

Rutherford B. Hayes and the Restoration of Presidential Powers

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CHAPTER I

INTRODUCTION

Over the past one hundred and forty years, both historians and non-historians alike have portrayed the politics of the Gilded Age as corrupt and unresponsive to the needs of society. This dismissive view of the political climate of the Gilded Age era is unfortunate because it erroneously assumes that the traditional emphasis on the era's unsavory features represents the Gilded Age political landscape in its totality. At best, this view presents a distorted picture of Gilded Age political life. This work is an attempt to show why the administration of Rutherford B. Hayes challenged the conventional assessment of Gilded Age politics, why Hayes deployed the few political tools at his disposal to enhance the prestige of the presidency, and why these moves by Hayes had a more enduring and significant impact upon the institution of the presidency than previously thought.

A number of distinguished historians, such as Harry Barnard, Ari Hoogenboom, and Hans L. Trefousse, have written accounts on the public and private life of Rutherford B. Hayes. Each of these authors has given detailed insight into Rutherford B. Hayes, the man. These accounts have given illuminating accounts on the sterling character of Hayes and how his personal integrity aided him in his political career. As enlightening as these accounts are, they fail to show how Rutherford B. Hayes, the president, used his personal traits to restore the presidency to its proper sphere of influence.

Historian Harry Barnard's work, *Rutherford B. Hayes and His America*, for many years was the standard biography of Hayes. In his account of Hayes' life, Barnard gives readers a well-documented narrative of Hayes' early years while also adding an exploratory examination of the periods in which he heightened his ambitions: the Civil War and Reconstruction years. He begins his account of Hayes' life by giving the reader over two-hundred-twenty pages of detailed information of the president's ancestral, early adult, and home life. This early presentation of Hayes' life seems to entail more of a psychological approach than it does a historical approach.

In the first two-hundred pages, Barnard describes three barriers that confronted Hayes during his formative years: the overenthusiastic praise heaped on him by his mother and uncle, the love of a domineering older sister, and the timing of his birth (which occurred following his father's death). From these barriers up to the time that Hayes won his first election to Congress, Barnard presents him as a relatively undistinguished individual. While he exerts great effort in narrating Hayes' preadult and adult life, Barnard falls critically short when he details Hayes' political life. A little more than five pages are given to Hayes' last two terms in Congress.

Barnard merely brushes over Hayes' three terms in the governor's chair. The only perceptive analysis that Barnard writes about is the presidential campaign of 1876, his account of which is one-hundred-nineteen pages. While he details the mediocrity associated with this period in American history, Barnard fails to present a picture of how Hayes' personal integrity and political astuteness impacted the presidency during this era. Hans. L. Trefousse's *Rutherford B. Hayes* is a somewhat concise version of Barnard's biography of the president.

Trefousse's account of Hayes' life offers a candid, step-by-step look at the president's rise to power. He glosses over Hayes's days as a student at Kenyon College and later at Harvard Law School, to concentrate on Hayes' terms as governor of Ohio and his one term as President of the United States. Trefousse's account of Hayes, the president, is somewhat mixed. He detailed Hayes' fiscal policies that helped guide the U.S. out of a severe economic depression, and showed how the president was able to rehabilitate the civil service system and suppress the labor uprising of 1877.

Trefousse's biography of Hayes does offer some honest and valuable insight into a man who, historically, has been charged with being ineffective and conciliatory. He argues that the major decisions that Hayes had to make were made with the best intentions (i.e., withdrawing federal troops from the South). In Trefousse's concise and informative account, Hayes' leadership was a consistent influence in difficult times. However, this biography of Hayes failed to show the depths and comprehensiveness of the president's influence.

Ari Hoogenboom's account of the presidency of Rutherford B. Hayes not only captures the essence of Hayes, the president, it gives an extensive analysis of all aspects of the Hayes presidency. Hoogenboom gives insightful and informative information relating to the issues, decisions, and vital developments during Hayes' term in office. He illuminates such issues as the withdrawal of federal troops from the South, the decisions that Hayes made in quelling the Great Strike of 1877 and Hayes' policy

toward Native Americans during the Nez Perce War. In Hoogenboom's evaluative volume, Hayes assumed the presidency under a cloud of suspicion.

In addition to this cloud of suspicion, Hayes faced a contentious Congress, dissension over how to remove the federal troops from the South (if at all), urgent calls for the reformation of the civil service system, and a major economic depression. Hoogenboom projects Hayes as a patient political leader who is ethical, careful, and courageous. The president showed courage when he vetoed a congressional measure that aggrandized U.S. currency and excluded migrant workers from China from entering the United States. Hayes showed his moral integrity by confronting and defeating congressional efforts to impose its will on presidential appointments.

According to Hoogenboom, Hayes did not try to implement wholesale changes in the entire civil service. What he did do was support changes to the already corrupt system in incremental stages. In Hoogenboom's analysis of the Hayes Administration, Hayes' protection of the executive branch's prerogatives helped enhance the prestige and authority of the presidency. This account of the Hayes administration shows the president as an able administrator and astute politician.

Hayes' political foresightedness is shown when he anticipated that the American public wanted the Civil War to finally end, and he removed the federal troops. This move, according to Hoogenboom, indicated that Hayes was more of a transitional figure than a conciliatory one, as he historically has been portrayed. The author was careful to show the reader that Hayes was very mindful of staying within the boundaries of the Constitution when confronting vital issues of the era. For years, Hayes often has been described as an ineffective president.

Hoogenboom's portrayal of Hayes shows, in great detail, how the president's pristine character set his administration apart during the troubled times of the Gilded Age. However, he fell short in his overall analysis by not covering the intricate manner in which Hayes used his political wiles to achieve his objectives and strengthen the office of the presidency. Using Hoogenboom's chronological approach, this book will take Hoogenboom's analysis of the Hayes Administration one step further. The book will access the obstacles that Hayes faced and overcame and will demonstrate how these impediments not only threatened Hays' leadership as president, but also the authority of the executive branch.

I will investigate the following questions: How did the efforts of President Hayes and his cabinet influence Congress and affect the fate of key legislation? How did Hayes deploy the few tools that were at his disposal to enhance his role in public policy making? How did Hayes

confront blatant partisanship in Congress to rehabilitate a weakened presidency? How did the Hayes administration overcome the prevailing Whiggish view that the presidency should inherently defer to congressional prerogatives and initiatives when it came to policy?

My hypothesis is that, as a result of congressional encroachment on presidential prerogatives and other inherent problems of the presidency, Hayes was compelled to take actions to reassert presidential authority. At the inception of the Hayes Administration, the President was confronted with a number of obstacles designed to hinder any political objectives he could obtain. These assaults on the Hayes Administration came from such diverse elements as public protest over the election results, newspapers' disparaging commentary on the fraud in Florida, southern Democrats' deep-seated threats to end Hayes' presidency, and the internal animosity that Hayes encountered from conservative Republicans. Each and every one of these struggles was instrumental in compelling Hayes to revitalize the powers of the presidency, while strengthening a factionalized nation.

I analyzed primary and secondary sources, including Hayes' personal diary and other monolithic works pertaining to the issues that the President encountered. I also consulted detailed works that cover specific topics relating to the Hayes Administration to provide a clearer picture of the issues he faced and how he confronted them.

Charles Quince

CHAPTER II

LIFE AND EDUCATION

Rutherford B. Hayes was born on October 4, 1822, two months after the death of his father. Hayes grew up in an environment that combined the idealism of New England, from which his parent migrated, and the vitality of the Ohio Valley, where the Hayes' family eventually settled.¹ The westward move in 1817 exposed the cultured Hayes family to the agrarian experience of the West, which exceeded their expectations of pioneer life in the United States. In 1817, Hayes' father, Rutherford Hayes, Jr., caught the western fever and journeyed toward Ohio in a covered wagon with his wife Sophia Birchard, two infant boys, his brother-in-law, Sardis Birchard, and a young girl who was a relative, whose parents were deceased in tow.² After wandering in the wilderness for some forty days, the iterant group eventually settled at the Canaan of Delaware, Ohio. Hayes Jr. found the farm life too rigorous for his family and decided to live in town.

With the death of the senior Hayes, Sophia, young Rutherford's mother, took control of the family in a way that emulated the stern Calvinistic values she cherished. Often approached with proposals of marriage from eligible men, the widowed Sophia refused the offers, believing she could never see herself as a bride to anyone but Rutherford's father.³ With her brother Sardis Birchard providing the only male influence in family matters, Sophia decided to complement this influence in the family by focusing her attention on her two sons, Lorenzo and Rutherford.

The family experienced grief once more when the older son, Lorenzo, drowned at the age of nine while skating in Delaware in January of 1825.⁴

¹ Harry Barnard, *Rutherford B. Hayes and His America* (New York: Bobbs Merrill, 1954), 73.

² H. J. Eckenrode, *Rutherford B. Hayes: Statesman of Reunion* (New York: Dodd, Mead, 1930), 3–4.

³ Barnard, *Rutherford B. Hayes*, 77.

⁴ Rutherford B. Hayes, *Diary and Letters*, 1:4. Rutherford B. Hayes Presidential Library and Museum Home, Fremont, OH.

Lorenzo had been skating on a frozen mill pond when he fell through the ice; his lifeless body was recovered from the icy waters and carried back home to his mother.⁵

With the death of her husband and eldest son, Sophia focused her attention on protecting her lone surviving son, Rutherford Birchard Hayes. In his youth, Rud (as he was called by family members) was sickly. Because of ill health throughout his childhood years, he was shielded by the protection of his family, particularly by his uncle Sardis who was concerned with his fragile health.⁶ Due to his early bouts with childhood illness, the young Hayes was not allowed to go outside and engage in activities with the other youths until he reached the age of seven. During these restricted years, Rutherford had the protective oversight of his mother Sophia and the constant companionship of his sister Fanny Hayes. The marked influence and close relationship that developed between Hayes and Fanny left an indelible impression on the direction his life would take. The influence of his relationship with his sister was so important that Hayes began a diary (in which he made regular entries for more than forty years) with a long discussion regarding his relationship with his sister. In one such entry, Hayes noted:

My earliest recollections of Fanny is as my protector and nurse when I was a sickly, feeble boy, three or four years old. She would lead me carefully about the garden and barnyard and on short visits to the nearest neighbors. She was loving and kind to me and very generous.⁷

Similar to most boys, then and now, Hayes rejected the protective overtures of his mother and sister. However, this childhood rebellion did not keep him from forming an extremely close relationship with these two women. Most of his early education came from the private teachings of Sophia and Fanny. His mother taught him the rudiments of reading, writing, and spelling. In the early 1830s, Fanny and Rud were encouraged by their guardian, Sardis, to enroll in the newly opened community center. Hayes' first experience with formal schooling left him with an enduring memory of his schoolmaster, Daniel Granger:

[He] was a little thin, wiry, energetic Yankee, with black hair, sallow complexion, and piercing black eyes; and when excited appeared to us a

⁵ Barnard, *Rutherford B. Hayes*, 79.

⁶ *Ibid.*

⁷ Charles R. Williams, *Diary and Letters of Rutherford B. Hayes: Nineteenth President of the United States*, 5 vol. (Columbus, OH: The Ohio State Archaeological and Historical Society, 1924), 1:5.

demon of ferocity. ... He threw a large jack-knife, carefully aimed so as just to miss, at the head of a boy who was whispering near me. All the younger scholars were horribly afraid of him. We thought our lives were in danger.⁸

During his childhood in Ohio, Hayes sought to bolster his desire for masculine recognition. As he grew into adolescence, his mannerisms became more pronounced and obvious to those around him. He made a determined effort to display devotion to western behavior and beliefs, which to him represented a certain amount of positive maturity.⁹

One of the methods Hayes used for this escapism involved the emulation of famous U.S. figures, particularly political leaders of Congress.¹⁰ His main hero came in the personage of Daniel Webster. Hayes' sister Fanny helped increase his interest in this towering political leader by reading about the career of Webster to the young Hayes. He became so captivated by these readings that he encouraged Fanny to repeat the famous "Reply to Hayne" on numerous occasions. Eventually, he set the entire work to memory. Other political leaders who fascinated Hayes were Patrick Henry and Henry Clay. He accomplished his desire to emulate these political leaders by going into the nearby woods and reciting their famous speeches from memory. Fanny, who galvanized his interest in these famous individuals, was delighted that her brother was emulating these political leaders, particularly Daniel Webster, her personal favorite.¹¹

The formal education of Hayes began in 1836. Upon the recommendation of Sardis Birchard, who believed his nephew had some ability, Hayes enrolled in a boys' academy located in Norwalk, Ohio. Hayes, at the age of 14, entered the Norwalk Seminary, a Methodist institution, under the authority of Jonah Chaplin.¹² Hayes only spent one year, from 1836–1837, at the Seminary.¹³ The financial success of Birchard's business ventures in Lower Sandusky allowed him to finance Hayes' education. Hayes, very grateful for the much-needed assistance, often corresponded with Sardis, giving him an updated account of his progress.

His great desire to further his education, coupled with his early childhood illness, did not permit Hayes to participate in regular athletic activities with the other boys. However, his classroom successes made him

⁸ *Ibid.*, 1:9.

⁹ Barnard, *Rutherford B. Hayes*, 90.

¹⁰ *Ibid.*

¹¹ *Ibid.*, 91.

¹² Eckenrode, *Rutherford B. Hayes*, 5.

¹³ Hayes, *Diary*, 1:64.

a favorite among his peers. One of his most vivid memories at Norwalk Academy was the recitation of a eulogy on Lord Chatham (Pitt, the elder) for his classmates. The homily was subsequently delivered to the faculty and members of the community, who were very impressed with the novice speaker:

Dear Mother. ... A week ago Wednesday was speaking day. I spoke a eulogy on Lord Chatham. I got along tolerably well, considering. I think that I can [learn to orate] so that I will not be scared to death. I was not scared as much as most of the boys are the first time they speak.¹⁴

In 1837, Hayes moved to the city of Middleton, Connecticut, where he enrolled in the Isaac Webb Preparatory School (which later became a part of Wesleyan University).¹⁵ Initially, his mother opposed this distant move, but eventually relented when Sardis arranged for him to stay with a family friend. While attending the Isaac Webb School, Hayes kept a very busy schedule:

I study Latin and Greek; am in the same class as W. Lane. At first it was rather hard to keep up with the class but now I can get along very well. We get up at half-past 6 o'clock, breakfast at 7, prayers, and school begins at 9, dinner at 12; begin at 1 till 4, then from 6 till 9. I like this school very much indeed.¹⁶

He found many friends in the locale, mainly because of the good reputation his father had in the community. He eagerly jumped into the study of U.S. history with a fondness for a subject that had developed from his childhood curiosity. Isaac Webb wrote radiantly of the activities Hayes undertook at the school.¹⁷ Although Hayes enjoyed his studies and the school itself, he longed for Ohio. This homesickness, coupled with numerous letters from his mother, caused him to return in 1838.

His return was significant because Hayes and his uncle Sardis believed that Yale University would give him the best educational opportunities. His mother, however, believed that her son's long distance away from home only corrupted him and wanted him to remain nearby.¹⁸ Hayes resisted, asserting that educational advancement would improve his future prospects, but Sophia countered that there were many Ohio colleges that

¹⁴ Williams, *Diary*, 1:14.

¹⁵ Barnard, *Rutherford B. Hayes*, 100.

¹⁶ Williams, *Diary*, 1:15.

¹⁷ Hans L. Trefousse, *Rutherford B. Hayes* (New York: Henry Holt, 2002), 5.

¹⁸ Barnard, *Rutherford B. Hayes*, 101.

could offer him the same educational opportunities. Mother and son eventually compromised; Hayes applied and was accepted into Kenyon College, located in Gambier, Ohio, in the fall of 1838.¹⁹

Hayes had no trouble gaining admission into Kenyon because, at the time, the school was little more than an advanced high school that served as a preparatory institution for his eventual admission into Yale.²⁰ Still, Kenyon was considered a leading college for the study of the classics, ethics, and theology. The school did, however, present some problems for Hayes. The strict oversight of the students by the faculty was one of the factors that Hayes negatively recorded in his diary:

Resist tyranny in any shape ... but none is it so dangerous as when exercised by a number of tyrants.²¹

Naturally, Hayes, like many other young men, reacted to this strict control in many ways. Along with his peers, he got into trouble. Hayes recalled one particular instance that left an indelible mark on his memory. He was considered an excellent cook, even though cooking in the dormitories was prohibited.²² On one specific occasion Hayes noted:

This evening one of my friends had some eggs and was about making some custard in his room in company of three others. The tutor came to the door [and] knocked. M _____ went and unfastened it. In the meantime the others had hid, one under the bed, and the others in the closet. The tutor found them and sent them to their rooms, feeling rather sheepish.²³

He stayed at Kenyon for four years. This time period gave Hayes the opportunity to make friends that would last a lifetime. This happened, in large part, because he stayed here longer than any other place.

An event took place during his stay at Kenyon that deeply influenced his life. Fanny Hayes, the sister he cared for deeply, married William A. Platt on September 2, 1839. Hayes apparently rejected William Platt initially as a suitor by refusing to use the terms "married" or "husband" in his correspondence, and by simply refusing to attend the wedding ceremony.²⁴ His fears that Platt's marriage to his sister would command all of Fanny's attention, to the exclusion of himself, was quickly dispelled.

¹⁹ Eckenrode, *Rutherford B. Hayes*, 7.

²⁰ *Ibid.*

²¹ Barnard, *Rutherford B. Hayes*, 108.

²² *Ibid.*

²³ Williams, *Diary*, 1:27.

²⁴ Barnard, *Rutherford B. Hayes*, 111.

Over the years, the marriage in no way alienated the close bond between brother and sister.

The first real political strife Hayes encountered happened during his stay at Kenyon. The issue of slavery and secession became a point of contention during the debates and discussions of 1840. Hayes became interested in the problems this issue generated at Oberlin Collegiate Institution and Ohio University.²⁵ Hayes' early stance on the slavery issue was one of approval. Most of his friends at Kenyon were Southerners who believed South Carolina had the constitutional right to secede from the Union. His stance eventually evolved to neutrality, and finally to opposition to secession, largely because this position aligned with the political views of Daniel Webster. From Hayes' perspective, it was acceptable to debate the benefits and drawbacks of the constitutionality of slavery, but the actual breaking up of the Union went against his Websterian beliefs.²⁶

Collegiate debates increased Hayes' popularity on the Kenyon campus. He was influential in keeping the peace at Kenyon by moderating numerous open debates. The friends he made on both sides ensured his effectiveness as a moderator. Kenyon, similar to other colleges, had rival debating societies in which Hayes took an active interest. The one feature he liked about the debating club was that it broadened his intellectual sphere and sharpened his wits.²⁷

In June 1842, Hayes graduated as valedictorian of his class at the age of twenty.²⁸ He gave a moving address at the commencement exercise. This happened because his classmates made a concerted effort to ensure that Hayes gave this speech as a way to recognize his contributions at Kenyon. Examining Hayes' extracurricular activities while at Kenyon showed how he assiduously applied himself to the art of public speaking. During his entire college career, he sought every opportunity, through the local debating society, to speak before an audience.²⁹

Although Fanny Hayes' marriage to William Platt had an immediate impact on Hayes' collegiate life, it had even more serious consequences for him later. The couple welcomed the birth of a girl, and under most circumstances this would have been a happy occasion. But it was an event that nearly cost Fanny her life. The pregnancy left Fanny in a condition of

²⁵ *Ibid.*, 113.

²⁶ *Ibid.*, 115.

²⁷ Williams, *Diary*, 1:22.

²⁸ Barnard, *Rutherford B. Hayes*, 170.

²⁹ Wyman W. Parker, "Rutherford B. Hayes as a Student of Speech at Kenyon College," *Quarterly Journal of Speech*, 39 (1954): 292.

“mental derangement.”³⁰ The birth was such a strain on Fanny’s physical constitution that she immediately fell ill. William Platt left the newborn in the care of Sophia, and, with the consent of the family, committed Fanny to a “lunatic asylum.”³¹ This event greatly impacted Hayes because he realized that if Fanny was to recover, she would have to do it on her own. During this period of her illness, she only asked for her brother, her husband, or her mother. Realizing that her dependency on him was unreasonable, Hayes refused to visit her at any time during her illness. He firmly believed that if she wanted to overcome malady, she would have to do it on her own, without his assistance. Eventually, Fanny did make a full recovery and continued her life as before, but a critical link between her and her brother had been broken.

On August 22, 1843, Hayes entered Harvard Law School.³² Exerting his independence, he made the decision to move, contrary to the wishes of his mother and sister. Hayes supplemented his legal education with an intense education in related fields of study. At Harvard, Rutherford studied Paley’s *Natural Philosophy*, Hoffman’s *Logic*, Locke’s *Essays*, and other works in Latin, Greek, and German.³³ He developed a particular fondness for the works of Aristotle, including the *Rhetoric*, but more significantly, Aristotle’s *Ethics*.³⁴

Soon thereafter, Hayes began to question his academic studies at Harvard. His concern centered on the practicability and applicability of his studies to the real world. He concluded that, although his educational preparation fell short in some areas, he could make up for these shortcomings:

But it is not too late. From henceforth let me bend my best energies to the great work of fitting myself to act well my part in the drama of life. Let not another sun set upon a day which has not added something to my stock of instruments or my power and skill in using them.³⁵

Having always enjoyed the art of debating, Hayes continued the practice he had started when he was a student at Kenyon. His attempts to regain his old debating form were satisfactory, but nonetheless below the

³⁰ Barnard, *Rutherford B. Hayes*, 125. Most likely the nineteenth-century version of postpartum depression.

³¹ *Ibid.*

³² *Ibid.*, 131.

³³ Eckenrode, *Rutherford B. Hayes*, 19.

³⁴ *Ibid.*

³⁵ Williams, *Diary*, 1:119.

high standards he had set for himself. In keeping with his resolve to constantly improve himself, Hayes carefully increased his effort:

I found myself not ready in thought and expression as when I left Kenyon a little over a year ago, since which time I have not exercised my powers in extempore debating. But I hope in a few weeks to rub off the rust, and be able to [appear] with credit and success as a good extempore debater. ... From now till that time all my exertions shall be bent to come off respectively from that trial.³⁶

Within two years of this statement, Hayes received the Bachelor of Laws degree from Harvard University.³⁷

Law, War, and the Political World

After receiving his law degree from Harvard, Hayes returned home to his family for a short visit. However, the fear that he would once again be dominated by his family compelled him to depart from home once more. On the 25th of April, 1845, he started to practice law in Lower Sandusky, Ohio.³⁸ Although this location was in the vicinity of his home, the move represented an important step toward independence. During this time period, the community of Lower Sandusky was becoming a burgeoning financial center due in large part to the trade industry. Sardis Birchard's business innovations fueled the town's growth from a struggling farm hamlet to a striving business community.

Birchard also aided Hayes when it came time for him to establish his law practice. There is little doubt that Hayes' new career benefitted from this aid, which also increased his upward mobility in the community. In his efforts to mitigate family ties, Hayes simply transferred the control of his life from Sophia and Fanny to his uncle Sardis. As a prominent member of the Lower Sandusky community, Birchard oversaw the legal practice that Hayes had established. Few, if any, legal transactions took place unless they had the seal of approval from Birchard. Birchard even filtered the type of clients Hayes would represent, which made Hayes feel he was incapable of building a reputation on his own merits.³⁹ Through the efforts of his uncle, Hayes changed his solo practice into a joint practice when he made a venture with R. P. Buckland.⁴⁰ This venture had it

³⁶ *Ibid.*, 1:120.

³⁷ Barnard, *Rutherford B. Hayes*, 138.

³⁸ Eckenrode, *Rutherford B. Hayes*, 17.

³⁹ Barnard, *Rutherford B. Hayes*, 142.

⁴⁰ *Ibid.*, 145.

positive effects, because it allowed Hayes to become more active in community affairs. Hayes also resumed his public speaking career by giving a number of lectures in the Lower Sandusky area. Temperance was usually the main topic of his lectures, which pleased Sophia, who was a prohibitionist in matters related to alcohol.⁴¹

During this period, he joined a fraternity group known as the “Old Fellows,” a group in which he actively participated until his death. Although superficially Hayes displayed a public face of contentment and satisfaction, internally he was restless and discontented:

Besides doing what business I have in hand, being about half enough to occupy my time, I am brushing up my law reading and mustering as strong a force of inducements and provocative to ambition as possible, so as to be able to survive the two or three briefless years which probably await me in Cincinnati.⁴²

Although, on the professional level, he felt he was listless, Hayes’ social life began to flourish. He found many eligible women in the community who thought he was good husband material. Although Hayes was on friendly terms with many of them, he rarely displayed any serious notions. His hesitation in committing to a particular woman was because he looked for a wife whose lifestyle could be measured against that of his sister Fanny. Few could begin to meet such standards.⁴³

Hayes, for a time, became interested in a woman named Fanny Perkins, a cousin of one of the officers in Birchard’s firm, and considered by many an ideal match for him. There was talk of marriage, but when Fanny Perkins moved to Connecticut, Hayes refused to follow suit. Though he tried to reconcile his lack of earnest pursuit, the ending of the relationship left Hayes emotionally and physically despondent.⁴⁴ The emotional turmoil that descended upon him, while inflamed by the failure of the relationship, went much deeper. The torpidity of Lower Sandusky caused Hayes to question his self-worth:

If that [marriage] is not the specific I may as well despair of ever making even a respectable figure in life, for now in spite of all my advantages ... I am almost wholly worthless. The end of the week finds me no wiser than

⁴¹ Eckenrode, *Rutherford B. Hayes*, 19.

⁴² Williams, *Diary*, 1:272.

⁴³ Barnard, *Rutherford B. Hayes*, 147.

⁴⁴ *Ibid.*, 155.

the first day, no more fitted to discharge the duties of my profession, no more able to be useful in the ordinary walks of life.⁴⁵

To relieve his depressive state, Hayes often took long walks into the woods, reflecting deeply on his childhood experiences. The one reflection that manifested itself most clearly was the vision he had concerning a battle that took place in a distant land. In his youth, he had often pictured himself as a heroic general, leading his men into the heat of battle. Ironically, during this time that he took long, reflective walks and had these visions, the war between the United States and Mexico was raging.

The mental anguish Hayes felt was replaced with a deep desire to join the army and make his dreams come true. He left his law practice and joined the Ohio regiment.⁴⁶ At this point in his life, Hayes had never been so enthusiastic about any undertaking. He enjoyed the rugged outdoor life of sleeping in the rain and, hiking for miles, and the general occupations that put him in close proximity with nature. The family was initially hesitant, but eventually consented to his desire to join the army, but only on the condition that he consult at least two physicians before departing for war. It was agreed he would abide by the physicians' decision as to whether he should leave for the battlefield.⁴⁷ Both doctors he saw stated that the southern climate would be bad for him, and advised him that it would be best if he remained in Lower Sandusky. He consented, and his military unit left to fight the war without him:

I have been to Cincinnati, taken the advice of Dr. Mussey, and given up my design of going to Mexico. I dislike to leave the company of volunteers, but I had promised my friends not to go if Dr. Massey thought it would injure, rather than benefit, my health. My excuse made to all friends for not was ill health, and I could not avoid pledging myself to abandon my intention if medical advisors thought unfavorable of it.⁴⁸

Though he was ill, he was not so unhealthy that he would give up his plans. The truth is Hayes was deceived concerning this matter. What he failed to realize was that his uncle Sardis, aided and abetted by Fanny, Sophia, and William Platt, had convinced the physicians that Hayes' health was not good and that they should advise him to abandon his war plans.⁴⁹ Regardless of the motives behind this scheme, the action kept

⁴⁵ Williams, *Diary*, 1:192–193.

⁴⁶ Barnard, *Rutherford B. Hayes*, 157.

⁴⁷ *Ibid.*, 156.

⁴⁸ Williams, *Diary*, 1:208.

⁴⁹ Barnard, *Rutherford B. Hayes*, 158.

Hayes out of the Mexican American War. However, the impression that the military life left on Hayes would manifest itself during the conflict that consumed the United States in the 1860s.

The final action Hayes took while in Lower Sandusky involved submitting a petition, in August 1849, to the State of Ohio, requesting that the town's name be changed from Lower Sandusky to "Fremont." The governor accepted and signed the petition and the town's name change became official.⁵⁰

With little prospect of becoming successful in the area, Hayes made the most important decision of his life. As a sign of breaking familial control and a need to escape what he believed to be the suffocating climate of Fremont, Hayes moved to Cincinnati, Ohio. His arrival on December 31, 1849, marked the beginning of his new life of social, military, and political prominence.⁵¹

After settling in, Hayes became the new partner of John W. Herron.⁵² His office was in the Law Building, a typical office structure that harbored an express office, an auction store, and a telegraph office.⁵³ The relationship between Hayes and Herron evolved into one of professional respect and personal friendship. Herron's wife would prove to be a close friend of Hayes and his family for years to come.⁵⁴ John Herron would eventually have a large family and would one day become the father-in-law of future President and Supreme Court Chief Justice William Howard Taft.⁵⁵

This relationship gave Hayes more than warmth and friendship; it also allowed him to interact with acquaintances on a more sophisticated level. Hayes relished these friendships and used this opportunity to extend his sphere of influence. His early achievements as a lawyer for the firm brought him key recognition from other members of the bar. During this time, the world became Hayes' oyster. The successes he encountered made him realize that he had "wasted" valuable time in Fremont:

I am now living again as a student, with abundant leisure and few cares.
Why may I not, by a few hours daily spent in systematic study, regain all I
have lost in the last three or four unfortunate years spent or wasted in the

⁵⁰ *Ibid.*, 162.

⁵¹ Eckenrode, *Rutherford B. Hayes*, 26.

⁵² Kenneth E. Davison, *The Presidency of Rutherford B. Hayes* (Westport, CT: Greenwood Press, 1972), 6.

⁵³ Eckenrode, *Rutherford B. Hayes*, 27.

⁵⁴ Mrs. Herron would become an associate of Rutherford B. Hayes during their involvement in the Chautauqua Literary and Scientific circle.

⁵⁵ Barnard, *Rutherford B. Hayes*, 167.

north [Fremont]? Let me awake to my old ambition to excel as a lawyer, as an advocate.⁵⁶

One of the first public displays of his advocate nature was when he opposed the Prohibition proposals that were so popular during this period. Hayes did not breach his long-held opposition to excessive uses of liquor; instead he asserted that the issue was one of constitutional validity:

[June 17] Day of the election for or against the new Constitution. Felt favorable to the new Constitution but cared very little about it. Should have voted for it but for the license or rather anti-license clause. My temperance principles made me feel a strong interest for the anti-license clause. I had no great confidence in it; indeed, doubted its expediency, but took that side as the side of my party. Accordingly, I traded my vote at the polls, voting against the Constitution, though inclined to favor it, to get the vote of my friend against license though [he was] inclined for it.⁵⁷

The ability to speak on a subject without sacrificing his personal convictions and integrity won him high esteem from those around him. He opposed Prohibition because he felt that every man had the right to choose his own lifestyle, and that any legal impediments to this freedom were morally and legally wrong. Although he continually took opposing viewpoints with various temperance organizations, he always remained in their highest regard. He was constantly asked to speak before these organizations throughout his time in Cincinnati. The topic of his talks involved support for the temperance philosophy, but during these talks he also asserted that each man must deal with his own demons. This philosophy was the central thesis of a speech he gave at the Cincinnati Country Temperance Association in August 1851.⁵⁸

While living in Cincinnati, Hayes expanded his circle of friends by joining the local chapter of the Old Fellows club, just as he had done in Lower Sandusky. However, the chief reason he decided to retain active membership in this club involved the need to have access to the community's influential citizenry. Hayes also joined the Literary Club of Cincinnati to begin participating in debates, an activity that he had enjoyed while a student at Kenyon College.

As a member of the Literary Club, Rutherford met and retained a life-long friendship with Henry B. Blackwell. Blackwell, a prominent lawyer and member of the elite side of the community, did a great deal of legal

⁵⁶ Williams, *Diary*, 1:279.

⁵⁷ Hayes, *Diary*, 1:366.

⁵⁸ Barnard, *Rutherford B. Hayes*, 170.

work with Hayes. Blackwell would eventually meet and marry Lucy Stone, a renowned advocate of the Temperance and Women's Rights movements.⁵⁹ Hayes' acquaintance with the community's most powerful and elite members allowed him to obtain more legal clients in three months than he had during his entire stay in Lower Sandusky. By 1852, Hayes was an important member of the Cincinnati Bar Association. During this time of rapid progression, he was involved in cases that required detailed research and was so well respected that he was chosen to examine the new graduates of the Cincinnati College of Law for admission to the bar.⁶⁰

The confidence Hayes was experiencing at this time held one surprise for him. He met and eventually married Lucy Ware Webb. The love he had felt he could never capture, because of the dominant role that women of his family played in his life, manifested itself in the form of Lucy Webb. In actuality, Lucy and Rutherford had previously met; in fact, their destiny was facilitated by the "three widows of Delaware." This predestination began when Lucy and her mother went to live in Delaware and Mrs. Webb became friendly with Mrs. Lamb, the widow of the distillery partner of Hayes' father. Through Mrs. Lamb, Mrs. Webb met Hayes' mother and the three widows decided that Mrs. Hayes' son, Rutherford, would be a great match for Mrs. Webb's daughter Lucy.⁶¹

Still, Hayes was in love and saw only the image of the young Ms. Webb as his life-long mate. Commenting to her on the machinations of the "the widows," Hayes stated, "I rather guess that heaven had a hand in the matter also."⁶² Few questioned the influence Lucy had over Rutherford during their life together. This tranquil and "sweet" girl was very different from the extroverted and glitz women Hayes had known before.⁶³ A graduate of Wesleyan Female College in Cincinnati, Lucy was a woman of personal strength and moral conviction. She was totally inculcated in the doctrine of the Methodist Church and influenced the religious convictions of Rutherford during the latter part of his life.

Her religious convictions made Lucy's outlook on social issues almost puritanical in nature. She always rejected suitors who did not meet her spiritual expectations or her social beliefs in equality. Lucy Webb was an unapologetic antislavery spokeswoman who devoted a good deal of time writing on the evils of that institution. She graduated at the top of her class,

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*, 173.

⁶¹ *Ibid.*, 180.

⁶² Williams, *Diary*, 1:391.

⁶³ Barnard, *Rutherford B. Hayes*, 178.

and Rutherford attended her graduation ceremony to hear her deliver a speech on “The Influence of Christianity on National Prosperity.”⁶⁴ Despite their differences on various issues, they committed to matrimony on December 30, 1852.⁶⁵ This union produced eight children with three of them dying at a very young age.⁶⁶

The most immediate influence Lucy had on Rutherford was his conversion to the antislavery position. The basis of this influence originated from Lucy’s Methodist beliefs. This conversion to the antislavery position was so influential that Hayes adopted one of his most profound legal philosophies: he vowed never, under any circumstances, to represent anyone who was proslavery.⁶⁷ In fact, Hayes became renowned for never losing a case related to the issue of fugitive slaves, whom he represented in large number. If a fee was charged for his legal services on this issue (which rarely happened), the funds were turned over to Lucy for her to dispose of as she saw fit. Hayes also offered some perspectives on his life during this time:

But further work needs to be done and my sense of duty determines me to keep in the path I have chosen—not to dabble in politics at the expense of duty to my family and to the neglect of my profession, but to do what I can consistently with other duties to aid in forming a public opinion on this subject [slavery] which will mitigate and finally eradicate the evil.⁶⁸

During the mid-1850s the old Whig Party began to decline and eventually started the merge with the Republican Party. Hayes had always been a loyal lieutenant for the Whig Party and embarked on a campaign to save the declining party. This Whig identity developed directly from his great admiration for Webster and Clay. However, his efforts to save the ailing party were futile, and after 1856 Hayes became a dedicated member of the Republican Party.

Another event of 1856 dramatically impacted Hayes’ life. Fanny Platt, the beloved sister for whom he cared deeply, rejected, and loved again, died on July 16, 1856. Hayes noted with great emotional anguish this heart-wrenching event:

Oh, what a blow it is! During all my life she had been the dear one. I can recall no happiness in the past which was not brightened either by her

⁶⁴ *Ibid.*, 179.

⁶⁵ Eckenrode, *Rutherford B. Hayes*, 47.

⁶⁶ *Ibid.*

⁶⁷ Barnard, *Rutherford B. Hayes*, 188.

⁶⁸ Williams, *Diary*, 1:503.

participation in it. ... All the fine traits of her character shone brightly to the last. She was cheerful, uncomplaining, considerate for others, and affectionate up to the moment that the breath left her body. ... Good-bye, good-bye. My heart bleeds, and the tears flow as I write.⁶⁹

The death of his sister was a horrible shock to Rutherford who, in his correspondences, often mentioned Fanny as his “other love,” along with Lucy.⁷⁰ Although the loss of his sister was very traumatic, it also allowed, for the first time in his life, an opportunity for Hayes to be an independent person who fashioned his philosophies and beliefs around his wife’s influence.

Hayes’ life in Cincinnati was marked by one success after another. His law firm, thriving beyond expectations, held unprecedented civic responsibilities, due in large part to Hayes becoming a leading figure in the community. Rutherford B. Hayes’ first active involvement on the national stage began in 1856.⁷¹ He became involved in the Presidential campaign of John C. Fremont and ultimately did some local campaigning for the Republican candidate. Although actively participating in this campaign, Rutherford had no desire to take his cause to the next level; a sentiment with which Lucy agreed because she wished he would stay as far as he could from the political arena.

In 1858, with his influence in the community rapidly growing, Hayes was appointed to the office of City Solicitor of Cincinnati.⁷² To those who previously had held the position, City Solicitor was seen as a springboard to more rewarding positions in the city government. Hayes, however, felt honored to hold the position and had no desire to rise any further in public office:

I am in my new office ... and, seeing I was elected only last night, begin to feel much at home. The berth is good. Salary, three thousand five hundred a year, and duties agreeable. I am well spoken of in all the papers.⁷³

His role in the office mirrors that of the modern-day District Attorney: essentially that of a prosecutor. For three years he very much enjoyed his duties. His sphere of friends widened, his prominence in the community increased, and Lucy reaped the rewards of her husband’s position. However, this period of relative serenity was disrupted by the outbreak of

⁶⁹ *Ibid.*, 1:499–500.

⁷⁰ *Ibid.*, 1:453.

⁷¹ Barnard, *Rutherford B. Hayes*, 197.

⁷² *Ibid.*

⁷³ Williams, *Diary*, 1:536.

the Civil War. The controversy over slavery had now grown into an explosive conflict that consumed the entire nation.

In 1861, shortly after Abraham Lincoln assumed the presidency, local Democrats initiated a strong anti-Lincoln sentiment.⁷⁴ Public sentiment was so anti-Republican that all major office holders were removed. Initially considered the odds-on favorite to win reelection to the office of City Solicitor, Hayes was defeated, and soon thereafter returned to private practice. Despite this loss, Hayes was more than happy to get out of public life and return to the tranquility of home life.

With the outbreak of the Civil War, Hayes came to a philosophical impasse. Hayes initially believed, contrary to the established Whig ideology, that the separation of the North and South was the best solution for the country:

Disunion and Civil War are at hand; and yet I fear disunion and war less than compromise. We can recover from them. The free states alone will make a glorious nation.⁷⁵

Hayes organized a semimilitary unit that consisted primarily of literary society members. His zest for this effort developed from his unfulfilled dream of becoming a war hero. The Mexican War had provoked his interest in partaking in a war, but that he never made it to the battlefield haunted him and increased his desire to take part in a war. In any event, the Civil War would fulfill his dream of fighting. The literary society called itself “Burnett’s Rifles,”⁷⁶ and its purpose centered on mentally preparing members for war rather than preparing for war through military training. Hayes noted,

I have joined a volunteer home company to learn drill. It is chiefly composed of the Literary Club. ... We wish to learn how to “eyes right and left” if nothing more.⁷⁷

Hayes’ eagerness for military action was greatly enhanced by support from his wife. She encouraged him to participate in the war effort and informed him of her desire to see him emerge as a war hero and a shining symbol for the antislavery forces.

Hayes entered the military’s Twenty-Third Ohio Volunteers Infantry,⁷⁸ and was given the title of Lieutenant Colonel by the Governor of Ohio

⁷⁴ Barnard, *Rutherford B. Hayes*, 211.

⁷⁵ Williams, *Diary*, 2:2.

⁷⁶ Barnard, *Rutherford B. Hayes*, 213.

⁷⁷ Williams, *Diary*, 2:10.

because of the leadership traits he displayed while a member of Burnett's Rifles. His first duties in the army were as legal advisor for the army's disciplinary unit. Hayes was quickly disillusioned with the position because he felt it was little more than wearing a different suit to work:

The compensation is the probable promotion I shall get to [Lt. Col. Matthews'] place. I care little about this. As much to get rid of the title "Major" as anything else makes it desirable. I am prejudiced against "Major." ... So if we lose friend Matthews, there may be this crumb, besides the larger one of being the army's lawyer or judge which I don't fancy.⁷⁸

After various attempts to get assigned to the infantry, his request was finally approved. Assuming the rank of full colonel, Hayes found himself engaged in some of the most brutal battles of the war. He was constantly on the frontlines and always took the lead during assaults. During these charges, his whole nature transformed, becoming emotionally intense as the battle escalated.⁷⁹

One aspect of life that still eluded Hayes was his desire to become a war hero. He could not visualize attaining the status of hero without incurring some type of battle wound. Hayes was determined to earn his mantel of heroism by getting one. His desire for a battle wound was finally fulfilled during a heroic charge at Cedar Creek, Virginia. Hayes would have certainly bled to death had not one of his men pulled him from the open field.

This period marked a change of direction for the low-key, and often retrospective, Hayes. Numerous letters to Lucy from the field of battle reveal his fondness for battle, his enjoyment of the whole war, and his expressed sorrow for anyone who could not share in these experiences:

We have been busy as bees a large part of the time in scorching sun; but so far it [is] great fun. I enjoy it as much as a boy does the Fourth of July.⁸¹

Other members of the military unit would enjoy fame and success, based largely on the images they portrayed during the war. One of those members, William McKinley, would (like Hayes) go on to assume the Presidency.

⁷⁸ Trefousse, *Rutherford*, 22.

⁷⁹ Williams, *Diary*, 2:126–129.

⁸⁰ Barnard, *Rutherford B. Hayes*, 219.

⁸¹ Williams, *Diary*, 2:25.

Hayes the warrior became somewhat of a celebrity in Cincinnati. Communities published newspaper accounts of the heroic actions of their sons, and Hayes became a favorite. Thus, it was no surprise that Hayes' Cincinnati contemporaries elected him to Congress before his tour of duty had ended. The thought of serving in the House of Representatives was alluring to Hayes, but he made it very clear that he would neither campaign for office nor assume his chair if elected, until all his military obligations were fulfilled:

My share of [notoriety] here [in war] is nothing at all, and my real share of merit is also small enough, I know, but the consciousness that I am doing my part in these brilliant actions is far more gratifying than anything the election brings me.⁸²

Hayes was elected to the House of Representatives in 1864 but did not assume his duties in Washington until 1865.⁸³ In 1865, as the war drew to a close, Rutherford and Lucy took a vacation to Spiegel Grove, the estate of Sardis Birchard in Fremont, Ohio. After the visit they moved to Washington for the remainder of his congressional term.⁸⁴

Hayes spent a great deal of time during his first term in office familiarizing himself with the culture of Washington society. He soon became known as a hard worker, which by mid-nineteenth-century Washington standards meant he was well regarded by his peers.⁸⁵ The Hayeses did not find Washington social life to their liking:

Lucy is with me. She is very happy. We don't go to parties or receptions much, went to one. They are all alike; rather a bore generally.⁸⁶

Although Hayes' political life during his two terms in the House of Representatives were productive, he chose to stay away from any controversy and concentrated on his tasks at hand. During his time in Congress, he felt out of place among the chorus of furious passions while still actively participating by voting on issues for which he felt a moral obligation.⁸⁷

⁸² *Ibid.*, 2:528.

⁸³ Barnard, *Rutherford B. Hayes*, 226.

⁸⁴ It is necessary to give a brief sketch of Hayes' early political activities to fully understand his later political actions.

⁸⁵ Eckenrode, *Rutherford B. Hayes*, 83.

⁸⁶ Williams, *Diary*, 3:15.

⁸⁷ Eckenrode, *Rutherford B. Hayes*, 81.

His private life centered on his desire to become financially independent. Hayes accomplished this by making sound investments in real estate ventures near Fremont with the aid and advice of his uncle Sardis. Shortly, he accumulated enough money to allow him to live very comfortably.

The one adversity Rutherford and Lucy had to face was the death of Hayes' mother, Sophia, in October 1866.⁸⁸ Her passing at the age of seventy-four left Rutherford depressed for a long time. Lucy suggested he finish out his congressional term and return home to the family. However, with the death of Sophia, he decided that a second term in office would help alleviate his despair during this trying time. His constituency asked and Hayes was reelected to the House of Representatives in 1866.⁸⁹

During his second term in Congress, Hayes moved away from his relatively moderate position toward one that reflected the views of Benjamin Butler and the radical Republicans. He voted against Andrew Johnson's plans for reconstruction and for Johnson's impeachment. These actions raised his standing with the Republican Party's senior leadership.

Educational measures were key legislation that caught the attention of Hayes during his congressional career. He became a central player in passing a bill that incorporated the Smithsonian Institution into the Library of Congress. Hayes was also instrumental in supporting measures that would rebuild the educational system in the post-Civil War South, actions that endeared him to Southern Democratic governors.⁹⁰

Personal popularity, stories that highlighted his battlefield exploits, and Republicanism all combined to make Hayes an attractive candidate for the governorship of Ohio. Seeking change from Washington's political and social life, Hayes wanted the office. He received the nomination, and shortly thereafter resigned his congressional seat in order to campaign for governor.⁹¹

Despite huge Democratic electoral victories throughout Ohio, Hayes was elected, in 1867, to the governorship of Ohio by a margin of 3,000 votes.⁹² He won reelection bids in 1869 and, after a brief hiatus, in 1875. While Hayes was in the governor's chair, he displayed the same social awareness that he had developed during his early political days in Cincinnati. One of his first official acts as governor involved tackling the voter registration issue. Having witnessed advantages that universal voting

⁸⁸ Barnard, *Rutherford B. Hayes*, 235.

⁸⁹ *Ibid.*, 236.

⁹⁰ Eckenrode, *Rutherford B. Hayes*, 82.

⁹¹ *Ibid.*, 83.

⁹² Barnard, *Rutherford B. Hayes*, 241.

had to offer, Hayes instituted changes that would eliminate corruption and malfeasance. He encouraged the proper registration of voters to deter fraud and injustice at a time when voter registrations requirements were virtually nonexistent, which resulted in disruption at polling places across the country.⁹³

Governor Hayes built a reputation of being honest and bipartisan in his approach to the legislative agenda. Because of this approach, he became one of a few handfuls of political leaders who received political support from both parties. Hayes' main objective was to administer his office so Democrats would realize he was governor of all Ohioans, not just Republicans.⁹⁴

To sustain economic viability for the business sector and the workers, Hayes reformed railroad regulations. An ardent believer in the art of compromise, Hayes often used his office to help mitigate problems that arose between the Grange and the railroads. He enjoyed his role as mediator, developed while still a student at Kenyon College. He developed plans that would address such issues as prison reform and care for the mentally ill. Hayes sought and depended heavily on the advice of experts and educators to help keep him abreast of any new developments in the field of sociology. Many of his recommendations as governor, such as separating hardened criminals from first-time offenders and building reform schools, were either adopted while he was governor or implemented during the terms of later gubernatorial administrations.⁹⁵

Striving for educational excellence was Hayes' greatest love, and he facilitated his interest by sponsoring educational reform.⁹⁶ In response to his own values on education, Hayes led a dynamic debate concerning the need to develop a state university. This state college, originally called the Ohio Agricultural and Mechanical College, eventually became The Ohio State University.⁹⁷ He was perhaps the most active participant in the organization and location of the university and was always available to serve the interests of the institution.⁹⁸

By the time Hayes concluded his second term as governor, he had become exasperated with political life. He understood the need for his services to the State, but always expressed his desire to leave office and

⁹³ Eckenrode, *Rutherford B. Hayes*, 87.

⁹⁴ Barnard, *Rutherford B. Hayes*, 245.

⁹⁵ *Ibid.*, 247.

⁹⁶ Williams, *Diary*, 4:352.

⁹⁷ *Ibid.*, 5:203.

⁹⁸ *Ibid.*