

Finding Frederick

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It seemed almost too good to be true! The moment I heard that a film was being made about the trial of the Lincoln assassination conspirators, starring my favorite actor, James McAvoy, in the leading role of Frederick A. Aiken, the young attorney who tried to defend Mary Surratt, my interest was piqued. The film company's short synopsis about a Union war hero defending a woman unfairly accused and victimized by the very nation for which he had spilt his blood awakened my romantic senses (that and the thought of McAvoy in a Civil War uniform.) Since my knowledge of the assassination and ensuing trial were limited to a few high school and college history classes eons ago, a quick Google search was in order, which led me to The Surratt House Museum, and it's director, Laurie Verge, who answered my early (and intermediate and late) questions with intelligence, kindness, and patience. She gave me a suggested reading list of books and sent me a brief article she had written about Frederick for the *Surratt Courier*, which answered a few of the questions I had about him, but left many more unanswered: When was he born? Where? Who were his parents? How did he come to defend the most hated woman in America in May 1865? Even Laurie (who seemed to know everything) didn't know the answers to these most basic questions about Frederick Aiken.

But I think the actual moment I became hooked on finding Frederick was when I discovered his cemetery record which indicated he was buried in an unmarked grave.¹ This struck a particular chord with me and seemed to be an indictment of him shared by many historians and authors; that he was not really important enough to be remembered or acknowledged, even in death; a mere footnote to history. Many seemed to paint Frederick Aiken with simple characterizations as a young,² inexperienced attorney – a simple Vermont farm boy who was in over his head; a man who couldn't decide where his loyalties lie – with the Union or with the Confederacy. He was either a Union hero or a Confederate-loving traitor. But most agreed on one thing – he was basically an insignificant nobody, pitted against the power of the Union and the government of the United States on the nation's largest stage in the spring and early summer of 1865.

As an amateur genealogist I've spent a great deal of time in the past few years researching my husband's Confederate ancestors. To this Yankee (raised in Michigan and Indiana) the Civil War years always seemed relatively black and white – a grueling war fueled by Right (Union) and Wrong (Confederate). Northerners were anti-slavery and pro-Union; southerners were pro-slavery and anti-Union. But learning about these relatives from Alabama (pro-slavery) and North Carolina (pro-Union) taught me one important lesson that prepared me for my search to find and perhaps, hopefully, understand Frederick – there were no simple black and white answers to such complex questions in our nation's history; not then, and certainly not now.

¹ Oak Hill Cemetery Records, <http://www.oakhillcemeterydc.org/Burials/79.pdf>; FHL film 1543685. "Aiken, Frederick Argyle. b. c1837 Vermont; d. 23 Dec 1878, 41, 618 12th St., N.W.; i. 0079, 26 Dec 1878 (Mrs. M. Randolph); married; cause of death: fatty degeneration of heart."

² Most authors write Aiken was 28 at the time of the Trial in 1865. But since birth, census, and marriage records all agree, I accept the 1832 birth date, which would have made him 32 at the time of the trial, turning 33 in the fall of 1865. Additionally, one newspaper confirms his age as 32: May 13, 1865, *Philadelphia Inquirer*, Pennsylvania: "F. A. Aiken . . . is a native of Massachusetts, about 32 years of age."

And so, armed with little more than a home computer,³ and access to the Family History Library in Salt Lake City, I began my search for Frederick Aiken, and what I learned answered many of my questions, but also left many more unanswered. Because there are more eminently qualified historians and researchers who have studied and written about his part in the trial of Mary Surratt, I focused my research on the man himself, especially his life before and after the trial.

Frederick Augustus Aiken⁴ was born September 20, 1832 in Lowell, Middlesex, Massachusetts to Susan Rice Aiken and Solomon Aiken.⁵ Solomon was the son of the Reverend Solomon Aiken, who was a grandson of Scottish immigrants and a Revolutionary war soldier and patriot who became a celebrated clergyman in Dracut, Massachusetts and his wife Mary (Polly) Warner.⁶ Susan (Susannah) was the daughter of Ithamar Rice, another Revolutionary war soldier, and his wife Sarah (Sally) Dunn, of Sudbury, Massachusetts.⁷

Frederick and his parents left Massachusetts for Vermont sometime between the 1840 census⁸, and the birth of his sister Frances Caroline in Hardwick, Caledonia, Vermont in 1845.⁹ The 1850 census lists Frederick, 17, with his parents and sister; Frederick was a farmer and student.¹⁰ During the 1854 academic year he attended Saint Johnsbury Academy;¹¹ and Middlebury College between 1855 – 1857; college records indicate he did not graduate¹² but his obituary says he graduated second in his class.¹³

The May 29, 1857 edition of the *Burlington Free Press* (Vermont) reports, “The *Sentinel* appeared last week, considerably enlarged and improved, and (the temporary imperfections incident to the employment of a new press excepted) making an excellent appearance. Mr.

³ websites particularly helpful to me: publications: <http://books.google.com/>; historical newspapers: <http://www.genealogybank.com/gbnk/>; Chronicling America; <http://chroniclingamerica.loc.gov/>; census: ancestry.com <http://www.ancestry.com/>; vital records: <https://www.familysearch.org/>

⁴ There remains some confusion about his middle name: birth, college, and marriage records list it as Augustus; his death and burial record list it as Argyle; when signing his name he usually used A. There is one instance of his signing his name as Fredk. Argyll Aiken – a letter to President Andrew Johnson February 26, 1867.

⁵ Caledonia Vermont Vital Records; FHL film 27457: birth and marriage.

⁶ Caledonia Vermont Vital Records; FHL film 27457; Solomon Aiken death record; Massachusetts Birth and Christenings, FHL film 844947.

⁷ Massachusetts Birth and Christenings, FHL film 844947.; Andrew Henshaw Ward, A. D, *A Genealogical History of the Rice Family: Descendants of Deacon Edmund Rice*, published by C. Benjamin Richards, Boston, Massachusetts, 1858, p. 126

⁸ United States Federal Census, 1840; Lowell, Middlesex, Massachusetts, Roll 92; Page 187; 1 male age 5 – 9; with mother Susan Aiken, next door to aunt Sophia Aiken Spaulding. Others in household with Frederick and Susan (unidentified) are: 2 free white males 20 – 29; 2 free white females 15 – 20. Solomon Aiken, Frederick’s father is not enumerated with the family.

⁹ Caledonia Vermont Vital Records; FHL film 27457:

¹⁰ United States Federal Census, 1850; Hardwick, Caledonia, Vermont, Roll M432_922;Page: 199B.

¹¹ Saint Johnsbury Academy, Listing of trustees, teachers, and students, Academical year ending 1854; Aiken, Frederick A, residence Hardwick; http://www.nekg-vt.com/schools/school_st-johnsbury-academy-1854.htm

¹² Edgar J Wiley, *Catalogue of Officers and Students of Middlebury College in Middlebury, Vermont*; published by the college, 1917, p.198.

¹³ Frederick A Aiken Obituary, *Washington Post*, 24 December 1878.

Saxe's name is withdrawn from the head of the paper, and Mr. F. A. Aiken, who has been a frequent correspondent on the paper, is introduced as associate Editor."¹⁴

On June 1, 1857, Frederick Augustus Aiken and Sarah Olivia Weston, of Randolph, Vermont, daughter of Judge Edmund Weston and his wife Sarah Edson,^{15 16} were married by the Reverend Josiah Swett, Episcopal clergyman. The *Vermont Phoenix*, Brattleboro, ran this announcement June 27, 1857; "So we go – Frederick A Aiken, the newly made editor of the *Burlington Sentinel*, had but just been installed in office when he took to himself a wife in the person of Miss Sarah O Weston of West Randolph. No one deserves such success more."¹⁷

Judge Weston was a wealthy and respected jurist and educator who twice declined the nomination to run for Governor of Vermont; his political leanings were Whig and later, Republican. The 1860 census lists his wealth as \$24,000;¹⁸ in contrast, Frederick's father's wealth in 1860 was \$2,100.¹⁹ Their marriage record lists Frederick as an editor, 24, living in Burlington. Frederick apparently studied law with Judge Weston,²⁰ whose "home was the center of scholarship and whose acquaintance and influence was sought by the leading men of Vermont."²¹

Sarah was born September 28, 1833,²² almost exactly one year after Frederick, and was an accomplished woman, well educated by her father, who "provided private instructors for studies of English, classic and modern languages and music. She continued her studies in Boston, devoting her attention principally to classics and history under the direction of several professors at Cambridge, she being the second of the few female students to whom the privileges of Harvard University were granted."²³ Later newspaper reports indicate that she "was acquainted with at least nine languages."²⁴

One of Frederick's obituaries says he was a protégé of John G Saxe, who owned the *Burlington Sentinel*, "who had unbounded confidence in his abilities."²⁵ Frederick's political opinions may have been refined by this association; Saxe was a Democrat who ran

¹⁴ *Burlington Free Press*, May 29, 1857

¹⁵ Nickenson & Cox, *Illustrated Historical Souvenir of Randolph Vermont*. Compiled & Published by Nickenson & Cox, 1895

¹⁶ Caledonia Vermont Vital Records; FHL film 27457: marriage; 27 June 1857: Danville, Caledonia, Vermont: marriage notice published in *North Star* Newspaper. "Groom: Frederick A Aiken, Esq. of Burlington; Bride: Sarah Olivia Weston, of Hon. E. Weston; married: Randolph June 1; issue 6/27/1857;

¹⁷ *Vermont Phoenix*, Brattleboro, Vermont. 27 Jun 1857.

¹⁸ United States Federal Census, 1860, Randolph, Orange, Vermont, Roll: *M653_132*; Page: 354

¹⁹ United States Federal Census, 1860, Hardwick, Caledonia, Vermont, Roll: *M653_1317*; Page: 189

²⁰ Harriett Hydes Wells, Henry Weston Van Dyke, *Several Ancestral Lines of Josiah Edson and His Wife Sarah Pinney*, New York, Joel Munsel's Sons, 1901, p. 68-70. Henry Weston Van Dyke is Sarah O. Weston Aiken's nephew, the son of her sister Mary Elizabeth Weston Van Dyke.

²¹ William Arba Ellis, *Norwich University, 1819 – 1911; Her History, Her Graduates, Her Roll of Honor*, Burlington, Vermont, The Capital City Press, 1911, p. 42.

²² Vermont Births and Christenings, Sarah Olivia Weston, female, b. 28 Sep 1833, Randolph, Orange, Vermont, father Edmund Weston, mother Sarah Edson. On familysearch.org.

²³ Harriett Hydes Wells, Henry Weston Van Dyke, *Several Ancestral Lines of Josiah Edson and His Wife Sarah Pinney*, New York, Joel Munsel's Sons, 1901, p. 68-70.

²⁴ *The National Republican*, Washington, D.C., 15 August 1868.

²⁵ Frederick A Aiken Obituary, *Washington Post*, 24 December 1878.

unsuccessfully twice for Governor of Vermont and supported a non-interference policy on slavery.

But an even greater influence in forging his political views may have come from his family. His grandfather Solomon Aiken was persecuted for his outspoken political beliefs; he fiercely supported strong states' rights and a less powerful central government, aligning himself with farmers and the south, and becoming an enemy to northern Federalists.²⁶ His obituary states "the combined influence of the (Federalist) clergy was made to bear upon him; their hostility became inveterate and implacable. At length, pious fraud, reckless calumny and persecuting vengeance ousted him from his pastoral charge, reduced him to poverty, and drove him from his native State."²⁷ Although Frederick was less than a year old at the time of his grandfather's death in 1833, Solomon Aiken, Sr., appears to have passed his distrust of Federal power to his grandson, who referred to his father and grandfather in a letter to Jefferson Davis in April 1861 when he wrote, "My grandfather, in youth a soldier of the Revolution – a warm friend of Jefferson and for a time, among the regular clergy of Massachusetts the only prominent defender of civil and religious liberty – the consistent political teachings of my father, together with my own political studies impregnably fortify my belief in pure democracy. . ."²⁸

It appears one of Frederick's first public forays into the political arena was during the summer of 1857. Despite his young age, Frederick served as Secretary to the Vermont Democratic Convention held at Rutland July 16, 1857.²⁹ And the August 14, 1857 *Burlington Free Press* reported on the Chittenden County Democratic Convention where Frederick served as a member of the committee to author the county Democratic resolutions, as originally printed in the *Burlington Sentinel*, the paper Frederick edited. Among these resolutions is the first indication of his future political ideologies, quite possibly authored by Frederick himself: "Just as sure as the advancing sun, the united column of Democracy, the army of conservatism, of truth and right, are marching to victory. We may not conquer this year, but we demand an unconditional surrender. And when you recollect the power of truth over error, union over fragments, content and calmness over fear and disquietude, you may rest assured that you will be defeated. . . Resolved, that the Democrats of Chittenden County are called upon, . . . to labor for the continued power of union sentiments, for closer bonds of affinity between distant sections. . . (we) cannot support any man who will submit to the abridgement of a voter's constitutional right, . . . , which if allowed would overthrow the Republic. . . (we) feel that the union is of more value to 25,000,000 of whites than a disunion would be to 3,000,000 of blacks. . . Resolved, that the Democrats of this County brand as an unmitigated falsehood the charge of our adversaries that, as a party, we favor the extension of slavery, - but standing on the broad ground of nonintervention we are willing to leave the question where the Constitution has left it, with the people. . . that as strict adherents to the Constitution and the laws we deprecate and denounce as anti-republican and treasonable, the willingness manifested by our political opponents in their attempts and movements to resist and overthrow the same."³⁰

²⁶ Rev. Mortimer Blake, *A Centurial History of the Mendon Association of Congregational Ministers*, Sewell Harding, Boston, 1853, p. 227.

²⁷ Reverend Solomon Aiken obituary, *Vermont Patriot and State Gazette*, 17 June 1833.

²⁸ Frederick A Aiken letter to Jefferson Davis, 6 April 1861; National Archives: RG 109; M346.

²⁹ *Vermont Phoenix*, Brattleboro, Vermont, 25 July 1857, "Fred A. Aiken, Secretary."

³⁰ *Burlington Free Press*, Rutland, Vermont, 14 August 1857.

Many later references to Frederick Aiken include the title ‘Colonel,’ but this seems to pre-date the Civil War; the October 3, 1857 edition of the *Caledonian* (Vermont) speaks about him: “. . . *The Daily National Flag*, printed at Bloomington, Ill., in which its former editor says he has ‘sold and transferred his interest in the establishment to Colonel (?) Frederick Augustus Aiken, late editor of the *Burlington Sentinel*.” The question mark was included in the original newspaper account, indicating their uncertainty about the validity of the rank.³¹

Frederick wasn’t the only writer in the family. Sarah was an accomplished writer in her own right – publishing stories, poems, and reviews for Mr. Saxe and other magazines and papers.³² Her literary pursuits weren’t limited to creative writing - in April 1859 she wrote a letter to one of the attorneys involved in the Sickles trial in Washington D.C. which put her name in the papers, although not in a way she liked. Daniel W. Sickles was tried for murder for shooting his wife’s lover, District of Columbia’s district attorney Phillip Barton Key, Francis Scott Key’s son, but was acquitted with the nation’s first use of the ‘temporary insanity’ plea. During the trial Sarah sent a letter to Mr. James Brady, one of Sickles’ defense attorneys, describing herself as “one of the order of frailty, one of the simple waiters for the wave of some masculine pocket handkerchief.” She quoted these lines from the book “White Lies” by Charles Reade, published in 1857: “I’d have no wasps round my honey. If my wife took a lover, I would not lecture the woman – what’s the use? I’d kill the man. Then and there. I’d kill him, indoors or out. I’d kill him as I would kill a snake. If she took another I’d send him after the first and so on till one killed me.” She signed her name in Greek characters, which caused most to believe it was anonymous.³³ One paper, *The Boston Atlas*, discovered who she was and questioned her motives in sending the letter: “Olimpia Aiken is a real personage and not a myth, and at present time is a resident of West Randolph, Vt. . . I am assured that Mrs. Aiken is respectably connected and highly esteemed in West Randolph, for her many social qualities as well as for her literary attainments. She is the wife of a lawyer of considerable prominence at the bar. . . Mrs. Aiken is the author of a number of literary contributions of some merit. . .” To Sarah’s embarrassment, “The letter created no little sensation in court, and was the subject of general remark throughout the city.”³⁴

Frederick’s blistering reply to the unwanted publication of Sarah’s letter was published in the *New York Times*, and republished in the *Burlington Free Press*: “Gen Clark – Sir; the unwarranted publication of Mrs. Aiken’s letter to Mr. Brady, and the utter perversion of its true reading and intent by reporters, has given her much pain. Do me the favor to say in the Times that the letter was not *anonymous*; and was strictly a *private* one; and that neither the writer nor myself supposed that there could be any harm, or impropriety, in sending a letter to one of the Counsel, simply suggesting what seemed an appropriate passage in a popular book. I wish merely to say that no impropriety was intended, nor publicity even dreamed of, when the note was written. Very truly and respectfully, yours, F. A. Aiken.”³⁵

³¹ *Caledonian*, Vermont, 3 October 1857.

³² Harriett Hydes Wells, Henry Weston Van Dyke, *Several Ancestral Lines of Josiah Edson and His Wife Sarah Pinney*, New York, Joel Munsel’s Sons, 1901, p. 68-70.

³³ Felix G Fontaine, (reported by), *The Trial of the Hon. Daniel E Sickles for shooting Philip Barton Key, Esq, U. S. district Attorney of Washington, D.C., February 27th 1868*. R. M. Dewitt, Publisher, New York. p. 80.

³⁴ *Burlington Free Press*, Burlington, Vermont, 29 April 1859.

³⁵ *Ibid*. 6 May 1859.

Frederick served as reporter of the Vermont Senate during the 1859 term. A resolution to pay him eighty-eight dollars for his services passed, but not without dissenting votes, and failed in the House.³⁶ At least one newspaper objected to his receiving payment: “Has it ever been the practice to pay editors, out of the public treasury, for telegraphic reports they may have sent from Montpelier to their papers during the session? If only one editor (of the *Burlington Times*) is thought worthy of such a favor, by what rule is his superior claim for it determined?” Apparently Frederick was courting controversy even then.³⁷

But serving as editor of a small Vermont newspaper, member of the Chittenden County Democratic Committee, reporter of the Vermont Senate, and Secretary of the Vermont Democratic Convention apparently didn’t satiate Frederick’s political thirst. The election of 1860 found the Aikens living in Washington D.C., where Frederick cast his fortunes with the Southern branch of the Democratic Party, serving as Secretary of the National Democratic Executive Committee, stumping for Buchanan’s vice president John C. Breckinridge, who ran on a pro-slavery platform, and helping to contribute to the split in the Democratic party, who were then forced to field two candidates, Breckinridge and Stephen A. Douglas, against the Republican Party’s rising star – Abraham Lincoln.³⁸

The election marked a singular opportunity for young Aiken: “When I took my position as the Secretary of the National Democratic Executive Committee, I did it with the full belief that upon our success alone depended the perpetuity of the old Federal Union and I worked from morning till midnight day after day during the campaign in the supervision of the details of the office, in writing with few exceptions all the important letters and in having the general management during Gov. Stevens’ frequent absences from Washington and in making speeches for the equality of States in Virginia and Maryland.”³⁹ One of these speeches was on October 24, 1860 when he spoke before a crowd of “above twelve hundred” in Rockville, Maryland.⁴⁰ He forged important alliances with powerful political players in the Democratic Party and cemented his reputation as a Copperhead.

Following the defeat of the Democrats with the election of Lincoln, Frederick braced for the inevitable secession of the Confederate States. According to his letter to Davis, (April 6, 1861) he was offered a position by Jacob Thompson, Secretary of the Interior to Buchanan, and later head of the Confederate Secret Service in Canada.⁴¹ The May 9, 1862 issue of the *Caledonian* (Vermont) supports this claim, stating that Frederick “held a clerkship at Washington under the traitorous administration of James Buchanan, which he was obliged to

³⁶ *Burlington Free Press*, Burlington, Vermont, 2 December 1859. “Who gave the 12 yeas for Mr. Wilson’s resolution that ‘Fred Aiken’ is entitled to receive out of the State Treasury \$88. . .?”

³⁷ *The Journal of the Senate of the State of Vermont, October Session*, 1859; E. P. Walton, printer, p. 338

³⁸ FAA letter to JD; *New York Herald*, 8 September, 1863.

³⁹ FAA letter to JD.

⁴⁰ *The Constitution*, (District of Columbia) October 24, 1860, *The Democratic Meeting At Rockville*.

⁴¹ Edward Steers, *Blood On The Moon: The Assassination of Abraham Lincoln*, University Press of Kentucky, 2001. p. 46.

vacate sometime after Mr. Lincoln was inaugurated president.”⁴² In 1862 he was also paid for service as a clerk in the Interior Department.⁴³

In early January 1861 he attended a meeting of the National Volunteers where he made a resolution “stating in effect that the Crittenden compromise would be acceptable as a fair basis of conciliation, and in certain contingencies the National Volunteers would remain inactive.” The compromise essentially would have made considerable concessions to the southern states to maintain the Union. His resolution was defeated, as the Senate had already voted it down. The meeting was chaired by Lucius Q Washington, who later became Judah Benjamin’s right-hand man in the Confederate State Department.⁴⁴ According to some sources, the National Volunteers was a political-military group of pro-slavery men in Maryland who were implicated in the Baltimore assassination plot when Lincoln was traveling to Washington before his inauguration.⁴⁵ Whether Aiken participated in the National Volunteers’ more radical activities isn’t known; however his comment that “in certain contingencies the National Volunteers would remain inactive” may have signified that he hoped to squelch some of their more violent plans.

With war looming just days away, Frederick wrote in his April 6, 1861 letter to Jefferson Davis, “Born and raised in Massachusetts and in later years hailing from Vermont and always a Democrat, believing as sincerely in the virtue of the democratic creed as in the turpitude of abolitionism I desire now to identify myself with the government of the Confederate States and to offer my services in any civil position of usefulness that you may designate. I have not the military knowledge suiting me for the army, nor the means for the support of myself and wife that would enable me to serve as a private in the ranks, but where heavy work is to be done in the way of correspondence, or similar writing, or where good could be accomplished by setting forth through private letters the policy of the Confederate States proper to be made public, I think I could render essential and valuable services. In the event of war coming on I know the influence I could exert upon northern Democrats would be marked and important.”⁴⁶ Whether this was a genuine offer to help the Confederates or a deliberate ploy to gain their confidence is still unclear. Both theories are equally possible!

While Davis’ response is unknown; one obituary of Frederick makes reference to a trip he took at the beginning of the war, when he “. . . went south in the interest of the government, and was captured by the confederate authorities, but showing that he was so staunch a Democrat he was released.”⁴⁷ One possibility for this incident involved his friend Frederick W. Lander, and his daring ride with three companions through hostile secessionists on April 22, 1861 to scout the way for Federal troops to get through mobs of armed secessionists in Maryland into Washington D.C. Early in the morning of the 23rd, they were surrounded by angry Confederate sympathizers and Lander’s associates were captured while Lander escaped and completed his

⁴² *Caledonian*, St. Johnsbury, Vermont. *Was General Smith Drunk?* 9 May 1862.

⁴³ *Clerks And Other Persons Employed in the Department of the Interior*; Publication: Serial Set Vol. No 1131; session Vol. No.5; Report: H.Exec.Doc.57. 26 February 1862

⁴⁴ Robert D Meade and William C Davis, *Judah P Benjamin: Confederate Statesman*, Louisiana State University Press, 2001, p. 246.

⁴⁵ Edward Steers, *Blood On The Moon: The Assassination of Abraham Lincoln*, University Press of Kentucky, 2001. p. 17.

⁴⁶ FAA letter to JD.

⁴⁷ Frederick Aiken Obituary; copy of original from James O Hall Research Center, Surratt House Museum, does not list source information.

mission.⁴⁸ The men who accompanied Lander on that secret mission have not been identified, but Frederick Aiken's friendship and later work with and for Lander leave open the possibility that he was one of the participants.

How Aiken knew Lander is not known, but it seems he may have known him very well. The April 6, 1861 issue of *Frank Leslie's Illustrated Newspaper* carried a detailed article about the life, exploits and adventures of Frederick W. Lander – with this introduction: “For this sketch of Colonel Lander's life we are indebted to Fred. A. Aiken, Esq., for many years his intimate friend.”⁴⁹ Frederick Lander, a native of Massachusetts, was an engineer and surveyor who had crossed the United States several times in the 1850s surveying possible railroad routes and in his work as superintendant of the western roads. Perhaps their families were acquainted in Massachusetts; Lander attended school in Andover, which was only about 14 miles from Aiken's birthplace of Lowell, or maybe they became associated through Isaac Stevens (Lander worked on his survey crew); but regardless of how and when they became friends, their friendship seemed to pave the way for some of the most interesting of Frederick's early war efforts – spying for the Administration – principally for William Seward, Secretary of State, and his son Frederick Seward, assistant Secretary of State.

New York City police superintendent John A. Kennedy was troubled with the secessionist activities in his city, and with the support of Secretary Seward, placed spies in various confederate rings around New York City. Naturally, in order to be successful undercover, the spies needed to possess impeccable southern-sympathizing reputations – a natural fit for Democratic activist Frederick Aiken.

On May 18, 1861 Frederick W. Lander, in a letter to Frederick W. Seward, spoke indirectly about Aiken's previous spy activities, and recommended he be given a more permanent position, “I wish that Fred A Aiken may be immediately appointed to some place here at from \$1200 to \$1800 per year. That out of office hours he may continue his services which I make the condition of his appointment. . . I regard beyond the necessity of the service an appointment due Mr. Aiken. He runs a close chance for his neck and is indisposed to remain in Washington after deceiving the secessionists. He is also clamorous for pay & holds his service at a high rate. I hope you will sustain my opinion in the propensity of an immediate appointment which will relieve me very much. Mr. Aiken is a fine correspondent a collegiate graduate & excellent clerk. He is the ablest man I know in this service.”⁵⁰ Lander's assessment of Aiken's importance to the secret work was seconded by a handwritten note at the bottom of the letter from John A Kennedy, “I concur in regard to Mr. Aiken in the suggestion made above.”

Lander's statement about Frederick's “close chance for his neck” could refer to the April 22 incident where Lander's associates were taken captive or it could simply allude to the dangerous nature of the ongoing undercover work. Does the statement about Aiken deceiving the secessionists refer to his letter to Davis? Was the letter a deliberate ploy to gain their

⁴⁸ Gary L. Ecelbarger, *Frederick W Lander, The Great Natural American Soldier*, Louisiana University Press, 2000, p. 91

⁴⁹ *Frank Leslie's Illustrated Newspaper*, April 6, 1861. The Lilly Library, Indiana University, Bloomington, Indiana.

⁵⁰ Frederick W Lander letter to Frederick W Seward, 18 May 1861, *The Papers of William Henry Seward* Microfilm set in Department of Rare Books and Special Collections Reels: University of Rochester, Rochester, New York

confidence in order to have access to their plans to deliver to the Administration? Not surprisingly, the details of his covert government service remained shrouded in secrecy, which appears to have frustrated even Frederick. In a blunt letter to Frederick W Seward on March 17, 1863, Aiken, in an apparent effort to receive documentable ‘proof’ of his secret service activities to possibly prove his loyalty to the Union wrote, “I have the honor to request that you will do me the favor to answer . . . the following question. Was I employed by the Dept of State during the months of April, May, June & July ’61 under the direction of the late Brig. Gen. F W Lander in a confidential capacity? Did I receive from Mr. Baker of the Dept of State checks on the Banking House of Riggs & Co. in pay’t of such services?”⁵¹ Seward’s reply is not yet known.

Despite not having Seward’s written acknowledgement of Frederick’s spy activities, there are other evidences that he did some secret work for the government. On September 9, 1861 he wrote to Frederick Seward, “The bearer Mr. Masen of Vermont is a true & loyal gentleman. I have made arrangements to go with him . . . across the bridge this PM if we can get passes. I respectfully ask that you will render me assistance getting the passes for Mr. Masen & myself. I will send you an interesting letter tonight enumerating the location & entrenchments of the enemy.”⁵² In addition, letters in 1861 between Frederick Seward and John Kennedy speak about Aiken being allowed to use his pass anywhere around New York City, and the promise that his name would not be made public.⁵³

In another letter to “The Hon. Frederick W. Seward, Ass’t Sec of State” dated October 4, 1861, Aiken again alludes to his confidential activities: “While I have been in the secret service of the Gov’t it has been among my special instructions from Gen’l Lander to sound the sentiment of that class of men . . .”⁵⁴ The men he was referring to were the democrats in the military; the sentiment - their thoughts about the Lincoln administration, including their reactions to John C. Fremont’s emancipation proclamation in Missouri. On August 30, 1861 Fremont, commander of the United States Army of the West had bypassed the Lincoln administration and issued his own proclamation freeing all the slaves in Missouri – a move that placed him at odds with the administration who were not yet ready to make emancipation a provision of the war and who were treading the fine line of trying to keep the uneasy border states from leaving the Union and joining the Confederacy.

Aiken gave astute and pragmatic advice, not just about the sentiments of the democrats regarding emancipation, but also about Fremont’s possible future political aspirations: “. . . if voting is to be allowed in the army, interested men, who hoping for future place and preference under Fremont if he shd. be successful as a candidate for the Presidency will get within the lives of the army and advocate emancipation and if politics shd. run high the army will be divided and the Union’s sacred cause humiliated. It was on this very subject of Emancipation wh. made leading northern democrats tender footed last spring & winter when it was apparent that war was surely coming and now I think I may safely say for every democrat in the army that for the cause of the Union they are ready to destroy; if necessary in preparing the way for victory, every species and description of Southern property and more than that, they expect to see the Emancipation of slaves follow as a natural consequence of the war, but I do not believe they can

⁵¹ Ibid. FAA letter to FWS 17 May 1863.

⁵² Ibid. FAA letter to FWS 9 September 1861.

⁵³ Ibid. letters between Frederick W Seward and John A Kennedy.

⁵⁴ Ibid. FAA letter to FWS 4 October 1861.

soon be brought to fight for that idea alone. To oppose fighting for emancipation would not be treason. In my judgment men who now advocate it are doing infinite mischief. . . many men . . . comprehend the importance of preserving our nationality. For that the entire north will fight. For that the entire north will stand by the man whose wisdom best covers the whole subject without specifying names. I may be permitted to say that thus far during the war many officers of the army have exposed themselves as abundantly satisfied with everything emanating from the President and the Sec. of State; among that class of men not one word of fault has been found.”⁵⁵ He concluded the letter with a promise to call on Seward the next day, and with a request for pay, “I hope then to have the sum spoken of placed at my disposal & at least half of it today.”

Lincoln responded to Fremont’s proclamation with requests, then orders that he modify his public policies to match the Administration’s. When he refused to do so, his insubordination was met with equal determination – on November 2, 1861, he was removed from his position as commander of the Army of the West, and his proclamation was rescinded.

On September 25, 1861 Frederick again used his writing ability in an effort to influence important decisions: he wrote a letter to Secretary William Seward on behalf of one of his democratic friends – Governor Isaac Stevens, of Washington Territory, a Democrat, who was the chairman of the Breckinridge/Lane committee, which naturally placed him in a position of distrust within the Lincoln administration. Stevens was an experienced military man, but he had been given only a small command at the beginning of the war, and was on the verge of resigning⁵⁶ when Aiken’s letter detailing Stevens’ qualifications for higher responsibilities hit the intended mark – Lincoln promoted Stevens three days later.⁵⁷ Sadly, Stevens did not survive the war; he was killed at the Battle of Chantilly a year later on September 1, 1862 when he picked up the fallen colors of his regiment and led his men’s charge.

Aiken’s friend Frederick Lander, another prominent Democrat who supported Breckinridge, was also denied a command at the beginning of the war. Frustrated with serving as a spy, (in the same letter that he recommended Aiken for secret service, he wrote to Seward, that “lawyers & diplomats make excellent paper warriors but I have yet to learn their capacity to meet a desperate & dedicated enemy on the battle field.”⁵⁸) he volunteered as an unpaid aide on the staff of George McClellan, but because of his remarkable skill, courage, and leadership, was promoted to Brigadier General in the summer of 1861. Tragically, he also lost his life in the service of the Union March 2, 1862 from pneumonia, brought on by winter conditions and an unhealed wound he suffered in battle at Edward’s Ferry October 22, 1861. His funeral was attended by thousands, including President Lincoln and most of his cabinet officers and other high ranking government, military, and civic leaders.⁵⁹

⁵⁵ Ibid.

⁵⁶ Frederick A Aiken letter to William H Seward, *The Abraham Lincoln Papers at the Library of Congress*, Series 1; September 25, 1861.

⁵⁷ *The Collected Works of Abraham Lincoln, Volume 4*; Wildside Press, 2008, p. 504.

⁵⁸ Frederick W Lander letter to Frederick W Seward, 18 May 1861.

⁵⁹ The National Republican, District of Columbia. 7 March 1862. “*The Funeral of Brigadier General Lander.*” “Pall bearers, Hon. F. P. Blair, Hon. Henry Wilson, Major Gen G. B. McClellan, Brig. Gen. S. Williams. . . Hon John F. Porter, Hon. Charles Sumner, Brig. Gen. R. B. Marcy, Col. T. M. Key. . . (followed by procession in order) The General-in Chief of the army and staff. Officers of the army. Officers of the navy and marine corps. Survivors of the war of 1812. The Massachusetts congressional delegation. The President of the United States and

Although Frederick's eloquent pen helped Stevens with his desire for higher command, he was unsuccessful in his own efforts to raise a regiment. Beginning in June 1861, he "proposed to the War Department to raise a regiment forthwith, of Northern Democrats (politicians) for active service during the war, and thus testify their appreciation of Mr. Lincoln's efforts to maintain the Government."⁶⁰ This request would be repeated several times in letters to the Governor of Vermont, Frederick Holbrook, and to Brigadier General Benjamin F. Butler. Perhaps Frederick thought that he would find a sympathetic ear in Butler, a fellow Democrat who hailed from Frederick's birthplace – Lowell, Massachusetts, and another Breckinridge supporter.

On October 20, 1861, Frederick wrote to General Butler, "By General Stevens service and that of many friends I am now making arrangements to raise a Reg't of men for special service during the war. I desire to raise this Reg't at large in New England, but to have it attached to the quota called for for the State of Vermont as I am a citizen of that state. I have addressed the Governor of Vermont on the subject and asked to have my commission issued direct from him, but perhaps on account of Gov. Holbrook's health it may be sometime before he can give it attention. And I desire to submit the proposals made to Gov. Holbrook to you, hoping they may be early approved. I propose to raise a Reg't full to the maximum standard without expense to the Gov't until the men are mustered into its service. This Reg't to be composed of select men for the purpose of acting as partisans and flankers. . .

"I beg to refer again to Gen'l I. I. Stevens particularly; to Dr. Loring, Wm Ryan now here, Hon C J Greene, Hon E H Stoughton of Vt; Hon D S Dickinson, Gen'l Lander and to the Sec. Of State, tho with him I have only been acquainted since the war commenced, having been in his service at the South and in New York City in a confidential capacity. I think I had the pleasure of meeting you once or twice in the dem. Com. Rooms here during the last campaign where I was acting as the Sec. of the Comm. Gen'l Stevens remarked the other day that now the entire working Breckinridge force of Northern Democrats are engaged in the Union's Cause."⁶¹

Frustrated at the seeming inactivity and lack of response to his pleas, Frederick entreated General Butler once more, this time through John Ryan of Washington DC, who, on November 5, 1861 wrote to General Butler's aide-de-camp Peter Haggerty, "At the solicitation of F A Aiken Esq of Vt. who was associated with Gen. Stevens, as Secretary of Breckinridge national committee during the last campaign I write you in his behalf to know if Gen Butler can commission him to raise a regiment for his Brigade, and after it is raised he would like the Colonelcy of it. Gen Stevens before he left on his expedition wrote Sen Wilson a letter strongly recommending him for a Colonelcy. Mr Aiken is very confident of his being able to raise a regiment in a very short time if Gen Butler will so authorize. He has received several letters from influential Democratic friends of his in Vermont, giving him every encouragement in case he should be commissioned to raise a Regiment. Now, as I know nothing about military affairs

members of the Cabinet. Brigadier General Couch and staff. Brigadier General Keyes and staff. . . . The Chief Justice and Associate Justices of the Supreme Court, and District Judges of the United States. The President and Secretary of the Senate. Senators and officers of the Senate. Foreign minister. Governors of States and Territories. Speaker and Clerk of the House of Representatives. Members and officers of the House of Representatives. . . "

⁶⁰ *New York Herald, New York Times, Augusta Chronicle*; 28 June 1861.

⁶¹ FAA letter to Major General Benjamin F Butler, 20 October 1861. National Archives, publication M345, *Union Provost Marshal's File of Papers Relating to Individual Civilians*, record group 109, NARA catalog ID 2133278.

you must judge of this proposition. The only interest I feel is that Gen Butler may, through the exertions of our friend Aiken and his friends succeed in getting up a good regiment for his brigade in the 'Green Mountain State.' And at the same time promote the interest of a worthy Democrat."⁶²

The next day Frederick tried yet again, writing to Major General Butler, "Permit me to again call yr attention to my desire to recruit a Reg't of men to be attached to your division. Since writing you I have been even better satisfied that I can speedily accomplish the task. Gentlemen, some of them officers of Reg'ts already in the field are anxious to join with me in the effort. I know that if clothed with proper authority to select the surgeon, Lt. Col, and Major in Vermont and Jr. officers already distinguished in the service that in a very short time six full companies, composed of fine material, can be raised in Vermont alone. Massachusetts is my native state and I hope that you may early find it agreeable to assign me, among her brave soldiers, the post of honor I seek – But if your arrangements are so far perfected that you cannot commission me with the rank of Colonel and authority to raise a Reg't wd it suit you to have me organize a Battery for you in Vermont?"⁶³

Perhaps adding to Frederick's mounting frustration, his brother-in-law, Sarah's only brother Edmund Weston, Jr, a dentist, received a commission, based on letters of recommendation from his father – Frederick's father-in-law Judge Edmund Weston, Sr. Edmund, Jr., was commissioned as a Captain by the Governor of Vermont, responsible for organizing a regiment of sharpshooters in the early fall of 1861.⁶⁴

Why Frederick was refused and/or ignored is not known, but it may have been in part because of a letter from Alan Pinkerton (the detective and head of Lincoln's new Secret Service which replaced Seward's spies) to Andrew Porter, the head of the Provost Marshal's office in Washington D.C. Pinkerton's letter, October 25, 1861, written under his alias EJ Allen, reported the arrest and interrogation of a woman traveling from Baltimore to "Dixie" (Mrs. Permelia Smith), who, "he had reason to believe . . . designed to carry correspondence to and aid and comfort for the rebels. . . After thorough search of the baggage & person of Mrs. Smith they concluded (my operative & the Provost Marshal) that Mrs. Smith was a loyal person and that she had been made the victim of malicious persecution," although one trunk was deemed to be contraband and seized.

According to Mrs. Smith, "she believed herself to be the victim of one Aiken, who had boarded at her house while she lived in Washington and who still owed her a considerable sum for balance due her on board account. She said that Aiken was a very bad man; that he had to her own knowledge been a bitter opponent of Mr. Lincoln, a member of the Breckinridge club in Washington & a bitter secessionist, and that he had, since he has been employed by the Government offered to put the husband of Mrs. Smith over into Virginia if he wished to go, for

⁶² John Ryan letter to Captain Peter Haggerty, ADC to General BF Butler, 5 Nov. 1861. National Archives, publication M345, *Union Provost Marshal's File of Papers Relating to Individual Civilians*, record group 109, NARA catalog ID 2133278.

⁶³ FAA letter to Major General BF Butler, 6 Nov 1861. National Archives, publication M345, *Union Provost Marshal's File of Papers Relating to Individual Civilians*, record group 109, NARA catalog ID 2133278.

⁶⁴ Edmund Weston to Governor Erasmus Fairbanks, August 2, 1861. Vermont Archives, Erasmus Fairbanks Papers,

the sum of \$25.00. Mrs. Smith stated further, to my operative, that she had heard Frederick Aiken say he would be damned if he was not going to make all the money he could out of the Government, that the Govt had plenty and that he was going to get \$25 per day for his services when actually employed and \$5.00 a day when hunting up Secessionists. Mrs. Smith stated further that she had never done anything to incur Aiken's displeasure except to ask him to pay her his board. She stated further that she believed Aiken to be in league with the Secessionists and that she would at any time make affidavits of the forgoing facts by her related to my operative."

Pinkerton continued, "I beg leave further to report that my operative was informed by the Provost Marshal of Baltimore that he had twice arrested Logan Smith on charges of holding treasonable communication with the rebels, and that said Smith, who is the son of Mrs. Permelia Smith, had in both instances been discharged, he (Smith) having shown by good and loyal men that he was friendly to the Government and no evidence appeared against him to the contrary. I have also further to report that this same man Fred. Aiken has several times called at my office and given information against Logan Smith, he (Aiken) claiming to be in the employ of the State Department. At one time while in my office he stated to Mr. S Paine, my clerk, that he would own that his motive, in giving the information against Logan Smith, was from vindictive feelings which he held to the Smith family."⁶⁵

Whether these charges by Pinkerton and the Smith family (who were originally from Loudon, Virginia slave-owning families) were true or not, (or proof of Aiken's success at 'deceiving the secessionists') it is possible that their assertions may have helped to de-rail Frederick's attempts at active service within his own regiment (and a military rank of Colonel), but he didn't give up. *The National Republican*, Washington D.C, published this notice on November 20, 1861: "We learn that Mr. Frederick A. Aiken, of this city has accepted a captain's commission in Col. James B. Swain's regiment of cavalry now being organized in New York. Mr. Aiken has been employed for some time past by the Government in a confidential capacity, and the knowledge he has of the rebel leaders, and of the country about Washington, will, no doubt, be turned to good account in his new sphere." Swain's regiment, called 'Scott's 900, First United States Volunteer Cavalry' and later known as the 11th New York, assembled during the winter of 1861-62, and in early May 1862 traveled to Washington to help in the protection of the capital city.⁶⁶ Swain was a newspaperman who served as a correspondent to the *New York Times*⁶⁷ and edited *The Republican Statesman* in Albany, New York.⁶⁸

There is some question as to whether Aiken actually served in the unit at all, since the regimental histories do not list his name. Further evidence that he didn't serve with Swain's cavalry, or at least didn't serve for long, were letters about his war correspondent activities in March 1862. Superintendent of the Herald's war correspondents, L. A. Whiteley wrote to Major General Irvin McDowell, on March 5, 1862 introducing Aiken: "Mr F. A. Aiken, who bears this,

⁶⁵ EJ Allen report to A. Porter, 25 October 1861, State Department Records of Political Prisoners of War, *Correspondence Regarding Prisoners Of War, 1861-1862, Entry 963.*

⁶⁶ *The Story Of A Cavalry Regiment: Scott's 900, Eleventh New York Cavalry, from the St. Lawrence River to the Gulf of Mexico, 1861-1865*, Thomas West Smith, Veteran Association of the Regiment, 1897

⁶⁷ New York Herald-Tribune, 16 Jan 1862. "A regiment of horse is now being raised in this State, under a special authorization of Mr. James B Swain, Washington correspondent of the N. Y. Times."

⁶⁸ *New York Daily Tribune*, 9 January 1861

is detailed as an army correspondent of the New York Herald to the Army of the Potomac, and with your approbation will attend to the division under your command. His purpose is to record the action of the division, particularly in case of an engagement. You will find him an intelligent gentleman, who would have served the country as a soldier, if the cavalry regiment to which he is attached were not about to be broken up.”⁶⁹

On March 12, 1862 Frederick wrote a note to Major General McDowell at Fairfax Court House, “General, I just this moment came in from Burke’s Station, . . . Am not in a presentable condition or I shd come personally with the enclosed letters wh I respectfully submit, hoping that you will indicate to me the position I had better occupy in respect to the interests of the papers.” Following his usual signature “with great respect, your obt svt, FA Aiken,” he added this postscript: “P.S. I come in my uniform as a Capt of Cav, not knowing but what in the fortunes of war I might be taken a prisoner.”⁷⁰

Frederick apparently achieved his desire for active duty when he served as an aide to General William F. Smith during the engagement at Warwick Creek on April 16, 1862. Charges of drunkenness were brought against Smith, who was blamed for the losses at the Battle at 1st Dam. Aiken refuted these charges in a letter to the *Rutland Herald*, according to the *Caledonian*, May 9, 1862, entitled, “Was General Smith Drunk?” But Frederick’s defense of General Smith generated backlash against himself. The *Caledonian* (a staunchly Republican newspaper of Caledonia County, Vermont, Frederick’s home county which was published in St. Johnsbury, where Frederick attended school) showed little respect for him: “Fred A. Aiken, who claims to be one of General Smith’s aide-de-camps, takes occasion to write a long letter to the *Rutland Herald*, fully exculpating Gen. Smith from the aspersions against his character. That may be well enough, (supposing it is true) if he had stopped there; but he cannot let pass the opportunity to attack Mr. Morrill for the resolution which he offered in the House, characterizing his (Mr. Morrill’s) statement as ‘untruthful, indecent, and wicked.’ Fred A. Aiken is so well known in Caledonia County that his endorsement of any man’s character would not be valued very highly. He was a member in regular standing of the late rotten democracy – held a clerkship at Washington under the traitorous administration of James Buchanan, which he was obliged to vacate sometime after Mr. Lincoln was inaugurated president. . . We do not consider the testimony of men such as Fred A. Aiken worth a row of pins.”⁷¹

The charges against General Smith were later cleared when a Senate Committee investigating the matter determined: “As the name of Brigadier General William F. Smith has been prominently before the public as the person against whom the charge was brought, particular inquiry was made as to his general conduct, and all the witnesses concurred in the opinion that he was among the first officers of his rank, always ready and able to perform promptly any duty assigned to him. The committee fully and unequivocally acquit all the officers and others engaged in the taking of Yorktown from the charge named in the Senate’s resolution,

⁶⁹ LA Whiteley letter to Major General Irvin McDowell, 5 March 1862. National Archives, publication M345, *Union Provost Marshal’s File of Papers Relating to Individual Civilians*, record group 109, NARA catalog ID 2133278.

⁷⁰ FAA letter to Major General Irvin McDowell, 12 March 1862. National Archives, publication M345, *Union Provost Marshal’s File of Papers Relating to Individual Civilians*, record group 109, NARA catalog ID 2133278.

⁷¹ *Caledonian*, St. Johnsbury, Vermont. *Was General Smith Drunk?* 9 May 1862.

as the evidence before them was highly in favor of the gallant and meritorious conduct of all engaged in reducing that strongly fortified place.”⁷²

The most well-known of Aiken’s military experiences is documented in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* where his report, May 8, 1862, detailed his activities during the Battle of Williamsburg, and identified himself as Captain, and volunteer aide-de-camp to William F Smith and temporary aide-de-camp to Winfield S Hancock. According to his own report to Hancock, he “transmitted and delivered . . . important orders and messages” between Hancock, Smith, and General Sumner about Hancock’s position, especially requesting re-enforcements which were unavailable. He continued, “. . . I met. . . Captain Currie, the adjutant-general of General Smith’s division, riding at a furious rate. He halted only long enough to ask me if my horse was fresh and able to go fast, and stating that General Hancock had suddenly been attacked by a large force; that he was severely suffering, and that besides the enemy in his front, five or six regiments of the enemy were threatening his left flank. Redoubling the energies of my own horse by a vigorous use of the spur, I reached you just in season to see the last of the retreating rebels. . . the enemy had been repulsed, . . . you had full possession of the field, and . . . the enemy’s dead were lying thickly on the ground in front of our lines.” Hancock credited Frederick, along with others, for “the success of the day.”⁷³

Most stories about Frederick’s Civil War service include claims of his having two horses shot out from under him, and significant injuries which contributed to his death, and while I have been unable to find any proof of injuries, he did present a claim after the War for redress to the House of Representative which may verify at least part of the story: “Aiken, Frederick A, late officer of volunteers, compensation for loss of horse and equipments.”⁷⁴

After his military service ended, Frederick turned his attention to journalism; perhaps in keeping with his pledge to Davis to use his influence with the pen to hasten the end of the war, he began work with Thomas Florence, former senator from Pennsylvania and Democratic Party official, on the *Constitutional Union*;⁷⁵ an anti-war, anti-Lincoln paper in the nation’s capital, which was plain in its declaration: “The Bold and Fearless Defender of Constitutional Liberty! Devoted earnestly to the maintenance of the Constitution as it is, and the restoration of the Union as it was.”⁷⁶

1863 and 1864 found Frederick and Sarah living in Washington D.C. at a boarding house on First Street East, selling boats, cotton waste, and various other items from an office on

⁷² *The Reports of the Committees of the Senate for the second session of the Thirty-seventh Congress, 1861-1862* rep com. No. 43.

⁷³ *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies.* ; Series 1 - Volume 11 (Part I), p. 542, 543, 546, 547.

⁷⁴ *List of Private Claims presented to the House of Representative from the Thirty-second to the Forty-first Congress*; 1 Jan 1873; Publication: Serial Set Vol. No 1574, Session Vol. No.4; Report: H. Misc.Doc. 109, p.3.

⁷⁵ FAA Obituary, *Washington Post*, 24 December 1878.

⁷⁶ Advertisement printed on back cover: *Speech of Honorable William J Allen of Illinois, upon the President’s message, delivered in the House of Representatives January 27, 1864, Washington DC*, printed at the office of the Constitutional Union, No. 330 E Street, 1864.

Pennsylvania Avenue.⁷⁷ He also worked to unite the fractured Democratic Party,⁷⁸ and encouraged John C. Fremont in his run against Lincoln for the Republican nomination, “if the choice or alternative with us was either Mr. Lincoln or the nominee of the Cleveland Convention (Fremont) we should to a man take the latter. We shall do all we can to elect our own candidate but we certainly shall not find time to wage war against you and if we are successful we shall be generous. . . What I want to say is this. The Democrats are willing to help you all they can as against Mr. Lincoln. . .”⁷⁹ He served as secretary of the National Democratic Convention at Chicago⁸⁰ and made campaign speeches for George McClellan as the Democratic nominee against Lincoln,⁸¹ who won reelection easily.

December 6, 1864 marked the announcement of *Aiken and Clampitt, Attorneys and Counsellors at Law*, “an intimate acquaintance with these gentlemen enables us to say they are men of energy, high talent, business capacity, and, thoroughly learned in the law. We have no doubt that their large circle of friends and acquaintances will be glad to hear that they have embarked upon the duties of a profession in which the high talents of each must inevitably insure a brilliant success.”⁸² John W. Clampitt, Aiken’s new partner, was also a Democratic Party activist.

As the war began to grind to its inevitable conclusion, Aiken seemed poised to continue his work with the Democrats, his new law firm, and his journalistic efforts with Thomas Florence. April 14, 1865 ended the hopes of a nation for a peaceful reconstruction. Ironically, had Booth not assassinated Lincoln, Frederick probably would have found himself in the unusual position of supporting Lincoln’s reconstruction policies of offering mercy to the vanquished South. What Aiken’s thoughts were that day are unknown. His boss on the *Constitutional Union*, Florence, wrote that he (Florence) had visited with Booth earlier that day before the assassination, presumably after Booth left his calling card at Johnson’s hotel.⁸³ Whether Aiken was personally acquainted with John Wilkes Booth is not known, but certainly possible. One newspaper article in the *National Republican*, Washington, D. C., published March 5, 1866, reports the allegation which was previously printed in the *Franklin, Pennsylvania Repository* in an article attacking and ridiculing Aiken and Clampitt that they were “open friends of Booth and Mrs. Surratt.”⁸⁴

Following the Assassination, the Democrats met, and Thomas Florence nominated Frederick Aiken and John W. Clampitt to help author the Democratic Association’s resolutions

⁷⁷ Henry McFarland, *Sixty Years in Concord and Elsewhere; Personal Recollections of Henry McFarland*, The Rumford Press, 1899. p. 297; *Evening Union*, District of Columbia, advertisements, April 1864.

⁷⁸ *New York Herald*, National Politics: The Democracy Moving Meeting of the Douglas and Breckinridge National Committees, “Frederick A Aiken, Sec’y,” 8 September 1863.

⁷⁹ Seth Kaller, Inc. Historical Documents; <http://www.sethkaller.net/catalogs/elections/382-clandestine-support-for-john-c-fremonts-third-party-run-against-lincoln-1864>.

⁸⁰ *New York Times*, 1 September 1864. “Chicago Convention; McClellan Nominated for President. . . Thomas B. Florence, Chairman; WM Flinn, F. A. Aiken, Secretaries.”

⁸¹ *Evening Union*, District of Columbia, 8 October 1864, 22 October 1864.

⁸² *Ibid*, 6 December 1864.

⁸³ Waldo Emerson Reck, *A. Lincoln, His Last 24 Hours*, McFarland, 1987, p. 68.

⁸⁴ *Daily National Republican*, Washington, D.C. March 5, 1866, “Stop That Lie.” The article questions the truth of the statements in a previous article published in the *Franklin, Pennsylvania, Repository* calling Aiken and Clampitt disloyal to the Union. The writer of the article claimed that one of the Surratt’s counsel was forced out of the military for disloyalty, but it is unknown if he was referring to Aiken or Clampitt.

in response, containing, among others, this statement: “. . . Resolved, that in order to vindicate the violated law, we pledge ourselves to use our utmost endeavors to ferret out and bring to merited punishment the guilty perpetrators of this most unnatural crime.”⁸⁵

We still don’t know how or why Aiken and Clampitt were chosen to defend Mary Surratt, but it is probable that they were retained through their powerful Democratic connections, a fact which undoubtedly did not endear them to the Military Commission members. One northern newspaper, the Springfield Massachusetts *Republican* wrote, “Frederick A. Aiken, one of Mrs. Surratt’s counsel, was formerly editor of the *Burlington Sentinel*, and is well known in Vermont. He has always been a bitter pro-slavery democrat.”⁸⁶

Even before the trial was over, Aiken and Clampitt were attracting high-profile Confederate clients. On June 29, 1865, the *Evening Union* (District of Columbia) reported that they were “retained as counsel for the defense of George W Gayle, of Alabama, who is to be tried before a Military commission in this city, for inciting to treason and murder by advertising for a million of dollars to put President Lincoln, Secretary Seward, and Vice President Johnson out of the way.” Gayle had placed an advertisement December 2, 1864 in the *Selma Dispatch* (Alabama) offering “to reach and slaughter the three villains.” He was indicted, but never faced trial and was pardoned by Johnson in April 1867.⁸⁷

During September 1865, Aiken wrote letters to George Shea, one of Jefferson Davis’ defense attorneys, keeping him apprised of the Wirtz trial (the Confederate officer tried and executed for the brutal treatment of Union prisoners at Andersonville) and offering insight into Davis’ possible trial.⁸⁸ He also helped Mrs. Clay with advice in the potential trial of her husband, Clement C Clay, also accused in the assassination of Lincoln.⁸⁹ Aiken seemed to have some connection, at least peripherally, to several of those accused of conspiracy in Lincoln’s murder: Mary Surratt, Jefferson Davis, Clement Clay, and Jacob Thompson.

Frederick served as a defense attorney in the criminal courts of Washington during the summer and fall of 1865 and in 1866. He seemed to defend mostly individuals accused of crimes of petty larceny - stealing boots, flour, watches, blankets, etc. His success as a defense attorney was mixed; it appears he may have lost more cases than he won, at least of those reported in the *National Republican*.⁹⁰

In December 1865 Frederick again teamed with Reverdy Johnson as he was admitted to argue before the United States Supreme Court. *The National Republican* (District of Columbia) reported, “The following gentlemen were admitted attorneys and counselors of this Court: On

⁸⁵ Benjamin Franklin Morris, W.H. & O.H. Morrison, *Memorial Record of the Nation’s Tribute to Abraham Lincoln*, 1865, p. 141.

⁸⁶ *Springfield Republican*, Springfield, Massachusetts. 20 May 1865.

⁸⁷ William Hanchet, *The Lincoln Murder Conspiracies*, University of Illinois Press, 1989, p. 29; Michael W Kauffman *American Brutus: John Wilkes Booth and the Lincoln Conspiracies*, Random House, 2005, p. 466.

⁸⁸ A Douglas S. Freeman, *Calendar of Confederate Papers*, 1909, p. 453.

⁸⁹ Virginia Clay-Clopton, *A Belle of the Fifties – Memoirs of Mrs. Clay of Alabama*, Doubleday, Page & Co. 1904, p. 309, 320.

⁹⁰ *National Republican*, Washington, D. C.; 2 August 1865 – not guilty; 10 August 1865 – not guilty; 25 November 1865, 3 cases, all guilty; 10 January 1866 – guilty; 11 January 1866 -guilty; 6 February 1866 – guilty; 28 April 1866 – guilty; 31 May 1866 – not guilty.

motion of Hon. Reverdy Johnson, Frederick A Aiken, Esq, of this District. . .”⁹¹ The case argued that day was an important challenge from Confederate attorneys – ‘Ex-parte Garland’ – who disputed the authority of the United States government to effectively disbar them by requiring them to take a ‘loyalty oath’ stating that they had not served in the Confederate government. Autustus Hill Garland, an Arkansas attorney, had received a pardon from President Johnson, and argued that the government could not punish him for a crime he had already been pardoned for. Hill and Johnson (apparently assisted by Aiken) won the case, and the law was declared unconstitutional.⁹²

Frederick continued to give political speeches; in February 1866 Frederick attended President Johnson’s Washington’s Birthday speech, but was ridiculed by radical Republicans⁹³ and attacked in the Republican press.⁹⁴

In April the law firm of *Aiken and Clampitt* was dissolved, “by mutual consent.” This was followed by Frederick’s arrest in July 1866 for “obtaining money under false pretenses. The charge is made by a merchant of this city that Aiken got him to cash a check on Riggs and Co., bankers, and that when the check was presented at the bank payment was refused, with the statement that Aiken had no funds on deposit, and had not had any there for six months.”⁹⁵ Aiken claimed he “was not aware that Clampitt had drawn the money out.”⁹⁶ Another arrest involving a different insufficient funds check was made just a few days later.⁹⁷ The case was argued on July 14, 1866. In surprising testimony, “John H Johnson testified that he called on Mr. Buchly with Mr. Clampitt on Wednesday last, and proposed to pay the money and take a receipt. Buchly refused. Proposed to pay without a receipt; this also he refused. Proposed to send the amount by mail, without a signature; this also he refused. Buchly said such was his confidence in Aiken that he would at that time have loaned him that amount with or without a check. . . the case was submitted to the Superintendent who reserved his decision.”⁹⁸

How the charge was resolved is unclear, but by September Frederick was back in politics and made his desire for higher office clear in a letter to Secretary of State William Seward - he had his eye on the prize of a political appointment, specifically the position of Consul General at Londonderry, Ireland. In his letter, dated September 29, 1866, he wrote: “I have the honor to request that this application for the appointment of Consul General of the British Province may be placed on file. I have also the honor to state that this application will be followed by recommendations from many distinguished friends of the administration.”⁹⁹

⁹¹ “United States Supreme Court.” *The National Republican*. 15 December 1865.

⁹² Carl Evans Boyd, *Cases on American Constitutional Law*, Callahan and Company, Chicago, 1908. P. 324.

⁹³ Thaddeus Stevens, Beverly Wilson Palmer, Holly Byers Ochoa, *The Selected Papers of Thaddeus Stevens, April 1865 – August 1868*, Thaddeus Stevens, University of Pittsburg Press, 1998, p. 104. Referenced the *New York Tribune*.

⁹⁴ *Daily National Republican*, Washington, D.C. March 5, 1866, “Stop That Lie.”

⁹⁵ *Evening Union*, District of Columbia, 12 April 1866; *Philadelphia Inquirer*, 9 July 1866; *New Hampshire Sentinel*, 12 July 1866; *New York Times*, 6 July, 1866.

⁹⁶ *National Republican*, Washington D. C. 6 July 1866.

⁹⁷ *Ibid.* 9 July 1866.

⁹⁸ *Ibid.* 14 July 1866.

⁹⁹ National Archives; State Department Records; Applications and Recommendations for Public Office 1797 – 1901, Box 1, Entry 760. FAA to William H Seward, Secretary of State, 29 September 1866

Among those writing letters extolling Aiken's efforts in behalf of President Johnson was John G. Saxe, who characterized Frederick's recent efforts at supporting the Johnson administration in giving speeches as "good, efficient and most acceptable."¹⁰⁰ John T. Hoffman, mayor of New York City (who in 1869 would be elected Governor of New York) wrote, "It affords me pleasure to bear testimony to the fact that Frederick A Aiken, Esq, labored zealously and faithfully in New York State Canvass in support of the Conservative state ticket."¹⁰¹ Aiken's politicking wasn't limited to New York – another recommendation came from Charles Buckwalter, a prominent Pennsylvania Democrat, "In the late political campaign in Pennsylvania, Frederick A Aiken, Esq, has most earnestly engaged in behalf of the interests of the Conservative Party of the Country. I desire to bear testimony to the great value of his service not only in the Congressional District in which I had the honor to be the candidate but in others throughout the state."¹⁰² The final letter came from renowned Washington patent attorney Charles Mason (who had served as the first Chief Justice of the Supreme Court of Iowa, and who is remembered as the man who graduated first in the class of 1829 from the Military Academy at West Point – above his classmate Robert E Lee), "I take the liberty of stating to your Excellency that Frederick A Aiken, Esq., has been for the last year & a half or more an earnest supporter of your administration & ever ready to do his utmost to render successful the policy you have inaugurated."¹⁰³

Finally, on February 25, 1867, Frederick presented his application to "His Excellency, Andrew Johnson, President. Sir, I have the honor to respectfully solicit your Excellency's endorsement and recommendation to the Honbl. Secretary of State for my appointment to the vacant consulship of Londonderry, Ireland. I have the honor to remain, your most obedient servant. Fredk Argyll Aiken." His handwriting, typically neat and relatively easy to read, was particularly beautiful and decorative in this important letter. It also seems to be the first document where Frederick signed his middle name as Argyll¹⁰⁴ (birth, school, and marriage records list it as Augustus). Despite his best efforts, Frederick's hopes were denied, and he was offered a minor 'consolation' prize - as Northern newspapers reported, "Fred Aiken, the notorious copperhead politician . . . has been appointed to a clerkship in the Treasury."¹⁰⁵

In spite of his probable disappointment, Frederick continued his political activity by advising Andrew Johnson during the election of 1868.¹⁰⁶ But when it became clear that Johnson would not receive the Democratic nomination, Frederick supported Salmon P. Chase in his election bid, serving as Secretary of the Chase Executive Committee.¹⁰⁷ Chase appreciated

¹⁰⁰ John G Saxe letter to President Andrew Johnson, Dec 9, 1866. State Department Records, Box 1, Entry 760.

¹⁰¹ John T. Hoffman letter to 'His Excellency Andrew Johnson, President,' 8 December 1866. State Department Records, Box 1, Entry 760.

¹⁰² Charles Buckwalter letter to 'His Excellency Andrew Johnson, President of United States.' State Department Records, Box 1, Entry 760.

¹⁰³ Charles Mason letter to 'His Excellency, The President,' State Department Records, Box 1, Entry 760.

¹⁰⁴ FAA letter to "His Excellency Andrew Johnson, President." 25 February 1867. State Department Records, Box 1, Entry 760.

¹⁰⁵ *Flake's Bulletin*, Texas; *Daily Gazette*, Cincinnati Ohio. 25 May 1867.

¹⁰⁶ Paul H Bergeron, *The Papers of Andrew Johnson, April – August 1861*, The University of Tennessee Press, 1997, p. 274, 275.

¹⁰⁷ *New York Herald*, Chase Executive Committee, 4 July 1868.

Frederick's efforts, writing on July 4, 1868, "I was gratified by your note which came yesterday. Whatever the result I shall never forget your good will & good offices."¹⁰⁸

Chase's daughter, Kate, however, had little love for Frederick. In a letter to her father on July 7, 1868 she wrote about him: Aiken ". . . is too indiscreet to be trusted by you in any way" and had disappeared for more than a day and recently resurfaced "still a good deal under the effects of his late intemperance."¹⁰⁹ Kate's assertion about Aiken drinking is confusing, given Frederick's active role in the Temperance movement; during 1867 - 1868 he spoke at least eight times at Temperance meetings in Washington, D.C.¹¹⁰

However, once again, Frederick's candidate lost his bid for higher office, as Horatio Seymour secured the Democratic nomination (against his – Seymour's - own personal wishes), and Frederick was forced to shift his allegiance to the Seymour/Blair ticket.

But in the late summer and early fall of 1868, the heady thrill of the highest levels of national politics took a back seat to a much more painful personal trial for Frederick and Sarah Aiken, as their quest for parenthood resulted in public humiliation and dashed hopes, all played out on the pages of the *National Republican*. On July 30, 1868 the paper reported that the day before, Clara Franklin was 'arraigned. . . on a warrant sworn out by Frederick A. Aiken, who charged her with on the 26th instant, enticing and taking away by force a female child, known by the name of Cora Aiken, between five and six years of age. . ."¹¹¹

The next day's edition continued the story, "Judge Fisher yesterday morning ordered a writ of habeas corpus to issue to Ellen McCall, alias Worthington, and Clara Franklin, commanding them to produce the body of the child Herminia Aiken before him at 10 o'clock this morning. The petitioner is Mr. F. A. Aiken, on whose complaint Clara Franklin was arrested. . . and in his petition for the writ he represented that he and his wife, for about three years, have had the care of the child, now about five years of age, and has in all respects treated her as his own; . . . He further avers that the child is an illegitimate one; that the father is dead, and that Ellen McCall, alias Ada Worthington, who claims to be the mother of the said child, had been for ten years or more a public prostitute, and is now living in a house of prostitution. He further avers that on the evening of the 26th instant he took the child at the special request of Ellen McCall, to visit her, and while at her house the child was taken out of the house, placed in a carriage, and driven away, but to where he is unable to say. He represents that the said Ellen McCall is not a fit and proper person to have the care and custody of said child, and has no means for its support, other than those made by leading the life of a prostitute."¹¹²

Frederick and Sarah sought for permanent legal custody and adoption of the "petite, blue-eyed darling"¹¹³ they called Cora Herminia Aiken; her mother Ellen McCall named her Cora Anna Gerrish. The paper dubbed it "The Contested Child Case," and it appears to have

¹⁰⁸ Salmon P Chase, John Niven, *The Salmon P. Chase Papers, Correspondence, 1865 – 1873*, Kent State University Press, 1998, p. 251.

¹⁰⁹ *Ibid.*, p. 259.

¹¹⁰ *National Republican*, Washington D. C., 10 June 1867; 26 June 1867; 16 September 1867; 9 March 1868; 6 April 1868 – 2 meetings; 20 July 1868.

¹¹¹ *Ibid.* 30 July 1868. "Charged with Enticing a Child Away."

¹¹² *Ibid.* 31 July 1868. "Writ of Habeas Corpus – the Child Stealing Case."

¹¹³ *Ibid.* 13 August 1868. "The Contested Child Case."

been a story of great interest during August 1868: “The suit, under a writ of habeas corpus, instituted by F. A. Aiken, esq., against Ellen McCall, for the recovery of Cora Herminia Aiken, comes up before Judge Fisher on the 12th instant. The legal points involved in this case are novel, and we understand the profession feel a deep interest in the decisions to be made. Mr. and Mrs. Aiken were and are greatly attached to this child, and it is said, have exhibited towards it an unusual devotion. The circle of Mrs. Aiken’s acquaintance speak of her as a lady of superior mind, education and endowments, and as the heir of wealth, and Mr. Aiken’s connection with the press and bar – his well-known political sympathies, and his prominence as an advocate of the temperance cause, have served to fix the attention of the community upon this matter.”¹¹⁴

During the first day of testimony, it became clear that this was not a simple kidnapping/adoption case. Frederick’s allegations were that “when Miss McCall had the child, and it was but two years old, she maltreated her, but that he had always treated it with great kindness.”¹¹⁵ He also claimed that she was at times intoxicated, both charges supported by Mrs. Somerville, the owner of the ‘house.’¹¹⁶ He further questioned whether Ellen was actually the biological mother of Cora, possibly hoping to challenge her status with the court.¹¹⁷

According to Ellen’s testimony, she had been engaged to a man named Gerrish who became ill and died before they could marry; she gave birth to Cora Anna Gerrish on March 29, 1863. . . and “that she became acquainted with Aiken in the spring of 1865 at the house of Mrs. Somerville on H Street,¹¹⁸ (a house where gentlemen met ladies) that Aiken came there to her room, and became intimate with her there; that he borrowed money of her, and she let him have the child. . . she objects to Mr. Aiken as the guardian of her child, he being a visitor to houses of ill-fame, and therefore not the proper person for that position.”¹¹⁹

The Aiken’s attorney, Mr. Brent, moved “to suppress such portion of the answer as reflected upon the moral character of Mr. Aiken, as moral character was not in issue, and all reference thereto was irrelevant and scandalous in law, and should not be put on record. But whatever was alleged in regard to Mr. Aiken, there was nothing alleged as to the excellence of Mrs. Aiken. It was admitted that she was a proper person to be guardian of the child.”¹²⁰ Ellen’s attorneys were outraged at the apparent double standard and asked if the counselor was “in earnest.” They countered that if she was unfit to be the mother of the child since she was a prostitute, (which was testified to by several policeman serving on the ‘Hooker’s Division,’) then Frederick was unfit to be a guardian since “he was in the habit of visiting houses of ill fame, and the language is such that persons who are familiar with such places can understand that he committed adultery there.

“Mr. Brent (Aiken’s attorney) ‘Suppose you call an expert.’ (Laughter.)”

“Mr. Terry (Ellen’s attorney) ‘Would you like to be summoned?’ (Increased laughter.)”

“Marshal. ‘The gentlemen must keep order.’”¹²¹

¹¹⁴ Ibid. 10 August 1868. “Habeas Corpus.”

¹¹⁵ Ibid. 1 August 1868. “The Abducted Child Case.”

¹¹⁶ Ibid. 13 August 1868. “The Contested Child Case.”

¹¹⁷ Ibid. 1 August 1868. “The Abducted Child Case.”

¹¹⁸ Mrs. Surratt’s boarding house was also on H Street. The testimony does not state the exact date in the ‘spring of 1865’ Aiken and Ellen became acquainted, but the Assassination and Trial also occurred during that time frame.

¹¹⁹ Ibid. 13 August 1868. “The Contested Child Case.”

¹²⁰ Ibid. 10 August 1868. “Habeas Corpus.”

¹²¹ Ibid. 15 August 1868 “The Contested Child Case.”

For Frederick and especially for Sarah, this testimony must have been humiliating as Frederick found himself on the other side of the pen and his own personal habits became fodder for the press. Yet he persisted with as many legal maneuvers as he could regardless of the salacious gossip that the case must have caused, an evidence of their attachment to Cora. Heartrending letters from Sarah were placed into court evidence: “A letter of Mrs. Aiken urging that the child should be permitted to remain with them, promising to do well by her in every respect, and assuring the defendant that they never entertained any but the kindest feelings towards her. . . concluding the letter by saying the child had just said her prayers and prayed for ‘her two mammas.’”¹²²

One wonders why Ellen, after three years, suddenly decided that Frederick and Sarah were unfit to raise Cora. Obviously she knew about his “habit” before she allowed him to take Cora. Frederick seemed to believe it was motivated by religious bias - he was Protestant, Mr. Gerrish reportedly was Catholic. But Ellen would have also known that three years previously when she made her agreement with him.

Despite her adamant claims that she “would abandon her course of life,” upon consultation with her attorney and following his advice, Ellen “. . . concluded to withdraw her claim to have charge of her child. She said that although she felt that she was competent to take charge of the child, ‘the Judge says I am not. I suppose I am not; but I want the child placed somewhere where I can have confidence.’”¹²³

Ellen and her attorneys came up with another solution – custody of Cora should be granted to Father Jacob Walter (who had comforted and counseled Mary Surratt in her final days) and placed in the Catholic St. Vincent’s Orphan Asylum. The Aiken’s attorneys objected and, “expressed surprise at the bringing of Father Walter into the case. There is no need of taking this child to the orphans’ asylum. It was now in the custody of Mrs. Aiken . . . He could not believe that the Court would send the child to an orphan asylum. He alluded to the manner in which Mrs. Aiken had taken charge of this child, and had treated it for . . . years. He called to the attention of the Court as showing the interest of the child, and the probability of its advancement in life, that Mrs. Aiken was the daughter of Judge Weston, . . . a man of great wealth. She was the most accomplished woman he had ever met; he did not think the future of the child could be as well provided for in the Orphan Asylum.”¹²⁴

Despite the heart-felt pleas of the Aikens and their attorneys, the court ruled: “The lamp which guides the action of the Court in this case is the interest of the child, its safety and security from danger and harm; but there was another consideration of which the court could not lose sight. The mother, however degraded, had a right to have her wishes consulted, and her yearnings for the welfare of her own child somewhat regarded. It appeared to the Court that under such circumstances, it should be committed to Father Walter, against whom the breath of slander had never made the faintest whisper.”¹²⁵

¹²² Ibid. 1 August 1868. “The Abducted Child Case.”

¹²³ Ibid. 15 August 1868. “The Contested Child Case.”

¹²⁴ Ibid.

¹²⁵ Ibid.

Two days later the Orphan Court met to finalize Cora's placement in the Orphan's home with Father Walter as her guardian, but Frederick and Sarah again petitioned, this time in the Orphan Court, to have custody of Cora granted to them.¹²⁶ The case was scheduled for the first week of September, and on August 30, 1868 Frederick again pleaded, "Your petitioner respectfully represents that he is a resident of the District of Columbia; that he has had the care, protection, and support of a female infant child, the daughter, as is alleged, of Ellen McCall and William Gerrish, deceased, known to the community as Cora Herminia Aiken; that he has had the care of said child (now nearly five years and six months of age) for three years and six months, and at an expense to him in cash of from twelve to fourteen hundred dollars, with the knowledge and by the voluntary consent of the said Ellen McCall, who has often promised never to disturb the relations of said Cora with your petitioner. . . Your petitioner, therefore, respectfully asks that he may be appointed by this Honorable Court the legal guardian of the said Cora, &c"¹²⁷

The Court continued to hear testimony and weigh evidence in September, but the specifics of the case were not printed in the paper - only notices that the case was ongoing. Finally, Frederick and Sarah Aiken's efforts to adopt Cora were denied, as a short terse paragraph published on October 7, 1868 stated: "The Contested Child Case Is Terminated - Rev. Jacob A Walter qualified as guardian of Anna Cora Gerrish, giving bond in \$300. This concludes the contest over the child sometimes known as Cora Herminia Aiken, Mr. Aiken having withdrawn his claim."¹²⁸

According to the 1870 & 1880 census, Cora Gerrish remained in St. Vincent's Orphan Asylum until adulthood. She moved to Santa Fe, New Mexico sometime after 1897 (she was mentioned in Washington D. C. newspapers in 1897 when she exhibited photographs in an art show and sang in the St. Patrick's Easter recital¹²⁹) and was numbered in the 1900, 1910, 1920, and 1930 census in New Mexico, remained single, supported herself as a music teacher, and died February 24, 1940 in Santa Fe.¹³⁰

That sad chapter finally concluded, Frederick again turned his attention to the Presidential election of 1868 and, just one week after the final decision on Cora's guardianship, campaigned for Horatio Seymour and Francis Blair by giving a speech at the Washington

¹²⁶ Ibid. 17 August 1868. "The Contested Child in Court Again."

¹²⁷ Ibid 31 August 1868. "Orphan's Court."

¹²⁸ Ibid. 7 October 1868. "The Contested Child Case is Terminated."

¹²⁹ *The Evening Times*, Washington D. C., April 17, 1897; *The Morning Times*, Washington D. C., June 4, 1896

¹³⁰ 1870 United States Federal Census, Washington Ward 2, District of Columbia; Roll: M593_123, Page: 310B; "Cora Garrish, 7, b. District of Columbia."

1880 United States Federal Census, Washington, District of Columbia, District of Columbia; Roll: 123, Page: 246B "Cora Gerish 17, b. New York."

1900 United States Federal Census, Santa Fe Ward 2, Santa Fe, New Mexico; Roll: T623_1002, Page: 16B; "Cora Gerish, 36, b. New York."

1910 United States Federal Census, Santa Fe Ward 2, Santa Fe, New Mexico; Roll: T624_918, Page: 6A; "Cora Gerish, 46, b. New York."

1920 United States Federal Census, Santa Fe, Santa Fe, New Mexico; Roll: T625_1080, Page: 9A; "Cora E Gerish, 55, b. New York."

1930 United States Federal Census, Santa Fe, Santa Fe, New Mexico; Roll: 1399, Page: 10A; "Cora E Gerich, 66, b. New York."

New Mexico Deaths, Cora Gerish, February 24, 1940, Santa Fe.

Jackson Democrat Association: (which was abbreviated in the Republican press as ‘Dem. Jack. Ass’)¹³¹ “The speaker saw nothing but bright skies ahead, and in November Seymour and Blair would be elected.”¹³² But again, Frederick’s candidate lost the national election as Union war hero Ulysses S. Grant won the presidency.

Frederick still found himself the subject of scorn in the northern Republican press, when, in January 1869, the *New York Times* singled him out, while neglecting to publish any other names: “The hotel and boarding houses proprietors of Washington have organized into a protective association, and publish the names of the nonpaying patrons. The first list embraces colonels, merchants, and Fred. Aiken, Mrs. Surratt’s counsel, now a law clerk in the Treasury department by special favor of Johnson.”¹³³

On November 18, 1870 the *Springfield Republican* attacked Frederick again, writing about the “instant dismissal of one ‘Fred Aiken.’ How this fellow ever got into the department is a wonder, yet he did so within a year. He was not loyal through the war and has for years been one of the worst of the democratic ‘dead-beats’ of Washington. It may be well to retain good clerks if they are Democrats, but there can be no excuse for giving office to such fellows as this Aiken, and Secretary Delano did right in sending him adrift, and if there are any more like him in this department may they meet a similar fate.”¹³⁴

Controversy again found Frederick in 1871 as he was subpoenaed to testify before a congressional committee about how the Treaty of Washington was made public early; since he was compelled to testify, it is possible he was involved in the leak.¹³⁵ This wasn’t the last time his “early news” became the subject of a Congressional inquiry; in 1876 he testified about his article about one of the Grant administration scandals – The Safe Burglary. In testifying, Aiken said because of his, “social relations . . . I have been enabled to obtain early news in relation to the secret service that other newspapermen in town have not been able to.”¹³⁶

But Frederick Aiken also had a mischievous side, as shown by his April Fool’s hoaxes played on the unsuspecting population of Washington, D.C., through the pages of the *National Republican*. On April 1, 1873, he wrote a lengthy, detailed, imaginative, thoroughly believable article about the funeral and cremation of a young girl’s body that held his readers in rapt attention. The headline read, “An Eastern Delegation- Their Arrival at Wormley’s Hotel – Death of . . . Deria Lodi . . . The Funeral Services This Morning.” He described Deria Lodi’s body as it was prepared for the funeral: “The body of this unfortunate young Oriental was marked by all the beauties of her peculiar race. The rich silken cerements failed to conceal the symmetrical outlines of her slender form, and her face, whose contour was perfect, was distinguished by the

¹³¹ *Daily National Republican*, Washington D.C., 23 May 1870. “The proposition to use a good-looking picture of Col. Florence, made when he was president of the “Dem. Jack. Ass.” . . . was urged by Mr. Aiken, but opposed by Cook and Morse.”

¹³² *National Republican*, Washington, D.C. 16 October 1868.

¹³³ *New York Times*, 9 January 1869.

¹³⁴ *Republican*, Springfield, Massachusetts, 18 November 1870.

¹³⁵ *Select Committee to Investigate How and by Whom the Treaty Known as the Treaty of Washington Was Made Public*, Publication: Serial Set vol. no. 1468, Session Vol. No. 1: Report: S. Rpt 5. 25 May 1871; *Daily Gazette*, Cincinnati, Ohio, 24 May 1871.

¹³⁶ *Safe Burglary, Report of the Select Committee on Affairs in the District of Columbia*: Publication: Serial Set Vol. No 1627, Session Vol. No.5:Report: H.Rpt. 785. 23 June 1874.

almond eye, the long stained lash, the low retreating brow and the curved lips in which poets and painters have for many years found their inspirations, and which doubtlessly in life may have incited many a metaphorical sonnet. The shining braids of her black hair and the delicate arms were laden with gold coins and the finely wrought chains, much affected by Easterns. Rich robes of fine silk and cashmere with exquisite shawls of the latter, almost priceless material, were wound around her waist, falling to the tiny sandaled feet which, arched and slender, signified her noble blood, upon her tapering left hand, on the second finger, shone a rare and large sapphire, having carved upon the surface the image of the sacred lotus.” He continued the lengthy article (nearly 4000 words) by telling the good citizens of Washington what to expect at the funeral and cremation later that day, which they were all invited to view from a “respectful distance.” Sarah Aiken probably assisted him in this article; it contained words in the Sanskrit language - one of the languages she purportedly spoke.¹³⁷

The April 2, 1873 edition of the *Republican* gleefully recounted the previous day’s hoax and its effects on the capital. “It has become a recognized custom for newspapermen to rival each in the production of something that will “sell” an entire community – high and low, ignorant and learned. A joke of this character was perpetrated in the *Republican* of yesterday, and with results so perfectly good that special reference to it this morning is not out of place. . . The foundation of the joke was the arrival at a Washington hotel of a delegation of princely men from India and the burning by them of a dead body. Such a story, in order to be believed, as this one was, by nine tenths of the people who read it, must not only have an absolutely harmonious outline and perfect proportions, but an exactness in detail and minuteness in description. . . Of course, the entire article had to be skillfully clothed with much of Eastern lore, and with much of the gorgeous and romantic style of their expressions. It is impossible to convey a vivid or even funny idea of the scenes and incidents which transpired in Monument Lot during the morning or at Wormley’s hotel, where the young princess was supposed to be “lying in state,” for the reason that it would be improper to give the names of the parties essentially sold.

“Eminent doctors and men of science visited Wormley’s and seriously asked permission to view the remains. Officers of the army and navy, together with several members of the diplomatic corps. . . high born ladies and leaders of fashion drove up in their carriages. . . hundreds . . . asked to be shown the room which had temporarily been converted into a Paegan chapel. . . A large crowd gathered there in the morning to catch a sight of the . . . procession as it moved from the hotel. A great number of ladies and gentlemen drove in carriages to the lot where the burning was to take place, and thousands wended their way there on foot. . . House-tops commanding a view of the grounds near the Monument were occupied with spectators with spy-glasses in hand. The roof of the Paymaster General’s office was covered with anxious clerks, and all the windows of the Treasury facing south were occupied. A great number visited the office of the chief of police to request a pass to witness the interesting scene, and some went there to protest against permission of the act. At the breakfast table more than one noted journalist gravely and seriously discussed the matter, and took sides with each other as to its propriety in a Christian country.

“It is also astonishing to learn how many people went to Monument lot “just to see, you know, who was there, and to enjoy the joke.” During the day it was the talk of the town and up to

¹³⁷ *National Republican*, 1 April 1873, “An Eastern Delegation. . . “

late in the evening there were many who really believed the affair had taken place. Like everything that is successful it was good. A joke is a joke, and in this one there is nothing to leave an unpleasant memory.”¹³⁸

Frederick A Aiken was an experienced newspaperman, who wrote for or edited at least nine different newspapers; *The Burlington Sentinel*,¹³⁹ *The Burlington Times*,¹⁴⁰ *The New York Herald*,¹⁴¹ *The Constitutional Union*,¹⁴² *The Sunday Gazette*,¹⁴³ *The Daily Morning Chronicle*¹⁴⁴, *The National Republican*,¹⁴⁵ and *The Sunday Herald*,¹⁴⁶ finally serving as the first city editor of *The Washington Post* from its initial issue in 1877 until his unexpected death on December 23, 1878.¹⁴⁷ *The National Republican*, in writing about his death, said he “established a reputation as a very clever writer, in the most credible sense of the term. His especial inclination in the profession . . . was dramatic criticism, in the prolonged exercise of which he gained the acquaintance and friendship of all the leading native and foreign artists who have visited Washington during the past twenty years. Among his best efforts in newspaper work, of which the residents of Washington still bear a lively recollection, were articles published in *The National Republican* as April Fool hoaxes – one pre-describing the alleged cremation of a Hindoo maiden on the ‘White Lot’ . . .”¹⁴⁸

The Washington Post obituary, published December 24, said, “The melancholy news of the sudden death of . . . Frederick A. Aiken, city editor of the *Post*, reached this office yesterday . . . and filled every heart with the shock which so unexpected and sad an event was likely to produce in circles where the deceased was so esteemed and beloved. . . During the early years of the war he was a volunteer aide with the rank of captain on the staff of General Hancock, and participated gallantly in several engagements, during one of which he had two horses shot under him, and received injuries the ultimate affect of which no doubt hastened his death. During the dark days of 1863 and 64 when the Democracy of the District made so gallant a fight under the leadership of Col. Thomas B Florence against the “Little Bell” tyranny of William H Seward and

¹³⁸ Ibid. 2 April 1873. “The First of April – Brief History of its observance”

¹³⁹ FAA Obituary, *Washington Post*, 24 December 1878; *Springfield Republican*, Springfield, Massachusetts, 20 May 1865.

¹⁴⁰ *Burlington Free Press*, Burlington, Vermont, 2 December 1859. “Who gave the 12 yeas for Mr. Wilson’s resolution that ‘Fred Aiken’ is entitled to receive out of the State Treasury \$88. . .?”

¹⁴¹ LA Whiteley letter to General McDowell, 5 March 1862.

¹⁴² John D Lawson, *American State Trials*, St. Louis, FH Thomas Law Book Co. 1917, 41.

¹⁴³ Freedman’s Bank Records, 1865- 1871, “Frnk. A. Aiken, 824 9th. Gazette Office, \$31.00, 8 December 1870.”

¹⁴⁴ Report of the Joint Select committee of Congress appointed to inquire into the affairs of the government of the District of Columbia: Publication: Serial Set Vol. No. 1590, Session Vol. No.4; Report: S.rpt.453 pt. 1. “F. A. Aiken Reporting for the *Daily Morning Chronicle*.”

¹⁴⁵ *Critic-Record*, District of Columbia, “In Extremis .We regret to learn that Mr. Fred. Aiken, of the *National Republican*, who has been lying ill with pneumonia for some weeks past, is getting worse, and that his dissolution is expected.” 9 May 1876.

¹⁴⁶ *Critic-Record*, District of Columbia, “Mr. Fred Aiken, of the *Sunday Herald*, filled the chair well, and emptied the dishes in the same commendable manner.” 20 October 1877.

¹⁴⁷ John Claggett Proctor, *Washington, Past and Present: A History*, Volume 1, Lewis Historical Publishing Company, 1930, p. 639.

¹⁴⁸ *The National Republican*, 24 December 1878. Another April Fool Hoax was published in the 1 April 1875 *National Republican*. It detailed the ‘pretended theft of the Fitch-Sherman diamonds and their display for the public benefit at Galt’s jewelry store.’ The diamond necklace was a gift for Minnie Sherman (daughter of General William T. Sherman) given by the Khedive of Egypt valued then at \$250,000, which would be worth about \$4.9 million today.

Edwin M Stanton, Col. Aiken was one of the most active workers in the Democratic cause and his brilliant pen and eloquent voice were incessantly employed. When that unfortunate victim of Republican fury, Mrs. Mary Surratt, was dragged from her bed at midnight by the brutal minions of Stanton, and hurried before a court-martial organized to convict, Col. Aiken was one of the gallant few in the District that dared to lift his voice in behalf of justice and right at the imminent risk of his life nobly undertook to conduct her defense. His defense of Mrs. Surratt is one of the most praiseworthy efforts on record. . . Aiken's memorable speech on that occasion will be long remembered. . .

“Gifted, brilliant, and versatile, having in a very marked degree the power of winning and retaining the affection of both men and women, singularly kind-hearted and benevolent, the death of Fred Aiken leaves a void in the hearts of his friends which may not be filled. . . His presence cast sunshine wherever it went. He had always a cheering smile for the erring, a kind word for the struggling, an open hand for the unfortunate and a big free heart for those he loved. His handsome, manly appearance will be long remembered and by none more so than by his journalistic and literary friends. As a writer he was singularly correct and graceful . . . he was famous for doing his duty well, promptly and faithfully. . . in the death of Frederick A. Aiken, the American press has lost one of its most entertaining and versatile writers, and humanity one of its noblest ornaments”¹⁴⁹

The December 24, *National Republican* wrote: “He was a man of great versatility and talent, capable of a much more distinguished career than was vouchsafed to him by the various circumstances of his life, which developed the underlying Bohemianism of his character and made of him an odd combination of man-of-the-world, student, enthusiast, and adventurer. But withal he was a man of gentlemanly instincts, a true friend, and a generous enemy.”¹⁵⁰

Frederick A Aiken was buried December 26, 1878 in Oak Hill Cemetery, Georgetown, District of Columbia, lot 70, number 6. The funeral was attended by many of his friends and family members, and eulogies were offered by Dr. C. C. Cox, the Rev. C. W. Dennison, Colonel George B Corkhill, General J. Adams Congdon, and Major Ben Perley Poore.¹⁵¹ His grave remains unmarked.¹⁵²

On August 24, 1879, 8 months and 1 day after Frederick's death, his sister, Frances Caroline Aiken Tucker gave birth to a baby boy. She named him Fred Argyle Tucker.¹⁵³

His wife Sarah Olivia Weston Aiken remained a widow, and continued her literary and educational pursuits.¹⁵⁴ She supported herself as a correspondent¹⁵⁵ and clerk in the Treasury Department until her death on May 25, 1900.¹⁵⁶

¹⁴⁹ FAA Obituary, *Washington Post*, 24 December 1878.

¹⁵⁰ *The National Republican*, 24 December 1878.

¹⁵¹ *Ibid.* 25 December 1878.

¹⁵² In March 2012 The Surratt Society began an effort to raise funds to place a headstone on Frederick Aiken's grave. It is projected to be in place in the early summer of 2012.

¹⁵³ Vermont Births and Christenings, FHL film 540154.

¹⁵⁴ Elliott Coues, *The Coues Checklist of North American Birds, 2nd Edition*, Boston, Estes and Lauriat, 1882, p. 4
“The author of the original list has received invaluable assistance from Mrs. S. OLIVIA WESTON-AIKEN, who cordially shared with him the labor of the philological investigation, and to whose scholarly attainments he is so

One of the frustrating aspects of researching Frederick Aiken is that, as a newspaperman, he is probably hiding in plain sight. It is likely that many of his articles and writings are available for study, but do not bear his by-line. Equally frustrating is that someone who valued the power of the written and spoken word to influence people, politics, and governments doesn't appear to have written his thoughts about those turbulent days in 1865; at least not in a place I've yet been able to find. A diligent search for papers possibly held by his family members turned up nothing; Frederick and Sarah had no children; her sister had two sons who died childless; her brother didn't marry. Frederick's only sister had four children; only one married and had a child; Frederick's great-nephew, who died childless in 2009. According to his widow, he searched much of his life for relatives, and finding none, before his death burned the family papers, books, and pictures he had in his possession. Whether they contained writings or pictures of Frederick will remain unknown.

So, Frederick A. Aiken, Union hero? Well, I suppose that depends on your definition of hero. If you believe that the only heroes involved in the Civil War were those who had no sympathies for the Confederacy; before, during, or after the war, then Frederick Aiken definitely was not a hero. But if your definition of a hero is a man who stood up to formidable forces in defense of his life-long beliefs, who never faltered or changed his political ideologies, and who continued to suffer ridicule for most of his life because of those beliefs; then Frederick Aiken qualifies as a hero. If your definition of a hero includes someone who put his life on the line in a war he didn't support, for a President he didn't vote for, against friends and political allies, then Frederick Aiken qualifies as a hero. After all, the Confederate bullets that flew around him during the Battle of Williamsburg didn't care if he was a Democrat or not - democrats also bled and died for the Union. If your definition of a hero is someone who stood between the anger and thirst for vengeance of a nation and a woman accused of a heinous crime, because the nation he loved was founded on rules of law that granted even presumed presidential assassins legal representation, then Frederick Aiken was a hero.

And perhaps, in the end, Frederick's real legacy can be found in his most famous words from the trial of Mary Surratt, still quoted 145 years later as words of wisdom for today's attorneys:

largely indebted, that it is no less a duty than a pleasure to recognize the co-operation of this accomplished lady." Unfortunately, Sarah's association with Coues incited rumor: A biography of Coues (*Elliott Coues: Naturalist and Frontier Historian*, by Paul Russell Cutright, Michael J Brodhead, University of Illinois, 2001, p. 252) states: "During the late 1870s and on into the 1880s there was much gossip circulating in Smithsonian offices and elsewhere about Coues' alleged extramarital affairs. In a letter to Allen dated March 21, 1881, Coues makes it clear that he was quite aware of the talk. . . 'The Check-List is going through, if no other work of mine does. I suppose there will be a howl when it comes out, at my "shamelessness" in placing the name of my "mistress" on the title page with my own, and so "stamping the scandal." Curse the curs who have yelped at my heels - curse the Fauns and Satyrs who sit on my shoulders grinning at me in derision! A blameless woman, one of the purest and noblest creatures I ever knew, has been most cruelly slandered, and no less seriously compromised than myself. I will show all my enemies, and all the blind fools that no cowardly truckling to their slanderous tongues shall deprive her of her just credit in the work, or prevent my having the honor and the pleasure of associating her name with mine.' The woman's name was Mrs. S Olivia Weston-Aiken, and in her relations with Coues she was apparently innocent of any misconduct." The authors quote Coues in his daybook saying he met "Mrs. SOA (about) . . . Oct 1879."

¹⁵⁵ 1880 United States Federal Census, District of Columbia, Roll 122; film 1234122; page 332B; district 38.

¹⁵⁶ District of Columbia Deaths and Burials, 1840 - 1964, FHL film 2115106; Mrs. Sarah O. Aiken Obituary, *Washington Post*, May 26, 1900.

“FOR the lawyer as well as the soldier, there is an equally pleasant duty — an equally imperative command. That duty is to shelter the innocent from injustice and wrong, to protect the weak from oppression, and to rally at all times and all occasions, when necessity demands it, to the special defense of those whom nature, custom, or circumstance may have placed in dependence upon our strength, honor, and cherishing regard.”¹⁵⁷

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¹⁵⁷ David J. Brewer, F.P. Kaiser, *World’s Best Orations*, 1899, p. 119.