

## The Life and Times of James M. Ashley

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Ohioan James M. **Ashley** did many notable things in his life, including proposing and leading the passage of the 13th Amendment, being mostly self taught, becoming a cabin boy and clerk on a riverboat, passing the bar to become a lawyer, becoming elected to Congress and serving eight years as an Ohio Congressman, securing the Emancipation of Washington D.C., becoming Territorial Governor of Montana, building a railroad stretching from Toledo to northern Michigan, and being president of that railroad for sixteen years.

Born in 1824 in Allegheny County PA, **Ashley**'s parents moved him to Portsmouth OH when he was two years old. During his childhood and adolescence, there was much tension with his father. For this reason, **Ashley** grew very close and learned many things, both intellectually and morally, from his mother who had many abolitionist friends. This learning is what molded him into becoming such a strong abolitionist. At the age of fourteen, while getting much pressure from his father to attend a religious college to further his biblical knowledge, he left home to make his own life. **Ashley** did not speak or write to his father again until he was twenty-one, but wrote often to his mother. It was during this time that he held various jobs on the riverboat.

When he was a young man, he became familiar with the Underground Railroad in Kentucky. Even at this early age he was popular among the slaves and abolitionists. "The Negroes knew all up and down the River that I was an anti-slavery boy and they came to me to help them," said **Ashley** in an interview. At the age of seventeen he personally helped two large groups into hiding; one a group of seven and another of five. "The five was the most exciting time I ever had," explained **Ashley** when he was 70 years old. From the group of seven, all of them got away. Back in those days, a reward of about \$100 was offered for each runaway slave turned in. **Ashley** ignored this reward, unlike many of the time who would have given in to temptation, for what he believed to be right.

In his early twenties, he was honored with the position of editor of the *Portsmouth Democrat*. Barely a year later **Ashley** was admitted to the Ohio Bar after teaching himself law. Even though admitted, **Ashley** chose not to practice law.

In 1851, he was married to Miss Emma **Smith** of Kentucky and moved to Toledo OH, where he opened a drugstore. Not long after opening, the store burned down. **Ashley** became a delegate to the Republican National Convention of 1856, and was elected to Congress in 1858. In Congress he served the 5th district from 1858 until 1862, and after that served the 10th district until the end of his time in Congress. (*Editor's note: the number of Ashley's district changed as a result of the reapportionment of House seats after the 1860 census. He represented Paulding, Putnam, Defiance, Williams, Fulton, Lucas, Wood, and Henry Counties under both apportionments, while Van Wert and Hancock Counties were moved to other districts in 1863.*)

John Brown, the widely known abolitionist who tried to start an armed slave revolt with his raid at Harper's Ferry, also had ties to James M. **Ashley**. **Ashley** was present at Brown's hanging on 3 December 1859, even though it could have meant grave danger to **Ashley**. Of Charlestown (now in WV), **Ashley** said, "It is enough to say, that any Anti-Slavery man would have been safer from personal injury and insult in...countries whose language he could not speak, a stranger without a passport...than in the town of Charlestown, in my own country, for the past few days." The way he got into the city without arrest or confrontation was to get an old horse and rickety buggy and quietly drive into the forbidden city. **Ashley** even spoke to Mrs. **Brown** who was present to fetch her husband's body. Mrs. **Brown** had brought a few friends with her for support, but was made to leave them behind when she spoke with her husband. She was treated terribly, even made to strip to be certain she had no poisons or weapons upon her person to relay to James **Brown**. **Ashley** was very sorry for what she went through, "A poor, broken hearted woman, with two gentlemen and a Quaker lady friend, harmless and unarmed..."

Many people still ask why Harper's Ferry was such an excitement to slaveholders, and **Ashley** said that "It is inseparable from the system of slavery." Of **Brown**'s execution, he had somewhat torn feelings. To quote him, "However much I condemn and lament, as I most sincerely do, his attack on this place, I cannot but admire his heroism, his straight-forward independence, and his undoubted courage."

On 4 December 1860, the House of Representatives created a special committee called the Committee of Thirty-Three, which was made up of one member per state. This committee was created in order to stop the slave states

from seceding from the Union by coming up with a compromise. The compromise, when first proposed, prohibited future amendments to the Constitution from eliminating slavery where it existed. Specifically, “No amendment shall be made to the Constitution, which will authorize or give to Congress the power to abolish, or interfere within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State.” This pro-slavery amendment was voted favorably by the Committee, House, and Senate, and went to the President’s desk. Buchanan signed the amendment (which had come to be called the Corwin Amendment) on 3 March 1861, his last day in office. The only thing stopping this from becoming an active amendment was that it lacked the approval by three-quarters majority of the states, thanks to states like Ohio. **Ashley** disapproved of this act, saying in an interview, “I blush to state that this proposed amendment passed both Houses of Congress with the active support of President Buchanan.” He even went on to call it, “The blackest act proposed the American Congress during all our dark history!”

Less than two years later, this was completely turned around with the abolishment of slavery in the District of Columbia. Shortly after Lincoln became President, **Ashley** introduced a bill that pushed for the abolishment of slavery in our nation’s capital. It was short and simple, stating that any slavery or involuntary servitude inside the District of Columbia would be ended from and after the passage of said act. The initial reaction to this bill was bad. **Ashley** said, “The undisguised disgust entertained for me personally by the pro-slavery members of the committee, would be amusing now, but it was a matter of serious moment then.”

Immediately, the bill needed to be changed. It was discussed that the slave owners would be compensated up to three hundred dollars per slave. Secretary of the Treasury **Chase**, under direction of the District Committee, relayed this discussion to **Ashley**. Strong-minded as he was, **Ashley** did not agree with compensation and did not want to claim the money from the nation’s Treasury. He later stated that “I believed then, and believe now, that at least two-thirds of all the so-called ‘loyal slave owners’ in the District of Columbia who applied for and accepted compensation for their slaves, would at that time have welcomed Jefferson Davis and his government in Washington with every demonstration of joy.” **Ashley** would not let Congress adjourn until the capitol district had been emancipated.

On 12 March 1862, **Ashley** sent the bill (as had been agreed upon by Mr. **Chase**, President **Lincoln**, and **Ashley**) to the House of Representatives. It did contain the provision for compensation. The amended version of the bill passed the House with a vote of 92 to 38. On 16 April, President **Lincoln** signed the bill only eight months before he issued his Emancipation Proclamation. Thus, slavery was ended in the District of Columbia. In his speech on the matter, **Ashley** said, “I do not believe that Congress has any more power to make a slave than to make a king.”

**Ashley**’s most significant claim to fame came in 1865. In our time, President **Lincoln** is credited with the abolishment of slavery. However, our beloved 16th President did not have the authority to single-handedly free all slaves, but needed the support of Congressman James M. **Ashley** and his colleagues. Going against many, **Ashley** fought and struggled in order to get his two-thirds vote needed to pass the necessary Constitutional amendment. He tried on several occasions to pass this document, but it was denied time after time. However, after much hard work and several proposals, **Ashley** managed to lead passage of the 13th Amendment. What was ironic about this was that had the **Corwin** Amendment been passed, it would have been the 13th amendment. It is ultimately thanks to **Ashley**, with many supporters, that we do not have slavery in our country today. (*Editor’s note: Mr. Ashley’s first proposal for a Constitutional amendment was offered in the House on 14 December 1863; final passage in the House occurred on 31 January 1865.*)

Abraham Lincoln, one of the major figureheads of American history, had several ties to **Ashley**, both good and bad. **Ashley** believed in what Lincoln was doing and campaigned for him, thus succeeding in helping him get elected as President. Ultimately, this election caused the secession of the slave states, the start of the American Civil War, and, later on, Reconstruction. Though both anti-slavery men, President **Lincoln** and **Ashley** certainly had their differences, as **Ashley** was much more radical, and clashed with **Lincoln** on Reconstruction and on other matters. But, in his time spent in Washington, **Ashley** became good friends with Lincoln, and was often seen talking with the President. After Lincoln’s death in 1865, **Ashley** was appointed a pallbearer for the late President’s funeral procession in Cleveland OH.

After **Lincoln**’s death, Vice-President Andrew **Johnson** took the oath of office and became the new President. **Ashley** and the new President butted heads and did not get along at all. **Ashley**, although never coming out and saying it, was known to insinuate that **Johnson** had played a hand in the assassination of **Lincoln**. He also had

suspicious that **Johnson** would allow those states which had rebelled in the war to take on again their past tendencies toward rebellion. This doubt soon turned factual, as Virginia was reclaimed by rebels.

The next fear **Ashley** found himself facing was that those states would again adopt enslavement laws. He believed that the new President meant well, but also believed that he would need to be pressured in order to do good, and told others of this. This thought was dispelled as **Ashley** discovered **Johnson's** contempt for him. Things soon turned sour as **Johnson** singled **Ashley** out for defeat. After this, at every turn **Ashley** was trying to find a way to remove Johnson from his position.

On 7 January 1867 the House considered impeachment of President **Johnson**, with the potential of removing him from office. Halls of the House of Representatives were crowded as two impeachment resolutions brought against Johnson both failed. Afterward, people began to clear out, but suddenly **Ashley** stood to announce a high question of privilege. Upon this announcement, people rushed back in towards his desk. **Ashley** spoke, in a sort of trembling nervous excitement that rang clear with impeachment, "On my responsibility as a Representative and in the presence of the House, and before the American people, I charge Andrew **Johnson**, Vice President and acting President of the United States, with the commission of acts which, in contemplation of the Constitution, are high crimes and misdemeanors, for which in my judgment, he ought to be impeached." In his biography of **Ashley**, Robert Horowitz noted that **Ashley** accused **Johnson** of "usurping power and violating law; misusing presidential power of appointment, pardon, and veto; with illegally disposing of public property; and with corruptly interfering in elections." This proposal made by **Ashley**, unlike the previous two, passed by a vote of 108 to 28.

The Tenure of Office Act, which the President would be accused of violating, was enacted into law over his veto in March 1867. What many do not know is that this was in fact a trap set by some Members of Congress to prevent **Johnson** from firing their ally, Secretary of War Edwin **Stanton**, and to set up **Johnson** for impeachment if he defied them. The Act provided that all Federal officials whose appointment required Senate confirmation could not be removed without the consent of the Senate. It was well known that this stubborn President would have a hard time following this law, especially in **Stanton's** case. **Johnson** took the challenge and attempted to fire **Stanton** from his position as Secretary of War despite the Senate's refusal to consent. Because of this violation of the Tenure of Office Act, Andrew **Johnson** was impeached by the House of Representatives on 24 February 1868.

The trial in the Senate lasted from 30 March to 26 May 1868. The vote cast was a close one, only decided by a single vote. Thanks to Senator Edmund **Ross** of Kansas (another native Ohioan who was initially in the consideration for the new Ohio Statuary Collection), who voted for acquittal, Johnson was allowed to remain in office for the rest of his term, but was not reelected. Thus, even with the support of **Ashley** and the Radical Republicans, **Johnson** was not removed from office.

Not too long after **Johnson's** impeachment, **Ashley** began to push for an educational qualification for voting. This angered those who were uneducated, and possibly led him to lose him his chance for re-election in 1868. After spending nearly all of his money on campaigning, **Ashley** lost the election and was then nearly bankrupt. At this point he lost his fire and returned to Congress as a lame duck representative. While there, he did few things. One of which was, after few discussions, voted for the Fifteenth Amendment. On 4 March 1869 James M. **Ashley** left Congress after asking all loyal Republicans to back up **Grant**, the new President.

Many people, including our 19th president Rutherford B. **Hayes**, wrote letters to President **Grant** recommending **Ashley** for the job as territorial governor of Montana. After receiving several such letters, **Grant** sent the nomination to the Senate where there was a long debate about the outcome. Many people spoke against **Ashley**, but he was later confirmed; he was asked to be governor, winning the battle by just one vote. All of the radical senators were firmly behind **Ashley**, pushing him all the way. **Ashley**, on confirmation, immediately accepted the proposal and took a short leave to prepare himself, his wife, and his children for the move.

In Montana, **Ashley** found himself facing a pro-southern population who were against Negro equality. Because of this, he felt that he needed to promote white, and not black, migration to the territory. However, **Ashley** was prepared to fight for Negro rights if they did come. Oddly enough, it was not the Negroes that he ended up fighting for, but the Chinese. This social problem for Montana hurt **Ashley** in his popularity. He opposed the use of their cheap labor, saying that it took jobs from those of white and black ancestry who could not work that cheaply. It was only benefiting those who employed the men, and hurt badly those who were laborers. **Ashley** wholeheartedly asked

for equal protection for all the people of Montana and begged for a free public school system for all of the children there.

This way of thinking was the end of his political career in Montana. The people wanted to be able to elect officials for important positions and have **Ashley** commission them. **Ashley** refused, and nominated his own choices. This ultimately caused conflict between **Ashley** and the Democrats. Of over sixty pieces of legislation during this session, three were passed even though **Ashley** vetoed them and thirty-eight became law with him never signing them. In the middle of this session, **Grant** retired **Ashley** from the job with no reason.

After few more attempts at getting back into the political spotlight, **Ashley** finally gave up in order to spend more time with his family. Regretting that he had never been formally educated, he sent all four of his children, including a daughter, through college. While two of his sons were enrolled at University of Michigan Law School, **Ashley** moved to Ann Arbor MI, and in 1877 became involved in the railroad business. He bought the Toledo and Ann Arbor Railroad with a loan, and then raised the money to build and run the railway, eventually extending it to Frankfort on the shore of Lake Michigan. Joining with a shipping company, **Ashley** even went as far as to transport the railroad cars from Frankfort to Wisconsin by ferry. He expanded this business, ran it until 1890, and then left it to his sons, who eventually lost it to bankruptcy in the financial crisis of 1893.

**Ashley**, since retired, traveled and enjoyed life. With his health declining, he developed a bad case of diabetes and it eventually cost him his life. In September of 1896, **Ashley** took a fishing trip up north. While fishing, he neglected to watch his diet and his health. On September 16th, **Ashley** suffered a fatal heart attack and died. He is buried in Toledo OH.

Three years before his death, the Afro-American League of Tennessee paid tribute to him by presenting him with a gold edged book of his speeches. While honoring James M. **Ashley**, the president of the league (William H. Young) said:

“We come to snatch from the consummate statesman, patriot, philanthropist and benefactor, the chill and gloom of ingratitude and to reinvest his being with new life.

We come to reassure him that the years of strife, turmoil, and self-abnegation spent for a despised race were ‘as bread upon the water.’

We come to remind him that we to-night intend that his name and life-work shall be a precious legacy to our children’s children.

That they shall rise up and call him blessed.

We have come to announce to the world that henceforth, he who shall merit our gratitude shall not go unrewarded.”

**Ashley** did not keep funds raised from this book for himself, but gave them to build schools. James M. **Ashley** does not get the credit he deserves from the American people. This man was radical, it’s true, but he fought for what he believed in. **Ashley** pushed the people of his time to abolish slavery, make public education free, and do away with segregation not only in his state, but in the entire country. He fought for minority rights in a time where minorities had nothing. Overshadowed for his radical views and his twisted way of impeaching **Johnson**, **Ashley** is not known by the people today. Not even the people he freed. Not even those who promised to remember him.

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*Editor's Notes: Readers interested in further research on Mr. Ashley and his family may consider the following sources:*

1. *Duplicate Copy of the Souvenir from the Afro-American League of Tennessee to Hon. James M. Ashley of Ohio*, quoted and cited above, is available in full text on Google Books. The document is over 900 pages, including the texts of many of **Ashley's** speeches during his career and a strong tribute in the book's introduction written by Frederick **Douglass**.
2. Although **Ashley** was in Montana for only a short period, there is another very useful source in full text on Google Books published in Montana in 1907: *Contributions to the Historical Society of Montana with its Transactions, Officers and Members. Vol. VI*. The Historical Society of Montana, 1907. In the History and Biography section of this publication, there are approximately 150 pages of biographical and family information, including a biographical sketch written by one of his sons, Chas. S. **Ashley**. This also includes the text of several speeches, as well as tributes by others.
3. Ancestry.com has a substantial family tree for his family posted by "conroyj1". According to this researcher, James and Emma Jane (Smith) **Ashley** had four children: James M. **Ashley** (1854-1919), Henry Winfield **Ashley** (1856-1930), Charles Sumner **Ashley** (1863-1925), and Mary E. **Ashley** (1866-1945).

Images:

- LaRue\_James Ashley US Rep\_03557u.jpg: James M. Ashley, U.S. Representative from Ohio. Library of Congress LC-NH824-5303
- LaRue\_Ashley\_HR14\_14 Dec 1863.jpg: First Bill Offered in Congress for a Constitutional Amendment to Prohibit Slavery, Offered by Mr. Ashley on 14 December 1863. Library of Congress, American Memory, A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774-1875, Bills and Resolutions, House of Representatives, 38th Congress, 1st Session, House Resolution 14.
- LaRue\_Ashley\_Plaque.jpg: Plaque on the Ashley Monument, Woodlawn Cemetery, Toledo OH. Photo by Dan Reigle, 22 Apr 2010.
- LaRue\_Ashley\_Monument.jpg: Ashley Monument, Woodlawn Cemetery, Toledo OH. Photo by Dan Reigle, 22 Apr 2010.