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# Guide to the Jefferson Davis Trial Papers MS 979 1865-1868



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## **Descriptive Summary**

<b>Identifier</b>	ICU.SPCL.MS979JDAVIS
<b>Title</b>	Davis, Jefferson, Trial Papers. MS 979
<b>Date</b>	1865-1868
<b>Size</b>	.25 linear feet (1 box)
<b>Repository</b>	Special Collections Research Center University of Chicago Library 1100 East 57th Street Chicago, Illinois 60637 U.S.A.

**Abstract** MS 979 Jefferson Davis Trial papers. These fourteen documents indicate the legal entanglements, ambiguous delays, political floundering, and shifting of responsibilities that occurred during the period from Jefferson Davis' first indictment for treason, on May 10, 1866, through March 6, 1868, when the trial, finally set for March 26, 1868, was postponed again. The collection includes seven original letters and two copies of correspondence between L.H. Chandler, U.S. District Attorney for Virginia; Henry Stanbery, U.S. Attorney General; Edwin Stanton, U.S. Secretary of War; William M. Evarts and Richard H. Dana, assistant council for the prosecution; and Charles O'Connor, Davis' lawyer.

## **Information on Use**

### **Access**

This collection is open for research.

### **Digital Images**

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The University of Chicago Library appreciates hearing from anyone who may have information about any of the images in this collection.

## **Citation**

When quoting material from this collection, the preferred citation is: Jefferson Davis Trial Papers. MS 979, [Box #, Folder #], Special Collections Research Center, University of Chicago Library

## **Biographical Note**

Jefferson Davis was an American military and political figure who is best known for his role as the only President of the Confederate States of America. Davis led the seceded Southern states into the Civil War, refusing to renounce his pro-slavery worldview in the face of the more populous and more powerful Northern states. Prior to that role, Davis served in the Mississippi state legislature, the U.S. House and the U.S. Senate. His extensive political experience was rivaled only by his military prowess as a graduate of West Point, a colonel in the Mexican-American War, and the Secretary of War under President Franklin Pierce.

Jefferson Davis was the last of ten children born to farmers in Christian County, Kentucky. Davis himself was unsure of whether his birth year was 1807 or 1808. Davis' father and uncles served in the Continental Army during the American Revolutionary War, and three of his brothers fought the British in the War of 1812. Davis' family moved several times during his youth. He attended Jefferson College in Washington, Mississippi, and then Transylvania University in Lexington, Kentucky. In 1828, Davis graduated from the United States Military Academy, accepting a commission as a second lieutenant and embarking upon a distinguished military career. Davis fell in love with and wed Sarah Knox Taylor, daughter of future U.S. President Zachary Taylor, who did not approve of the match.

Davis subsequently left military service and gained political office at the state and then the federal level. As a U.S. Senator, he became chairman of the Committee on Military Affairs. He left his Senate seat to run for the governorship of Mississippi, a race he lost in 1851. Davis continued states-rights advocacy, re-entering the Senate and becoming a leading voice among Southern politicians. Though Davis opposed secession on principle, he upheld it in practice when he resigned from the U.S. Senate in 1861, announcing Mississippi's withdrawal from the Union. When the Confederate Congress elected Davis to a six-year term as President of the Confederacy, Davis moved his family to Richmond, Virginia. He was inaugurated on February 22, 1862, and on June 1, he named General Robert E. Lee commander of the Army of Northern Virginia.

As President, Davis hesitated to select a single general to control war strategy, retaining that power for himself and likely harming the Confederate cause. As Union troops prepared to capture the Confederate capital of Richmond, Davis and his cabinet escaped to Danville, Virginia. Davis there issued his last official statement as President and continued his flight from Union troops. He was captured in Irwinville, Georgia on May 10, 1865. On May 19, he was imprisoned at Fortress Monroe, a wet, unheated casemate where he was exposed to the weather. Davis was placed in irons, then released from them three days later upon a physician's recommendation. The ambiguity of Davis' position and uncertainty as to his proper punishment is reflected by the year that lapsed between Davis' capture and his indictment for treason, the result of concerns over constitutionality of the U.S. Supreme Court.

After two years of imprisonment, Davis was released on bail, posted by prominent citizens of both Northern and Southern states who were convinced of his unfair treatment. Davis then traveled to Canada, New Orleans, Cuba, and Europe. In December of 1868, the U.S. Supreme Court rejected a motion to dismiss Davis' indictment for treason, but the prosecution dropped the case two months later.

In 1869, a free Jefferson Davis was named president of the Carolina Life Insurance Company. He led the meeting memorializing Robert E. Lee's death in 1870. Elected to the U.S. Senate in 1875, Davis refused the office. In the years before his death he authored two works: *The Rise and Fall of the Confederate Government* and *A Short History of the Confederate States of America*. Davis died in New Orleans in December 1889 at the age of 81. His funeral, one of the largest ever held in the South, included a continuous march from New Orleans to Richmond. He is buried in Richmond, where a monument to him was erected in 1907.

### **Scope Note**

This collection is comprised of fourteen documents related to the imprisonment and trial of the former President of the Confederate States of America, Jefferson Davis. The documents span the years 1866 to 1868. The documents are chronologically arranged.

The three earliest letters, dating from October 1866 to May 1867, concern the transfer of Davis from military to civil imprisonment so that he might be brought to trial in the Virginia Circuit Court. A trial was finally set for November 25, 1867, and the series of letters between Stanbery, Chandler, Evarts and Dana, discussing preparations for the trial, form the bulk of the correspondence in the collection. The November 1867 trial was delayed until March 1868, but the last letter of the collection, from Evarts to Chandler, dated February 18, 1868, states that 'we are in precisely the same position as to preparation that we were in November last,' and that the trial must be further postponed.

The documents and papers in the collection include notes about witnesses for the May 10, 1866 indictment; a copy of the indictment, signed by Chandler and filed in the Virginia Circuit

Court; subpoenas for General Horace Porter and General J.G. Parks to appear at the trial set for November 25, 1867; and an agreement signed by Evarts and O'Connor by which the March, 1868 trial was postponed.

## Related Resources

The following related resources are located in the Department of Special Collections:

<http://www.lib.uchicago.edu/e/spcl/select.html>

## Subject Headings

- Davis, Jefferson, 1808-1889
- Confederate States of America
- Confederate States of America -- History
- United States -- History -- Civil War, 1861-1865
- United States -- Politics and Government, 1861-1865

## INVENTORY

### Box 1

#### Folder 1

Indictment in the case of the People vs. Jefferson Davis, U.S. Circuit Court for the district of Virginia at Norfolk. Signed by L.H. Chandler, district attorney and filed May 10 1866 by W.H. Barry, Clerk. (copy)

View digitized document. <http://pi.lib.uchicago.edu/1001/src/md/MS979JDavis-0001-001>

### Box 1

#### Folder 2

Notes on witnesses for the above indictment including James F. Milligan, Judge George P. Scarbourg, John Goode, Jr., and H. Hardy Hendon

View digitized document. <http://pi.lib.uchicago.edu/1001/src/md/MS979JDavis-0001-002>

### Box 1

#### Folder 3

L.H. Chandler to Henry Stanbery, October 8, 1866

View digitized document. <http://pi.lib.uchicago.edu/1001/src/md/MS979JDavis-0001-003>

### Box 1

#### Folder 4

Charles O'Connor to Henry Stanbery, May 2, 1867 (copy)

View digitized document. <http://pi.lib.uchicago.edu/1001/src/md/MS979JDavis-0001-004>

### Box 1

#### Folder 5

L.H. Chandler to Edwin Stanton, May 4, 1867

View digitized document. <http://pi.lib.uchicago.edu/1001/src/md/MS979JDavis-0001-005>

**Box 1**

**Folder 6**

L.H. Chandler to Henry Stanbery, October 19, 1867  
View digitized document. <http://pi.lib.uchicago.edu/1001/scrc/md/MS979JDavis-0001-006>

**Box 1**

**Folder 7**

Henry Stanbery to L.H. Chandler, November 4, 1867  
View digitized document. <http://pi.lib.uchicago.edu/1001/scrc/md/MS979JDavis-0001-007>

**Box 1**

**Folder 8**

William M. Evarts and Richard H. Dana to Henry Stanbery, November 2, 1867 (copy)  
View digitized document. <http://pi.lib.uchicago.edu/1001/scrc/md/MS979JDavis-0001-008>

**Box 1**

**Folder 9**

Henry Stanbery to L.H. Chandler, November 4, 1867  
View digitized document. <http://pi.lib.uchicago.edu/1001/scrc/md/MS979JDavis-0001-009>

**Box 1**

**Folder 10**

L.H. Chandler to Henry Stanbery, November 6, 1867  
View digitized document. <http://pi.lib.uchicago.edu/1001/scrc/md/MS979JDavis-0001-010>

**Box 1**

**Folder 11**

Subpoena for Gen. Horace Porter to testify in the Virginia Circuit Court, November 25, 1867  
View digitized document. <http://pi.lib.uchicago.edu/1001/scrc/md/MS979JDavis-0001-011>

**Box 1**

**Folder 12**

Subpoena for Gen. J.G. Parke to testify in the Virginia Circuit Court, November 25, 1867  
View digitized document. <http://pi.lib.uchicago.edu/1001/scrc/md/MS979JDavis-0001-012>

**Box 1**

**Folder 13**

William M. Evarts to L.H. Chandler, February 18, 1868.  
View digitized document. <http://pi.lib.uchicago.edu/1001/scrc/md/MS979JDavis-0001-013>

**Box 1**

**Folder 14**

Agreement for postponement of the trial set for March, 1867 Signed by William M. Evarts and Charles O'Conor

View digitized document. <http://pi.lib.uchicago.edu/1001/srcrc/md/MS979JDavis-0001-014>