

Cincinnati, June, 1859

Hon. B. Storer,

My dear Sir,

The note from Judge Bates, of Columbus, addressed to you as a mutual friend, but intended to be communicated to me, has been carefully read.

Assuming the premises stated in the note to be correct, the conclusion urged upon my consideration, that I ought to decline the nomination for Judge of the Supreme Court, would very properly follow. The note begins with the statement that "It is a fact, which no one can or will deny, that Judge Swan was rejected solely on account of his opinion in the recent Habeas Corpus cases." This statement in another form would be that those members of the Convention who voted for my nomination and against that of Judge Swan, were actuated in so doing by opposition to Judge Swan, on account of a judicial opinion. In substance, this is repeated in the note, it being said: "The Convention then rejected Judge Swan because he made a particular decision & nominated Judge Gholson in his stead."

Am I at liberty to assume as true what it is said "no one can or will deny." Certainly, no