

Biography of Caleb Cushing



Caleb Cushing (January 17, 1800 – January 2, 1879) was an American statesman and diplomat

A significant aspect of Caleb Cushing's long and distinguished career was his service as a US Commissioner to China in 1844 and the Treaty that was concluded through his negotiations over a 6 month period while in China.

Commercial expansion in Asia involved diplomatic entreaties with two important nations, China and Japan. The "China Market" was always a significant lure for American merchants who had engaged in trade with the empire since the 18th century. Following the conclusion of the First Opium War in 1842, Britain forced China to grant it special privileges, including exclusive British use of coastal ports. Not wanting to miss out on similar opportunities, President John Tyler appointed Caleb Cushing to undertake a mission to open Chinese ports to American trade. In 1844, Cushing negotiated the

he Treaty of Wang Hiya (Wanghsia), the first treaty between the United States and China. This treaty granted to American merchants the same rights as Britain based upon the "most-favored nation" principle. The treaty with Japan would have to wait until the Perry Expedition in 1852-4. In a sense, Cushing and Perry occupied very similar roles. However, while Perry used force and the might of a US Naval squadron, Cushing employed persuasion and diplomacy without the resort to the clear threat of military force. (Paragraph from the U.S. Attorney's historical website)) was an American statesman and diplomat.

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His early years

Born in Salisbury, Massachusetts, in 1800, he was the son of John Newmarch Cushing, a wealthy shipbuilder and merchant, and of Lydia Dow, a delicate and sensitive woman from Seabrook, New Hampshire, who died when he was ten. The family moved across the Merrimack River to the prosperous shipping town of Newburyport in 1802. He entered Harvard University at the age of 13 and graduated in 1817. He was a teacher of mathematics there from 1820 to 1821 and was admitted to practice in the Massachusetts Court of Common Pleas in December 1821. He began practicing law in Newburyport in 1824. There he attended the First Presbyterian Church.

There he had built and lived on “The Ridge” in a magnificent mansion (Which today is still the largest in a city filled with mansions) 63 High Street is still today, an impressive house.



On November 23, 1824, Cushing married Caroline Elizabeth Wilde, daughter of Judge Samuel Sumner Wilde, of the Supreme Judicial Court. His wife died about a decade later, leaving him childless and alone. He never married again.

State legislature

Cushing served as a Democratic-Republican member of the Massachusetts House of Representatives in 1825, then entered the Massachusetts Senate in 1826, and returned to the House in 1828. Afterwards, he spent two years, from 1829 to 1831, in Europe. Upon his return, he again served in the lower house of the state legislature in 1833 and 1834. Then, in late 1834, he was elected as a representative to Congress.

Washington career

Cushing served in Congress from 1835 until 1843 (the 24th, 25th, 26th and 27th Congresses). During the 27th Congress, he was chairman of the U.S. House Committee on Foreign Affairs.

Here the marked inconsistency which characterized his public life became manifest; for when John Tyler had become president, had been read out of the Whig party, and had vetoed Whig measures (including a tariff bill), for which Cushing had voted, Cushing first defended the vetoes and then voted again for the bills. In 1843 President Tyler nominated Cushing for U.S. Secretary of the Treasury, but the U.S. Senate refused to confirm him for this office. John Canfield Spencer was chosen instead.

Cushing was, however, appointed by President Tyler, later in the same year, to be commissioner and United States Ambassador to China, holding this position until March 4, 1845. In 1844 he negotiated the Treaty of Wang Hiya, the first treaty between China and the United States. (Still honored by the Communist Chinese today, it barred American Traders from dealing with Opium!) While serving as commissioner to China he was also empowered to negotiate a treaty of navigation and commerce with Japan.

Military Service

In 1847, Cushing raised a regiment for the Mexican War, at his own expense. Served in Mexico first as United States Army colonel and afterwards as brigadier-general of volunteers. He did not see combat during this conflict and entered Mexico City with his reserve battalion several months after that city had been pacified.

Back in Newburyport



In 1847 and again in 1848 the Democrats nominated him for Governor of Massachusetts, but on each occasion, he was defeated at the polls. He was again a representative in the state legislature in 1851, was offered the position as Massachusetts Attorney General in 1851, but declined; and served as mayor of Newburyport, Massachusetts, in 1851 and 1852. (He had written a major history of the town when he was 26 years old.)

He became an associate justice of the Massachusetts Supreme Judicial Court in 1852, and during the administration of President Franklin Pierce, from March 7, 1853, until March 3, 1857, was 23rd Attorney General of the United States.

In 1858, 1859, 1862, and 1863 he again served in the Massachusetts House of Representatives.

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Cushing was elected to Congress in 1834 and served until 1843. In 1843, as Commissioner to China, he made the first treaty between that country and the United States. He was elected again to the Massachusetts Legislature.

On March 7, 1853, he was appointed Attorney General of the United States by President Pierce.

From 1857 to 1859, Cushing served in the State legislature.

Failed to save the Union

In 1860 President Buchanan sent him to Charleston as Confidential Commissioner to the Secessionists of South Carolina. Despite having favored states' rights and opposed the abolition of slavery, during the American Civil War, he supported the Union. This ended up generating many enemies on both sides of the aisle.

In 1866, he served as one of three commissioners appointed by Andrew Johnson to revise and codify the laws of Congress.

Cushing was sent to Bogota in 1868 to negotiate the right-of-way for ships across the Isthmus of Panama.

Caleb & the Alabama Tribunal

In 1872, he was counsel for the United States at the Geneva Convention in Switzerland. At the Geneva conference for the settlement of the Alabama claims in 1871-1872 he was one of the counsels appointed by President Ulysses S. Grant for the United States before the Geneva Tribunal of Arbitration on the Alabama claims. Managed to get the United Kingdom to pay reparations due to the Privateer's damages whose port was based out of England. The USA sued the UK for damages in a court held in Switzerland with the third-party being Spain. Caleb performed brilliantly easily switching from one language to another and eventually winning 1.5 million dollars in damages for the American government. (At that time, a huge sum!)

The Virginian Affair

Appointed by President Grant, Cushing's last diplomatic post was as Envoy Extraordinary and Minister Plenipotentiary to Spain where he served from January 1874 until April 1877. He had been sent to Madrid due to the Virginius Affair in which 53 American and British mariners were executed for trying to land men and munitions in Cuba to attack the Spanish regime there. Cushing negotiated \$80,000 in reparations to the American families of the men who were executed and avoided what might certainly have been a costly war between the United States and Spain.

A leisurely tenure

Most of Cushing's tenure in Madrid has been described as "leisurely and rational", and he seized the opportunity to enjoy the social affairs that the city offered. On his first trip to Europe with his wife Caroline in 1828, he was enthusiastic about the people and, in particular, Spanish women whom he said "reflected moral purity, delicacy and 'in the best interpretation of the word feminine' all that he held dear."

According to one of his biographers, John Belohlavek, Caleb Cushing was a lifelong lover of literature, and he composed poetry, as well as enjoyed reading Spanish poetry. He had a circle of associates in the diplomatic corps, and he attended soirees and hosted elaborate dinner parties. When he left Madrid in 1877 to retire and return to the United States, he shipped home 15 boxes of fine wine.



Portrait of the Honorable Caleb Cushing during his tenure in Madrid. From the collections of the Museum of Old Newbury. Gift of Francis Abbott Goodhue III, a descendant of Caleb Cushing.

Another lifelong passion was cigars. An 1827 inventory of his belongings included a cigar box -- an object that he would never relinquish, although throughout his life many of his women friends and acquaintances tried to curb his indulgence for smoking, they would never succeed. It is documented that in 1849 Cushing spent almost as much on tobacco as on his wardrobe.



Portrait of King Alfonso XII of Spain. Known as El Pacificador or the Peacemaker, he reigned from December 1874 - November 1885. He died while on the throne at age 27. Portrait by Federico de Madrazo, circa 1886. Courtesy Museo Nacional del Prado.

A recent gift to the museum's collections has shed some new light on Cushing's pleasure pastime of enjoying cigars. The object is a cigar presented to him by the King of Spain. In December 1874, the monarchy was restored when Alfonse XII returned from exile and became King. Imagine, if you can, the dashing 17-year-old ruler presenting the 74-year-old diplomat with one of his favored cigars. It may have been the only one Cushing never smoked. Clearly, he treasured it enough to keep it among his possessions.



Home At Last

When Cushing returned to Washington in 1877, his colleagues tried to lure him into staying in the capitol city and continuing his law practice. His response was "I am ready to leave the scene of activity and retire to the quiet repose of my home in Massachusetts."

Although he did decide to spend winters and springs in Washington, he spent the summer and fall of each year at his home at 63 High Street and took part in community affairs. He gave lectures to the newly founded Antiquarian and Historical Society, read novels ranging from popular pulp fiction to French psychology, went sailing with friends and probably enjoyed a good many cigars.



An acute attack of erysipelas (inflammation by toxins generated by a bacterial infection. This was before Penicillin was widely available) This outbreak in July 1878 was a warning that his end was nearing. He died January 2, 1879, at Newburyport, Massachusetts, and is buried in Highland Cemetery in that city.

Accomplishments as a Writer

- *History and Present State of the Town of Newburyport, Mass.* (1826)
- *Review of the late Revolution in France* (1833)
- *Reminiscences of Spain* (1833);
- *Oration on the Growth and Territorial Progress of the United States* (1839)
- *Life and Public Services of William H. Harrison* (1840)
- *The Treaty of Washington* (1873)

Caleb Cushing Career Accomplishments:

Massachusetts House of Representatives, 1825

State Senator, 1826

Massachusetts House of Representatives, 1828

Massachusetts House of Representatives, 1833-1834.

U.S. congressman, 1834-1842

During the 27th Congress, he was chairman of the U.S. House Committee on Foreign Affairs.

Commissioner to China, 1843-1844 (Wanghsia Treaty confirmed – no American Trader deals with Opium, opens up China to U.S. merchants)

serving as Commissioner to Japan, empowered to negotiate a treaty of navigation and commerce with Japan.

(Negotiations had begun but did not conclude until Admiral Perry 1851-54 gunboat diplomacy)

Military Service

In 1847, Cushing raised a regiment for the Mexican War, at his own expense. Served in Mexico first as United States Army colonel and afterwards as brigadier-general of volunteers. He did not see combat during this conflict and entered Mexico City with his reserve battalion several months after that city had been pacified.

Newburyport becomes a City, Mayor two-year terms, Newburyport's first Mayor, 1851-1852

23rd U.S. Attorney General, 1853-1857 appointed by President Pierce.

Massachusetts House of Representatives, 1857 to 1859

President of National Democratic Convention, South Carolina, 1860,

Sent as President James Buchanan's representative to Charleston, S.C., to delay passage of ordinance of secession

Massachusetts House of Representatives, 1862, 1863

Caleb & The Trent Affair, 1864, 1865.

In 1862 when US Captain Charles Wilkes seized two Confederate diplomats from a vessel off the Atlantic Coast and held them as War contraband. President Lincoln's Secretary of State William Seward consulted Cushing for a legal opinion, which Seward ultimately did not use. The situation was resolved in another way. By this time The British Crown had long declared it neutral regarding the Civil War.

In 1866, he served as one of three commissioners appointed by Andrew Johnson to revise and codify the laws of Congress.

Cushing was sent to Bogota in 1868 to negotiate the right-of-way for ships across the Isthmus of Panama.

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Ambassador to Spain (Temporarily avoided U.S. war with Spain through negotiations over the Virginius Affair.) 1874-1877.

He was a prolific writer and published six books from 1826 to 1873.

After spanning the globe, managed to pass away on his own estate in his hometown, Newburyport, January 2nd, 1879.

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