

LINCOLN'S LAST LETTER IS FOUND

Attorney General Daugherty Uncovers Treasure of Ancient Documents Signed By Famous Men From Jefferson to Grant In Bundles of Yellowed Papers

RARE old state documents, long hidden in the midst of musty bundles of ancient papers in the possession of the Department of Justice have been brought to light, in some instances for the first time in 100 years, through their accidental discovery during a search by Attorney General Daugherty of the Department archives for some documents of a later date. Mr. Daugherty, who is something of an antiquarian and historian as well as the nation's present chief law officer, at once began systematic investigation to determine what other papers of historic value might be found in unsuspected packages with a view of having them restored, collated and placed in some safe depository for all time.

The result of Mr. Daugherty's delving has been the discovery of a veritable treasure trove of old letters written by the early Presidents, several opinions by the first Attorney General and other documents written on oddly shaped, torn and yellow bits of paper. All of them have an interesting bearing on the establishment of the young republic. These are now being carefully prepared by direction of the Attorney General for filing in the Library of Congress in the hands of experts under the general direction of the Committee on the Fine Arts.

Four opinions written by the first Attorney General of the United States—Edmund Randolph, 1789-1794—bear the earliest dates of any documents discovered, but many others of later date exceed these in historic interest. Among them are:

An autograph letter by Abraham Lincoln dated April 13, 1865, and believed to be the last formal document written by him; a letter from Grant suggesting the dismissal as "an unfit person for the position" of an Assistant Attorney General who had written the President direct regarding a minor civil war claim; "memoranda" prepared by Thomas Jefferson, private citizen (after he had served two terms as President) advising President Madison to be cautious in employing soldiers to eject intruders from Indian lands in Georgia; letters seeking legal advice of the Attorney General in the handwriting of Henry Clay, John C. Calhoun, Daniel Webster, as Secretaries of State; autograph letters and documents by James Monroe, both as Secretary of State and later as President; a letter, among others, in the bold, firm handwriting of Andrew Jackson, disagreeing with an opinion by Attorney General Berriens; a letter from the United States Attorney in Ohio, asking what he should do about the indictments for treason still pending (1818) against Aaron Burr; an opinion refusing John Jacob Astor permission to sail to a British North Pacific port after furs, and a score or more of other similar documents of intense historical interest and bearing on the early problems of the Government in the process of formation.

The earliest known document in the possession of the Department of Justice, the Attorney General discovered, is one bearing date of September 30, 1788, or one year before the office of Attorney General was created by Act

of Congress, September 23, 1789. It is a fragment of a paper written in French and appears to be an affidavit affirming the marriage of one Joseph Beauchamp to Marie Corinne Deschamp, in 1872, and was offered in support of a claim to certain lands in what is now the State of Louisiana. The Department of Justice does not ordinarily concern itself with divorce cases, but curiously enough this oldest of all its records refers to a divorce proceeding as affecting the land claim title, though who were the parties to the suit is not revealed in the document.

The earliest records of the Attorney General's office, Mr. Daugherty said, include four opinions by Edmund Randolph of Virginia, the first Attorney General, who was appointed September 26, 1789, by President Washington and served until January 2, 1794.

The first of the four documents is dated Philadelphia, 1790 (the month and day not appearing), and relates to payment of interest to States, being in reply to questions asked by the Secretary of the Treasury. The others, dated respectively February 12, 1791; October 1, 1791, and November 9, 1791, are on the same general subject of outstanding loan certificates of the Federal Government issued on account of the Revolutionary War. All are in a fair state of preservation. So far as known, Mr. Daugherty added, these are the only papers relating to the office of the first Attorney General in existence, and they will be given special care in being restored for deposit in the Library of Congress.

Few documents originating during the administration of William Bradford, second Attorney General, or of Charles Lee, third, have been found, and only fragmentary records occur until the time of William Wirt — 1817-29 — when the semblance of system in filing seems to have been attempted.

Not until "The Attorney General's Office," as it was called, was organized in the Department of Justice, in 1870, Attorney General Daugherty explained, does there appear to have been any serious effort to keep indexed



Thomas Jefferson, third President of the United States, some of whose letters have been unearthed by Attorney General Daugherty.

files of all transactions. Today the most modern filing methods are employed in the Mails and Files Division, in charge of Arthur Robb since 1907.

Mr. Daugherty pointed out that old English spelling, such as "honour" and "favour" is adhered to in most of the earlier documents and the letters of this period generally concluded with the extravagant



Harry M. Daugherty, Attorney General of the United States, who is taking an active interest in bringing to light valuable official documents hidden in bundles of hitherto unclassified correspondence.



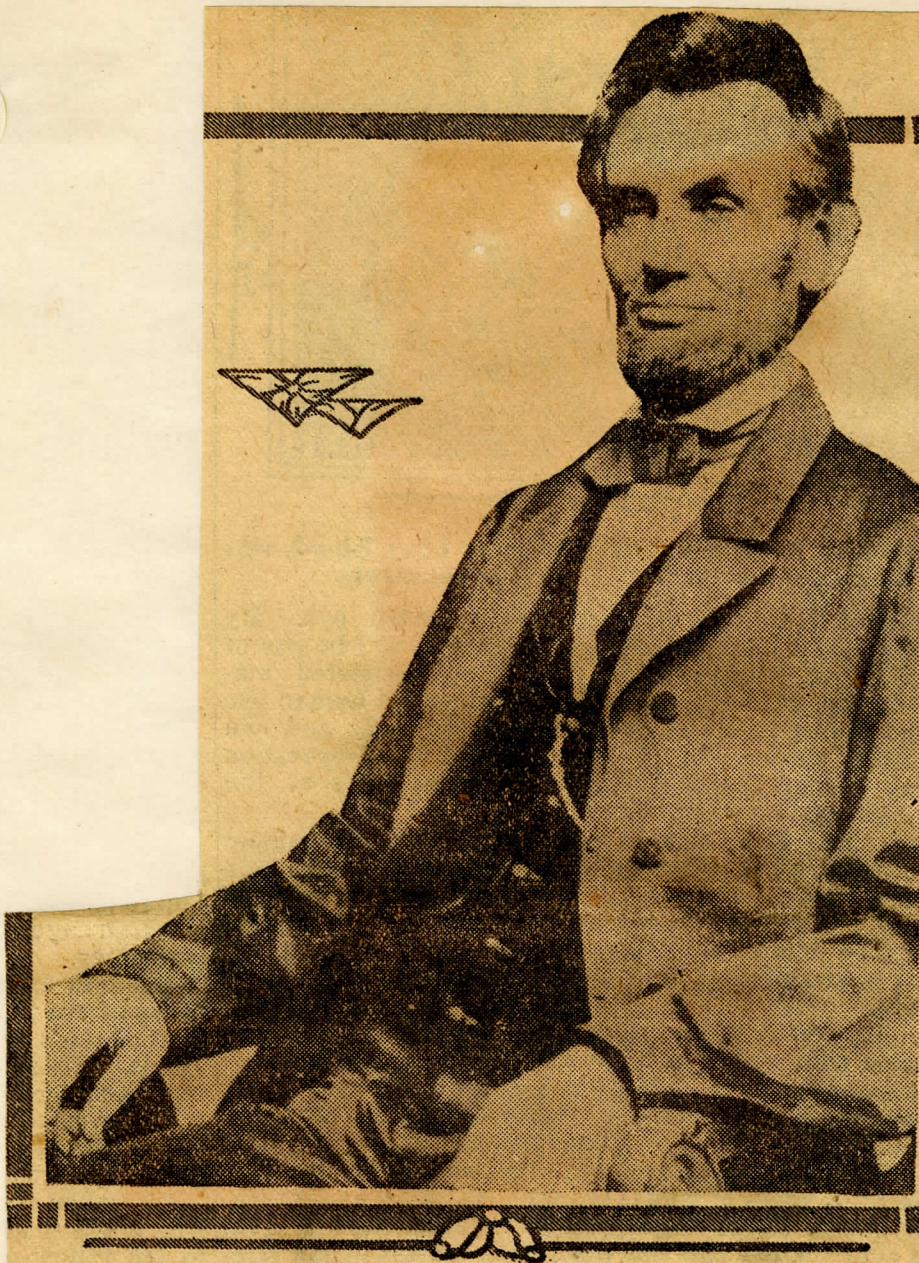
The reading-room of the Library of Congress, where the letters recently discovered will be placed on file.

etiquette of the time. "Yr. mo. obdt. & humble srvt." is a favorite superscription, indicating that the writers, while particular to observe the amenities, were not unmindful of the time and labor to be spared by the use of abbreviations.

One of the earliest "admiralty" cases handled by an Attorney General, Mr. Daugherty found, appears to have been the matter of a petition of one Francis C. Sarmiento, who, in 1811, asked to be discharged of liability for a surety bond of his son, James Sarmiento, who had assisted in fitting out "the schooner Brutus for an adventure at sea which proved disastrous." The petition recites that the father had made a voluntary assignment of all his property to help liquidate the loss, and now asked the President to exonerate him from further liability because, the petition states, "he was involved in the bond under the influence of motives which may be appreciated by every parent," and naively adds that the petitioner is in any event immune because he "now has the honor to hold from the King of Spain the commission of Secretary of Legation to the Spanish Embassy near the United States of America." The incomplete papers fail to reveal what recommendation was made by the Attorney General.

Mr. Daugherty found that in the six years from 1810 to 1816, the United States Supreme Court disposed of 119 United States causes, according to a memorandum written on a ragged and very yellow scrap of paper dated Washington, January 29, 1817, and signed by E. B. Caldwell. The memorandum is unaddressed. "It will be remembered," the paper states, as if in explanation of the small number of cases, "that in the year 1811 there was no court."

"R. Rush, 30 Decr 1816, Attorney General. His opinion in the case of Mr. Noah and Mr. W. Lewis," is the notation on one of the best preserved among the earlier documents.



Abraham Lincoln, whose last official letter has been discovered among yellowing bundles of old papers. It was written only a few hours before his assassination.

The opinion, which relates to the payment of ransom for the release of American prisoners at Algiers, covers sixteen pages of about the modern legal size and is written on both sides of the paper, as was the general custom in those days. Mr. Noah and Mr. Lewis had jointly supplied money for the release of certain of the prisoners and the Attorney General's opinion was that Congress alone had power to reimburse them for this "meritorious act." The signature to this, "Richard Rush, A. G.," and it is probably the first time an At-

torney General used this shortest of abbreviations in signing his title, the other papers of early date indicating that "atto. genl." or "atty genl." were the more popular forms.

William Wirt served as Attorney General longer than any other incumbent of the office, his service of twelve years, 1817-1829, overlapping the terms of Presidents Monroe and John Quincy Adams, Mr. Daugherty explained. Wirt's letter accepting the original appointment of President Monroe is among the documents sent to the Library of Congress.

Washington, Nov. 13, 1817.
Sir:

Yours of the 29th ult. reached me at Norfolk a few days past. The office of Attorney General of the United States, which you have done me the honor to offer, is accepted, and I shall be ready to enter upon its duties as soon as the forms of qualification can be completed.

I am, Sir, most respectfully,
Your obdt. servt.

Wm. Wirt.

To the President of the U. S.

The "forms of qualification" evidently were completed on the day this letter was written, for Mr. Wirt's appointment is dated November 13, 1817.

Mr. Daugherty was particularly interested in the form of calling Cabinet meetings in 1818, which was revealed by a note on a very small sheet of paper addressed to Mr. Wirt, as follows:

The Secretary of State presents his compliments to the Attorney General, and has the honor to inform him that his attendance, with that of the other Heads of Departments, at 12 o'clk tomorrow, is requested by the President, if it be not inconvenient to the Attorney General.

Dept. of State, March 2, 1818.

Wirt realized, Mr. Daugherty added, the importance of a record of the transactions of his office, and kept an "official letter book" throughout his term. He was a believer in system, as the first entry in this book, a copy of a letter from Wirt to the President, dated January 17, 1817, shows. In this letter he complains that on assuming his office he could find "no book, documents or papers of any kind to inform me of what has been done by any one of my predecessors since the establishment of the Federal Government."

"Feeling very strong the inconvenience, both to the nation and myself, from this omission, I have determined to remedy it, so far as depends on myself, and to keep a regular record of every official opinion which I shall give while I hold this office, for the use of my successor."

This promise Wirt faithfully kept, Mr. Daugherty said, and all of the earlier entries are in his own handwriting, which is a beautiful example of the best style of the period. Wirt's successors in office, John M. Berrien and Roger B. Taney, contributed a number of entries to the ledger from March 9, 1829, to September 24, 1833, and two short entries were made by Attorney General Benjamin F. Butler, December 16 and December 26, 1833. After that the pages of the book, a hundred or more in number, are blank, except where several pages at the end are devoted to an "index."

This book has recently been restored and is today the only bound volume of records of the Department of Justice.

Records concerning the Aaron Burr treason case proved of great interest to Mr. Daugherty, especially as the facts discussed in the documents related to Ohio proceedings, the Attorney General's native State. John C. Wright, District Attorney for Ohio, wrote the Attorney General from Steubenville under date 1st July, 1818, asking what he shall do in the matter of the "indictments against Aaron Burr and Herman Blumerhogat for treason, which have been a long time pending in court * * * without any reason being assigned." He adds: "I have applied to my predecessor in office to know the situation of these causes and why they are continued? and have received for answer that as the wishes of Government were unknown on the subject they were continued for want of such knowledge. I can see but one use in keeping these causes on the docket of the court, and that is to give it an appearance of business. I wish your advice, sir, what steps to take in these cases—If they are to be retained on the docket had I not better take measures to arrest the defendants and bring them to trial? If not, would it not be better to nol pross the indictments and so finish them?"

No reply to this letter has been found among the Department of Justice files, but history records that no action

was taken against either Burr or Blumerhogat (sometimes spelled "Blennerhassett") after they had been discharged at the trials held at Richmond in 1806 and 1807.

A letter from President Monroe to Attorney General Wirt dated May 8, 1821, discusses the President's authority under a new Act of Congress to reduce the size of the army, and concludes with these words:

"If you will come over this evening we will confer further on the subject, either here, or in a walk or ride together."

The imagination, Mr. Daugherty said, pictures these two on horseback trotting side by side along the bridal paths trailing the forest then surrounding the White House, or perhaps making their way on foot through the straggling streets of young Washington, informally discussing affairs of state.

In a lengthy opinion dated nine o'clock, in this office, to take an oath (myself setting the example, and all others belonging to the office following) to this effect—

"I, Edward Bates, Attorney General of the United States (or Assistant Attorney General or clerk in the Attorney General's office) do solemnly swear that I will support, protect and defend the Constitution of the United States, and that I will bear true faith and loyalty to the Government of the United States, as established by the Constitution and the laws, so help me God."

EDW. BATES.

The paper is folded in the manner of legal documents and indorsed as follows:

The oath herein was taken and subscribed on the 20th of April, 1861, by Edward Bates, Attorney General.

T. J. Coffey, Assistant Attorney General.

R. D. Bates, Clerk.

J. M. Cooper, Clerk.

J. A. Rowland, Clerk.

July 5, 1824, Attorney General Wirt finds that the Secretary of the Treasury, being rendered by sickness unfit to sign official documents with a pen in the usual manner, may properly use a stamp for the purpose. He recommends, however, that this stamp or "copper plate" be kept in the personal custody of the Secretary.

"H. Clay, Secretary of State," May 16, 1826, requests "by direction of the President, the Attorney General's co-operation" with the district attorney in Baltimore in the prosecution of "certain persons for being engaged in the slave trade, contrary to law."

John Quincy Adams, Secretary of State, on March 28, 1818, wrote the Attorney General urging him to speed up his opinion in the Pennsylvania militia fines case, as the President "is called upon for an immediate decision" and "prefers not to await the final judgment of the Supreme Court."

Attorney General Daugherty found a most interesting document written by Edward Bates of Missouri, who was Attorney General when the War Between the States began in 1861. The following document, inscribed in a rather scrawly hand on the ruled paper of the period was found in the Department of Justice archives:

Atty. Gen's Office,
April 19, 1861.

In the present crisis of public affairs, and because there are instances, daily coming to light, of official unfaithfulness to the Government, it has been deemed proper to require all persons engaged in the department to renew their pledge of loyalty to the Government.

Therefore, I propose, tomorrow morning, at half past

D. DeW. Smith, Clerk.

H. A. Klopfer, Messenger.

All employed in the office of the Attorney General of the United States.

ED. BATES.

April 22, 1861.

An indorsement by Lincoln on the back of a pension petition dated April 19, 1862, indicates the martyr President's personal interest in the case of a war widow: "Will the Attorney General please examine this case and give me his opinion whether the accounting officers should pay this claim, the resolution of Congress to the contrary notwithstanding.

A. LINCOLN."

Several other letters in Lincoln's hand on various subjects were found in the records, but the one of greatest historical and sympathetic interest is that written April 13, 1865, for it is believed to have been the last official letter ever penned by him. He was shot by an assassin on April 14 and died early the following morning:

Executive Mansion,
Washington, April 13, 1865.
Attorney General,

Dear Sir: Send me a commission for William Kellogg, to be Judge in Nebraska in place of W. P. Kellogg resigned.

Yours truly,
A LINCOLN.

The indorsements on the back of the letter show that the appointment was that of a chief justice for the territory of Nebraska. The fact was: the "W. P. Kellogg" who resigned and the "William Kellogg" who was appointed were one and the same person. Mr. Kellogg was appointed chief justice of Nebraska by Lincoln in 1861 but was granted leave of absence by the President

to raise a regiment and participate in the war. He resigned as chief justice in 1865 and was reappointed, as the autograph letter indicates, as "William Kellogg."

Another autograph Lincoln letter relating to a judgeship is dated June 2, 1862:

Hon. Attorney General.

My dear Sir:

Judge Pettis having resigned, as appears by his letter herewith enclosed, please send me a nomination for Allen A. Bradford as his successor.

Yours truly,

A. LINCOLN.

Notations on the back show that the position referred to was that of Federal Judge of Colorado Territory.

The last words ever written by Abraham Lincoln, Mr. Daugherty said, were scribbled on the back of a calling card at 8:30 o'clock on the night of April 14, 1865. George Ashmun was waiting in the White House lobby for an audience when the President

passed through on his way to join Mrs. Lincoln who was seated in the carriage to take them to Ford's Theater. Lincoln asked Mr. Ashmun for his card and drawing a lead pencil from his pocket, wrote:

"Admit Mr. Ashmun and friends at 9 a.m. tomorrow.

A. LINCOLN.

April 14, 1865.

This card, together with a statement by Mr. Ashmun, is preserved in the Lincoln case at the Library of Congress.