

S.C. - Biography - Lawyers

WITH LINCOLN ELECTION

Judge Magrath 'Threw The Tea Overboard'

By GEORGE TAYLOR RANDOLPH

ONE OF THE MOST dramatic incidents in the history of our State transpired on 7 November 1860—exactly 100 years ago tomorrow.

During these days preceding the celebration of the Confederate War centennial, it is good for us to acquaint ourselves with conditions prevailing before South Carolina and the other states seceded.

During the campaign of 1860, the State of South Carolina had been overwhelmingly in favor of the "Democratic" ticket which offered John C. Breckinridge of Kentucky, the current vice-president, for the office of President of the United States.

There were three other candidates, and campaign oratory had covered all men and all proposals thoroughly. Sentiment had been running high.

Reach the Ultimate

Final returns were announced on 6 November. Mr. Lincoln—Southern states had much less dignified appellations for him—had won the necessary votes of the states. Many Southerners believed that the ultimate had been reached. There seemed to be no turning back.

On the day following the news of Lincoln's election, the Federal

District Court convened in Charleston. The courtroom in those days was located in Vedder Hall, the building at 23 Chalmers Street. The courtroom was on the second floor. Judge Andrew Gordon Ma-

grath (pronounced "Muh-Graw") was presiding.

Judge Magrath was a highly respected Charlestonian and jurist, having been educated at Harvard and having served for some years

with distinction. Ten years earlier, he had cautioned the people against their radical leaders, had counseled against secession, had been a leader for patient and orderly action rather than turmoil or secession. His advice was sought by many, his opinions respected by all.

Jury Resignation

After calling the court to order, Judge Magrath turned to the impanelled Grand Jury to hear its presentments. The foreman was Robert Gourdin (pronounced GURDINE) who, after referring to the result of the election and remarking that the Union was doomed, announced that, "in these extraordinary circumstances, the grand jury respectfully declines to proceed with the presentments."

This, of course, amounted to saying that the grand jury was resigning from the court. Judge Magrath, who evidently had foreknowledge of Gourdin's sentiments, did not appear surprised. Indeed, the sharp features of his swarthy face did not change expression.

Solemnly, he rose in his place, addressed his remarks to Mr. Gourdin, and calmly resigned his position. His speech was short. "We are about to separate with others because they have broken covenant with us. Let us all resolve to keep faith with one another."

The witnesses stirred, impressed with the drama of the occasion. A reporter from the Charleston Mercury, forewarned to expect the unusual, strained to hear every word.

Temple Closed

"So far as I am concerned," said the judge to the shocked listeners, "the Temple of Justice,

raised under the Constitution of the United States, is now closed. . . . I thank God that its doors have been closed before its altar has been desecrated with sacrifices to tyranny." So saying, the judge discarded his silken judicial robe and left the room. For six months, there was no federal court in Charleston.

After the war, a marker was placed on the building. The building itself was later converted into a school for the children of war veterans. The building still stands: Vedder Hall, 23 Chalmers Street.

The sequel to the story is almost as interesting as the story itself. Judge Magrath tendered

his services to the State as soon as it seceded and he was appointed as Secretary of State. After the Confederacy was formed, he was designated as federal district judge (the very same position he had held under the United States) under the Confederate States of America.

He served until the end of 1864 at which time he was named governor of the State. After the war, he resumed his law practice in Charleston, but he never held public office after 1865.

Revolt Initiated

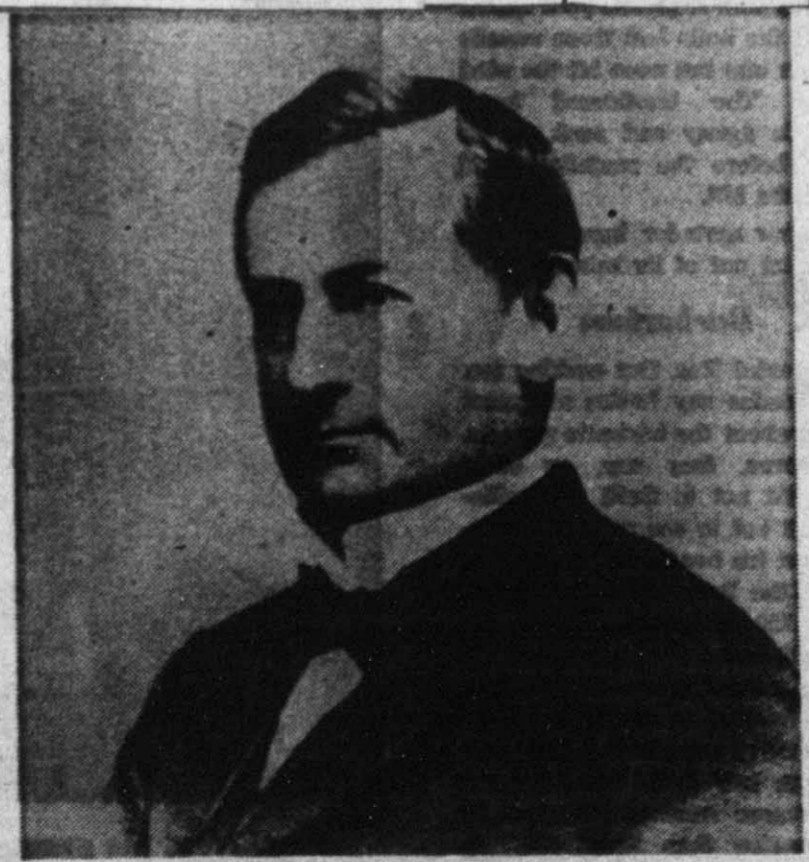
Judge Magrath, formerly one who had counseled calmness and deliberation, had, by this dramatic action, signified his shift towards the ranks of the secessionists. It is believed that many were swayed to follow him. His influence was great.

In the wake of this action, the Mercury announced that "the tea has been thrown overboard. The revolution of 1860 has been initiated."

And it happened in Charleston, a hundred years ago tomorrow.



Voters in the election of 1860—the year Abraham Lincoln was elected President—cast ballots in voting places such as this. (AP Newsfeatures Photo).



Judge Andrew Gordon Magrath, the federal judge in Charleston in 1860, resigned after Lincoln was elected president. He later held a similar office as a judge in the Confederacy. (Staff Photo by Woolfe).

THE STATE MAGAZINE

November 6, 1960

Handwritten note: "D.H. to Secession"