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The Importance of a Single Vote

By HARRY S. NEW

The declaration of war with Mexico, made by the United States in May, 1846, was determined by the vote of a farm-hand in DeKalb County, Indiana, in the fall election of 1842. Such at least was the story told throughout the state for many years after the event. Party organizers employed it in their efforts to impress upon the minds of voters the necessity of going to the polls and voting on election day. The possible consequences that hung upon a single vote were brought home with all the impressiveness the organizer could command. Whether this assertion was or was not extravagant, the story of the circumstances under which the farm hand voted and of the resultant consequences is most interesting. Even if it be insisted that it is not conclusive in establishing the truth of the original claim made for it, it does both "point a moral and adorn a tale."

Upon the results of the Indiana State election of 1842 depended the election of a United States Senator, and this being long before the day of the primary and the seventeenth amendment to the Constitution providing for the election of senators by the direct vote of the people, the complexion of the Legislature then selected would determine who the senator should be and the party to which he should belong. In 1842-43, the candidates were Oliver H. Smith, the Whig Senator up for re-election, and General Tilghman A. Howard, a Democrat. Both men were prominent, worthy and capable, and there was no other thought than that one of them would be elected depending on which party elected the majority of the Legislature.

The legislative apportionment called for one joint representative for Steuben and DeKalb counties, and the candidates for the place were Madison Marsh of DeKalb and Enos Beall of Steuben. According to the returns made by the local canvassing board, the election resulted in a tie between Marsh and Beall:

Steuben County:

Enos Beall	271
Madison Marsh	174

DeKalb County:

Madison Marsh	186
Enos Beall	89
Total vote cast for each	360

Marsh contested the election, claiming that the election officers of Smithfield Township, DeKalb County, had illegally rejected the ballot of Henry Shoemaker, which, had it been counted, would have given Marsh an additional vote in DeKalb County, thereby giving him a total of 361 votes in the combined returns, and a seat in the house.

Shoemaker was the farm-hand in the picture, and the story as brought out by the Committee on Elections of the Indiana House of Representatives was that during the campaign, Candidate Marsh in the course of his campaigning met Shoemaker and exacted from him a promise to vote for him on election day. The story proceeds to disclose that on the afternoon of election day Shoemaker had suddenly recalled his forgotten promise to Marsh. He worked on a farm about twelve miles from the polling place, but in order to keep his pledge he put a saddle on a horse and rode into Kendallville, arriving late in the afternoon. At the polls he asked for a ticket and discovered that the one handed him did not contain Marsh's name. Proceeding with the details, it was developed that the election officers did not have a ticket containing the names desired by Shoemaker, who because of this, took two or three tickets which were given him by the inspector, and with a pen-knife cut from one or another the names he wanted, the process resulting in his having a ticket made up of four pieces. These he rolled together, wrapping three in the fourth piece, and gave them to the inspector, who accepted them and put them in the ballot box. Shoemaker stayed around the polls for an hour or more after voting and nothing was said by any of the election officers that suggested any dissatisfaction on their part with the character of Shoemaker's ticket, as finally made up. Nor was anything said of any purpose to reject the ticket when the time came for counting the votes. However, the inspector threw out the Shoemaker ticket when it was reached in the count, thereby depriving Marsh of that vote, which would have given him a majority had it been counted.

When the contest reached trial, all the circumstances at-

tending the making up of Shoemaker's vote were brought out in elaborate detail by the Elections Committee—how Shoemaker had to resort to the use of several tickets in order to get the names of his choice because the election officials did not have the particular ticket he wanted—how the inspector had loaned Shoemaker his own sharp pocket-knife for use in cutting out the names, etc. Marsh claimed that the Shoemaker vote was legal, and the Committee on Elections so held, in which decision it was sustained by the whole House, and Marsh was seated by the adoption of a formal resolution that he was entitled to the seat.¹

Marsh was a Democrat, and on the election of a United States Senator voted first for Howard, and when Howard's name was dropped he voted for Edward A. Hannegan, his name having then been brought forward, thereby giving Hannegan a majority over Smith and electing him to the Senate. Had Shoemaker's vote been rejected and neither Beall nor Marsh seated, neither having received a majority of all votes cast, seventy-five votes in the Legislature would have been a majority and Smith would have been re-elected on the second ballot.

To everybody's surprise the first ballot stood Howard, 74; Smith, 72; and Hannegan, 3. On the second ballot Smith received 75 votes, within one of the 76 necessary for election. On the sixth ballot, the Democrats having then deserted General Howard, Hannegan received the 76 votes necessary for election.² Thus it was that the final counting of Henry Shoemaker's individual vote cast in Smithfield Township, DeKalb County, prevented Oliver H. Smith from succeeding himself as United States Senator, and brought about the election to that office of Edward A. Hannegan. But for the counting of that one vote which made Marsh the representative from the Counties of Steuben and DeKalb, Hannegan could not have been elected as he was later in the afternoon of that day. Four years later, Hannegan, United States Senator from Indiana, supplied the vote necessary for a caucus majority on

¹ The report of the committee is found in the *Indiana House Journal* of 1842, 60-70. This session of the Legislature was the twenty-seventh. It convened in December, 1842, and performed most of its work in 1843, but the *Journal* is designated as that of 1842. For the election figures furnished in this paper, see *History of Steuben County* (Chicago, 1885), 321, and *History of DeKalb County, Indiana* (Chicago, 1885), 317.

² See *Indiana Senate Journal*, 1842, 349-355, for the record of the balloting for United States Senator.

the declaration that a state of war existed between the United States and Mexico.

In 1846 the troubles between the United States and Mexico had reached so serious a point that the demand for a declaration of war was most urgent. The sentiment of the Senate as to whether such a declaration was to be made was very evenly divided, and a caucus of the Democratic Senators constituting a majority was called to determine the course of action. The vote was a tie, Senator Hannegan being absent. The matter was allowed to remain as it was until Hannegan could be found. He was sent for and brought immediately into the caucus where he promptly voted "aye," thus breaking the tie and fixing the policy of the Democratic Senators.³ The declaration that a state of war between the two countries existed was then passed.

But the story of the election of a joint representative for Steuben and DeKalb Counties was not the only singular one attaching to that legislative session and senatorial election, there being a second relating to Switzerland County, where Daniel Kelso was elected representative. Kelso was a Whig and it was never doubted that he would vote for his party candidate, Senator Oliver H. Smith. However, Kelso voted for Hannegan from first to last and the reason as subsequently given for his action provided something in the nature of a parallel for the tale above narrated.

This story was that Hannegan, as a lawyer, had defended a citizen of Switzerland County against a charge of murder, and had secured his acquittal. Hannegan was a great orator, and it was said of this particular trial that judge, jury, and spectators were moved to tears by the eloquence of his plea for his client. The man was very poor and could pay Hannegan nothing, but he recognized his great obligation to his attorney and vowed that if opportunity ever presented, he would go to the ends of the earth to serve Hannegan, and duly impressed all this upon his son. The client was dead before this particular election came on, but the son survived him though he was himself now in an advanced stage of tuberculosis. Kelso was said to have gone to the home of the invalid son whom he persuaded to go to the polls with him and to vote for him. The sick man consented

³ John Wesley Whicker, "Edward A. Hannegan," in *Indiana Magazine of History* (Dec., 1918), XIV, 370.

to this upon the condition that, if Hannegan should be a candidate before the Legislature, Kelso would vote for him for Senator. Kelso was elected by one vote and is said to have justified his conduct in deserting Senator Smith, the candidate of his party, on the ground that he could not have been elected to his seat in the Legislature had it not been for the vote of the invalid to whom he had made a sacred promise.

Several years later Senator Smith became one of the first Hoosiers to write a book which he published in 1858, a volume of very interesting stories under the title *Early Indiana Trials and Sketches*. In a chapter of this volume he tells of the senatorial election of 1842, of the defeat of himself and General Howard, and of the election of Hannegan. Singularly enough he makes no mention of either the Marsh or the Kelso stories, attributing his defeat rather to what he denounced as the perfidy of Senator Hoover of Wayne County, alleging the breaking of a promise, and of Kelso's desertion of his party. Smith avers that while Hoover was a Democrat elected from a county having a heavy Whig majority, he had repeatedly promised to vote for Smith for United States Senator and that he was elected only upon that definite understanding. However, after having voted for Smith on the first and second ballots, Hoover then went to Hannegan. As for Kelso, Senator Smith satisfies himself by accusing him of having treacherously deserted his party.⁴

So far as is known to the writer, there was never any proof of the story regarding the murder trial and consequent gratitude of the son of the accused man or of Kelso's story. J. Wesley Whicker, an old friend of the writer, published a book in 1916 under the title, *Historical Sketches of Wabash Valley*, in which he told the Kelso story about as it appears above.⁵ It may be true, but, if it is based upon anything more than tradition, the writer has been unable to find a record of it. The story of the election of Marsh is definitely and truly established in the records of the Legislature.⁶ The few embellishing details which are omitted in the official record were supplied by the newspapers of the day. There can be no question whatever as to its accuracy.

⁴ Oliver H. Smith, *Early Indiana Trials and Sketches* (Cinn., 1858), 353-355.

⁵ This volume was published at Attica, Indiana. The story of Kelso's election is related on pages 136-137. The story is also presented in the article mentioned above in note 3.

⁶ Report of the House Elections Committee, *Indiana House Journal*, 1842, 60-70.