so low a standard of common morality as to make it."

"I have the honor to be

"Your obedient servant,

"Conrad Baker"²

In the letter of February 21, 1868, sent to Governor Baker, Mr. Cumback requested the Governor to return his letter of January 8, whereupon Mr. Cumback would give an explanation to the Governor of his action concerning his letter. However, Governor Baker also resent this proposition of

¹The Baker-Cumback Correspondence, Speech of Hon. James Hughes, Sentinel Printing and Binding Establishment. Compiled at the Indiana State Library.

²Ibid.
Will Cumback to return his letter of January 6, in the reply of February 22, 1868, to Will Cumback; but the Governor offered himself ready at any time to receive an explanation from Mr. Cumback concerning his letter of January 6, 1868. ¹

After the last letter of February 22 was received by Mr. Cumback, this matter was closed until the end of the year, 1868, as far as could be determined from the material found at the library on this dispute, and Will Cumback went into the campaign of that year with great vigor and supported the whole Republican Ticket.

Will Cumback had anticipated the resignation of Thomas A. Hendricks from the office as Senator after his nomination for governor on the Democratic Ticket; but "Mr. Hendrick's failure or refusal to resign the Senatorship, deprived Governor Baker of the opportunity to name a successor", for Mr. Hendricks' term expired March 4, 1869. ²

Notwithstanding Governor Baker's opposition, Mr. Cumback easily captured the Republican legislative caucus nomination for Senator in 1869; but the day before this election was to be held, Governor Baker permitted the letters to be read publicly which he had received from Will Cumback,

¹Baker-Cumback Correspondence.
²Seeds, op. cit., p. 40.
January 8, and also his reply. 1

"The reading of these letters created a tremendous sensation, and threatened a great split in the party. A large number of the Republican members took the same view as that Governor Baker did and were unwilling to support Mr. Cumback, and Cumback's followers were so incensed that they would not, under any circumstances vote to make Governor Baker their Senator. Finally the two factions compromised by electing Daniel D. Pratt, of Logansport." 2

Although the members of Senate expressed approval, January 18th, 1869, of the steps taken by Governor Baker in this matter, the issue was not yet completely settled for there were a number of others who disagreed with the Governor in placing such a dishonorable construction on the proposition by William Cumback. 3

It is said by persons well informed on the subject that during the term when Conrad Baker was governor and Will Cumback Lieutenant-Governor of Indiana, the fierce controversy arose between those two gentlemen in connection with the proposal to elect Baker, U. S. Senator and permit Cumback to become governor, was one in which two great religious denominations became involved; and that these gentlemen who were both men of high ability and character each leader in one of the churches referred to, 4 were killed politically in the duel.

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1 Seeds, op. cit. p. 40.
2 Ibid.
3 Speech of Hon. James Hughes, the Baker-Cumback Correspondence, (Indianapolis: Sentinel Printing and Binding Establishment, 1869).
4 William Cumback was a member of the Methodist Church. Men of Progress, Indiana, eds. Will Cumback and J. B. Maynard (Indianapolis: Indianapolis Sentinel Co., 1899), p. 345.

Governor Baker was a member of the Presbyterian Church. Indianapolis Sentinel, May 1, 1885, p. 3.
although it was conceded by all that the influence in the legislature of the members of the two churches combined could easily have controlled it.

In all of his dealings and in his discussions the Governor always took a firm stand for that which he considered to be right, and he did not hesitate to oppose vehemently any act or suggestion which was contrary to his moral standard. He would also quite thoroughly complete his undertaking. This procedure, however, brought him unpleasant experiences at times as we see in the controversy between Will Cumback, lieutenant-governor, and Governor Baker.

Ratification of the Fifteenth Amendment

The ratification of the fifteenth amendment met with more determined and better organized opposition than many a resolution presented before the General Assembly for its approval. Undoubtedly the adoption of the thirteenth and fourteenth amendments prepared the minority group of the legislators to meet this climax on the Negro issue, and very likely were urged by their constituents to resist and oppose any legislation as the Fifteenth Amendment suggested because at the special election each Democratic lawmaker who had resigned was re-elected.

An address of Democratic Members of the Legislature,

printed in the Indianapolis Sentinel, March 6, 1869, gives some of the reasons why there was so much opposition by their party. According to their argument the Democratic Party felt that our government is a while man's government which was made by while men, for the white man. Their members also felt that the Negro race was a subordinate and inferior race which could not be wholly entrusted with the privilege of suffrage. The right to regulate its suffrage had never been questioned, but it was the dominant party, the Republican party, which had disregarded these principles both North and South. The Democrats charged that "there was a settled purpose on the part of the party managers, especially in the East, of the Republican party to force Negro suffrage, and equality, legal and social, of the race upon the people". The last Republican State convention claimed that giving the ballot to the Negro of the South was a necessity, but the right of suffrage in the loyal States belonged to the people of these States. It was especially this last rule,¹ the right of suffrage in the loyal States . . . , the Republicans were accused of breaking at this time, expecting the adoption of the fifteenth amendment and forcing the issue upon the legislators.²

¹ Pamphlet of State Convention, Feb. 20, 1868, filed at the State Library, Platform, Section, 2.
All the business of the legislature moved along in regular manner up to March 3, 1869, when Governor Baker's private secretary, John M. Commons delivered the following message from the Governor to the House and to the Senate:

I herewith respectfully transmit to the General Assembly a Joint Resolution of the Congress of the United States, on the subject of suffrage, comprising two sections, and designated as article XV.

The original copy of said Joint Resolution received by me is transmitted with this communication to the House of Representatives, and a transcript thereof to the Senate.¹

Mr. George A. Buskirk, Monroe County, moved to make the Governor's message special order of the next day, Wednesday, at 2 o'clock. Mr. Williams from Knox County wanted to delay action until Saturday, but Mr. Buskirk's motion was accepted.²

Mr. Williams had called this resolution, the Fifteenth Amendment, a firebrand and said that it might interrupt legislation. He continued with his remarks that there was a great deal of legislation yet to be done, and that the minority were willing to assist in doing the necessary work.³

Mr. Buskirk replied to Mr. Williams and he expressed

¹House Journal, Reg. Session, 1869, p. 884.
²Ibid., pp. 884-886.
his objection to the term "firebrand"; he added that this was nothing more than a Constitutional amendment submitted to this Legislature in accordance with all forms of the law, and that it demands the attention of the Legislature at an early date. The reason it was not brought up earlier was to allow the most important business of the session to be transacted; but now the majority was determined to consider the matter tomorrow without fail, and leave to the minority the responsibility of attacking, should they by any irregular or revolutionary course succeed in defeating action.¹

Mr. Coffroth expressed the opinion of the Democratic party on this matter when he said that it was "not proposed to make any factious opposition here if gentlemen propose and prefer to make this matter the special order; but the House might be assured that gentlemen acting with him are willing to assume all responsibility that can attach to their action as representatives."

But with regard to this joint resolution for suffrage we feel this way: When in the progress of the last canvass, we Democrats told the people that the Republican party were preparing to fasten negro suffrage upon the country, Republicans everywhere instantly denied the charge. And they denied it in their platform. Throughout the State of Indiana, Republican candidates, orators, and newspapers all said that they were opposed to negro suffrage; and the Democrats said the same thing. And now, at this

¹Ibid., pp. 589-590.
time, and in this manner proposed here by Congress to attempt to impose such a thing upon the people—we think it is wrong; and perhaps it would not be too much to say here that we think it a fraud upon the people and a thing that should not be considered at this session. We think that this question should first go before the people...we are prepared to resist this action now foreshadowed by all proper means; and we are prepared to assume whatever responsibility may follow from the course we take, and go to the people upon it.¹

Plans seemed to have been made by the Democratic legislators to take uniform and united action against any attempt to ratify the Fifteenth Amendment for on Thursday morning, March 4, at 8:30 the resignations of seventeen Senators and thirty-seven Representatives were handed to the Governor.²

"On previous occasions, when a quorum was broken in the Indiana Legislature, this had been done by the mere withdrawal of the minority without resignation, but a law had been enacted making such withdrawal a misdemeanor punishable by a fine of a thousand dollars so in March and in May of this year the attempt to stop the business of the legislature was made not by simple absence, but by resignation."³

On the days remaining for the regular session no

¹Ibid., p. 590.
²Indianapolis Journal, March 8, 1859, Address of the Republican Members of the Legislature, to the people of Indiana.
³Foulke, op. cit., II, pp. 112-113.
business could be transacted for lack of a quorum; on March 4, 5, 6, and 8 the Senate and House would meet briefly in their respective chambers only to adjourn again.  

Governor Baker announced through his private secretary, John M. Commons, that on March 6 writs of election were being prepared ordering elections to be held March 23 to fill the vacancies brought about on account of the resignations.  

The campaign for the election of lawmakers for the Indiana legislature was but a short one from March 6 to March 20. The Democrats and the Republicans had already presented reasons to the people in the newspapers for their respective actions in the legislature of March 3 and 4. The Democrats principally brought out that the Republicans were deceiving the people by forcing the negro suffrage at this time. The Republicans principally accused the Democrats of neglect of their duty, for they reasoned had the appropriation bill passed before the resignations were presented, the expense of the present legislature ($100,000) would not have been totally lost, and the cost of the extra session ($50,000) might have been avoided.

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1 House Journal, Regular Session, 1869.
   Senate Journal, Regular Session, 1869, pp. 685-690.
3 Indianapolis Journal, March 8, 1869 (Rep.)
   Indianapolis Sentinel, March 6, 1859 (Dem.)
4 Ibid.
"A careful study of the returns of the special election so far as these are available, shows that the Republicans took little interest in the contest because they knew only too well that the sentiment of the people in general was not in favor of this amendment. "Of the seventeen Senators elected seven were elected without a dissenting vote. Fourteen of the thirty-eight Representatives had no opposition."¹ These results verified the contention of the Democrats that the people would support them in the stand they took in regard to this amendment.

According to the Indianapolis Sentinel the same men were elected at the special election who had resigned on March 4: "There is no doubt but all the members who resigned their seats are re-elected, but Huey, the Senator from Blackford County, whose district has changed in the appointment of 1867."²

On the following day the Sentinel reported, "We now enquire of the Journal, how now about the 'cost' or the 'price' of the resignation of the Democratic members of the legislature to defeat the amendment. We refer to the Radical County of Grant for a response. It says one hundred and fifty majority for Huey. Is not that a good endorsement?"³

² Indianapolis Sentinel, March 24, 1869.
³ Ibid., March 25, 1869.
Governor Baker had called the special session of the General Assembly to meet at 2:00 o'clock, p.m., Thursday, April 8, 1869. He ordered this session because "the General Assembly at its regular session had failed to pass the necessary appropriations to carry on the government and to meet the current expenses of the benevolent and other public institutions of the State . . ."\(^1\)

Following the call by the Governor of Indiana, the legislators reported at Indianapolis, but only the Republicans reported at the State House; the Democrats remained absent until April 13, for it was not until then when Governor Baker had opportunity to address the General Assembly.

On Tuesday afternoon, April 13, 1869, the Fifteenth Amendment was introduced on the floor of the Senate by reading the amendment and suggesting postponement to a later date:

Section 1. The right of the Citizens of the United States to vote shall not be denied or abridged by the United States, nor by any State on account of race, color or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article.

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\(^1\)House Journal, Special Session, 1869, p. 3.

\(^2\)Ibid., pp. 33-37. It was in this speech that the Governor appealed to the legislators to pass a law which would authorize the State officer to direct the Auditor to draw his warrant on the State Treasury, whenever the legislators should adjourn under similar conditions and the necessary appropriations had not been made. The amount to draw on the Treasury should never exceed the last amount appropriated for the respective purpose.
Resolved by the Senate, the House of Representatives concurring, That the consideration of the joint resolution accepting and ratifying on the part of Indiana, the proposed Fifteenth Amendment of the Constitution of the United States, be postponed and made special order for action at two o'clock p.m., on Wednesday, the eleventh day of May next ensuing, in joint Assembly of the two Houses to be held in the Hall of the House of Representatives on said day and said hour.  

The resolution was accepted by the Senate after striking out the part referring to the two Houses.  

The House of Representatives also adopted this resolution to delay action until May 11.  

According to the discussion in the Senate of May 13, several legislators of the Republican party made personal promises, pertaining to the bringing of the Fifteenth Amendment before the legislature, to members of the Democratic party already during the regular session of 1869, and in this session the following proposition was produced with signatures: "We, the undersigned members of the House of Representatives (Republicans), agree that we will vote for no proposition to take up the Constitutional Fifteenth Amendment, before the regular and necessary business, and that when a resolution is offered we will vote that it go upon the table at least one day before it is considered."  

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1Brevier Legislative Reports, Special Session, 1869, XI, p. 297.  
2Ibid.  
3Ibid., p. 40.  
4Ibid., XI, p. 300.
The agreement was, if this proposition is made known publicly, it must be returned to the signers. Mr. John A. Stein discussed the signing of this paper at length and that even the daily papers referred to some of the statements, and the agreement was therefore returned; but he refuted the idea that the intention of the signers was to defeat the Fifteenth Amendment. He closed his argument with the words: "Sir I admit that, upon this question of ratification, we and the Democratic Party stand upon terms of bitter and undying hostility. We ask no quarter and we give no quarter; and I trust no Republican Senator or Representative after what has happened, will be found to bend the hinges of his knee to a party notoriously seeking here, by faction and rebellion, to frustrate and defeat this measure." Due to a great deal of important business before the legislature, the Fifteenth Amendment was postponed again and made the special order for Friday, May 14, 2:30 P.M.; but on May 14 Governor Baker informed Senate that sixteen members of the Senate had resigned the day before. On roll call in the Senate only thirty-two answered the call; in the House only fifty-six members were present.

3 *Senate Journal*, Special Session, 1869, p. 480.
while forty-two had resigned on May 13,\(^1\)--all Democrats.

The members of the Democratic party were undoubtedly ready for any sudden move by the Republican legislators to ratify the Fifteenth Amendment, but they had not expected this action the day before it was scheduled. On May 13, in the afternoon session, Adams Y. Hooper unexpectedly offered the Joint Resolution for consideration in the Senate.\(^2\) John R. Cravens then added that eleven Senators had been seen handing their resignations to the Governor; these eleven whose time expires with this present session, would leave the Senate with thirty-nine members; with the absence of Mr. Hughes and Mr. Colley--it would leave thirty-seven members. "We are still a working body", he said, "and, if there is anything desired to be done, now I suppose it is as good to do it as any other."\(^3\) It was now moved to adopt the resolution, "however, before the resigning members left the Assembly rooms the senate barred its doors, counted a quorum and passed the amendment;"\(^4\) there were some objections voiced, but the vote was taken immediately which showed the following result,

\(^1\)Ibid., p. 240.
\(^2\)Senate Journal, Special Session, 1869, p. 474.
\(^3\)Brevier Reports, Special Session, 1869, XI, p. 223.
\(^4\)Essary, op. cit., II, p. 807.
affirmative 27, negative, 1. Mr. T. C. Jacquess, a Democrat of Posey and Gibson counties, expressed the only dissenting vote. Names of ten Senators, as present but not voting, were also recorded with the adoption of the Fifteenth Amendment.¹

The question of quorum,--how many members constitute a quorum--was debated during most of the morning session, May 14, in both Houses. Most members felt that in the House at least sixty-seven members should be present, while in the Senate at least thirty-six should answer roll call.² The deciding opinion was finally voiced by the Speaker of the House, George A. Buskirk, and the President of the Senate, Will Cumback.

Mr. Buskirk drew his conclusion in the following words: "In the absence of any precedent in the legislation or in the Constitution of our State, in the absence of any law of Congress as to what constitutes a quorum for the purpose of ratifying a Constitutional amendment, the question can never be decided and settled unless it is decided in this way. It is the question the Courts will have to decide."³

Mr. Will Cumback came to the following decision as

¹Senate Journal, Special Session, 1869, p. 475.
²In the records were found the names of eighty-eight Representatives and forty-six Senators. Brevier Reports, 1869, pp. 409-411 and pp. 413-416.
³Brevier Reports, 1869, Special Session, p. 239.
far as this question is concerned, he felt that the men here present have the right to determine whether there is a quorum or not. "I leave it with the Senate," which was only a smooth but unfair way to shift responsibility to someone else, when he knew which would have been the correct course to follow. The Senate at once announced its action on this amendment to the House; but the House delayed this matter to May 14. Here the result of the vote in favor of adoption was 54 to 9.

In March Morton was in Washington, but in May he came home just as the resignations had been delivered to the Governor. He immediately sent word to the Republican members not to adjourn but to meet him in consultation that night. At this meeting he insisted that the resignations of the Democrats made the remaining members "the two houses of the General Assembly"; that two-thirds of these constituted a quorum, and could legally ratify the fifteenth amendment, and that this construction had been approved by the usages of Congress. The Republicans acted upon his opinion, and the amendment was ratified. It was claimed that this action was unconstitutional. A long address, calling it "The Ethiopian Infamy", was published, signed by three Democratic members, and many insisted that the ratification was not worth the paper on which it was written.

Morton refuted the claim of illegality by an argument of great power and clearness, in a letter published in the Indianapolis Journal on the 25th of May.

The following paragraph is part of Morton's argument:

1Brevier Reports, XI, 1869, p. 237.
2Ibid., p. 240.
3Foulke, op. cit., p. 113.
The constitution of the United States declares that 'a majority of each house shall constitute a quorum' to do business. The principle is clearly recognized by the action of both houses of Congress that each house consists of its actual membership, not of the members who may have been elected and not qualified, not of the members who may be authorized by law to be elected, but of those who are existing, qualified members. The express rule of the Senate declaratory of the meaning of the constitution of the United States is in these words: 'A quorum shall consist of a majority of the senators duly chosen and sworn.'

There were a number of discussions written, pro and con, on the ratification of the Fifteenth Amendment; but the construction put upon this action found in the Indiana Magazine of History and expressed briefly, is quite logical in its thought.

"Viewing the question in the light of the spirit of the law, I should say that the Fifteenth Amendment was legally passed by the General Assembly of Indiana. If we apply the letter of the law to our question, a thing which has been done too much in the past and is still defeating the good intentions of many a measure, I should say that the Fifteenth amendment was never ratified by the General Assembly of Indiana."² In other words, he knew that it was illegal but political expediency excused it, in his mind.

Considering the procedure of both parties during the discussion of the Fifteenth Amendment, one must admit

¹Ibid., p. 116, footnote.
that both parties resorted to improper means to gain their point. The Republicans felt confident they could win in Congress if the amendment were proposed for adoption because they had a majority in both houses, but they likewise were conscious of defeat if the people had a chance to express their sentiment, because the people had already showed their stand on this issue by re-electing each member of the Assembly that had resigned. When the Democrats revolted against this improper action of the Republicans who were trying to force the issue, the latter resorted to questionable and doubtful means—to ratify the amendment without a constitutional quorum. In place of resigning, the Democrats might have expressed their objections to this amendment, and, perhaps, could have prevented ratification, which, of course, did not appear very likely.

There is no doubt, however, the Democrats were expressing the will of the majority of the people of Indiana, when they urged letting people vote on this amendment, and this would have been the legal way to decide such an important question as that of the Fifteenth Amendment. The Republicans refused to follow the right course and thereby only paved the road to defeat for their next election in 1872, when Thomas A. Hendricks was elected Governor of Indiana.

Governor Baker witnessed the ratification of the Fifteenth Amendment, yet nothing is recorded during the dis-
cussions as to what his stand was regarding this amendment; but he took a definite stand in favor of the Fifteenth Amendment in one of his speeches he delivered.

His most clear-cut statements in favor of the Fifteenth Amendment I found in an address delivered at Knights-town, Indiana, July 4, 1867. When reading it one must bear in mind that when the address was delivered, Indiana already had ratified the Fourteenth Amendment (Jan. 29, 1867). Therefore we must consider that his reference to a constitutional amendment in the following excerpt is made also in connection with "civil and political rights" other than those guaranteed by the Fourteenth Amendment.

This is not the time nor the place to discuss mere partisan questions, but on a day consecrated to liberty, and in the presence of so many of its noble and gallant defenders, may we not with entire propriety consider the rights of humanity and the practical application of the principles of the Declaration of Independence to the duties of life?

Believing such considerations to be appropriate to the occasion, I have no hesitancy in saying that the suppression of the rebellion and the consequences which have already flown and which are still to flow therefrom must, at no distant day, place the nation on the broad platform of the Declaration of Independence, and consequently assure to all classes of our citizens, of every race, equal and impartial civil and political rights thenceforth and forever.

In my judgment, the sooner this consummation is reached, the better will it be for the country, and the sooner will the Republic be prepared for that high mission among the nations of the earth which we all believe God in His providence designs it to accomplish. When and by what particular instrumentalities this result is to be attained may not now be certainly de-

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1 Senate Journal, 1867, p. 96.
termined, but I must be permitted to express the opinion that as to those States which have always been true and loyal to the Union, and none of whose rights have ever been forfeited by treason or rebellion, the question must be left to the voluntary action of the people of the States respectively, and that these loyal States should freely, and without unnecessary delay, concede that which justice and sound policy unite in demanding.

That justice will be done, and impartial rights accorded, and that, too, at no distant day, by all the loyal States, should not be doubted, and if, in the end, it shall be found that one or two semi-loyal States have bound themselves to the dead past, and are determined not to profit by the lessons of experience, with all the other States firmly planted on the immutable principles of right and justice, and with all the power of the General Government on the side of freedom and equal rights, how easy will it not be to bring up these reluctant States to the common level by an amendment to the constitution, without a resort to the exercise of doubtful Congressional powers.¹

Female Prison and Reformatory Institution for Girls

One of the main reasons for Governor Baker's deep interest in providing for a female prison was the sad, repellant condition under which female prisoners were kept at the State prison. To get some definite information in order to bring about a general investigation of the prisoners, he requested Rhoda M. and Charles F. Coffin ¹ to

¹ Address of Governor Baker. Delivered at Knights-town, Indiana, July 4, 1867, on the occasion of laying the cornerstone of the Soldiers' Home.

² Rhoda M. Johnson the daughter of parents who were active members of the Society of Friends was born in Green County, Ohio, 1828. In 1847 she married Charles F. Coffin, and for nearly forty years they made their home in Richmond, Ind. Here she and her husband also became influential in beginning the Home for Friendless Women. Rhoda M. Coffin, Her Reminiscences, Addresses, Papers and Ancestry, (New York: The Grafton Press, 1910), pp. 129-130.
visit both prisons, Jeffersonville and Michigan City, make a thorough investigation of their condition and report to him.  

The first study was made of the Jeffersonville prison where indecency and licentiousness prevailed between some of the guards and several female convicts. Mr. & Mrs. Coffin were allowed to go unattended in any part of the prisons due to special arrangement by Governor Baker. They "visited the prisoners in their cells, talked with many, examined the prison in its various departments, and found things in a very bad condition." After the inspection was completed by this committee, the members gave a detailed report to the Governor in confidence.

When the Governor delivered his regular message to the General Assembly, he also referred to some information he had obtained from a prison investigation by Mr. and Mrs. Coffin. Some of his first remarks on this matter of prisons were: "There is a present and pressing necessity for a separate prison for female convicts."  

There are now nineteen or twenty women incarcerated in the Southern Prison to the great detriment of sound morality as well as the good government of the institution. Moral, sanitary, and disci-  

1Ibid., pp. 150-151.  
2Ibid., p. 151.  
3Ibid.  
4Governor Baker's Address to the Assembly, Jan. 8, 1869, compiled in State Library.
plinary conditions concur in demanding that these women, as speedily as possible should be removed to a prison to be provided exclusively for their sex, and to be under the government of women.

Another want equally pressing is that of a Reformatory institution for girls. It is impossible to receive girls in the House of Refuge at Plainfield without destroying its reformatory character, and converting it into a juvenile prison. I, therefore, urgently recommend that a separate prison for female convicts be established with the least practicable delay, and that there be connected with it on the same grounds and under the same direction and management, but in different buildings, a reformatory for girls.¹

Governor Baker revealed his stand as to female convicts in the following statement: "I have no sympathy with those who think that crime when committed by women ought not be punished; but only insist that the punishment should be adapted to the condition of the offender, and that the laws of common morality and decency ought not to be ignored in its infliction."²

The committee appointed to investigate the conditions of the prisons reported on April 14, 1869. Some of the evidence which was of importance was brought against F. M. Meredith and M. P. Ghee, directors of the State Prison South.

¹ Ibid.
² Ibid.; p. 23.
receive from Colonel J. B. Merriwether various amounts at various times, amounting in all to \$750, for the privilege of being retained as Warden in said Prison.

2. The said F. M. Meredith while Director of said Prison did engage himself to one John S. Matthews, a convict in said Prison, to procure a pardon for said Matthews, for and in consideration of a fee stipulated to be paid him (Meredith) by said John T. Matthews.1

The following verdict was given by the appointed committee:

After carefully weighing all the evidence and listening to the argument of the attorney for the defense, ... the Committee are, therefore, unanimous in the opinion that the said F. M. Meredith and M. P. Ghee ought to be removed for misdemeanor committed in office.2

Although many irregularities of the State Prisons were discussed by the legislature, it was no simple matter to convince a majority of the lawmakers to pass the bill which would provide for a Reformatory Institution for Girls and Women. This House bill, number 176, was first introduced in the regular session on February 9,3 but when it was read the third time to be adopted, April 27, the House rejected the bill 32 to 41.4

The House, however, did not find it so simple to

1House Journal, Special Session, 1869, p. 59.
4Ibid., Special Session, 1869, p. 262.
dispose of the bill to establish a Women's Prison by simply rejecting it, for the Governor had helpers outside of the legislature to assist in winning a majority of legislators for the passage of bill, number 176. On May 4, 1869, in the afternoon session, a memorial was presented with the heading: "Of the Indianapolis Board of Managers of the 'House for Friendless Women', in behalf of the 'Indiana Reformatory Institution for Women and Girls'.'

In the third paragraph of the memorial similar sentiment on the subject of women in our State Prison is given as that which Governor Baker expressed to the General Assembly, January 8, 1869.

Our jails find no suitable home for those who have been so unfortunate as to be sent thither, and our courts are deterred from executing the demands of justice because the ends of the penal law cannot be reached without degrading them, and the erring one set at liberty to seek again the companionship of vice. All our cities and villages are waiting for the relief your timely aid can give them.

In the next paragraph an appeal is presented to the Legislators which brought about the adoption of House Bill, number 176.

We trust, in the disposal of the bill before you, wise and worthy counsels will prevail. We feel

1Ibid., p. 345.

2Ibid., Special Session, 1869, p. 346.
that a generous and approving response will greet you from your constituents on your return, when they learn that you are not only the friends of the orphan and the afflicted, but of the unfortunate and erring. May God grant that you may have true and manly hearts in this good work.

"Mr. Stanton moved to take up a motion previously made, to reconsider the vote by which the House refused to pass House bill No. 176." This was agreed to.

"Mr. Pierce of Porter, by unanimous consent, moved to amend by adding:

"Provided, that no building shall be erected under this act which shall exceed in cost to the State the sum hereby appropriated, viz: fifty thousand dollars." This was also agreed to.

After Mrs. Sarah Smith addressed the House of Representatives upon the subject of the bill under consideration, the vote was taken on the bill to provide for a Reformatory Institution for girls and women. This delegation of women succeeded in their endeavor, for the bill number 176 was passed by the House, 62 to 14. In the afternoon session of May 5 this House bill was adopted by Senate, 34 to 10.

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1Ibid., p. 346-347. The memorial was signed by Eliza J. Newme, Pres., Sarah R. Kappes, Sec., E.C. Sharpe, Mrs. Joseph McDonald, Mrs. T.P. Haughey, Mrs. E.R. Eickert, Mrs. I. McLeene, Mrs. S. P. Ray, S. James Smith, Manager.

2Ibid., p. 347.

3Ibid., p. 348.

4Ibid., p. 348.

5Senate Journal, Special Session, 1869, p. 313.
The act to establish a Female Prison and Reformatory Institution for Girls and Women, to provide for the organization and government thereof and making appropriations, was adopted May 13, 1869.¹

According to section two the supervision and government of the institution was vested in a board of managers consisting of three persons. These should be known as the Board of Managers of the Indiana Reformatory Institute for Women and Girls. The Governor should appoint these members by and with the advice and consent of the Senate; the first members appointed should serve for the respective terms of two, three, and four years, and thereafter each manager should be appointed for four years.

In section four the Governor² was empowered to select the location of the institution which should not be more than five miles from the corporate limits of the city of Indianapolis; and for this purpose he was authorized to receive, in the name of the State, by donation or purchase, not less than three nor more than ten acres of land; and then he was to deposit a certificate of his location of the institution, together with the deed or deeds of conveyance of such land, with the secretary of State.³

¹Indiana Statutes, Supplement, 1870, III, pp. 261-270.
²The Governor wrote the bill to establish a Female Prison and Reformatory Institution for Girls himself. Coffin, op. cit., p. 153.
³Ibid., p. 262.
The remaining forty sections of this act of May 13 deal principally with the rules and regulations pertaining to the officials and to the different buildings which are to be placed upon the site purchased for this purpose. However, in section thirteen it is definitely stated that "such women and girls as shall heretofore have been convicted of criminal offenses, and sentenced to State's Prison at Jeffersonville, and who are now undergoing imprisonment in that prison in pursuance of such sentence, and also such women and girls over the age of fifteen years who may hereafter be sentenced to imprisonment in the penal department of the institution created by this act, upon conviction by any court of competent jurisdiction of any crime, for which such woman or girl might prior to the passage of this act, have been sentenced to said State Prison," shall be placed in the new prison to be erected.

According to section nineteen girls below the age of fifteen years might be received in the reformatory department of this institution under the following conditions:

1. When according to the opinion of any judge of a circuit or common pleas court a girl, "on complaint and due proof by the parent or guardian, by reason of her incorrigible or vicious conduct, has rendered her control beyond the power of such parent or guardian".

1Ibid., p. 264.
2. "When such infant shall be committed by such judge as aforesaid, upon complaint by any citizen, and due proof of such complaint, that such infant is a proper subject for the guardianship of said institution, in consequence of her vagrancy or incorrigible or vicious conduct . . . "

3. ". . . on complaint and due proof thereof by the township trustee of the township where such infant resides, that such infant is destitute of a suitable home, and of adequate means of obtaining an honest living, or that she is in danger of being brought up to lead an idle and immoral life."\(^1\)

In section thirty-four the sum of $50,000 was appropriated to carry this act into effect.\(^2\)

In the Message to the General Assembly on November 14, 1872, the Governor appealed to the legislators for an appropriation to complete the building program of the reformatory institution for girls and women.

The building for this much needed institution has remained in an unfinished condition for the last two years, no appropriation having been made to complete it. It is highly important that the building should be speedily completed and furnished to the end that the female prisoners now in the State Prison at Jeffersonville should be removed thereto, pursuant to the requirements of the act for establishing of the in-

\(^1\)Ibid., pp. 265-266.

\(^2\)Ibid., p. 269.
stitution. It is highly important that the reformatory department of the institution should be open for the reception of girls at the earliest practicable period.

There is an existing indebtedness of about $20,000, contracted in the erection of the buildings, and I trust that an appropriation will be made to pay this, and also to complete and furnish the building, fence the grounds, and put the institution in operation.

Due to the Governor's urgent plea for this institution an act was finally approved February 3, 1873, to appropriate $50,000 for the completion of the female prison and reformatory institution for girls and women.

"In September 1873 the Institution was opened, and soon thereafter the female prisoners, eighteen in number, were brought to it from the State Prison, South. There are now thirty in the penal department, and ninety-three girls in the reformatory. Mrs. Sarah J. Smith was appointed Superintendent, and in every respect has been a most faithful and efficient officer."

The following is part of a financial report of the Reformatory Institution for Women and Girls, from May 13, 1873 to December 31, 1874.

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2. The inmates were received October 8, 1873. Coffin, op. cit., p. 155.


4. This report covers a short period beyond the time of Governor Baker's administration because there was no other report from which to get this information.
### Appropriations, Allowances and Receipts from all Sources

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<th>Description</th>
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<td>By earnings of convicts</td>
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### Disbursements from May 13, 1869 to December 31, 1874

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### Officers and Employers Year ending December 31, 1874

**Board of Managers**

J. Henry Kappes, President, Indianapolis

Joseph I. Irwin, Columbus

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Franklin G. Armstrong, Camden

Board of Visitors

Hon. Conrad Baker, Indianapolis

Mrs. Rhoda M. Coffin, Richmond

Mrs. Addison L. Roach, Indianapolis

Superintendent and Assistants

Mrs. Sarah J. Smith, Superintendent

James Smith, Steward

Mrs. Elmira Johnson, Matron

Miss Merth Prey, Teacher

Miss Annie Mather, Assistant

Robert Gray, Engineer

Thomas Barnett, Watchman

Physician

Dr. Theophilus Porvin, Indianapolis

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1Manager's Report to the Governor, Dec. 31, 1874, p. 2.
Internal Improvement Bonds

In his message to the General Assembly on January 6, 1871, Governor Baker gave a lengthy and detailed description of the controversy which was arising on account of the Wabash and Erie Canal or commonly called the internal improvement bonds. There were at this time outstanding one hundred and ninety-one old bonds or certificates of stocks issued by and under the authority of the laws of the State of Indiana prior to the year of 1841.

John W. Garrett, Esq. of Baltimore, is represented to be the owner of forty-one of these 191 bonds; ten of the forty-one being sterling bonds and the residue being dollar bonds. Mr. Garrett soon after the adjournment of the last special session of the General Assembly (1869), as holder of these forty-one bonds, commenced an action in the Circuit Court of Carroll County of this State, against the Board of Trustees of the Wabash and Erie Canal, for the purpose of enforcing against said canal and its revenues in the hands of said Board of Trustees, a lien on the canal which he insists was created to secure the payment of said bonds, by the provision of the General Internal Improvement Act, January 27, 1836.¹

Governor Baker stated at a different time² that, had all the internal improvement bonds been surrendered, the matter (of making settlement) would then have been very much simplified; "for then the foreign debt for which

¹ Message of Conred Baker to the General Assembly, Jan. 6, 1871.
² Address of Governor Baker, on State Finances, delivered at Indianapolis, Aug. 20, 1870, compiled in State Library.
The State is liable, would have consisted exclusively of two and a half and five per cent State stocks, issued under the Butler Bill.¹

The Governor wanted to prevent, if possible, the rendition of any decree by a court under which the Board of Trustees of the Wabash and Erie Canal could be divested of control of the canal or its revenues until after the meeting of the General Assembly so that provision might be made to protect the trust and interest of the State in any and every possible contingency that might arise.²

¹Ibid., Governor Baker gives a complete explanation of the Butler Bill: The Butler Bill (according to the Governor's speech of August 20, 1870, the two acts of January 19, 1846, and January 27, 1847, have ever since their passage been known as the "Butler Bill".) was a proposition made in the first place by a large number of the creditors of the State to the Legislature, and adopted by it, that the creditors should take the Wabash and Erie Canal and some eight hundred thousand acres of land donated by Congress for its completion, for one-half of the principal of the bonded debt, and also for one-half of the interest accrued therein; and for the other half the State was to make provision by taxation. The principal of each bond was to be divided into two equal parts, and for one of these halves or parts the State was to issue--upon the surrender of the old bond--a new five per cent State bond, the interest being payable semi-annually, and the principal being payable at the pleasure of the State after the expiration of twenty years. For the other half of the principal of each bond surrendered a five per cent certificate of canal stock was to issue, and the payment of the principal of each bond surrendered a five per cent certificate of canal stock was to issue, and the payment of the principal and interest thereof was to be exclusively charged upon the Wabash and Erie Canal, its lands and revenues, and for the payment of which the State was not to be liable.

The interest in arrears from 1841-1847, on each bond surrendered, was to be funded, and interest on the aggregate thus funded was to be calculated at the rate of two and a half per cent per annum from Jan. 1, 1847 to Jan. 1, 1853, and added to such aggregate; and the sum thus produced was to be
According to his statements Governor Baker was convinced that these bonds were a lien on the Wabash and Erie Canal and in order to prevent the court from taking the control of the canal and its revenues out of the hands of the State, it would be necessary for the State to make a provision whereby these 191 bonds would be paid. The Governor stressed that it was the duty of the State to redeem these bonds: "Indeed, independently of this lien altogether, I do not see how the State can honorably refuse to redeem these few outstanding Internal Improvement Bonds. They were issued by the State, and the faith of the State was pledged for their redemption, and this pledge cannot be disregarded or set aside without the consent of both parties to the contract, if the State has the ability to redeem the pledge of which there can be no doubt."\(^1\)

Whenever the discussion of this subject of Internal Improvement Bonds was presented to the legislators, they hesitated with some uncertainty what steps to take. It was divided into two equal parts, for one of which halves or parts a certificate of State stock was to issue, bearing interest after Jan. 1, 1853, at the rate of two and a half per cent; and for the other half a like certificate of canal stock, chargeable exclusively upon said canal to issue.


\(^1\)Ibid., Jan. 5, 1871.
evident that the railroads had replaced the canals; the improvement bonds which are really a debt brought about on account of the canals were on record and the question was, what should be done with them? Governor Baker had told the lawmakers in no uncertain terms what should be done and they responded favorably. The following act was approved December 12, 1872:

"Whereas there are still outstanding one hundred and ninety-one old bonds or certificates of stocks issued by and under the authority of the laws of this State prior to the year 1841, upon some of which no interest has been paid since January, 1841, and upon others of which the interest has been settled up to July, 1868, therefore" this act was adopted consisting of five sections, wherein the Governor, the Attorney General, the Secretary of State and the Treasurer were authorized to redeem said bonds. For that purpose a sum of money was appropriated sufficient to accomplish the object; but no more money should be drawn than to pay 191 bonds and their coupons. If it should happen that the State treasury would not have enough money to redeem the bonds, the said officers would be authorized to make a temporary loan not exceeding $200,000.\footnote{Laws of Indiana, Special Session, 1872, p. 11.}

Before Governor Baker ended this matter of internal improvement bonds in his discussion January 6, 1871, he urged the following legislation:
Before dismissing the subject, I earnestly recommend the passage of a joint resolution proposing an amendment to the constitution, so as to declare that no legislation shall ever take effect or become a law of this State, whereby said canal stocks, or any part thereof, shall be recognized as a debt of the State, or charged to the Treasury thereof; . . .

The constant danger was that the investors or owners of the canal stock might resort to some improper or illegal means or methods to get returns for their stock, therefore Governor Baker planned to prevent such action to safeguard the State; but the General Assembly did not take action during Governor Baker's term of office. On February 6, 1873, it was announced in the House that the Governor (Hendricks) had signed the Joint Resolution, number 12, "A Joint Resolution in relation to giving notice to the electors of the State of Indiana, of the submission to the same for their adoption or rejection the proposed amendment to the Constitution of Indiana, in relation to the debt charged upon the Wabash and Erie Canal."¹

The following is the amendment which was to be affixed to the Constitution of Indiana in order to protect the interest of the State in this matter:

No law or resolution shall ever be passed by the General Assembly of the State of Indiana, that shall recognize any liability of this State to pay or redeem any certificate or stocks issued in pur-

¹ House Journal, Regular Session, 1873, pp. 374-375.
The text reads:

The act entitled "An Act to provide for the funded debt of the State of Indiana and for the completion of the Wabash and Erie Canal of Evansville," passed January 19, 1846; and an act supplemented to said act, passed January 29, 1847, which, by provisions of the said acts, or either of them shall be payable exclusively from the proceeds of the canal lands and the tolls and revenues of the canal in said acts mentioned, and no such certificate or stock shall ever be paid by this State.

There were a large number of legislators who were interested either for sake of principle to protect the interest of the investors as their duty demands it or, perhaps, because they were influenced by the prompting of the stockholders. At least in the session of 1873 the legislators agreed that the Board of Commissioners may appropriate, not exceeding $10,000 for putting and keeping the canal in repair. 2

Agricultural College

On July 2, 1862, the Congress of the United States enacted the Morrill Act. 3

That there be granted to the several States, for the purpose hereinafter mentioned, an amount of public land to be apportioned to each State, a quantity equal to thirty thousand acres for each Senator and

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Representative in Congress, to which the States are respectively entitled by the appointment under the census of eighteen hundred and sixty: Provided, that no mineral lands shall be selected or purchased under the provisions of this act.  

The acceptance of this act of the United States Congress, donating lands to the several States and territories which may provide Colleges for the benefit of Agriculture and Mechanic Arts and providing for the receipt, investment, and management of said donation, was approved by the Indiana legislature, March 6, 1865.  

A provision of section 2 of this act of the United States Congress states,

Whenever there are public lands in a State, subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such land within the limits of such State, and the Secretary of the Interior is hereby directed to issue to each of the States, in which there is not the quantity of public lands subject to sale at private entry, at one dollar and twenty-five cents per acre, to which said State may be entitled, under the provisions of this act, land scrip to the amount in acres for the deficiency of its distributive share, said scrip to be sold by said States and proceeds thereof applied to the uses and purposes prescribed in this act and for no other use or purpose whatever.  

On January 8, 1869, Governor Baker reported that quite a number of bids were received, and that scrip was

1Ibid., III, p. 8.
2Ibid., III, p. 8.
3Ibid., III, p. 8.
sold in five several parcels to the highest bidders, the
total of which amounted to 590,000 acres. The aggregate
of all sales was $212,238.50 or about 54½ cents for each
acre of land represented by the scrip. The entire fund
now totaled $230,248.90. ¹

In his address on January 6, 1869, Governor Baker
expressed himself very much in favor of an agricultural
college, but hesitated to recommend so large an approci-
ation at this time which would be necessary to execute the
plans for this institution. His expressions were,

In view of the fact that we are now engaged in
the payment of the State debt, and in view of the large
and urgent demands of our institutions already estab-
lished and, remembering that under existing circum-
stances, the public burdens ought to be diminished
rather than increased, my own opinion is that it would
be unwise at this time to make such appropriations as
to the establishment of a new college would involve. ²

Whether or not Governor Baker had any knowledge at
the time of his address, January 6, of the encouraging offer
made later by John Purdue is not certain; but a quick turn
in affairs of building an agriculture college was very evi-
dent after the following offer, made by Mr. Purdue, was
read before the assembly of lawmakers, Tuesday afternoon,
April 20, 1869; He offered the sum of $150,000 for the
use of an agricultural college under these conditions,

¹Gov. Baker's Address to the General Assembly, Jan. 6, 1869.
²Ibid.
1. that the college be located at such a point in Tippacanoe county as may be decided upon by the majority of the present Board of Trustees of the Indiana Agricultural College, to whom he should be added as a member;

2. that the name of the institution, by an irrevocable law, should be "Purdue University";

3. that Mr. Purdue be a member of the Board of Trustees having control of said institution, and should he cease to be such a member, that he be retained as an advisory member thereof, and have visitorial power over the University during his lifetime;

Upon these conditions he offered his donation, which he agreed to pay in yearly installments of $15,000 until the full sum of $150,000 is paid.¹

These conditions were all included in the act approved May 6, 1869, to establish an agricultural college which should have the name of "Purdue University".² The action on Mr. Purdue's offer was delayed because there were other offers presented.³

The "Purdue University was located at Lafayette.

John Purdue's magnificent gift of over $200,000, the gift of

¹House Journal, Special Session, 1869, pp. 124-125.
³House Journal, Special Session, 1869, pp. 356-357.
a one hundred acre farm and a donation of $50,000 by Tippecanoe County added to the land grant, which netted about $200,000, enabled the board to start with over one-half million dollars. The school was opened September 16, 1874, with thirty-nine students.”

Portraits of Governors

In his address to the General Assembly of January 8, 1869, Governor Baker displayed an artistic inclination, for he suggested that a portrait of the early Governors to be placed into the State Library. He closed his discussion on this matter saying, "Before dismissing this subject, I desire to call your attention to the fact, that, with the single exception of the later Governor A. P. Willard, the State does not possess a portrait of one of its deceased executive officers. It seems to me that the State Library could receive no more appropriate adornments than would be afforded by the likeness of its early Governors who have passed from the scenes of the earth.”

In spite of all of those heated discussions in the legislature on account of the ratification of the Fifteenth (Continued from p. 133: Jesse Meharey, Esq., of Tippecanoe County, Indiana, proposed to donate to the State three hundred and twenty acres of his farm in said County for the use of the Agricultural College, provided the College shall be located thereon.

1 Esarey, II, p. 1007.
2 Address to the General Assembly, Jan. 8, 1869, Compiled in State Library.
Amendment, the Governor's plea for portraits of the Governors of Indiana received attention in a short time, for on April 29, 1869, the act was approved, stating that "the Governor of the State is hereby authorized to secure as soon as practicable, a true and life-like likeness of each of the Governors of the State and Territory of Indiana including the present incumbent, to be placed in the State Library and for that purpose a sum not exceeding $200 each is hereby appropriated."¹

"There had been a Canadian painter, James Forbes, who visited Evansville and painted a portrait of John B. Baker, brother of Governor Baker, and impressed the Governor with his ability as an artist. Nothing is known of Forbes here beyond his work, and the fact that he was a typical Englishman in appearance and dress. Governor Baker had Forbes paint his own portrait, and also the portraits of Governors Jennings, Whitcomb, Dunning, and Morton; other portraits were already presented."²

Colored Children

Governor Baker also showed a stern interest in the education of the colored children; although this was a sensitive matter among the politicians, the Governor did not hesitate to approach the Legislators with a request to improve

¹ Laws of the State of Indiana, Special Session, 1869, p. 11.
² Jacob Piatt Dunn, Greater Indianapolis, (Chicago: The Lewis Publishing Co., 1910, I.)
conditions in educating colored children in Indiana. 1

Governor Beker used no doubtful language when he presented this issue to the legislators:

It is time that the illiberal policy pursued toward the colored people of the State in reference to the education of their children be abandoned.

The comparison with our sister states on this subject, with the single exception of one other state (Ohio), will show that Indiana stands alone in her adherence to this unwise, unjust and exclusive policy.

Knowledge and learning being essential to the preservation of free Government, it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific and agricultural improvement, and to provide, by law, for a general and uniform system of common schools wherein tuition shall be without charge and equally open to all. 2

Attempts were made in 1865 and 1867 to pass legislation for uniform education of all children, but these efforts were in vain; "the general objection was that if such favors were shown, colored people by tens of thousands would flock into the State." 3

Although a strong sentiment existed perhaps among most of the people of Indiana against the colored race, there was ever a growing number supporting the cause of

1 Before 1830 colored children were admitted to schools, but after this same year prejudice arose against these children so that they were barred from the right to participate in what was common property of all, until after slavery was destroyed and the colored man became a citizen. Smith, Op. cit., p. 530.

2 Gov. Baker's Address to the General Assembly, Jan. 8, 1869, Compiled in State Library.

3 Eserey, op. cit., II., pp. 808-809.
this race to give its people equal rights with the white race as citizens of their country. On January 20, 1869, the following memorial was presented from a Representative Meeting of the Religious Society of Friends, on behalf of the rights of colored citizen:

According to the 12th section of the existing school law approved March 6, 1865, the whole colored population of the State are all held liable to assessment for special school revenue for building, furnishing and repairing school houses, and providing fuel, while at the same time the children of colored people are not allowed the benefits of public instruction. In view of these facts and of our accountability to Him who 'hath made of one blood all nations of men', we do respectfully ask you to amend our statutes so that they shall extend the benefits of the common school fund equally to all classes of our fellow citizens.¹

This request was referred to the Committee on Education for consideration, and by May 13, 1869, the law favoring uniform education for all citizens of Indiana was approved. The first section provided that the property of all persons without regard to race or color was to be taxed for the support of the common schools.²

In section two all children without regard to race or color were to be enumerated for school purposes; "but in making such enumeration the officers in charge by law with that duty shall enumerate the colored children of proper

¹ House Journal, Regular Session, 1869, p. 185.
²Indiana statutes, Supplement, 1870, III, p. 472.
age, who may reside in any school district, in a separate
and distinct list from that in which the other school child-
ren of such school district shall be enumerated.

The third section stated that all colored children
shall be organized into separate schools: "Provided, There
are not a sufficient number within attending distance, the
several districts may be consolidated and form one district.
But if there are not a sufficient number within reasonable
distance to be thus consolidated, the trustee or trustees,
shall provide such other means of education for said child-
ren as shall use their proportion, according to numbers, of
school revenue to the best advantage." 2

Section four provided, that "all laws relative to
school matters, not inconsistent with this act, shall be
deemed applicable to colored schools." 3

Divorce Restrictions

Governor Baker felt that the existing laws of 1871
were too lenient and too ambiguously worded, for according
to his statements the causes for which divorces might be
granted under the existing conditions at that time were,

1. Adultery

1 Ibid.
2 Ibid.
3 Ibid.
2. Impotency
3. Abandonment for one year.
4. Cruel treatment of either party
5. Habitual drunkenness of either party
6. The conviction, subsequent to the marriage in 'my country', of either party, of an infamous crime
7. Any other cause for which the court shall deem it proper that a divorce should be granted.  

The Governor objected to the wording of "cruel treatment"; this was too indefinite according to his opinion. The possible wording of this sentence as "cruel and inhuman or barbarous treatment", would improve the meaning of the phrase and give less opportunity for the wrong interpretation.

Governor Baker also stated that under the present statute a divorce may be obtained in this state where both the plaintiff and the defendant, at the time of the rendition of the decree, are a resident of another State. He continued on this subject of divorces,

I therefore recommend that the clause of the statute which authorizes divorces for any cause that the court may deem sufficient, be repealed, and the clause making cruel treatment a good cause of divorce, be so amended as to require the treatment to be cruel, and inhuman or cruel and barbarous, I further recommend

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1 Governor Baker's Message to the General Assembly, Jan. 6, 1671.
that the practice in divorce cases be so amended as to embrace the following provisions.\(^1\)

His main points were,

1. The defendant, when a resident should be tried in his county of residence.

2. The plaintiff must be a resident one year prior to the filing of the petition, and continue to reside during the pendency of the suit until the case is tried.

3. It is necessary to invest in circuit court exclusive jurisdiction of application for divorce.

4. The petition in every divorce must show where applicant lived when causes of divorce occurred; if the person lived out of the State, the petition should not be granted unless good proof is given that it is necessary.\(^2\)

The Governor made a forceful appeal to the legislators to change the laws regulating divorces, yet no action was taken until after his term of office expired; but according to the following quotation taken from the act approved March 19, 1873, one can clearly see that most of Governor Baker’s suggestions were embodied in the new act, although Governor Baker really had nothing more to do with the passage of this act than endorsing or originating it, as far as could be determined from the public documents:

\(^1\) Ibid.

\(^2\) Ibid.
Section 7. Divorces may be decreed by the superior, circuit and common pleas courts of the State, on petition filed by any person, who, at the time of the filing of such petition, is and shall have been a bona fide resident of the State for at least two years previous to the filing of such petition, which bona fide residence shall be early proven by such petition, which bona fide residence shall be proved by such petitioner to the satisfaction of the court trying same, by at least two witnesses, who are resident freeholders and householders of the State. And the plaintiff shall, with his petition, file with the clerk of the court, an affidavit subscribed and sworn to by himself in which he shall state the length of time he has been a resident of the State; and stating particularly the place, town, city or township in which he has resided for the last two years past; and stating his occupation, which shall be sworn to before the clerk of the court in which said complaint is filed.

Section 8. Divorces may be decreed upon the application of the injured party for the following causes, and no other:

1. Adultery except as hereinafter provided.
2. Impotency, existing at the time of the marriage.
3. Abandonment for two years.
4. Cruel and inhuman treatment of either party by the other.
5. Habitual drunkenness of either party or the failure of the husband to make reasonable provision for his family.
6. The failure of the husband to make reasonable provisions for his family, for a period of two years.
7. The conviction, subsequent to the marriage in any country of either party of an infamous crime.

Governor Baker succeeded in most instances in influencing the legislators in his favor whenever an important issue appealed to him and he wished to have a law enacted.

1Laws of the State of Indiana, 1873, p. 109.
There was much legislation discussed and passed by Baker's administration which was not treated in this paper because it would consume too much space; and there were some projects begun in Governor Baker's time which were completed during the following administration which were also not touched upon. Every governor is restricted by the limitation of time and to most governors the expiration of office arrives only too soon. On January 13, Governor Baker introduced his successor, Governor Thomas A. Hendricks, to the Indiana Lawmakers, and thereupon his period as Governor of the State of Indiana expired.

1Home Journal, Regular Session, 1873, p. 78.
"After serving his term to the complete satisfaction of his constituents, Mr. Baker re-entered the practice of law and succeeded his political opponent but personal friend. Honorable Thomas A. Hendricks, as the senior member of the law firm 'Baker, Hord, and Hendricks', and maintained his high and dignified standing at the Indianapolis bar from 1873 until his death twelve years later."

Governor Baker preferred the position at the head of this firm above that of any political office and he declined to become United States Senator, which was really not "in accordance with the precedent of his party in promoting its governors as it did when Lane and Morton were elected to the Senate."

Ex-Governor Baker retained his high standing with the Indianapolis bar. When important action was to be taken,

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2 Dunn, op. cit., II, 1034.
3 Trissal, op. cit., pp. 63-64. Gov. Baker made it known that it was his purpose to serve out his term of four years for which the people elected him as governor.
the duty to perform the responsibility devolved upon Mr. Baker. This happened at the death of Judge Samuel E. Perkins; he was chairman of the special committee, appointed by the bar to prepare a memorial for the family of Judge Perkins. The following is an excerpt from this memorial.

He was successful in life and attained an exalted position and enjoyed the admiration and approval of his countrymen, and only because his faculties were cultivated and developed by diligent labor, and beautified by extensive and useful learning, and also because his motives were pure and his conduct upright. In this we have a lesson of encouragement.

Mr. Baker also continued his interest in the public institutions, especially the ones which were formed and developed during his administration. On Saturday, October 30, 1880, Governor Williams attended the dedication of the dining hall of the House of Refuge at Plainfield, and Ex-Governor Baker was likewise present. The next day Governor Williams, Mr. Baker, Senator Briscoe, and William Wesley Woollen returned to Indianapolis in a two-horse carriage. During most of the trip the conversation was upon the subject "farm life and its effect upon the boys. Both Governors expressed great concern about the future of the boys at Plainfield and

1 Judge Perkins served on the Supreme Court for nineteen years, and was Prof. at Bloomington, 1872-1876. Sulgrove, op. cit., pp. 182-183.

2 Ibid., p. 184.

3 Ibid.
they agreed that the farm was the place for them to go when they left the Reformatory."¹

In 1883, Albert Baker, the son of the former Governor, and Edward Daniels, who had formed a partnership with Albert Baker in 1831, "became Junior partners in the firm of Baker, Hord, and Hendricks. After the death of the senior partner, Conrad Baker, the firm became, 1889, Baker and Daniels."²

Mr. Baker had certain qualities which made him likable in public as well as in private life. He was a man of generous impulse—ever-ready with money and personal effort to aid any charitable or social enterprise worth of assistance. Controlled by an absolute sense of justice in all things, he drew about him a host of ardent friends and admirers. "Indian...indeed has never had in public or private life a more truly honorable and upright man than Conrad Baker."³


²Jacob Piatt Dunn, Indiana and Indianans, (Chicago: The American Historical Society, 1919), III, 1460. Edward Daniels was born Nov. 11, 1854, in Greene County, Ohio, and in 1855 his father came to Indiana. At Wabash College, Ed. Daniels formed a life-long friendship with Albert Baker, of the class of 1874.

³Indianapolis Sentinel, April 29, 1885.
Home and Family

The home which Governor Baker owned at the 588 North Alabama Street address and where he also died was torn down about six years; it was practically new when the Governor moved into it in 1875. In 1867 he lived in the north half of a double on the southeast corner of Pennsylvania and New York Streets--81 North Pennsylvania. He later changed the location of his home several times; he moved to Capitol Avenue, then Tennessee Street, and finally occupied a double brick house on the same street just north of Market Street where he remained until early in the spring of 1875 when he moved to 588 North Alabama Street.

There were thirteen children in the family of Governor Baker, seven from the union with Mathilda Bacon Sommers, and six from the marriage with Charlotte Francis Chute. There are at present four of Governor Baker's children living, Mrs. H. L. Anderson of Jacksonville, Florida; Mrs. J. S. Holliday of Indianapolis; Mrs. Evens Woollen of Indianapolis; and Thaddeus R. Baker of Indianapolis.

Sickness and Death

Ex-Governor Baker continued actively in his law firm

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1. This house was owned by General Herman Sturm. Albert Baker, interview, 1941.

2. Indianapolis Journal, April 30, 1865.

3. Ibid.
to the very last of his life. He had, however, contracted a lingering illness of four months, the disease being an infection of the throat and lungs. In December of 1884 he suffered a slight paralysis of the bronchial tube, from which he partially recovered. After several weeks of confinement and care, he was able to come down town again. Afterward he contracted a fresh cold and his disease became more complicated, affecting his stomach as well. Several days before his death he seemed to be convalescing, but a violent relapse set in from which he never recovered.

He died at three o'clock in the afternoon, April 28, 1885, sixty-eight years of age, at his residence, 588 North Alabama Street. After appropriate services at the residence, April 30, the body was taken to Evansville, Indiana, where Mr. Baker had spent many years of his life, where his body was to be interred on Friday morning, May 1st.

The following paragraphs contain some of the expressions made on the occasion of the funeral services in Indianapolis by men in public life and well acquainted with the work of Conrad Baker.

Governor Baker was somewhat like his great contemporary Lincoln, in his homebred honesty. The two men were alike in this respect, both had to convince themselves of the justness of a cause before they would support it. When they were thus convinced, both were men.

1 Senator J. E. McDonald, Indianapolis Journal, April 30, 1885.
The character of Governor Baker was formed by his early surroundings. Reared as he was on the farm, he was always fond of the forest, field and sunshine. His whole life was open and clear to everyone as the sky overhead. The peculiar traits of his character were his integrity and honesty. In political contests these traits won him many supporters. His whole life is a lesson and study for the young man of today. Governor Baker's motive was charity, and his purpose was to deal justice; he had high and abiding evidence of life hereafter for he believed in God.

His light of kindness was in his heart and eye. He was genial, companionable, and his heart was a guest-chamber for the needy. In wit and story Governor Baker was most fertile, and the incidents which he had stored away in his mind he told with great zeal. His stories were free from vulgarity, and his wit never had the sting of sarcasm or malice. The strength of the man was in his character and not in brilliancy of intellect. No matter whether he addressed the assembly from the bar or from the political stump his words were backed and reinforced by the granite character of honesty.

That Governor Baker was sincere in his religious life there is no doubt; for men of public renown have made statements to this effect, and one can gather this fact from his speeches. Most of his speeches express some religious sentiment as was stated at the close of his Address at Knightstown, July 4, 1867:

That you may lead peaceful and happy lives in this institution and at last through the meditation of the Son be admitted to the Father's House in which there are many mansions, is not only the prayer of myself, but the prayer of all present.

1Hon. A.C. Harris, Indianapolis Journal, April 30, 1865.
2Senator Benjamin Harrison, Indianapolis Journal, April 30, 1865.
3Address of Gov. Baker, delivered at Knightstown, July 4, 1867, on the occasion of laying the cornerstone of the Soldiers' Home.
Memorial--Bar Association

As a trustworthy and appreciative estimate of Gov. Baker's character, the following memorial presented by the Indiana Bar Association is an appropriate conclusion to this biography; it was printed in the Indianapolis News, Thursday evening, April 30, 1885:

Yesterday afternoon the members of the Indianapolis Bar Association and other representative citizens held a meeting in the Federal Court Room to take action regarding the death of Hon. Conrad Baker. Judge William A. Woods was called upon to preside and spoke feelingly at some length. He was followed by Major J.W. Gordon, Senator McDonald, A.C. Harris, Colonel Charles Denby of Evansville, Judge Niblack and Senator Harrison, all of whom paid tribute to their dead friend's honesty, integrity and ability. The committee on memorial, Messrs. Noble C. Butler, Solomon Claypool, W. H. H. Miller, John M. Butler, and W. P. Fishback, reported the following:

The death of Conrad Baker deprives the State of Indiana of one of its worthiest and most eminent citizens. On its dead-roll of soldiers and civilians there is not any name that occupies a more honorable or conspicuous place than his. Its history would be grossly incomplete without any mention of his life and public services. His name is written in the records of its courts as a lawyer and as a judge; it is on the journals of its Legislature; it may be found among the archives of its executive department, and it has an important place in its military annals. Wherever it appears the State has reason to be proud of a name that was never stained by a single vice or sullied by one dishonorable act; whose owner always and everywhere wore upon his breast the white flower of a blameless life. The fierce light which beats upon every candidate for political distinction disclosed no spot upon his character; slander was disarmed by its purity and detection was stricken dumb. Mortuary literature abounds in benevolent falsifications, but it can be guilty of none in its unstinted praise on him. The most sensitive conscience is not strained in the commemoration of his virtues, or by the concealment of any shortcomings. It would be impossible to over-rate him, for the highest eulogy is the simple truth. In every
act and relation of his long and useful life the simplicity and goodness of his nature were manifested, as they were revealed in every lineament of his singularly benignant features.

As a lawyer, he was conscientious, painstaking and industrious, a safe and judicious counsellor, faithful to the interests of his clients and regardful of his own duties to the court. He had the implicit confidence of the courts because they knew he would not consciously mislead them, or suffer them to be misled. His forensic triumphs were due to the sincerity and earnestness, the skill and judgment with which he advocated a cause, instead of the arts and devices of the orator, for which he indulged a quick and humorous contempt. The bar of Indiana may have had more brilliant members, but it never had one more justly distinguished for the depth and accuracy of his professional learning.

His legal period of service on the bench was long enough to demonstrate his peculiar fitness for the discharge of judicial functions, and to afford an unmistakable earnest of subsequent distinction as a judge, had he chosen to continue as one.

Indiana has never had a wiser or better administrator of its affairs than while he was its Governor. He gave to the administration of them a dignity and elevation of character which had its source in himself.

In the field, and at the head of his regiment, he displayed a tranquil courage and a calm fortitude which never deserted him under any of the vicissitudes of war. A striking illustration of these qualities is afforded by an act of his while he was Provost-Marshall General at Indianapolis. An unruly and belligerent mob of soldiers was threatening with destruction the office of an newspaper which had incurred their hostility. He went among them alone, and at great personal risk, and stopped the assault as soon as it began. It was at a time when the Union sentiment was intense and prescriptive, and his interference in behalf of a newspaper that had become the object of its passionate fury was simply heroic. His sense of justice could not be subjugated by popular clamor, and it was broad enough to include those who were regarded by his associates and comrades as the enemies of his country.

The patriotism which made him a soldier actuated him as a citizen, and it never degenerated into mere partisanship. In his social and domestic life the virtues which marked his professional and public career had their counterpart. The "honor, love and obedience and troops of friends" which, according to the poet, "should accompany old age", have followed him to the edge of the
grave, and attest the universal and heartfelt esteem in which he was held. He has left a fragrant memory and the precious legacy of a good example, which, through many years that are yet unborn, will stimulate and encourage the virtuous efforts of those who have known and survived him. What Antony said of the dead Brutus is applicable to Conrad Baker:

"His life was gentle, and the elements
So mixed in him that Nature might stand up
And say to all the world, 'This was a man!'

Conclusion

It is usually more difficult for someone occupied in public life to remain sincere and faithful in his work than for one who employs himself in work of a private nature; for such a person is often honored or discredited according to the amount of acclaim expressed by the general populace, and the danger is that this person may only seek public approval, irrespective of the principal involved—whether it be right or wrong. A study of the life of Conrad Baker shows very clearly that Mr. Baker's actions were dependent upon the principle whether or not it is correct or fair to the fellow-man to proceed with his plans and he would not deviate from his standard. Public officials are also often harmed by unfair and unjust criticism; but even this influence was observed but seldom during Governor Baker's administration.

Considering the Governor's career from every possible standpoint, one is convinced that he is an outstanding char-
acte and deserves admiration; he is worthy of emulation by our youth and the study of his life and public career will prove stimulating and beneficial to every young aspirant to public office.
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