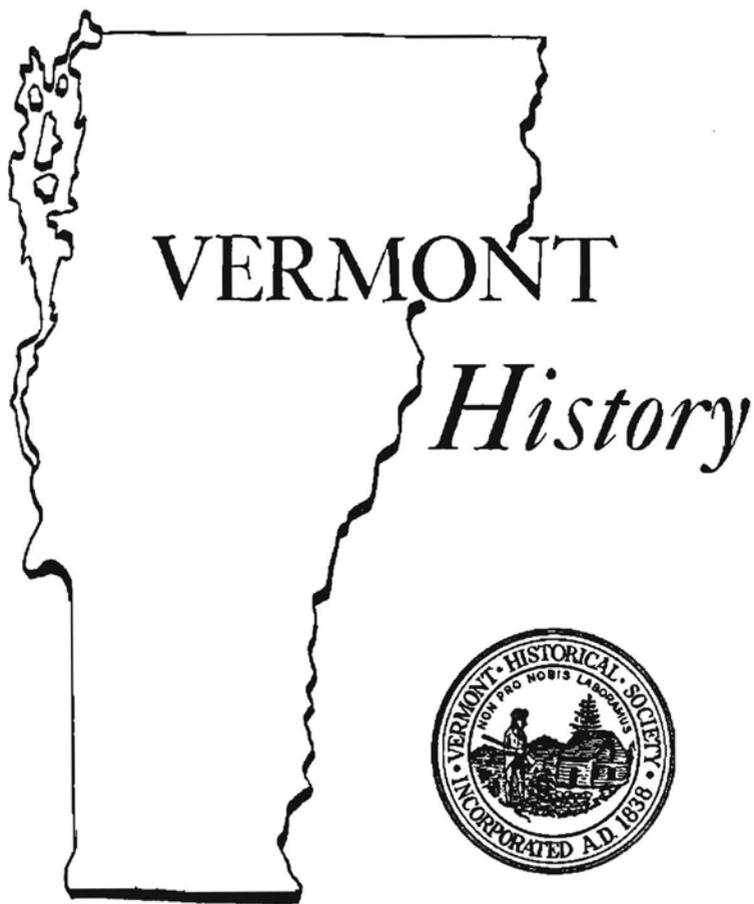


Autumn 1970

VOL. XXXVIII No. 4



The PROCEEDINGS of the  
VERMONT HISTORICAL SOCIETY



---

Edmunds quietly formulated a plan for settling the disputed presidential election between Hayes and Tilden in 1876, and thereby saved the nation from possible bloodshed.

## Edmunds' Contrivance: Senator George Edmunds of Vermont and the Electoral Compromise of 1877

By NORBERT KUNTZ

THE PROCESS by which the chief magistrate of the United States is placed in office encompasses the Constitution, the laws of Congress, and the laws of the individual states. It is a decentralized procedure in which the duties and laws are vague and overlapping. Although the Electoral College is an impotent force the significant fact is that the votes of appointed electors, rather than the votes of the people, elect the President.

Despite the good intentions of the Founding Fathers, election of the President by electors proved difficult. Disputes or challenges to the presidential vote arose in 1817, 1820, 1837, and 1856. Beginning in 1820 Congress devised a method to bypass any controversy. Until the controversy of 1876 the winner of an election was never in doubt. Under Henry Clay's compromise one could accept or reject electoral votes. Thus Clay's method of an alternative count avoided difficulties.<sup>1</sup> The alternative count plan meant that one could either count or exclude the votes of any given state so long as the exclusion would not change the

1. *Annals of Congress*, 16th Cong., 2nd Sess., 1820-1821, XXXVII, pp. 1147-1148. The arguments over Clay's proposal are to be found on pp. 1147-1164.

final result. Thus, in the election of 1820 James Monroe's electoral count reads either 231 or 228 depending on whether or not the electoral votes of Missouri are counted.

One essential question was never resolved during any of the disputes. Who was to count the electoral votes? The Constitution is vague on this question. "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted."<sup>2</sup>

On the eve of the election of 1876 three basic arguments were presented as to who should count the votes. Staunch Republicans sometimes argued that the President of the Senate had sole authority to count. Democrats maintained that the two Houses of Congress should do the counting. This doctrine had been promulgated in the twenty-second joint rule of the thirty-eighth Congress. Under the rule either House could exclude the votes of a given state by merely refusing to override the objection to the vote. Thus each House possessed a veto over the electoral votes. Originally a Republican measure in 1865, the measure was dropped in December, 1875, when no longer of political advantage.<sup>3</sup> The Democrats claimed the right of either House to exclude votes.<sup>4</sup> A third group stated that the two Houses jointly held the power to count, and that a concurrent vote was needed to *reject* electoral votes.

Over the years Congress failed to approve legislation clarifying the election procedure. Each and every law passed was designed to meet a given situation and may therefore be classified as expedient. Congress legislated on a crisis-to-crisis basis, refusing to consider the electoral procedure as capable of producing a grave constitutional crisis. Indeed, there is no evidence of a philosophical approach toward the Electoral College, despite the fact that the concept of the elector was not consistent with American institutions or with the principles of democratic government. The danger in relying on expedient measures became evident in 1876, when the Hayes-Tilden disputed election found Congress momentarily bankrupt as to solving a crisis that threatened civil upheaval.

In the election of 1876 the Republican candidate was Rutherford B. Hayes of Ohio and his Democratic opponent was Samuel J. Tilden of New York. More than one thoughtful observer believed the election would be very close. Republican hopes depended upon preventing a "Solid South," while the Democrats counted on Northern gains for victory. In

2. Constitution, Art. II, sec. 1, and Amendment XII.

3. *Cong. Globe*, 38th Cong., 2nd Sess., 1864-1865, XXXV, pt. 1, p. 608. *Cong. Rec.*, 44th Cong., 2nd Sess., 1875-1876, IV, pt. 1, pp. 97-109.

4. John Bigelow, et al., *The Presidential Counts* (New York: D. Appleton and Co., 1877, presents this thesis throughout the work.

his diary Hayes mentioned the possibility of a contested election, and lamented the fact that the nation lacked adequate legal machinery for settling one. "If a contest comes now," he wrote, "it may lead to a conflict of arms. I can only do my duty to my countrymen in that case. . . . Bloodshed and civil war must be averted if possible."<sup>5</sup>

The election took place without incident on November 7th. By presidential order federal troops had been stationed in South Carolina, Louisiana, and Florida.<sup>6</sup> Democrats later charged that the troops influenced the election in favor of the Republicans. Nonetheless, the quiet, orderly election did not betray the passions of the campaign nor the desire for victory that would soon become evident.<sup>7</sup>

On the day after the election a Democratic victory appeared evident. The avidly Republican *Chicago Tribune* read: "Lost. The Country Given over to Greed and Plunder." On the following day, however, the *Tribune* saw reason for optimism, noted that the outcome would be "Nip and Tuck," and advised that Republicans "Never Give up the Ship."<sup>8</sup>

The people gave Samuel J. Tilden a popular majority of some 250,000 votes, but the important electoral vote was still undecided. Tilden claimed 203 electoral votes, well over the 185 required. Hayes had 165 undisputed votes. But the votes of Florida, Louisiana, and South Carolina were in doubt, and the Democrats were challenging one vote from Oregon. In all a total of twenty electoral votes were disputed. If Hayes could win all twenty he could win the election, 185 to 184. At this point begins the fight for victory in the historic disputed election of 1876. William E. Chandler, a leading Republican from New Hampshire, arrived in New York City late on election day. Republican headquarters was deserted. Even Zachariah Chandler, Republican National Chairman, had retired believing that Hayes had lost. John C. Reid, a managing editor of the *New York Times*, met Chandler and told him that the election was in doubt. The two men sent telegrams to leading Republicans in South Carolina, Florida, Louisiana, and Oregon, telling them to hold their respective states "at all costs."<sup>9</sup> The following day, Novem-

5. T. Harry Williams (ed.), *Hayes: The Diary of a President, 1875-1881* (New York: David McKay Co., 1964), pp. 45-46.

6. James D. Richardson (ed.), *A Compilation of the Messages and Papers of the President, 1789-1897* (12 vols.; Bureau of National Literature and Art, 1900), VII, pp. 413-414.

7. *The Nation*, XXIII (Nov. 9, 1876), 227.

8. *Chicago Tribune*, Nov. 8 and 9, 1876.

9. Reid's account of this bizarre episode may be found in the *New York Times*, June 15, 1887, 4-5. Reid credits himself with saving the Republican victory. For Chandler's side see an undated mss. in the William E. Chandler Papers, vol. 43, Nos. 8683-8686, Library of Congress, Washington, D. C.

ber 9th, Zachariah Chandler said: "Hayes has 185 votes and is elected."<sup>10</sup> The telegrams undoubtedly saved the election for Hayes and helped produce the most controversial presidential election in American history.

With the electoral votes in doubt Congress began an investigation of the election in the disputed states. Special committees from the House of Representatives, controlled by Democrats, and from the Senate, dominated by Republicans, undertook investigations to determine if fraud, intimidation, or even murder had influenced the victory in any state. Quite naturally the reports favored the majority party in the respective Houses. Republicans and Democrats alike cited the reports of either the House or the Senate to support their personal causes. The investigations produced only reams of testimony showing that both political parties were guilty of wrong doings. Such investigations, however, did not solve the question of who was to do the counting.

Amidst party bickering there hung the threat of civil war. Prominent politicians on both sides foresaw the danger. William E. Chandler believed that the Democrats were preparing for war and advised the North not to be caught as it had been in 1860.<sup>11</sup> John Bigelow, one of Tilden's chief advisors, felt that war was the natural consequence of the election,<sup>12</sup> while George F. Hoar of Massachusetts believed that if war developed it would be party against party, not section against section.<sup>13</sup> Considering the general unrest caused by the economic depression that began in 1873, the bitterness generated by the disputed election created an explosive situation. But a sobering influence was the fact that the nation was still nursing its wounds from the Civil War, and this helped most of all to cool the people.<sup>14</sup>

The feeling that a compromise was feasible began to fill the air in early December, 1876. In the Senate, Vermont's George F. Edmunds, a native of Richmond and a resident of Burlington, moved a constitutional amendment which would allow the United States Supreme Court to receive, open, and count the electoral votes and decide all questions of validity.<sup>15</sup> Edmunds had originally proposed such an amendment in

10. *Ibid.*

11. Zachariah Chandler Papers, Vol. VII, newspaper clipping, n.d., No. 1422, of a letter by William E. Chandler, Library of Congress.

12. Diary of John Bigelow, Nov. 11, 1876. Bigelow Papers, New York Public Library, New York City.

13. George F. Hoar, *Autobiography of Seventy Years* (2 vols.; New York: Charles Scribner's Sons, 1903), I, pp. 369-370.

14. Paul Leland Haworth, *The Hayes-Tilden Disputed Presidential Election of 1876* (New York: Russell and Russell, 1966, 1st ed., 1906), p. 189.

15. *Cong. Rec.*, 44th Cong., 2nd Sess., 1876, V, pt. 1, pp. 111-118, 223. Edmunds was considered an expert on the Constitution and the Electoral College. As early as February, 1875, he proposed an independent tribunal to solve disputed elections. His plan went down to defeat without debate. *Cong. Rec.*, 43rd Cong., 2nd Sess., 1875, III, pt. 3, p. 1776.

March, 1876, when he and a few other people became concerned over the lack of a counting procedure. Although nothing came of the proposed amendment, Edmunds became a leader for compromise.<sup>16</sup>

George Edmunds teamed with Representative George W. McCrary, a Republican from Iowa, to introduce a joint motion in December, 1876, calling for committees of five from each House to solve the question of counting the electoral votes.<sup>17</sup> Each committee was to be a separate entity but was permitted to meet with its counterpart. The Speaker of the House appointed one committee while the President *pro tem* of the Senate selected the other. Edmunds was a natural choice for the Senate committee.<sup>18</sup> In addition to Edmunds there were Republicans Oliver P. Morton (Ind.), Frederick T. Frelinghuysen (N. J.), Roscoe Conkling (N. Y.), and Democrats Allen G. Thurman (Ohio), Thomas F. Bayard (Del.), and Matt W. Ransom (N. C.). The House committee was composed of Democrats Eppa Hunton (Va.), Henry B. Payne (Ohio), Abram S. Hewitt (N. Y.), William S. Springer (Ill.), and Republicans George McCrary (Iowa), George F. Hoar (Mass.), and George Williard (Mich.). Out of the two committees was to come the device known as "Edmunds' Contrivance."

The House committee was the first to produce a plan. George W. McCrary proposed a tribunal of five Supreme Court judges whose decision would be final unless overridden by both Houses. McCrary's plan was but a slight variation of Edmunds' proposed constitutional amendment. The concept of an outside tribunal became the "germ of the Electoral Commission."<sup>19</sup>

While the House committee was working on a five-man tribunal from the Supreme Court, the Senate committee envisioned a more complex system. The Senators quickly agreed with Edmunds that the President of the Senate did not possess absolute power to count, and that a concurrent vote was needed to reject votes.<sup>20</sup> The unsolved question was how to handle the disputed returns from Florida, Louisiana, and South Carolina, plus the one questionable vote from Oregon. At this point, on January 12, 1877, the two committees met jointly and agreed to recommend an outside tribunal to consider the disputed votes. The Senate desired a thirteen-man tribunal, with five from each House and four associate justices. One of the fourteen was to be withdrawn by lot. The

16. Burlington *Free Press and Times*, Dec. 12, 1876, p. 2.

17. *Cong. Rec.*, 44th Cong., 2nd Sess., 1876, V, pt. 1, pp. 91-92, 221, 258.

18. The *New York Times* credited Edmunds with the entire proposal, Dec. 18, 1876, p. 5.

19. Milton H. Northrup, "A Grave Crisis in American History," *Century Magazine*, LXII (Oct., 1901), 925.

20. The Diary of Hamilton Fish, Fish Papers, New York Public Library, Jan. 17, 1877, Box 313, vol. 7, p. 21. *New York World*, Dec. 22, 1876, p. 1. *Chicago Tribune*, Dec. 22, 1876, p. 1.

House committee preferred its own proposal but the Senate plan was adopted when the House version lost by a tie vote.<sup>21</sup>

The "lot" feature managed to reach the press and drew ridicule from almost every quarter. The *Burlington Free Press and Times* suggested that Hayes and Tilden themselves draw lots for the presidency and thus solve the entire problem.<sup>22</sup> Republicans and Democrats alike condemned the plan. Thus, the committees would have to reform their plans in order to gain popular support.

Abram S. Hewitt of New York suggested that the two senior justices of the Supreme Court each select another justice and the four select a fifth. Edmunds thought that such a plan was "build on the cob-house principle."<sup>23</sup> With the support of his Senate committee Edmunds submitted a counter-proposal to take the associate justices from the first, third, eighth, and ninth circuits and have the four select a fifth justice. All but Oliver P. Morton agreed to the plan because it gave the appearance of selecting the justices on a geographical basis rather than position of party. Edmunds' plan called for Nathan Clifford to represent New England, William Strong the Middle States, Samuel F. Miller the Northwest, and Stephen J. Field the Pacific slope.<sup>24</sup>

The Edmunds plan left the fifteenth position open pending the decision of the four justices indirectly named on a geographical basis. Edmunds did not want Justice David Davis named to the tribunal. "Judge Davis," said Edmunds, "is one of those Independents who stands always ready to accept Democratic nominations. It is my observation that such men are generally the most extreme in their partisanship. I would rather intrust a decision to an out-an-out Democrat than to a so-called Independent."<sup>25</sup> Edmunds' plan did not specify Davis, and there was a good possibility that he might not be chosen.

The two committees agreed that the Edmunds plan was feasible and all, save only Morton, signed a joint report. The report of the committees justified the constitutionality of the measure under the "necessary and proper" clause of the Constitution; therefore, the committees refused to discuss any further the constitutional question.<sup>26</sup> As far as the

21. Eppa Hunton, *Autobiography of Eppa Hunton* (Richmond, Va.: William Byrd Press, 1933), pp. 164-165.

22. *Burlington Free Press and Times*, Jan. 16, 1877, p. 2.

23. Northrup, *Century Magazine*, 931.

24. *Ibid.*, 931. Abram S. Hewitt took credit for this compromise. He viewed Edmunds' proposal as a less embarrassing version of his own plan. Allan Nevins (ed.), *Selected Writings of Abram S. Hewitt* (New York: Columbia University Press, 1937), pp. 169-170.

25. Northrup, *Century Magazine*, 927.

26. U. S., Congress, House, Select Committee on Electoral Votes, *Counting The Electoral Votes*, Report No. 108, 44th Cong., 2nd Sess., 1876-1877, p. 2.

committees could see their bill was "absolutely fair" to both parties. It was of greater importance, said the report, to have a lawful count than partisan advantage.<sup>27</sup> The inclusion of the judiciary was necessary to secure an uneven number and to obtain men quite removed from the political passions of the day. Thus, the inclusion of five justices was also "absolutely fair."<sup>28</sup>

The Electoral Commission bill as reported by the committees was an extremely detailed measure which foresaw, it was thought, every possibility. The two Houses would meet on the first Tuesday in February, 1877, in the House chamber and the count would begin with the President of the Senate presiding. The Tellers would read the return from each state and the Presiding Officer would announce the result. Objections to any vote were to be in writing and signed by one Senator and one Representative. In the case of a single return the Senate would withdraw to its own chamber and debate the objection. The House would do the same. No vote could be rejected except by the concurrent vote of both Houses.<sup>29</sup>

The most important part of the compromise dealt with dual returns. Each House was to select *viva voce* five members to join with the five justices as specified in the bill to form a tribunal. The President of the Senate would open all the certificates purporting to contain the electoral votes of a state, and if objections were raised the certificates and all accompanying papers were to be referred to the Commission. The bill specified that the tribunal could not be dissolved by either House, nor could either House withdraw its members. The Commission was to render under oath a true judgment as to the legal vote of the state in question. A concurrent vote of both Houses would be necessary to overrule their decision.<sup>30</sup>

The compromise measure devised an independent body to decide what were the "true" returns from four states, namely, Florida, Louisiana, South Carolina, and Oregon. It was common knowledge that dual or triplicate returns were submitted from these states. Edmunds had devised a plan that would give one man the presidency under the guise of law. This was the only means possible to avoid bloodshed.

At first Republicans were reluctant to support any compromise. The disputed votes from the South, bearing the signatures and seals of the proper state authorities, constituted *prima facie* evidence that Hayes had

27. *Ibid.*, p. 3.

28. *Ibid.*

29. *Cong. Rec.*, 44th Cong., 2nd Sess., 1876-1877, V, pt. 1, pp. 713, 766.

30. *Ibid.*, pp. 713-714, 766.

been elected. Thus they preferred to stand firm. But a division in the ranks appeared as soon as the House and Senate committees reported a bill. This schism made defeating the bill more difficult. It also embarrassed the Republicans, for the bill now had popular support. In actuality the mere act of agreeing to the two committees meant that the party would accept a compromise. Now they would have to live with it.<sup>81</sup>

Radical Democrats thought that too much had been sacrificed. Manton Marble, former editor of the *New York World*, argued that the moderates had surrendered the entire election by trying to use the Democratic minority in the Senate rather than the majority in the House as the center of the contest.<sup>82</sup> The compromise, he said, gave the illusion that the only alternative was arbitration. In addition, he asked what was the guarantee that a semi-independent tribunal could find the truth? The bill amounted to "the surrender of a sure thing."<sup>83</sup>

In introducing the Electoral Commission bill to the Senate on January 18, 1877, Edmunds said:

... The committees are of the opinion that the measure we recommend is not what is called a compromise in any sense of the term, but is a measure of justice in aid of the exercise of constitutional government; and that in no sense will anyone have a just right to say that anyone's opinions or views have been surrendered in any substantial respect. It is not a measure of policy or contrivance, but a measure of constitutional justice for the preservation in peace and order of the Government.<sup>84</sup>

In continuing his speech, Edmunds openly acknowledged the closeness of the bill to the "grand committee" scheme of 1800.<sup>85</sup> Edmunds used the "grand committee" plan to argue that many men who helped to frame the Constitution felt that the electoral college was a subject for congressional control.<sup>86</sup>

The bill gave the Commission the same powers that Congress had as of the first Wednesday in December, 1876. The tribunal was first to decide what the powers of Congress were, if any, and then act accordingly. Explicit authority to go behind the state returns was purposely denied because of the irreconcilable differences between the two Houses. It

31. Henry V. Boynton to James M. Comly, Jan. 25, 1877, Comly Papers, Hayes Memorial Library, Fremont, Ohio.

32. Manton Marble, *A Secret Chapter of Political History: The Electoral Commission* . . . (New York: n.d., 1878), p. 17.

33. *Ibid.*, pp. 14-15.

34. *Cong. Rec.*, 44th Cong., 2nd Sess., 1876-1877, V, pt. 1, p. 713. *Burlington Free Press and Times*, Jan. 19, 1877, p. 2.

35. In 1800 a proposal was narrowly defeated which would have established a committee of six Representatives and six Senators plus the Chief Justice of the Supreme Court to count the electoral votes.

36. *Cong. Rec.*, 44th Cong., 2nd Sess., 1876-1877, V, pt. 1, p. 806.

would be the duty of the Commissioners to decide whether the law permitted them to go behind the returns. Although Edmunds denied the right of Congress to go behind the returns, he would abide by the decision of the Commission.<sup>37</sup> The bill, said Edmunds, was the best practical solution for the problem.<sup>38</sup>

In a signed editorial the *Burlington Free Press and Times* attacked Edmunds and his followers for "deliberately" overthrowing "the idea that the President of the Senate can count *in any case*, or exercise *any* control over the count." Edmunds and the country "will be fortunate, if their concession does not prove to be the end of Republican supremacy, and of free government in half of the Union, for twenty years to come."<sup>39</sup>

Edmunds, on the other hand, was most concerned with the rule of law rather than party supremacy. But party supremacy was not to be denied. The bill, said Edmunds, "saves the Republican cause from the predetermined destruction of its hopes and fortunes being left solely in the hands of its opponents." More importantly, he continued, there was no ground for the condemnation of the "Senators who have striven to get the Republican cause of free government under law, out of the valley of the shadow of death, and put them on grounds where they can have a fair and equal contest, in whatever way it may terminate."<sup>40</sup>

Edmunds was the chief defender of the bill in the Senate. He led the proponents of the bill in defeating all attempts at revision or amendment. When Oliver P. Morton tried to change the bill to prevent the Commission from going behind the returns, Edmunds amended Morton's proposal to give the Commission explicit powers to go behind the returns. Both amendments lost by large majorities.<sup>41</sup>

With careful maneuvering the Electoral Commission bill passed the Senate on January 24, 47 to 17. The majority consisted of twenty-six Democrats and twenty-one Republicans while sixteen Republicans and one Democrat opposed the measure.<sup>42</sup> Two days later, January 26, the House passed the measure, 191 to 86, with 158 Democrats and 33 Republicans in support.<sup>43</sup>

Partisanship replaced patriotism after Congress approved the com-

37. *Ibid.*, V, pt. 1, p. 768, pt. 2, p. 911.

38. George F. Edmunds, "Presidential Elections," *American Law Review*, XII (Oct., 1877), 6.

39. *Burlington Free Press and Times*, Feb. 5, 1877, p. 2.

40. George F. Edmunds to Daniel Roberts, Jan. 27, 1877, in the *Burlington Free Press and Times*, Feb. 3, 1877, p. 2.

41. The Morton amendment lost 18 to 47 while Edmunds' proposal was defeated 1 to 61. *Cong. Rec.*, 44th Cong., 2nd Sess., 1876-1877, V, pt. 1, pp. 911-912.

42. *Ibid.*, p. 913.

43. *Ibid.*, V, pt. 2, p. 1050.

promise. Republican William Henry Smith wanted loyal party members like John Sherman and James A. Garfield, both from Ohio, on the Commission. Placing Edmunds and Roscoe Conkling on the tribunal, said Smith, would "decide the case at once in favor of Tilden."<sup>44</sup> The Senate however, did elect Edmunds, along with Oliver P. Morton, Frederick T. Frelinghuysen, Allen G. Thurman and Thomas F. Bayard to the Commission. Edmunds was "safe," said John Sherman, because no man was more desirous than he of Hayes's election. If Hayes lost on account of his "contrivance," Edmunds would be "in a bad fix."<sup>45</sup> The House members were Republicans James A. Garfield and George F. Hoar, and Democrats Henry B. Payne, Eppa Hunton, and Josiah Abbott of Massachusetts.

Four of the five justices were specified in the bill. The important fifth position was still to be determined. Edmunds received his wish when Judge David Davis was elected to the Senate by the Illinois Legislature and ultimately refused to serve on the Commission.<sup>46</sup> Justice Joseph P. Bradley of New Jersey was finally selected to complete the tribunal.<sup>47</sup>

The Commission began its deliberations in early February and by strictly party votes declared that Hayes won all twenty disputed votes. Justice Bradley sided with the Republicans on almost all of the important votes. Finally, on March 2, two days before the scheduled inauguration, Hayes was declared the new President having 185 electoral votes to Tilden's 184.<sup>48</sup>

The decisions of the Electoral Commission, though influenced by partisanship, were based on sound constitutional law. It should also be noted that the decision to submit the election to arbitration rather than war was, in actuality, the first of a series of compromises called the compromise of 1877. It is in the initial compromise forming the Electoral Commission that Vermont's George F. Edmunds played the most vital role.

Edmunds had worked long and hard, but quietly, for an outside tribunal. He had realized as early as 1875 that a device of some type would be indispensable in the case of a close or contested election. Seizing on the "grand committee" scheme of 1800 as precedent, Edmunds was able to devise, with help, the Electoral Commission Act. The Demo-

44. William Henry Smith to Henry V. Boynton, Jan. 24, 1877. Smith Letterbook, William Henry Smith Papers, Box 21, vol. 22, Ohio Historical Society, Columbus, Ohio.

45. John Sherman to Rutherford B. Hayes, Jan. 29 (?), 1877, Hayes Papers, Hayes Memorial Library, Fremont, Ohio.

46. *New York World*, Jan. 30, 1877.

47. Refer to Nevins (ed.), *Writings of Hewitt*, pp. 171-172.

48. *Cong. Rec.*, 44th Cong., 2nd Sess., 1876-1877, V, pt. 3, p. 2068.

cratic New York *Sun* labeled the Vermont Senator “the arch trickster in American politics” for formulating the compromise.<sup>49</sup> The Vermont *Chronicle* praised Edmunds for his role as compromiser. Finally, the Burlington *Free Press and Times* credited Edmunds for his work.<sup>50</sup>

Without fuss Edmunds formulated a plan for settling the disputed election under the rule of law and, thus, avoiding bloodshed. The Vermont Senator found himself in the happy position of having interest and principle coincide. That Edmunds favored Hayes is beyond question. That Edmunds sincerely desired a legal means of obtaining Hayes’s election is also beyond question. The means was the Electoral Commission, an unreasonable risk in the eyes of die-hard Republicans, but the only sane solution to a man entrenched in the law and in the tradition of compromise. By arranging the compromise Edmunds must certainly be considered a master statesman. More importantly, he must be recognized not merely as the father of the Electoral Commission, but as one who played a decisive role in the overall compromise of 1877.

49. New York *Sun*, Feb. 20, 1877.

50. Burlington *Free Press and Times*, Jan. 24, 1877, p. 2.