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**David Rice Atchison  
of Missouri  
Border Politician**

**William E. Parrish**

University of Missouri Studies Volume XXXIV, No. 1

**UNIVERSITY OF MISSOURI PRESS  
COLUMBIA**







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*Courtesy of the State Historical Society of Missouri*

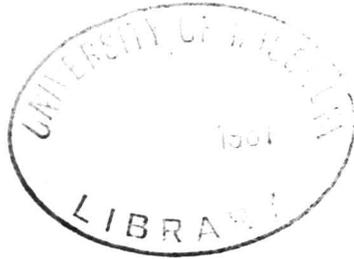
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To  
JAMES L. BUGG, JR.  
and  
LEWIS E. ATHERTON  
*Scholars, Teachers, Friends*

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## PREFACE

Some thirty years ago, Professor James C. Malin wrote that "few proslavery leaders have been so persistently maligned and misrepresented" as David Rice Atchison.\* This native Kentuckian ably served the state of Missouri as soldier, legislator, and judge. From 1843 to 1855 he represented its interests in the Senate of the United States. Yet people remember him today, if at all, as the "President of the United States for one day" or as the leader of the "border ruffians" during the civil strife in Kansas Territory.

In his own day, Atchison was recognized as a master politician and an outspoken champion of those causes which attracted his support. From the outset of his senatorial career, he promoted westward expansion by sponsoring legislation to encourage the settlement and organization of the Oregon country.

Within three years after he had become one of its members, the Senate elected Atchison as its president pro tempore. Except for a two-year period from 1850 to 1852, it consistently re-elected him to that position by unanimous vote until he voluntarily relinquished the post in December of 1854. The Missourian received this honor from a Senate which contained some of the most illustrious members in its history. Through this office he wielded considerable power particularly in the behind-the-scenes political maneuverings which necessarily accompany legislative procedure. During his last three years as president of the Senate, Atchison became virtually Vice-President of the United States on two different occasions, under both Presidents Millard Fillmore and Franklin Pierce, and the nation's press constantly referred to him in terms of this latter office.

In the decade of the 1850's, Atchison became a leading proponent of the States' rights doctrine of John C. Calhoun. In the struggle to apply its principles to the opening of new territories,

\*James C. Malin, "The Proslavery Background of the Kansas Struggle," *Mississippi Valley Historical Review*, X (December, 1923), 287.

none was more active than he, for he was looking ahead to their eventual statehood. From the halls of Congress to the plains of Kansas, Atchison played a leading role in the South's attempt to enforce its "right" to take slavery into all territories of the Union.

In Missouri, Atchison led the struggle which resulted in the political overthrow of Thomas Hart Benton. This, in turn, because of intra-party warfare, brought about his own downfall and removal from the Senate.

It is the purpose of this study to trace the public career of David Rice Atchison from his early cases in a frontier courtroom to his last defense of Southern rights in Kansas which ended in ultimate defeat and undeserved condemnation both for himself and for the South which he served so devotedly.

In the development of any historical study there are numerous unsung assistants without whose help attempts at constructive research would be difficult. I had many such helpers in libraries and courthouses across the country who gave of their time and efforts to add materials to the untold story of David Rice Atchison.

Special mention must be made of the State Historical Society of Missouri. There I found Miss Sarah Guitar, Mr. Kenneth Holmes, or one of their able assistants always ready to aid me in my search for materials. The Secretary Emeritus of the Society, Dr. Floyd C. Shoemaker, has given encouragement and aid at various points in the study and has furnished the frontispiece for this book from the Society's files. To all of these individuals, I wish to express my gratitude.

I would also like to thank Mrs. W. D. A. Westfall of Columbia, Missouri, for permission to use the James Sidney Rollins papers, and the officials of the Clinton County National Bank of Wilmington, Ohio, for making available the papers of James W. Denver, which they hold in trust.

I am deeply grateful to Miss Anne Atchison and Mrs. Frank Wright, great-nieces of David Rice Atchison, who reside on the family farm near Gower, Missouri, in Clinton County, for making available to me the few remaining papers of their uncle. These have been an invaluable source of material. In addition, their

gracious hospitality and numerous helpful observations during visits to the farm and through correspondence have given me greater insights into the spirit of the Atchisons and of David Rice Atchison in particular.

I also wish to express my appreciation to Dean Roy F. Nichols of the University of Pennsylvania, Professor James C. Malin of the University of Kansas, and Professor Arthur R. Kirkpatrick of the United States Air Force Academy for conversations and correspondence which have been most helpful. To Professor Holman Hamilton of the University of Kentucky goes special thanks for his understanding aid to a young scholar in search of help and encouragement.

No set of acknowledgments would be complete without an expression of gratitude to the members of the Department of History of the University of Missouri for their teaching and counsel through my years of graduate study and for their continued friendship and encouragement. In particular, this study would have been impossible without the patient interest and understanding guidance of the two men to whom it is dedicated.

One final word of thanks goes to my parents for their patience through endless hours of listening to the clicking of typewriter keys and to my wife, Kaye, for her invaluable aid in the final revision of the manuscript.

WILLIAM E. PARRISH

Fulton, Missouri  
March 17, 1960



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## PROLOGUE

David Rice Atchison came from sturdy Scotch-Irish stock. Alexander Atchison emigrated from Ireland and settled in Lancaster County, Pennsylvania, where William Atchison, the father of Missouri's senator-to-be, was born on February 2, 1780. The family moved to the Kentucky wilderness when William was only six years old and located in that region which later became Fayette County. Here, in the heart of the bluegrass country, William Atchison grew to manhood and met Catherine Allen, a native of Georgia, six years his junior. They married on October 14, 1806, and the first of their six children was born on August 11, 1807. Hoping that this son might become a minister, William and Catherine Atchison named him in honor of "Father" David Holt Rice, the founder of the Presbyterian church in Kentucky.<sup>1</sup>

Frogtown, Fayette County, Kentucky, the birthplace of David Rice Atchison, changed its name to Fayetteville following the visit of the Marquis de Lafayette to Kentucky in 1825. The town is now Kirklevington, located on Tate's Creek Pike about three miles southeast of the city of Lexington. The Atchison home, an attractive brick cottage, still stands on the old farm, far back on the west side of the road. In later life Atchison loved to make rough jests about his peculiarly named birthplace and would often remark that he had always been "the big frog in the puddle."<sup>2</sup>

Atchison's father was a farmer of moderate means. In 1810, by which time a second son, Ben Allen, had been born, William Atchison owned only one slave. Twenty years later, when the eldest son moved to Missouri, the family had increased to seven and owned eight slaves. On October 10, 1853, William and Catherine Atchison sold their 445-acre farm along Tate's Creek Pike to one Hamilton A. Headly for a consideration of \$10,000 in cash and \$20,211.96 payable in four annual installments. With their two remaining unmarried children, they moved to western Missouri to join the three sons and a daughter who had settled there during the 1830's. Here William Atchison died, on Jan-

uary 29, 1854, at the home of his son William, in Clay County. Mrs. Atchison then moved to the Clinton County estate of her son Ben, where she passed away in November of 1859.<sup>3</sup>

The childhood of David Rice Atchison is veiled in obscurity. He grew up in the secure surroundings of the Frogtown farm. His father realized the importance of a good education for his eldest son and enrolled him in the preparatory school of Transylvania University in nearby Lexington. Young David lived at home and commuted daily on horseback to the school, a distance of some five miles. He evidently made rapid progress, for in the spring of 1821 he finished his preparatory work and that fall, at the age of fourteen, entered Transylvania as a freshman.<sup>4</sup>

The city of Lexington had a population of 5,279 in 1820 and prided itself on being the "Athens of the West." The location of Transylvania University there was a major factor contributing to that distinction. This institution, founded by the Presbyterians in 1788, was rapidly approaching the apex of its renown in 1821 when young Atchison began his studies. Under the leadership of Dr. Horace Holley, its president since 1817, Transylvania had moved rapidly to the forefront among American colleges and universities. During Atchison's first year, the university had an enrollment of 282, which ranked it just slightly behind Yale and Harvard in total number of students. Three years later, when David entered the senior class, the school's enrollment stood just two short of four hundred.

Many considered Transylvania's faculty and equipment the academic equal of its eastern sisters. Throughout the 1820's the largest percentage of students were enrolled in the medical department where Daniel Drake served as Professor of *Materia Medica* and *Medical Botany*. The local *Kentucky Reporter* carried an item early in 1821 stating that the trustees of the city of Lexington had loaned six thousand dollars to the medical department to buy apparatus which the paper claimed would be unexcelled by that of any other institution. A notice appearing in the *Reporter* of August 27 announced that the fall term

would begin on October 1 and that Transylvania's tuition for the academic year 1821-1822 would be fifty dollars.<sup>5</sup>

Young Atchison continued to commute daily from the farm on Tate's Creek Pike throughout his four years at the university. As a freshman, he began the study of Horace and of Dalzel's *Collectanea Graeca Majora*. These studies were supplemented by exercises in writing Latin, a review of ancient and modern geography, algebra, history, and declamation.

During his years at Transylvania, Atchison formed many firm friendships which would later help further his political career. Five of his classmates subsequently served with him in the United States Senate: Solomon W. Downs of Louisiana, Jesse D. Bright of Indiana, George W. Jones of Iowa, Edward A. Hannegan of Indiana, and Jefferson Davis of Mississippi. Atchison remained especially close to the latter three throughout his life. Davis, the most famous of the six Transylvania senators, writing near the close of his own life, paid tribute to Atchison in the following account of their college days together:

Among my college mates in Transylvania was a tall country boy, true-hearted and honest, with many virtues but without grace or tact. The sight of him always seemed to suggest to Mr. Bishop [professor of philosophy] the question of the Catechism, "Who made ye, Dauvid?" to which Atchison always answered, "Gaud," and Mr. Bishop invariably responded, "Quite right, Dauvid; quite right." I left him in the college when I went to West Point, and afterward, when I met him in the United States Senate, in which he was one of the Senators from Missouri, my first greeting was, "Who made ye, Dauvid?" I loved him when we were boys, and he grew with growing years in all the graces of manhood. David R. Atchison, now no more, but kindly remembered even by those who disagreed with him politically, was a man of unswerving courage and stainless honor.<sup>6</sup>

Little is known of David Rice Atchison's life at Transylvania because of the absence of family papers for the period and the accidental destruction by fire of most of the university records for the 1820's. The young Kentuckian completed the traditional course of study without any apparent difficulty. Dur-

ing the month before graduation he wrote the customary Latin thesis required of seniors. Atchison chose to write on the subject of agriculture, and his thesis filled a brief space in the commencement program. Certainly nothing profound, it was designed more to test the student's ability to use Latin than to determine his knowledge of the topic concerned. Atchison also braved the ordeal of a senior examination which consumed fourteen hours over a two-day period. It was conducted by President Holley and two of the professors; students were required to participate without the aid of notes.

The graduation exercises for the "Class of '25" were held on the evening of July 13 in the main hall of the university. Among those present for the occasion was Secretary of State Henry Clay, home from Washington. Long a member of the university's board of trustees, he brought with him his friend, General Winfield Scott. David Rice Atchison, graduating from Transylvania at the age of eighteen, little realized that his future career would be involved with these two men who had already gained fame in their chosen professions. Of his future senatorial colleagues, only George W. Jones graduated with him. Jefferson Davis had departed for West Point a year earlier; the others had either dropped out of school earlier or graduated with previous classes.<sup>7</sup>

Although his parents had hoped that he would follow in the footsteps of "Father" David Rice and enter the ministry, young Atchison, upon graduation, decided that his future career lay in the law. He began his study in the fall of 1825 with Judge Jesse Bledsoe, former Kentucky senator and a member of the university's law faculty. Atchison's other preceptors included Charles Humphrey, prominent Lexington attorney, and William T. Barry, who would later become Andrew Jackson's postmaster-general.

During the winter of 1827-1828 the young attorney moved to Carlisle in Nicholas County, about thirty-five miles northeast of Lexington, to begin the practice of law. While in Carlisle, David aided in organizing the town's first Thespian society and became one of its leading actors. A number of plays were performed in the winter of 1828-1829, including Oliver Goldsmith's

“Good Natured Man” and “She Stoops to Conquer.” Proceeds from the performances were used to purchase a bell for the courthouse tower. After two years in Carlisle, however, Atchison decided that his future lay in the West.

Although urged to remain in his native state to practice, the young lawyer set out for Missouri early in 1830, determined to risk his career in that frontier region. At St. Louis, in April of that year, he received his license to practice in the state which was to be his home for the remainder of his life. Shortly afterward, Atchison moved to Liberty in Clay County to set up practice. Only one other attorney, William T. Wood, lived in the town at the time. He had begun his practice the previous year and now welcomed the Kentuckian to the growing community.<sup>8</sup> Western Missouri was in its infancy; its early growth became inextricably connected with the name of David Rice Atchison.

## CHAPTER I

### FRONTIER LAWYER

CLAY COUNTY, in 1830, stood at the edge of the American frontier. Organized only eight years earlier, it already had attained a thriving population of 5,338 by the time David Rice Atchison arrived to practice law. County officials authorized construction of a courthouse in Liberty that summer to take the place of offices rented in various buildings in the county seat.

When the circuit court convened for its August term, Atchison applied for admission to the Clay County bar and was promptly accepted upon the motion of Wood. Judge David Todd of the Fifth Missouri Judicial Circuit thereupon certified him as duly qualified to practice before the court. Atchison was soon sharing a law office on the courthouse square with Alexander W. Doniphan, who also emigrated from Kentucky that year. Although the emergence of distinct political parties during the 1830's found the two men on opposite sides of the political fence and rivals for several different offices over the years which followed, they remained good friends throughout their lives.<sup>1</sup>

It did not take Atchison long to build up a thriving legal practice in the frontier community. The records of the circuit courts of Clay and surrounding counties contain abundant evidence of the many varied demands for the young attorney's legal talents. One of his more interesting early cases occurred during the October term of the Clay County Circuit Court in 1831. A local farmer, one Peter Estes, engaged Atchison as his lawyer in a five-hundred-dollar damage suit. In it he charged Pleasant Yates with seducing his daughter Susanna and making her pregnant. The papers in the case do not indicate that Estes was concerned about his daughter's unwed condition; they state only that the father claimed the damages on the grounds that

Susanna's condition prevented her from working and taking proper care of him and of the farm. The case was finally settled out of court, and there is consequently no indication of what arrangement was made for securing a name for Susanna's unborn child. This suit did not mark Peter Estes' last appearance in court. During the following term, on January 18, 1832, Atchison filed a suit for James M. Hughes and George W. Kennedy charging Estes with defaulting on an \$1,184 note. This action resulted in a sheriff's sale of the farmer's property that brought \$705, which satisfied the plaintiffs.<sup>2</sup>

Writing many years later, Alexander W. Doniphan recalled that Atchison at this time "was a very ripe scholar; of fine literary taste and very familiar with all the English classics." Although never partners, the two attorneys "were warm personal friends, although politically . . . as far apart as the poles." Atchison, while in Liberty, "was fond of hunting, and very successful as a hunter, fond of social life, and indulged in the excitement of politics, so that with a portion of the community who do not know what it takes to constitute a lawyer, he did not rate so high as he would have done if he had stayed in his office, although not professionally employed." Doniphan further remembered that his fellow Kentuckian had "a clear, bright, logical mind; had studied law well, and kept up with his profession by constant reading, when he was not engaged actively out of doors." During a trial "the position he took in any case he sustained with ability, and when he was on the right side he rarely failed of success." His colleague considered Atchison "one of the best lawyers" and consulted with him more frequently than with anyone else.<sup>3</sup>

Young Atchison had been settled in his law practice in Liberty for about a year when a small party of religious zealots arrived in nearby Independence. Led by their founder and prophet, Joseph Smith, these members of the Church of Jesus Christ of Latter-day Saints had come west from Kirtland, Ohio, seeking a new haven for their faith. During the next seven years, Atchison was to become increasingly involved with this pioneer religious band and its outspoken prophet.

In the late summer of 1831, Joseph Smith returned to Kirtland, where he continued to make his headquarters for the next several years. His followers, who remained in western Missouri, adapted themselves so well to their surroundings that they soon had a flourishing settlement. The arrival of additional Mormon settlers promised strength and permanence to the "New Zion."

Within two years, however, the "Saints" of Jackson County began to encounter difficulties with their neighbors. As would be the case wherever they settled, the Mormons in Jackson County attempted to gain political domination locally. In all instances of political action the group acted together, accepting without deviation the orders of Joseph Smith and the church hierarchy. Realizing this, their Missouri neighbors became more and more fearful as the Mormon strength increased.<sup>4</sup> Events reached a crisis in the summer of 1833 with the publication by the Mormon press of two different items which, misinterpreted by their neighbors, resulted in the expulsion of the Mormons from Jackson County.

The first of these items was an editorial appearing in the Mormons' paper, *The Evening and Morning Star*, entitled "Free People of Color." Although the editor advocated no radical program, his timing was unfortunate. Writing, as he did, in the midst of unrest, his editorial was quickly interpreted by the non-Mormon settlers of Jackson County as an attempt to lure free blacks to the area to aid in the establishment of the "New Zion," with perhaps the eventual intention of establishing a haven for runaway slaves. The second item was *The Book of Commandments* which contained all of the visions of Joseph Smith from his first conversion to within a few weeks of press time. It contained certain passages which revealed the interest of the Mormons in the conversion of the Indians. The non-Mormons quickly interpreted this as indicating that in order to maintain their supremacy the "Saints" might incite Indians as well as Negroes against their neighbors.

Violence erupted on July 20, 1833, when a destructive mob attacked the Mormon printing office and dumped its press unceremoniously into the Missouri River. The mob also entered

neighboring Mormon shops and destroyed their goods by strewing them about in the streets. To climax the day's work, they demolished the home of one of the elders of the church and tarred and feathered two prominent leaders. Three days later, on July 23, the "Saints" capitulated and signed an agreement whereby they agreed to leave the county in two groups: the first by January 1, 1834; the second by the following April 1.<sup>5</sup>

When word of this defeat reached Joseph Smith in Kirtland, he sent two emissaries, Orson Hyde and John Gould, to the Mormons in Jackson County. These men appealed to Governor Daniel Dunklin for aid. In replying to their petitions, on October 19, the Governor suggested that the Mormons hire legal counsel and attempt to redress their grievances through the courts. Thereupon, the church leaders sought the legal aid of Atchison, Doniphan, Wood, and Amos Reese while these four Clay County lawyers were attending court in Independence.

When approached, the attorneys were reluctant to accept the case. However, on October 30, they wrote to the Mormon leaders from Independence asking a retainer of one thousand dollars (two hundred fifty dollars each) in advance. The lawyers explained that such a procedure was necessary because "we have been doing a practice here among these people, to a considerable extent, and by this engagement we must expect to lose the greatest part of it, which will be to all of us a considerable loss." Concerning this statement, Joseph Smith commented sarcastically in his journal: "The brethren in Zion received from the four lawyers a letter, which I will copy entire, that the principles by which the lawyers of this generation are actuated may be recorded." Smith, it is clear, placed the cause of human rights, especially when it concerned his own people, above monetary considerations. Nevertheless, the Mormons hired the attorneys, and their most prominent leaders, William W. Phelps and Edward Partridge, gave their note for one thousand dollars. It proved to be a wise investment, for the attorneys, especially Atchison and Doniphan, served the Mormons exceptionally well in the many troubles which soon plagued them.<sup>6</sup>

Violence broke out once again in Jackson County on the

night of October 31. After several days of intermittent skirmishing between the "Saints" and their incensed neighbors, the militia was called out on November 5 and placed under the command of Colonel Thomas Pitcher. This officer had been one of the anti-Mormon leaders, and he now made it a condition of peace that the Mormons surrender their arms, promising at the same time to disarm the mob. Pitcher failed to keep this promise, however, and the unarmed "Saints" had no choice but to flee into Clay County before the mob. Once there they appealed again to Governor Dunklin for aid. Atchison and Doniphan were of the opinion that the Mormons should be allowed to organize a militia company, armed under state authority, with full power to return to their homes and defend themselves. The Governor agreed that their homes should be restored or restitution made, but did not immediately promise to return their arms, which had been confiscated by Pitcher. He did state, however, that he would allow them to organize and apply for public arms, in which event he "could not distinguish between their right to have them, and the right of every other description of people similarly situated."<sup>7</sup>

At the same time, Dunklin ordered a court of inquiry at Independence. He directed that those Mormons who wished to testify be given the right to do so. Apprehensive lest certain Jackson County men try to prevent their doing so, the Governor instructed the Liberty Blues, a local militia company organized and commanded by Atchison, to guarantee the Mormons' protection to and from court. Dunklin further directed the lawyer-soldier to hold his troops in complete readiness to assist the civil authorities in any manner which they might deem necessary during the ensuing hearing.<sup>8</sup>

The court convened at Independence on Monday morning, February 24, 1834, but no hearing was held. The Mormon witnesses, accompanied by Atchison and his Liberty Blues, arrived to find a mob gathered outside the courthouse. Within the building, Circuit Judge John F. Ryland and Attorney-General Robert W. Wells, who had been sent by the Governor to investigate the situation, decided that an investigation would prove futile

because of the impossibility of securing any bills of indictment from a grand jury "equally concerned in the outrages committed." Wells now gave Atchison an order informing him that his services were no longer needed in Jackson County. So, after a stay of three hours, the militia commander gathered his forces and, together with the witnesses, marched out of Independence to the tune of "Yankee Doodle." In writing of this experience a few days later, one of the Mormon leaders reported that "much credit is due to Captain Atchison for his gallantry and hospitality."<sup>9</sup>

Governor Dunklin's further efforts to help the Mormons proved futile in the face of the deep-seated hostility of the citizens of Jackson County. When the national government, through Secretary of War Lewis Cass, rejected a Mormon appeal for federal aid in the restoration of their property, Atchison, Doniphan, and Reese proposed a new scheme for settling the controversy. They suggested that each group, Mormon and non-Mormon, settle in mutually exclusive areas, keeping their members within those limits except for the right of each to travel the highways within the bounds of the other's territory. This proposal was acceptable to Governor Dunklin as a course of last resort agreed to by both parties. The Governor wrote Colonel John Thornton on June 6 that he thought it his duty to remain uncommitted in the whole matter, for if he had to interfere later in his official capacity he would want to have his hands free. Although Dunklin fully recognized the constitutional rights of the Mormons, he wrote that were he to advise them, he would urge them "to sell out their lands in Jackson County and to settle somewhere else, where they could live in peace, if they could get a fair price for them, and reasonable damages for injuries received." Above all, the Governor emphasized, neither side should invade the territory of the other unless he ordered them to do so.<sup>10</sup>

Judge John F. Ryland, who had befriended the Mormons on several previous occasions, now wrote them asking that they attend a meeting in Liberty on Monday evening, June 16, where they could sit down with representatives from Jackson County

for the purpose of working out an agreement satisfactory to all. At the appointed time both sides gathered in the Clay county courthouse. The leaders of the Jackson County group presented their proposal for settling the dispute. Their people would purchase the Mormon property, with the improvements thereon, at its value before the first disturbances, as fixed by three disinterested arbitrators. They further promised to pay the total valuation within thirty days of the arbitrators' report. The Mormons would have the same privilege relative to the lands of their enemies in Jackson County. Such terms placed the "Saints" at a decided disadvantage as their adversaries owned much more property in Jackson County than they. Furthermore, after all the misfortunes they had suffered, their resources would never permit them to pay the entire valuation within thirty days. The Mormons' attorneys, Atchison, Doniphan, and Reese were among those in attendance. Doniphan now rose and in a bellicose speech exclaimed: "As the Mormons have armed themselves, if they don't fight they are cowards. I love to hear that they have brethren coming to their assistance. Greater love can no man show, than he who lays down his life for his brethren."

The meeting soon got out of hand. Before order was restored, someone had been stabbed. The Mormon leaders conferred hurriedly with their attorneys, then penned a reply to the Jackson County propositions. They requested time to call a general meeting of their people at which they would submit the proposals for consideration. Promising to report back within a week, the "Saints" assured the assembled crowd that "peace is what we desire and what we are disposed to cultivate with all men . . . and as fears have been expressed, that we design hostilities against the inhabitants of Jackson county, we hereby pledge ourselves to them, and to the hospitable citizens of Clay county, that we will not, and neither have we designed, as a people, to commence hostilities against the aforesaid citizens of Jackson county, or any other people." In an added note, the Mormon leaders promised to exert their influence to prevent their brethren who were coming from the East from entering Jackson County until after an official answer to the propositions had been formulated.<sup>11</sup>

Atchison and his colleagues now turned their attention to the task of preventing the entrance of "Zion's Camp" into Jackson County. Under this name, more than one hundred Mormons, led by Joseph Smith, had left Ohio in the early part of May and were marching westward. Gathering recruits from various branches of their church along the way, the group reached the Mississippi River on Wednesday, June 4, and crossed over into Missouri north of St. Louis on the following day. They met no opposition until June 19, when a force from Jackson County blocked their passage across the Fishing River in Ray County. A rain and hail storm of "tremendous proportions," which Smith attributed to the Lord's direct intervention, dispersed their foes, and "Zion's Camp" moved further west.

Atchison intercepted the Mormon army on June 23 when it was but five or six miles from Liberty. In conference with Joseph Smith, the attorney warned that the unsettled state of affairs in the Clay county seat made it advisable that his forces avoid the town. Consequently, the Mormons turned aside and moved across Rush Creek before encamping for the night on the land of one of their Clay County brethren. The next evening cholera struck the camp, and before it abated thirteen Mormons lay dead. Under the threat of disease, and because of the fears being aroused among the citizens of Clay County at having an army in their midst, Smith disbanded "Zion's Camp" on June 25 and wrote Atchison of his action. The Prophet spent the remainder of June overseeing the peaceful settlement of his followers into the agricultural life of Clay and nearby counties and then returned to Ohio.<sup>12</sup>

In the meantime, on June 21, the Mormons already settled in the vicinity had presented their counterproposals for the settlement of the Jackson County land dispute. They asked that twelve disinterested men, six from each side, be appointed to evaluate the lands of those in the county "who cannot consent to live with us." At the price set by the arbitrators the Mormons would buy out these men within a year, during which time they would refrain from entering the county. The Jackson County men rejected these proposals, and the Mormons then sought

without success to secure an adjudication of their claims in the courts through their attorneys.<sup>13</sup>

That fall the Clay County Mormons helped elect Atchison as one of the county's two representatives in the lower house of the Eighth General Assembly. With party lines not yet clearly defined in western Missouri, Atchison received 565 votes while his opponents garnered 492 and 367 in a three-man race for the two seats. When the legislature convened at Jefferson City on November 17, 1834, Atchison joined the caucus of the anti-Democratic element and received its nomination for speaker of the House. His opponent, John Jamison of Callaway County, received the votes of the orthodox Democrats and emerged victorious by a vote of 41 to 24. Atchison continued to support the anti-Democrats as their candidates for other posts in the House met defeat. When the Democratic members of the legislature issued a party manifesto in December, Atchison did not sign it. Yet during this session Atchison's full conversion to the Democratic faith did take place as indicated by certain resolutions he introduced in support of the antibank policies of the Jackson administration and by his firm adherence to the party after 1835. On the other hand, most of those with whom he associated in the anti-Democratic caucus later became leaders in the Whig party in Missouri.<sup>14</sup>

Throughout the session Atchison played a leading role in the legislative proceedings, serving as a member of the committees on judiciary and on engrossed bills. The experience thus gained proved of great benefit to him during his later career in the United States Senate. The Judiciary Committee played an especially important role during the Eighth General Assembly. A series of proposed constitutional amendments which would vastly alter Missouri's judicial system had been the major issue of the 1834 election campaign and now became the major consideration of the legislative session. They reflected the general reform fervor of the times which sought to bring about greater popular control over the instruments of government at all levels. In essence, the amendments would abolish the governor's power to make judicial appointments and end the life tenure of Missouri's judges. They

proposed the election by the General Assembly of Supreme Court justices for a six-year period while the people would elect the circuit court judges for a similar term. In general, Atchison favored these proposals and voted with the majority in their favor. All but two minor amendments failed of adoption, however, for a bare lack of the two-thirds majority required for passage.<sup>15</sup>

The Clay County legislator sought to aid his Mormon constituents through his newly acquired office. Securing the support of James T. V. Thompson, Clay County's state senator, Atchison wrote William W. Phelps and other leading Mormons advising them to submit a petition to the legislature with as many signatures as possible. Quickly completed, the petition, with accompanying documents, reached Atchison on December 28. He presented it to the House the following day, and upon his motion it was referred to the Committee on Judiciary. The petition specifically asked for the passage of an act to restore to the Mormons their rights and property. What happened once the petition reached the committee is not known, for it was never reported back, and the House took no official action to relieve the distresses of the Mormons during this session.<sup>16</sup>

With the adjournment of the General Assembly in April of 1835, Atchison returned to Liberty. That summer he attended a regimental militia muster at the Weekly Dale farm, three miles north of the Clay county seat. At this meeting, General Andrew Hughes, an agent of the Iowa Indians, presented the matter of the annexation of the Platte Territory. Under the treaty of Prairie du Chien of 1830, the Iowas and other tribes had ceded this territory, among others, to the President of the United States. The treaty stipulated that the lands would be assigned by him "to tribes living thereon, or to such other tribes as the President may locate thereon for hunting, and other purposes." As a result of the treaty the Missouri General Assembly had petitioned Congress on February 4, 1831, to annex the Platte country to the state. Thomas Hart Benton and Lewis F. Linn, Missouri's senators, pushed the petition and worked earnestly on behalf of their state to acquire the region. Largely because of their efforts a subsequent Indian treaty, concluded at Chicago, which would

have settled Indians from the Great Lakes region in this territory, was defeated when put before the Senate for ratification.

Congress had taken no positive action on the matter of annexation by the summer of 1835. In spite of this the General Assembly, at the instigation of Atchison, had passed the previous November a constitutional amendment which provided for the inclusion of the Platte country within the territorial limits of the state. It was only logical, therefore, for the militia muster to include Atchison on the committee it appointed from its ranks to prepare a memorial to Congress on the matter. This committee drew up a petition favoring the proposed annexation and received numerous signatures to it before sending it to the state's congressional delegation. The desired legislation passed Congress the following year and became effective by proclamation of President Martin Van Buren on March 28, 1837. Eventually the Missouri General Assembly carved six counties from this territory. Fittingly, the legislators named one of these in honor of David Rice Atchison, who had played a significant role in its acquisition.<sup>17</sup>

## CHAPTER II

### THE MORMON WAR

MISSOURI's western frontier remained fairly quiet during this period. The Mormons' suits against their Jackson County foes had come to naught, and they now resigned themselves to making a new start in more friendly territory. Primarily through the efforts of Atchison and Doniphan, the "Saints" were settled peacefully into the agricultural life of several counties north of the Missouri River. During the summer of 1836, they reached a tentative agreement with their non-Mormon neighbors along lines which the two Liberty attorneys had proposed earlier, and which would allow the Mormons to have a special county set aside for their exclusive occupation.<sup>1</sup>

The Whigs carried Clay County in the fall election of 1836, and Doniphan replaced Atchison in the Missouri House. The Mormons petitioned the legislature through him for the organization of Caldwell County, with the unwritten understanding that it would be their exclusive domain. Doniphan introduced legislation calling for the organization of Caldwell and Daviess counties, which passed the House on December 23 and the Senate four days later. The three-man commission named by the act to locate the Caldwell county seat did so the following month, placing it at Far West, which the Mormons had laid out the previous August. The Mormons migrated to Caldwell County in large numbers. By 1838, the population stood near 5,000, of whom 4,900 were Mormons. In the first election, all of the county officials chosen were Mormons. A county militia, composed entirely of Mormons, was formed and mustered into state service. Joseph Smith arrived at Far West in the latter part of March, 1838, after a forced flight from Ohio because of financial difficulties. From this time until the Mormons were driven

from the state the following year, Far West was the official headquarters of the Church of Jesus Christ of Latter-day Saints.<sup>2</sup>

When the "Saints" gradually overflowed Caldwell into other counties, they came into conflict with the non-Mormon element who feared their concerted political power. In Daviess County particularly, the Democratic and Whig parties had maintained a fairly even balance, which meant that the Mormons would probably cast the deciding votes. An election for sheriff held at Gallatin in that county on August 6, 1838, resulted in a riot between the Mormons and their neighbors. Thus began what has come to be known in Missouri history as the Mormon War, a conflict which ended eventually in the expulsion of the group from the state.

In this struggle, Atchison found himself caught between the conflicting forces. He had become closely identified with the Mormon cause as the group's attorney and counsellor. On the other hand, he had risen to a division command in the state militia which would soon be called upon to take strong measures against the Mormons as a result of continued disturbances.

Following the initial outbreak on August 6, skirmishes of varying intensity ensued between the Mormons and their enemies. These disturbances soon came to the attention of the Governor. During the Mormons' earlier troubles in 1833-1834, a sympathetic executive had presided at Jefferson City. Such was not the case in this new struggle. Daniel Dunklin left the governorship in 1836 to be succeeded by Lilburn W. Boggs. The new governor was from Independence and had been a rival of certain Mormons for lands in Jackson County. He had taken an active role in the mob which had driven the "Saints" from that county in 1833 and had thus incurred their enmity as they had his.

On August 30, Governor Boggs sent an order to Atchison as major general commanding the third division of Missouri militia. This order, a copy of which the Governor sent to the other divisional commanders, required General Atchison to raise within his division four hundred mounted men, armed and equipped as infantry or riflemen. Citing as his reasons for this order the in-

dications of Indian disturbances on the frontier and the skirmishes in the Mormon area, Boggs cautioned the General that "the above order . . . be carried into effect, in a manner calculated to produce as little excitement as possible" and ordered the troops, thus raised, "held in readiness, to meet either contingency" pending further instructions.<sup>3</sup>

Four days later, on September 2, Atchison received another message. It came from Joseph Smith, who was worried by reports that his enemies from all over western Missouri were gathering in Daviess County. The Mormon leader requested his attorney to come to Far West to counsel him as to what course he should pursue. Smith also wrote Austin A. King, the presiding judge of that circuit, asking his aid in dispersing the mob collecting against the Mormons. Atchison, accompanied by Doniphan, arrived from Liberty on Monday evening, the third.

The two attorneys conferred at length with Smith the following day. Atchison mentioned the order he had received from the Governor and discussed its implications with the Mormon leader. He promised Smith that the militia would be used against the mob if any serious trouble developed. At the same time, Atchison persuaded Smith and one of his lieutenants, Lyman Wright, to agree to stand trial for certain alleged violations of the law, believing that such action would help to ease tensions.

In the light of their conference, Smith renewed the agreement whereby Atchison and Doniphan served as the Mormons' counsels-at-law. The conferees further agreed that the Prophet and Sidney Rigdon would begin the study of law under the direction of the two attorneys in the hope that "by diligent application" they could secure admittance to the bar in another year and thereafter serve as their own counsels. These agreements add strength to the conclusion that Atchison and Doniphan hoped that the Mormon difficulties could be resolved without bloodshed and anticipated little difficulty in getting Smith and Wright acquitted in a fair trial.

Judge King came to Daviess County to conduct initial proceedings against the two men on the seventh of September. With Atchison serving as their counsel, the defendants were

bound over to the circuit court on a five-hundred-dollar bond, which they quickly made. The Mormon leaders and their attorneys returned to Far West that same evening and found a committee from Chariton County awaiting them. The Daviess County mob had appealed to the people of Chariton County for aid, but before taking sides the Chariton countians sent representatives to talk to the Mormons and ascertain their side of the dispute. A meeting with the Mormon leaders and the two attorneys satisfied the Chariton County men, and they returned home to quiet their people.

Following this meeting, Atchison and Doniphan proceeded to Richmond, the seat of Ray County. There, reports reached Atchison that on the day they left Far West a group of Mormons had intercepted a supply wagon in Daviess County on its way to the aid of their enemies. The Mormons had confiscated the supplies and had taken the three men in charge to Far West as prisoners. Smith communicated the facts of the case to Judge King, also at Richmond, asking his advice on the disposal of the guns in the supply wagon and the prisoners. The judge replied that the prisoners should be released, but stated that he could not advise them about the guns.

At the same time, King wrote General Atchison: "I do not know any authority I have to direct your movements in the matter, but I advise you, and hope you deem it your duty to act in the matter, to send a force, say of two hundred men, or more if necessary. Dispel the forces in Daviess, and all the assembled armed forces in Caldwell, and while there, cause those Mormons who refuse to give up, to surrender and be recognized, for it will not do to compromise the law with them." Under this same date, September 10, the militia commander also received a petition from certain citizens of Ray County asking that measures be taken.<sup>4</sup>

Definitely convinced that an insurrection had broken out, General Atchison ordered out two hundred men each from the militias of Clay and Ray counties. Placing them under the command of Doniphan, Atchison dispatched the men to Caldwell County with orders to put down the insurrection and aid the

civil officials in executing the laws. The General further instructed them "to prevent, as far as possible, the effusion of blood, and to restore quiet, if possible to the community." At the same time, Atchison ordered four hundred additional men to hold themselves in readiness pending further instructions. He then wrote Governor Boggs, informing him of the actions taken and his reasons. Atchison reported that men from other counties were flocking to the assistance of both sides and estimated that two thousand were under arms in the two counties of Caldwell and Daviess "without any legal authority or pretext whatever." The General informed Boggs that he was leaving for the scene of hostilities immediately and would report further upon arrival there.

On September 15, Doniphan informed Atchison that he had gone with one aide to Far West and obtained the release of the Mormons' prisoners as well as the delivery of the captured guns. Doniphan then proceeded to Daviess County where Atchison and the remainder of the Ray County militia joined him the same evening. The combined forces completed the process of breaking up the rival camps, and the Mormon leaders promised to surrender for trial those charged with a violation of the laws. This done, Atchison returned to Liberty, leaving two companies of fifty men each in Daviess County "for the preservation of order, until peace and confidence are restored." He informed the Governor that he hoped this would be accomplished and the troops discharged within twenty days.

In reporting to Boggs on September 20, Atchison stated that he considered the insurrection at an end for the present but added, "It is very much to be feared it will break out again, and if so, without the interposition of the Commander-in-Chief, the consequences will be awful." He estimated the Mormon forces at between thirteen and fifteen hundred men, all capable of bearing arms. The General had little doubt that their brethren from other counties in the vicinity would aid them in resisting any further attempts to drive the Mormons from Daviess County. Five days later, Brigadier General Henry G. Parks, who had been left in command of the militia forces in Daviess County,

wrote both Boggs and Atchison that he had established peace there and that he considered his force sufficient to keep order.<sup>5</sup>

Things did not remain quiet long. On October 1, the conflict shifted to Carroll County where a group of non-Mormons began besieging the "Saints" in DeWitt. Minor skirmishes followed, but, for the most part, the non-Mormons contented themselves with bottling up their more numerous adversaries inside the town pending the arrival of reinforcements from Saline County. General Parks rushed to the scene. Immediately he wrote Atchison asking for Doniphan and others to be sent with more troops; his ability to prevent bloodshed depended upon the arrival of these forces before either side could begin an attack. At the same time, Parks voiced a sentiment which would be repeated later by most of the militia commanders who became involved in the struggle: "It would relieve me much if you would request the Governor to make his appearance here among the Carroll boys; he need not order out any forces, those already ordered by me I deem sufficient. You know a word from his Excellency would have more power to quell this affair than a regiment. Should he come, which I hope he will, for this is no little affair, he will be able to take such steps as may be deemed by him right and necessary to settle this matter." Governor Boggs resisted all efforts to get him to come to the scene of hostilities, however, giving as his excuse the necessity of preparing for the session of the legislature which would convene in November.<sup>6</sup>

On October 9, the Mormons in DeWitt finally agreed to sell out to their foes and abandon the town. An appraisal committee was appointed, but they evaluated only the real estate of the Mormons. Nevertheless, the "Saints" abandoned the town two days later, and the mob returned to Daviess County to complete their work there.

Matters rapidly became worse, and reports of all manner of violence reached Atchison and Boggs. Atchison wrote the Governor on the 16th that General Parks had trouble controlling the troops in the field as they "partake, in a great degree of the mob spirit, so that no reliance can be placed upon them." Others wrote Boggs condemning Atchison and his conciliatory

policy toward the Mormons. One writer declared that the people of Daviess County believed "the hope of interest and emolument" prompted the General's actions. No proof can be found for such an accusation. In his dual function as attorney for the Mormons and commander of the state militia, Atchison found himself in an extremely delicate position throughout this conflict. Indications are that he sought to deal fairly with both sides in his capacity as militia commander. While others were concerned only with ridding the area of the Mormons regardless of the circumstances, Atchison wished to bring about peace and restore harmonious relations between the two contending groups. Indeed, he had striven constantly to achieve these ends from the time of the Mormons' initial troubles in Jackson County.

General Parks wrote Atchison from Richmond on October 21 that he had just completed a tour of Daviess County where he had found deplorable conditions. He reported seeing many depredations which the Mormons had committed. He now believed them the aggressors in the struggle. Parks warned that it would not take much to set off a major conflict and informed Atchison that the citizens of Ray County had called a "full and general meeting" to consider the situation. His dispatch closed on this rather negative note: "I do not know what to do. I will remain passive until I hear from you. I do not believe calling out the militia would avail anything towards restoring peace, unless they were called out in such force, as to fright the Mormons and drive them from the country. This would satisfy the people, but I cannot agree to it. I hold myself ready to execute as far as I can go, any order from you."

The next order came from Governor Boggs, not Atchison. Messages, principally from Ray County, had continued to reach his desk. They described vividly the outrages being perpetrated by the Mormons in nearby Daviess. Atchison had authorized Captain Samuel Bogart, upon that officer's request, to use troops he had called out to patrol the line between Caldwell and Ray counties to prevent outrages in the area. A skirmish resulted on October 23 which the Governor's Ray County correspondents

reported as a massacre. Each side charged the other with beginning the battle.

The Governor had had enough. On the 26th, he ordered additional troops, including those of Major General John B. Clark of Howard County, held in readiness. When, on the same day, news of the Bogart incident reached him, the Governor issued a supplementary directive to Clark—a command which bears an infamous name in Mormon history: the “Exterminating Order.” Boggs wrote Clark that he had received a communication from Amos Reese, formerly an attorney for the Mormons, and Wiley C. Williams, one of his aides, “which entirely changes the face of things, and places the Mormons in an attitude of an open and avowed defiance of the laws, and of having made war upon the people of this State.” The Governor continued: “Your orders are, therefore, to hasten your operations with all possible speed. *The Mormons must be treated as enemies, and must be exterminated or driven from the State if necessary for the public peace—their outrages are beyond all description.*” Boggs authorized General Clark to increase his force to any extent he considered necessary and ordered him to proceed immediately to Richmond to operate against the Mormons. The Governor informed the Howard County commander that he had also ordered troops under Doniphan and Parks, among others, to join in this expedition.<sup>8</sup>

Meanwhile, Atchison had not been idle. Securing the aid of Major General Samuel B. Lucas, who commanded the Fourth District, south of the Missouri River, he ordered out two thousand men in response to Parks’s plea for aid. Not having heard of the Governor’s directive to Clark, or of the general call for men which did not require either of them to order out troops, the two commanders proceeded to Richmond, where they arrived on the 28th. They immediately dispatched a messenger to Governor Boggs explaining their action, but Clark’s forces intercepted the message. General Clark hurriedly sent Atchison and Lucas a copy of the orders he had received from the Governor, with instructions “to act for the best” until he could arrive. He then

forwarded their dispatch to Boggs with the plea that the Governor come to the front himself.

Boggs hastened to reply the next day, November 1, giving Clark full power to act in his absence. He admonished: "The ringleaders of this rebellion should be made an example of; and, if it should become necessary for the public peace, the Mormons should be exterminated or expelled from the State." In order to prevent any difficulty arising with regard to the command of troops, the Governor informed Clark that neither Atchison nor Lucas had been called into service under his late orders, but that Lucas might enter the field if he subordinated himself to the rank of brigadier general.<sup>9</sup>

By this time, Doniphan, with five hundred men, had joined Atchison and Lucas. They effected the juncture on the road from Richmond to Far West, their ultimate objective. Shortly thereafter, Clark's dispatches caught up with their army. They included the Governor's "Exterminating Order," which Atchison could not bring himself to obey. He had already written Boggs on October 22: "I do not feel disposed to disgrace myself, or permit the troops under my command to disgrace the State and themselves by acting the part of a mob. If the Mormons are to be driven from their homes, let it be done without any colour of law, and in open defiance thereof; let it be done by volunteers acting upon their own responsibilities."

Atchison, from the first, had conceived the duty of the militia to be that of maintaining order and bringing all offenders on both sides to justice, but was acutely aware of the difficulties of such a course in a situation where emotions had won out over reason. "The great difficulty in settling this matter," he had cautioned Boggs, "seems to be in not being able to identify the offenders."

Problems of this nature did not bother the Governor. His anti-Mormon background disposed him to accept at face value all reports sent him by the non-Mormon element and determined the policy of expulsion or "extermination." On the other hand, Atchison's sense of justice as well as his close associations with

the Mormons as their attorney and counsellor prevented his becoming a part of such a program.

When Atchison learned that he had not been directed to take the field, he left the command to Lucas and returned to Liberty, thereby ending his active participation in the Mormon War. Governor Boggs later informed General Clark that he had not ordered out Atchison for two reasons: (1) he was a member of the legislature which would soon meet, and (2) "there was much dissatisfaction manifested towards him by the people opposed to the Mormons." At the same time, the Governor recognized Atchison's right to order out his troops within the limits of his command to quell insurrection or invasion as being in accord with militia law, so that the state took no action against him.<sup>10</sup>

The Mormons soon capitulated and, after a series of trials in which Doniphan, Reese, and James S. Rollins of Columbia served as their counsels, left the state to go to Illinois. Atchison, being busily engaged in the work of the legislature, did not participate in any of these events. He had been elected on August 4 to serve Clay County a second time in the lower house and took his seat when the Tenth General Assembly convened in Jefferson City on November 19, 1838. During this session, Atchison served as chairman of the Committee on Criminal Jurisprudence and as the second ranking member of the Militia Committee.<sup>11</sup>

Governor Boggs devoted a considerable portion of his message to the legislature to the recent Mormon disturbances. As a result, the General Assembly appointed a special joint committee to consider the situation. Although not a member of this group, Atchison did serve on a committee of three designated to inquire into the expediency and necessity of supplying monetary aid to families of Daviess and Caldwell counties who were in distress as a result of the recent disturbances. The appointment of this committee was, in part, an answer to petitions from William W. Phelps and other Mormon leaders which Atchison read to the House. There is no record in the House Journal of this committee's report, which would indicate that the removal of the Mormons from the state obviated action.

Atchison took an active part in the debate which followed the

presentation of the joint committee's report. It recommended three resolutions: (1) that it would be inexpedient at this time to prosecute the inquiry further; (2) that none of the documents which the Governor had sent the legislature pertaining to the disturbances should be published; and (3) that a joint investigation committee be appointed. The House adopted the first and second resolutions, with Atchison voting for each. When the third came up for consideration, he moved that when the joint investigation committee reported, the Governor should be required to convene a special session of the General Assembly to receive and act upon the report. The House adopted this amendment by a vote of 53 to 31, but rejected another Atchison proposal that five of its members serve on the committee and selected only three. The amended resolution met defeat by a vote of 36 to 44, however, with Atchison in the minority.<sup>12</sup>

The Clay County legislator performed his most notable service during this session as chairman of the joint committee appointed to investigate the adverse criticism leveled at Missouri's volunteers in the Seminole War. The criticism had come from General Zachary Taylor, commander of the campaign. The Missouri troops had served under Colonel Richard Gentry of Columbia, who fell at the head of his command in the battle of Okeechobee. General Taylor, in a report, accused the Missourians of breaking ranks during this battle and declared that his aides had failed in repeated efforts to rally them. The people of the state felt this accusation grossly unjust inasmuch as 138 men, mostly Missourians, lost their lives in the battle under supposedly meritorious circumstances.

Atchison's committee examined some twenty witnesses who had served with the Missouri volunteers in the Florida campaign, "among whom were individuals who were engaged during the battle in every part of the line, and others who were posted at the baggage on the opposite side of the camp," and presented its report on February 6, 1839. The investigation completely exonerated the Missouri soldiers and praised the action of Colonel Gentry as "such as ought to have elicited praise and commendation, instead of censure and reproach." The General Assembly

passed resolutions to this effect and called for an investigation by the President, but Van Buren took no action.<sup>13</sup>

Following the adjournment of the legislature, Atchison once again resumed his law practice in Liberty. In the election campaign of 1840, he supported the Van Buren Democratic ticket and again stood as a candidate for the legislature. Although Van Buren carried Clay County, 649 to 457, Atchison and the other two Democratic candidates for the House were defeated by the Whigs.<sup>14</sup> Events were bringing Atchison into a new phase of his career.

## CHAPTER III

### CIRCUIT JUDGE

IT WILL BE RECALLED that David Rice Atchison had, as early as 1834, been interested in the acquisition of the Platte Purchase. During the Eighth General Assembly he had played a prominent role in securing the passage of a constitutional amendment providing for the inclusion of the Platte region within the boundaries of the state of Missouri. He also served on the Clay County committee which drew up a petition to Congress seeking the annexation of that territory. Partly as a result of that memorial and the subsequent action taken upon it, Missouri acquired the Platte country in the early part of 1838.

The Tenth General Assembly thus faced the problem of carving new counties from the region. During this legislative session, Atchison placed himself in the forefront of the movement for their organization. Soon after the General Assembly convened in November of 1838, Atchison and other western Missouri legislators presented petitions from their constituents seeking action in this direction. The speaker of the House thereupon appointed a committee of eight, including Atchison and the other two representatives from Clay County, to look into the advisability of such action. As a result of the work of this committee, Platte and Buchanan counties became the first two organized from the Platte Purchase.<sup>1</sup>

The legislature at first attached the two newly formed counties to the Fifth Judicial Circuit, presided over by Judge Austin A. King, who had played a leading role in the Mormon controversy. When King held the first session of the Platte County Circuit Court in March of 1839, Atchison, Doniphan, and other well-known attorneys from the surrounding area enrolled to practice before the court. Atchison made numerous trips to Platte City

during the next two years to attend court although he retained his residence at Liberty.

The Eleventh General Assembly, convening in the fall of 1840, carved two more counties, Andrew and Holt, from the Platte Purchase and created the Twelfth Judicial Circuit, consisting of the entire Platte country and Clinton County. As a result of this action, Governor Thomas Reynolds on February 5, 1841, recommended Atchison to the Senate as the first judge of the newly created circuit. Confirmation quickly followed, and the newly appointed jurist left Liberty, his home for the past ten years, to establish his residence at Platte City, where he lived until 1857.<sup>2</sup>

During February and March, Judge Atchison made the first rounds of his circuit, holding court in each of the five counties composing his charge. He found the usual variety of cases. In Andrew County, a grand jury returned indictments against John Sharretts and James Emery for operating a gambling house and charged nine others with betting on the premises. When the accused acknowledged their guilt, Atchison fined Sharretts and Emery ten dollars each and costs; their patrons received fines of one dollar each and costs. Another early case in Andrew County found Abraham Dillon charged with laboring on Sunday—a serious offense in Missouri at that time—and resulted in the accused being found guilty and assessed \$1.75 plus costs. The first case on the docket in Holt County concerned Joseph Roberts, indicted for trading illegally with the Indians. When the court convened, however, the sheriff reported that Roberts could not be found. Feeling under compulsion to use some Latin term to take care of the matter, yet not clearly comprehending the meaning of any, he made a return of *nolle prosequi*, usually applied in civil cases. Judge Atchison simply changed the phrase to *non est*; nothing further resulted from the case.<sup>3</sup>

Cases of marital incompatibility also came before the new judge. One of the earliest involved the suit of John Tinkle for divorce from his wife, Frony. Tinkle accused his spouse of "repeatedly assaulting, beating, wounding and cruelly abusing" him to such an extent that life with her became "intolerable and

dangerous." Judge Atchison promptly decided in favor of the plaintiff and awarded Tinkle his divorce.<sup>4</sup>

A contemporary of Atchison's, Colonel Napoleon B. Giddings, leaves this picture of the Judge's court in Andrew County:

When the weather would permit, the courts were held out of doors under a large elm tree. . . . The Hon. "Dave," as he was familiarly called, seated in his chair, elevated on a huge pine box, presided with the dignity of a Jay, a Livingstone or a Marshall, the attorneys and jurors occupying humbler positions. The attorneys, when engaged in the trial of a cause, used the crowns of their hats as substitutes for tables. The places for the deliberations of the grand and petit jurors were spaces cut out of a hazel patch sufficiently capacious to comfortably hold the occupants. Each of these jury spaces was entered by a narrow path, at the entrance to which were placed sentinels to protect unmolested the deliberations of these honorable bodies.<sup>5</sup>

In Platte County, Judge Atchison held court in an arbor, especially constructed for the purpose, back of the local stores.<sup>6</sup> None of the counties had courthouses, and when bad weather forced the sessions indoors, a building would be rented for the purpose of holding court.

Alexander W. Doniphan practiced before his former law associate in these makeshift courts, and the two maintained their firm friendship throughout this period. They often rode circuit together, and invariably both would room at the same hotel in whatever county seat the Judge was holding court. Doniphan later wrote of Atchison during this period: "As a judge, he was quick, expeditious and industrious; seemed to arrive at his conclusions almost intuitively, and his high sense of justice always enabled him to decide equitably. I never knew a judge who gave such universal satisfaction, and although his friends were glad to see him elevated to a higher sphere they regretted to see him abandon the bench."<sup>7</sup>

Atchison's popularity soon made him the leading Democrat of northwest Missouri and a man to be reckoned with in state politics. The Missouri Democracy already had begun to show signs of the breach which, within eight years, was to widen into

(an open split. Under the leadership of Senator Thomas Hart Benton, the state organization had favored traditionally a hard money policy and had supported President Jackson in his stand against the Second Bank of the United States. Atchison actively backed this policy in the Eighth General Assembly by introducing a resolution: "That the United States Bank possesses powers too extensive, and that those powers have been prostituted to base and dangerous purposes." A second Atchison resolution praised Missouri's senators for voting against recharter. The House agreed to both resolutions by large majorities.<sup>8</sup>

During the early 1840's, certain groups within the Missouri Democracy broke ranks and supported the soft money stand of the Whigs. The movement centered in St. Louis, and the Softs there tended to think of Atchison as one of their number because he agreed with their stand for the calling of a state convention to reapportion the lower house of the General Assembly and make changes in the judicial clauses of the state constitution. Atchison had called for such a convention through a resolution he introduced in the House in November of 1838. This call was unsuccessful, but agitation for such a convention continued. The Hards, who dominated the Missouri Democracy through the Central Clique of Fayette, opposed the calling of a convention more because of what it might do to the banking system of the state than because of the changes it might make regarding apportionment or the judiciary. The Central Clique also feared that a convention might divide Missouri into congressional districts, an action which Atchison favored. The state had always elected its congressmen on a general ticket, and central Missouri had dominated these elections to such an extent that it had furnished all of Missouri's Democratic representatives since 1829.<sup>9</sup>

During the early months of 1843, the Softs began to prepare for the election which was to take place the following year. They planned to overthrow Senator Benton, who would be subject to re-election at the next meeting of the General Assembly, and hoped that the Whigs would join with them to accomplish this project. The Softs sought to gain the support of the frontier counties through an appeal to Atchison's popularity. Under the

leadership of James H. Birch and Winslow Turner, both friends of the Judge, some Soft Democrats of Clinton County held a convention in March at which they nominated Atchison for the governorship. They also announced their support of John Tyler for the presidency in 1844, in opposition to Benton and the Hards who were working to bring the Missouri Democracy into the Van Buren column. The following month an editorial appeared in the *Missouri Reporter*, the organ of the Softs in St. Louis, asking the Clique's *Jefferson Inquirer* if it would support any one of a number of men, including Atchison, for the gubernatorial nomination. Birch, meanwhile, wrote one of the prominent Whig leaders in central Missouri outlining the plans the Softs were making. He concluded: "There is scarcely any such thing as counting the probable majority with which Atchison will cross Grand River. Present appearances warrant the opinion of those who know better than I do—which is that he will get *nearly all*."<sup>10</sup>

The Softs, however, made the mistake of not consulting Atchison himself in the matter. On April 5, he wrote Governor Reynolds, a leader in the Central Clique, "I informed you in my last letter that I did not aspire to be your successor; I now tell you in all sincerity that I will not be a candidate for governor nor for any other office whatever." The Judge reported that he had taken no part in the Clinton County meeting and knew of the import of its resolutions only through informants. In Atchison's opinion, the main purpose of the meeting had been to bring its leaders to the attention of the Tyler administration in the hope of gaining political office. The Judge promised Reynolds that he would not stand by the resolutions if, upon reading them, he found that his informants had been correct. Significantly, Atchison concluded by attacking Shadrick Penn, the editor of the *Missouri Reporter*, thus: "Penn is doing more to corrupt the Church with his heresies [*sic*] than all the open enemies we have. He has sold himself to all the abominations of the Hawkers and Pedlers [*sic*] of St. Louis. I do hope and trust, that St. Louis will never again elect a Democrat to the legislature; when she does confusion always follows."<sup>11</sup>

In its May 25 issue, the *Jefferson Inquirer* called its readers'

attention to an official announcement in the *Platte Eagle* which stated that Atchison repudiated the nomination and resolutions of the Clinton County meeting. Commenting on this action, the *Inquirer's* editor observed: "Atchison is too honest, too just, and too sagacious, to approve of such proceedings, or to lend himself to a few disorganizers; would we could say as much of some others."<sup>12</sup>

These rebuffs did not discourage the Softs. During the fall of 1843 some of their editors began to insinuate that the Central Clique had thwarted an attempt by the Democratic State Convention of 1839 to nominate Atchison for one of Missouri's congressional posts. The *Inquirer* denounced these attempts at stirring up discord, and pointed out that the majority of the delegates from Howard and Boone counties, the homes of the Clique, had voted for Atchison at the convention. The Clique's organ maintained that the Judge's defeat had come, rather, at the hands of the St. Louis and southern Missouri delegations.<sup>13</sup>

That same fall an event occurred which was to have tremendous significance, not only in the election of 1844 but also later. On October 3, Lewis F. Linn, Missouri's junior senator, died unexpectedly at his home in Ste. Genevieve at the age of 48. Linn, an extremely popular figure in the state, had served in the Senate since 1833. The Ninth General Assembly had returned him to the Senate by an unprecedented unanimous vote in 1836, and he had recently been re-elected for another six-year term, with only ten dissenting votes out of 129. Linn had played a major role in the final congressional approval of the Platte Purchase annexation and had advocated cheap land and pre-emption rights for settlers. Since 1840, he had engaged actively in an effort to settle and organize the Oregon Territory. In the three years before his death he probably had done more to bring Oregon to the attention of the nation than had any other public official.

Although the Twenty-eighth Congress was to convene within two months, few Democratic leaders expected Governor Reynolds to act as quickly as he did in appointing Senator Linn's successor. Justice William B. Napton of the Missouri Supreme Court wrote Reynolds from Saline County on October 11 to recommend former

Governor John Miller for the vacant position. He urged a quick decision and assured Reynolds that "the genuine Democratic papers" would support any appointment he made. The Whigs and the Softs, on the other hand, would find fault with the decision whether it involved a member of the Central Clique or not. Perhaps as an afterthought, Napton added this postscript: "I cannot think of any one in this upper country who would have any pretensions, unless it be Atchison. He is a clever fellow but he would not immortalize himself in the Senate."

Governor Reynolds made his decision a few days later. In spite of Napton's assurances, he sought to avoid the criticism which would follow the appointment of any member of the Clique. Therefore, he looked elsewhere for Linn's successor and chose Atchison, the obviously popular leader from northwest Missouri. The two men had maintained a regular correspondence throughout 1843, the Governor apparently seeking Atchison's advice on many of the controversial subjects confronting him. Undoubtedly Reynolds was already experiencing some of the frustrations which drove him to suicide the following year. In their regular exchange of letters, Atchison sympathized with the Governor, advised firmness, but refused to take sides on appointments or other matters. He had informed Reynolds in April that he sought neither the governorship nor any other office, and this knowledge may have had some bearing on the Governor's final decision to send him to the Senate.<sup>14</sup>

As Reynolds had hoped, Atchison's appointment met with the approval of both factions of the Democracy. The editor of the *Jefferson Inquirer* wrote: "The peculiar locality of Judge Atchison . . . his familiarity with our land and pre-emption laws—and his knowledge of the wants and rights of the hardy pioneer, will render him one of the most useful members of the Senate." The *Missouri Register*, published at Boonville and the leader among the Soft papers of the interior, declared that Atchison "is a true and liberal democrat; and with all, is a man of good attainments and fine talents." The editor thought the appointment a good one and had no doubt that the General Assembly would sanction it unanimously at the next session.<sup>15</sup> The appointment pleased

northwest Missouri immensely. One correspondent wrote the editor of the *Liberty Banner*: "I have never, I believe, seen such a universal burst of joy, as the appointment of our beloved Atchison . . . has called forth."<sup>16</sup>

Thomas Hart Benton endorsed Governor Reynolds' move by writing him on October 19: "I believe there is general satisfaction with the new Senatorial appointment, and I for one am much pleased with it." The genuineness of Benton's endorsement may be questioned, however, in the light of an extremely revealing letter which Atchison received from Mrs. Linn a few months after his arrival in Washington. Shortly after Reynolds committed suicide in February of 1844, she wrote: "Is not the fate of our kind friend, Govr Reynolds, most profoundly melancholy. From my youth I have known him, and we have ever kept up a correspondence. He was a true friend of yours. Fearing your talents and popularity, Col. Benton first desired that Govr Miller should be my husband's successor in the U. S. Senate, but Govr Reynolds would not yield to his wishes & frankly told Col. Benton that a large portion of the Democratic Party were desirous that you should take Benton's place. This alarmed him greatly, and he commenced *his old game* of professing great friendship for one that he could not injure."<sup>17</sup>

Atchison himself had not sought the office of senator nor was he aware that Reynolds had considered him for the position until he received news of his appointment. Doniphan, who was arguing a case before the Judge in the Platte county courthouse at the time, has left an excellent description of his reaction to the news. Atchison received his mail while on the bench. His face soon evidenced that one of the letters contained some very unusual information. The Judge said nothing until the court adjourned for dinner; then he handed Doniphan the letter from Governor Reynolds offering him the United States senatorship. Atchison consulted with his friend at some length that evening in the rooms which they shared at the hotel. He hesitated to accept the post and offered candid reasons to justify his indecision. Doniphan does not indicate what these reasons were, but reports that he offered Atchison this advice: "Judge, fortune does not

shower her favors on us very often, and a man should not turn his plate bottom upwards when it does happen, but should turn the right side up and catch all he can. Your refusal will mortify Governor Reynolds, and as you have some political ambition, you ought to accept. It is your duty to do it. We have never had any senator from the western half of the state." In his later narrative, Doniphan further noted: "The tender was made, I know from subsequent conversations with Governor Reynolds, who was from the same county with me from Kentucky, without any request from Atchison or his friends. It was a spontaneous tender from an intellectual and patriotic governor, to a man in every way worthy of the high position of United States Senator." Whether Atchison consulted with anyone other than Doniphan on the matter is not known, but within a short time he wrote the Governor accepting the appointment.<sup>18</sup>

David Rice Atchison thereby became western Missouri's first senator and, at the age of 36, the youngest man ever to enter the Senate from that state. During this formative period of his career he had shown an ability to make friends easily. He refused to allow himself to be used as an instrument in the disruption of the Democratic party in Missouri, and his appointment to the Senate probably did more to unify the Democracy for the moment than any other act of Governor Reynolds' administration.

A contemporary, Colonel William F. Switzler of Columbia, described Atchison as "a man of imposing presence, six feet, two inches high. He was the soul of honor, a fine conversationalist, and possessed a great memory. As a man he was plain, jovial and simple in his tastes. He was a Democrat by nature and education with profound sympathies for what Lincoln called 'The common people.'"<sup>19</sup> In the years which followed, Atchison used these same traits to great advantage in achieving a respected position among such illustrious colleagues in the Senate as Calhoun, Clay, Webster, Mangum, Benton, Davis, and others.

## CHAPTER IV

### WESTERN SENATOR

DAVID RICE ATCHISON left Weston in Platte County aboard a Missouri River steamer on November 7, 1843, to begin his new career as a United States senator. At St. Louis, his senior colleague, Thomas Hart Benton, joined him, and they traveled together to Washington. The shared journey gave "Old Bullion" ample time to discuss with Atchison his new duties and what might be expected in the way of legislation at the forthcoming session. The two men arrived in the capital city on December 1 and immediately set about finding Atchison a lodging place. They soon settled the new senator at Masi's boardinghouse at the corner of Pennsylvania Avenue and 4½ Street, not far from Benton's own home. There James M. Hughes, an old friend from Liberty beginning his first term in the House, joined Atchison and provided congenial companionship during that first winter.<sup>1</sup>

The Twenty-eighth Congress convened on December 4, and Senator Benton presented Atchison's certificate of appointment the same day. Missouri's new junior senator took the oath of office and was assigned seat thirty-two, located on the outer aisle in the second row to the right of the Vice-President. Occupying the seat next to him was Edward A. Hannegan, newly elected senator from Indiana and Atchison's friend of Transylvania days. As they worked closely together during the next six years, their earlier friendship took on deeper meaning.

The Democrats controlled the organization of the Senate, and Atchison was assigned places on the Agriculture, the Post Offices and Post Roads, and the Militia committees. The former state legislator soon discovered that the United States Senate operated under slightly different procedure than the Missouri General Assembly. On December 15, he presented in the Senate an act of the state legislature appointing a committee from Missouri

to join a similar group appointed by the federal government to arbitrate the Iowa boundary. Atchison moved that the act be referred to a select committee of three, whereupon Senator Huntington of Connecticut remarked that it should go to the Judiciary Committee. The gentleman from Missouri thereupon asked for an explanation. Senator Buchanan of Pennsylvania informed him of one difference between Senate and state legislative custom: in the Senate, a subject was never referred to a select committee except in very special circumstances. When Senator Buchanan further stated that the question of the Michigan-Ohio boundary had been settled by the Judiciary Committee, Atchison withdrew his motion.<sup>2</sup>

The first large group of emigrants to the Oregon Territory, approximately eight hundred persons, had started its journey in the spring of 1843. The pioneer band included many Missourians of Atchison's acquaintance. The freshman congressman stated his belief on the floor of the Senate that these first settlers had been attracted by the promises in Senator Linn's proposals during previous sessions.

Atchison lost little time in taking up the work of his predecessor with regard to Oregon. On December 14, just ten days after he entered the Senate, he gave notice that he would soon ask leave to introduce a bill which would authorize the occupation and encourage the settlement of the Oregon Territory. He introduced the bill a week later, and, upon his motion, the Senate referred it to a select committee of five with Atchison as chairman. The following day, the junior senator presented a memorial from the people of Missouri praying for the passage of such a bill. The Senate referred the petition to the same committee.

Atchison's bill to facilitate and encourage the settlement of Oregon had seven specific provisions, most of which had been proposed by Linn in earlier measures. The bill would require the President to erect no more than five forts between a point on the Missouri River and "the best pass for entering the valley of the Oregon," and to establish fortifications at or near the mouth of the Columbia River. The measure upheld the right of pre-emption, and authorized Congress to grant 640 acres of land to every white male over eighteen years of age in Oregon who cultivated

the same for five consecutive years. In addition, a settler could be granted another 160 acres for his wife and for each child under the age of eighteen, including those born within the five-year period.

The new senator added two provisions which his predecessor had not included. The first described Oregon as extending from the Rocky Mountains to the Pacific Ocean between the parallels of forty-two degrees and fifty-four degrees and forty minutes of North latitude. Atchison took a strong stand for the latter boundary at every opportunity during the next three years, steadfastly opposing any territorial compromise. The second of the Missourian's new proposals would appropriate \$100,000 to carry out the various provisions of the bill.

Atchison went one step further on December 28 when he introduced a second bill providing for the establishment of a territorial government for Oregon. Seven days later, his friend Hughes introduced a similar measure in the House of Representatives.<sup>3</sup>

The *Jefferson Inquirer* had predicted of Atchison shortly before he left for Washington that "on the question of Oregon, England will find him as lion-hearted as ever Linn was." After the junior senator had introduced his two bills, a Washington correspondent of the *Inquirer* wrote that Atchison seemed determined not to be outdone by his predecessor on the Oregon issue. In the following number, the paper's editor praised both Atchison and Hughes for their prompt action to encourage Oregon settlement and especially approved the former's stand for 54°40'.<sup>4</sup>

Senator James Semple of Illinois continued Atchison's Oregon program by introducing, on January 8, 1844, a resolution requesting the President to give notice to England that the United States wished to end the Joint Convention of 1827. This agreement had continued the provisions of the Convention of 1818, which stated that any territory possessed by either nation west of the Rocky Mountains would be open to the subjects of both countries, while asserting that the territorial claims of the two powers would not be affected by this accord. The new agreement had no definite terminal date, but could be abrogated upon one year's notice by either country. Linn had previously introduced similar resolutions.

Great Britain made overtures to the State Department of the United States as early as October of 1842 asking for informal negotiations which might bring a solution to the Oregon question, but they met with little response. Nevertheless, President Tyler stated in his annual message to Congress in December of 1843 that the American minister to London, Edward Everett, had discussed the matter with the British Foreign Minister. Little was accomplished, however, until John C. Calhoun became Secretary of State in March of 1844.

The Senate, meanwhile, indulged in a lengthy debate on Semple's resolution. Several senators raised objections to it, centering their opposition around the argument that negotiations for a peaceful settlement had already begun. These might be broken off should the resolution pass, in which case war would be the alternative. Atchison wrote Mrs. Linn on January 22 asking her to send him all of her husband's papers on Oregon. They amounted to thirty packets and a large scrapbook which contained every article that Linn had been able to find with the least bearing on the subject of Oregon. The following day, Atchison reported his bill from the select committee without amendment, but the Senate took no immediate action on it. Two weeks later, he presented a memorial from some sixty United States citizens then in Oregon, setting forth the injuries to which British authorities there subjected them.

On February 22, Missouri's junior senator replied to the attacks made on the Semple resolution. In pressing for the passage of this measure, Atchison stated that the West did not desire to plunge the nation into war; it sought only government protection for settlers going into the territory. England, "our ancient & implacable enemy," now reigned there supreme, although the two countries supposedly occupied the region jointly. The Senator warned against trusting in negotiation inasmuch as the British had always outdone the United States at this art in the past. He traced the American claims to Oregon and declared that the conventions of 1818 and 1827 weakened the position of the United States because they gave Great Britain control over the region through the Hudson's Bay Company. Those senators who objected to the resolution did so because they wanted to prevent action. The

West could not be satisfied with inaction; if nothing were done, the British would have complete control over the region within a few years. As hunting and trapping declined, British subjects in the area would turn to agriculture and commerce. Once these pursuits proved profitable, British settlers would enter the region and would be difficult to dispossess. The same circumstances could operate in favor of the United States, Atchison observed, if it encouraged its own citizens to emigrate to Oregon.

Atchison pointed out that to give notice of the United States' wish to terminate the convention implied no discourtesy to England. The conventions provided for this means of ending the agreement, and similar resolutions had been presented to accomplish this before negotiations began. Fear of war would not keep him from taking action. The Missourian reminded his colleagues that should war come, the West would suffer more than the East, just as it had during the War of 1812. The British were acting more warlike than the Americans in Oregon; their behavior, in Atchison's opinion, provided stronger reason for refusing to submit to injury at their hands. Movement to the West must come inevitably, he warned, and unless the government took steps to end the joint occupation agreement, it might expect frequent clashes between American and British citizens. Atchison concluded emphatically: "I would submit to wrong and injury from no nation of the earth, but least of all from England."<sup>5</sup>

The Missourian's "admirable speech" elicited the editorial praise of the *Washington Globe*, organ of the Jacksonian Democrats, which called his defense of Semple's resolution "worthy of the successor of Linn and the colleague of Benton." Among those who wrote Atchison to congratulate him on his address was George W. Jones, his former Transylvania classmate and later a senator from Iowa. In reply, Atchison told him: "I took the view of the subject dictated by my feelings; I have no fears of England or little Vic, or Prince Albert, or the Duke of Wellington, when we are right."<sup>6</sup>

Atchison's eloquence did not sway his colleagues. The Senate rejected the Semple resolution 28 to 18, both Missouri senators voting with the minority.

At the end of April, Atchison moved to make his bill to

encourage the settlement of Oregon the special order of the day for May 6, but when the Senate convened on that day, he rose and declared himself ready to postpone action on the measure because of the current negotiations with Great Britain. This postponement ended consideration of the Oregon question by Congress until the following winter. Shortly before the session ended, Benton told his colleagues that emigrants to Oregon could be assured that the measures advocated by Linn and Atchison would pass at a later session. American settlements would be made in Oregon with grants of land and protection from the government, "Old Bullion" confidently predicted; the region jeopardized by American diplomacy would be recovered, and a great Asiatic trade opened.<sup>7</sup>

In the meantime, a more controversial issue arose to demand the attention of the Senate and the nation. On April 11, Atchison wrote Governor Meredith M. Marmaduke: "The treaty for the annexation of Texas has been signed but it has not been laid before the Senate for ratification. Upon this treaty we will have thunder." The Senator feared that the "Yankees" would oppose the document, but he promised to vote for ratification and use all his efforts to accomplish its acceptance regardless of the consequences. Three days later, Atchison informed George W. Jones that he favored putting an end to British intrigues in Texas at once. "I think we can annex Texas without violating any principle of National honour or of National law," he avowed, "and I further believe that the peace and prosperity of the whole valley of the Mississippi is intimately connected with this question, whether Texas belongs to Mexico or is a part of that Republic, or whether she is an ally or dependency of England, or whether she is independent she will be a thorn in our side, an eternal source of annoyance, and the result would be a war, and conquest would follow; I am for obtaining Texas at least without war with her citizens, I am not for war from any other quarter; the Texans are bone of our bone, flesh of our flesh."<sup>8</sup>

Atchison's senior colleague, Thomas Hart Benton, early took his stand in opposition to the treaty. On May 13, he introduced resolutions in the Senate which declared that should the United States ratify the treaty it would have to assume the Texans'

war with Mexico. This war had never technically ended inasmuch as Mexico refused to recognize Texas' independence. As the federal Constitution did not give Congress the right to declare or adopt war under the treaty-making clause, Benton contended that the treaty now before the Senate could not be legally ratified. The peoples of Texas and the United States could only be "reunited" when the consent of a majority in both countries had been obtained, and when Mexico either assented to annexation or recognized Texan independence.

Speaking against the treaty a short time later, Benton called himself the "oldest advocate" of Texas recovery. He traced his course with regard to that territory from his opposition to the Adams-Onis Treaty of 1819, which renounced American claims to Texas, down to the current moment. Although stating that he could not approve of the present treaty's terms for the reasons mentioned in his resolutions, "Old Bullion" revealed a secondary reason for his opposition by attacking the Tyler administration. The Missouri senator accused the administration of using the treaty to promote the interests of certain of its members for the presidency by plotting with Senator William S. Archer of Virginia, the chairman of the Foreign Relations Committee, to postpone consideration until just before the Democratic National Convention at Baltimore. Undoubtedly this attack was aimed at John C. Calhoun, Benton's bitterest enemy, who had only recently entered the Cabinet as Secretary of State.<sup>9</sup>

Atchison and others had known of Benton's opposition to the annexation of Texas at least as early as the first day of the session. Missouri's junior senator had indicated his apprehension in his letter of April 11 to Governor Marmaduke. Both men were to come before the next General Assembly for re-election to the Senate. With Benton the dominant power in Missouri Democratic politics, it might be political suicide to oppose him on any major issue. In this matter, however, "Old Bullion" had chosen the wrong course since public opinion in Missouri generally favored annexation. This attitude was partially evidenced by a memorial which certain Missouri citizens sent Atchison asking for annexation, which he presented to the Senate on May 31. Missouri

sentiment for annexation became increasingly evident throughout the summer of 1844.<sup>10</sup>

The Senate rejected the Texas treaty on June 8 by a vote of 35 to 16. Atchison joined fourteen other Democrats and one Whig in voting for its ratification, while twenty-eight Whigs and seven Democrats, including Benton, voted against it.<sup>11</sup> The extent of the latter's influence on this vote can not be positively asserted, but, in the period preceding the final count, he had voiced more opposition to it than had any other member.

Both sides immediately took steps to secure annexation by other methods, but the session ended shortly thereafter without the passage of any measure which would promote this end. Atchison made no speeches on the floor of the Senate during the Texas debate inasmuch as he was devoting most of his time to the Oregon question.

Following the adjournment of Congress early in the summer of 1844, both senators returned to Missouri to prepare for the election, which had significance on both the state and national levels. The Democratic National Convention had met at Baltimore in May. Atchison favored Richard M. Johnson of Kentucky for the presidential nomination but took no active part in the proceedings. Benton strongly supported ex-President Van Buren, who had a clear majority of delegates at the outset but lacked the two-thirds required for nomination. On the tenth ballot the convention stampeded to James Knox Polk of Tennessee, an ardent expansionist. The convention adopted the platform of 1840, with which no faction could quarrel, since all had accepted it at that time, and added several other planks in line with the expansionist sentiment of the convention. The most important of these asserted the United States' claim to all of Oregon and proclaimed that "the re-occupation of Oregon and the re-annexation of Texas at the earliest practicable period are great American measures, which this convention recommends to the cordial support of the Democracy of the Union."<sup>12</sup>

The Missouri Democracy had gathered for its state convention at Jefferson City early in April, shadowed by Governor Reynolds' death. It chose Sterling Price, a member of the Central Clique and a pro-Benton man, as chairman; the Benton group had little

trouble controlling the convention from the outset. The party nominated John C. Edwards, a former congressman, for governor primarily because his record was less controversial than that of either of his two rivals: Governor Meredith M. Marmaduke, a member of the Clique who had succeeded to the governorship upon the death of Reynolds, and Austin A. King, Atchison's fellow jurist from northwest Missouri, whom the Softs supported. Edwards openly advocated districting the state and calling a constitutional convention, but the Democracy itself refused to go on record on these subjects although it did choose its congressional candidates on the district basis. The convention endorsed both Atchison and Benton and recommended that Missouri Democrats oppose any candidate for the legislature who refused to pledge himself to vote for the re-election of both.<sup>13</sup>

Atchison wrote Governor Marmaduke on April 11 that Missouri's congressional delegation was impatiently awaiting the convention's action. The Senator commented: "We hope that we will hear that what has been done will meet with the general approbation of the Democratic party; for my own part I am resolved to sustain the Nominees of that Convention with all my might and strength." The same did not hold true for others in the Missouri Democracy. By the end of May, the Softs had arranged a separate "Independent" ticket headed by Judge Charles H. Allen, a life-long Democrat who had announced his own candidacy three months prior to the state convention. This state ticket received the support of the Whigs although they had their own candidates for the legislature and concentrated their efforts on these races in the hope of preventing Benton's re-election.<sup>14</sup>

The *Missouri Register* indicated that the Softs had no argument with Atchison when it proclaimed in a headline on May 21: "HUZZA FOR ATCHISON, TEXAS, AND AMERICA." The editorial which followed boasted of Missouri's junior senator: "There is a true patriot for you. He has an American heart in his bosom, and it is as near the right place as any man's. The successor of the lamented Linn is worthy of the distinguished station and honors that have been conferred upon him. He is far above the petty partisan jealousies of the day, and long will

the noble stand he has taken in defense of the endangered rights of his country remain an honorable monument in his history."<sup>15</sup>

Atchison made no major speeches during the campaign. Benton, however, found himself the target of widespread abuse primarily because of his stand on the Texas question. Consequently, he made a number of speeches throughout central and northwest Missouri in the summer and fall defending the position he had taken. Although he had earlier lost the support of several members of the Central Clique for his Texas stand, Benton reconciled them following a speech at Boonville in July. At that time "Old Bullion" apparently promised in private conferences that he would abide by the wishes of his Missouri constituents if instructed by the legislature to do so. Atchison, among others, later testified to this.<sup>16</sup>

The hard-fought campaign indicated a close election. On the very eve of the state balloting, one of the Clique leaders wrote Governor Marmaduke: "I think we will elect Edwards, but I tremble for the state Legislature. The Whigs intend to beat Benton & Atchison! This is their aim. For my country, our principles & Democratic policies, I sincerely hope that they may be mistaken."

The August election resulted in a victory for Edwards by 5,621 votes, the smallest margin of any Missouri governor elected in the 1840's. In contrast, Polk carried the state by 10,118 votes three months later. The Whigs picked up several seats to bring their total to fifty-three in both houses; the Democrats retained their control with eighty seats—thirteen more than the majority necessary to elect a senator. However, not all of the eighty Democrats could be relied upon to support Benton.<sup>17</sup>

Following the August election, the Whigs and the Softs instigated a rumor that a great deal of enmity existed between Benton and Atchison. Hoping to deflect enough Democratic votes to defeat "Old Bullion," they accused Benton of working actively to prevent the election of his junior colleague. The editor of the *Jefferson Inquirer*, writing just prior to the meeting of the legislature, attacked the rumor and emphatically declared: "There never was, so far as our knowledge extends, a more malicious falsehood."

Atchison, meanwhile, actively supported the re-election of his senior colleague and talked with several legislators to sound out their views. On October 5, he wrote Governor Marmaduke: "I expect to be at Jefferson at the meeting of the legislature, and if there is a solitary member of the house of Representatives (Democratic, I mean) from the Northwestern part of the State that will vote against Col. Benton I do not know him, they will vote for him to a man." Atchison further reported that all of the state senators-elect from that region would be in the Benton column when the balloting began, with the exception of former Governor Boggs, who opposed both senators.<sup>18</sup>

The Thirteenth General Assembly convened at Jefferson City on November 18, 1844. The Central Clique controlled the organization of the House and elected to the speaker's chair Claiborne F. Jackson, who was to become one of the principal leaders in the later overthrow of Benton. The Democrats caucused immediately upon completing their organization of the legislature in an attempt to secure the pledge of everyone in their ranks for Atchison and Benton. The meeting did not prove harmonious, however, and several men withdrew before its conclusion.

After several unsuccessful attempts in both houses to postpone the election of Benton's successor, they convened in joint session on the afternoon of the 19th to choose two senators. The leader of the Benton forces nominated Atchison for the short term to succeed Linn. In the balloting which followed, the former judge received 101 votes, including those of twenty-one Whigs. This exceeded the necessary majority by thirty-four. The legislature then proceeded to the election of a senator for the regular term. Two members placed the names of Benton and Thomas B. English in nomination, but a senator from the latter's home county reported that English had no desire to run against "Old Bullion." Balloting nevertheless proceeded, and Benton retained his seat by a vote of 74 to 57, with a few scattered. Two Whigs voted for the venerable leader of the Democracy while eight members of his own party cast their ballots against him. The Democratic dissenters came primarily from the ranks of those hold-over senators whose districts lay in the northwestern and the southeastern portions of the state. Only nine votes separated

Benton from a second ballot.<sup>19</sup> When compared with Atchison's overwhelming majority, "Old Bullion" had a close call indeed.

Benton had not stayed in Missouri to await the results. Confident of re-election, he had returned to Washington early in November. From the capital, Benton wrote his brother-in-law, James McDowell, on December 2: "The conspiracy of Calhoun and Tyler against me was an abortion, without my condescending to make head against it; but God has put the means in my hands to expose their villainy, & it shall be done." The Missouri senator reported that a number of documents had come to him which indicated that Calhoun had played an active role in attempting his defeat. Later, on the floor of the Senate, Benton quoted a portion of a letter purportedly written by the Secretary of State urging Missouri Democrats to work against Benton's re-election. Calhoun denied the accusation, and it remains doubtful that he actually intervened in Missouri politics at this time, although anti-Benton leaders there knew that he approved and sympathized with their struggle.<sup>20</sup>

In the bitter campaign of 1849, Benton accused Atchison as well as Calhoun of actively seeking his defeat during the 1844 election. To support his accusation, "Old Bullion" quoted his junior colleague as saying: "We thought we had him [Benton] in 1844, but he escaped." Atchison did not let the attack go unanswered. He soon replied that his active support of Benton in 1844 was a well-known fact and emphasized: "I was his friend then in the hour of his greatest need, and advocated his re-election, because it [the Texas stand] was his first sin and we could forgive him."<sup>21</sup>

## CHAPTER V

### THE OREGON SETTLEMENT

**H**IS ELECTION to the Senate for the remainder of Linn's unexpired term assured, Atchison hastened to Washington for the opening of the second session of the Twenty-eighth Congress. Rather than return to the seclusion of Masi's, the junior senator settled at Brown's Hotel on Pennsylvania Avenue. Among the numerous other senators and representatives staying there that winter was Atchison's old friend and former classmate, George W. Jones, who recently had been elected a delegate from the Iowa Territory.<sup>1</sup>

Polk's election brought the Texas and Oregon issues into new focus, and numerous bills concerning the annexation of the Lone Star Republic were introduced in both houses of Congress during the early weeks of the session. Shortly after the senatorial election, sentiment in Missouri began to manifest itself in favor of instructing the state's two senators to press for Texas annexation. The *Jefferson Inquirer* urged editorially that, as the national Democratic platform called for annexation at the earliest practicable date, every member of the party should feel obligated to support it regardless of earlier feelings.

The General Assembly had taken up the question of instruction with the introduction of joint resolutions to that effect in the House on November 20 and in the Senate on November 26. In the House, elements on both sides attempted to amend the resolution to their own ends. The first amendment denounced by joint resolution the Tyler plan of annexation under which Texas would become a territory of the United States. It proposed, rather, that Benton's vote on the earlier treaty conformed with the wishes of the people of Missouri and requested the state's members of Congress to vote in accordance with a Benton proposal which called for direct negotiation with Texas and Mexico,

looking toward the annexation of the former as a state after various related problems had been settled. The House rejected this amendment, 63 to 27. It then considered a second one which stated that Atchison's vote on the treaty had been in conformity with the will of the people and asked Missouri's congressmen to vote for immediate annexation under the treaty terms. This move lost by the overwhelming vote of 84 to 5.

The resolutions, as approved in final form on January 3, 1845, declared the people of Missouri in favor of re-annexation at the *earliest practicable moment*. Recognizing Texan independence, they declared that no outside power need first give its consent to such an arrangement. The question of slavery should be left to the people of Texas to settle for themselves. Should it prove impossible to accomplish annexation on the terms outlined, the resolutions declared that the people of Missouri would accept compromises in order to obtain the objective.

Senator Benton presented these resolutions to the Senate on January 20 and made a short speech in their favor. Atchison then commented on them by saying that although he was willing to go beyond what the instructions requested, he admired the spirit of compromise which they indicated. The clause regarding slavery met his special approval.<sup>2</sup>

Five days later, the House of Representatives, by a vote of 120 to 98, passed a joint resolution providing for the admission of Texas to the Union if she could form a state government before January 1, 1846. Under this resolution, the United States would adjust any boundary disputes which might arise. Texas would keep her public lands and pay her own debts. Four additional states might be carved from her territory if she consented. Of these, any situated north of the Missouri Compromise line would be free; in those south of the line the people would decide the issue of slavery.<sup>3</sup>

Benton did not wait for this resolution to reach the Senate floor. On February 5, he withdrew a bill embodying the principles mentioned above, which he had introduced in December, and substituted another in its place. The new measure simply provided that Texas should be admitted as a state "with suitable extent and boundaries" as soon as the terms of admission and of

the cession of remaining territory should be agreed upon by the two countries. The United States' consent could be had either by treaty or by a bill submitted to both houses. In his speech accompanying the new bill, "Old Bullion" made it clear that he expected Polk to have charge of executing whatever measure Congress might pass. The Missouri senator then expressed his implicit trust in the President-elect's ability to secure annexation without disunion.

Only five days of the session remained when Senator Robert J. Walker of Mississippi offered a compromise solution. He moved to amend the joint resolution to give the President his choice of either submitting the original resolution to Texas or of negotiating with her under the terms of Benton's bill of February 5. The Senate adopted the amendment on the same day by a close vote of 27 to 25. Both Atchison and Benton voted in favor of the move. After another amendment was beaten down, the Senate quickly passed the joint resolution with the Walker proviso by a voice vote. The House concurred the next day by a vote of 132 to 76, with all of Missouri's delegation voting for a passage except Gustavus B. Bower, who was absent.<sup>4</sup>

When word of the congressional action reached Jefferson City, the members of the General Assembly gathered unofficially in the House chamber to indicate their approval. By unanimous vote, they adopted two resolutions praising the roles played by Missouri's senators in securing the passage of the annexation measure. The first declared that although for a time the friends of annexation might not have approved Benton's course, "yet, now that the wisdom, sagacity, foresight, and firmness of his course are manifested in effecting this important result, all do freely and unitedly accord to him the highest praise, as his just desert, and hail the annexation of Texas as the re-union of his political friends." A second resolution praised Atchison "for his bold, manly, and straightforward course in the cause of annexation" and declared him "entitled to the thanks of the people of Missouri, and to those of every friend of Annexation throughout the Union."<sup>5</sup> Obviously, Thomas Hart Benton was still the key man to be reckoned with in Missouri Democratic politics.

President Tyler signed the joint resolution on Saturday, March

1, 1845. That same day he held a conference with Secretary of State Calhoun, who feared that any delay in carrying through annexation might cause the United States to lose Texas. Any attempt at negotiation, such as Benton proposed, would do irreparable harm. Calhoun therefore urged Tyler to use his power as President to adopt the House resolution under the option given him. The Chief Executive agreed with his Secretary's conclusions but hesitated to commit his successor to such a policy without consulting him. Tyler felt certain that Polk shared their views on the matter, but Calhoun feared the President-elect might have made commitments to the Bentonites. In the end, he convinced Tyler. The Cabinet met in special session on Sunday, March 2, and confirmed the decision unanimously. Calhoun then called on Polk to explain the action being taken and the reasons for it, but he received no comment from the President-elect. On the following day, the Secretary of State dispatched the resolution, together with instructions, to Andrew J. Donelson, the American chargé at Austin.

Benton and his supporters were infuriated when they learned what had occurred over the weekend. Missouri's senior senator claimed that two of his close associates had talked with Polk and had received assurances that the President-elect would accept the alternative offered by the Walker amendment once he reached the White House. Tyler's action prevented Polk from this opportunity, and when the new Cabinet met on March 10, it decided that it would be unwise to reverse that course.<sup>6</sup>

Atchison, in the meantime, concerned himself once again with the Oregon question. It commanded most of his attention during this session as during the previous winter. He introduced a new bill on December 19 which made elaborate provision for the establishment of a territorial government in Oregon. The measure also provided for land grants and the establishment of forts. Negotiations with Great Britain had been resumed the preceding summer, and, although they progressed slowly, several senators protested against considering any bill which might upset them. Atchison wished to refer his measure to the Committee on Territories; but in order to prevent action on it until the negotiations ended, some urged that it should go to the Committee on Foreign

Relations, which was known to be unfavorable to the bill. This attempt to sidetrack the measure failed, and in the end, the Senate referred it to a select committee of five headed by Atchison. Among those writing the Missouri senator at this time was former Vice-President Richard M. Johnson who urged: "Push the immediate occupation of Oregon; & if you would want one thousand brave volunteers I am ready with them."<sup>7</sup>

A similar bill came before the House on February 3, 1845. Several amendments, designed to meet the objections most frequently heard, had been proposed in committee. The measure passed the same day by a vote of 140 to 59 with all of Missouri's representatives in favor. The Senate referred the House bill to Atchison's committee, and the *Missourian* quickly reported it back on February 7, but no action was taken on it until the final day of the session when the Senate rejected his motion to take it up. Although Atchison remonstrated that the bill would help rather than hinder negotiations, the majority of his colleagues did not agree, and his efforts came to naught for this session.<sup>8</sup>

With the inauguration of President Polk, the British minister, Richard Pakenham, made a new proposal for arbitration of the Oregon dispute. Consequently, Secretary of State James Buchanan, in July of 1845, resumed the discussions started by Calhoun the previous summer. He renewed his predecessor's offer to compromise the issue by dividing the territory at the forty-ninth parallel, but his proposal failed to include the free navigation of the Columbia River. Instead, Buchanan inferred that the new administration believed the United States should have all of Oregon up to 54°40' and offered compromise only because it felt bound by the actions of its predecessor. Pakenham rejected the compromise without referring it to his home office, and the United States then withdrew its offer, to await some British proposal. One came in October in the form of a modified offer to Louis McLane, the American minister at London, but Polk remained firm, and negotiations ended fruitlessly for the moment.

Nor had further progress been made by the time the Twenty-ninth Congress convened for its first session in December of 1845. President Polk's first annual message reviewed the action

which he and his predecessors had taken in an attempt to reach a peaceful settlement of the Oregon question. The President maintained the title of the United States to all of the territory and reported that the compromise offer of the previous summer had been made only in "deference" to the Tyler administration. Polk advised the passage of legislation to provide for ending the Convention of 1827. He further recommended that Congress extend the laws of the United States over the territory, create an Indian agency beyond the Rocky Mountains, establish forts along the route to Oregon, and set up an overland mail service.<sup>9</sup>

During the weeks which followed, numerous bills and resolutions designed to carry out the President's recommendations found their way into the hoppers of both houses. Atchison presented six resolutions on December 18. They provided for an inquiry by the appropriate committees into the expediency of carrying out Polk's four proposals. In addition, the Missouri senator asked that the Committee on Public Lands examine the possibility of donating lands to settlers already in Oregon. He also sought to have the Committee on Militia, of which he was chairman, determine the feasibility of organizing a territorial militia for Oregon. The Atchison resolutions were designed to supplement another introduced earlier in the day by Senator William Allen of Ohio, chairman of the Foreign Relations Committee, which authorized the President to give the formal notice necessary for abrogating the 1827 convention.

Atchison now persuaded Representative James B. Bowlin of St. Louis to introduce similar resolutions in the House. Back in Missouri, the *Jefferson Inquirer* praised "the excellent resolutions of Gen. Atchison" and proclaimed them the embodiment of "the true policy which our government should adopt towards that territory."

One of the chief opponents of the action proposed by the Atchison and Allen resolutions arrived in Washington two days after their introduction. The South Carolina legislature had returned John C. Calhoun to the Senate, and he came to Washington prepared to avoid war over Oregon if at all possible. The former Secretary of State called on Polk shortly after his arrival and expressed his belief that, if they were pushed, the

President's recommendations and the resultant resolutions would force Great Britain into a corner where her only choices would be withdrawal from Oregon or war. Calhoun therefore asked Polk to exercise a restraining influence, but received no assurances from the Chief Executive, who now began to anticipate the South Carolinian's opposition to the administration.

After the Christmas recess, Calhoun moved to refer the Atchison and Allen resolutions to the Committee on Foreign Relations in order to gain time to formulate his opposition. The issue was joined the following Monday, December 29, when Atchison's close friend, Edward A. Hannegan of Indiana, introduced resolutions declaring all of Oregon between 42° and 54°40' to be part of United States territory. The Hannegan resolutions further asserted that the federal government had no power to abandon American soil or American citizens and that surrender of any part of the Oregon Territory would be detrimental to the "honor, character, and the best interests of the American people." Debate between Calhoun and Hannegan followed the next day with the South Carolinian offering counterresolutions upholding compromise. The immediate result was the tabling of both sets of resolutions.<sup>10</sup>

The situation in Congress became so serious by the early part of January, 1846, that Representative James A. Black of South Carolina dared to intrude upon President Polk's Sabbath to seek advice. He reported that a serious split threatened the Democratic party in Congress over the question of terminating the Convention of 1827. The members from the Northwestern states strongly advocated giving notice to England of the United States' desire to end the Convention. Black feared that they would act "rashly and imprudently." Calhoun and his followers opposed the notice. Black, in an attempt at compromise, had visited Senators Atchison and Semple, and they agreed, he thought, not to press the notice. They asked only that the Calhoun men join them in supporting the remainder of Polk's recommendations. The South Carolina congressman also reported his talk with Calhoun and told the President that he believed the Southern leader would agree to the proposal of Atchison and Semple. He asked Polk to intervene with his friends in the Congress to postpone action

on the resolution to give the notice until a definite agreement could be worked out between the two factions. The President refused, emphasizing "that the only way to treat John Bull was to look him straight in the eye." He referred Black to his annual message; the views expressed therein remained unchanged. When asked if he would agree to hold a conference with the Western senators and Calhoun, the President indicated his willingness to do so. The meeting was never held, nor was any agreement reached between West and South although Polk expressed the belief in his diary that an attempt was made to secure one.<sup>11</sup>

Six days after Black's visit, the President received another caller in the person of John C. Calhoun. The South Carolinian raised the question of the Oregon resolutions immediately, and the two men discussed the issue at some length. Calhoun reported that he had "conversed fully with two of the most moderate & discreet Western Senators who were in favour of giving the notice." He informed the President that these men had declared their desire to prevent "any compromise or settlement of the question." They would vote against giving the notice of termination of the Convention if Calhoun and his followers would oppose any negotiations by the administration with Great Britain. Polk assumed that Calhoun referred to Atchison and Semple, but at this point in their conversation, Buchanan and other cabinet members began arriving for their weekly meeting with the President, and this part of the conversation ended. Within the next two weeks, however, Calhoun wrote three letters which definitely indicate that no agreement had been made with the Atchison group. Indeed, he wrote his eldest son on January 16 that although the notice probably would be given, he hoped that it might be qualified "by making it a condition to offer the 49th, as the basis of a compromise, or even a reference to arbitration, if nothing better can be done."<sup>12</sup>

Atchison and several other congressmen dined at the White House on January 13, but there is no evidence that the Oregon question came up for serious discussion. Indeed, following his conversation with Calhoun on January 10, Polk does not mention Oregon again in his diary until two weeks later when the Cabinet took up the issue at its regular meeting.<sup>13</sup>

On February 12, the House passed a resolution to terminate joint occupation, by voice vote. The resolution contained a clause stating that it was not intended to interfere with any negotiations. When the resolution came before the Senate, a heated and lengthy debate began which was to continue over a period of two months.<sup>14</sup> Atchison visited the President on February 16 "concerning some appointments in the West," but apparently they did not discuss Oregon. Shortly thereafter, Calhoun and other Southern senators consulted Polk about an amendment which they proposed to make in executive session. It would advise the President to re-open negotiations for a settlement at the forty-ninth parallel. Polk, however, refused to tie his hands in the matter, whereupon the southerners dropped their proposal.<sup>15</sup>

As the debate progressed, some of the Democratic senators from the Northwest became increasingly worried, not knowing whether Polk would compromise on the forty-ninth parallel or stand firm for 54°40'. They accordingly caucused and designated Senators Atchison and Hannegan to consult the President. Polk received the two men during the evening of March 7 and discussed with them at some length the Oregon debate in the Senate. Finally Hannegan raised the question as to whether the President would compromise if the opportunity arose. Polk replied that he could make no guarantee of future action but "that what I had done on the Oregon question was before the world, and had, I believed, been approved by himself and, as far as I was able to learn, by the country generally." The Indiana senator agreed with this, whereupon the President advised him to "wait then until I act and then approve or condemn what I may do." Atchison approved of this suggestion and said that Polk's reply satisfied him, whereupon the interview terminated, and the two senators departed.<sup>16</sup>

In the midst of the Senate debate, Governor Aaron V. Brown of Tennessee wrote Atchison: "I do not hear enough from you this session—nothing *personally* & not often on the floor *politically*. Do more of the *debating*, however much you may dislike the modern plan of *puffing* & *swelling* in the way of *speechification*. If we do justice to ourselves we must conform in some degree

even to the vicious habits of the age in which we live." As to Oregon, Brown asserted that he did not doubt the absolute validity of the American claim to all of the territory south of the forty-ninth parallel. He suggested the possibility of a compromise which would secure this to the United States and retain joint occupation north of that line.<sup>17</sup>

Atchison accepted the Tennessee governor's advice, and during the remainder of the Oregon debate made four speeches on the Senate floor. The first of these was made on March 12, five days after he and Hannegan had visited the White House. In this speech, the Missourian denounced Calhoun's attempt to instruct the President to negotiate on the ground that Congress had no such authority. He favored making the resolution ending joint occupation as brief as possible and declared that the President should be left free to send the notice at his discretion. Atchison made it clear that he was anxious for Congress to share in terminating joint occupation but reminded his colleagues that only the abrogation of the treaty was their concern and therefore no conditions should be attached. The junior senator from Missouri did not support the policy of "wise & masterly inactivity" which several of his colleagues favored. American settlers already occupied Oregon and needed their government's protection; the Convention of 1827 prevented any official action. From personal acquaintance with many Missourians who had moved to Oregon, Atchison knew they had migrated because they had been promised protection by Senator Linn and others. He warned that emigration to the Territory would dwindle if Congress failed to fulfill these promises.

The Missouri senator declared that President Polk must consider himself bound by the Baltimore Platform rather than by the offers of his predecessors. He would rather fight or follow the policy of "masterly inactivity" than give up any part of Oregon through negotiations. Proclaiming his belief in the motto, "To ask for nothing but what is right, and submit to nothing wrong," Atchison demanded proof that Great Britain's claim was more valid than the United States'. Given such proof, he would uphold Great Britain's claims against all to avoid "an unnecessary & unjust war." He held, however, that the United

States' title was the clearer; he would therefore "shed the last drop of his blood—expend the last dollar in the Union—before he would yield any portion of it without a just & satisfactory equivalent." Atchison denied the charge that he fought for 54°40' in order "to make a long line of Presidents." Although he had taken no active part in the proceedings of the Baltimore convention, he had supported the party and its candidates in the last election. The *Missourian* upheld 54°40' simply as a matter of principle. Responsibility for war rested entirely with England, and "the man who sacrificed the ascertained rights of his country, assumed a responsibility that would sink a world." In conclusion, Atchison reaffirmed his faith in Polk by stating that he did not believe the President would lose any of Oregon by negotiation.<sup>18</sup> Undoubtedly he had arrived at this belief following the White House interview five days earlier.

As had been the case with Texas, the Oregon controversy found Missouri's two senators again in disagreement as to the means of settlement. While Atchison took a strong stand for all of Oregon, Benton consulted with Polk on the advisability of compromise along the forty-ninth parallel. "Old Bullion" favored compromise as the best means of avoiding war and urged the President to negotiate once the notice had been given. On April 1, he launched an attack in the Senate against the "fifty-four forty men," stating with positive conviction that the history of Oregon failed to support any American claim to the entire territory.<sup>19</sup>

Atchison rejoined the debate on April 9 when he addressed the Senate to announce that he would vote for a resolution calling upon President Polk to transmit to Congress copies of the correspondence concerning the Oregon negotiations. He did this, not because he mistrusted the President, but in order to throw more light on the matter. At the same time, the *Missourian* declared that he would not vote for giving the notice if he knew Polk intended to use the action as a basis for negotiating away any of the Oregon territory.<sup>20</sup>

The Senate finally voted on April 16. It ordered the resolution terminating joint occupation to a third reading by a vote of 40 to 14, with Benton for and Atchison against the motion. The

third reading followed immediately, and the resolution passed by a voice vote. As finally approved, the resolution permitted the President to use his discretion about giving the notice and urged the two nations to seek "more earnestly and immediately" a peaceful settlement. This last clause prevented Atchison from voting in favor of the resolution because through it the President might justifiably conclude a territorial compromise. When the amended proposal came before the House, it passed by a vote of 142 to 46, with Missouri's delegation splitting on the issue.<sup>21</sup>

President Polk discussed the resolution with his Cabinet at their regular meeting on Saturday, April 25. They agreed unanimously that the President should give the notice to Great Britain through the American minister at London. Secretary of State Buchanan drew up the document, and Polk signed it at the next regular Cabinet session the following Tuesday, April 28. Buchanan then sent it to the British government with an invitation that they propose another settlement offer.<sup>22</sup>

While waiting for British reaction to the notice, Congress moved ahead with plans to extend American jurisdiction over Oregon. Stephen A. Douglas of Illinois secured passage through the House of a bill similar to those which Linn and Atchison had proposed in 1843. When this bill came before the Senate, Benton attacked it and again pleaded for compromise with Great Britain at the forty-ninth parallel. Atchison countered with the need for some form of territorial government in Oregon as soon as the Convention of 1827 was abrogated; Congress should work now on the attendant problems. He was unconcerned whether jurisdiction extended to 54°40' or only to the forty-ninth parallel; the immediate necessity was to protect American settlers already in the Territory.<sup>23</sup>

Before action could be taken in the Senate on the Douglas bill, the administration received a British offer of settlement. This proposed the forty-ninth parallel as the boundary line, reserving the British right to the whole of Vancouver Island and the free navigation of the Columbia River. The Cabinet debated the proposal on Saturday, June 6, and agreed to submit the offer to the Senate for its advice. Polk had already discussed such a move

with Benton and several other senators, and "Old Bullion" later took the credit for it.

The presidential request for advice reached the Senate the following Wednesday. In submitting the proposal, Polk stated that while his views remained unchanged from those expressed in his annual message, he thought it best to consult the Senate for its opinion on a matter of such importance. In so doing, the President attempted to evade direct responsibility for the compromise decision and thereby to maintain faith with the Baltimore Platform. He made it appear that the proposal came entirely at Great Britain's instigation, whereas that government would never have made the offer had they thought the administration might reject it. Warning that war might result if they did not accept the compromise, Polk attempted to saddle the Senate with the decision and its consequences. After the failure of several attempts to delay on the part of the "fifty-four forty men," the Senate agreed in executive session on June 12, by a vote of 38 to 12, to advise the President to accept the British compromise offer. Benton cast his ballot in favor of the resolution; Atchison did not vote, although he had been present on the floor of the Senate earlier in the day.

Secretary of State Buchanan and the British minister, Richard Pakenham, signed a treaty incorporating intact the British proposal on Monday, June 15. President Polk submitted it to the Senate for ratification the following day. The "fifty-four forty men" now made one last desperate effort to prevent compromise. When the treaty came before the executive session of the Senate on June 18, Hannegan proposed that the President be directed to inform Great Britain that she must acknowledge the right of the United States to all of Oregon up to 54°40'. In return the United States would guarantee to the Hudson's Bay Company for twenty years from the date of the treaty perfect security in all their possessions. Within twelve months of the treaty date a commission would be appointed to appraise and assess the value of the Hudson's Bay Company holdings in Oregon. These would then be purchased by the United States according to mutual agreement. Hannegan's proposal met overwhelming defeat, with only a hard core of five noncompromisers, in-

cluding Atchison, voting for it. The Senate then voted on the resolution approving the treaty and brought the Oregon dispute to an end by a count of 41 to 14.

Atchison, who had done so much to carry on the work of Lewis Linn in keeping the Oregon question before Congress, voted against the final treaty because of his firm belief that the United States should have maintained its claim to the whole territory as far north as 54°40'. Polk wrote in his diary shortly after the vote was taken that Senators Atchison, Hannegan, and Semple had "lashed themselves into a passion" because of the Senate's action on the treaty. They successfully supported the Whigs in making Daniel Webster chairman of the Foreign Relations Committee; Atchison voted against a Polk appointee after assuring the President that he would not oppose him.

When Congress adjourned that August, it devolved upon Atchison as president pro tem of the Senate to call upon the President and so inform him. He took the opportunity to assure Polk that although he had been excited on the Oregon question, he remained the President's personal and political friend.<sup>24</sup>

Atchison had become presiding officer of the Senate only a short time before. Near the end of the session the Senate found it necessary to choose a president pro tem to preside in the absence of Vice-President Dallas, who had left Washington early. A spirited contest ensued. Initially the two principal candidates were Hannegan and John M. Niles of Connecticut. Although the former led through five ballots, he was unable to gain a majority. The Indiana senator then withdrew in favor of Atchison, who had received two votes on the first ballot and three on the fifth. Gradually picking up additional support, the Missourian had sixteen votes on the sixth ballot to Niles's eighteen. On the seventh, Atchison passed the Connecticut senator, and on the eighth, obtained a majority. The final vote stood Atchison 25, Niles 10, with a number of others receiving scattered support.<sup>25</sup>

Thus the Senate chose Atchison as its president pro tem less than three years after he had become one of its members. Except for a two-year period from 1850 to 1852, it consistently re-elected him to that position by unanimous vote until he voluntarily relinquished the post in December of 1854. It is a tribute to Atchi-

son's ability and personality that he received this honor from a Senate which contained some of the most illustrious members in its history.

War broke out with Mexico in May of 1846 before the completion of the Oregon negotiations. Although Atchison voted with the overwhelming majority of his Senate colleagues in favor of war, he took very little part in the congressional debates which raged upon various aspects of the conflict.

Missouri's chief contribution to the war effort came through the famed Doniphan expedition, which played a major role in securing present-day New Mexico. Led by Atchison's long-time friend and former law associate, Alexander W. Doniphan, the expedition achieved such fame that its leader became Missouri's chief military hero in the period before the Civil War. Upon their return from Mexico, the expedition received tumultuous welcomes in St. Louis and other cities throughout the state. Atchison spoke at the welcoming celebration in Liberty on July 24, 1847. He praised Doniphan highly and contrasted his expedition with Colonel Gentry's unfortunate command in the Seminole War. "The magnanimous will glory in according to him, the honors he so justly merits, as I who have known him so long and so intimately know." Atchison, as chairman of the Senate Militia Committee, had actively supported, in opposition to the President, a move made in Congress the previous winter to rely on volunteers rather than to increase the regular army, and he praised Doniphan's men for sustaining his opinion of them through their valor on the battlefield.<sup>26</sup>

When the Senate ratified the peace treaty the following year, both Atchison and Benton voted against it, primarily because they believed that it awarded too little territory to the United States.<sup>27</sup> Atchison took no part in the debate preceding ratification, however, having become absorbed once again in the Oregon question.

## CHAPTER VI

### A GOVERNMENT FOR OREGON

**T**HE QUESTION OF a territorial government for Oregon became the dominant issue in the first session of the Thirtieth Congress, which convened in December of 1847. In the abbreviated session the previous winter, a bill to this effect had passed the House by a large margin. The bill ran into difficulty in the Senate, however, because it specifically excluded slavery from Oregon. The Southern-dominated Judiciary Committee, to whom it was referred, rescinded this provision. As a result, Northern senators led a successful movement to table the bill when it came to the floor on the final day of the session.<sup>1</sup>

Settlement in Oregon had increased to such proportions by the following winter that Congress could no longer ignore or postpone action concerning its government. On January 10, 1848, Stephen A. Douglas, newly-elected senator from Illinois, introduced a bill providing for a territorial government for the region. The Senate referred the measure to the Committee on Territories, from which Douglas reported it on February 7 without amendments. The bill, as originally reported, made no mention of slavery in the new territory, but debate on it had hardly begun on May 31 when Senator John P. Hale of New Hampshire introduced an amendment prohibiting slavery in the region as previous bills had done. Hale's action touched off a debate during which several proposals were made concerning the slavery issue. Calhoun took charge of the Southern forces which opposed all restrictions on slavery, while leaders from the border states attempted to work out a compromise.

The latter sought presidential advice. Polk, fearing that the policy of territorial self-determination would kill any hope of passing the bill, proposed extending the Missouri Compromise

line to the Pacific Ocean. Thereupon Senator Jesse D. Bright of Indiana moved an amendment to this effect on June 27. Calhoun maintained that Congress had no power under the Constitution to prohibit slavery anywhere. Matters remained deadlocked until July 13 when, by a vote of 31 to 14, the Senate referred the bill to a special committee of eight, to be elected by ballot.<sup>2</sup>

As proposed by Senator John M. Clayton of Delaware, membership on the committee consisted of four members from each of the two sections with both political parties represented equally. Scarcely a division marked the selection of the committee members by their respective sections. Because of his previous work on the Oregon question, the Southern Democrats chose Atchison to serve with Calhoun as one of their representatives on the group. The Southern Whigs named Clayton, who subsequently became chairman of the committee, and Joseph R. Underwood of Kentucky. The Northern members of the committee were Bright of Indiana and Daniel S. Dickinson of New York, Democrats, and John H. Clarke of Rhode Island and Samuel S. Phelps of Vermont, Whigs. To this committee the Senate referred not only the Oregon bill but also those measures proposing governments for the recently acquired territories of New Mexico and California.

At its initial meeting on Friday morning, July 14, the select committee undertook a general discussion of the problems confronting it. The group took no action beyond electing Bright as secretary, however, because of the absence of Senator Phelps. At its second meeting the following morning, the committee immediately set to work behind closed doors. Atchison moved "that the spirit of the Missouri Compromise be adopted to govern the settlement of the Territories of the United States." In so doing, he carried out the instructions which the Missouri General Assembly had given its senators during its 1847-1848 session and which the junior senator had presented in the Senate on January 31. Atchison's motion in the committee carried, 5 to 3, with Dickinson joining the four Southern members to produce this result. Thereupon Bright moved the same amendment to the Oregon bill he had made earlier on the floor of the Senate which proposed the extension of the Missouri Compromise line to the

Pacific Ocean. The committee members could not agree that this proposal represented the spirit of the Missouri Compromise, and the motion was lost by a tie vote, with Clayton joining the Northerners in the affirmative, and Clarke voting with the Southerners in the negative. Underwood then proposed that "the people of each territory . . . decide for themselves the question whether slavery shall be tolerated." This proposal, too, proved unacceptable, with only Dickinson and Underwood supporting the motion when it was put. Finally the committee voted to report the bills as originally sent to it as a single measure, with one amendment.<sup>3</sup>

Clayton reported back to the Senate on Wednesday, July 19, and presented a bill providing for the organization of a territorial government in each of the three regions: Oregon would have a territorial government immediately with no restrictions on slavery; temporary governments would be set up in California and New Mexico on a similar basis, but citizens there would have the right to appeal to the federal courts if a slave brought into the territory claimed his freedom. This provision made the slavery issue a constitutional question to be determined in the usual manner. By including it in the bill, the committee hoped to prevent controversy. In presenting the bill, Clayton praised the work of his colleagues and especially noted the conciliatory attitude which marked their discussions and their final decision.

Full-scale debate on the measure began three days later. Calhoun took the floor to announce that he considered the compromise bill the only permanent solution to the most vexing and dangerous controversy the country had yet faced. Moderate Northerners such as Phelps and Dickinson agreed, but a small group of Northern extremists attacked the bill because of its slavery provisions. A test vote was taken the same day when Senator Roger S. Baldwin of Connecticut moved to strike from the bill the provisions pertaining to California and New Mexico. The Senate defeated Baldwin's motion 37 to 17, with the affirmative votes coming primarily from the Free-Soil ranks.<sup>4</sup>

Atchison entered the debate on July 26, supporting the committee measure. His speech clearly indicated that the Missourian had not yet joined the ranks of the Southern ultras, for he

declared that he had been willing in committee to carry out the letter as well as the spirit of the Missouri Compromise in settling this controversy. Atchison stated emphatically that Oregon needed territorial government; if Congress would not provide her with one, he believed the residents had the right to declare their independence of the United States. "For six long years," he reminded his colleagues, "have our citizens in that Territory been without law; and here let me remark, that whatever difference of opinion there may be between Southern gentlemen and myself on this subject, I have ever been willing, from the hour that two hundred citizens planted their feet on the soil of Oregon, to give them a government and laws, *either with or without slavery*. I believe I was the first to introduce a bill into this body for the establishment of a Territorial Government in Oregon, and in that bill I incorporated the ordinance of 1787; and for years I heard no objections to it on that score."<sup>5</sup>

The compromise bill passed the Senate at eight o'clock the following morning after an unsuccessful attempt by John Davis of Massachusetts to invoke the Wilmot Proviso, which would prohibit slavery in the territory acquired from Mexico. The Senate had been in continuous session for twenty-one hours when the final vote came to engross the bill. It passed, 33 to 22. An analysis of this vote shows that the bill received twenty-three Southern votes and ten from the Free-Soil states, while nineteen of the twenty-two negative votes came from Northern senators. On a party basis, twenty-six Democrats and seven Whigs supported the measure, while eight Democrats and fourteen Whigs opposed it.

The bill met a sad fate in the House. It had hardly been taken up when Alexander H. Stephens of Georgia moved to lay it on the table. After a slight delay, this motion carried 112 to 97 in a vote which showed a purely sectional tendency, with only seven other Southerners, all Whigs, supporting Stephens. Nevertheless, this group provided the necessary margin for defeat and postponed until a more tumultuous session the question of territorial governments for California and New Mexico.<sup>6</sup>

The House, in the meantime, had taken up its own bill to

organize Oregon Territory. With the defeat of the Senate's compromise measure, it now pushed this bill through by a sectional majority and sent it to the Senate which referred it to the Committee on Territories. This measure extended the antislavery provisions of the Ordinance of 1787 to Oregon and provided that all laws passed by the provisional legislature which the settlers had established would be valid. These laws included one which prohibited slavery.

Douglas reported the bill back from committee two days later with numerous amendments. After an all-day debate the amended measure passed the Senate that same evening, with Atchison supporting it. When the House rejected the Senate amendments the next day, the measure came back to the Senate for further debate. Douglas moved the appointment of a conference committee, but Benton immediately followed with a motion to recede from the amendments. Benton's motion took precedence. Before a roll call could be made, however, James M. Mason of Virginia moved to lay the bill on the table. Atchison voted against the South and with the majority, 32 to 18, to kill the motion to table. The session now had gone past midnight, and a Southern motion to adjourn won Atchison's support. The majority refused to adjourn, however, so the session continued. The Senate now voted to recede from all amendments. On only two of them did a division of the house occur. In both cases Atchison voted with the South in its fruitless efforts to uphold the veto power of the territorial governor and the validity of the Missouri Compromise line, which had been included to make nonslavery more palatable to the Southern conscience. Stripped of amendments, the bill stood in the form in which it had come originally from the House, and thus became law.<sup>7</sup>

During this session of Congress the rumor spread through Missouri that Atchison hoped to be named governor of Oregon when Congress established a territorial government in that region. No official evidence supports the rumor. If Atchison nursed any such desire, it never matured, for President Polk soon appointed Joseph Lane as Oregon's first territorial governor.<sup>8</sup>

## CHAPTER VII

### THE SOUTHERN ADDRESS

FOLLOWING THE adjournment of Congress in August of 1848, Atchison returned to Missouri to stand for re-election. Although the Senator had not indicated clearly prior to this time whether he would be a candidate to succeed himself, Dr. John J. Lowry wrote former Governor Marmaduke in September: "Genl Atchison, I presume, will be before the people of Mo. for a reelection. Well, history & experience teach us, that public men when they taste the sweets of public life, are fond of continuing." Several of Marmaduke's friends had indicated their support of him for the office, but by November one of them observed that little was being said in St. Louis against Atchison's re-election. Former Congressman Sterling Price temporarily appeared as another possible opponent. He had resigned his seat in Congress to go with Doniphan's expedition and had returned from the New Mexico campaign a hero, but his candidacy never materialized. By the end of the year, a Democratic legislator wrote confidently to Marmaduke: "Monday we shall elect a United States senator. Atchison will have no opposition."<sup>1</sup>

Atchison meanwhile stumped western Missouri for the national Democratic ticket of Lewis Cass and William O. Butler. James H. Birch, Claiborne F. Jackson, and Willard P. Hall accompanied him to various places on this tour. All four strongly upheld the regular party nominees while denouncing the Free-Soil wing of the Democracy which split off to support Van Buren for the presidency.

Thomas Hart Benton, on the other hand, found himself caught between his desire to keep the Democracy united and his friendship for Van Buren. Consequently, he did as little as possible in the ensuing campaign. Although urged to come to St. Louis and

present his views on the candidates, "Old Bullion" stayed away from Missouri. His lukewarm attitude alienated many regular Democrats in the state and gave his enemies more fuel for the fire they had kept smouldering since the early 1840's.

Foremost among the discontented was Samuel Treat, editor of the St. Louis *Union* and secretary of the Democratic National Committee. Treat had arranged for Benton to visit Van Buren in an effort to keep the ex-President from splitting the party. Having already written Van Buren on May 29 that he thought a movement against Cass inadvisable, "Old Bullion" refused to make the trip, and Treat reported that this "convinced me that he was half-hearted in the campaign."<sup>2</sup> When the Free-Soil defection caused the Democracy to lose the presidency, Benton's inactivity appeared even more indefensible to the Cass supporters in Missouri. His close association with the Blairs, who backed Van Buren to the extent of establishing a Free-Soil paper in St. Louis during the campaign, increased the suspicions of regular Democrats that Benton sympathized with the defectors.

The Democrats had retained complete control of the General Assembly in the state election, but their caucus to nominate a candidate for United States senator proved a strange affair. Apparently because of indications that others might receive token support in the caucus, Atchison's supporters bolted the meeting in its early stages "and refused in many instances to agree to the necessary & long established rules by which bodies of the kind have been for time immemorial accustomed to be governed." Two names were placed before the group. Both men, being friends of Atchison, declined. By this time the Atchison men had returned; whereupon, the caucus nominated him by acclamation. The joint session, meeting on January 1, 1849, gave the junior senator a decisive majority of 102 over 21 for James S. Rollins, who received most of the Whig votes. Atchison already had returned to Washington and received notification of "that important fact" by telegraph.<sup>3</sup>

Samuel Treat made the following editorial comment on the Senator's triumph:

The re-election of this gentleman to the United States Senate, will give unmingled satisfaction to the Democracy of Missouri. It will be doubly gratifying to Gen. Atchison, that the Democratic members of the Legislature were, from the first nearly unanimous in his favor. . . .

It was at one period apprehended, that Gen. Atchison would decline a re-election, and such was, some time ago, supposed to be his desire but duty yielding to the nearly unanimous desire of the Democracy of the whole State, he placed himself again in their hands, and his re-election followed as a matter of course. A more honest, faithful and highminded man never sat in the halls of Congress. He enjoys the unbounded confidence of the people, and the esteem in which he is held by his brother Senators, has been attested in the most marked manner, by making him President pro tem. of the Senate.

The *Jefferson Inquirer* reprinted this editorial from the *Union* and apparently agreed with its sentiments.<sup>4</sup> This agreement serves as a significant indication that at the time of his re-election Atchison enjoyed the confidence of the entire Democracy of Missouri, for in the struggle which followed with Benton, the *Inquirer* was to become the junior senator's leading critic in the state.

The Thirtieth Congress met for its second session in December of 1848, and Atchison resumed the chairmanship of the Committee on Indian Affairs to which the Senate had elected him during the first session.<sup>5</sup> Much of his legislative work during these years was connected with this committee. As its chairman, Atchison guided many Indian treaties and claims through the Senate. He took a firm stand in upholding the treaty rights of the various tribes and always attempted to see that they received fair treatment from the federal government.

The previous failure of Congress to provide a government for California thrust this issue with full force upon the present session. The first nugget of gold had come from Sutter's millrace the previous January; by the time Congress convened, the "gold rush" had begun. Senator Douglas took the lead by introducing a bill which provided that all the territory acquired from Mexico be organized as the state of California, with Congress retaining the right to carve additional states from the region east of the

Sierras should it deem this desirable at some future time. The bill made no mention of slavery. Over the Illinoisan's protests, Southern senators managed to have the bill referred to the Judiciary Committee which they controlled, rather than to the Committee on Territories.<sup>6</sup>

Meanwhile, in the House, the South had beaten down two attempts to abolish slavery in the District of Columbia. Then, on December 20, the House Committee on Territories reported a California bill which included the antislavery provisions of the Ordinance of 1787. The following day, Daniel Gott, a New York Whig, introduced a resolution calling for the abolition of the slave trade in the District of Columbia. A Southern attempt to table Gott's resolution failed by four votes; the House then passed the resolution by a vote of 98 to 88.<sup>7</sup>

These portents stirred fourteen Southern senators, including Atchison, into action. They met in special caucus sometime in mid-December. As a result of this meeting, they issued a resolution appointing five of their number "to ascertain who amongst the Southern members are willing to unite in an address to the Southern people advising firm, prompt and manly opposition to the Wilmot proviso in the event of its being applied by law to the territory acquired from Mexico south of 36°30'." The resolution also authorized the five "to call a meeting of the Southern members when in their opinion it is proper to do so." Although this latter committee did not include Atchison, he played a prominent role in subsequent proceedings.<sup>8</sup>

Atchison later wrote a group of his constituents that these events had led him to conclude "that it was the fixed design of the Free States, not only to prevent the Slave States from any further participation in the Territories of the United States, but by a series of measures to reduce the latter to a state of *helpless inferiority*, and to subject them and their institutions to the mercy of Abolitionism. And that Missouri would be the first victim sacrificed upon the altar of this infernal spirit."<sup>9</sup>

Missouri's junior senator had begun his move into the Southern ranks on the final votes of the Oregon debate the previous August. Undoubtedly the election campaign which followed had helped to convince him that he must increasingly take his stand

with the South. The defection of the Free-Soil ranks under Van Buren had taken enough votes from the Democrats in New York to allow General Taylor to carry that state and the election over Cass, whom Atchison supported. The Free-Soil trends which the Missourian saw during the early days of this session simply gave added impetus to his determination that "As a Senator from Missouri, and as a citizen of a Slave State, it is my duty to resist every attempt to change her institutions, and every assault upon her rights." Atchison therefore began to work actively with John C. Calhoun and his followers. By the end of the next session of Congress in 1850, the lawyer who had come from bluegrass Kentucky to frontier Missouri twenty years earlier stood in the front ranks of the apostles of Calhoun and espoused wholeheartedly the political defenses he had created for the slaveholding states.

Following the passage of Gott's resolution, Senator Foote, a member of the committee established by the Southern senators, circulated through the House a call for a meeting of Southern congressmen to be held at seven o'clock in the Senate chamber on Thursday evening, December 22. At the appointed time, eighteen senators and fifty-one members of the House, representing both political parties and every slave state except Delaware, appeared in the Senate chamber. The group called upon Senator Thomas Metcalfe, a Kentucky Whig, to take the chair. They then named Atchison and Whig Representative John Gayle of Alabama as vice-presidents while Democratic Representative Abraham W. Venable of North Carolina served as secretary.

Organization completed, Representative Thomas H. Bayly of Virginia introduced a set of resolutions which he had prepared hastily that same afternoon. These resolutions pledged the South "to maintain and defend" the Constitution "against every aggression" and expounded the contractual theory of the formation of the Union. Congress, they declared, had no power "to impair or destroy the right of property in slaves" anywhere in the Union. The resolutions dealt with the issues immediately before Congress and the support of "a dangerous character" given these issues by the inhabitants of the free states. Southern congressmen "had exhausted their power of resistance in vain." They must now

explain the danger to their constituents who should decide what action to take. In closing, Bayly proposed that a committee, to consist of one member from each slave state, be appointed to draw up a suitable address.

Alexander H. Stephens of Georgia moved that the whole problem, including the resolutions, be referred to a committee as Bayly suggested, and that this group be instructed to report on or before January 15, 1849. Calhoun now rose to address the gathering. He had not instigated the meeting and had known nothing of it until approached, like all the others, by Foote. He supported Stephens' motion and declared that the sooner an address could be drawn up the better, since the Southern legislatures were now in session. It would be their task, not that of the congressional delegations, to take the necessary action. Public opinion had crystallized rapidly in the North during the past three years, and the South must now show that she did not intend to submit further. Nevertheless, conciliation and moderation must also be shown. Calhoun therefore took the middle ground that no hasty action be taken by the congressmen themselves. They should merely inform the people at home of the situation on the national scene and allow them to decide what action should be taken.

Foote and the radicals, however, pressed for the immediate passage of Bayly's resolutions while others contended that the South should take no action unless the objectionable measures became law. After much debate, the group adopted Stephens' motion. In accordance with it, the chair named a committee of fifteen, one from each slaveholding state. Atchison represented Missouri on this group which included Stephens as chairman, Calhoun, Foote, King, Bayly, Clayton, and others prominent in the Southern ranks.<sup>10</sup>

The committee, which included eight senators and seven representatives—nine Democrats and six Whigs—met the following day for its initial session. It confirmed Stephens as chairman and discussed general procedure. It then designated a subcommittee of five to prepare an "Address to the People of the Southern States." Calhoun, Clayton, King, Bayly, and Congressman Morehead of Kentucky served on this group.<sup>11</sup> Washingtonians gen-

erally conceded that the actual task of drafting the address would fall to the South Carolinian, and they speculated during the next weeks as to its contents.

Atchison received word of his re-election to the Senate on January 10, 1849, assuring him of the support of the Missouri Democracy. That same day the House voted, 119 to 81, to reconsider Gott's resolution and then adjourned without taking further action. That evening the subcommittee made its report. Calhoun read his address to the full committee which discussed it at length. They reached no decision as to further action and agreed to adjourn until Saturday morning, January 13. At this subsequent meeting, two members were absent, but both had given their proxies to a fellow member. Discussion developed as at the previous meeting. Congressman Chapman, a Maryland Whig, moved that expediency called for no address whatever at this time. The group defeated this motion, 8 to 7, on a strict party basis, with the Democrats, Rusk of Texas excluded, voting against it. The same division carried Bayly's motion that Calhoun's address be presented to the meeting of the entire Southern delegation on the 15th.<sup>12</sup>

The defection of the Whigs from the general project became much more evident when the general session of Southerners convened on Monday evening. The reconsideration and subsequent failure of Gott's resolution had taken the fire from them, and they now began retracting in an effort to protect the interests of their President-elect, Zachary Taylor. Certain of the more moderate Southern Democrats called on President Polk the evening before the scheduled meeting to seek his advice on the course they should follow. The President wrote in his diary: "My advice to the gentlemen who called this evening was to attend the meeting to-morrow night & endeavour to prevent anything from being done; but not themselves to sign any address." He repeated this advice to another group the following morning.<sup>13</sup>

Eighty-eight Southern congressmen met in the Senate chamber to hear the report of the committee. They decisively defeated a motion to admit reporters and the public and then settled down to business. Although Metcalfe had written John J. Crittenden earlier that same day that he would retire as president of the

conclave if the doors were not opened to all, he remained in the chair throughout this meeting and the one which followed. Venable, the secretary, read Calhoun's address, and prolonged debate followed. The Democrats successfully voted down, 60 to 28, a motion by Clayton to table the address; but when Senator John M. Berrien of Georgia, one of the Whig leaders, moved to recommit the address, his motion carried by the slim margin of 41 to 40, with Atchison and most of the Democrats on the negative side. Calhoun already had signified his willingness to have the address modified if the character and truthfulness of the document stood unimpaired. In recommitting the address, the group gave the committee no new instructions, but the members agreed informally that no changes should be made in the narrative portion of Calhoun's draft.

The Whigs made one last desperate attempt to kill the address by moving adjournment sine die, but the group voted this down overwhelmingly. Five members then asked to be relieved from further service on the committee. The group included Stephens and Clayton, but Metcalfe refused to excuse the latter "under a conviction that no substitute would take his place, and because of my great confidence in his ability to do good, as well as in his patriotism." The Whigs had no one else who might effectively counterbalance Calhoun. The chair appointed replacements for the others, but in so doing carefully maintained the Democratic-Whig line-up. The meeting then adjourned until January 22.<sup>14</sup>

The revamped committee of fifteen met on the morning of January 18 and chose Senator King as its chairman, replacing Stephens. Only eleven members appeared at the meeting, and the four absentees did not send proxies. Senator Berrien, who had replaced Stephens as Georgia's representative, moved to change the orientation of the address from one directed to the South to one intended for the people of the entire Union. Berrien's motion carried by a vote of seven to four, with Atchison, Bayly, Calhoun, and Venable opposed. A second motion by the Georgia senator to appoint a new subcommittee passed by the same vote. The committee of fifteen then referred the address to a subcommittee of five consisting of the chairman, Berrien, and Atchison, Cabell, Bayly, and Calhoun. Only the latter two remained from the first

subcommittee, but the Democrats still held the majority in the small group. The committee of fifteen then adjourned until Saturday evening, January 20, when the subcommittee was to report.

In the interim, Calhoun's health broke, and he did not attend the January 20 meeting. When the full committee reassembled on that date, Berrien presented a substitute address which he had drawn up. Atchison and Bayly brought in Calhoun's address with certain modifications to which the South Carolinian had agreed. The committee of fifteen voted to submit both to the general meeting two days later.

Nearly eighty Southern congressmen gathered in the Senate chamber to hear the report of the committee. Berrien read his own address and recommended that it be adopted as a substitute for that of Calhoun. The group dispensed with reading the latter because its contents were already known. Stephens moved that no address be issued, but the group voted this down, 59 to 18. Many of the Whigs then withdrew so that when Senator King moved the approval of Berrien's draft, only sixty members voted, resulting in its defeat by a vote of 27 to 33. The conclave then adopted Calhoun's address, and the meeting adjourned at one o'clock in the morning. The members agreed, however, that none would sign the document until all had had time to study it thoroughly.<sup>15</sup>

Calhoun, who was unable to attend the final meeting, returned to his Senate seat two days later. He then proceeded to get as many signatures as possible for the address. Although he met many refusals and difficulties, the South Carolinian wrote his daughter that the address was "a decided triumph under the circumstances" since "the administration threw all its weight against us, and added it to the most rabid of the Whigs." In the end, only forty-eight of the 121 Southern congressmen signed the address. Forty-six of the seventy-three Democrats affixed their signatures; Atchison alone of the Missouri delegation signed. His colleague, Thomas Hart Benton, had refused from the beginning to have anything to do with the caucus or the address and in conversation with his friend, Francis Blair, had denounced the whole movement as "incipient treason."<sup>16</sup>

The Southern Address, drawn up by Calhoun and supported by Atchison, traced the violations of that provision in the Constitution protecting the institution of slavery and requiring the return of runaway slaves. The Southerners contended that in this provision lay one of the cornerstones of the Constitution. The climax of the violations had been reached when the Northern congressmen attempted to prohibit slavery in the territory newly acquired from Mexico and to abolish the slave trade in the District of Columbia. The Address summarized very well the doctrine of States' rights which the South would increasingly come to accept and uphold in the decade which followed:

Ours is a Federal Government—a Government in which not individuals but States, as distinct sovereign communities, are the constituents. To them, as members of the Federal Union, the territories belong; and they are hence declared to be territories belonging to the United States. The States, then, are the joint owners. Now it is conceded by all writers on the subject, that in all such Governments their members are all equal—equal in rights and equal in dignity. They also concede that this equality constitutes the basis of such Government, and that it cannot be destroyed without changing their nature and character. To deprive, then, the Southern States and their citizens of their full share in territories declared to belong to them, in common with the other States, would be in derogation of the equality belonging to them as members of a Federal Union, and sink them from being equals, into a subordinate and dependent condition.<sup>17</sup>

Through the whole proceedings which surrounded the issuance of the Southern Address, Atchison had actively supported Calhoun and his views. As a member of the final subcommittee, he championed the Address during its author's illness. Atchison's experience with Calhoun at this time had momentous consequences for the future. There can be no doubt that the Missourian accepted the views of the Southern Address as his basic political philosophy. Five months later, in replying to certain resolutions passed by a convention in Platte County, he asserted: "It is well known to you, that I participated in the deliberations of the southern members, preceding the adoption of that address; and that my name with others is appended to it. . . . I would

not undo the act if I could. I expect always to be found acting with the southern men in the Senate chamber and out of it, in defence of the rights of the southern States.”<sup>18</sup> That this was no empty statement, Atchison proved repeatedly during the next fifteen years.

## CHAPTER VIII

### BENTON'S APPEAL

NOT ALL OF Atchison's colleagues were as fortunate as he in securing re-election to the Senate in the winter of 1848-1849. Among those who fell by the political wayside in their home states were two of the Missourian's closest friends, Simon Cameron of Pennsylvania and Edward A. Hannegan of Indiana. Both men were unseated as a result of factional differences within their respective state Democratic parties.

Simon Cameron had been elected to the Senate in 1845 by a coalition of Democrats and Whigs to replace James Buchanan when he stepped into the Polk cabinet as Secretary of State. Upon his arrival in Washington that winter, the new senator took quarters in Coleman's Hotel at the corner of Pennsylvania Avenue and Sixth Street. There he found Atchison and Hannegan, among others, sharing in the "mess." Although differing in many of their political opinions, the three men became good friends. During the first session of the Thirtieth Congress, Atchison and Cameron left Coleman's and took up residence at Miss Harrington's boardinghouse on East Capitol Street. The following winter they persuaded Hannegan to join them in residence at Boyd's on the east side of Eleventh Street near Pennsylvania Avenue. Here a spirit of congeniality prevailed. Many years later, Atchison, in reminiscing, remarked of the Pennsylvanian: "Cameron indeed was an interesting man, a man of sound sense, and great sagacity, of undoubted energy & will and above all of kind heart under a stern mien; he was generous to his friends and defiant to his enemies."<sup>1</sup> Cameron's Senate career did not end permanently in 1849. He returned to the upper house eight years later to serve until appointed Secretary of War in the Lincoln cabinet, a post which he held until fraudulent

contracts forced his retirement. After the Civil War, he returned to the Senate once again and served another ten years.

Shortly after the opening of the second session of the Thirtieth Congress in December of 1848, word came of Hannegan's defeat for re-election at the hands of Indiana's Democratic governor, James Whitcomb. The fiery Hannegan had originally been sent to the Senate in 1843 without a vote to spare and with a Whig as one of his supporters. When Hannegan took his seat for the first time he found another freshman senator, David R. Atchison of Missouri, seated immediately to his left. The two thus renewed a friendship which had begun at Transylvania some twenty years earlier. During their subsequent years of service together, and especially as messmates at Coleman's and Boyd's and as coleaders of the "fifty-four forty" movement in the Twenty-ninth Congress, their friendship grew into a close comradeship which continued through life.<sup>2</sup>

In the light of these circumstances it is not surprising that Atchison, once he learned of Hannegan's defeat, took the lead among senators from both sides of the aisle to secure a diplomatic appointment for his friend. On the night of December 15, 1848, Atchison and Cameron called upon President Polk to ascertain the possibilities of such an appointment. Knowing of an opening at Rome, they pressed Hannegan's appointment as *chargé d'affaires* at that post. To their disgust they learned that Lewis Cass had requested the position for his son, and that Polk felt he had no alternative but to reward the recently vanquished standard-bearer in this way.

Hannegan's friends bided their time. The current civil and diplomatic appropriations bill contained a provision for the establishment of separate missions to Prussia and the German Empire, and upon its passage, a number of senators from both parties urged the President to name their Indiana colleague to fill the post at Berlin. When Vice-President Dallas retired from his duties as presiding officer of the Senate on the next to the last day of the session, Atchison again became president *pro tem* on the motion of Thomas Hart Benton. That night he arranged for a number of senators to meet with Polk in the Vice-President's room at the Capitol and discuss the desirability of appointing

Hannegan to the Prussian mission. As a result of this meeting the President appointed Hannegan on the final day of the session. The Senate promptly and unanimously confirmed his choice as one of its last official acts. In the last-minute rush of relinquishing office, however, Polk failed to execute the necessary papers granting Hannegan his commission, and the matter carried over to Zachary Taylor's incoming administration.<sup>3</sup>

March 4, 1849, fell on Sunday, and President-elect Taylor declined to disturb the Sabbath with an inaugural ceremony. The question arose: Who was to serve as President between the expiration of James Knox Polk's term at noon on March 4 and the taking of the presidential oath by Zachary Taylor a little more than twenty-four hours later? The interesting assertion which arose in the latter half of the nineteenth century that Atchison was "President for one day" developed from conjecture about this circumstance. Atchison had been elected president pro tem of the Senate during the closing hours of the Thirtieth Congress. According to the law of the day, this office placed him second in line of succession to the presidency in the event that post became vacant. Inasmuch as the term of Vice-President Dallas expired with that of Polk, some persons later contended that the presidency devolved upon Atchison for the curious twenty-four hour vacancy of the office.

Many years later, in the twilight of his life, Atchison granted an interview to a reporter from the St. Louis *Globe-Democrat*. Asked to comment on his presidency, the old General laughed. He recalled that there had been numerous jests by his colleagues at the time as to the policies his administration should pursue. Indeed some of them applied for Cabinet appointments, joking that for one day they could have the honor with none of the responsibility. As for himself, Atchison reported: "I went to bed. There had been two or three busy nights finishing up the work of the Senate, and I slept most of that Sunday."

Speaking more seriously, Atchison told the reporter that, in fact, there had been no President at all that Sunday. He believed that a president of the Senate cannot become President between Congresses because a president of the Senate is chosen for a

particular session, and his position ends with the final adjournment of that session.<sup>4</sup>

Certainly this would have been true in 1849. Atchison's first term as a United States senator expired with the passing of the Thirtieth Congress at midnight on March 3, and his occupancy of the office of president pro tem ended at the same time. That his fellow senators considered this the case is indicated by the proceedings of Inauguration Day on March 5. These began at noon in a Senate chamber filled to bursting with an overflow crowd gathered to witness the preliminaries to the presidential ceremony. At the hour of twelve, Senator John Davis, a Massachusetts Whig, rose to move the appointment of David Rice Atchison of Missouri as president pro tem with the stipulation that he be sworn in by his colleague, Benton, in order that he might in turn proceed to swear in the other senators-elect. The motion carried unanimously, and Atchison, escorted by Davis and Benton, thereupon moved to the dais where the swearing-in ceremonies took place. Next, Vice-President-elect Millard Fillmore received the oath from President pro tem Atchison. President-elect Taylor, escorted by ex-President Polk, now entered the Senate chamber and the entire officialdom proceeded to the east portico of the Capitol for the inauguration of the President. That night, Atchison undoubtedly joined his fellow Democrats in the Washington Assembly Rooms in Jackson Hall on Pennsylvania Avenue, where they held their own ball while the Whigs celebrated at City Hall.<sup>5</sup> Inasmuch as no crisis arose on Sunday, March 4, to require the attention of a chief executive, the question as to who would have handled it becomes academic.

The day following the inauguration, the Senate settled down in special session to consider the appointments of the new President. Fearful that Taylor might refuse to accept Hannegan as minister-designate to Prussia, Atchison telegraphed to his friend and former colleague, Governor John J. Crittenden of Kentucky, seeking his intervention with the administration. On March 8, the Missouri senator followed this message with a letter in which he explained the circumstances surrounding the appointment of Hannegan and expressed his fear that many Whigs would now oppose its acceptance because they wanted the post for one of

their members. Atchison contended that to deny the Indianan his commission would be a breach of faith as "several Whig Senators of the highest standing advised Mr. Polk to do it." He further asserted that in reality the new position had been created with the express understanding that Hannegan would fill it. "It will be *bad faith and illiberality to a monstrous degree* if the poor fellow is now disappointed." Atchison urged Crittenden: "Write to Taylor; tell him to send the *office seeking scoundrels* to the devil, and commission Hannegan." In conclusion, he promised to stop by Frankfort on his way home after the session "when you shall have all the gossip of this place."

The influential Crittenden had not waited for Atchison's letter before acting on his telegram. On March 9, he wrote Secretary of State Clayton on behalf of Hannegan's appointment: "I feel a great & cordial interest for him. If the subject of his appointment has been disposed of before this reaches you, or circumstances have occurred which must render my letter, of necessity, unavailing, you need not deliver it to Genl Taylor." If the opportunity of serving Hannegan had not passed, Crittenden asked that his letter be passed along to the President. In either event he requested Clayton to apprise Hannegan and Atchison, if they were still in Washington, of what he had done and written.<sup>6</sup>

The work of Atchison in his friend's behalf now bore fruit, for President Taylor reaffirmed the appointment. By summer Hannegan sailed for Europe, where he stayed less than a year before making himself *persona non grata* to the Prussian government.<sup>7</sup>

Atchison left the Washington scene at the conclusion of the special session and, true to his promise, stopped off to see Crittenden to thank him for his assistance on behalf of Hannegan and to give him a synopsis of Capital activity. Continuing on to St. Louis, he boarded the steamer "Rowena" for the final leg of his journey to Platte City. The *Jefferson Inquirer*, noting his passage upriver, commented: "He appears to be in fine health and looks to be unusually well." This paper, soon to become the junior senator's outspoken critic, then continued: "Gen. A. has a strong hold on the affections of the people of Missouri, and is deservedly

popular. . . . Notwithstanding Gen. Atchison may have differed with some of our delegation in Congress as to the propriety or policy of the Southern Address, we feel well assured the high confidence and trust reposed in the Hon. D. R. Atchison by the democracy of Missouri, has not been misplaced."<sup>8</sup> Within a few months this same paper was to change its attitude regarding Atchison, as the Missouri Democracy split asunder over the issue of the extension of slavery.

There is no evidence that, as he steamed upriver aboard the "Rowena," either Atchison or the editors of the *Inquirer* anticipated the events which were to cause an open break in the Democratic party in Missouri that summer. Indeed, the Senator did not even make his usual stopover in Jefferson City for political consultations. Rather, he hurried homeward in order to reach the frontier before the departure of the California emigrant trains.<sup>9</sup>

Early in January, Frank Blair, Jr., had written his father that the legislature would instruct Benton against the Wilmot Proviso. Later that same month, the elder Blair warned Van Buren: "My son Montgomery writes me from St. Louis that there are great contrivings going on against Benton in Missouri."<sup>10</sup> The contrivings, of course, had their beginnings earlier in the opposition of many Missouri Democrats to "Old Bullion's" stands on the money issue and on the admission of Texas. They reached a climax when Claiborne F. Jackson introduced a series of resolutions in the State Senate on January 15, 1849. These carried by large majorities in both houses and during the decade which followed served as the focal point of the controversy dividing the Missouri Democracy.

It is important, therefore, to summarize briefly the Jackson Resolutions here. Through them the General Assembly upheld the States' rights doctrine that Congress had no power to legislate against slavery in the territories. The Resolutions contended that the recent actions of the Northern states had released the slaveholding states from any obligation to adhere further to the principles of the Missouri Compromise and had caused them to insist upon their equal rights under the Constitution. The legislature would, however, "still sanction the application of the principle of the 'Missouri Compromise,' to the recent territorial acquisi-

tions, if by such circumstances, future aggressions upon the equal rights of the States may be arrested, and the spirit of Anti-slavery fanaticism be extinguished." The Resolutions upheld the right of popular sovereignty in the territories and declared that if Congress passed any law conflicting with the principles therein expressed, Missouri would be found "in hearty co-operation with the slave-holding states, in such measures as may be deemed necessary for mutual protection against the encroachments of northern fanaticism." The final section instructed Missouri's senators and requested its representatives in Congress "to act in conformity to the foregoing resolutions."<sup>11</sup>

In some respects, the Jackson Resolutions might be considered as the General Assembly's supplement to the Southern Address, but there is no proof that Atchison or Calhoun played any role in their being drafted or adopted, as Benton later charged. Indeed, the Jackson Resolutions were similar to those being adopted by the legislatures of the other slave states; at first, the seriousness of their intent went unnoticed except for the attention given them by the Blairs. One of the Democrats in the Missouri House wrote ex-Governor Marmaduke in February: "In relation to your suggestion about the organization here to defeat the reelection of Col. Benton I am disposed to think you are in error, there are doubtless some few individuals here who would like to see Col. Benton superseded but I do not believe that they are making any tangible move here."

Within a few days, Marmaduke received a letter in a much different vein from Montgomery Blair. The latter enclosed a letter he had received from Benton who wrote: "I have not written a word to Missouri but I have been perfectly aware of the plot against myself & friends. It was all directed from this place [Washington] and is only a new form of an old work. . . . I shall be out among them as soon as Congress adjourns & drive them out to open war."<sup>12</sup>

The Blairs had supported Van Buren and the Free-Soilers actively in the campaign of 1848, and their open attacks upon other elements of the Democracy in Missouri had caused some to question Benton's leanings. Toward the end of March, Marmaduke received word from George Penn in St. Louis: "Should Col.

Benton not cooperate with those who support that doctrine [Free-Soilism] the democracy in this state will have nothing to fear. But the ground is assumed by the free soil party here that they are the true exponents of his views. He is looked for anxiously and will likely be here in the early part of the ensuing month when we shall be able to learn from him with certainty his true position."<sup>13</sup> Benton thus was being put to the test, and his reaction soon indicated that he did not stand with the proslavery wing of the party. His refusal to do so released forces which long had been awaiting a legitimate opportunity to challenge his leadership.

Atchison came under attack from the Blairs soon after his reelection. Frank, using the pseudonym "A Radical," wrote in the *Missouri Republican* that the junior senator "was, in times gone by, hostile to Benton." He accused Atchison of making a deal with Claiborne F. Jackson whereby the latter would succeed Benton at the end of his present term. Denouncing this scheme, Blair called upon all loyal Democrats to sustain "Old Bullion" and put down his enemies.<sup>14</sup>

Shortly thereafter, Montgomery Blair and thirty-seven of Benton's other friends in St. Louis issued an "address to the Democracy." The address attacked the stand taken by the Southern states and proclaimed that Congress had the absolute right to govern territories, including their policies concerning slavery. Montgomery Blair wrote Van Buren that he could have procured many more signatures to the address but wanted to get it out during the spring election canvass. "I have no doubt but that we can sustain Col. Benton in the doctrines here ascribed to him," Blair reported, "and at this moment the doctrine will not more need his help, than he does the help of the doctrine for his enemies are in the ascendant now in this State & it requires something potent to physic them with."<sup>15</sup>

Following the adjournment of Congress, Benton returned to St. Louis for his first visit home in two years. On May 9, he touched off the battle over the Jackson Resolutions by publishing a letter addressed to the people of Missouri in which he reviewed the Resolutions and the instructions contained therein. Then: "From this command I appeal to the people of Missouri,—the

whole body of the people,—and if they confirm the instructions, I shall give them an opportunity to find a Senator to carry their wishes into effect, as I cannot do anything to dissolve this Union, or to array one-half of it against the other.” The senior senator stated that he made his appeal in this manner because the matter in question stood above party.<sup>16</sup>

“Old Bullion” carried his appeal more directly to the people when he spoke in the hall of the Missouri House of Representatives at Jefferson City on the afternoon of May 26. In this speech he bitterly attacked John C. Calhoun as the instigator of the plot to unseat him and declared that the Jackson Resolutions were nothing more than copies of those introduced in the United States Senate by Calhoun two years earlier.<sup>17</sup> Benton then traced the career of the South Carolinian from the time he had served as Monroe’s Secretary of War down to the current moment, emphasizing his stand at various times with regard to slavery in the territories. He asserted that contrary to Calhoun’s contention, Congress had had the power to prohibit or admit slavery into any territory since 1787, when the Northwest Ordinance first established that right. Benton therefore considered the Wilmot Proviso unnecessary and troublesome because of the differences it had stirred up between North and South. Going further, “Old Bullion” declared his personal opposition to the extension of slavery and asserted that if the slave system did not already exist in Missouri, he would oppose its introduction into the state.

Benton’s speech confirmed the worst fears of the proslavery wing of the Missouri Democracy. Taking the initiative, he issued the declaration of war. He accused Calhoun of attempting to overthrow him in 1844 and called his present enemies “adjuncts of Mr. Calhoun” who sought through the Jackson Resolutions to bring about his downfall. “Now I have them,” he shouted, “and between them and me, henceforth and forever, *a high wall and a deep ditch!* and no communication, no compromise, no caucus with them.”<sup>18</sup>

Having thus sounded the challenge, Benton began an intensive campaign throughout the state to vindicate his stand. In contrast to his attitude in the past, he now accepted every invitation which came to him and spoke continually on the same theme

until his return to Washington in November. Atchison, who fully supported the Jackson Resolutions, did not hesitate in accepting the challenge thus thrown down by his senior colleague. He took the lead among the proslavery group in the Missouri Democracy, which now sought to wrest control of the party in the state from Benton's hands by bringing about his defeat for re-election in 1851. While denying that he had anything to do with the drafting or passage of the Resolutions, the junior senator expressed gratification that they confirmed the stand he had already taken in Congress with regard to the question of slavery in the territories.

When his Platte County constituents requested his views on the Wilmot Proviso and the Jackson Resolutions during a convention held on June 4, Atchison replied at great length in writing. He attacked the principle of the Proviso on the traditional States' rights basis. In examining the Resolutions, the junior senator declared his support of them on two grounds: his acceptance of the right of instruction by the body which elected him, and his concurrence with the principles avowed therein. Atchison wrote that he could see little difference between the Jackson Resolutions and those passed by the legislature in 1847 as both upheld the spirit of the Missouri Compromise. However, he fully approved of the fifth section of the former which provided for joint action by the slave states should compromise prove impossible. Atchison denounced the Free-Soilers and Van Buren as having "already dissolved the union of the Democratic party in some of the free states" and warned both Democrats and Whigs to beware lest this same element effect a dissolution of the Union. He acknowledged the failure of the Clayton compromise which he had helped draw up, but pointed out that only ten years previously the Democratic party had advanced the same principles in the Atherton resolutions. The remainder of the reply dealt with his role in drafting the Southern Address which he defended.<sup>19</sup>

At the same time, Atchison replied to a letter from a group of his constituents in Pike County who approved his course and requested him to visit their region for the purpose of addressing the local Democracy. "As a Senator from Missouri, and as a

citizen of a Slave State," he wrote, "it is my duty to resist every attempt to change her institutions, and every assault upon her rights." The implication that Atchison considered Benton's challenge such an assault did not go unnoticed.<sup>20</sup>

Accompanied on occasion by Claiborne F. Jackson, Willard P. Hall, James H. Birch, or James S. Green, his fellow campaigners of the previous fall, Senator Atchison now took the stump and spent the remainder of the summer and fall following Benton around the state in an effort to counteract "Old Bullion's" campaigning. Democratic meetings were held in practically every county in Missouri as the party faithful took their stand in support of either Benton or Atchison in set after set of resolutions.<sup>21</sup>

The attacks by Atchison, Hall, and Green, all of them members of Missouri's congressional delegation, apparently dismayed Benton, who accused them of "conduct so unbecoming in colleagues, and so detrimental to the public service by destroying the harmony which ought to prevail in the delegation." He charged: "They go beyond political animosity, and use language which implies a desire not merely for my political, but my personal degradation and destruction."<sup>22</sup>

Atchison replied informally to this attack through a letter to James W. Denver, the editor of the *Platte Argus*. "I will, when I have leisure, respond to this charge," he wrote, "and in the meantime, I will inform the Hon. Senator that in consequence of the base betrayal of the trust reposed in him by the state of Missouri, and his attempt to carry the Democratic party of this State into the free-soil ranks, I have been and am now making open war upon him, freesoilism, abolitionism, and all similar isms, and will continue to do so; and if he is not driven from the United States Senate it will be no fault of mine."<sup>23</sup>

Atchison thus pledged a fight to the finish. In November, on the eve of his departure for Washington, he issued an open letter to the people of Missouri in which he declared that Benton, not he, had destroyed the harmony of Missouri's congressional delegation. Atchison further accused his senior colleague of wishing to transfer Missouri to the Van Buren Free-Soil party and denounced Benton's cry of conspiracy against him as a "wolf

howl" to detract the attention of the people from the main issue: the right of Congress to legislate slavery in the territories.<sup>24</sup>

As Atchison closed this phase of the campaign, one of his editorial supporters in northeast Missouri summed up his impressions of the junior senator in the following manner:

Though Atchison may not enjoy the reputation enjoyed by some as an orator, yet, in our opinion, he excels many whose fame surpasses his own. His enunciation is clear and distinct, his argument cogent and connected, his reasoning plain and logical, his manner easy and unaffected, and above all he carries in an open and undisguised appearance, the unmistakable signs of an honesty of heart, and a purity of soul. No one can see him and converse with him without unconsciously admiring and loving his magnanimity and candor. Free from the curse of vanity and ostentation, accessible to every citizen, and the cheerful companion of every respectable freeman of the Commonwealth who falls in his company, he is emphatically the man who merits the confidence of those who love our institutions for their purity and simplicity.<sup>25</sup>

Samuel Treat, meanwhile, had written Calhoun enclosing a copy of Benton's "tirade against you and the constitutional rights of the slaveholding States." Treat, who represented Missouri on the Democratic National Committee, reported that a campaign had gotten underway to unseat "Old Bullion," but expressed the fear that the Whigs might act with Benton to assure his ascendancy. "Were the contest among Democrats alone," the Missouri committeeman confided, "he would be beaten two to one." Treat also informed Calhoun regretfully that ill health had forced him to relinquish his post as editor of the St. Louis *Union*, but promised that a new pro-Southern journal would be founded in the city within a few weeks. The former editor asserted that Missourians readily accepted the Southern Address. Several Democrats there had urged him to write Calhoun "with the suggestion that a calm *expose* of Col. Benton's errors and of Southern rights under the Constitution, coming from you now, would be of vast moment." Should Calhoun not care to make a public statement, Treat hoped that the South Carolinian would favor him with "private information" to be used against Benton.<sup>26</sup>

Calhoun replied within the month and informed Treat that he

had already published a reply to Benton's speech. He promised to send a copy shortly in the hope that it might be inserted "in all your sound papers." Calhoun expressed regret at Treat's retirement, but rejoiced in the promised establishment of a new States' rights press in St. Louis. Regarding Benton's flirtations with the Whigs, the South Carolinian predicted failure: "Insuperable difficulties, as it strikes me, stand in the way of union between them; & among them, not the least, is the jealousy, which will be excited against him on the part of their leaders. They play with him & laud him for a time; but his will be the fate of traitors. He will find to his sorrow, that they love the treason, but hate the traitor. It is well, that he has left us. He has been false to the South for the last ten years, and can do us much less injury in the camp of the abolitionists, than he could in our camp."<sup>27</sup>

Atchison also kept in touch with Calhoun and other Southern leaders during the summer and fall. In every instance he assured them that Benton "has as good a chance to be made Pope, as to be elected Senator."<sup>28</sup>

Nevertheless, "Old Bullion" returned to Washington in November full of confidence that his re-election was a matter of course. His chief lieutenant in Missouri, Frank Blair, shared this confidence and assured his father "that Benton is stronger in Missouri now than ever." The elder Blair refused to be reassured, however, and wrote ominously to Van Buren: "He must make his calculation on the favorable dispositions expressed by a portion of the Whigs. From the character of their party & the tone of their press, I think it a poor reliance. The Bolters will draw off a considerable vote in every county & may give the preponderance to the Whigs in the Assembly, which if acquired, will be used for their own behalf."<sup>29</sup>

## CHAPTER IX

### THE COMPROMISE OF 1850

**T**HE FIRST SESSION of the Thirty-first Congress, which convened in December of 1849, proved to be one of the most dramatic in the history of that body. Former Senator Thomas Metcalfe wrote Atchison on December 26: "We have not yet heard of the organization of the H. of Reps. Is it impossible for the Whigs & Democrats to unite at least sufficiently to put down abolitionism? If not, God help our common country."<sup>1</sup>

This undoubtedly became the sentiment of many Southerners as the House of Representatives floundered through sixty-three ballots before choosing Howell Cobb of Georgia as its speaker. Atchison wrote that this hardly could be considered a victory for the South, since Cobb had not signed the Address and definitely belonged to the conservative wing of the Southern group in Congress.<sup>2</sup> Calhoun agreed. He informed his daughter that the South gained nothing from Cobb's election inasmuch as the Northern Democrats had forced his selection. "They could not be induced to rally on any other Southern man; and the only reason they rallied on him was, that he was the least true of all the Southern members, of the South, to the South."<sup>3</sup>

The prolonged struggle in the House prevented Zachary Taylor from delivering his annual message until December 24, three weeks to the day after the first meeting of Congress. The presidential message brought little ease to the minds of Southern congressmen. Taylor advocated the admission of California when that region should apply for statehood and expressed the hope that Congress would look favorably upon the application of New Mexico, which would probably follow shortly. Inasmuch as California already had drawn up a free constitution and New Mexico remained free-soil for the present under the heldover Mexican law, the Southerners received little encouragement from

the President's recommendations. While they awaited California's constitution, Taylor urged Congress to eschew any further discussion "of those exciting topics of a sectional character which have hitherto produced painful apprehensions in the public mind."<sup>4</sup>

Atchison, meanwhile, wrote James W. Denver, the editor of the *Platte Argus*: "The question now before the Democratic members of the Senate is whether we will recognize Benton as a Democrat or not; in that matter I am neutral. This question will be settled by the people of Missouri on the first Monday in August next. It is the first time that a Missouri Senator's position has been questioned, and I hope it will be the last time. Let us have a senator whose position is unquestioned. Great God, give us a Whig before you give a doubtful Democrat. . . . Benton looks like a baffled traitor." When the slate of Senate committees appeared, careful observers noticed that Benton had received only one place, on the Foreign Relations Committee. For the first time in many years, he served as chairman of no Senate committee. Word soon got around that Calhoun, aided by Atchison and Foote, had gone into the Democratic caucus, contrary to his custom, in order to keep Benton from being named chairman of any committee. Only through Atchison's intervention did he retain his seat on the Foreign Relations Committee, and his colleague soon admitted that this had been "a mistaken notion of policy."<sup>5</sup>

When the spreading rumors linked Stephen A. Douglas with the anti-Benton caucus, the Illinois senator wrote the editor of the *Chicago Tribune* denying any connection. The caucus had offered him the chairmanship of the Foreign Relations Committee, but when he discovered that his acceptance would exclude Benton from serving on the group, he declined. Douglas wrote that Benton's opponents based their opposition on his disruption of the Missouri Democracy, not on his views on slavery. "Old Bullion" thereupon requested no chairmanship whatever, but later withdrew this request. By that time, however, the Southerners had named Senator King of Alabama as chairman of the Foreign Relations Committee and used this action as their excuse for passing over Benton.<sup>6</sup>

Apparently "Old Bullion" decided by mid-session that he could not continue on the committee under these circumstances, for he asked to be excused from further duty on the group. Vice-President Fillmore thereupon appointed Atchison to replace his senior colleague on the committee for the remainder of the session.<sup>7</sup>

In the first two months of the session, numerous petitions and bills entered the hoppers of both houses. These pertained to all of the many problems confronting the nation with regard to the slavery question and offered different solutions, depending upon their origin. Atchison presented the Jackson Resolutions in the Senate on January 3, 1850, and spoke briefly in their support. He had intended to present them earlier, but had been prevented by the lengthy contest for speaker in the House. As he had expected, Benton immediately rose to condemn them roundly with the statement that he could not feel bound by their instructions. Atchison merely replied that the people of Missouri would sustain the sentiments of the legislature at their first opportunity. The Resolutions were then ordered printed without objection. Five days later, Senator William Upham countered Atchison's action by presenting a series of resolutions passed by the Vermont legislature. These resolutions asked Congress to prevent the spread of slavery by all constitutional means and to outlaw it in the District of Columbia.<sup>8</sup>

As the session continued, debates between North and South grew increasingly more bitter until even moderates despaired of reaching agreement. Metcalfe, who had declined to sign the Southern Address, wrote Atchison that Whigs and Democrats alike from the South must now stand together to prevent a few "*proviso* men" from ruling or disrupting the Union. Feeling and irritation ran high on the northern border of Kentucky because of the actions of the "disturbers of our peace across the Ohio." Unless Congress passed a constitutional amendment providing a sounder guarantee for the protection of slave property, Metcalfe refused to predict the outcome. "May the South stand firmly up to the Union," he pleaded, "while there is a reasonable hope of Justice & right from the North. But if the Federal Compact is to be deliberately disregarded & violated by the North, if that only

shield & protection of the South . . . is to be torn into giblets & trampled under foot, it is not for me to say how long we ought to endure the wrong, the insult, the injury, in base and abject submission."<sup>9</sup>

Action came soon in the form of a more stringent fugitive slave bill presented by Senator James M. Mason of Virginia. The Senate referred the measure to the Judiciary Committee which reported it back on January 16 to touch off anew the bitter debate. This did little to allay the fears of moderates like Senator King of Alabama, who had written James Buchanan in a despairing tone that the North would drive his section to desperation if it did not stop at once its course of aggression. He feared disunion as an inevitable result.<sup>10</sup>

Finally, on January 29, Henry Clay, the great spokesman of the West, rose to speak. He had returned to the Senate after an absence of seven years, with the unanimous consent of the Kentucky legislature. Now "the great compromiser" took the floor to begin the last major battle of his long career. Nearing the age of seventy-three, he still made an imposing picture as he stood waiting for the hushed comments to subside. Clay presented a series of eight resolutions which embodied his plan for compromise. Reading them singly, he offered some explanation with each. The first two provided that California be admitted to the Union under her free constitution, with the remainder of the territory acquired from Mexico to be organized without mention of slavery inasmuch as no slaves were owned there at the present time nor would be in the future probably. The third and fourth called for the United States to assume the public debt of Texas in return for that state's relinquishment of her claimed territory in eastern New Mexico. The fifth resolution pronounced the abolition of slavery in the District of Columbia inexpedient unless the consent of its citizens and those of Maryland could be obtained, or just compensation paid to the owners. The slave trade should be abolished in the District, however, according to the sixth. The seventh resolution incorporated Mason's fugitive slave bill; the eighth denied Congress power to interfere in the interstate slave trade. At Clay's request, the Senate postponed debate on the

resolutions for a week, but not before protests had come from several Southern senators.<sup>11</sup>

Clay led off the debate on his proposals on February 5 and 6 with a tremendous plea in their behalf. Several other senators spoke on the question during the remainder of the month, but Atchison refrained from the debate at this time. On February 22, he wrote Denver: "The fight goes on between the North and the South; with firmness and union among Southern men we will succeed in settling the question honorably and fairly. The Northern people & press are assuming a lower tone and are coming to the right point. Nothing but treason and undue timidity on the part of the South or rather some of their men can prevent such honorably [*sic*] settlement of the question." Atchison reported that he had been busy scattering an anti-Benton letter, written by James S. Green, over Missouri. "As to Old Bullion," he observed, "he is kicked out of the Democratic ranks to all intents and purposes. Poor Devil if he votes for any proposition tantamount to the Wilmot Proviso he will be thrown overboard in Missouri. If he votes against it and acts in good faith to his State, then he will be abhorred by his free soil friends of the North."<sup>12</sup>

The debate continued unabated in the Senate. Finally, on March 4, John C. Calhoun entered the chamber to make what many believed would be his last speech before that body. His health had deteriorated rapidly during the past year, and he had made only intermittent appearances in the Senate during the present session. The Senate galleries filled early, for the news of Calhoun's appearance had circulated throughout Washington the previous day. The South Carolinian, aided by James M. Mason and James Hamilton, moved to his seat in the hushed chambers. His haggard appearance shocked many who had not seen him during the recent weeks. Quickly, his friends in the Senate went to welcome him. Among them was Atchison, who would soon assume a major share of the burden being laid down by this spokesman for the South. Too feeble to read his own speech, Calhoun requested that the Senate allow Mason to give it for him. The speech itself firmly upheld the States' rights position and ended the hopes of many of his colleagues that the South Car-

olinian would display a conciliatory attitude. Three days later, the last of the great triumvirate, Daniel Webster, made his famous plea for the Union.<sup>13</sup> Although the debate continued, it merely re-echoed the statements of the great three.

Calhoun returned to the Senate to hear Webster and on one other occasion before his death, which came early on Sunday morning, March 31. As his surviving colleague, Andrew P. Butler, announced Calhoun's demise to the Senate the following day, the South went into mourning. Butler moved the usual resolutions of respect to the deceased; the Senate appointed a committee, which included Atchison, to superintend the funeral to be held in the chamber at noon on Tuesday, April 2.<sup>14</sup> That solemn occasion over, the Senate returned to normal. The impact of Calhoun's personality did not end at death, however, for he gradually became the martyred symbol of an increasingly unified South.

Senator Foote now took the center of the stage and pressed for the adoption of his resolution to refer the Clay proposals and others to a select committee of thirteen. During the debate on April 17, Benton interrupted to accuse the South of blackmailing the nation through a factitious and artificial excitement which it sustained by incessantly crying, "Wolf! Wolf!" He denounced those who terrified the country without reason, over a mere abstraction. Foote defended his Southern colleagues, declaring that the nation would hold them in veneration while their "calumniators" became the objects of loathing and contempt. Benton did not wait for Foote to finish. At the term "calumniators" he left his desk and advanced upon the Mississippi senator, who retreated to the clerk's table. Taking his stand there, Foote produced a five-chambered revolver which he cocked. A fellow senator had stopped Benton, so that "Old Bullion" did not see Foote's weapon until he turned back toward his seat. He immediately tore open his coat and shirt, shouting: "I am not armed. I have no pistols. I disdain to carry arms. Let him fire! Stand out of the way and let the assassin fire!"

In the ensuing confusion, Senator Dickinson wrested the pistol from Foote's hand and locked it in his desk. As order was restored, Benton accused Foote of bringing the pistol with the in-

ention of assassinating him. Foote retorted that he had brought the pistol because he feared for his own life, which someone had informed him was in danger.<sup>15</sup>

The Senate quickly appointed a committee to examine the affair. This group held a routine investigation, but its conclusions did not meet with Benton's approval. The committee held both "Old Bullion" and Foote equally responsible, but the former charged that the affair had been part of a conspiracy plotted against him by Atchison, Foote, and others, who desired to take his life.<sup>16</sup> Benton never presented proof of his charges, however, and nothing further came of the matter.

After numerous attempts had failed to limit the powers of the proposed select committee over the California question and slavery, the Senate passed Foote's resolution, 30 to 22. Atchison supported the majority in every effort to beat down amendments and voted for the final passage of the resolution. The Senate chose the members of this group by ballot and named Clay chairman by an overwhelming vote. No close races occurred either in the balloting for the six Whigs and six Democrats who would serve with him. Atchison received one vote, but its source is not recorded. When Senator Hale of New Hampshire introduced a resolution to refer the numerous petitions which flooded the Senate regarding the compromise to the select committee on April 22, Atchison successfully moved to lay it on the table.<sup>17</sup>

The committee settled to its work and soon reached conclusions which Clay presented to the Senate on May 8. The committee had prepared two bills: the first, known as the Omnibus, incorporated most of Clay's earlier proposals on territorial issues; the second provided for the suppression of the slave trade in the District of Columbia. In addition, the committee proposed an amendment to Mason's fugitive slave bill then pending in the Senate, which provided for a more stringent court procedure looking to the recovery of a runaway slave.<sup>18</sup>

Regarding his views at this time, Atchison later remarked:

Although opposed to several features in that [Omnibus] bill, I avowed myself in its favor, and supported it as it was presented, voting however such amendments as in my opinion were calculated to make it more acceptable to the slavehold-

ing States. I was an advocate of the omnibus, as it was called, because wise and patriotic men of the north and the south, whigs and democrats, thought it would bring peace to the country, and save the Union from danger. I am not ashamed of the company I kept, of the men with whom I acted; they were neither abolitionists or free soilers, nullifiers or disunionists; they were not the men to plunge the country into civil war or disunion.<sup>19</sup>

Atchison expressed these same views to the Senate on June 13 when he presented resolutions from St. Louis and Cape Girardeau supporting the compromise measures. At the same time, he declared that he would not uphold all the measures should they come up separately.<sup>20</sup>

While debate raged in Washington, plans went forward for the calling of a Southern convention at Nashville. Outside of South Carolina and Mississippi, the South manifested little enthusiasm for the meeting. The Nashville convention met from June 3 to 12 and drew up resolutions setting forth the grievances of the South. It also endorsed an "Address to the People of the Southern States," drawn up by Robert B. Rhett of South Carolina, which predicted eventual disunion because of the diversity of interests between the two competing sections. Missouri took no part in the Nashville convention; popular sentiment there stood firmly against such action without direct provocation.<sup>21</sup> There is no evidence to indicate Atchison's views on the matter.

During the months of June and July, the verbal struggle continued in the Senate, with both sides proposing amendments to the Omnibus bill which they hoped would work to their advantage. Opposition came from diametrically different groups: the antislavery Whigs and the Free-Soilers on one side, the Southern ultras on the other. In the middle stood the compromisers led by Clay, Webster, Cass, Douglas, Foote, and others. By his own admission, Atchison nominally supported this moderate group during the early stages of the debate. By the end of the session, however, he had returned to the vanguard of the ultras. His colleague, Thomas Hart Benton, opposed compromise, but strictly for his own reasons.

Additional opposition to the Omnibus bill came from the Taylor

administration. The President had remained obdurate to the compromise proposals from the beginning and now began the preparation of a message to Congress urging the admission of both California and New Mexico. He asserted that he would never allow Texas to seize any of the latter's rightful territory. The message stood unfinished when Taylor attended an Independence Day ceremony at the base of the incomplete Washington monument. At the end of the ceremony, friends urged the President to remain while a deposit was made in the monument. Taylor did so, standing in the bright sun for more than an hour. He returned to the White House exhausted, and there drank too freely of ice water and milk. Cholera morbus struck, and within five days the President lay dead. The message on his desk never reached Congress. The more conciliatory Millard Fillmore succeeded to the presidency, and the compromisers' hopes were renewed.<sup>22</sup>

Atchison's votes on the various amendments to the Omnibus presented during June and July indicate that he acted consistently with the ultras until July 25. Eleven of these amendments directly involved the slavery issue.<sup>23</sup>

The Missourian participated in the debate on the Omnibus four times during this period. Perhaps the most significant of these occasions came on June 20 when he opposed an amendment by Senator Underwood of Kentucky. Underwood's amendment would allow Texas to sue before the United States Supreme Court if she disapproved of the proposed settlement of her boundaries. Atchison criticized the amendment for providing a situation in which one of the parties in dispute would sit as judge in its own case. He saw as little propriety in this circumstance as in submitting the case to the judgment of the Supreme Court of Texas. When a similar boundary dispute had occurred between the state of Missouri and the territory of Iowa, Congress had passed a law authorizing the President and Missouri's governor to appoint commissioners to settle the matter. Atchison deemed this the best solution for the present situation. When the Senate balloted on Underwood's amendment, he supported the majority in voting it down, 24 to 16.<sup>24</sup>

Senator James W. Bradbury of Maine moved an amendment on July 24 which would carry Atchison's proposal substantially into effect. The following day, Atchison split from the ultras for the first time. The vote came on Mason's amendment to limit the powers of the commission set up by Bradbury's proposal. The Senate killed Mason's amendment, 29 to 25, with Atchison in the majority. When the Senate voted on the Bradbury amendment itself four days later, the Missourian again left the ultra ranks to vote in its favor. The amendment failed to carry, however, as the Senate divided evenly, 28 to 28, on the roll call.

Almost immediately Bradbury reintroduced his amendment with modifications. When the Senate voted the following day, Senator Robert M. T. Hunter of Virginia, another of the ultra leaders, joined Atchison to help carry the amendment, 30 to 28.<sup>25</sup> This was the only instance in which another ultra voted against his fellows during the final five days of debate on the Omnibus bill.

That verbal struggle reached its climax on July 31 with the extremists on both sides stepping up their attack. The day began with Atchison firmly in the ranks of the compromisers. Five times a senator moved indefinite postponement of the bill, which would have killed it. In three instances the motion came from the ranks of the Free-Soilers; in the other two, it came from the South. Five times the Senate voted down postponement. On each occasion Atchison stood with the majority; he alone of the Southern ultras opposed postponement. On three of the five occasions his ballot proved decisive since the motion lost by only one vote.

Nevertheless, the wheels of destruction turned slowly forward. Senator James A. Pearce of Maryland prepared the way when he moved that the bill's provisions pertaining to New Mexico be stricken. The Senate had adopted the day before an amendment that he opposed which would prevent the territorial government of New Mexico from functioning until the boundary dispute with Texas was settled. Pearce added to his amendment a proposal to reinsert these same sections, altered to provide that the New Mexico territorial government should begin functioning on March 4, 1851. The ultras immediately seized upon the op-

portunity offered by Pearce's proposal. Senator David L. Yulee of Florida asked Pearce if he would consent "so to divide his motion as to allow the question to be first taken on striking out." The Maryland senator agreed; he would move his insertion as soon as the Senate had voted. When the vote came, the Pearce amendment carried, 33 to 22, with Atchison against it. Pearce's subsequent motion to reinsert the stricken portions failed, 28 to 25, with Atchison again voting in the minority against his fellow ultras. The Omnibus bill had now undergone its first decimation in spite of the efforts of Atchison and the compromisers to prevent it.

Before the final vote on Pearce's proposal to reinsert the revised New Mexico provisions, Senator Isaac P. Walker of Wisconsin had moved to strike from the bill all the sections except those relating to California. The Senate postponed action on this motion pending the settlement of Pearce's amendment. Atchison now concluded that compromise was doomed. Consequently, he rose from his seat to move that those sections of the Omnibus bill pertaining to California be stricken. The Chair informed him that for the moment his motion was out of order, and the Missourian replied that he would wait until later. Before taking his seat, however, he remarked briefly that "from the beginning, the only proposition that met my approbation entirely was so much of the bill as relates to Utah." Unless California became a state under the Omnibus, Atchison said, he hoped that "she will remain nine years out of the Union, and forever, if my vote can produce that result."

The Senate voted on the Pearce amendment and several others attached to it. This done, Senator Walker renewed his motion. Senator Foote, a compromiser up to this point, asked him to yield to Atchison's motion, but the Wisconsin senator refused. In the vote which followed, the Senate rejected the Walker proposal, with Atchison joining the ultras against it. Foote once again took the floor to ask Atchison to offer his amendment, and the Missouri senator complied. Atchison's motion failed, however, when the Senate divided evenly, 29 to 29. The Southern ultras had supported the motion, and from this time forward Atchison

voted undeviatingly with them. Senator Robert C. Winthrop, who had replaced Webster when the latter moved into Fillmore's cabinet, lost little time in moving that the Senate reconsider the vote on Atchison's motion. The Senate agreed to this motion by a vote of 33 to 26; when Atchison's measure came up a second time, it passed, 34 to 25. This action left only the Utah provisions in what had once been the Omnibus bill.

The Senate considered the Utah provisions that same day. Senator Douglas moved to make the thirty-seventh parallel the southern boundary of Utah. Atchison supported the motion and remarked: "This proposition, I would remind my southern friends, does better, far better for us, by thirty miles, or half a degree than the Nashville Convention." The remark produced a ripple of laughter throughout the weary chamber. Senator Butler moved adjournment, but the Senate voted down the motion. Before a vote could be taken on Douglas' amendment, however, Jefferson Davis proposed that the boundary line be changed to 36°30'. Atchison immediately rose to make a most significant pronouncement: "As I have duly enlisted under the southern banner, I shall bow, in all deference, to the opinion of the distinguished Senator from Mississippi." Two votes were required to carry the amendment, but in its final form it read thirty-seven degrees. Before adjourning, the Senate voted to engross the Utah bill for a third reading by a vote of 32 to 18, with Atchison and the ultras in favor. The bill passed the next day, and the first part of the compromise became law.<sup>26</sup> Much still remained to be done.

July 31, 1850, had seen Atchison shift from the ranks of the compromisers into the vanguard of the Southern ultras. He made the move only after he had seen the chances of the Omnibus bill fade slowly during the day. In the end, he struck the final blow that killed it altogether by cutting the California provisions from its contents. Atchison now had overcome completely his Western tendency to compromise.

The following winter, the Missourian explained his actions at this time:

But, fellow-citizens, when the omnibus was broken down and the passengers thrown out, and the measures were presented separately, I voted for or against each according to its merits, as it presented itself to my judgment. It was strongly impressed upon my mind that it was the object of the majority to force California as a state into the Union, and at that point to leave the remaining territorial and other questions open to agitation and future settlement. My object was to close the whole contest at once if possible. I knew that upon the agitation of these exciting questions demagogues and wicked men built their hopes of future political promotion. I did not desire to see this controversy carried into the Presidential canvass of 1852, believing that its continued agitation would beget a feeling, both north and south, dangerous to the Union.<sup>27</sup>

Stephen A. Douglas introduced a bill for the admission of California under her free constitution on August 1, and the Senate settled down to begin individual consideration of the compromise measures. The following day, Atchison defended the Southern senators who had voted against the Omnibus bill over the issue of the admission of California. He placed the major share of the blame for that measure's failure on the shoulders of the North and warned: "Even the worm will turn & sting when trodden on." The *Missourian* saw only one way in which dissolution of the Union could be avoided: Congress should exercise no doubtful powers. "Let them pay a due regard to the rights and interests of every section of this Union, whether it be the North or the South, and let them bow even to the prejudices of any section of this Union." Only thus could the Union be saved and perpetuated.

On August 6, Senator Yulee moved to strike out everything after the enacting clause in the California bill and to substitute forty sections which would continue in force the existing California government in territorial form. Atchison and other Southern senators now led a fight for adjournment until the following day so the substitute sections might be studied. Their efforts proved unsuccessful until Douglas came over to their side with the information that many of the friends of California had left the chamber, whereupon the Senate adjourned.<sup>28</sup>

Debate on the Yulee amendment concluded on August 12; the Senate voted it down, 35 to 12, with Atchison and the ultras forming the minority. When the question came upon the engrossment for third reading, the South began to urge adjournment before the vote could be taken. Hunter, Turney, and Atchison moved adjournment in rapid succession, only to have the Senate vote down each motion. Adjournment came only after the Senate had acted favorably, 33 to 19, for engrossment. The measure passed the following day, 34 to 18, with Atchison against it. He later reported to his constituents that he did so not because California's constitution prohibited slavery, but because of the irregular manner in which she applied for admission, unauthorized by Congress. The Missouri senator also opposed the inclusion of so much territory within her boundaries and believed that her main object was not to secure an orderly government but "to make the whole Pacific coast free soil."<sup>29</sup>

On August 13, Atchison joined with nine other Southern ultras in drawing up a written protest of this action, which Senator Hunter presented to the upper house the following day. The ten senators, "deeply impressed with the importance of the occasion and with a solemn sense of the responsibility under which we are acting," desired to have placed upon the pages of the Senate journal "the reasons . . . for our opposition to a bill whose consequences may be so durable and portentous as to make it an object of deep interest to all who may come after us." They opposed the bill, they stated, because it legally sanctioned the unauthorized action of a few inhabitants of California, which discriminated against the fifteen slaveholding states and deprived them of their equality in the Union. By the Senate's approval of the bill, the federal government declared in effect that the prohibition of slavery from the territories had become as important as the disregard of all principles of sound policy, including the Constitution itself. The Southern senators concluded ominously: "Against this conclusion we must now and forever protest, as it is destructive of the safety and liberties of those whose rights have been committed to our care—fatal to the peace and equality of the States which we represent—and must lead, if

persisted in, to the dissolution of that Confederacy in which the slaveholding States have never sought more than equality, and in which they will not be content to remain with less."<sup>30</sup>

In the interim between Yulee's motion on August 6 and the conclusion of the California debate on August 12, the Senate took up Pearce's bill to draw a specified boundary line between Texas and New Mexico. The measure provided that if Texas agreed to the boundary the United States would pay her ten million dollars in return for the release of her claims. Again the ultras, led by Mason, put up resistance. They held that Texas was fully entitled to all her territory, but the moderates pushed for the vote which came on August 9. The Senate approved the bill, 30 to 20, with Atchison again in the minority.

Douglas moved to take up the measure establishing a territorial government in New Mexico on August 13, the same day the Senate passed the California bill. With the passage of the measure settling the Texas boundary dispute, the major obstacle to the New Mexico bill had been removed. Debate on it, therefore, lasted only two days. The greatest objection came from the South which wanted to have the fugitive slave bill considered first. On August 14, however, the Senate, without a division, ordered the New Mexico bill engrossed, and the following day it passed, 27 to 10, with Atchison and the ultras voting in favor.<sup>31</sup>

The South now made its move. On August 15, Mason asked the Senate to take up his fugitive slave bill. Debate began on the measure four days later when Mason submitted a substitute for the bill reported from the select committee of thirteen. Mason's substitute measure carried the same provisions as his original bill which the committee had amended. The Senate accepted the substitute the next day after several unsuccessful attempts were made to amend it. Senator Thomas G. Pratt of Maryland then moved an amendment providing that since the United States was bound by the Constitution to provide for the return of runaway slaves, she should compensate owners for those not returned. Mason supported this motion, and Atchison spoke on its behalf on August 21, but the Senate voted it down, 27 to 10. The bill was ordered engrossed for third reading on August 23 by a

vote of 27 to 12, with Atchison in favor, and passed three days later.<sup>32</sup>

Of the original compromise measures, only that which prohibited the slave trade in the District of Columbia remained to be acted upon in the Senate. This bill was taken up in the committee of the whole on September 3, but further consideration of the bill did not occur until September 10 because several senators had left Washington. When the Senate once again took up the measure, Mason moved to strike out those sections prohibiting the slave trade. His effort failed, and six days later the Senate passed the bill by a vote of 33 to 19, with Atchison joining the other ultras in the minority.<sup>33</sup>

By the end of September, all of the measures had passed the House, and the Compromise of 1850 had been effected.<sup>34</sup> Atchison had supported only three of the measures. Following the breakup of the Omnibus bill on July 31, he voted consistently with his Southern friends.

Atchison made an extended and detailed explanation of his actions during this session in a speech to his Platte County neighbors the following November 4. Speaking of the change his position underwent midway through the compromise debates, the junior senator explained his actions thus:

It may be said that there was some inconsistency in sustaining the Omnibus bill and opposing the same measures, or a part of them, when presented separately. Perhaps it is true to some extent. I was willing to concede much, too much, for the sake of peace and harmony. If I erred at all it has been in conceding too much. I was willing to waive all irregularities in the manner of proceeding in bringing California into the Union . . . I was willing to pay Texas ten millions for her claim to New Mexico and take the risk of its becoming free soil, all for the sake of peace, harmony and the Union. But when these propositions were defeated in their combined form, I was unwilling to trust the majority in anything. If I erred at all it was not against the North, it was against the South, and the rights, interest and honor of my own State. But I now solemnly promise never again to err on that side. I will concede nothing further to fanaticism. I will cavil about the ninth part of a hair in the way of bargain with the North.<sup>35</sup>

## CHAPTER X

### THE DEFEAT OF BENTON

BY THE TIME Congress adjourned on September 30, the people of Missouri had chosen the legislature which was to decide Benton's fate. Although both Benton and Atchison were detained in Washington by the lengthy session, they did not lessen their efforts in the campaign at home.

Atchison wrote one of his supporters, supposedly James H. Birch, on December 22, 1849: "We must keep up the fight without ceasing. Every man who can speak must take the stump; every man who can talk must do so; every man who can plan must do it. We must have men in every meeting in every grog shop and upon every cellar door; we must fight upon every spot where there is an enemy." The Senator wrote that he would shortly send copies of an anti-Benton letter written by his colleague in the House, James S. Green; he hoped that these would be scattered extensively throughout the state. In conclusion, Atchison promised: "I intend to devote myself to this cause soul, and body, with an eye to overthrow the old apostate and traitor."<sup>1</sup>

During the following month, the pro-Benton press in Missouri began an attack on Atchison by charging him with opposition to the national railroad. Benton had introduced legislation in February of 1849 containing a grandiose plan for a "central national road" from the Mississippi to the Pacific which would greatly benefit Missouri trade. The General Assembly endorsed the idea through a memorial which Atchison presented to the Senate on January 3, 1850. In their attack on the junior senator, the pro-Benton papers ignored the fact that Atchison had introduced a month earlier than Benton legislation which would grant Missouri a railroad right-of-way and donations of public

land to construct a railway within her borders.<sup>2</sup> Neither bill had passed in the brief second session of the Thirtieth Congress, but Missourians had seized upon the idea with great fervor.

Although a friend wrote Atchison on January 14 of the newspaper attacks, the Senator did not reply until February 20. He then affirmed his backing of a national railroad and promised to vote for "the most liberal appropriations of money, and all other measures" to carry out the President's recommendations on the subject as contained in his annual message. Atchison agreed that the eastern terminus of the road should be in western Missouri, but favored a "thorough reconnaissance of the several proposed routes by a scientific corps" before deciding the exact location of the enterprise. "Common sense and common prudence, requires the course suggested to be pursued," he concluded. Two days later he wrote James W. Denver: "I see that the Whigs and Abolitionists are making a muss about my position upon the Pacific Railroad question. . . . I am for the road but not Benton's Humbug."<sup>3</sup> The publication of the February 20 letter ended the newspapers' charges temporarily, but they emerged later in Atchison's own fight for re-election.

On March 8, Benton wrote to friends in Missouri that he would not tolerate any cooperation with the "Calhounites" in the ensuing election. Referring to the two Democratic factions as "him and his" and "me and mine," Benton warned: "Let them have their own ticket, and elect it if they can; or defeat ours if they can. The point is to defeat them. The public good requires it; the harmony and preservation of the Union require it. The Missouri elections this year are a turning point in the drama of disunion."<sup>4</sup>

Although Benton did not intend his letter for publication, it found its way into the papers. Denver wrote Atchison that these orders did not set too well with some of "Old Bullion's" supporters in western Missouri. "His 'me and mine' is a hard dose to swallow. However slavish his followers may be, yet they don't like to be called slaves, even by their master." Denver commended Atchison for his industry in circulating documents that winter. The editor reported that he had not given Atchison's activity in this regard any notice in the *Platte Argus* because he feared that

should the Benton men become aware of it, "they might be spurred up to renewed exertions."

Denver informed the Senator that the *Lexington Journal*, one of the leading Benton papers in western Missouri, had gone out of business and that the *Union* in St. Louis, which had become pro-Benton since Treat's retirement, "has at last been driven to the wall by the new Democratic paper, 'The Times,'" and had taken over a Free-Soil platform. The editor also revealed that he had sold the *Argus* to a Doctor Featherman, who, he thought, would continue to make the paper the leading anti-Benton journal in western Missouri. He urged Atchison to "open a correspondence" with the new editor. Denver explained that he had found it impossible to make the paper pay and consequently had decided to follow the "gold trail" to California. He thanked the Senator for his offer of the previous summer to subsidize the *Argus*, but could not reconcile himself to such a condition.<sup>5</sup>

That summer the Platte County Democracy evidenced the reaction of which Denver had written when they endorsed two Benton men and two Atchison men for the legislature. They deemed such a compromise preferable to the election of Whigs, which a split in their ranks might cause.<sup>6</sup>

In St. Louis, the Blairs held radiant expectations of Benton's re-election. Frank arrived there on June 14 and immediately wrote his brother, Montgomery: "Benton's prospects appear to be brightening very much and our friends are taking heart and courage. I consider the battle already fought and won. Calhounism is doomed to a most disgraceful defeat."<sup>7</sup>

As the summer lengthened, it became more and more apparent that the Whigs might hold the balance of power in the next legislature if they did not gain outright control of it and elect one of their own men to the Senate. They, too, stood divided on the Jackson Resolutions and found it difficult to unite on a single policy. Those who opposed the principles of the Resolutions urged Abiel Leonard of Howard County to run for the Senate. Near election time, Leonard received word that certain Whigs, led by Henry S. Geyer of St. Louis, had begun bargaining with the anti-

Benton men. One informant wrote that this group intended "to hand the Whig party body and soul to the Nullifiers." Although a Whig, Geyer supported the Jackson Resolutions and had strong proslavery leanings. These positions would make him an ideal compromise candidate for the anti-Benton Democrats.<sup>8</sup>

The results of the August election bore out the Whigs' hopes. To the state Senate the Benton Democrats elected thirteen, the Whigs twelve, and the anti-Benton Democrats eight. In the House, Benton men received forty-nine seats, the Whigs fifty-two, and the anti-Benton Democrats twenty-seven.<sup>9</sup>

Although he had been doubtful of his chances earlier, Benton now wrote confidently of his re-election. The Blair brothers, however, informed their father that their best hope was a stalemate which would result in no election.<sup>10</sup>

The General Assembly began balloting on January 10. It soon became evident that the body would not reach a decision quickly. When four days had elapsed without the election of a senator, Leonard wrote his wife that he believed none could result this session. As the stalemate continued, the Geyer Whigs renewed their bargaining with the anti-Benton men; Geyer added slowly to his votes with each successive ballot. His election finally came on the fortieth ballot, twelve days after the legislature had begun to vote. Sixteen anti-Benton men joined with sixty-four Whigs to give him a bare majority. The anti-Benton Democrats had voted for James S. Green on the early ballots, but later those who did not support Geyer voted for B. F. Stringfellow, who was later to serve as Atchison's chief lieutenant in the Kansas struggle. Benton received fifty-five votes on the first ballot; not one of his supporters deserted him, for he received the same number on the fortieth.<sup>11</sup>

The extent of the Whig victory remained in question. In striking their bargain with the anti-Benton men, the Geyer faction had promised them all of the other offices within the power of the legislature, so the Whigs gained a Senate seat but nothing more.<sup>12</sup> Even this gain was of dubious value for, during his six years in the Senate, Geyer was to be found more frequently in the ranks of the Southern Democrats than with his own party.

Many members of the proslavery forces in Missouri anticipated that Benton would retire permanently from political life following his defeat. "Old Bullion" was to prove before long, however, that he still had a lot of fight left in him.

## CHAPTER XI

### THE "MESS"

THE DEFEAT OF Thomas Hart Benton, Missouri's senator for thirty years, enhanced the reputation of David Rice Atchison both in Missouri and among his colleagues in the United States Senate. His leading role in that struggle placed Atchison in the forefront among States' rights sympathizers. By 1852, he was the dean of Senate Democrats, having served longer consecutively than any other member of his party. When William R. King of Alabama resigned the presidency of the Senate early in the second session of the Thirty-second Congress, the upper chamber turned once again to Atchison to fill the vacancy.<sup>1</sup> As president pro tem during the next two years, the Missourian became virtually Vice-President of the United States, and the nation's press often referred to him as such.

Two distinct groups constituted the Democratic majority in the Senate during the Thirty-second and Thirty-third Congresses. The compromisers had as their leaders three senators from the Northwest: Lewis Cass of Michigan, Stephen A. Douglas of Illinois, and Jesse D. Bright of Indiana. Although numerically superior, they could not ignore their States' Rights colleagues. With James M. Mason and Robert M. T. Hunter of Virginia and Andrew P. Butler of South Carolina, Atchison formed a central clique which dominated this latter group and carried on the principles of John C. Calhoun.<sup>2</sup>

These four States' Righters had served in the Senate together since 1847. During these years their association had ripened into a warm personal friendship. Each of them held a key post in the Senate: Atchison as president pro tem, Mason as chairman of the Foreign Relations Committee, Hunter of the Finance Committee, and Butler of the Judiciary Committee.

When Atchison returned to Washington at the end of November, 1851 for the opening of the Thirty-second Congress, he took rooms at the new Brown's Hotel on the north side of Pennsylvania Avenue between Sixth and Seventh Streets. The other three, who had lived together at various rooming houses since 1847, settled themselves at Stratton's on the south side of E Street between Ninth and Tenth. In May of 1852 the four senators decided to establish a "mess" at Havenner's about one mile north of the Capitol. Hunter wrote his wife that the place was in the suburbs of Washington, "almost in the country." "The quarters are said to be delightful," he reported, "and we shall be quite alone."<sup>3</sup>

Apparently the four men found Havenner's too distant in the winter, however, for they returned to town during the second session of the Thirty-second Congress and lived together at Birth's on the east side of Third Street West between Pennsylvania Avenue and C Street North. Here William F. DeSaussure of South Carolina, who had been appointed to finish Robert B. Rhett's unexpired term in the Senate, shared their quarters for his only term in Congress. Of this experience, DeSaussure later wrote Atchison: "I thought I should have an opportunity this winter to return to Washington and spend a week with the Mess. I do not know anything that could have given me greater pleasure. For short as our intercourse was, it has left enduring marks upon my memory & affections."<sup>4</sup>

During the Thirty-third Congress, the four senators, with Representative William O. Goode of Virginia, rented a brick house at 361 F, between Ninth and Tenth on the south side of the street. Here they lived apart from the ordinary congressional boardinghouse life of the capital. During their days together in the mess, the five men organized their household as a family home. Each of the members took his turn as housekeeper and had charge of buying supplies and giving the necessary orders for a month. He kept an account of all expenses, which the five then divided equally at the end of each month.

Quite frequently, Atchison and the other members of the mess would join Mason on weekends at his farm, "Selma," near Winchester, Virginia. The general spirit of camaraderie proved a

source of genuine pleasure to each. The mess on F Street continued until Atchison's departure from Washington in 1855, at which time the others sold the household effects which they owned jointly and returned to the regular boardinghouse routine.<sup>5</sup>

The lack of cohesion within the Democratic ranks forced the party's leaders to seek an issue upon which the Democracy could unite in the 1852 election. Realizing that their party could not hope to elect an extremist from either section, the Northwestern senators and their supporters decided that the Democracy should take its stand in 1852 on the maintenance of the Compromise of 1850. In order to get this issue before the people, the party needed a strong journalistic organ. For their purpose they chose the *Washington Union*, which had been the nominal spokesman of the Democracy since the days of Polk. Its current editor, Thomas Ritchie, had fallen into disfavor with both wings of the party for various reasons, and thus the compromisers faced the necessity of replacing him.

Although several candidates for the editorship came to the fore, the compromisers rejected each for different reasons. Then, in February of 1851, Andrew Jackson Donelson, the nephew and adopted son of the founder of the party, arrived in Washington. He had just returned from serving as minister to Prussia and the German Federal Government. His name alone would furnish a rallying point for the party. Although a native of Tennessee and the owner of a large plantation with many slaves in Mississippi, Donelson had taken a firm Union stand during the debates of 1850 and so seemed the very man to edit the *Union*, reorganized on the newly adopted compromise line. When he protested that he lacked sufficient capital, the compromisers obtained Robert J. Armstrong, a fellow Tennessean, as his business partner. Completion of the transaction quickly followed. On April 15, Donelson began what proved to be a brief editorial career with the *Union*.<sup>6</sup>

Donelson tried to steer a middle course that would offend no one. Missourians received his prospectus and first issue in May and generally approved the effort. James B. Bowlin, former congressman from St. Louis, wrote the new editor that he would do

all he could "to enlarge the circulation of your paper." He urged Donelson to have nothing to do with Bentonism and the Free-Soil element, which had caused so much trouble in Missouri during the last campaign. After giving the editor a detailed description of the fight against Benton, Bowlin praised Donelson's present course and assured him that if he continued upon it, he would find support in Missouri.<sup>7</sup>

Donelson did not, however, prove acceptable to Atchison and the other States' Rights men in Congress. They objected to him because of his denunciation of the Nashville convention and his strong stand for the Compromise, which they could not accept as final. Furthermore, the compromisers had chosen him without consulting them.

Atchison and his cohorts patiently awaited their opportunity, which came with the opening of the Thirty-second Congress in December of 1851. The compromisers had promised Donelson that Congress would award him the printing contract for the 1850 census, through which he could make a sizeable profit and pay off his ever-accumulating debts. Consequently, when Congress convened, Senator Bright introduced a resolution giving the census contract to Donelson and Armstrong. Immediately a chorus of objections arose since A. Boyd Hamilton of Pennsylvania already had contracted with the government to do all its work. Atchison took the floor to suggest that consideration of the matter be postponed, but his suggestion failed. When the Senate voted, he joined with his States' Rights colleagues, the Free-Soilers, and the Whigs to defeat the resolution, 28 to 16. The House killed the same resolution in the committee of the whole by a vote of 134 to 51. Failing to receive the anticipated revenue, Donelson found it necessary to resign his post on May 12, 1852, two weeks before the meeting of the national convention at Baltimore.<sup>8</sup>

Atchison himself did not play an active role in either the pre-Baltimore proceedings or in the campaign which followed. No record exists to show whom he preferred for the presidency. In March of 1852, however, he had expressed privately his opinion that neither Cass, Douglas, nor Buchanan, the three leading can-

didates, could win the nomination. Realizing that Winfield Scott would probably be the Whig candidate, the Missourian acknowledged to the supporters of William L. Marcy that the Democracy must nominate someone who could carry New York with certainty. The Marcy men courted Atchison and Mason during March and April of 1852 in the hope of getting the support of the States' Rights group for the New York governor, but both men remained noncommittal.<sup>9</sup>

The Missouri Democracy met in convention at Jefferson City on April 8 to nominate its candidates for state offices and to choose its delegates to the Baltimore conclave. Both factions sent delegates to the state convention, but neither Atchison nor Benton was present. Montgomery Blair led the Benton men while Dr. John J. Lowry, James H. Birch, and Claiborne F. Jackson directed the Atchison forces.

The Convention appointed a bi-partisan committee to draw up resolutions. The resulting expressions reaffirmed the Baltimore Platform of 1848 and the principles of the Virginia and Kentucky resolutions, upheld the compromise measures and the right of instruction, and restated the party's unfaltering devotion to the Union. The resolutions did not please the anti-Benton men. Doctor Lowry moved two amendments: the first stated that "slavery and the integrity of the Union" should be the key issues of the coming campaign; the second announced the party's opposition "to incorporation of the late 'compromise act' in the proceedings of this convention as a *sine qua non* of the creed of the democracy or true States Right party." It continued: "We stand on the constitution as guaranteeing the rights of all and the union of the confederated states, as the bond of our safety and political greatness." The Convention laid both amendments on the table and proceeded to adopt the resolutions reported by the committee. Thus the moderates won the fight over the platform.

Missouri's gubernatorial nominations resolved into a battle between the Prices. Benton had personally chosen Thomas L. Price as his candidate for governor. Blair nominated him, but the moderates and States' Righters countered with their nomination of General Sterling Price of Chariton County, who had gained

bring them a higher price when forced to sell. For this reason the Wyandots had petitioned Congress in the spring of 1852 for the passage of Hall's bill.

When Hall's measure came to naught, the tribesmen, meeting in the Wyandot council house on October 12, 1852, elected a delegate to Congress to help press for organization of the territory. Abelard Guthrie, a white man who had married into the tribe, received all the votes cast after he had volunteered to pay his own expenses should Congress fail to recognize and reimburse him. Certain elements among the military at Fort Leavenworth opposed territorial organization, fearing apparently that with it, the Indians would hold too advantageous a position. The military called their own election, but Guthrie easily defeated their candidate and set out for Washington on November 20.<sup>3</sup>

Upon leaving St. Louis, en route, he found himself in the company of Senators Atchison and Geyer who were returning to the capital for the opening of Congress. Guthrie eagerly engaged the two senators in conversation and told them of his mission. Much to his surprise, both expressed opposition to the organization of Nebraska and "threw discouragements" in his way. Atchison "was kind enough to admonish me of the folly of my undertaking, assuring me that I could accomplish nothing, and would lose my time and expenses if I should persevere in so hopeless a business." Missouri's senior senator told Guthrie that the Missouri Compromise restriction on slavery in the region constituted the main reason for his opposition to territorial organization. The delegate wrote from Cincinnati: "This would put us back till doomsday for no Congress . . . will ever repeal that act. But for myself I do not consider it binding upon the people in moulding their state institutions. However, since the South takes a different view of it, we must fight it out." Guthrie's later report to the people of Nebraska indicates clearly his pro-Southern sympathies at this time. Thus when the States' Righters, led by Atchison, turned upon him to prevent the organization of Nebraska, he considered it "the unkindest cut of all."<sup>4</sup>

Atchison and Geyer left Guthrie at Cincinnati and arrived at Washington on December 4, two days before the opening of

Congress. Atchison had failed to discourage the Nebraska delegate from his task for, immediately upon his arrival several days later, Guthrie called on Colonel Benton, "desirous of profiting by the suggestive advice of this experienced legislator." Although the ex-Senator was not to re-enter Congress until the next term, he received Guthrie with "frankness and courtesy" and promised to do all he could to help promote the Nebraska project. The Wyandots' representative then called on the members of the Missouri delegation in the House. Again he met opposition and indifference, with only Willard P. Hall and John S. Phelps giving him any support or encouragement.

On December 17, Phelps presented Guthrie's memorial asking to be admitted to a seat on the floor of the House as a "territorial delegate." The House referred the matter to the Committee on Elections. This group could reach no decision, and the House took no further action. As a result, Guthrie remained in Washington simply as a "lobby member."<sup>5</sup>

Hall reintroduced his bill to organize the Territory of Platte on December 13. While the Committee on Territories considered the measure, Guthrie wrote an open letter describing the resources and advantages of Nebraska, which appeared in the *Washington Union*. Reported from committee on February 2, 1853, with amendments that included one which changed the name to Nebraska, Hall's bill passed the House 98 to 43 after considerable debate and went to the Senate.<sup>6</sup>

On the last day of the session, March 3, Douglas moved to take up the Nebraska bill for consideration in the Senate. Several of his colleagues objected, consequently the Senate refused to consider the measure. During the debate, Atchison left the president's chair to speak. The Missouri senator told his colleagues that he had two objections to the proposal when he came to Washington at the opening of the session: first, only a very small portion of the Indian title in the territory had been extinguished; and second, according to the Missouri Compromise, then still in effect, settlers from the South could not take their slaves into the territory and settle there on an equal basis with settlers from the North. But, continued Atchison, he had "upon reflection and

investigation in my own mind and from the opinions of others—my constituents whose opinions I am bound to respect—come to the conclusion that now is the time for the organization of this Territory.” He pointed out that if the Indian titles were to be extinguished, now was the time to do so “for as this question is agitated, and as it is understood, white men, speculators, will interpose and interfere, and the longer it is postponed the more we will have to fear from them.” Atchison had objected also to the organization of Nebraska because it would extend the nation’s frontiers seven hundred to a thousand miles west and “raise up competition with what we now have,” but as the people of the frontiers of Arkansas, Missouri, and Iowa were eager to move out into the new territory he could not stand in their way.

When the Texas senators, among others, raised further objections, Atchison again left the chair. This time he chose his words carefully:

It was my opinion at that time [the opening of the session]—and *I am not now very clear on that subject*—that the law [the Missouri Compromise] . . . would be enforced in that Territory [Nebraska] unless it was specially rescinded; and, whether the law was in accordance with the Constitution of the United States or not, it would do its work, and that work would be to preclude slaveholders from going into that Territory. But when I came to look into that question, I found that there was no prospect, no hope of a repeal of the Missouri compromise, excluding slavery from that Territory. Now, sir, I am free to admit that *at this moment, at this hour, and for all time to come*, I should oppose the organization or the settlement of that Territory unless my constituents and the constituents of the whole South, of the slave States of the Union, could go into it *upon the same footing, with equal rights and equal privileges*, carrying that species of property with them as other people of this Union. Yes, sir, I acknowledge that that would have governed me, but I have no hope that the restriction will ever be repealed.

I have always been of the opinion that the first great error committed in the political history of this country was the ordinance of 1787, rendering the Northwest Territory free territory. The next great error was the Missouri compromise. But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it. It is evident

that the Missouri compromise cannot be repealed. So far as that question is concerned, we might as well agree to the admission of this Territory now as next year, or five or ten years hence.<sup>7</sup>

When these remarks are examined closely, Atchison does not appear to be as inconsistent at this point as his political rivals later charged. He indicated that he had considered the possibility of obtaining repeal prior to this time, but had found the outright rescinding of the Missouri Compromise impossible. He further intimated that his acknowledgment of this impossibility did not mean that he surrendered the rights of the South. Rather, Atchison pledged himself to uphold them. He did not indicate the grounds upon which he planned to take slavery into Nebraska, but perhaps he had concluded that the principles of the Compromise of 1850 superseded those of the Missouri Compromise.

By the time Atchison returned to Missouri in the early summer, Benton had announced his candidacy to displace his rival in the Senate, although the election was a year and a half in the future. "Old Bullion" launched his campaign with a "Letter to the People of Missouri," dated March 4, 1853. He brought forth the construction of the "central national road" and the consequent necessity of organizing Nebraska as the major issues of his campaign. The pro-Benton press seized upon Atchison's statement of March 3 in an attempt to show its inconsistency with earlier statements. The *Jefferson Inquirer* became especially bitter in its denunciation of Missouri's senior senator. During the early part of May, Benton stumped Atchison's home territory in western Missouri. While there, he followed up a charge he had made on May 3 in a letter to the people of Cole County. In this, Benton contended that the land reserved to the Indians of Nebraska amounted to only about one-fourth of the territory. He, therefore, asserted that immediate settlement could be made on the remaining land, which belonged to the federal government.<sup>8</sup>

Atchison promptly accepted Benton's challenge, issuing the statement: "I will cheerfully surrender my seat in the United States Senate to *any honest and sound Democrat*. But I can never willingly surrender it to Colonel Benton." Atchison's attitude at

this time is well illustrated in his letter of May 29 to Samuel Treat. Speaking of Benton's stand, he wrote: "Of all the humbugs the old sinner ever mounted, of all the lame-blind, wind-broken, & spavined hobbles, the old villain ever bestrode he has now mounted the most shabby."<sup>9</sup>

The *Weston Reporter*, through its editorial columns, asked Atchison, who had served as chairman of the Senate Committee on Indian Affairs, if, in his opinion, any portion of Nebraska could be legally settled by whites at the present moment. Atchison replied formally in speeches at Platte City and at Weston on June 9 and 11, respectively. He contended that under an act of 1834 Congress had declared the region known as Nebraska to be Indian territory and had forbidden whites to occupy it unless they married into the local Indian tribes or were government agents or licensed traders. The Senator declared: "Solemn treaties, made by the President and ratified by the Senate, should be solemnly observed and kept, whether made with civilized or savage nations. The honor of the nation requires this, and it, therefore, became necessary for us, before a government could be organized, to maintain inviolate, our plighted faith by extinguishing the Indian title to the lands and obtaining their consent to the formation of a territorial or State government." Atchison told his audience that he had supported and voted for an appropriation bill to allow the President to make treaties with the Indians which would extinguish their land titles and obtain their permission to the organization of a territorial government. Should any such treaty be presented to the Senate at some future date, Atchison promised to vote for its ratification.

At the same time, the Senator clarified beyond doubt his position on the slavery question. He promised to support a bill organizing Nebraska only if it contained no restriction on slavery. "I will vote for a bill that leaves the slaveholder and non-slaveholder upon terms of equality," he stated. "I am willing that the people who may settle there, and who have the deepest interest in this question, shall decide it for themselves. As a very large and respectable portion of my constituents are directly, or

indirectly, interested in slave property, I am unwilling that they with this species of property shall be excluded."<sup>10</sup>

Once again, Atchison's words must be examined closely. He had now clarified his thinking on the validity of the Missouri Compromise. He neither promised nor advocated its outright repeal in these speeches or in any other that he made that summer. The Senator clearly indicated that organization of the Nebraska Territory should not exclude the slaveholder, and, with his failure to mention the Missouri Compromise, it must be concluded that he had decided to circumvent that measure by some means other than outright repeal. His advocacy of the principle of popular sovereignty would seem to indicate that he believed the Compromise of 1850 supplanted that of 1820.

Upon reading the Platte City speech, Atchison's good friend and former Senate colleague, Edward A. Hannegan, wrote a lengthy letter praising the Missourian for the stand he had taken. "I have looked with regret and apprehension upon your long course of 'masterly inactivity,'" Hannegan remarked, "but I now hail with delight your spirited and pointed and triumphant reply to the bullying egotism of a man, whose domineering and malignant spirit matures with his years, and whose arrogance shames the spirit of the republic." He agreed completely with the position taken by Atchison on the Indian question and expressed concern lest the tribes again find themselves abused by the white man.<sup>11</sup>

Benton had returned to Washington by this time, but upon hearing of Atchison's speeches, he wrote the Department of the Interior and enclosed a map of Nebraska. He asked the chief clerk to outline thereon the Pawnee, Kansas, and Osage purchases and, six days later, on July 8, received a reply from George W. Manypenny, Commissioner of Indian Affairs, furnishing the information for which he had asked. Benton then wrote a letter to the citizens of Monroe County in which he renewed his claims that most of Nebraska was already open to settlement. He mentioned the map and reported that he had sent it to an engraver with the intention of publishing it. "Old Bullion" declared outmoded the cessions of 1825 and 1833 with the Nebraska tribes

and closed with the following thrust at Atchison and Missouri's other congressmen: "I consider it very unfortunate that no person in Congress knew the condition of the western territory when the Nebraska bill was under discussion last winter."<sup>12</sup>

The Benton press praised its leader and roundly condemned Atchison for being ignorant of the "condition and proprietorship of that country" while chairman of the Indian affairs committee in the Senate. "What a humiliation for him to be thus shown up before the people of Missouri whom he misrepresents so outrageously by his opposition to Nebraska," wrote the editor of the *St. Louis Evening News*.<sup>13</sup>

Atchison replied in a speech at Parkville on August 6. He attacked Benton's map and his stand on the Indian issue. Even should "Old Bullion's" map prove accurate, Atchison reported that surveyors had assured him that most of the desirable land for farming in Nebraska lay within the Indian reserves indicated thereon. He informed his constituents that he had written a letter to the Department of the Interior three days earlier asking for clarification of the legality of immediate settlement of Nebraska. Renewing his pledge not to vote for any bill which would exclude slavery from the territory, Atchison warned his audience: "The State of Missouri is now bounded on two sides by free States; organize this Territory as free territory, then we are bounded on three sides by free States or Territories. What would be the effect upon slave property in Missouri and in this neighborhood it requires no prophet to tell. . . . The free States have a pious and philanthropic class of men who observe the 'higher law,' and whose duty it is to attend to other people's business, and think that they are rendering God good service in stealing their neighbors' negroes."

In answer to Benton's earlier charge that he did not support the central railroad, Atchison replied that the choice of route should be left with the President, who had no local interest in the matter but acted for the good of the nation as a whole. The President would be best qualified to choose the route after surveys had been made which would indicate the cost and feasibility of each one proposed. In closing, Atchison hurled a defiant chal-

lence at his antagonist: "I have been called by Col. Benton and his friends a Nullifier, a Disunionist, a Secessionist, &c. To these charges I plead not guilty, and I have often called for the proof. I defy Col. Benton or any of his friends to put their fingers upon any vote that I have given, one speech that I have made, one act that I have done, to sustain their charges."<sup>14</sup>

Atchison soon received a lengthy communication from Commissioner Manypenny which gave in detail the government's dealings with the various Indian tribes. Although Congress had authorized the President to negotiate with the Indians of Nebraska in order to secure the extinguishment of their land titles, and plans were underway to do so, Manypenny wrote that at the present time "I am not able to say to you that any portion of the country within the limits of the proposed Territory of Nebraska is in such condition that the white man can lawfully occupy it for settlement." He expressed the hope that nothing would be done in the near future to embarrass the government in its contemplated negotiations.

Now the Atchison papers in the state exulted in the triumph of their leader. Even the moderate *Missouri Republican*, in printing the correspondence, boasted: "A more decided victory could not be obtained by one individual over another than Atchison has achieved in this controversy."<sup>15</sup>

Meanwhile, the Benton map had been published and offered for sale under a title which asserted in part that it was being issued to "Show the Public Lands in the Territory Subject to Settlement." When Colonel Manypenny visited Nebraska in September to effect the negotiations mentioned in his letter to Atchison, he saw one of the maps. His examination of it prompted him to write the editor of the *Independence Reporter*: "I deem it my duty to say that no such map was ever drawn in the Indian office by me for any such purpose; and further I deem it my duty to say that in my opinion there is not any land in Nebraska Territory subject at this time to lawful settlement." The Indian Commissioner admitted that Benton had sent his office a map on which he had drawn an outline of the Indian reservations. Benton had not asked his opinion on the right to settle Nebraska,

however, and thus the title of the map was misleading. Manypenny concluded: "The publication of this map has done Colonel Benton and the Indian Office a great injustice and the 'Official Map' for the purpose intended by him is unworthy of credit and ought not to be purchased or circulated."<sup>16</sup>

Prior to Manypenny's arrival, the Wyandots had called a convention of delegates from the several tribes in the territory for the purpose of organizing a provisional government for Nebraska. The delegates met at the Wyandot council house on July 26 and established such a government with William Walker as provisional governor. General John W. Whitfield, the agent of the Potawatomis and later Kansas' first territorial delegate, apparently represented the Atchison interests in the convention. He called the meeting premature because the Indian titles had not been extinguished, and advocated settlement on the basis of the Compromise of 1850. Whitfield also urged the outright repeal of the Missouri Compromise because "men from all parts of the Union ought to have the privilege of bringing their property with them." Abelard Guthrie supported Whitfield's first proposal, but felt that the second would be unnecessary. Further, to press for it would cause agitation which should be avoided.

The Convention adopted a series of resolutions, which included one praising Benton and Hall for their efforts on behalf of territorial organization during the last session of Congress. The Atchison men tried unsuccessfully to have this resolution stricken because "in praising two men they had perhaps left out others equally meritorious." Another resolution called for the election of a delegate to Congress on the second Tuesday of October. The Convention nominated as candidates for this post Guthrie and the Rev. Thomas Johnson, a missionary of the Methodist Episcopal Church, South, to the Shawnees and a slaveholder; only Guthrie accepted the nomination.<sup>17</sup>

Commissioner Manypenny arrived in Nebraska on September 2 and traveled throughout the territory in the company of Whitfield and Johnson. On the 20th, another convention met at Kickapoo, with Manypenny present. The Convention nominated Johnson as its candidate for delegate. This time the min-

ister accepted the nomination, whereupon the Convention drew up a series of resolutions which followed closely the stand Atchison had been taking in his Missouri campaign that summer. Immediately, the Benton press charged that Atchison and Manypenny had conspired to keep settlers out of Nebraska. They gathered further fuel for their fire from the fact that the Indian Commissioner returned to Washington without negotiating a treaty with any of the tribes. The Benton press now accused Manypenny of allowing Atchison to dictate and direct Indian policy and of seeking to influence the territorial election which resulted in a victory for Johnson.<sup>18</sup>

Atchison made his last major speech of the 1853 campaign at Fayette on November 14. He devoted most of it to denouncing Benton's map and to showing the rightness of his own contentions. The *Jefferson Inquirer*, in printing a summary of the speech a month later, made it appear that the Senator had claimed to have influenced Manypenny and the Pierce administration in its Indian policy.<sup>19</sup>

Atchison denied having made such a claim in a letter written on December 21 to the editor of the *Missouri Examiner*, which was also published at Jefferson City. The Senator stated that he had not written the Indian Commissioner that summer nor had he received any communication from him other than his answer to Atchison's letter to the Secretary of the Interior. Atchison also refuted charges that he had conferred with Manypenny during the Commissioner's visit to Nebraska.<sup>20</sup>

During the summer and fall of 1853, Senator Atchison fully vindicated his stand on the question of organizing Nebraska. He had the last say, and in the end, Benton could produce no rebuttal. Atchison declared that no portion of Nebraska could be considered open to immediate settlement. In this, Manypenny's two letters amply sustained him. He had offered to vote for any treaty which would terminate the Indian titles in the territory, and, at the same time, he had reaffirmed his intention not to vote for organization of the territory unless both the slaveholder and the nonslaveholder could settle in the territory. This, then, was Atchison's stand at the opening of the Thirty-third Congress in December of 1853.

## CHAPTER XIII

### THE PATRONAGE STRUGGLE

MISSOURI was not the only field of battle for David R. Atchison and Thomas Hart Benton in 1853. With the election of Franklin Pierce to the presidency and the subsequent return of the national Democracy to power, a struggle for patronage began throughout the party. The new President decided, in his appointments, to ignore all past schisms within the party. This policy quickly brought him into conflict with the States' Rights group led by the Atchison mess. The contest reached its highest intensity in New York and Missouri, and in both states it brought Atchison and Benton into active opposition.

The New York Democracy had split three ways. The Free-Soil Barnburners, who supported Van Buren in 1848, had returned to the regular party, but in so doing had split the rest of the Democracy into two factions: the Hards, led by Daniel S. Dickinson, who opposed reconciliation with the Barnburners; and the Softs, led by William L. Marcy, who favored reunion. Each faction offered a prominent candidate for Pierce's cabinet. The President-elect automatically rejected the factious Dickinson, a close friend of Atchison, and thus narrowed his choice to Marcy or John A. Dix, a prominent Barnburner and lifelong personal friend. In the process of making his decision, Pierce consulted with F. P. Blair and asked the opinion of Van Buren, Benton, and the other leaders in the old Jacksonian group. Blair reported that they all favored Dix. This evidence of approval, combined with his personal friendship for the New York Barnburner, encouraged the President-elect to offer Dix a Cabinet post sometime in December of 1852.<sup>1</sup>

Fully realizing that he must appease the States' Rights wing of the party, Pierce wrote Jefferson Davis, then temporarily out

of the Senate, on December 7 and asked him to come north to advise on Southern opinion regarding the Cabinet. When Davis delayed in replying, the President-elect sent for Robert M. T. Hunter, Atchison's messmate, to come to Boston for a conference. Hunter met with Pierce at Tremont House on December 27 and received the offer of a Cabinet appointment. When he learned of Dix's appointment to the Cabinet, Hunter expressed the opinion that it would not be popular with the Southern leaders. Although hesitant about entering the Cabinet under these circumstances, Hunter promised to consider Pierce's offer and returned to Washington. Once there, he undoubtedly conferred with Atchison and the other members of the mess as to the course he should take.<sup>2</sup>

Early in January, Pierce sent two confidants to Washington to scout the congressional scene as to its favorableness for his Cabinet proposals. The two men spent most of their time interviewing Free-Soilers. Of the Southern men in Congress, they saw only Pierre Soulé of Louisiana. In these meetings they proposed the Dix-Hunter combination which Pierce hoped would unite the party.

Marcy's lieutenants invaded Washington at about the same time. They made a conspicuous effort to conciliate Atchison, Butler, and Mason, who were greatly angered over the proposed Dix appointment. Atchison denounced the move as a Van Buren-Benton attempt to take possession of the government and warned that it would certainly break up the party. He indicated that the States' Rights leaders had petitioned Pierce not to appoint Dix; if Pierce persisted, they would fight confirmation of the appointment. Atchison backed this statement by saying that he and Senator Rusk of Texas had "looked over the Senate" and believed they could name thirty-three senators who would be willing to vote against the Dix appointment. The Missourian preferred Marcy or Dickinson as New York's representative in the Cabinet and believed that the Empire State should be unrepresented if Pierce could not agree on either of them. Atchison further told the Marcy men that "Virginia (and Hunter among them), thinks it would be highly inexpedient to take Dix."<sup>3</sup>

By mid-January, Hunter had written Pierce to decline the Cabinet position. The President-elect's advisors now counselled him against appointing Dix. He consequently called a second meeting with the New Yorker to inform him of this decision, holding out the prospect of a position for him, perhaps in the diplomatic corps. Pierce now decided upon Marcy and Davis as substitutes for Dix and Hunter. This, the final arrangement, proved highly acceptable to the South.<sup>4</sup>

Meanwhile, Benton had begun a move for Montgomery Blair's appointment as Attorney-General in the new Cabinet. Apparently "Old Bullion" anticipated that his efforts to secure young Blair's appointment would go far to help him regain his Senate seat because of the influence Montgomery would then have in the distribution of patronage. The elder Blair wrote Van Buren: "It would be such a recognition of him [Benton] as would compel all who acknowledge the natl democracy as controlling to go in for Benton for their own sakes." Several noted Missourians wrote Pierce recommending the younger Blair during January of 1853, and the President-elect consulted Montgomery's father with the result that the elder Blair now hoped for a judgeship for his son.<sup>5</sup> These efforts on behalf of Montgomery failed of fruition, however, no doubt in part because of Pierce's fears of the reaction such an appointment would bring from the States' Righters.

Atchison received encouragement in his stand against Pierce's conciliatory appointment policy from his former Senate colleague, the Vice-President-elect, William R. King. Writing from Mantangas, Cuba, where he had gone for his health, King warned the Missourian: "I sincerely hope that Genl Pierce may disregard all the attempts that may be made by fractions of our party to influence or control his action. If he will only draw around him, able, intelligent and virtuous men, his administration cannot fail to be eminently prosperous, failing in that he will not only get along badly, but contribute to the disorganization, if not, the entire breaking up of the democratic party."<sup>6</sup> King never returned to Washington; his death, on April 19, placed Atchison first in the line of presidential succession.

Pierce finally decided to attempt a compromise with regard to the New York patronage. He called the States' Rights leaders to the White House and received their tentative agreement, with the stipulation that the Barnburners appointed should abstain from agitation. The President then offered to appoint Dickinson as collector of the port of New York, Dix as assistant treasurer of the United States, and Heman J. Redfield, a Marcy supporter, to a post in the Navy office.<sup>7</sup>

Free-Soiler Dix still proved too much of a pill for Atchison to swallow, however. On April 6, while presiding over the special session to consider presidential appointments, Atchison led a group of eight senators who voted against confirming the New York Barnburner. Two of his messmates, Butler and Mason, voted with Atchison as did Bright of Indiana, Rusk of Texas, Evans of South Carolina, Morton of Florida, and Thompson of Kentucky.<sup>8</sup>

Three days later, the Missouri senator wrote the equally uncompromising Daniel S. Dickinson, who had just declined to serve as New York's collector, giving his views generally on the administration's patronage policy. He praised Dickinson for refusing to be a part of any arrangement with the Barnburners and pledged his own continued struggle against them. The New York leader promptly replied, summing up his feeling on the matter: "I regret exceedingly to see the President engaged in an effort which will cause him much trouble, make him many enemies, and finally fail of meeting his expectations. God has not placed the faithful and the treacherous upon a par, and man cannot do it."<sup>9</sup> Many others, including Atchison, would loudly proclaim "Amen" to this sentiment.

The President seemed inclined, at first, to recognize Benton's forces equally as entitled to patronage as Atchison's. The latter's supporters in the state appealed to Stephen A. Douglas to add his influence to Atchison's to prevent equal distribution of appointments. James S. Green wrote asking Douglas to aid Atchison in securing him a diplomatic post. The Benton men, he wrote the Illinois senator, had supported the Whig candidate in his district and had thus brought about his defeat. Green felt he had

no chance for future political success in Missouri and now sought "an endorsement by the National Democracy," and "a compensation that will make me a little more independent." Green had been Atchison's most active lieutenant in the fight against Benton in 1849 and 1850. The two senators now secured his appointment, on May 24, 1853, as *chargé d'affaires* to Colombia.<sup>10</sup>

Early in the new administration, Benton demanded and tentatively obtained the appointment of Henry F. Watson as postmaster at St. Louis; Watson had served for many years as chief clerk in the St. Louis post office. Atchison and other members of the Missouri congressional delegation, however, supported David H. Armstrong, who long had been active in Missouri Democratic politics while pursuing a career as an educator in the St. Louis schools. Pierce protested that he felt bound to acknowledge Benton as a full-fledged Democrat and told Atchison that he must be guided by the ex-Senator's recommendations within his own congressional district. Atchison thereupon notified the President that he would prevent Watson's confirmation in the Senate by using an abolitionist address which the latter had signed in the 1848 campaign.<sup>11</sup>

With the departure of Benton from the Washington scene in early April, Pierce fell completely under the influence of Atchison in making Missouri appointments. The Senate president already had obtained the selection of his good friend, James H. Birch, as register of the federal land office at Plattsburg. The appointment of the "scoundrel Birch" especially galled Benton and his supporters since the newly appointed register had a libel suit pending against "Old Bullion" as a result of bitter exchanges made during the senatorial campaign of 1849-1850.

Atchison had called his old friend, James M. Hughes, the former congressman, to Washington in February to assist in handling the Missouri patronage. Aided by Hughes and Representative John S. Phelps, and strengthened by his position among the States' Righters and his prestige as president of the Senate, Atchison now pushed through a number of appointments, including two in Benton's home district. This move caught "Old Bullion" completely off guard. He had called on Pierce before

leaving Washington and had obtained the President's promise to postpone the Missouri appointments until a later date when more of the four-year positions would expire.<sup>12</sup>

An invitation to address the people of Andrew County provided Benton his chance to denounce his opponents publicly. His letter of acceptance castigated Atchison, Phelps, and others for betraying the President by imposing their recommendations upon him. Atchison replied to the charge in his Weston and Platte City speeches. The men he had recommended were "among the most respectable men of the State," not one of whom "would consider himself honored by the privilege of 'crossing his legs' under the table of even Col. Benton." Atchison further asserted that by his attacks "Col. Benton admits that his recommendations for office are not heeded by Gen. Pierce."<sup>13</sup>

By the end of August, the Washington correspondent of the New York *Tribune* could report: "Col. Benton is indulging an unamiable spirit towards the Administration." When requested by the Secretary of the Interior to make a recommendation for a vacancy in the St. Louis land office, Benton was quoted as saying: "I have no name to present, and were I to live to be as old as Methuselah, and this Administration should exist so long, I would have no favor to ask of it."<sup>14</sup>

Earlier in August, Atchison had received a letter from the same Cabinet official which stated that Benton had preferred charges of drunkenness against one of Atchison's appointees. The Missouri senator advised that the individual involved should be informed of the charges and allowed to make his own defense. Atchison assured the Secretary that if the person were guilty, "he will resign, *I take it for granted that he will do so*; if not guilty, he will demand *the proof of the charge*, and will hold the Author of it to account." The Senator concluded: "A charge made by Col. Benton is 'prima facie, false,' this I know, *he will not speak the truth.*"<sup>15</sup>

This incident did not end Benton's charges or inquiries. The next month he wrote the Postmaster-General to ask what charges Atchison had made against Henry F. Watson to prevent his receiving the office of postmaster at St. Louis. These the Cabinet

official declined to divulge, but he did inform Benton that Watson had been accused of participating in the Free-Soil movement of 1848. Watson sent this correspondence to the *Missouri Democrat* with a denial of the Free-Soil charges, which led to his repudiation by the Blairs and other prominent Benton men who believed that the aspiring clerk had betrayed them.<sup>16</sup>

After an interview with the President in October of 1853, one pro-Benton observer wrote: "I had a great deal of political talk with Mr. P. at his own solicitation about our family difficulties in Missouri. I talked plain to him, he is evidently in feeling against the Benton party yet he disclaims it, & speaks in the kindest terms of friendship for Col. Benton. But to me his act shows conclusively what his feelings are. Col. Benton thinks so too yet he says but little."<sup>17</sup>

By the spring of 1854, Atchison men filled practically all of the important federal positions in Missouri, including those of St. Louis postmaster, United States marshal, and United States district attorney. For this latter post, Atchison made one of his most notable recommendations in his choice of Thomas C. Reynolds, former secretary of the American legation in Madrid.

From the time of the Democratic split in 1850, the Benton forces had relied heavily on the German vote in St. Louis. The Reynolds appointment was designed to counteract Benton's influence there, since the new district attorney had studied at Heidelberg and had mastered the German language. He was able, therefore, to deliver persuasive speeches to the German population and undermine Benton's influence. In April of 1854, the *Missouri Democrat*, Benton's leading organ, began a series of attacks upon Reynolds and upon the Pierce administration for its appointment policy. In the struggle which followed, Reynolds managed to alienate sufficient German votes to defeat Benton in his attempt at re-election to the House in the fall of 1854.<sup>18</sup>

## CHAPTER XIV

### THE KANSAS-NEBRASKA ACT

ATCHISON arrived in Washington on November 27, 1853, to prepare for the Thirty-third Congress, during which he again would preside over the Senate. As yet he had not received all of the patronage mentioned in the preceding chapter, and many other States' Righters still had not reconciled themselves fully to Pierce's appointment policy, which did not always favor them in their home states. Consequently, they sought an issue through which they might manifest their dissatisfaction with the administration. They found it in the election of a congressional printer. Robert Armstrong, the owner of the *Washington Union*, the administration organ, had held the position during the preceding session and naturally hoped to continue in the lucrative post. His editorials strongly supported Pierce's appointments—a stand which placed him in an unfavorable light with the States' Rights men. As early as October 3, former Congressman J. Glancy Jones of Pennsylvania informed James Buchanan: "Every man who secretly wishes ill to the administration will vote against Armstrong if they can make a respectable show."<sup>1</sup>

The first test came in the House of Representatives two days after Congress convened. Although twenty-three Democrats bolted, Armstrong easily secured the election as House printer. Of the dissenters, twenty voted for Beverly Tucker, the editor of the *Washington Sentinel*. Five days later the Senate voted by secret ballot and elected Tucker as its printer, 26 to 17, over Armstrong. The *Union* copied the individual vote as ascertained by the *Evening Star*. It revealed that Atchison, Mason, Hunter, Bright, and Evans, all anti-Dix senators, had joined with three other Democrats to help the Whigs elect Tucker. The Washington correspondent of the *Missouri Republican* reported that

Atchison and Bright had been the chief contrivers in securing Tucker's election. Tucker only recently had begun publishing the *Sentinel*, whose position was described by Secretary of State Marcy as one of "quasi hostility to the administration." In reporting the vote, the *Union's* editor made the following comment on the action of the Tucker supporters: "We are forced to regard their course as dictated by political considerations; and as our support of the administration has been constant, earnest, and zealous, we can attribute it to no other motive than opposition to the policy of the administration."<sup>2</sup>

Marcy did not agree. He wrote Heman J. Redfield, whose appointment to the post of collector of the port of New York had not yet been confirmed, not to fear opposition from any of the dissident senators. "I have been looking into the matter," the Secretary of State reported, "and I really believe that the outside appearance is worse than it really is." Marcy explained that Tucker came from one of the best known families in Virginia and expressed the opinion that his kinship to Hunter had something to do with the votes of the mess. Explaining their action, the New Yorker observed: "Virginia is clannish. The two senators from that state acted upon the selfish principle as some of the members from Va. did in the lower house. Atchison is a little shaky but not especially unsound. He is of the same mess with Hunter & Mason."<sup>3</sup>

As to the *Sentinel* itself, Tucker editorially thanked those who had supported him and then piously intoned: "The course of the *Sentinel* will be directed, as hitherto, with an eye single to the principles of the democratic faith, for which it has so warmly contended. In the performance of official duty the publisher of the *Sentinel* will know no party; but he will make it his earnest study to discharge promptly and faithfully the trust of the office to which he has been elected."<sup>4</sup>

Tension had not relaxed by the first of the year when the alert Washington correspondent of the New York *Herald* observed:

Sufficient time has elapsed since the meeting of Congress to be able correctly to arrive at the general feeling of the leading

members of the democratic party here, and the result is far from favorable to the administration. The dissatisfaction is wide spread and deep seated, embracing some of the warmest personal friends not only of the President, but of members of his cabinet. Distinguished Southern senators and members declare that whilst they are unwilling to be driven into opposition to a democratic administration, yet they cannot continue much longer to act the humiliating "parthologists" where they had a right to expect they would have been able to take the high ground of—"panegyrists." Yet everywhere they are obliged to meet the complaints of their constituents, and to try and induce the belief that the faults which have been and are daily committed are errors in judgment—not criminal and deliberate acts.<sup>5</sup>

Into this charged atmosphere, on December 14, 1853, Senator Augustus C. Dodge of Iowa introduced his bill to organize the Territory of Nebraska. The Senate promptly referred the measure to the Committee on Territories, headed by Douglas, under whose skilled leadership the bill eventually became the Kansas-Nebraska Act. John G. Miller of Missouri introduced a similar bill in the House on December 22. It was sent to the House Committee on Territories where it remained under the watchful eye of Douglas' friend and lieutenant from Illinois, William A. Richardson, who headed the House group.<sup>6</sup>

That many in the South looked to Atchison for leadership at this time is clearly indicated in the following excerpt from the editorial columns of the *Richmond* (Virginia) *Enquirer*:

In regard to Nebraska at present, the struggle between the pro-slavery and the anti-slavery party, is whether Congress shall forbid the existence of slavery, or whether the decision in question shall be left to the people in organizing a State Government. Mr. Benton, the leader of the Abolitionists, insists on the immediate establishment of a territorial government, which shall prohibit slavery. Mr. Atchison, *the faithful champion of the South*, contends that the people of Nebraska in organizing a state government, shall determine whether slavery shall be admitted or excluded. Peopled by immigrants from Missouri, and, by the fertility of its soil inviting the negro, Nebraska, if allowed the free exercise of its own discretion, will soon apply for admission into the Union as a Slave

State. It is to prevent this natural, and, if justice be done, inevitable result, that Mr. Benton, at the instigation of the abolitionists, invokes the aid of the Federal Government to exclude slavery from Nebraska. We have confidence, however, that this free soil plot will be baffled by the efforts of General Atchison, *than whom the South has not a more honest, intrepid and vigilant friend.*<sup>7</sup>

Toward the end of December, the *Enquirer's* Washington correspondent assured the paper's readers that Atchison would "oppose the Nebraska territorial bill and insist upon the admission of slavery into the Territory, if it be established at all." While the Dodge bill continued in committee throughout December, other papers also reminded their readers that Atchison would take a firm stand for the admission of slavery into Nebraska. The correspondent of the *Charleston Courier* reported: "That the question is certain to come off I have from all quarters" as Atchison had pledged himself and his constituents "mutually to raise a storm here against the slavery restriction when the subject of Nebraska Territory shall come up." The *Baltimore Sun's* correspondent assured his readers: "Some means will be adopted for the prevention of the threatened revival of the slavery question in this bill" in order "to avoid the opposition to the bill which has been threatened by Mr. Atchison in his address to the people of Missouri."<sup>8</sup>

Stephen A. Douglas, chairman of the Senate Committee on Territories, had advocated the organization of Nebraska as early as 1845 in connection with the proposed building of a transcontinental railroad to the Pacific. While a member of the House, and after 1847, of the Senate, he had introduced without success numerous bills to effect that purpose. Douglas also had been active in the promotion of railroad building in the Mississippi Valley through obtaining land grants from the federal government. In this latter project Douglas and Atchison shared a common interest. The Missourian had introduced several bills, beginning in 1848, to give his state land grants for the purpose of building a railroad across its width. With the aid of Willard P. Hall in the House, he had finally managed to push his measure

through Congress in 1852, and Missouri thus received the second national land grant for railroads.<sup>9</sup>

Atchison later asserted that he approached Douglas soon after the Senate had committed the Dodge bill to the Committee on Territories. He asked his Illinois colleague at that time to relinquish the chairmanship of the committee in order that he himself might be appointed to that position and bring in a Nebraska bill allowing slavery in the new territory. If such an arrangement could be worked out, the Missourian agreed to relinquish his own post as president of the Senate. According to Atchison, Douglas requested some time to consider the matter. He promised his Missouri colleague that if he could not introduce within a short time a bill such as Atchison proposed and "which would at the same time accord with his own sense of right and justice to the South," he would resign as chairman of the committee in the Democratic caucus, whereupon he would support Atchison as his successor.<sup>10</sup>

Douglas well knew the powerful influence which Atchison and his messmates exercised among the States' Rights group. Somehow he must accede to Atchison's demands in order to insure the support of the South, yet outright repeal of the Missouri Compromise Act might alienate other groups and lead to further difficulties. In addition, the Illinois senator had never been close to Pierce and did not know what reaction the administration might have to any measure he produced. Within a week, Douglas had decided that Atchison and the South must be satisfied, and he consequently suggested to one of his editorial supporters in Illinois that he hint through his paper that the people of Nebraska could safely be left to act for themselves on slavery and other questions.<sup>11</sup>

Douglas then worked out the means whereby a generally acceptable measure might be framed. He apparently felt he had met the problem satisfactorily when, on January 4, 1854, he reported back to the Senate the Dodge bill with certain amendments and explanations. These additions provided that the new territory should be guided by the same principle of popular

sovereignty which governed the organization of those established under the Compromise of 1850.<sup>12</sup>

The administration organ, the Washington *Union*, quickly came to the support of the measure and roundly condemned the "fanatical bitterness" with which the antislavery New York *Tribune* attacked the bill. The *Union's* editor asserted: "The course of the Tribune more than ever confirms us in the importance which we attach to the Nebraska report and bill. In our judgment, the adoption of the principles of that bill by a united democratic vote would be hailed by the patriotic lovers of the Union throughout the country as the crowning act of our party."<sup>13</sup> President Pierce apparently accepted the bill as identical with the Compromise of 1850 and anticipated no difficulty from its provisions. He believed the Missouri Compromise unconstitutional and saw in the Douglas bill a means of peacefully circumventing it.

Douglas hoped to satisfy Atchison and the other Southern leaders by this indirect means, and he apparently succeeded temporarily. When Atchison discussed the bill with Representative Philip Phillips of Alabama on January 6, he remarked: "Hunter tells me you say Douglas' bill does not repeal the Missouri Compromise Act. *This surprises me.*"<sup>14</sup> Phillips, a member of the House Committee on Territories, had approached Senator Hunter the previous day and had pointed out that the Douglas bill contained several flaws, the most important being that it did not specifically repeal the Missouri Compromise. Hunter passed these remarks on to Atchison and the other members of the mess that same evening. The president of the Senate therefore approached Phillips just two days after Douglas had reported his bill. When the Alabaman reaffirmed his views to Atchison, the Senator asked him to meet with Douglas and himself in the Vice-President's chamber in the Capitol the next morning. At this meeting, Phillips, at Atchison's request, restated his opinion as to the effect of the bill, adding that "repeal by implication was not allowed, but could only be effected by express words, or by the passage of an act so inconsistent with the former act that the two could not co-exist." Phillips' views impressed Douglas, and other conferences followed.<sup>15</sup>

The *Washington Sentinel*, which might be considered the journalistic organ for the Atchison group, carried the following significant editorial on January 14:

To us it seems clear that the safety of the country requires that the slavery agitation should cease, and cease, not for a day or a year, but should cease forever. If there be any doubt then, as to the meaning of the Nebraska bill, growing out of the Missouri compromise we trust that some distinguished statesman like General Cass will move an amendment which will place the fate of the Missouri compromise beyond the subtleties of factionalists or the chicanery of lawyers. Let that portion of the Missouri compromise which relates to slavery in Nebraska be repealed—*directly and positively repealed*—so that the principles of the Baltimore platform may apply to Nebraska without let or hindrance, and all will be well. . . . If the distinguished Senator from Michigan will make such a movement, we feel no hesitation in saying that Judge Douglas will second and sustain it with all his energy and all his ability.<sup>16</sup>

The reference to Senator Cass did not prove idle suggestion for great efforts were now made to enlist the Michigan veteran to move the repeal, with the warning that if he did not do so Douglas would. "His reply was that he could not make such an atrocious [*sic*] proposition, whatever others might do & that the measure was fraught [*sic*] with infinite evil."<sup>17</sup>

While the Democrats conferred together in an attempt to decide the exact course they should pursue in bringing about the repeal, certain of the Southern Whigs also began considering the matter. Foremost of these was Senator Archibald M. Dixon of Kentucky, who had been elected to fill the vacancy caused by the death of Henry Clay. Writing to Henry S. Foote in 1858, Dixon remarked: "On examining that [Nebraska] bill, it struck me that it was deficient in one material respect; it did not in terms repeal the restrictive provision in regard to slavery embodied in the Missouri Compromise. This, to me, was a deficiency that I thought it imperiously necessary to supply. I accordingly offered an amendment to that effect." The Dixon amendment came without warning on January 16 and caught the Senate very much off guard. As the Senator himself later wrote to Foote: "My

amendment seemed to take the Senate by surprise, and no one appeared more startled than Judge Douglas himself. He immediately came to my seat and courteously remonstrated against my amendment." The next day many visitors of both parties stopped by the Dixon home to congratulate the Senator on his action. Shortly thereafter Douglas called and invited Dixon to take a ride in his carriage. During their drive, the Illinois senator persuaded his colleague to allow him to take charge of the amendment and incorporate it into his territorial bill, to which Dixon readily agreed.<sup>18</sup>

The Dixon amendment had already set in motion a retaliatory movement. On the 17th, Senator Charles Sumner of Massachusetts offered a counteramendment which provided that "nothing contained herein shall be considered to abrogate or in any way contravene" the Missouri Compromise.<sup>19</sup>

On Thursday evening, January 19, following his ride with Dixon, Douglas, accompanied by John C. Breckinridge of Kentucky, called on Phillips once again to consult on the form which the repeal should take. Strong language prevailed in the Dixon amendment, and Douglas wished to adopt a more moderate version. He therefore asked the Alabaman to draft a new form of repeal. Phillips' amendment stated: "That the people of the Territory through their Territorial Legislature may legislate upon the subject of slavery in any manner they may think proper not inconsistent with the Constitution of the United States, and all laws or parts of laws inconsistent with this authority or right, shall from and after the passage of this act become inoperative, void and of no force and effect." When Douglas asked if Phillips approved of the amendment, the Alabaman replied that he needed to consult Atchison and the mess before answering because he had no right to speak for the South himself. On his promise to give Douglas an answer by Saturday, the two visitors departed. Phillips went to the house on F Street the following day and showed his amendment to Atchison and the other members of the mess. He consulted a few others also, and there seemed a general concurrence as to the propriety of the repeal as he had stated it.<sup>20</sup>

By Saturday, a new obstacle appeared. On that morning, the *Washington Union*, most of whose editorials were written by Attorney-General Caleb Cushing, came out with a strong condemnation of both the Dixon and the Sumner amendments. Cass and other Northern Democrats, frightened at the possibility of renewed agitation about slavery had called on the President to advise him not to identify himself with repeal of the Missouri Compromise Act. As a result, Pierce took a firm stand against what the *Union* called "partisan and uncalled for attempts to stir up strife."<sup>21</sup>

The President called his cabinet into session that same day. They drafted their own version of an amendment which provided that "the rights of persons and property shall be subject only to the restrictions and limitations imposed by the Constitution of the United States and the acts giving governments, to be adjusted by a decision of the Supreme Court of the United States."<sup>22</sup> Thus the administration sought to evade a direct controversy on the issue of repeal. Pierce believed the Missouri Compromise unconstitutional and tried to appease the South by referring decisions to the Supreme Court. He apparently hoped thereby to unite a majority behind the original Douglas proposal that the Compromise of 1850 supersede the Missouri Compromise.

Breckinridge brought the Cabinet's amendment to Douglas and the Atchison mess that same evening, but the group refused to accept it, holding out for direct repeal. They believed that only thus could they outmaneuver the Southern Whigs and maintain face at home. Douglas found himself in a serious predicament. The Nebraska bill was on the Senate calendar for Monday, January 23. It had no chance of passing without the support of the Southern Democracy, and this Atchison and his messmates would withhold unless Douglas included direct repeal. He could follow only one course with any hope of success: to approach the President directly and attempt to secure his personal endorsement of repeal.<sup>23</sup>

The next day was Sunday, and Pierce had established the custom of transacting no business on the Sabbath. In desperation, Douglas appealed to Jefferson Davis, the Secretary of War, who

had become Pierce's closest confidant. Knowing that Davis favored repeal and had long been a firm friend of Atchison, Douglas hoped that the Secretary might be able and willing to arrange a conference with the President. He showed Davis the bill containing the Phillips amendment which greatly pleased the Secretary, who consequently prevailed upon Pierce to receive Douglas and his colleagues that evening.

The congressional group assembled at the residence of the mess on F Street. It consisted of Douglas, Phillips, Breckinridge, and the members of the Atchison mess (Senator Butler excluded). Obviously, the members of the mess dominated the scene. Douglas and Atchison, who rode to the White House in Douglas' carriage while the others followed on foot, were already with the President when the others arrived. The conversation of the three men during this interlude has never been revealed. Phillips later wrote: "I was struck by the cold formality which seemed to prevail." The entire group quickly entered upon the subject of the repeal, and after considerable discussion and contemplation, the President agreed to the demands of the Southerners, although warning them: "Gentlemen, you are entering on a serious undertaking, and the ground should be well surveyed before the first step is taken." Douglas asked Pierce to put his assent in writing and received an amendment from him which stated that the Missouri Compromise "was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative and void. . . ." With the President's admonishment to call on Secretary of State Marcy and inform him of the proceedings, the congressmen departed. Failing to find Marcy at home, they made no further effort to see him. They tried to keep the meeting secret, but the alert correspondent of the New York *Herald* learned of it, and thus news of the meeting found its way into the press.<sup>24</sup>

On Monday, January 23, Douglas called up the Nebraska bill and offered a substitute measure for the one which he had reported on January 4. The new version specifically called for the repeal of the Missouri Compromise. Since it also provided for the

division of Nebraska into two territories, the measure thereafter became known as the Kansas-Nebraska bill.<sup>25</sup>

The Washington *Union* now came to the support of direct repeal, and henceforth expressed nothing but praise for Douglas and Atchison. The correspondent of the New York *Tribune* noted that Atchison had become "a warm friend of the Administration" and had dined at the White House recently where "all talked lovingly about democracy." The elder Blair wrote a stinging letter regarding the repeal to his friend, William Allen in Ohio. "You see," he remarked with bitter sarcasm, "what a prodigy Douglas is becoming under the direction of the Southern Nullifiers."<sup>26</sup> In the House, Blair's long-time friend and Atchison's arch foe, Thomas Hart Benton, began his preparations to fight the bill should it pass the Senate.

Atchison had not participated in the debate on the bill up to this time, and in that which followed he spoke only once. On March 2, Senator Clayton of Delaware moved an amendment which would prevent aliens from voting or holding office in the new territory. The correspondent of the *Missouri Republican* stated that Atchison was the actual author of the amendment, which passed with the aid of Southern votes. The same source further declared that Atchison wished to insert this provision in the bill in order to bait Benton when it went to the House. If "Old Bullion" should vote for the bill as amended, it would cost him the German vote in St. Louis; if he should vote against the bill, he would lose most of Missouri. When the House rejected the amendment, and it came up for reconsideration in the Senate, Atchison left the chair to make his only speech of any length during the entire Kansas-Nebraska debate. He admitted voting for the amendment and remarked that he still agreed with its principles. He denied having written it, however, and in this Clayton supported him. Atchison considered the amendment a "mere question of policy," on which he would gladly yield if yielding would secure the passage of the bill which repealed "that infamous restriction passed by the Congress of 1820."<sup>27</sup>

The Kansas-Nebraska bill passed the Senate on March 3 by a vote of 37 to 14. After more than two months of debate, the

House also approved it, 113 to 100. All of the Missouri delegation supported the measure except Benton, who made a lengthy speech denouncing it. The three Whigs from Missouri had written Abiel Leonard and James S. Rollins, among others, for advice as to the course of action they should take on the bill and apparently had been counselled to support it.<sup>28</sup> President Pierce affixed his signature on May 30, and the Kansas-Nebraska bill therewith became law.

Atchison addressed a letter from Washington to his constituents in Missouri on June 5. In it he retraced his long-standing fight with Benton over the issue of the organization of Nebraska Territory. The Senator reminded his followers of his pledge to vote only for such measures as would permit the slaveholder as well as the nonslaveholder to settle in the region. He proudly announced that he now had redeemed that pledge through his support of the Kansas-Nebraska Act and declared: "*The Douglas bill was a western measure. It was designed to add to the power and wealth of the West.*" In opposing it, he felt, Benton had stood against the best interests of his state.<sup>29</sup> This letter was Atchison's only direct appeal that summer to the voters who were soon to choose the legislature before which he must stand for re-election. He had kept his promise, he told his constituents; now he asked their support.

Although Atchison spoke only once from the floor of the Senate during the debate on the Kansas-Nebraska bill, and then on a relatively minor issue, the above narrative clearly indicates that he was active behind the scenes in promoting the repeal of the Missouri Compromise. He had returned to Washington at the beginning of the session hoping to circumvent it without direct repeal and thus accepted the Douglas principle of popular sovereignty. Atchison moved for outright repeal only when forced by outside pressure to do so. Nevertheless, once decided upon this course, he actively promoted it and saw its successful accomplishment.

It was in this type of maneuvering that the Missourian showed at his best. He made friends easily and wielded great influence with them. His colleagues respected him to the extent of elevat-

ing him to the presidency of the Senate, a position which gave him vast prestige and power, especially in the appointment of select committees. Atchison did not often leave the chair to address his colleagues from the floor. William F. Switzler once said of him: "He was not an orator but regarded language as most ornamental when ornamented least."<sup>30</sup> Atchison himself remarked on one occasion: "Although I have been for many years in the habit of public speaking, yet I confess it is always unpleasant and embarrassing."<sup>31</sup> He preferred instead to sound out his colleagues in private conversation and exert his influence through this means. When a just cause arose in which Atchison sincerely believed, he did not hesitate to use his power to promote it. He considered the repeal of the Missouri Compromise such a cause and a step forward in the achievement of his foremost goal: the extension of slavery into the territories.

## CHAPTER XV

### ELECTION STALEMATE

**A**LTHOUGH BUSY WITH Senate work, Atchison managed to keep well informed of the political situation at home during the winter of 1853-1854. At about the same time that he concluded the conference leading to the repeal of the Missouri Compromise, Atchison received a letter from his close friend and political aide in Missouri, Claiborne F. Jackson. Looking ahead to the campaign for the legislature which would choose Atchison's successor, Jackson warned: "We shall have warm times here next summer. Benton and his friends will make a desperate effort to elect him to the Senate again, and I think our friends are as fully determined to defeat him. How things will work out, I can't yet tell. The Whig party of the state is nearly all freesoil, and this makes the matter worse." Jackson significantly pointed out that the Whigs had pluralities in many districts where the Democrats had split. In his own district, which served as headquarters for the remnant of the old Central Clique, the Democratic leader reported a united Whig party could elect its man easily because there was no harmony in the ranks of the Democracy.<sup>1</sup>

During the same month, Atchison learned that the Democracy of his home county of Platte had united to the extent that they would support a Benton man for Congress and Atchison men for the legislature. Such instances of unity were few. Frank Blair worked hard at his St. Louis headquarters to activate Benton men for the legislative campaign. He wrote ex-Governor Marmaduke and urged him "to take the field as a candidate for the Legislature in order to restore the true Democracy to power and place Col. Benton again in the Senate." Blair noted that former Governor Austin A. King might run for the General Assembly and expressed the belief that the presence of both men

on the ballot would greatly inspire Benton Democrats throughout the state.<sup>2</sup>

In July, shortly before the election, Atchison received word from James Hughes which indicated that Blair's efforts in behalf of the Benton cause had borne fruit. Hughes, who had served as Atchison's key man in the distribution of Missouri patronage the previous year, wrote that the Benton party was better organized in the state than he had supposed. Only a few political changes had taken place in Missouri since 1850 to give advantage to the Atchison party. "Our friends are sanguine from the fact they know they are right," Hughes continued, "and take it for granted Democrats cannot sustain Benton under existing circumstances. But they mistake the influence of Benton over his friends!"

Hughes had stayed with the mess during his visit to Washington to aid Atchison the previous year and had come to share the warm feeling of comradeship which existed in the group. Consequently he warned: "Tell my old friend Butler to prepare himself for the worst for it may turn up that Old Bullion may yet find his way back to the Senate!" As Hughes well knew, nothing could have been more distasteful to the South Carolinian, for Atchison and he were especially close.

Hughes ended his letter with mention of an ominous cloud which had begun to gather in the Missouri as well as the national sky. "The Know Nothings are hard at work," he reported. "Nothing definite decided on so far as I can find out. I know a gentleman who intends to join this body who has promised to give me instructive hints if he can."<sup>3</sup> Although the cloud was insignificant at the moment, it would, within a year, assume alarming proportions.

The Whig party had begun already to show signs of the internal strains which were to split it apart before the next presidential election and give impetus to the new American party. James O. Broadhead, a leader of the St. Louis Whigs, clearly indicated that the Missouri branch of the party had not escaped the general weaknesses when he wrote James S. Rollins in March of 1854: "I am very much disheartened about the future of the Whig party.

This Nebraska question has split the Whigs wide open—upon this question the Whig party North and South are the very antipodes of each other—the Whigs of the North sincere in the position they assume, the Whigs of the South stifling their conscientious convictions are endeavoring to outrun the Democracy in the race of Demogguerism [*sic*].”<sup>4</sup>

Fully cognizant of the Whigs' situation, Frank Blair attempted to take advantage of it throughout the spring and summer. As late as July, he wrote Abiel Leonard and Joseph Daviss, prominent Whig leaders in central Missouri, urging them to get “some gentleman known to the Benton Democracy” to stump their district in support of a united ticket. Leonard, running for Congress on the Whig ticket, responded with the promise to pay for the horse and buggy required to transport the speaker from place to place. He urged Blair to continue his letter-writing campaign throughout the region and assured the Benton leader of his continued support.<sup>5</sup>

The August election clearly indicated that no one faction would control the forthcoming General Assembly. In the House of Representatives, the Whigs obtained forty-eight seats, the anti-Benton men forty-five, and the Benton Democrats thirty-four, while the Senate showed the Whigs and anti-Benton men with twelve each to counterbalance nine Benton men. The joint lineup read: Whigs sixty, anti-Benton Democrats fifty-seven, Benton Democrats forty-three.<sup>6</sup>

Atchison returned to Missouri soon after the election. Upon learning of the Senator's passage upriver, one of his aides, John B. Clark, immediately wrote for instruction as to “the best course to be pursued by the true democrats in the legislature in reference to the election of senator.” Clark wished to make no compromises with either the Whigs or the Benton supporters but preferred to postpone the election if Atchison could not win it.

The Senator had already heard from Dr. John J. Lowry on the same subject. The former leader of the Central Clique informed him: “My dear friend, we live at an evil time for our republican institutions. We will have strength enough to keep a Whig or Benton from being elected to the U. States Senate, but

not enough to elect a Democrat." He went on to advise, "Let your name be with your friends, & if we cannot elect a Democrat, let the election lay over for two years, that much we will have in our power." Although making no mention of it, Clark and Lowry, in so advising, may have anticipated that Governor Sterling Price, another leader of the old clique, would appoint Atchison to fill the temporary vacancy thus created.

Atchison himself did not become alarmed at his prospects. He believed that he saw a ray of hope in the defeat of Benton for re-election from Missouri's First Congressional District. On September 24, he wrote Jefferson Davis that his rival had been killed politically and that "for good or for evil he will be no longer in our way." The Missouri senator confidently assured his old friend that now enough Benton supporters would join his own followers to leave not "a grease spot of Whiggery."<sup>8</sup>

Rumors floated around Missouri that Atchison would stay home from the short session of Congress that winter to intervene actively in the senatorial election. The St. Louis *Intelligencer* discounted these tales, however, and summed up the situation quite accurately when it reported: "It is well known that Atchison holds undisputed sway in the camp of the Anti-Bentons and that no one of that political faith has any idea of competing with him for Senatorial honors. It seems to be quite as well agreed that no sincere friend of Benton, elected to the Legislature, can be brought to 'compromise' on Atchison. The Whigs hold the fate of Atchison in their hands, and it can hardly be supposed that he, with all his inveterate and sturdy hostility to the Whig party, would stay at home to court Whig support in his election."<sup>9</sup>

Although placed in the advantageous position of holding the balance of power, the Whigs had difficulty in deciding whom from their own ranks to support for senator. Many of them already had begun to drift into the ranks of the Know-Nothings, and some of these seemed to lean toward Atchison, apparently because of his support of the Clayton amendment to the Kansas-Nebraska bill. Others favored Abiel Leonard of Howard County who tended to take a middle ground on the slavery issue; he might also, in the event of a deadlock gain Benton support.

Leonard refused to accede to the coaxings of his St. Louis friends to embrace Know-Nothingism and removed his name from contention by becoming a candidate for a vacancy on the Missouri Supreme Court.<sup>10</sup>

The States' Rights Whigs now began a strong flirtation with the Atchison forces. The charter of the Bank of Missouri was to expire in 1857, and the Whigs wished it renewed. The Whig Central Committee of St. Louis held a supper in mid-November at which the president of the Chamber of Commerce told the Whigs that St. Louis needed the Bank and the repeal of the usury laws and that these were far more important than the election of a United States senator. Abram S. Mitchell wrote Leonard on November 20: "As to the Senate, I am sorry to say, I believe *we are sold*. . . . Bank and niggerism will put Atchison in, or I am greatly mistaken." Other moderates echoed similar sentiments regarding the inevitable re-election of the veteran senator.

Shortly after the Whig supper, Benton returned to St. Louis from the East and summoned Mitchell to his home. "Old Bullion" showed the Whig leader a letter he had written to a member of the legislature advising his friends not to oppose a bank. Benton even held out the possibility that he might release his followers after a few early ballots if the Whigs came up with an acceptable senatorial candidate whom the Bentonites could support.<sup>11</sup>

Caught between these conflicting forces, the Whig party was undecided upon its course when the Eighteenth General Assembly convened on Christmas day of 1854. After five ballots, the Whigs succeeded in electing William Newland of Ralls County as speaker of the House, with the aid of twenty Bentonites who dropped their own candidate in a compromise effort. Whig and Benton men filled the remaining offices in the House. In the Senate, the St. Louis Whigs elected William D. McCracken chief clerk, with the aid of the Atchison men who consequently received the remainder of the offices in that body.<sup>12</sup>

In their initial caucus, the Whigs split into two groups as their leaders had feared. The moderates accepted the leadership of James S. Rollins of Boone County and urged his nomination for the Senate, while the States' Rights wing, led by George W.

Goode of St. Louis, supported Atchison's good friend and former law associate, Alexander W. Doniphan. The latter group did not hesitate to make it known that they would support Atchison if Doniphan did not receive the nomination. They announced that they could never bring themselves to back any Whig who admitted the power of Congress to legislate on slavery in the territories. The Whigs made no choice of a senatorial candidate at their first caucus, but compromised to the extent that both groups supported the moderate Newland for speaker. In return, the caucus adopted, with support from the moderates, two resolutions which satisfied the States' Righters. The first of these declared that the Whigs would support no one for speaker or senator who did not stand by the Kansas-Nebraska Act and oppose its repeal. The second officially placed the party in opposition to "the efforts of the Free-Soilers and Abolitionists" which endangered the Union. In the end, the Whigs nominated Doniphan as the only hope of holding their party together.<sup>13</sup> In so doing, they prevented defection to Atchison while virtually wrecking any hope of a Whig-Benton alliance.

On Thursday evening, January 4, 1855, the two houses convened in joint session to elect a United States senator. The names of Atchison, Benton, and Doniphan were placed in nomination by their respective supporters, and balloting began. In the struggle which followed, the leadership of the Atchison forces came primarily from Senators Robert M. Stewart of Buchanan County and William C. Price of Greene County, and Representatives Lewis V. Bogy of Ste. Genevieve County and John W. Reid of Jackson County. Frank Blair headed the Benton forces with B. Gratz Brown, his cousin, as his chief lieutenant. Brown also edited the *Missouri Democrat*, Atchison's chief critic in St. Louis. Atchison's support in the House came primarily from the north and south central regions along the Chariton and Grand rivers. Of the representatives from the western border, six voted for Atchison, five for Doniphan, and four for Benton on the initial ballot. In the Senate, Atchison controlled all of the districts north of the Missouri River except four which were Whig. He also received the support of the extreme southeastern and the three southwestern

districts. The first ballot resulted in fifty-six votes for Atchison, fifty-seven for Doniphan, and forty-one for Benton.

The voting continued with little change through forty-one ballots. On the twenty-second, Atchison's supporters withdrew his name and nominated a less controversial figure, Judge William Scott of the Missouri Supreme Court, in the hope of attracting more Whigs to their cause. When this stratagem failed, they nominated Governor Sterling Price on the twenty-fourth ballot, but he received only two more votes than Scott had. As a result, they renominated Atchison on the twenty-sixth ballot and stayed with him throughout the remainder of the contest. On the twenty-eighth ballot it appeared that a break might be in prospect when five Whigs switched their votes to Atchison. He reached a high of sixty-three on the thirtieth ballot; but after several more counts failed to add to the total, Atchison's lead gradually melted away. When the forty-first and final vote was taken, the result read: Atchison 58, Doniphan 56, Benton 38.<sup>14</sup>

The Whigs had supported Doniphan throughout the entire proceedings, an action which brought criticism from some of the party leaders outside the legislature. As the fruitless balloting continued, one of them wrote George R. Smith, a member of the House from Pettis County, suggesting that the Whigs try either Rollins or Congressman John G. Miller as a candidate to whom Benton votes might be attracted. The *Missouri Examiner*, the principal pro-Atchison paper outside Platte County, reported at the same time that a plot had been hatched by B. Gratz Brown "to effect the ultimate election of Rollins to the dignity of a Senator." Finally, on February 2, Edward Bates wrote Rollins: "Pardon me for venturing the suggestion that all this trouble might have been avoided by a single effort of firmness at the beginning of the session; and might yet be cured by the same means." Bates suggested that the Whigs follow the lead of the Atchison men and experiment with other candidates, beginning with Rollins himself. He believed that the Benton men would move to Rollins' support and secure his election while only a few Whigs would defect to Atchison's column.<sup>15</sup>

The letter came too late. On the preceding day the joint ses-

sion had cast its forty-first and final ballot. On February 10, the Senate adopted by an unrecorded vote a concurrent resolution postponing the election of a United States senator until the second Monday in November. The resolution passed the House on February 21 by a vote of 64 to 48, with the opposition coming largely from the Atchison forces.<sup>16</sup> The controversy over Missouri's next senator thus continued to rage unabated throughout 1855.

The Blair family exulted in young Frank's role during the legislative proceedings. His uncle wrote Montgomery that "Frank has this winter proved himself a man of marked legislative ability. . . . He deserves the credit of postponing the election for Senator and thereby defeating Atchison."<sup>17</sup> Brown wrote a relative that Frank truly deserved the title of "Randolph of the West," which the pro-Benton press had bestowed upon him.<sup>18</sup> Through the editorial columns of the *Missouri Democrat*, Brown expressed the opinion that Missouri would be better off unrepresented than misrepresented in the Senate. He began an intensive and slanderous campaign against Atchison designed to connect the senator with the Know-Nothing movement, then beginning to take root in Missouri, and thereby to discredit him with the Democracy.<sup>19</sup>

The *Squatter Sovereign*, a proslavery journal recently established in Kansas Territory, ably expressed the pro-Atchison sentiment at this time when it implored editorially:

We have seen with regret the adjournment of the joint session without electing a Senator. . . . This storm must be breasted; its course has to be stayed. . . . It is high time that the people of the South should abandon that suicidal veneration for party, (now merely a name,) and consult her interest. . . . It must be very obvious to everyman of common intelligence, that Missouri has no man particularly in the Whig ranks, who could bring to the aid of the South at this time, the same assistance from the North, as David R. Atchison. No Whig *could* have any weight with the Administration, or the Democratic Senators from the non-slaveholding states; and we presume that they could not expect much from the (so called) Whig party North. . . . We whose interests are so interwoven with the interests of Missouri, are looking on with intense

interest for the result, and believe that in Kansas, no man, Whig or Democrat who is southern in feeling, but wishes the return of David R. Atchison to the Senate. And we hope the Missouri Legislature will yet re-elect him before adjourning.<sup>20</sup>

Only the week before, the same paper had hoisted Atchison's name to its masthead as a candidate for President in 1856. On March 29, the *Missouri Examiner* followed its example, and both papers continued this support throughout 1855.<sup>21</sup>

## CHAPTER XVI

### THE KANSAS CRUSADE

**A**TCHISON HAD RETURNED to Missouri in mid-August of 1854 to face another and, to him, far more serious problem than his re-election to the Senate. On July 11, William Walker, the Wyandot "provisional Governor of Nebraska," had written the Senator in Washington:

From certain indications in the North and East, it would seem we are threatened with trouble in this Territory and on this frontier . . . by a curse equalling, at least, in its pestiferous character, the plagues of Egypt, in being made the unwilling receptacle of the filth, scum and offscourings of the East and Europe—to pollute our fair land, to dictate to us a government, to preach Abolitionism and dig underground Rail Roads. A heavenly time we will have of it if they gain the ascendancy here! I tremble when I contemplate the threatening prospect. Our Southern friends must be up and stirring. Virginia, Tennessee and Kentucky ought to send her hardy sons out to claim their rights and maintain them too. Missouri, as far as she can, is doing nobly for a new State. The South ought to anticipate this infamous movement in the East, by pre-occupying every habitable and cultivable 40 acre lot. "Now's the day, now's the hour" to secure what has cost so severe a struggle. The Abolitionists will compass sea and land, heaven & hell to prevent the establishment of slavery in this Territory.<sup>1</sup>

Walker's letter clearly indicates the fear which gripped the Missouri border during the summer of 1854. The ink hardly had dried on Franklin Pierce's signature to the Kansas-Nebraska Act before rumors reached northwest Missouri of the organizing of a huge five-million-dollar emigrant aid society in New England. Many Missourians believed that the organization of the society had been completed and that Kansas would be overrun within a short time by a horde of abolitionists who would deny

the Westerners their "natural right" to occupy the territory adjacent to them. Missourians had begun slipping across the border to take up choice claims even before the passage of the Kansas-Nebraska bill. Some of them intended to settle permanently in the new territory; many others simply wished to stake out a claim to a farm in Kansas while maintaining their original homestead in Missouri. A few naturally hoped to establish pre-emption rights and later sell for speculative profit. Thus when news of the threat from New England reached them, border Missourians became alarmed and prepared to prevent the wholesale invasion.<sup>2</sup>

Even before he returned to Missouri, Atchison joined with Benjamin F. and John H. Stringfellow, among others, to issue the call for a meeting at Weston in his home county of Platte to decide what action the border men should take to thwart the "abolitionizing" of Kansas. Although the Senator himself could not participate in the meeting on July 29, the Stringfellow brothers ably represented his interests. The three men had been close friends for many years; in the struggle which followed, their names became inseparably linked in the Northern abolitionist press. The Weston gathering organized the Platte County Self-Defensive Association with the avowed purpose of settling Kansas with proslavery men. The meeting drew up and adopted a constitution which expelled all free Negroes from the county, prohibited traffic between whites and slaves, denied the right of slaves to hire themselves out, and proposed to punish all abolitionists. The members of the organization formally resolved to cross the Kansas line when called upon by their brethren in the territory for help in driving abolitionists from their midst. The association adopted "Kan" as its password. Its badge consisted of a skein of bleached silky hemp tied in the buttonhole of the coat. The members named B. F. Stringfellow as their secretary, but Atchison assumed active leadership of the organization upon his return from Washington the following month.<sup>3</sup>

The Senator left Washington about a week before the adjournment of Congress. After he boarded the steamer "Australia" at St.

Louis, the news of his passage upriver soon spread throughout the state. Although proslavery meetings had been held in most of the border counties prior to his return home that summer, it remained for Atchison and the Stringfellow brothers to weld these local groups into an efficient organization. Using the Platte County Self-Defensive Association as a sponsoring agent and model, the three men stumped western Missouri that fall and winter organizing "blue lodges" whose primary purposes lay in the encouragement of proslavery settlement in the new territory and the promise of aid to their friends in Kansas should the abolitionists fraudulently attempt to settle the region. To aid them within the territory itself, Atchison and his associates organized the Kansas League which worked closely with the "blue lodges" in the common mission.<sup>4</sup>

A number of proslavery towns were established that fall between Kansas City and the Nebraska line on the west side of the Missouri River. Most prominent of these towns were Leavenworth and Atchison, the latter named in honor of the Senator. On Thursday morning, September 21, Atchison boarded the steamer "New Lucy" at Weston to ride upriver to the townsite of the newly laid out village which bore his name. The survey of the town had been completed the evening before by a company headed by Peter T. Abell and John H. Stringfellow. A large crowd gathered in the forenoon to enjoy a picnic dinner, with the bacon and bread furnished by the town company for fifty cents a head. Lunch over, Atchison mounted a wagon and made the principal address of the afternoon. After alluding to the beautiful countryside and its settlement, he launched into a discussion of his behind-the-scenes role in securing the repeal of the Missouri Compromise. In closing, the Senator turned to the slavery question and assured his listeners that he shared their contempt for the abolitionists and their machinations in the territory. The sale of town lots followed, with thirty-four being disposed of at an average price of sixty-three dollars each.<sup>5</sup>

Four days later, in a letter to Jefferson Davis, Atchison observed: "We will have difficulty with the Negro heroes in Kansas; they are resolved they say to keep the slaveholder out,

and our people are resolved to go in and take their 'niggers' with them. Now the men who are hired by the Boston Abolitionists, to settle and abolitionize Kansas will not hesitate, to steal our slaves, taking this for granted, I on the 21st of this month advised in a public speech the squatters in Kansas and the people of Missouri, to give a horse thief, robber, or homicide a fair trial, but to hang a negro thief or Abolitionist, without judge or jury; this sentiment met with almost universal applause, and I could with difficulty keep the 'Plebs' from hanging two gentlemen who called a cow, 'Keow.'" Prophetically, the Senator continued: "We will before six months rolls around, have the Devil to pay in Kansas and this State; we are organizing, to meet their organization. We will be compelled to shoot, burn & hang, but the thing will soon be over; we intend to 'Mormanise' the Abolitionists."<sup>6</sup>

The next three years would amply prove the truth of Atchison's prediction. During that period, he stood as the foremost leader of the South's cause on the Kansas border, being duly recognized as such throughout the Southern states. Seized upon by the Northern abolitionist press as the symbolic leader of Southern imperialism, Atchison became in the eyes of many Northerners the incarnation of the slave-power conspiracy. While his actions during this time have been condemned, it must be remembered that Atchison was fighting for a cause in which he strongly believed, and to him the cause justified many actions which he would not ordinarily have condoned. Atchison's chief lieutenant on the Kansas border, Benjamin F. Stringfellow, later remarked that no matter how severe the Senator's plans were, he always relented when the time came to put them into execution.<sup>7</sup> Too, the Northern press greatly exaggerated Atchison's deeds and speeches on many occasions to make him appear in as bad a light as possible.<sup>8</sup>

The Washington *Union*, in an editorial on October 13, defended Atchison's course on the Missouri border. Commenting on the Senator's speech at Atchison, the administration organ noted that he had "handled the abolitionists without gloves." Although the antislavery New York *Tribune* and the *Missouri*

*Democrat* bitterly denounced the speech, the *Union* upheld Atchison's remarks as "characterized by the plain, straightforward advocacy of the constitutional rights of the South, which has marked his whole political career." The editorial concluded significantly: "Mr. Atchison may well despise their impotent assaults, when he knows that he is sustained by the national men of both parties and in every section of the Union."<sup>9</sup>

Amos A. Lawrence, the treasurer of the New England Emigrant Aid Society, wrote Atchison from Boston on March 31, 1855, asking him to use his influence to restrain his followers in western Missouri "from doing great injustice to actual settlers." Lawrence observed: "You and your friends would make slave states, and we wish to prevent your doing so. The stake is a large one, and the ground chosen. Let the fight be a fair one." The New Englander assured Atchison that the published reports concerning the "extensive organization" of the aid society were exaggerated and reported that the New England emigrants went to Kansas at their own expense. He admonished the Senator: "If fairly beat, you may be sure that our people will acquiesce, however reluctant; but they never will yield to injustice."

Atchison replied in characteristic language on April 15 and in so doing revealed the motivation behind the effort which he was to put forth in the Kansas struggle:

You are right in your conjecture that I and my friends wish to make Kansas in all respects like Missouri. Our interests require it. Our peace through all time demands it, and we intend to leave nothing undone that will conduce to that end and can with honor be performed. If we fail, then we will surrender to your care and control the State of Missouri. We have all to lose in the contest; you and your friends have nothing at stake. You propose to vote or to drive us from Kansas. We do not propose to drive you and your friends from that Territory; but we do not intend either to be voted or driven out of Kansas, if we can help it; for we are foolish enough to believe we have as much right to inhabit that country as men from New England. Neither do we intend to be driven from Missouri, or suffer ourselves to be harrassed in our property or our peace, if we can help it. At least we will try and make you and your friends share some of our anxieties.<sup>10</sup>

During the summer of 1854, President Pierce appointed the first territorial officers for Kansas. Andrew H. Reeder of Easton, Pennsylvania, became the first territorial governor, largely because of the influence of his congressman, Asa Packer, whose district had given Pierce a five thousand majority vote. A respected lawyer, Reeder firmly supported the Kansas-Nebraska Act but had little political experience. Although he received his commission on June 29, the new governor did not set out for Kansas until early fall. In the meantime, he visited Washington where he assured Southern leaders that he would be quite willing to purchase slaves and take them to Kansas if he had the money to do so. Reeder failed to make Atchison's acquaintance while in the capital although he visited the Senate chamber several times for that purpose. "Circumstances thwarted me," he regretfully wrote the *Missourian* later and expressed the hope of meeting Atchison when he arrived in Kansas to take up his duties.<sup>11</sup>

Governor Reeder reached the territory on October 7 and established his temporary executive headquarters at Fort Leavenworth. The proslavery leaders sought to have him call an immediate election for a territorial legislature in order that the task might be accomplished before the anticipated horde of New England emigrants reached Kansas. Reeder refused to yield to their pressure and consequently gained their lasting enmity. After making a tour of the territory to investigate the progress of settlement and to ascertain the possibilities of personal land speculation, the Governor called an election for November 29 for the sole purpose of choosing a territorial delegate to Congress.<sup>12</sup>

Disappointed at the limitations of Reeder's action, Atchison and others now moved up and down the Missouri border exhorting their followers to be alert to their opportunity to cast a vote for slavery. Should each county in Missouri do its duty, Atchison told an audience at Weston on November 6, the issue would be settled quietly and peaceably at the ballot box. The Senator urged the citizens of Weston: "When you reside within one day's journey of the territory, and when your peace, your

quiet and your property depend upon your action, you can, without an exertion, send 500 of your young men who will vote in favor of your institutions."<sup>13</sup>

At this time or a few days later, Atchison presided over a delegate convention at Weston to which the various "blue lodges" and protective associations along the Kansas border sent representatives. This meeting nominated General John W. Whitfield as the proslavery candidate for territorial delegate from Kansas. On November 28, the Missourians, under the direct leadership of Atchison, crossed the border en masse and camped overnight before going to the polls the following day. They overwhelmingly elected Whitfield, a close friend of Atchison and up until then an Indian agent in the territory.<sup>14</sup>

Undoubtedly Atchison approved this action. One supporter recalled years later the Senator's telling him that he attempted to secure a ninety-day residence requirement for voting in the territory. His Senate colleagues refused to include the provision in the Kansas-Nebraska Act. Consequently, Atchison proclaimed: "We will give them their own cup to drink," contending that the law did not require even one day's residence for a legal voter.<sup>15</sup>

Senator Atchison did not return to Washington for the opening of Congress in December of 1854. He wrote the secretary of the Senate that he was to be absent the first two or three weeks of the session and asked that his colleagues select a new presiding officer. Although some supposed that he remained at home to strengthen his political support, his real purpose in delaying his departure for Washington was to set up plans for the organization of "blue lodges" throughout the South.

The secret societies of the border counties sent representatives to a general meeting at Independence in the early part of December. With Atchison presiding, the meeting decided to send agents to all of the slaveholding states to request aid and assistance in the fight to prevent the "abolitionizing" of Kansas. Platte County, with the aid of Buchanan County, agreed to send Benjamin F. Stringfellow to Virginia and Maryland. Other counties made similar commitments to send an agent to a par-

ticular part of the South. In this way, the financial burden was divided mutually and the slaveholding states covered systematically. One of the delegates to the Independence meeting informed a friend in South Carolina: "The men whom we send are, as we say here, right on the 'Goose question,' they go to establish our order all over the Slave holding States." This individual also reported that a committee of correspondence had been established to answer letters of inquiry from the South and to arrange for the settling of Southern emigrants when they should arrive in Kansas.<sup>16</sup>

Accompanied by B. F. Stringfellow, Atchison went to Washington soon after this meeting and appeared in his seat for the first time at this session on December 22. Jesse D. Bright, who had been elected president of the Senate upon Atchison's resignation, now offered to relinquish the position to the Missourian, but the latter declined to accept it.<sup>17</sup>

Atchison took little part in the work of Congress during what was to be his final session. He and Stringfellow urged upon Southern congressmen the importance of slave colonization in Kansas. Stringfellow is reported to have claimed that if two thousand slaves were actually lodged in Kansas, it would be a slave state since once the slaves were there no one could dislodge them. Atchison absented himself from the Senate for about ten days during the latter part of January, 1855, possibly to visit leaders in Virginia and Maryland with Stringfellow. He probably spent his last day in the Senate on February 2 for his name does not appear on any roll call after that date.

Atchison and Stringfellow disappear from sight for about twenty days; neither the Missouri nor the national press mention their whereabouts during that period. However, Lewis Cass told Gideon Welles during the summer of 1855 that he had inquired of a mutual friend concerning Atchison at that time and had been told that the Missourian was "on a tour through the Southern States, concocting measures with the Governors and leading men at the South to make Kansas a slave state."<sup>18</sup>

The *Missouri Democrat* and the St. Louis *Intelligencer* both noted Atchison's vacant seat in the Senate and criticized him for

being absent from his post, but neither indicated that it knew the reason for his absence beyond the *Intelligencer's* cryptic question: "Is it not true, in fact, that he has lately been giving all his time to Kansas?"<sup>19</sup>

Atchison and Stringfellow arrived in St. Louis on or about February 20 and immediately took passage upriver to Jefferson City. They arrived there on the 22nd to learn that just the evening before the legislature had finished the necessary steps for postponing the senatorial election. The disappointed senator and his companion consequently tarried only overnight. Atchison gave as the chief reason for his hurried departure "the necessity of being in Kansas in time to attend to the spring elections there."<sup>20</sup>

Governor Reeder had called for the election of a territorial legislature to be held on March 30 after a census taken by his officers early in 1855 had indicated a population of about 8,500 in the Territory. Atchison and Stringfellow now began plans to encourage such emigration to Kansas as would ensure a proslavery majority.

Stringfellow's brother, John, and Robert S. Kelley had founded a proslavery newspaper, the *Squatter Sovereign*, at Atchison in the new territory. Carrying as its slogan, "The Squatter claims the same Sovereignty in the Territories that he possessed in the States," this proslavery journal appeared regularly once a week for over two years and played an important role in interesting the remainder of the South in Kansas Territory. In its second issue, the *Squatter Sovereign* exhorted:

**ATTENTION SQUATTERS.** The time is drawing near when you will be called upon to cast your suffrages for members of the Territorial Legislature, and though you may not have been numbered by the census taker, because you unfortunately emigrated from Missouri, remember that he cannot exclude you from the ballotbox. If any of you are visiting your friends in Missouri, and have your families with you, get back to your claims as soon as possible. . . . You are required, (to entitle you to vote,) to be a citizen of the United States, and a resident of the Territory. That is, you must be here in person, and must intend to make Kansas your home, no matter if you have a thousand acres of land, a wife and twenty children in Missouri, or Pennsylvania. Then come along to your claims,

and don't be afraid to go to the polls; we can elect every member of both houses of the Territorial Legislature, friendly to our interests.<sup>21</sup>

Rumors had been floating around northwest Missouri for some time that the Northern abolitionists planned a wholesale invasion of Kansas on election day to take over the polls and elect a Free-Soil legislature. The rumors increased as the time for the election approached, and reports were numerous that a number of Free-Soil emigrants had arrived in St. Louis and awaited transportation upriver in the hope of arriving in Kansas in time for the election. Former Congressman Willard P. Hall and others reported later that they went to the polls on the 30th merely to prevent non-resident Free-Soilers from voting. These same men testified that only Benjamin Stringfellow and William B. Napton of the border leaders advocated voting by Missourians.<sup>22</sup>

J. H. Stringfellow, the co-editor of the *Squatter Sovereign*, protested that the census takers sent out by Reeder had missed many proslavery settlers because they were absent from their homes on visits to Missouri. The appeal of his paper has been quoted above. Stringfellow reported that he conducted his own census shortly after this and found at least 150 voters whom Reeder's officers had missed. He also testified to a congressional committee investigating the situation that he was at the polls on election day, but, although many Missourians were present, he knew of none who voted.<sup>23</sup>

Atchison crossed over into Kansas Territory on March 25 with a group of about eighty men and twenty-four wagons to prepare for the election which was to take place five days later. He stayed overnight at the home of Arnet Groomes and informed his host that one John Boler had sent word for him to come up to the Nemaha district to protect the polls there from a band of abolitionists expected to cross the border, supposedly from Iowa, to vote. Groomes later reported that Atchison had at least two Bowie knives and four pistols. Later testimony before the congressional committee revealed that Atchison himself did not vote in the territorial election nor did he encourage nonresidents to do so.<sup>24</sup>

In spite of all this testimony, there was concrete evidence that

of the 6,307 votes cast in the election, 4,908 were illegal. The pro-slavery forces easily swept the contest. Most of their candidates who claimed victory immediately sought out the Governor at Shawnee Mission to demand certificates of election. Reeder rendered a final decision on April 6 in which he set aside the results in only six districts. Although distressed over the conduct of the election, he issued certificates to about two-thirds of the claimants.<sup>25</sup>

Atchison jubilantly wrote Robert M. T. Hunter that the pro-slavery ticket had prevailed everywhere by overwhelming majorities. He now asked for ten thousand Southern emigrants to "take possession of and hold every acre of timber" in Kansas for "this secures the prairie." Atchison promised that Missouri would furnish half that number if only the South would do her part. He reported that there had been seven thousand Missourians in the territory on election day and that about one-third of them expected to stay. "We are playing for a mighty stake," Atchison emphasized, contending that victory would enable slavery to spread to the Pacific whereas defeat would bring the loss of Missouri, Texas, and Arkansas as well as the territories.

Atchison asked his colleague to disregard reports in the abolitionist press which branded him "as a Bandit, a ruffian, an Aaron Burr;" on the contrary, he had saved hundreds of Free-Soilers and their cabins. No disturbances had occurred on the Nemaha, he told Hunter, and elsewhere it had been necessary merely to use "the hickory . . . upon the most impudent of them."<sup>26</sup>

Atchison also wrote his other messmates, Butler and Mason, of the triumph. Butler replied comparing Atchison to Caesar in the florid style which typified all his letters and speeches. He assured the Missourian that "the advent of Kansas shall be to the living Atchison a *Star* in his varied galaxy of life." The tone of close comradeship between the two men pervaded this and all of Butler's letters. "You have achieved a great triumph," he continued, "and indifference has attended you too much and from those from whom much better things should have been expected."

One of Butler's relatives or close friends, a young boy, had

gone to join Atchison on the border, and the South Carolinian commended him to the care of his former messmate. He further informed Atchison that the effects of the mess had been sold at good profit. Butler had kept the knife box and had inscribed on it the names of the five members of the group. He intended to keep it as a memento of their table.<sup>27</sup>

Mason's reply followed Butler's shortly. The Virginia senator expressed his pleasure at the results of the recent election, but cautioned Atchison to make sure that the overwhelming triumph did not cause the proslavery party to step outside legal bounds. Mason had read that some of the people wished to depose the Governor and elect another in his stead. To use this means to accomplish their ends would be suicidal, he warned. With overwhelming majorities in both houses of the legislature, the Governor would be powerless against the proslavery party. If he attempted to thwart the popular will, then charges should be brought against him and his dismissal sought.<sup>28</sup>

Atchison had already taken steps toward Reeder's removal. Reeder went East after handing down his electoral decision on April 6. He addressed his former fellow townsmen at Easton on April 30 and then proceeded to Washington for conferences with President Pierce. The President informed the Governor that Atchison had been pressing for his immediate removal and "would listen to no reasoning at all." When asked if the Missourian had written Secretary of War Davis, Pierce gave no answer, but undoubtedly Atchison had approached the President through his old friend and classmate. There is no evidence in the Eastern press that Atchison visited Washington during this period, but the *New York Tribune's* correspondent in the capital city twice wrote during the month of May of an Atchison-Davis coalition against Reeder.<sup>29</sup>

Reeder's record of office was questionable. He had begun to engage in land speculation almost as soon as he arrived in Kansas, and his enemies added this to the other charges against him. Protests from Indian agents that Reeder had cheated their wards were frequent. When the Governor submitted his land contracts to Indian Commissioner Manypenny, that official, a friend of

Atchison, disapproved them and denounced Reeder to the President. Atchison himself was well aware of the Governor's speculative activities which involved lands in the Fort Riley area as well as in others. The commander of the fort had allowed Reeder and his associates to occupy and take possession of approximately four hundred acres within the reservation. In so doing, they had mistreated certain settlers already in the region. Captain Nathaniel Lyon, an ardent antislavery man and friend of these settlers, who had been stationed at Fort Riley since 1854, sought Atchison's aid and advice in his efforts to help those who were in danger of being forced from their lands. Reeder believed that the Missourian had included information concerning these activities in his letters to Jefferson Davis. Undoubtedly Atchison did not hesitate to add it to his charges that the Governor was seeking to thwart the will of the proslavery majority.<sup>30</sup>

Reeder and his associates established the town of Pawnee on their four hundred acres near Fort Riley, and to this place, 140 miles from the border, the Governor called the territorial legislature upon his return from Washington. Reeder declared his purpose in assembling the legislature at Pawnee was to remove the legislators from the influence of the Missouri border. Nevertheless, some saw an ulterior motive in the Governor's selection of his own townsite as the meeting place. At that time it consisted of three houses, two of stone and one of frame construction. Although bitterly protesting the distance and the lack of accommodations there, the members of the legislature gathered at Pawnee on July 2 to hear the Governor's official message. Long, pompous, and turgid, it declared the territory in need of few laws. The legislature could do as it wished about slavery, but the fell spirit of abolitionism must not influence them. They should erect counties, create offices, provide the usual machinery of civil government, and establish a permanent capital for the territory. The message raised no questions concerning the legality of the election nor did it mention any fraud at the polls. Reeder did not bring charges about these matters until the legislature, contrary to his wishes, adjourned to Shawnee Mission to complete its session.<sup>31</sup>

At the new location, just across the river from Missouri, the

legislators adopted the revised statutes of Missouri as the general law for the territory. They also enacted a set of stringent proslavery measures in an effort to tighten their grip on the government. Reeder vetoed all of them, but the legislature overrode him in every instance. Then, before adjourning, all the members signed a petition to the President demanding the Governor's removal.<sup>32</sup>

President Pierce had decided that Kansas needed a change of administration even before this petition reached Washington. On July 28, he removed Reeder from office because of his land speculations. The President wrote Reeder that his reply to the charges against him were unsatisfactory. In order to strengthen his stand against Reeder, Pierce also removed two members of the territorial court on the same charges, and within a short time, the commander of Fort Riley was courtmartialled for similar activities and summarily dismissed from the service.<sup>33</sup>

To what extent Atchison's protests and complaints actuated Pierce to remove Reeder can only be surmised. Undoubtedly the Missourian influenced the President to a certain extent. Although his political power in Missouri was waning, this was not yet obvious in the nation's capital, and Atchison still had powerful connections in various branches of the national government. The Washington correspondent of the rabidly antislavery New York *Tribune* wrote as early as June 21: "Gov. Reeder, the Judges and District Attorney of Kansas will all be guillotined. Their fate is with Secretary Davis, Atchison and the President, and no mercy will be shown." Following the actual removal of the Kansas officials, the *Tribune* wrote editorially: "He [Reeder] is removed simply and solely because he stood in the way of the speculators in Negroes, and for nothing else. He might have swallowed whole an Indian reservation without rebuke if he had but looked kindly or blindly on the efforts of Atchison, Stringfellow & Co. to make Kansas a Slave State."<sup>34</sup>

## CHAPTER XVII

### THE FREE STATE MOVEMENT

**S**IGNIFICANT EVENTS HAD occurred, meanwhile, in Missouri. On April 14, the Kansas League met and marched on the office of the Parkville *Industrial Luminary*, an outspoken critic of the March 30 election and Missouri's illegal contributions to it. Seizing the press and type, the mob threw them into the Missouri River and read a sentence of banishment on the two editors. The *Missouri Democrat* and the New York *Tribune* laid the blame for the action at Atchison's door although there is no evidence of his participation in the affair or in its planning. On the other hand, the *Squatter Sovereign* praised the people of Platte County for their alertness and urged that the work be continued against the antislavery press of St. Louis, Jefferson City, and Lawrence.<sup>1</sup>

During June, a call went out from certain citizens of Jackson County for a proslavery convention at Lexington. Twenty-four counties and the city of St. Louis sent delegates to this three-day conclave, which met from July 12 to 14. Both Democrats and Whigs attended. Included among the delegates were the two principal contenders for senatorial honors, Atchison and Doniphan; also attending were Governor Sterling Price, President James Shannon of the state university, Claiborne F. Jackson, Dr. John J. Lowry, former Governors Marmaduke and King, and most of the proslavery members of the General Assembly.

Even before the convention had organized, William S. Field of Lafayette County moved that a committee be appointed to invite Atchison and Doniphan, "the two most prominent men in the State," to address the convention because they were better acquainted with the matters under consideration than any of the other delegates. Atchison quickly gained the floor to say that he hoped the motion would not prevail. He had heard the charge

that this convention had been assembled to advance him as a senatorial candidate. This charge disturbed Atchison. He assured the meeting that he did not want to see "the high and important interests" which the convention had been called to consider "trammelled or weakened by the introduction of party or the consideration of mere men." The ex-Senator, therefore, wished to be associated with the convention only as a "humble member." Doniphan seconded Atchison's views, but the convention nevertheless adopted Field's motion. It appointed a committee of three to wait upon the two men, but that group quickly reported that both declined to address the meeting.

Atchison's refusal to use this opportunity for self-advancement indicates the extent to which he had become imbued with the proslavery cause in Kansas; it took precedence over all other matters including his own re-election. Perhaps he hoped that his unfaltering support of the slavery crusade in the territory would sway the proslavery Whigs into his column when the legislature reconvened. Yet his unswerving loyalty to the cause after removing himself from the senatorial race would seem to indicate that this was not his primary concern.

The convention elected William T. Wood of Lafayette County as president of the meeting—the same Wood who had welcomed the young Atchison to Liberty twenty-five years earlier. B. Gratz Brown, the editor of the *Missouri Democrat*, attended the convention. He later reported that when Claiborne F. Jackson and others saw him at the meeting, they persuaded Wood to rule that none but regularly appointed delegates might participate in the proceedings. They thereby maintained unanimity, according to Brown, and prevented him from replying to the principal address of the session which was delivered by President Shannon of the state university.

The main work of the convention consisted of drawing up proslavery resolutions with regard to Kansas and appointing a committee to prepare an address describing the work and intent of the meeting.<sup>2</sup>

That same summer the Free-Soil men of Kansas Territory be-stirred themselves. Numerous meetings took place in Lawrence

at which the Free-Soilers considered how to combat proslavery domination. Finally a call went out for the assembling of a "Free State Convention" at Big Springs, not far from Lawrence, on September 5, to undertake political organization.<sup>3</sup>

In the midst of this activity, President Pierce, on August 10, appointed Wilson Shannon, former governor of Ohio and minister to Mexico, as Reeder's successor in the territory. Scarcely had the appointment been announced before the *New York Tribune* began its attack on the new governor. It claimed that Shannon would "act as the billsigning automaton for the Atchison and Stringfellow ruffians." Other antislavery papers denounced him for his support of the Kansas-Nebraska bill while serving in the House during the Thirty-third Congress. The proslavery element in Kansas also distrusted the new governor. They preferred the promotion of Daniel Woodson, the territorial secretary, whose sympathies for their cause were already known.<sup>4</sup>

Shannon arrived at Westport on the Missouri border on September 1 and addressed a proslavery crowd in front of his hotel the same evening. The Ohioan immediately indicated the stand he would take and left no doubt in the minds of his hearers that he would support their cause. He upheld the work of the legislature at Shawnee Mission and declared that the institutions of Missouri and Kansas should be in harmony because of their geographic position; the immense trade on the Missouri River he believed would lead to perpetual intercourse between them. The *Squatter Sovereign* promptly informed its readers: "He did not let fall a word, which a Pro-slavery or any other right minded man would wish to have changed; nor did he leave unsaid anything necessary to a full understanding of his position."<sup>5</sup>

Atchison received at least two invitations to come East that fall to speak on affairs in Kansas. On September 12, the Missourian declined an invitation to address a celebration of the battle of King's Mountain in North Carolina because of certain private and public duties. The Southern leader, in his responding letter, compared the present struggle of the "border ruffians" with the battle at King's Mountain and used the occasion to issue an appeal to the South:

We ("the border ruffians") have the whole power of the Northern states to contend with, single-handed and alone, without assistance and almost without sympathy from any quarter; yet we are undismayed. Thus far we have been victorious and with the help of God, we will still continue to conquer. . . . The contest with us is one of life and death, and it will be so with you and your institutions if we fail. Atchison, Stringfellow and the "border ruffians" of Missouri fill a column of each abolition paper published in the North; abuse most foul, and falsehood unblushing is poured out upon us; and yet we have no advocate in the Southern press—and yet we have no assistance from the Southern States. But the time will shortly come when that assistance must and will be rendered. The stake the "border ruffians" are playing for is a mighty one. . . . *In a word, the prosperity or the ruin of the whole South depends on the Kansas struggle.*<sup>6</sup>

Atchison received another invitation the following month. The city of Boston had held a series of lectures the previous winter on the subject of slavery. These proved so successful that the sponsors contemplated a second series for the winter of 1855-1856. They extended invitations to Atchison, Senator Butler, Governor Henry A. Wise of Virginia, and others to participate, but all declined the invitation; and the Boston audiences heard only antislavery speeches that winter.<sup>7</sup>

In Kansas, meanwhile, the forces for and against slavery were organizing for political battle. Four days after Governor Shannon's arrival, the Free-Soil men convened at Big Springs to consider "constructing a national platform upon which all friends of making Kansas a free state may act in concert." Two figures dominated this meeting: former Governor Reeder, whom the convention nominated as delegate for Congress, and James H. Lane, a former Indiana congressman, who dictated the resolutions adopted by the meeting. These resolutions repudiated the charge of abolitionism brought against the Free-Soil settlers and asserted the convention's opposition to the admission of free Negroes or mulattoes into the territory. They also denounced interference with slavery in any state where it existed. On the other hand, Reeder dictated resolutions denouncing the proslavery territorial legislature in the most scathing terms. Both sets of resolutions

received the unanimous endorsement of the convention whose only discord lay in the question of setting up a state government. This question became the concern of another meeting held at Topeka on September 19 which decided to elect delegates to a constitutional convention.<sup>8</sup>

The proslavery group had nominated Whitfield for another two-year term as territorial delegate during a convention at Shawnee Mission on August 29. He campaigned extensively through the territory during September and, during a visit to Wyandot, received the endorsement of Governor Shannon. In the regular election on October 1, Whitfield received 2,502 votes to Reeder's 36. The Free-Soil elements refused to participate in this election. They held their own eight days later, with Reeder encountering little opposition outside the Leavenworth area while amassing a total of 2,849 votes.<sup>9</sup>

At the same time, the Free-Soilers elected delegates to a constitutional convention which met at Topeka on October 23. Under the chairmanship of James H. Lane, this convention adopted a Free State constitution and provided for Free State elections to choose a legislature, state officers, and a representative in Congress. The constitution prohibited slavery after July 4, 1857, but provided that a majority of the voters ratifying the document could exclude free Negroes from the new state if they so desired.<sup>10</sup>

The Free-Soil electorate ratified the new constitution on December 15 by a vote of 1,731 to 46, and voted to exclude the Negro from the state by a majority of nearly three to one. The election of officers for this quasi-government took place on January 5, 1856, and resulted in the choice of Charles Robinson as governor. Robinson, a physician, had come to Kansas in the first group of New England emigrants, had helped establish the town of Lawrence, and had served as an agent of the New England Emigrant Aid Society since that time.<sup>11</sup>

The proslavery men countered the Free-Soilers' actions by calling a convention of their own to meet at Leavenworth on November 14. Governor Shannon presided, and John Calhoun, the territory's surveyor-general, drew up the platform. The convention organized the "Law and Order" party, which Calhoun

termed the States' Rights Democracy of Kansas. He wrote Stephen A. Douglas: "Thus order and consistency are established by the democratic party in Kansas and the extravagant follies of Atchison and Co. are repudiated." Few others in the meeting shared Calhoun's feeling about Atchison, however, as the Wakarusa War soon made evident.

Calhoun addressed the convention and emphasized that the new party must cooperate with free Democrats, repudiating all foreign influence in order that it might stand "upon the pure principles of the Nebraska Act." The Surveyor-General had no sympathy with the Topeka movement, as was evidenced by his denunciation to Douglas of the New England Emigrant Aid Society and of Reeder, whom he charged with desiring to disturb existing relations between North and South.<sup>12</sup>

Before the end of November, the lines of battle between the proslavery and Free State forces became clearly drawn. On the 21st, Franklin N. Coleman, a proslavery settler, killed Charles W. Dow, a Free Stater, near Hickory Point in Douglas County in a dispute over a land claim. The Free State men held a meeting the next day at the same spot to decide on their retaliation. That night, Sheriff Samuel J. Jones of Douglas County arrested Jacob Branson, with whom Dow lived, for taking part in the meeting. Before he could bring his prisoner to the jail at Lecompton, a group of Free Staters stopped the sheriff and his posse. The Free State men refused to recognize the authority of the proslavery Jones, who had been postmaster at Westport, Missouri, before his current appointment. Although the Sheriff strongly protested that he had a warrant for Branson's arrest, the Free Staters removed the prisoner from the posse's custody and took him to Lawrence where they put on a display in military manner to depict their deed.<sup>13</sup>

Jones returned to Franklin, his headquarters, and sent a dispatch to Governor Shannon informing him of the occurrence. Claiming that forty men, "armed to the teeth with Sharpe's rifles," had approached him and removed his prisoner, Jones informed the Governor: "You may consider an open rebellion as having already commenced." The Sheriff asked for three thousand men to enforce the law. Shannon immediately issued

orders to Generals William P. Richardson and Hiram J. Strickler of the territorial militia to gather as many men as possible and report to Jones at Lecompton. The Governor promised to issue warrants immediately for the arrest of the rescue party.<sup>14</sup>

At the same time, Secretary Woodson, unknown to Shannon, dispatched a message to Kelley and Stringfellow, the editors of the *Squatter Sovereign*, with the obvious implication that it be passed on to their friends in Missouri. Informing them of the Governor's action in calling out the territorial militia, Woodson urged: "The Governor you know has no authority to call for militia out of the Territory, but our friends on the border can join General Richardson in as large numbers as they see proper, and at any point they choose, or report themselves at once to Sheriff Jones at Lecompton." The Secretary closed on a cautious but jubilant note: "Be careful and not commit the Governor in any way. I rejoice for one that an opportunity has at last arrived when the outlaws at Lawrence can be wiped out legally. Be sure to get the Platte City cannon." The editors quickly passed Woodson's dispatch on to Atchison who read it at a large public meeting in Platte City. Shortly thereafter, Atchison crossed into Kansas with two hundred riflemen under his command. They went immediately to join Jones, who already had gathered some fifteen hundred men on the Kaw River north of Lawrence.<sup>15</sup>

Shannon, in the meantime, had sent an urgent message to the President asking permission to use federal troops. Pierce immediately dispatched his authorization. The Governor had written Richardson and Jones to withhold all action until he could arrive with federal forces under Colonel Edwin V. Sumner, but Sumner refused to proceed without direct orders from Washington. Shannon thereupon requested Colonel Albert G. Boone of Independence to accompany him and made his way to the camp of Jones and Richardson on Wakarusa Creek.<sup>16</sup>

The Lawrence men had appealed to the Governor to intervene but, receiving no favorable reply, had begun to arm. By the time Shannon arrived, Lawrence was fully prepared for any assault, and the proslavery men were becoming impatient at the delay. The Governor promptly arranged a meeting with

James H. Lane and Charles Robinson, the Lawrence leaders, at which the three managed to agree upon a "peace treaty" which they drew up and signed. The citizens of Lawrence disclaimed any prior knowledge of the Branson affair and promised to aid in executing legal processes against the offenders. They maintained that no organization in the territory existed contrary to law and pledged themselves to aid in upholding order when the "proper authority" called upon them to do so. Shannon in return promised to use his influence to secure payment for any damages caused by the late disturbances and asserted that he had not called upon any forces from outside the state to aid in the execution of the laws. Nevertheless, Lane and Robinson had the final say, for the "treaty" concluded: "We wish it understood that we do not herein express any opinion as to the validity of the enactments of the territorial legislature."

The two Free State leaders accompanied Shannon back to Franklin with the "treaty" where a committee of thirteen proslavery leaders awaited them. The group conferred for three hours. Shannon, Lane, and Robinson addressed the conference with pleas to prevent bloodshed. Colonel Boone and General Atchison then came to Shannon's aid, the ex-Senator reportedly addressing the meeting as follows: "The position of General Robinson . . . is impregnable; not in a military point of view, but his tactics have given him all the advantage as to the cause of quarrel. If you attack Lawrence now, you attack it as a mob, and what would be the result? I tell you it would cause the election of an abolition President, and the ruin of the Democratic party. Wait a little—now you cannot destroy these people without losing more than you would gain!" Both groups then disbanded although several on each side did so reluctantly. Among the Free Staters who were adverse to the peaceful settlement of the crisis were John Brown and his four sons, who had arrived in Lawrence during the negotiations.<sup>17</sup>

## CHAPTER XVIII

### THE SOUTHERN EMIGRATION TO KANSAS

POLITICAL AFFAIRS in Missouri also had been moving toward a climax in the fall of 1855. With the adjourned session of the Eighteenth General Assembly scheduled to convene on the first Monday in November, the *Squatter Sovereign* predicted:

The result of the Senatorial election in Missouri will determine the future politics of this Territory. If Atchison is elected, no earthly power can prevent Kansas from coming into the Union as a Slave State. If he is defeated, as much as we would regret it, the pro-slavery party in Kansas would be intimidated to such an extent, that with Free Soil Missouri and her Abolition allies of the North, we will become an easy prey to their fanaticism. Let the true friends of the South, to whatever party they belong, count well the cost of an act, that may strike the death-knell of the Pro-Slavery party in Kansas. If you have sympathy for us, show it now!<sup>1</sup>

The Whig press of western Missouri did not agree, and the *Liberty Tribune* continually quoted its neighboring papers in this regard.<sup>2</sup>

B. Gratz Brown, meanwhile, continued his attacks on Atchison in the editorial columns of the *Missouri Democrat*. The St. Louis paper accused the border leader of instigating the destruction of the Parkville *Industrial Luminary* in April and followed this charge by suggesting that in voting in the Kansas March election, Atchison had forfeited his Missouri citizenship, which would automatically remove him from consideration for the Senate. The *Democrat* even accused Atchison of aspiring to the presidency of a "southern republic" should he fail to secure re-election to the Senate. In reporting the Lexington proslavery convention, which Brown attended, the *Democrat* dismissed its importance ahead of time by calling it a mere "covering for

the miserable political wire-working of Atchison." After returning from Lexington, Brown wrote James S. Rollins: "As for the convention it was a decided failure in respect to the object designed, that is getting up a furor in behalf of Atchison. He has played his last card and lost, so that he can scarcely be considered in the fight hereafter." Had Rollins examined the proceedings of the meeting, however, he would have seen that Atchison refused to address the convention to prevent such an interpretation of its program.<sup>3</sup>

By far the most consequential of the aspersions which Brown cast on Atchison were those which attempted to tie the former senator to the Know-Nothing movement. These had appeared as early as February of 1855 and were to continue far into the following year. On September 11, the *Democrat* attacked the *Missouri Examiner* at Jefferson City as the "proved organ" of the "Southern Disunion Know-Nothingism" and charged that its proprietors, together with Governor Price and General Atchison, were the avowed leaders of the movement in Missouri. The New York *Tribune* took up the cry by asserting that the *Squatter Sovereign* had hoisted Atchison's name to its masthead as the candidate of the American party for the presidency. The territorial paper promptly denied this charge with the vehement declaration that it supported Atchison for the Democratic nomination and none other.<sup>4</sup>

The *Democrat's* attacks did not go unanswered. The *Examiner* took up the challenge in July and August by attempting to show that Brown and his associates in the "Kentucky Clique," while claiming to oppose Know-Nothingism, in reality cooperated closely with the party. It accused the editor of the *Democrat* of supporting the Northern Know-Nothings in their war against the anti-Know-Nothing Pierce administration. The *Examiner* further charged that the Benton faction had made arrangements with several prominent Know-Nothing leaders to control the adjourned session of the legislature.<sup>5</sup>

The General Assembly failed to elect a senator at this session. Both houses passed resolutions calling for a joint session to effect the election, but they could not agree on a time for the meeting. Therefore, Atchison's seat remained vacant until 1857.

His eventual successor, James S. Green, wrote Abel R. Corbin on December 5 that the Democracy could not hope to accomplish anything now until the next legislature convened when there would be a good prospect of bringing the majority of the Benton men into a united Democratic party. Should this happen, Green believed it would be an easy matter to elect two good Democrats to the Senate. He made no prediction as to whom these might be. Apparently the *Missouri Democrat* had done its job well for Green concluded: "Our old friend Atchison is losing his *popularity* with the party for various reasons, one of which is his adhesion to the K. N.'s. If we can't succeed with him, we must look out for others."<sup>6</sup>

Atchison summed up his own feelings in a letter to Corbin on December 14. "You will be disappointed," he wrote, "in supposing that the legislature of Missouri has the moral courage to elect me, a majority of them would prefer my election to that of any other person yet they have not the moral courage to do it." Touching briefly on the Kansas situation, Atchison reported that the "border ruffians" were "furnishing food to feed excitement." He believed the press would involve him in the recent Kansas disturbances, but this was unavoidable. "I can *not* keep out of any move that is made in this 'neck of woods,'" the General continued, "but when I do move in earnest there will be a noise louder than thunder or I am mistaken." Atchison added an ominous postscript: "Before the moon shall fill her hours twelve times you shall hear more of me."<sup>7</sup>

Early in January, 1856, Atchison issued a statement through the *Platte Argus* announcing that he had withdrawn as a contender for the Missouri senatorial post and would not be a candidate for any other office, either state or federal. He thanked his friends for their past support and promised his untiring efforts to maintain all their rights both in the states and in the territories.<sup>8</sup>

The *Squatter Sovereign* and the *Missouri Examiner* both stated that Atchison had withdrawn from the Senate race in order to help heal the breach in the ranks of the Missouri Democracy. At the same time, the General wrote the *Squatter Sovereign* asking it to remove his name from its masthead as

a candidate for President; it had occupied that position not quite a year.<sup>9</sup>

During this period, Atchison redoubled his efforts to promote Southern emigration to Kansas. The agents authorized by the Independence meeting of December, 1854, had begun to filter through the South by the fall of 1855, soliciting friends and emigrants. The *Squatter Sovereign* noted during October that General James N. Bethume of Columbus, Georgia, had issued a call for one hundred men to organize an emigration company to Kansas. Thirteen persons already had pledged one hundred dollars each to Bethume for the purpose of sending men and slaves to Kansas. Late in November, the same paper welcomed two young South Carolinians to the territory and invited more: "Too many such sons of the Palmetto State, cannot come to Kansas. We have room and employment for all that may visit us." In the same issue, the editor claimed somewhat too boastfully that the Kansas fever had broken out in all of the Southern states and that many wealthy families were preparing to move to the territory. "We hear of a great many large slave-owners," he rejoiced, "enroute for Kansas, hunting land where they can profitably employ their force."<sup>10</sup>

Although in reality few such individuals contemplated moving to the new territory, there can be no doubt that a "Kansas fever" affected certain parts of the South during the winter of 1855-1856. On December 4, General Whitfield wrote from Washington that he had just returned from Georgia and other parts of the South where he found immense excitement. He promised his Kansas friends that if they could but hold their own for a short time hundreds of Southerners would flock to the territory.<sup>11</sup>

In that same month, Governor Herschel V. Johnson sent a message to the Georgia legislature recommending the calling of a Southern convention at Atlanta if Congress did not admit Kansas to the Union under a constitution similar to that of Georgia. Johnson's action prompted Atchison to write the editor of the Atlanta *Examiner* on December 15 approving such a course. The General contended: "If the settlement of Kansas had been left to the laws which govern emigration, it would

have been a Slave Territory, as certainly as Missouri is a Slave State. But inasmuch as those laws have been violated and perverted by the force of money, and a powerful organization in the North and East, it becomes the South 'to be up and doing,' and to send in a population to counteract the North." Atchison asked that Georgia set the example and remonstrated: "This course on the part of the South will save Kansas to the South—save bloodshed, civil war, and perhaps a dissolution of the Union itself."<sup>12</sup>

Early in January, 1856, Atchison followed this letter with a second urgent message to the same newspaper, which broadcast it throughout the South. Dated at Platte City, it reported the border counties in a constant state of excitement. If the South intended to help, it should act quickly. Atchison insisted:

Let your young men come forth to Missouri and Kansas. Let them come well armed, with money enough to support them for twelve months, and determined to see this thing out. One hundred true men would be an acquisition; the more the better. I do not see how we are to avoid civil war; come it will. Twelve months will not elapse before war—civil war of the fiercest kind—will be upon us. We are arming and preparing for it. Indeed, we of the border counties are prepared. We must have the support of the South. We are fighting the battles of the South. Our institutions are at stake. You far Southern men are now out of the nave of the war; *but if we fail it will reach your own doors*, perhaps your hearths. We want men—armed men. We want money—not for ourselves, but to support our friends when they come from a distance.<sup>13</sup>

The General now apparently began making plans for moving to Kansas himself. In his initial letter to the *Atlanta Examiner*, Atchison stated that he expected to become a citizen of Kansas. If the territory presented itself legitimately for statehood and Congress refused its petition, he as a citizen would contend for her statehood. On January 22, the *Squatter Sovereign* reported that Atchison and two hundred of his Missouri neighbors had completed arrangements to remove to the territory early in the spring. The General would settle near Atchison, the paper continued, where he would meet a most cordial welcome. The editors informed their readers that Atchison intended to engage in

farming and planned to bring several slaves with him for that purpose. By February 5, the *Squatter Sovereign* boasted that Atchison, Kansas, was the "Headquarters for the Pro-Slavery Party and Southern Emigration to Kansas Territory" by virtue, in part, of its being the residence of the individual for whom it was named.<sup>14</sup>

Throughout 1856, the paper continued to maintain that Atchison had become a resident of Kansas. If such was the case, he kept his residence in Platte City as well for there are continual indications that he considered the Missouri town his principal headquarters during this period. A bachelor, he maintained rooms at the local hotel. Undoubtedly he had a similar arrangement at one of the Atchison hostelryes—the *Squatter Sovereign's* reason for claiming Kansas residence for him. A thorough examination of the land records of the border counties for this period yields no indication that General Atchison ever owned any real estate in Kansas Territory.

By January 22, the *Squatter Sovereign* was declaring: "We receive by every mail, both from our private correspondents, and in the Southern papers, the most cheering assurances that by next summer we will have such an emigration here as will warrant us in taking upon ourselves the burden of a State government, and making our Territory a Slave State." Nearly every issue of the paper that spring contained the notice of meetings in the South or the arrival of new emigrants from Virginia, South Carolina, Georgia, Mississippi, Alabama, Kentucky, and Louisiana.<sup>15</sup>

Slowly Atchison's efforts began to pay dividends. He worked tirelessly to encourage and aid Southern settlement in the territory in the belief that Kansas held the key to the South's future with regard to the slavery system. In many instances, the General took a personal interest in the recruits who arrived in answer to his calls. He seemed particularly attached to those from South Carolina. In mid-January, he informed a friend in the Palmetto State that his son and another young man had arrived in Kansas and "are now under the same roof with me." Atchison claimed them as his own. "Your son and his friend have proved themselves good 'Border Ruffians,'" he reported, "but, my dear sir, we do not deserve this appellation [*sic*]. Those of us who are

called the 'Border Ruffians' are men of property, of education—the best kind of men. We are the men who will submit to no wrong. We know when to resent an insult, and perhaps are too ready to do it." Atchison promised to take good care of his friend's son and all others whom South Carolina could send.<sup>16</sup>

Early in April, Atchison received word from the Orangeburg district of the Palmetto State that it had sent four young men to Kansas and that two more would follow shortly. These four had chosen to pay their own way. The district committee sent eight hundred dollars with them to Atchison and asked him to use it at his own discretion for the general cause. It further requested him to instruct the new recruits "where to settle, how to vote, and if necessary, when to fight."

The General received those South Carolinians with his usual cordiality and introduced them around the vicinity of Atchison. He reported them "better pleased with the country and their prospects than I had expected." Declining to take direct charge of the money they brought with them, Atchison nevertheless agreed that they "should have my advice and assistance in disposing of it for the benefit of the cause and purpose for which it was sent."<sup>17</sup>

In June, the General heard from his friend and former colleague, William F. DeSaussure of South Carolina, who had shared the Atchison mess in Washington during the winter of 1852-1853. The Carolinian sent a number of money drafts to be used in furthering the cause. Atchison passed them along to D. G. Fleming of Leavenworth, who apparently was serving as treasurer of the Kansas League. The latter wrote thanking DeSaussure on the 9th and reported: "Gen. Atchison requested me to present his respects to you. He is very busy with the Kansas question. . . . He does not stand the long rides which it is necessary for him to take, as well as he could have done when he was younger."<sup>18</sup>

Another friend and former colleague visited the border region at about that time to see Atchison. Edward A. Hannegan had moved recently to St. Louis and established a law practice. The two ex-senators had been extremely close during their days in

Washington together, and Hannegan now took advantage of his proximity to observe firsthand the work of Atchison and the proslavery party in Kansas. During Hannegan's visit to the territory, the two friends addressed a large public meeting at Atchison. Hannegan expressed nothing but praise for the work of the "border ruffians," according to the *Squatter Sovereign*.<sup>19</sup>

Shortly thereafter, the Palmetto Rifles from South Carolina held a banquet at Atchison during which they evidenced their appreciation and affection for the man who had done so much for the Kansas cause. During the festivities they toasted the General as follows: "Gen. D. R. Atchison—Recognized by South Carolina as one fit to command—he has but to give the order, and, to a man, we will haste—'To the just and glorious strife, with our knives, Southern rights shielding; we may, resign, if it must be done, even life, But Die, at least unyielding.'" Another toast at the same banquet hailed Atchison as "the Border Ruffian Chief."<sup>20</sup>

By far the most important Southern expedition to Kansas during this period was that led by Major Jefferson Buford of Alabama. On November 26, 1855, he issued a call for three hundred emigrants, "industrious, sober, discreet, reliable men capable of bearing arms, not prone to use them wickedly or unnecessarily, but willing to protect their sections in every real emergency." Buford guaranteed every man forty acres of "first rate land," free passage to Kansas, and the means of support for one year. Ministers, mechanics, and "those with good military or agricultural outfits" received even greater inducements. Buford promised twenty thousand dollars of his own to the enterprise and asked others to contribute as much as they could. He hoped to start for the territory by February 20. To each contributor of fifty dollars he promised that he would use the money to place one settler in Kansas within six months.

Major Buford challenged his neighbors with ringing words:

Here is your cheapest and surest chance to do something for Kansas,—something toward holding against the free-soil hordes the great Thermopylae of southern institutions. In this their great day of darkness, nay, of extreme peril, there ought to be, there needs must be great individual self-sacrifice, or they

cannot be maintained. If we cannot find many who are willing to incur great individual loss in the common cause,—if we cannot find some crazy enough to peril even life in the deadly breach, then it is not because individuals have grown more prudent and wise, but because public virtue has decayed and we have thereby already become unequal to the successful defense of our rights.<sup>21</sup>

The Buford expedition left Montgomery, Alabama, on April 7, 1856, with the three hundred men for whom their leader had asked. The group attended a special service in the Montgomery Baptist Church before departing and heard the minister pray for divine blessing on their mission. From there they marched to the dock where further ceremonies were held. The men then boarded a steamer and moved down the Alabama River surrounded by their banners, on which they had inscribed "The Supremacy of the White Race" and "Kansas the Outpost."<sup>22</sup>

Buford and his men arrived at Fort Leavenworth late in April. Local proslavery citizens held a reception in their honor at which some of the emigrants spoke. They had come as pioneers to uphold the laws, they stated; the territories were common property. The company soon spread over the territory and took up claims to become proslavery citizens.<sup>23</sup>

The full extent of Southern emigration to Kansas cannot be measured accurately. There are no territorial census figures for 1856 or 1857, the peak years of the Southern movement to control the region. Several historians have attempted to show that few Southerners emigrated to the territory, by referring to the census figures of 1860. By that year, however, the South had lost its struggle for Kansas and many Southerners had returned home. The *Squatter Sovereign* and the *Leavenworth Kansas Weekly Herald* constantly reported the arrival of groups of Southerners throughout 1856 and the early part of 1857. Few of these groups numbered more than ten. Most of the immigrants were young men, without families or slaves, seeking adventure in their effort to preserve and strengthen the institutions they had known and enjoyed at home. Many of these young men no

doubt anticipated that once the right to own slaves had been firmly established in Kansas, larger slaveholders would emigrate to the territory. But when the struggle ended in defeat for the South, many undoubtedly left Kansas to return to their homes or to seek adventure elsewhere.<sup>24</sup>

## CHAPTER XIX

### THE LAWRENCE RAID

WHEN THE Free State party elected officials under its new constitution on January 15, 1856, violence accompanied the event, and the Shannon-Robinson-Lane "peace treaty" proved short-lived. Fearing further retaliation, Robinson and Lane appealed to President Pierce on the 21st for federal troops from Forts Riley and Leavenworth to protect the Free Staters against what they termed "an overwhelming force of the citizens of Missouri . . . amply supplied with artillery, for the avowed purpose of invading the Territory, demolishing our towns and butchering our unoffending free state citizens." Atchison and the other border chieftains had sent messages to the President earlier remonstrating against the Free State movement, and Pierce now found himself in a position where executive action could be avoided no longer.<sup>1</sup>

Consequently, on January 24, the President sent Congress a special message dealing with the Kansas situation. It analyzed the troubles in the territory briefly and concisely. Laying most of the blame on Reeder's mistakes, Pierce condemned the former Governor for delaying his departure to Kansas in the summer of 1854 and for having devoted more attention to land speculation than to taking the territorial census. The President asserted that had Reeder called for an election of members of the legislature and a territorial delegate at the same time, Congress might have had jurisdiction over the balloting. As affairs resulted, certain individuals had attempted to mold immigration into an antislavery pattern, thereby arousing resentment in neighboring communities and leading to provoked but unjustified acts. In canvassing the vote and declaring the legislature elected, Reeder had taken irrevocable steps which led to an unseemly quarrel between governor and legislature. Pierce maintained that this had given the

Free State element its chance to organize independently. He deplored their constitution and resultant action as revolutionary. The President felt obligated to uphold the existing territorial government and consequently informed Congress that he would place federal forces at the disposal of the territorial marshal so that the law might be upheld by force if necessary. Pierce recommended that Congress provide for a constitutional convention in Kansas to speed its admission as a state and asked for a money appropriation for the necessary expenses of maintaining order.<sup>2</sup>

The President followed this message with a general proclamation, written by Attorney-General Cushing, on February 11. It struck at both groups, accusing one of attempting to supplant the territorial government by force while the other on the border prepared for militant intervention. Both sides had sent emissaries throughout the states asking for aid and money so that "other persons, inhabitants of remote states, are collecting money and providing arms for the same purpose." If either party should continue its preparations and bring them to fruition, the proclamation warned, they could expect "the forcible interposition of the whole power of the General Government." In conclusion, the proclamation called for the dispersion of all unlawful combinations and requested "all good citizens to promote order by rendering obedience to the law."<sup>3</sup>

Governor Shannon arrived in Washington for consultations three days later. He remained until February 16, conferring with Pierce and Marcy who ordered him to return to Kansas before the scheduled meeting of the Free State legislature at Topeka on March 4. They also gave him instructions to Colonel Sumner placing the federal troops in the territory at his disposal.<sup>4</sup>

Pierce's moves brought a delayed reaction from Atchison. He wrote Stephen A. Douglas on February 28 that he thought better of Pierce now than at any previous time. "I always had confidence in his integrity & capacity," the Missourian informed his former colleague, "but thought that he was rather timid and conciliatory." Atchison had written to ask if Douglas intended running for the presidency. He had read in the *Washington Sentinel* that the Illinois senator had removed himself from the

race. With Douglas out of the running and his former messmate, Hunter, having little chance to gain the Democratic nomination, Atchison declared he would take no active role in helping select Missouri's delegates to the National Convention. The General summed up his feelings as follows: "Yourself out of the way, there will be Pierce & Buchanan to choose between. I would prefer Genl Pierce to Mr. Buchanan, but will not put myself to any extraordinary trouble about either."<sup>5</sup>

The Free State legislature convened at Topeka on March 4 without hindrance and after a brief session adjourned until July 4 pending hoped-for action by Congress on its petition for statehood under the Free State constitution. The lack of any attempt by Governor Shannon or the federal forces to prevent or break up the meeting of this legislature undoubtedly led Atchison to change his mind about the new Pierce policy for on March 16 he wrote Abel R. Corbin: "If the General Government would only leave Kansas to the nurture of the 'Border Ruffians' we would soon have peace in that quarter, but as Genl Pierce has taken the matter out of our hands God knows what will come of it. I do not complain of him, for I believe his motives are good, but I doubt his policy." Whether the General had heard from Douglas or not is unknown, but he told Corbin that he would "have no hand" in the state convention inasmuch as "our friends here are as usual playing the fool, trying to conciliate their free soil Benton enemies."<sup>6</sup>

The President's message had touched off a lively debate in the Senate on the Kansas issue. Senator Butler wrote Atchison on February 28: "A debate is going on, here, that would amuse you very much if you were present. You have a place in the picture; and a prominent place." Butler informed his former messmate that he intended to answer Atchison's critics in a speech from the floor of the Senate the following week, which he hoped would gratify the Missourian.<sup>7</sup>

Butler rose on March 5 to address the Senate as promised. After speaking at some length on the Kansas situation in general, he stated that he had obtained the floor primarily to answer Atchison's attackers. While somewhat overstating the case, Butler

nevertheless revealed in his comments his great admiration for Atchison. No doubt some of his colleagues shared it to a greater or lesser extent. Said Butler:

I have known General Atchison long and well. They have attributed to him a ferocity and vulgar indifference and recklessness in relation to the affairs in Kansas, which is refuted by every confidential letter which he has written to me, and which is not in conformity with the truth. I will not say that General Atchison is the enemy of any one. I will not say that he is the enemy of the emigrants in Kansas who have been sent there by the aid societies; but I say that I know of no man, within the range of my acquaintance, who could be invested more effectually with the attributes of the conqueror of that class of people. And how do you suppose he would exercise that high power? Let those who now asperse him settle around him as neighbors, and if their houses were burned down and assistance were required, he would be the first man to render them assistance, and he would conquer them by his kindness, by his justice, by his good sense, and by his generosity. . . . Here I will do him the justice to say that he has not heretofore passed the Rubicon, with the spirit of an ambitious ruler; but if hereafter he ever passes that Rubicon, all his benevolence—and it is very large—will not enable him to overlook the taunts and insults which have been heaped upon him. If David R. Atchison shall ever pass the line again, and say as Caesar did, "I have passed the Rubicon, and now I draw the sword," I should dread the contest, for the very reason that he who goes into matters of this kind with reluctance is most to be feared.<sup>8</sup>

Butler wrote Atchison on March 15 that his speech had made a good impression on his colleagues. Further debates of "an *internecine* character" were expected. Of the mess, Butler wrote: "Nothing disturbs the philosophic Mason, not even dignity. Hunter is anxious and ambitious; and is sometimes, moody, but he has, now and then, fitful gleams of cheerfulness that is delightful. Goode is sentimental but cheerful."<sup>9</sup>

On March 12, Douglas brought from committee a bill which authorized Kansas to form a constitution and state government upon attaining a population of 93,420 (the number required to give her one congressman under the existing ratio). The Senate

debate droned on with most of the prominent members participating. It reached an unexpected climax on May 19 when Senator Charles Sumner of Massachusetts rose to address his colleagues. In a speech which he later titled "The Crime Against Kansas," Sumner used invective of a sort seldom heard in the Senate. Retracing the abolitionist interpretation of the Kansas troubles, the Massachusetts senator did not hesitate to denounce his own colleagues. He called Senator Butler the Don Quixote of the South, who with Senator Douglas as his Sancho Panza had come forth in a mighty effort to defend both crime and criminal. After thoroughly castigating these two, Sumner turned on Atchison:

I need not add the name of David R. Atchison. You do not forget, that, at the session of Congress immediately succeeding the Nebraska Bill, he came tardily to his duty here, and then, after a short time, disappeared. The secret was long since disclosed. Like Catiline, he stalked into this Chamber, reeking with conspiracy,—*immo etiam in Senatum venit*,—and then, like Catiline, he skulked away,—*abit, excessit, evasit, erupit*,—to join and provoke the conspirators, who at a distance awaited their congenial chief. Under the influence of his malign presence the Crime ripened to its fatal fruits, while the similitude with Catiline is again renewed in the sympathy, not even concealed, which he finds in the very Senate itself, where, beyond even the Roman example, a Senator [Butler] has not hesitated to appear as his open compurgator.<sup>10</sup>

Sumner delivered his speech, which required two days for completion, while Butler was absent from the Senate, but Cass and Douglas immediately rose to answer the Massachusetts senator. Douglas defended not only himself but Butler and Atchison as well. Of the latter, he keenly observed: "The Senator has also made an assault on the late President of the Senate, General Atchison—a man of as kind a nature, of as genuine and true a heart, as ever animated a human soul. He is impulsive and generous, carrying his good qualities sometimes to an excess which induces him to say and do many things that would not meet my approval, but all who know him know him to be a gentleman and an honest man, true and loyal to the Constitution of his country."<sup>11</sup>

While the Senate became thus enmeshed in debate, the House took more positive action. Both Whitfield and Reeder had come to Washington that winter claiming the right to sit as Kansas' territorial delegate. The House Committee on Elections requested authority to send for persons and papers in the contest. After lengthy debate, the House adopted, on March 19, a resolution calling for the appointment of a committee of inquiry to investigate the troubles in Kansas and the territorial elections. Six days later, Speaker Nathaniel P. Banks appointed William A. Howard of Michigan, chairman, Mordecai Oliver of Missouri, and John Sherman of Ohio to serve on the committee.<sup>12</sup>

The Howard committee arrived at St. Louis on April 12 and immediately took passage upriver to Kansas where they remained until the early part of June. The three congressmen held hearings at Lawrence, Lecompton, and Leavenworth, during which they collected 1,188 printed pages of testimony. Among those questioned were Governor Shannon, former Governor Reeder, John H. Stringfellow, Willard P. Hall, and many others of less renown. Most of the testimony came from the ordinary citizenry of the territory.<sup>13</sup>

The Howard committee met a cool reception at the hands of the proslavery party in Kansas. The *Squatter Sovereign* took the following dim view of the proceedings: "We need hardly say that the majority of the Committee will call only on the hirelings of the Emigrant Aid Societies, the scurf of the Eastern cities. They will never call on Gen. Atchison, Gen. [B. F.] Stringfellow, or any of the thousands of pro-slavery men, whose words would weigh down the oaths of a regiment of lying abolitionists. The committee will in secret—in the dark—receive the infamous slanders which the abolitionists will delight in fabricating against these gentlemen without giving them an opportunity to brand the liars."<sup>14</sup> Congressman Sherman reported that the committee frequently received threatening letters from anonymous sources while in the territory. One such notice, tacked to the door of the committee room, gave notice to "the Black Republican Committee" to leave Kansas "upon penalty of death."<sup>15</sup>

In the midst of the committee hearings, events began to take

shape which were soon to lead to open warfare on the Kansas plains. On May 5, the grand jury of Douglas County, acting under directions from Chief Justice Lecompte, brought bills of indictment against numerous Free State leaders, including Reeder, Robinson, and Lane. It also recommended the suppression as nuisances of the Free State Hotel and two Free State newspapers in Lawrence. When the jury demanded Reeder's appearance at Lecompton to answer charges, the former Governor pleaded immunity because of his position as a contestant for congressional office and fled the territory. Robinson also fled, but was apprehended at Lexington, Missouri, returned to the territory, and jailed.<sup>16</sup>

Lecompte justified his action by the pretense that he was acting in accord with President Pierce's proclamation of February 11, but his motives have been attributed generally to a desire to distract attention from the work of the Howard committee. The grand jury delivered the indictments to United States Marshal Israel B. Donaldson. That officer issued a proclamation on May 11 which asserted that the serving of the writs had been resisted in Lawrence. Consequently the marshal called upon the "law-abiding citizens" of the territory to assist him by gathering at Lecompton as soon as possible. The citizens of Lawrence repudiated the charge and appealed to the Governor to protect their property.

By the morning of the 21st, Donaldson's forces had drawn themselves up on one of the heights just outside Lawrence. There stood Atchison, Buford, most of the South Carolinians, and other Southern men who only recently had emigrated to the territory. In all, the marshal's posse numbered approximately eight hundred men. Also at the scene was Sheriff Jones, who had been shot accidentally and wounded in Lawrence the previous month while attempting to serve certain warrants which he still had in his pocket. The Free State men had no desire to resist the federal marshal. They invited Donaldson, Atchison, and a few other leaders to dine at the Free State Hotel. There they pledged their assistance to the marshal in serving the writs, and Donaldson arrested two men. Having completed his mission with the help of

the citizens of Lawrence, he returned to camp and dismissed the posse.

Had the affair ended here, May 21 would have become just another date in Kansas history rather than one of its darkest pages. Dissatisfied that Lawrence had escaped punishment once again, Sheriff Jones now took command of the posse. In spite of the ardent protests of Atchison, Buford, and others, he led the men into the town that same afternoon bent on wreaking his private vengeance for the many frustrations he had suffered at its citizens' hands. The posse first destroyed the Free State Hotel and the offices and presses of the *Herald of Freedom* and the *Kansas Free State*. It then began a wholesale pillage of the town which included the burning of several private homes.<sup>17</sup>

The Northern abolitionist press attempted to involve Atchison in Jones's actions by accusing him of drunkenly firing the first shot at the Free State Hotel and of delivering a rabble-rousing speech to the posse before they entered the town. The New York *Tribune's* "original version" of Atchison's speech circulated more widely than any other and did much to lower the General's already disreputable position in the eyes of Northerners. It read in part:

Boys, this day I am a Kickapoo Ranger, by G—! This day we have entered Lawrence . . . and not one d—d Abolitionist has dared to fire a gun. . . . And now, boys, we will go in . . . and test the strength of that d—d Free State Hotel, and learn the Emigrant Aid Society that Kansas shall be ours. Boys, ladies should be respected by all gentlemen; but by G—! when a woman takes on herself the garb of a soldier, by carrying a Sharpe's rifle, then she is no longer a woman, and by G— treat her for what you find her, and trample her under foot as you would a snake. . . . If a man or woman dare to stand before you, blow them to he— with a chunk of lead.<sup>18</sup>

A recent study found at least three different versions of this speech reported in the Northern press. All of them were derogatory, which led the writer to conclude, "It is hard to believe that a man of Atchison's position would have permitted himself such a frenzied cocktail of profanity and bad grammar, and the similar-

ity of the stories carries a faint suggestion that the reporters checked them with each other for improvements before mailing."<sup>19</sup>

Many years later, Atchison himself denied making the speech. In October of 1884, he told Leverett W. Spring: "I made several speeches, at least half a dozen, riding horseback, to the different companies. I spoke in the interest of peace—exerting myself to check, not to incite, outrage. It was not my wish that the hotel should be destroyed. I urged Jones to spare it. I told him that it would satisfy the ends of justice if he should throw a cannon-ball through it and there let the matter rest. But Jones was bent on mischief, and I could do nothing with him."<sup>20</sup> William A. Phillips, the correspondent of the *New York Tribune* who sent in the version quoted, declared later that all the reports of Atchison's speech were "more or less incorrect."<sup>21</sup>

On June 24, the *Squatter Sovereign* came to the General's defense with a lengthy editorial. It did so as "an act of justice to a much injured man." Atchison, the editorial stated, had been a resident of Kansas for some time. During the affair at Lawrence "he held no command save that which his high qualities gave him over his companions, who had been called, like himself, to the assistance of the Marshal in the enforcement of the laws." The editor stated that the General had indeed addressed the assembled forces before they marched into Lawrence. His version of Atchison's remarks, however, differed noticeably from those of the Northern press.

According to the *Squatter Sovereign*, Atchison began by reminding the posse that it had come to aid in the enforcement of the law under officers duly delegated with the power to suppress a nuisance and arrest certain individuals. He warned the men not to exceed these bounds in performing their duty. They had come to enforce, not to violate the law, and should put personal animosity and private passions behind them. The General reminded the posse of the critical political condition of the country and told them that the eyes of the nation would be riveted on their action that day. These men owed it, therefore, to their friends and families in distant places to remain temperate and calm in the discharge of their duty. Atchison did not doubt that

he and Sheriff Jones had as many private griefs to avenge as any man present. Jones had been wounded physically and Atchison's reputation had suffered tremendous blows from the abolitionists. Nevertheless, he and Jones had laid down all private wrongs and hurled from their thoughts all personal motives. The General pleaded with the rest to do likewise as they embarked on their undertaking. The *Squatter Sovereign* reported that while some who did not know Atchison interrupted him frequently, all cheered him when he had finished "and advanced in perfect order and with strict decorum to the consummation of their orders."<sup>22</sup>

Undoubtedly, neither version of Atchison's Lawrence remarks can be fully trusted. One was an attempt to tarnish his reputation further in Northern eyes while the other was an effort to refurbish it. While Atchison could be vociferous and often said more than he intended in his public speeches, this writer has never found a reliable source which would indicate that he overindulged publicly in the use of liquor or resorted to excessive profanity in his speeches.

## CHAPTER XX

### THE LOST CAUSE

**F**OLLOWING the Southern raid on Lawrence, events moved rapidly to a climax. In Washington, Representative Preston S. Brooks, a relative of Senator Butler, avenged the verbal beating which Sumner had given his kinsman by delivering a physical attack on the Massachusetts senator as he sat at his desk on May 22. The Southern press generally praised the action while that of the North looked aghast at the affair. The *Squatter Sovereign* remarked characteristically: "The assault on Sumner by Brooks is generally approved and applauded by the citizens of Kansas. We think it one of the best acts ever done in the Senate chamber."<sup>1</sup>

Two nights later, another attack of a similar but more vicious nature occurred on the Kansas prairie. John Brown began his "righteous crusade" to make Kansas free by murdering in cold blood five proslavery settlers at Potawatomie Creek. Although intended as revenge for the sack of Lawrence, Brown in his violence picked five victims who in no way had been connected with that affair.<sup>2</sup>

Both sides immediately sprang to arms. Civil war broke out in all its fury as Brown and his band roamed the Kansas countryside. General Whitfield, home from Washington, organized the proslavery forces while a body of Missouri troops under Henry C. Pate pursued Brown and destroyed his camp. Brown regrouped his forces within a few days and retaliated by capturing Pate and twenty-three of his men. Governor Shannon thereupon issued, on June 4, a proclamation in which he ordered all armed bands to disperse and warned outside aggressors not to enter the territory. The Governor called upon Colonel Sumner to use federal troops to carry out this proclamation and sent him to the scene of action. Sumner rescued Pate and his men, dispersed Brown's forces, and ordered the Missourians to return to their own state.<sup>3</sup>

In the midst of this excitement, Atchison, on May 27, sent a dispatch south which found its way into one of the South Carolina papers. Dated at Platte City, the letter reported "a stirring time" in Kansas during the past few weeks. Atchison praised the pro-slavery men for their valiant action and expressed the hope that the South would now "come up with men and money." He reported that funds were particularly needed and predicted that within a few months not an abolitionist would be left in Kansas for "they will be swept with a clean broom." Then the war would move elsewhere if necessary.<sup>4</sup>

War in Kansas had only just begun. On June 21, six members of the Law and Order party of Kansas Territory issued an appeal to their Southern friends. Heading the list of signatures was that of David R. Atchison. The others were of William H. Russell, Joseph C. Anderson, A. G. Boone, B. F. Stringfellow, and Jefferson Buford. The lengthy address traced the many abuses perpetrated by the abolitionist forces from the North and declared that "a state of insurrection and civil war" existed in the territory. Justification for slavery rested on the Bible where they found the institution ordained of God. Relating the efforts of John Brown and other Free Staters to destroy slavery in the territory, the address repeated the appeal which Atchison had been making since 1854: "Fanatical aggression cannot be quieted by *giving*, but it may be by *taking away* the power to effect its ends. All fair minds who have looked this question full in the face, know and admit that it is not merely a question of whether Kansas shall be a slave state or not, but a question of whether the entire South shall not become the victim of misguided philanthropy. That man or State is deceived that fondly trusts these fanatics may stop at Kansas." Atchison and his associates asked that suitable agents be appointed in every Southern community to canvass for aid. They themselves appointed Alpheus Baker, Jr., of Alabama, who had been to the Kansas border with Buford, to act as their general agent throughout the South. Any gifts were acceptable and should be sent to the party's treasurer, A. G. Boone, at Westport. Shortly after issuing the appeal, Buford, Whitfield, and B. F. Stringfellow departed on a tour of the South to seek further aid for the border forces which Atchison commanded.<sup>5</sup>

Soon after the resumption of war in June, Atchison and the "border ruffians" closed the Missouri River to Free State traffic. They stopped most of the boats at Lexington, and none got farther than Westport. A group of seventy-five emigrants, sent out by a Chicago meeting, came upriver early in June. One of the passengers later wrote that matters passed quietly until the boat arrived at Kansas City. There General Atchison and others boarded and sought an interview with the leader of the party. Atchison's group informed him that he would not be allowed to land his party on Kansas soil. According to newspaper accounts, the General and his men took the party's weapons, stored them and gave the emigrants receipts for them. Following this encounter, the party returned to Illinois.<sup>6</sup>

Colonel Sumner followed up his action against John Brown by dispersing the Free State Topeka legislature when it convened on July 4. This act led to his dismissal by Secretary of War Davis, who, with the President, disapproved the move. Early in August, the Free Staters organized a strong military force under the command of Colonel Samuel Walker, which proceeded to break up three bands of proslavery men in modified warfare. On August 7, James H. Lane led a party of four hundred settlers into Kansas, using the overland route through Iowa and Nebraska since Atchison and his men still effectively controlled the Missouri River traffic. More attacks by the Free Staters followed, and on August 16, Atchison and three others issued from Westport a call to arms in which they declared that Lane had begun the war. "We give you no mere rumors," they insisted, "but a simple statement of undoubted facts. We say to you that war, organized, matured, is now being waged by the Abolitionists. And we call on all who are not prepared to see their friends butchered, to be themselves driven from their homes, to rally instantly to the rescue!"<sup>7</sup>

Once again Governor Shannon intervened. The day following Atchison's new proclamation, Shannon went to Lawrence where he drew up a new "treaty of peace" with the Free State leaders. Four days later, he received notice of his removal and replacement by John W. Geary of Pennsylvania.<sup>8</sup>

Until Geary could arrive in the territory the proslavery Secretary of Kansas, Daniel Woodson, assumed the duties of acting governor. On August 25, he issued a proclamation declaring Kansas in "a state of open insurrection and rebellion" and calling upon the "law-abiding citizens" of the territory to assist in putting down the trouble.<sup>9</sup>

Two days earlier, Atchison had moved out of Westport with approximately 450 men and crossed into the territory. Arriving at Little Santa Fe the same evening, he found 400 other proslavery men already encamped. The General assumed command of the entire force, and by the time Woodson issued his proclamation on the 25th, had increased it to 1,150 men. The acting Governor's proclamation gave Atchison the opportunity for which he had been waiting, and he did not hesitate to use it. On the 28th, he dispatched a force under John W. Reid to Osawatomie to combat John Brown. Reid arrived there at dawn on August 30 and immediately attacked, driving Brown and his followers into a nearby wood. One of Atchison's aides erroneously reported twenty of the enemy, including Brown, as dead, and only four of the proslavery force wounded, none dangerously. In reality, ten or twelve of Brown's men, including one of his sons, were killed in the fight. Reid and his men completely destroyed Brown's camp, although they allowed no plundering.

Three hundred men under Lane now advanced on Atchison's new camp at Bull Creek. A skirmish ensued, but both forces drew off before a major battle could develop. Atchison's forces fell back across the border to gather more supplies and new recruits while Woodson ordered Colonel P. Saint George Cooke to attack Topeka with federal troops and disarm its "insurrectionists." The Colonel refused to comply with Woodson's orders and moved instead in the direction of LeCompton to intercept Lane who now contemplated an attack on that proslavery town. Cooke dispersed the Free State forces and drove them back to Lawrence whereupon Atchison re-entered the territory with between 2,500 and 3,000 men and moved on Lawrence in an effort to catch Lane. The Missourians made camp at Franklin, three miles from Lawrence. There, Geary, the new governor, found them on the morning of September 15.<sup>10</sup>

Upon his arrival at the camp, Governor Geary immediately conferred with Atchison and his lieutenants. In vigorous language he asked them to disband their forces and prevent further bloodshed in accordance with his proclamation of September 11. The Governor had raised a sufficient volunteer militia to keep order within the territory, and he promised that these would be used without stint in the future.

After Geary retired from the room, the proslavery leaders formally organized to consider his proposals. Atchison served as chairman of the group and counselled that now was the time to exercise their reason and not yield to passions. Only in the maintenance of the law did they have any strength and protection. At his suggestion, the group drew up a series of resolutions which stated that they had come to Franklin under the proclamation of acting Governor Woodson in pursuit "of an organized band of murderers and robbers, said to be under the command of Lane." The resolutions recorded the group's meeting with Geary and the Governor's assurances that the territorial militia would be activated to insure peace. Relying on these assurances, the resolutions announced that the proslavery men would comply with the Governor's wishes and disband their forces, making certain requests as to the location and distribution of militia throughout the territory and recommending one of their number, Colonel H. T. Titus, as commander of that force.<sup>11</sup>

This was General Atchison's last military excursion into Kansas. Geary carried out his promises, and peace reigned in the territory during his administration. In December, the General attended a proslavery meeting in Atchison and was appointed one of that community's delegates to the territorial convention of the proslavery party at Lecompton the following month.<sup>12</sup>

Calling themselves "the National Democratic Party of Kansas Territory," the convention met on January 12, 1857, and appointed a committee, which included Atchison, Buford, Jones, J. H. Stringfellow, and others, to draw up an address to the people of the nation. This address, which the *Squatter Sovereign* published on February 24, differed little from the previous pronouncements of the same group and marked in reality Atchi-

son's final public utterance on Kansas affairs. That same month, as a result of the death of his brother, Ben A. Atchison, the General moved to the farm in Clinton County, Missouri, which the two had owned jointly. The administration of his brother's estate and the care of his widow and child, for whom Atchison was named guardian, occupied most of the General's attention during the next few years.<sup>13</sup>

Three letters written by Atchison in the summer of 1857 indicate his realization of the futility of further struggle and yet his bitter determination to continue until the very end his efforts to make Kansas a slave state. On June 12, he wrote Mayor Treadwell of Columbia, South Carolina, thanking him for his contribution of \$291 to the cause. Atchison had forwarded the money to William H. Russell, the treasurer of the organization, at Leavenworth. Pessimism dominated the letter. "I cannot tell," Atchison wrote, "what will be the result in Kansas; our friends in the Southern States are very apathetic, and some of our friends who have heretofore strained every nerve, spent their money and their time are beginning to despair, and others are turning their attention to speculation and money making. I therefore would suggest that no more money be raised in South Carolina, the people of that State have been liberal above all other of the Southern States."<sup>14</sup>

Exactly one month later, on July 12, Atchison dispatched a letter to Alpheus Baker, Jr., his principal agent in the South, praising him for the great work which he had done for the proslavery cause in Kansas. "I see that not even thunder and lightning will arouse the South," Atchison wrote despairingly. "I doubt whether an earthquake—a moral and political earthquake, shaking the institution of slavery to the earth, and bringing ruin upon the whole South, would rouse her to action." The executive committee for Kansas Territory had scheduled a meeting for the 18th, the General reported, and after consulting with them he promised to write Baker further.

The promised letter followed on July 20. Atchison began: "At times I have almost come to the conclusion to curse Kansas and quit the cause of the South. It is hard for a man to devote all his

time and energies and money to a cause and receive nothing but abuse and slander in return from those who should cooperate with him, and to be the object of suspicion even to good men is worse than all." Rousing from this despondency, he continued: "Yet in defiance of all this, I will not abandon our cause so long as there is the shadow of a chance for success, and this is the determination of most of our friends in Kansas and Missouri. Our cause is not a hopeless one." There still remained the October election of a territorial legislature. Most of the registered voters in the territory were proslavery men, the General reported, and they could yet carry the day. "ONE MORE EFFORT!" Atchison urged. "It is the last we can make, and we will succeed."<sup>15</sup> The leader of the South's cause was mistaken in this last prediction, however, for the Free State party carried the election of October 5 and thus virtually defeated proslavery hopes in Kansas.<sup>16</sup>

Throughout the three-year struggle to make Kansas a slave state, David Rice Atchison undoubtedly played the most significant role in the South's attempt to extend slavery. Firm in the belief that the loss of Kansas would eventually doom slavery in the remainder of the South, Atchison carried on the battle until the end came, to all intents and purposes, in October of 1857.<sup>17</sup>

During the struggle, Atchison received recognition throughout the South as the chief leader of its cause on the Kansas border, but the actual aid which that section gave him was scattered and undependable. Only in the winter of 1855-1856 did he receive anything approaching the support required to continue the effort. While the South theorized over its right to take slavery anywhere, it failed to back that theory with the emigration which Atchison realized was necessary in order to provide the police power essential to slavery's preservation.

Although Atchison placed himself at the head of several military forays which the "border ruffians" made into Kansas, his principal contributions to the cause of slavery extension came from those same qualities which had gained for him position and prestige in the Senate. His organizational abilities helped to spread the "blue lodge" system throughout the South and to secure contributions. His incessant activity in keeping the issues involved in the

Kansas struggle before the South through means of the press and his friends and agents was undoubtedly a major factor in calling forth such efforts as the South did make between 1854 and 1857. That emigration from the South failed to match the movement from the North was no fault of Atchison's.

While the Missourian's methods in attempting to bring Kansas into the slavery fold may be criticized as harsh and shortsighted, this writer has tried to point out consistently that in the circumstances in which they found themselves Atchison and his followers felt they had no alternative to their actions, if they were to save Kansas and the South. In most cases, it was not Atchison but his followers who carried his methods to the extreme and thus cast a bad light on the cause of the South. Atchison's farsighted view of the overall situation prompted him to spur the South to action in an effort not only to extend her political frontiers but also to prevent further depredations upon her slave property in the future. Yet this same broad view led him to counsel moderation in order to avoid embarrassing or hurting politically the Pierce administration or the Democratic party through which the South controlled the framework of the national government. Only at Lawrence in May of 1856 did Atchison fail to prevail when counselling moderation in a given situation, and that day remains the darkest blot on the South's record during the Kansas struggle.

This then was David Rice Atchison, than whom the South had "not a more honest, intrepid, and vigilant friend."

## CHAPTER XXI

### CIVIL WAR YEARS

NOTICING THAT David R. Atchison had attended the St. Joseph Fair on September 22, 1858, the editor of the *St. Louis News* observed: "The distinguished gentleman . . . has abandoned the stormy field of politics entirely, and is now living in perfect retirement upon one of the most extensive and best improved farms in the State, enjoying that ease and unostentatious hospitality so grateful to his cultivated taste and generous nature."<sup>1</sup> Atchison had indeed entered virtual retirement following the Kansas election of the previous October, and the visit to St. Joseph marked one of his rare public appearances during this period.

The former Missouri senator had begun to purchase land in Clinton County shortly after his brother, Ben A. Atchison, moved there during the early 1840's. He made his first acquisition in September of 1845, buying 160 acres for eight hundred dollars. Four years later, Atchison added 240 more acres and purchased a half interest in his brother's extensive holdings. During the years which followed, the two men continued to accumulate adjacent land on a joint basis. As a result, Atchison owned, either in whole or in part, over fifteen hundred acres by the time his brother died in December of 1856. The 1860 census indicated that the general-turned-farmer owned sixteen slaves, ranging in age from forty-eight to three years, and four slave houses. His widowed sister-in-law, Margaret J. Atchison, owned ten slaves and three slave houses while his younger sister, Rebecca, who also owned land in Clinton County, had nine slaves and two slave houses.<sup>2</sup>

Atchison moved to the Clinton County farm in January of 1857. There he made his home with his brother's widow and young son, for whom he had been named guardian. With the exception of the Civil War years, Atchison continued as a gentle-

man farmer for the rest of his life. Although the General never married, he had a great love for children; as his nephew had not yet reached the age of ten at his father's death, Atchison and the boy became especially close in the years which followed. Only the death of his mother, who had come to make her home with him, in November of 1859 saddened these years for Atchison.<sup>3</sup>

With the approach of 1860, the ex-Senator found himself drawn once again into state politics. The election of that year was one of the most crucial in the history of the United States. The question of the extension of slavery into the territories, simmering since 1820, had come to a boil in Kansas. As a result of the passage of the Kansas-Nebraska Act, in which Atchison had played such a highly significant role, a new political party had risen and an old established one had disintegrated. The new Republican party, owing its existence primarily to its opposition to the extension of slavery into new territories, had made rapid strides in the political arena during the past four years and now stood as a major challenger for control of the presidency. The Democratic party divided in 1860 over the slavery issue, with the Southern wing refusing to accept popular sovereignty and the Freeport Doctrine of Stephen A. Douglas. Each wing of the party nominated its own candidate for the presidency. A third party, the Constitutional Unionists, also entered a candidate in the 1860 presidential race, standing on a platform calling for the preservation of the Union and the Constitution and the enforcement of the federal laws.

In Missouri, each of these groups had a candidate for governor and for other state offices. Interest ran high in both the state and national elections, and all the candidates made extensive canvasses. Atchison stood as a candidate for the Democratic gubernatorial nomination at the state convention at Jefferson City in April, but lost the honor to his old friend and former aide, Claiborne F. Jackson.<sup>4</sup>

It soon became evident that only Jackson and Sample Orr, the candidate of the Constitutional Unionists, had any chance of winning the governorship. The vast majority of Missourians seemed unwilling to accept the extreme position of either the

Republicans or the Southern Democrats with regard to the slavery issue. Instead, they tended to gravitate toward the central position of the other two groups which seemed to them to offer a hope of bringing about a peaceful settlement of the issues threatening to disrupt the Union.

The strongly pro-Southern Jackson had been nominated for governor primarily because of his strong position with the Democratic party of Missouri over the past twenty years: he had most recently served as state chairman. By June, he found it necessary to decide whether to support Douglas or Breckinridge for the presidency. Expediency dictated the choice of the former, and Jackson significantly announced his decision for Douglas at Fayette, the home of the old Central Clique. Most of the Breckinridge faction now split from the party and nominated their own candidate for governor. Senator James S. Green probably saved the day for the regular Democracy. One of Breckinridge's strongest supporters in Missouri, Green called upon his followers to support Claiborne Jackson in the state election in order to prevent the election of a non-Democratic governor.<sup>5</sup>

The state election, held in August, three months before the national contest, resulted in victory for Claiborne F. Jackson by a vote of 74,446 to 66,583 for Sample Orr. Hancock Jackson, the belatedly nominated candidate of the Breckinridge Democrats, received only 11,415 votes while Republican James B. Gardenhire had 6,135. There is no evidence that Atchison participated actively in the state canvass, but soon after the August election he issued a long letter in which he declared his support of Breckinridge for the presidency. With Green and others, Atchison now stumped the state for his Kentucky friend in an effort to swing Missouri into the Southern fold.<sup>6</sup>

During a speech at Liberty in October, Atchison eulogized Douglas as a great and patriotic man, but denounced his doctrine of "squatter sovereignty" as "the road to abolitionism." If Lincoln won the election, the General advised his hearers to remain peaceable, but warned that he would urge the General Assembly to appropriate four million dollars for the purchase of powder, lead, muskets, and cannon.<sup>7</sup>

The efforts of Atchison and Green were of no avail, for the vote in Missouri for president was even closer between the Northern Democrats and the Constitutional Unionists than it had been for governor in August. Douglas barely carried the state over John Bell by a vote of 58,801 to 58,372. Breckinridge received 31,317 while Lincoln ran a poor fourth with 17,028 votes, most of which were cast in the St. Louis area. The conservative strength as represented by the Douglas-Bell vote amounted to 70.7 per cent of the total vote cast.<sup>8</sup>

In spite of the implications of the election, Governor Jackson clearly indicated in his inaugural address that his sympathies lay with the South. "The destiny of the slaveholding States of this Union is one and the same," he declared. "Missouri, then, will in my opinion best consult her own interest, and the interest of the whole country, by a timely declaration of her determination to stand by her sister slave-holding States, in whose wrongs she participates, and with whose institutions and people she sympathizes." This statement undoubtedly pleased Atchison who had offered at Liberty to write this portion of the Governor's message.<sup>9</sup>

The Twenty-first General Assembly contained 62 Breckinridge Democrats, 46 Douglas Democrats, 44 Constitutional Unionists, and 13 Republicans. It quickly passed a bill calling for a convention to decide the issue of secession while reserving to the people the right to make the final decision should the convention take positive action. The legislature ordered an election for February 18 to choose delegates for the convention. Three parties contended for the seats: the Secessionists, the Conditional Union men, and the Unconditional Unionists. Governor Jackson, General Atchison, Senator Green, and others actively supported the Secessionist group in the belief that disunion was inevitable and that Missouri should act with her sister slave states in whatever action they took. Much to the surprise of Jackson and Atchison, the election resulted in another victory for conservatism. Most of the delegates chosen were Conditional Unionists, who opposed secession except under duress. In all, Missourians cast about 80,000 votes in favor of the Union.<sup>10</sup>

The state convention met for the first time on February 28, 1861, at Jefferson City and chose former Governor Sterling Price as its president. It then adjourned to St. Louis to escape the secessionist atmosphere which pervaded the state capital. In St. Louis the convention fell under the influence of Hamilton R. Gamble, a former Whig attorney and justice of the State Supreme Court, who headed the Committee on Federal Relations. On March 9, Gamble reported that the committee found no adequate cause for the withdrawal of Missouri from the Union. After considerable debate, the convention adopted the committee's recommendations and adjourned subject to the call of a special committee.<sup>11</sup> Thus the people of Missouri had spoken through their chosen delegates, in favor of the Union.

Atchison took no part in the rapid succession of events which followed. When his good friend, Alexander W. Doniphan of Clay County, declined an appointment as brigadier general of the Missouri State Guard in the Liberty district, Governor Jackson tendered the commission to Atchison. The latter also declined on the ground that he lived outside the district.<sup>12</sup>

Shortly thereafter, General Nathaniel Lyon, who commanded the Union forces at St. Louis, drove Governor Jackson from Jefferson City after they had failed to reach an agreement on the use and deployment of state forces. Jackson called for fifty thousand volunteers to fill the ranks of the State Guard and then retreated through Boonville into the southern part of the state.<sup>13</sup>

Atchison now took his stand openly and without hesitation. He joined Jackson early in July and volunteered his services to the Governor who welcomed him gladly and made him his principal aide. On July 5, Atchison participated in his first battle of the war, near Carthage. The state forces under Jackson met and defeated federal troops under Colonel Franz Sigel, primarily because of their overwhelming numerical superiority. In the encounter one of Atchison's nephews, his namesake, the son of his brother William, received a serious wound in the shoulder. The following day, Jackson's command made contact with troops under General Sterling Price. Their combined forces encamped at Cow-skin Prairie in McDonald County where Price, the commander

of all state forces, spent the next two weeks preparing his raw recruits for combat.<sup>14</sup>

Jackson himself did not remain long at Cowskin Prairie. Realizing that he must obtain Confederate help if he was to hold Missouri, the Governor headed South on July 12, accompanied by Atchison. The two men journeyed through the Boston Mountains of northern Arkansas and arrived at Little Rock exactly one week later, on July 19. Governor Henry Rector welcomed them, and Jackson addressed an enthusiastic audience that same evening, thanking them for their sympathy and good wishes.

After staying overnight in the Arkansas capital, Jackson and Atchison left for Memphis, Tennessee, which they reached on the 22nd. Here they conferred with General Leonidas Polk, the commander of the Western Department of the Confederate Army. They persuaded Polk to send General Gideon Pillow into Missouri by way of New Madrid and agreed to postpone going to Richmond, their ultimate destination, in order to return with Pillow to Missouri.<sup>15</sup>

Jackson and Atchison did not stand by this agreement, however, for by the time Pillow occupied New Madrid on July 28, they already had been in Richmond two days. Jackson and Atchison registered at the Spottswood Hotel in the Confederate capital. A large crowd gathered in front of the hotel when news of their arrival spread through the town. Most of the crowd were anxious for news from the western area, and Jackson obliged them by relating the recent troubles of Missouri and his hopes for close cooperation with the Confederate government.

Jackson and Atchison conferred with Jefferson Davis several times in the next few days. The Confederate President, in previous contacts with Missouri agents, had manifested little desire to confer with Jackson personally. The Governor had made an excellent choice when he asked Atchison to accompany him, for the regard which Davis had for his former Senate colleague greatly influenced him in his decision to place more trust in Missouri's chief executive. As a result of their conferences, Davis promised Jackson and Atchison financial aid to pay Missouri's troops in the

field as soon as the money could be appropriated by the Confederate Congress.<sup>16</sup>

Atchison used this opportunity to visit other friends from Washington days. Among them was his former messmate, Robert M. T. Hunter, whom Davis had appointed Secretary of State. The two men had not seen each other for several years, and they had many experiences to exchange with one another. Among the topics discussed was the status of the Missouri State Guard and its commander, Sterling Price. Atchison apparently had little respect for Price and told Hunter that the former governor was so unwieldy that he could not remain in the saddle long and therefore depended on an ambulance for transportation when not in the field. Undoubtedly Davis learned about Price from one or the other of these men.<sup>17</sup>

Governor Jackson and General Atchison left Richmond after their successful conferences with a feeling of great accomplishment. Once again Atchison had made good use of his ability to bargain and negotiate through the medium of personal behind-the-scenes conferences. The success of the Richmond visit influenced Jackson's action greatly upon their return to Missouri, and Atchison therefore rendered his state and the South another important service through his friendship with President Davis.

The two Missourians reached Memphis on their return trip on July 31. They remained overnight to confer with General Polk and then left for Pillow's headquarters at New Madrid where they arrived on August 2 or 3. Finding Lieutenant-Governor Thomas C. Reynolds already there, Jackson and Atchison conferred with him for the next two or three days and thoroughly discussed the military and political situation in Missouri. During their absence, the state convention, which had decided the question of secession in January, had been called back into a new session. After lengthy debate, it deposed the Jackson regime and established a provisional government for Missouri with Hamilton R. Gamble as governor.

In the light of these developments and the conferences held at Richmond, Jackson, Atchison, and Reynolds considered the need for more definite political action on their part in order to establish

a legal basis on which to negotiate with the Confederate government. As a result of these consultations, Governor Jackson issued, on August 5, a proclamation declaring Missouri an independent and sovereign state. To justify his action, the Governor used constitutional grounds and listed the violations of the United States Constitution and Missouri's sovereignty by federal authorities.<sup>18</sup>

On the day following this declaration, Jackson and Atchison returned to Memphis. There, on August 8, the Governor received word that the Confederate Congress had appropriated the money which Davis had promised Atchison and himself. This amounted to one million dollars for the use of Missouri troops cooperating with Confederate armies. Jackson responded immediately by sending a message to his permanent agent in Richmond thanking him for the information and asking him to urge Davis to appoint a major general to the command of all Confederate forces west of the Mississippi River. The Governor promised that Missouri's troops would cooperate with such a command and enclosed a copy of his New Madrid proclamation with instructions that the agent pass it on to the Confederate President.<sup>19</sup>

When their efforts to persuade General Polk to make a pincers movement against federal troops in Missouri failed because the Confederate commander felt his forces inadequate to the task, Jackson and Atchison left Memphis to rejoin Price's army in western Missouri. Before their departure, on August 13, the Governor wrote a personal letter to President Davis thanking him in warm terms for the recent appropriation by the Confederate Congress and telling him of his plans to rejoin Price.<sup>20</sup>

Jackson and Atchison arrived in Springfield, Missouri, on September 7 to find that Price had moved north. They caught up with the General and his army at Warrensburg where Jackson addressed an enthusiastic crowd of supporters. Atchison and the Governor remained with the army during its march to Lexington where it laid siege on the 12th to federal troops under Colonel James A. Mulligan, who had entrenched themselves on Masonic College Hill. On the 15th, General Price dispatched Atchison to meet reinforcements coming from south of the Missouri River, in an effort to hasten their march. Atchison met

these troops at Liberty and participated in the skirmish at Blue Mills Ferry. Routing the federal troops in this encounter, the state forces proceeded to Lexington, arriving on the 17th or 18th. Sufficiently reinforced, Price now made his final move on Mulligan's entrenchments and forced the capitulation of the federal troops on the 20th.<sup>21</sup>

Jackson and Atchison remained with Price's army at Lexington until September 30 when it abandoned this position as untenable and retreated slowly toward southwest Missouri. On their march south, Price's army took with them the printing press and equipment of the *Platte Argus*, Atchison's former political organ. Using the title of *Missouri Army Argus*, this became the official paper of the state government in exile and of its army.<sup>22</sup>

The Confederate Congress, meanwhile, had passed an act allowing the President to use Confederate troops in cooperation with Missouri's state government and authorized Davis to enlist Missouri volunteers into the Confederate service. The act provided that Missouri might be admitted into the Confederacy on an equal basis with the other states as soon as her "legally constituted authorities" ratified the provisional Confederate constitution and her governor notified President Davis of such action. Specifically recognizing Jackson's regime as the "legally elected and regularly constituted Government of the State of Missouri," the act authorized Davis to negotiate an alliance with that authority.<sup>23</sup>

While at Lexington, Governor Jackson had issued a proclamation calling the General Assembly to meet at Neosho on October 21. At the same time he appointed E. C. Cabell and Thomas L. Snead as commissioners to negotiate an offensive-defensive alliance with the Confederacy and gave advance ratification to any action they might take in this regard.<sup>24</sup>

Thus, on Monday, October 21, the remnant of Missouri's Twenty-first General Assembly met at Neosho in Newton County under the protection of Price's army to decide the relationship of the state's government-in-exile to the Confederacy. Although Atchison took no direct part in the proceedings, he undoubtedly counselled Jackson as to the procedure to follow in addressing the legislature. One week after convening, the Assembly judged itself

ready for business and received the Governor's message with its various recommendations. One of these called for an ordinance of secession which the legislature passed the same day. Governor Jackson did not affix his signature until November 3, by which time the group had adjourned to Cassville, in accord with the movements of Price's army. There the legislature finished its transactions.<sup>25</sup>

Atchison's movements following the Cassville meeting of the legislature are uncertain, but it is generally assumed that he accompanied Jackson when the Governor left Price's army sometime in November. With his family, Jackson made an extended trip through southeast Missouri, Tennessee, and Louisiana, rejoining Price's army in time to participate in the Battle of Elk Horn or Pea Ridge in northern Arkansas on March 7, 1862.<sup>26</sup>

There is definite proof that Atchison participated in the Battle of Elk Horn, which adds to the plausibility that he accompanied Jackson on his trip south. In the light of his contempt for Price as expressed to Hunter at Richmond, it seems unlikely that he remained with the Missouri troops during the Governor's absence. After Elk Horn Atchison drops from sight until the spring of 1864 by which time he had settled on a farm in Grayson County, Texas, thirteen miles southeast of Sherman. Governor Jackson left Price's army shortly after the defeat at Elk Horn, and there is the possibility, although no definite proof, that Atchison accompanied him on his subsequent wanderings through Texas and Arkansas.<sup>27</sup>

The first indication of Atchison's presence in Texas is found in a journal which he kept in his later years. There he recorded that one Captain David Gilmore, wounded in the ankle at Springfield, died at his Grayson County home in March or April of 1864. There is every indication that the General harbored other Missouri friends in his Texas home from time to time. In August of 1865, Atchison wrote his brother William in Clay County, Missouri, that he was sending one of his slaves, George, undoubtedly his body servant, north with a friend from Platte County. He asked the brother to treat George well as he had been "faithful and true" through many trials. Concerning his other slaves, Atchison wrote:

"I have all the rest of the Negroes on my hands and know not what to do with them. Some I have hired for about their victuals & clothes; the rest I have at home and must take the best care of them I can, if I leave them god only knows what would become of them. . . . Negroes are now worth less than nothing; everybody is trying to get rid of them upon almost any terms." The General reported that he would not return to Missouri until the following spring by which time he hoped the Negro question would be settled. Atchison then asked his brother to try to collect several notes which his neighbors owed him and to look after his land in Platte County which amounted to two hundred and fifty acres, with the request that he sell it if he could.<sup>28</sup>

By November of 1865, Atchison's nephew David, William's son, had arrived in Texas with news from home. Atchison now wrote his brother that he had sold his Grayson County property, but would remain in Texas for a time longer. "Dave tells me that all is going on well at present," the General noted, "if so my presence in Mo. might only injure myself and embarrass the rest of my friends and kin." He had not returned a year later when his attorney wrote him concerning some land titles which Atchison wished cleared. This friend advised: "If the extreme Radicals [in Congress] carry out their programme, my opinion is that Missouri will prove a healthier climate for you and me than Texas or any other Southern State."<sup>29</sup>

## EPILOGUE

Apparently his attorney's advice helped overcome Atchison's reluctance to return to Missouri, for he came home to his Clinton County farm in the spring of 1867. He still owned more than a thousand acres of land in the region between Plattsburg and Gower in Clinton County, and here he made his home during the remaining twenty years of his life. With his sister, Rebecca, and his brother Ben's widow and son, he occupied the "lofty and spacious brick mansion" which his brother had built before the war. He lived in quiet retirement, spending most of his time among his papers and in his library in the hope, some said, of writing his memoirs. He was never too busy, however, to spend time with the children of his nephew when they were growing up or with the other youngsters of the neighborhood who always found in him a good friend and an interesting storyteller. On the morning of February 2, 1870, fire destroyed the house and most of Atchison's extensive library and records. He then erected a frame house on the same site to which the family made several additions in the following years and which his nephew's children occupy today.<sup>1</sup>

In the election campaign of 1872, Atchison rejected an offer by friends in Platte County to have the Democracy there endorse him for governor. "I have done with office forever," he wrote, "I have not the slightest desire for such a position." Later that same summer, the General declined an invitation to address a meeting of Democrats and Liberals held at Breckinridge in Caldwell County. He wrote the committee a note of strong support, however, and commented: "I sincerely hope that the political movement at the head of which stands Horace Greeley will be successful, it is the only hope of peace and prosperity for the country."<sup>2</sup>

With the defeat of Greeley, who had been one of his severest critics during the Kansas struggle, and the return of Grant to the presidency, the year 1872 ended on a bitter note for Atchison. On December 31, he lamented in his journal:

Stealing has been rife in the land particularly with the officers of the Federal government; also the State & County officers, all departments of government are corrupt & rotten. The people are demoralized to an extent little short of Sodom & Gomorrah. The Constitutions of the Federal & State governments have been changed, and what is left is not respected; the old Statesmen are dead or retired, and those at the head of affairs are ignorant & corrupt. The people are plundered with impunity; the people are as ignorant and corrupt as their leaders; the Negro is the ruling power in the land; God help us.<sup>3</sup>

Atchison made few public appearances in his remaining years. In June of 1872 he returned to Liberty and spoke at the fiftieth anniversary of the founding of Clay County in whose early history he had played such an active role. In September of 1874, he went to St. Louis to preside over a Democratic rally where he renewed acquaintances with many of his old friends of more active days. A year later, Atchison journeyed to Kansas City to visit Jefferson Davis, who had come there to speak at the annual exposition. Following the address of the ex-President of the Confederacy, the audience called for Atchison to speak, and he did so briefly. He later wrote in his journal: "The visit of Jeff Davis and his cordial reception everywhere in Missouri, is very gratifying to him & all of his friends; the homage paid him is to virtue and great principles; he is the representative of the lost cause and all that it involved."<sup>4</sup>

Atchison made his last public address at the annual Gower picnic in August of 1882. Before the more than three thousand in attendance, he endorsed the Democratic ticket and introduced the party's candidate for Congress, James N. Burnes, the son of one of his former aides. One western Missouri paper commented on the event: "No greater compliment has been paid a gentleman for years, than the appearance of Gen. Atchison on the stand to introduce Col. Burnes to his fellow Democrats. It was an endorsement that Col. B. may well be proud of."<sup>5</sup>

In this same year, Atchison began a correspondence with Benjamin H. Brewster, at the time Attorney-General in President Arthur's cabinet. The correspondence meant a great deal to him

in his declining years. Brewster wrote in May of 1882 that he had tried to get in touch with Atchison earlier but had lacked his correct address. He reminisced about the days in Washington when Atchison had been in the Senate and Brewster had served as an aide to Senator Simon Cameron of Pennsylvania, with whom the Missourian shared lodgings in the Twenty-ninth and Thirtieth Congresses.<sup>6</sup>

Atchison replied to this initial letter within a week, thanking Brewster for remembering him after these many years. "Now for myself," he wrote, "I will be seventy-five years of age in three months, my health is not good. I have been more or less paralyzed for two years and can scarcely write at all. My senses & faculties are more or less blunted. My head is white as snow. My face wrinkled, I am ready for the *narrow house*." Atchison did not reach the "narrow house" until January 6, 1886, after a full life.<sup>7</sup>

On October 27, 1928, Governor Sam A. Baker and other prominent state leaders journeyed to Plattsburg where they dedicated a \$15,000 statue in honor of David Rice Atchison.<sup>8</sup> This statue remains the state's most visible tribute to the attorney, soldier, legislator, judge, and senator who served it faithfully over a period of thirty-five years.

## NOTES

### PROLOGUE

1. William M. Paxton, *Annals of Platte County, Missouri* (Kansas City, 1897), p. 833; *History of Clinton County, Missouri* (St. Joseph, 1881), Part II, 179; *A History of Northwest Missouri*, ed. Walter Williams (Chicago, 1915), II, 831; "Kentucky Marriages and Obituaries," ed. G. Glenn Clift, *Register of the Kentucky Historical Society*, XLI (April, 1943), 165; *Kentucky Vital Statistics: Record of Marriages in Fayette County, Kentucky, for the period of years 1803 to 1861, inclusive*, ed. Annie W. Burns (Frankfort, 1931), p. 5; John W. Townsend, "David Rice Atchison," *Register of the Kentucky Historical Society*, VIII (May, 1910), 39.
2. C. Frank Dunn, "Gen. Green Clay in Fayette County Records," *Register of the Kentucky Historical Society*, XLIV (April, 1946), 147; George F. Milton, *The Eve of Conflict: Stephen A. Douglas and the Needless War* (Boston, 1934), p. 102.
3. "'Heads of Families' in Fayette County, Census of 1810," ed. A. C. Quisenberry, *Register of the Kentucky Historical Society*, XX (May, 1922), 152; Kentucky Population Schedules, Fayette County, 1830, 358; Records of Fayette County, Kentucky: Deed Book 29, 277-78; Clift, "Kentucky Marriages and Obituaries," p. 165; *Liberty Tribune* (Liberty, Missouri), November 18, 1859.
4. Townsend, "David Rice Atchison," p. 39; *Transylvania University Catalogue* (February, 1821), p. 11; *ibid.* (January, 1822), p. 15. It is impossible to determine when Atchison entered the preparatory school inasmuch as Transylvania catalogues are not available prior to 1821.
5. *Kentucky Reporter* (Lexington, Kentucky), January 22 and August 27, 1821; Alvin F. Lewis, *History of Higher Education in Kentucky* (Washington, 1899), p. 62; *Transylvania University Catalogue* (January, 1825), p. 13.
6. *Ibid.* (January, 1824), p. 18; Townsend, "David Rice Atchison," p. 39; John C. Parish, *George Wallace Jones* (Iowa City, 1912), p. 83; Varina H. Davis, *Jefferson Davis, Ex-President of the Confederate States of America: A Memoir* (New York, 1890), I, 25-26.
7. *Kentucky Reporter*, June 9, 1823, and July 18, 1825; Transylvania University Commencement Program of July 13, 1825, in possession of Transylvania University Library, Lexington, Kentucky; Parish, *George Wallace Jones*, p. 83; Allen Tate, *Jefferson Davis, His Rise and Fall* (New York, 1929), p. 61.
8. *History of Clinton County*, Part II, 179-80; *History of Bourbon, Scott, Harrison and Nicholas Counties, Kentucky* (Chicago, 1882), pp. 364-65, 402.

## CHAPTER I

1. Record Book 1, Clay County, Missouri, Circuit Court (Liberty, Missouri), p. 213; *History of Clinton County*, Part I, 441; *History of Clay and Platte Counties, Missouri* (St. Louis, 1885), pp. 119-23.
2. Unbound Records of Clay County, Missouri, Circuit Court, Box 2; *ibid.*, Box 3.
3. *History of Clinton County*, Part I, 441-42.
4. William F. Switzler, *Illustrated History of Missouri from 1541 to 1877* (St. Louis, 1879), p. 241; Harry M. Beardsley, *Joseph Smith and his Mormon Empire* (Boston, 1931), p. 136.
5. Inez S. Davis, *The Story of the Church* (Independence, Missouri, 1948), pp. 121, 175-77; Beardsley, *Joseph Smith and his Mormon Empire*, p. 137.
6. Davis, *Story of the Church*, pp. 177-85; *Missouri Intelligencer* (Columbia, Missouri), November 30, 1833; Joseph Smith, *History of the Church of Jesus Christ of Latter-Day Saints*, 2d ed., revised (Salt Lake City, 1951), I, 423-25.
7. Floyd C. Shoemaker, *Missouri and Missourians: Land of Contrasts and People of Achievements* (Chicago, 1943), I, 457; Davis, *Story of the Church*, p. 194; Smith, *History of the Church*, I, 474-78.
8. Correspondence in *Missouri Intelligencer*, March 8, 1834.
9. *Missouri Intelligencer*, March 8, 1834; *Evening and Morning Star* (Kirtland, Ohio), March, 1834, contains letter of William W. Phelps to the Brethren, February 27, 1834.
10. Smith, *History of the Church*, I, 483-93; *Missouri Intelligencer*, July 5, 1834.
11. *Ibid.*, June 28, 1834; Smith, *History of the Church*, II, 98.
12. Beardsley, *Joseph Smith and his Mormon Empire*, pp. 144-53; Smith, *History of the Church*, II, 112-14.
13. *Missouri Intelligencer*, July 12, 1834; William A. Linn, *The Story of the Mormons* (New York, 1902), pp. 183-84; Beardsley, *Joseph Smith and his Mormon Empire*, p. 153.
14. *Missouri Intelligencer*, August 23, 1834; *Jeffersonian Republican* (Jefferson City, Missouri), December 6, 1834; *Journal of the House of Representatives of the State of Missouri, Eighth General Assembly*, pp. 3-7.
15. *Ibid.*, pp. 38, 58-65.
16. Smith, *History of the Church*, II, 177-78; *Missouri Intelligencer*, January 10, 1835; *House Journal, Eighth General Assembly*, p. 182.
17. Paxton, *Annals of Platte County*, p. 14; *House Journal, Eighth General Assembly*, pp. 49, 58; Shoemaker, *Missouri and Missourians*, I, 440-41.

## CHAPTER II

1. Beardsley, *Joseph Smith and his Mormon Empire*, p. 153; Williams, *History of Northwest Missouri*, I, 372-73.

2. *Jeffersonian Republican*, August 13, 1836; *House Journal, Ninth General Assembly*, pp. 188, 204; *Journal of the Senate of the State of Missouri, Ninth General Assembly*, p. 155; Williams, *History of Northwest Missouri*, I, 373-74; Beardsley, *Joseph Smith and his Mormon Empire*, pp. 167-70; Linn, *Story of the Mormons*, p. 187; *History of Caldwell and Livingston Counties, Missouri* (St. Louis, 1886), p. 118.

3. Davis, *Story of the Church*, pp. 153, 270-71; Beardsley, *Joseph Smith and his Mormon Empire*, p. 138; *Document containing the Correspondence, Orders, &c. in relation to the disturbances with the Mormons . . .* (Fayette, 1841), p. 20. Contains all the official correspondence of the Mormon war, together with the evidence in the trials which followed; hereinafter referred to as *Document on the Mormon War*. For Governor Boggs's views on the expulsion of the Mormons from Jackson County, see his letter to the editor, *Missouri Intelligencer*, December 14, 1833.

4. Smith, *History of the Church*, III, 69-75; *Document on the Mormon War*, pp. 19-20, 28-29.

5. *Ibid.*, pp. 19-20, 24-28.

6. *Ibid.*, pp. 37-38, 76.

7. Smith, *History of the Church*, III, 159, 168-69; *Document on the Mormon War*, pp. 39, 43-44, 47-61, 108.

8. *Ibid.*, pp. 48-63, 108; Smith, *History of the Church*, III, 168-69.

9. *Document on the Mormon War*, pp. 68-69, 75-77.

10. *Ibid.*, pp. 46-47, 69-70, 72-75; Heman C. Smith, "Mormon Troubles in Missouri," *Missouri Historical Review*, IV (July, 1910), 248-49.

11. Shoemaker, *Missouri and Missourians*, I, 464-65; Paxton, *Annals of Platte County*, p. 25; *House Journal, Tenth General Assembly*, pp. 1-18. On November 21, Atchison joined the Democratic majority in re-electing Thomas Hart Benton to the United States Senate for a fourth term. *Ibid.*, p. 21.

12. *The Messages and Proclamations of the Governors of the State of Missouri*, ed. Buel Leopard and Floyd C. Shoemaker (Columbia, 1922), I, 363-64; *House Journal, Tenth General Assembly*, pp. 32, 60-61, 128-35, 406.

13. Switzler, *History of Missouri*, pp. 232-37; *House Journal, Tenth General Assembly*, p. 382; Shoemaker, *Missouri and Missourians*, I, 443-45.

14. *History of Clay and Platte Counties*, p. 136; *Portrait and Biographical Record of Lafayette and Saline Counties, Missouri* (Chicago, 1893), p. 496.

### CHAPTER III

1. *House Journal, Tenth General Assembly*, pp. 22, 121-24.

2. Williams, *History of Northwest Missouri*, I, 339, 598; Leopard and Shoemaker, *Messages and Proclamations of the Governors*, I, 502; Paxton, *Annals of Platte County*, p. 833.

3. *History of Andrew and DeKalb Counties, Missouri* (St. Louis, 1888), Part II, 102-5; *History of Holt and Atchison Counties, Missouri* (St. Joseph, 1882), p. 109; Williams, *History of Northwest Missouri*, I, 311.

4. *Ibid.*, p. 531. Atchison already had gained considerable experience in dealing with divorce cases while in the Tenth General Assembly. He had served as chairman of several select committees charged with taking care of specific divorce petitions, and, in each case, had presented a bill of divorcement. When opposition arose in the House to the granting of divorces, Atchison offered a resolution to the effect that the General Assembly had the constitutional power to grant them. Before a vote could be taken on the resolution, however, another member moved to amend it to read: "That every bill now pending in this House, for granting a divorce be indefinitely postponed." In spite of Atchison's opposition, this amendment passed the House, 49 to 42, and nothing more came of the issue. *House Journal, Tenth General Assembly*, pp. 109-10, 130, 145, 154, 189-90.

5. Williams, *History of Northwest Missouri*, I, 311.

6. Paxton, *Annals of Platte County*, p. 43.

7. *History of Clinton County*, Part I, 441-42.

8. *House Journal, Eighth General Assembly*, p. 247.

9. Clarence H. McClure, *Opposition in Missouri to Thomas Hart Benton* (Nashville, 1927), pp. 22-33; *Missouri Republican* (St. Louis, Missouri), March 18 and September 10, 1840; *Jefferson Inquirer* (Jefferson City, Missouri), December 17, 1840; *House Journal, Tenth General Assembly*, pp. 46, 76-77; *Missouri Register* (Boonville, Missouri), October 17, 1843; Alma West, "The Earlier Political Career of Claiborne Fox Jackson, 1836-1851" (Unpublished Master's thesis, University of Missouri, 1941), pp. 30-37.

10. *Missouri Register*, May 7, 1844; *Missouri Statesman* (Columbia, Missouri), April 21, 1843; *Jefferson Inquirer*, May 4, 1843; Martin Van Buren Papers (Library of Congress), Benton to Van Buren, January 1, 1843, Thomas B. Hudson to Van Buren, November 6, 1843; Abiel Leonard Papers (State Historical Society of Missouri, Columbia), Birch to Leonard, April 4, 1843.

11. Thomas Reynolds Papers (Missouri Historical Society, St. Louis), Atchison to Reynolds, April 5, 1843.

12. *Jefferson Inquirer*, May 25, 1843.

13. *Ibid.*, October 5, 1843.

14. John Sappington Papers (Missouri Historical Society, St. Louis), William R. Ellett to M. M. Marmaduke, October 26, 1843; Reynolds Papers, Napton to Reynolds, October 11, 1843, Atchison to Reynolds, April 5 and August 12, 1843; *Missouri Register*, October 17, 1843.

15. *Jefferson Inquirer*, November 2, 1843; *Missouri Register*, October 17, 1843.

16. Quoted in *Jefferson Inquirer*, November 16, 1843.

17. Thomas Hart Benton Papers (Missouri Historical Society, St. Louis), Benton to Reynolds, October 19, 1843; David Rice Atchison

Papers (Western Historical Manuscripts Collection, Columbia, Missouri), Elizabeth A. R. Linn to Atchison, February 19, 1844. This letter also reveals in detailed fashion that Benton harrassed and abused Senator Linn continually during their service in the Senate together.

18. *History of Clinton County*, Part I, 441-42.

19. Quoted in William R. Jackson, *Missouri Democracy: A History of the Party and Its Representative Members—Past and Present* (Chicago, 1935), I, 131.

#### CHAPTER IV

1. Paxton, *Annals of Platte County*, p. 57; *Jefferson Inquirer*, November 16, 1843; *Globe* (Washington, D.C.), December 2, 1843; *Congressional Directory* (Washington, D.C.), 28th Cong., 1st sess., p. 36.

2. *Congressional Globe* (Washington, D.C.), 28th Cong., 1st sess., pp. 2, 22, 36; *Congressional Directory*, 28th Cong., 1st sess., p. 1.

3. *Congressional Globe*, 28th Cong., 1st sess., pp. 35, 56-57, 63, 77, 104.

4. *Jefferson Inquirer*, November 2, 1843; January 4 and 11, 1844.

5. *Congressional Globe*, 28th Cong., 1st sess., pp. 116, 176, 237, 306-7; Samuel F. Bemis, *Diplomatic History of the United States* (New York, 1936), pp. 273-75; Jesse S. Reeves, *American Diplomacy under Tyler and Polk* (Baltimore, 1907), pp. 243-44; *A Compilation of the Messages and Papers of the Presidents*, ed. James D. Richardson (Washington, 1919), V, 2110-11; Charles M. Wiltse, *John C. Calhoun, Sectionalist, 1840-1850* (Indianapolis, 1951), pp. 163-64; Atchison Papers, Mrs. Linn to Atchison, February 19, 1844.

6. *Washington Globe*, February 22, 1844; Correspondence of George W. Jones (Iowa State Department of History and Archives, Des Moines), Atchison to Jones, April 14, 1844.

7. *Congressional Globe*, 28th Cong., 1st sess., pp. 418, 566, 576, 637.

8. Sappington Papers, Atchison to Marmaduke, April 11, 1844; Correspondence of George W. Jones, Atchison to Jones, April 14, 1844.

9. *Congressional Globe*, 28th Cong., 1st sess., Appendix, pp. 474-86; Thomas Hart Benton, *Thirty Years' View* (New York, 1856), II, 600-13; William M. Meigs, *The Life of Thomas Hart Benton* (Philadelphia, 1904), p. 345; William N. Chambers, *Old Bullion Benton: Senator from the New West* (Boston, 1956), pp. 275-76.

10. Benton, *Thirty Years' View*, II, 582-83; Sappington Papers, Atchison to Marmaduke, April 11, 1844; *Congressional Globe*, 28th Cong., 1st sess., p. 632.

11. *Journal of the Executive Proceedings of the Senate of the United States* (Washington, D.C., 1887), VI, 312.

12. *Missouri Register*, October 17, 1843; *Jefferson Inquirer*, December 7, 1843; Benton, *Thirty Years' View*, II, 590-96; Edward Stanwood, *A History of the Presidency* (Boston, 1930), I, 199-200, 215-16.

13. *Missouri Register*, December 12, 1843, and April 9, 1844.
14. Sappington Papers, Atchison to Marmaduke, April 11, 1844; Shoemaker, *Missouri and Missourians*, I, 622.
15. *Missouri Register*, May 21, 1844.
16. *Boon's Lick Times* (Fayette, Missouri), June 22, 1844; *Missouri Statesman*, August 2, 1844; *Metropolitan* (Jefferson City, Missouri), November 20, 1849.
17. Sappington Papers, John J. Lowry to Marmaduke, August 10, 1844; Switzler, *History of Missouri*, p. 254; McClure, *Opposition to Benton*, pp. 87-88.
18. *Jefferson Inquirer*, October 31, 1844; Sappington Papers, Atchison to Marmaduke, October 5, 1844.
19. *Missouri Republican*, November 22, 1844; *Senate Journal, Thirteenth General Assembly*, pp. 42-43; *House Journal, Thirteenth General Assembly*, pp. 37-40.
20. James McDowell Papers (Duke University Library, Durham, North Carolina), Benton to McDowell, December 2, 1844; *Congressional Globe*, 29th Cong., 2nd sess., pp. 494-501, 562-63.
21. *Jefferson Inquirer*, September 8, 1849; *Metropolitan*, November 20, 1849.

## CHAPTER V

1. *Congressional Directory*, 28th Cong., 2nd sess., p. 38.
2. *Correspondence of John C. Calhoun*, ed. J. Franklin Jameson, The Annual Report of the American Historical Association for the Year 1899, II (Washington, 1900), p. 635, Calhoun to Thomas G. Clemson, December 27, 1844. Hereinafter cited as *Calhoun Correspondence*; *Jefferson Inquirer*, November 28, 1844; *House Journal, Thirteenth General Assembly*, pp. 37, 121-22, 136-38; *Senate Journal, Thirteenth General Assembly*, p. 56; *Congressional Globe*, 28th Cong., 2nd sess., pp. 154-55.
3. *Ibid.*, pp. 193-94.
4. *Ibid.*, pp. 244-45, 360-63, 372; Benton, *Thirty Years' View*, II, 632-36.
5. *Jefferson Inquirer*, March 13, 1845.
6. *Calhoun Correspondence*, pp. 658-63, 1187-88, Calhoun to Donelson, May 23, 1845, Calhoun to John Y. Mason, May 30, 1845, Tyler to Calhoun, January 2, 1849; Leon G. Tyler, *The Letters and Times of the Tylers* (Richmond, Virginia, 1884), II, 364-65, Tyler to William Wilkins, November 27, 1848, and enclosure; *Diplomatic Correspondence of the United States, Inter-American Affairs, 1831-1860*, ed. William R. Manning (Washington, 1945), XII, 83-85, Calhoun to Donelson, March 3, 1845; Benton, *Thirty Years' View*, II, 636-38; *The Diary of James K. Polk during his Presidency, 1845 to 1849*, ed. Milo M. Quaife (Chicago, 1910), IV, 38-47. Hereinafter cited as *Polk Diary*.
7. Reeves, *American Diplomacy under Tyler and Polk*, pp. 246-48; *Congressional Globe*, 28th Cong., 2nd sess., pp. 48, Appendix, 44; Atchison Papers, Johnson to Atchison, January 20, 1845.

8. *Congressional Globe*, 28th Cong., 2nd sess., pp. 256, 387.
9. Reeves, *American Diplomacy under Tyler and Polk*, pp. 250-59; Richardson, *Messages and Papers of the Presidents*, V, 2242-48.
10. *Congressional Globe*, 29th Cong., 1st sess., pp. 76, 85, 97, 109-12; *Jefferson Inquirer*, January 5, 1846; Wiltse, *John C. Calhoun, Sectionalist*, pp. 250-53; *Polk Diary*, I, 131-32; *Calhoun Correspondence*, 674-75, Postscript, Calhoun to Thomas G. Clemson, December 26, 1845, Calhoun to James Edward Calhoun, December 14, 1845.
11. *Polk Diary*, I, 154-56.
12. *Ibid.*, pp. 158-62; *Calhoun Correspondence*, pp. 675-81, Calhoun to James Edward Calhoun, January 16, 1846, Calhoun to Andrew Pickens Calhoun, January 16, 1846, Calhoun to James H. Hammond, January 23, 1846.
13. James Knox Polk Papers (Library of Congress), Atchison to Polk, January 10, 1846; *Polk Diary*, I, 164, 191-92.
14. *Congressional Globe*, 29th Cong., 1st sess., pp. 349-50; *Polk Diary*, I, *passim*, February-April, 1846.
15. *Ibid.*, pp. 231, 246-52.
16. *Ibid.*, pp. 271-74.
17. Atchison Papers, Brown to Atchison, March 1, 1846.
18. *Congressional Globe*, 29th Cong., 1st sess., pp. 489-92.
19. *Polk Diary*, I, 68-72, 286-87, 324-25; *Congressional Globe*, 29th Cong., 1st sess., pp. 581-83.
20. *Ibid.*, p. 633. During this period, Atchison presented two petitions from the citizens of western Missouri calling for the termination of joint occupation and the establishment of military posts on the road to Oregon. *Ibid.*, pp. 531, 580.
21. *Ibid.*, pp. 680-83, 721. In the House, Bowlin, Phelps, and Price favored the resolution; Simms and Relfe, a brother-in-law of Senator Linn, voted against it.
22. *Polk Diary*, I, 353-54, 363; Reeves, *American Diplomacy under Tyler and Polk*, p. 262.
23. *Congressional Globe*, 29th Cong., 1st sess., pp. 685-91, 888-97.
24. Reeves, *American Diplomacy under Tyler and Polk*, p. 262; *Polk Diary*, I, 376-77, 486-87, II, 78; Richardson, *Messages and Papers of the Presidents*, V, 2299-2300; *Senate Executive Journal*, VII, 89, 94-95; *Congressional Globe*, 29th Cong., 1st sess., pp. 1223-24.
25. *Ibid.*, pp. 1209-10.
26. *Ibid.*, p. 804; *Liberty Tribune*, July 24, 1847; *Congressional Globe*, 29th Cong., 2nd sess., pp. 221, 268. Atchison opposed increasing the regular army for fear it would lead to nepotism by members of Congress.
27. *Senate Executive Journal*, VII, 340; George L. Rives, *The United States and Mexico, 1821-1848* (New York, 1913), II, 636-37.

## CHAPTER VI

1. *Congressional Globe*, 29th Cong., 2nd sess., pp. 68, 198, 570-71.
2. *Congressional Globe*, 30th Cong., 1st sess., pp. 136, 309, 804-5, 875-76, 928; *Polk Diary*, III, 501-5.

3. *Calhoun Correspondence*, p. 760, Calhoun to Thomas G. Clemson, July 23, 1848; *Congressional Globe*, 30th Cong., 1st sess., pp. 270, 928, 932, 950. The Journal of the Select Committee on Oregon is in the John M. Clayton Papers at the Library of Congress.

4. *Congressional Globe*, 30th Cong., 1st sess., pp. 950, 988-89, Appendix, 1139-1204; *Calhoun Correspondence*, 760, Calhoun to Clemson, July 23, 1848.

5. *Congressional Globe*, 30th Cong., 1st sess., Appendix, pp. 1201-2. Italics mine.

6. *Congressional Globe*, 30th Cong., 1st sess., pp. 1002, 1006-7.

7. *Ibid.*, pp. 1031, 1043, 1061-63, 1074-80; *Reports and Public Letters of John C. Calhoun*, ed. Richard K. Cralle (New York, 1888), IV, 513-35. Hereinafter cited as *Calhoun's Works*.

8. *Liberty Tribune*, December 10, 1847, March 10, 1848; Charles Carey, *A General History of Oregon* (Portland, 1935), II, 466.

## CHAPTER VII

1. Sappington Papers, Lowry to Marmaduke, September 8, 1848.

2. *Liberty Tribune*, September 22 and 29, 1848; Van Buren Papers, Benton to Van Buren, May 29, 1848; Samuel Treat Papers (Missouri Historical Society, St. Louis), *passim*, 1848. The quotation is found in a note attached by Treat to a letter from Cass under date of July 5, 1848. See also William E. Smith, *The Francis Preston Blair Family in Politics* (New York, 1933), I, 239-40; Chambers, *Old Bullion Benton*, pp. 334-37.

3. Sappington Papers, Sol J. Lowe to Marmaduke, December 31, 1848; *House Journal, Fifteenth General Assembly*, p. 63; Leonard Papers, Atchison to Leonard, January 12, 1849.

4. *Jefferson Inquirer*, January 13, 1849.

5. *Congressional Globe*, 30th Cong., 2nd sess., p. 27.

6. *Ibid.*, pp. 46-49.

7. *Ibid.*, pp. 38-39, 52-56, 83-84.

8. The resolution is in *Correspondence of Robert M. T. Hunter, 1826-1876*, ed. Charles H. Ambler, The Annual Report of the American Historical Association for the Year 1916, II (Washington, 1918), p. 104. Hereinafter cited as *Hunter Correspondence*. Although placed chronologically with the 1849 correspondence, the resolution carries no date, and undoubtedly belongs to the period before the Southern Address. The signers, representing ten of the fifteen Southern states, were, in the order in which they signed: Jefferson Davis, John C. Calhoun, Solomon W. Downs, Robert M. T. Hunter, Andrew P. Butler, David L. Yulee, Herschel V. Johnson, David R. Atchison, Thomas J. Rusk, William R. King, Henry S. Foote, Benjamin Fitzpatrick, James D. Westcott, and William K. Sebastian.

9. *Democratic Banner* (Louisiana, Missouri), June 25, 1849.

10. The official proceedings are in the *Washington Union* (Washington, D. C.), January 28, 1849. The debate is in *Niles Register*, LXXV (1849-50), 45-46.

11. *Washington Union*, January 28, 1849.
12. Leonard Papers, Atchison to Leonard, January 12, 1849; *Congressional Globe*, 30th Cong., 2nd sess., pp. 210-16; *Washington Union*, January 28, 1849.
13. *Polk Diary*, IV, 280-84. Neither group included Atchison.
14. *Washington Union*, January 16, 17, 28, 1849; John J. Crittenden Papers (Library of Congress), Metcalfe to Crittenden, January 15, 1849; *Calhoun's Works*, VI, 285-89, statement of A. W. Venable, and Metcalfe to Venable, February 1, 1849; *Polk Diary*, IV, 284-86; *Correspondence of Robert Toombs, Alexander H. Stephens and Howell Cobb*, ed. Ulrich B. Phillips, The Annual Report of the American Historical Association for the Year 1911, II, (Washington, 1913), pp. 141-42, Toombs to Crittenden, January 22, 1849; Van Buren Papers, Francis P. Blair to Van Buren, January 17, 1849.
15. *Washington Union*, January 28, 1849; *Calhoun Correspondence*, pp. 761-62, Calhoun to Mrs. Thomas G. Clemson, January 24, 1849; Crittenden Papers, Metcalfe to Crittenden, January 23, 1849; *Calhoun's Works*, VI, 285-88, statement of Venable. The *Union* gives the vote on Berrien's draft as 34 to 27, but apparently includes Calhoun, who was absent, as voting against it. Metcalfe wrote Crittenden that the result was 33 to 27.
16. *Calhoun Correspondence*, pp. 763-64, Calhoun to Mrs. Clemson, April 10, 1849; Van Buren Papers, Francis P. Blair to Van Buren, December 30, 1848, and January 27, 1849. The names of the signers of the Southern Address will be found in *Calhoun's Works*, VI, 312-13. For Benton's full observations on the document, see *Thirty Years' View*, II, 733-36.
17. *Calhoun's Works*, VI, 290-313.
18. *Liberty Tribune*, June 29, 1849.

## CHAPTER VIII

1. Lee F. Crippin, *Simon Cameron: Ante-Bellum Years* (Oxford, Ohio, 1942), pp. 60, 107-8; *Congressional Directory*, 29th Cong., 2nd sess., p. 30; *ibid.*, 30th Cong., 1st sess., revised, p. 30; *ibid.*, 30th Cong., 2nd sess., p. 29; *The Papers of Willie Person Mangum*, ed. Henry T. Shanks (Raleigh, North Carolina, 1956), V, 135, Asbury Dickens to Mangum, January 13, 1849; Atchison Papers, Atchison to Benjamin H. Brewster, May 19, 1882.
2. *Polk Diary*, IV, 239; *Dictionary of American Biography*, ed. Allen Johnson and Dumas Malone (New York, 1932), VIII, 228-29.
3. *Polk Diary*, IV, 239, 369-71; Van Buren Papers, Francis P. Blair to Van Buren, March 5, 1849; Crittenden Papers, Atchison to Crittenden, March 8, 1849.
4. Theodore Atchison, "David R. Atchison, A Study in American Politics," *Missouri Historical Review*, XXIV (July, 1930), 502-15; Walter B. Stevens, "A Day and Night with 'Old Davy': David R. Atchison," *Missouri Historical Review*, XXXI (January, 1937), 130-31.

5. *Washington Union*, March 6, 1849; *Congressional Globe*, 30th Cong., 2nd sess., Appendix, p. 326.
6. Crittenden Papers, Atchison to Crittenden, March 8, 1849; Clayton Papers, Crittenden to Clayton, March 9, 1849.
7. *Dictionary of American Biography*, VIII, 229.
8. *Jefferson Inquirer*, April 28, 1849.
9. *Ibid.* An examination of the *Inquirer* for the first five months of 1849 gives no indication that its editors anticipated a major struggle within the Missouri Democracy that year.
10. Van Buren Papers, Blair to Van Buren, January 4 and 27, 1849.
11. *Senate Journal, Fifteenth General Assembly*, pp. 111, 178; *House Journal, Fifteenth General Assembly*, pp. 480-83; *Laws of the State of Missouri passed at the Session of the Fifteenth General Assembly, 1848-1849* (Jefferson City, 1849), pp. 667-68. The Resolutions passed the Senate by a vote of 24 to 6. In the House they were passed separately by margins of better than 2 to 1. Switzler, the Whig editor of the *Missouri Statesman* at Columbia, later contended that all but four of the House votes against the Resolutions were cast by Whigs. *History of Missouri*, p. 268.
12. Sappington Papers, H. Gwinn to Marmaduke, February 11, 1849, Montgomery Blair to Marmaduke, February 22, 1849. Benton's letter carried the date, January 29, 1849.
13. *Ibid.*, Penn to Marmaduke, March 27, 1849.
14. Typed copy in Benton Papers. Cf. Van Buren Papers, Blair to Van Buren, January 27, 1849.
15. Smith, *Blair Family in Politics*, I, 261-63; Van Buren Papers, Montgomery Blair to Van Buren, March 12, 1849.
16. *Jefferson Inquirer*, May 19, 1849.
17. The earlier resolutions upheld the right of the slaveholder to take his property anywhere. Calhoun presented them in February of 1847 but withdrew them before a vote could be taken.
18. *Jefferson Inquirer*, May 26 and June 2, 1849.
19. *Liberty Tribune*, June 29, 1849.
20. *Democratic Banner*, June 25, 1849.
21. The James W. Denver Papers (Clinton County National Bank, Wilmington, Ohio) contain a number of letters and petitions from various parts of south Missouri asking Atchison to visit the region. See also *Liberty Tribune*, *Jefferson Inquirer*, *Louisiana Democratic Banner*, and *St. Joseph Gazette*, *passim*, June to October, 1849.
22. *Jefferson Inquirer*, September 8, 1849. Speech at Boonville, August 30, 1849.
23. Quoted in *Liberty Tribune*, October 5, 1849.
24. *Jefferson City Metropolitan*, November 20, 1849.
25. *Louisiana Democratic Banner*, November 19, 1849.
26. *Correspondence Addressed to John C. Calhoun, 1837-1849*, ed. Chauncey S. Boucher and Robert P. Brooks, The Annual Report of the American Historical Association for the Year 1929, I (Washington,

1930), pp. 511-12, Treat to Calhoun, June 17, 1849. Hereinafter cited as "Correspondence to Calhoun."

27. Treat Papers, Calhoun to Treat, July 9, 1849.

28. *Calhoun Correspondence*, pp. 770-71, 1204, Calhoun to Abraham W. Venable, August, 1849, Calhoun to Thomas G. Clemson, August 24, 1849, Henry S. Foote to Calhoun, September 25, 1849; "Correspondence to Calhoun," p. 532, Elwood Fisher to Calhoun, October 29, 1849. The *Liberty Tribune* of September 21, 1849, mentions that the *Platte Argus* has printed a letter from Jefferson Davis in reply to one from Atchison.

29. Van Buren Papers, Francis P. Blair to Van Buren, November 11 and December 3, 1849.

## CHAPTER IX

1. Atchison Papers, Metcalfe to Atchison, December 26, 1849.

2. *Liberty Tribune*, June 6, 1851, Atchison to James H. Birch (?), December 22, 1849. The newspaper copy dates this letter in 1850, but its contents indicate 1849 as the only possible correct date.

3. *Calhoun Correspondence*, p. 783, Calhoun to Mrs. Clemson, February 24, 1850.

4. Richardson, *Messages and Papers of the Presidents*, VI, 2547-62.

5. Denver Papers, Atchison to Denver, December 17, 1849; *Congressional Globe*, 31st Cong., 1st sess., p. 45; *Baltimore Sun* (Baltimore, Maryland), December 19, 1849; *Jefferson Inquirer*, February 23, 1850; *Liberty Tribune*, June 6, 1851.

6. Quoted in *Jefferson Inquirer*, March 9, 1850.

7. *Washington Union*, April 5, 1850.

8. *Congressional Globe*, 31st Cong., 1st sess., pp. 97-98, 119; Denver Papers, Atchison to Denver, December 17, 1849.

9. Atchison Papers, Metcalfe to Atchison, December 26, 1849.

10. *Congressional Globe*, 31st Cong., 1st sess., pp. 103, 171; James Buchanan Papers (Historical Society of Pennsylvania, Philadelphia), King to Buchanan, January 13, 1850.

11. *Congressional Globe*, 31st Cong., 1st sess., pp. 244-47.

12. *Ibid.*, Appendix, pp. 115-27; Denver Papers, Atchison to Denver, February 22, 1850.

13. Wiltse, *John C. Calhoun, Sectionalist*, pp. 460-61; *Congressional Globe*, 31st Cong., 1st sess., pp. 451-55, 476-84.

14. *Ibid.*, pp. 623-26.

15. *Ibid.*, pp. 749-64.

16. Van Buren Papers, Francis P. Blair to Van Buren, April 27, 1850.

17. *Congressional Globe*, 31st Cong., 1st sess., pp. 771-74, 780, 782.

18. *Ibid.*, pp. 944-48.

19. *Liberty Tribune*, December 13, 1850. Speech at Platte City, November 4, 1850.

20. *Congressional Globe*, 31st Cong., 1st sess., p. 1203.

21. Avery O. Craven, *The Growth of Southern Nationalism, 1848-1861* (Baton Rouge, Louisiana, 1953), pp. 90-98; McClure, *Opposition to Benton*, p. 203.

22. Allan Nevins, *Ordeal of the Union* (New York, 1947), I, 312-13, 331-35; Holman Hamilton, *Zachary Taylor: Soldier in the White House* (Indianapolis, 1951), pp. 382-93. Shortly before Taylor's death, Atchison had written Willie P. Mangum urging him to hasten to his seat in Washington to vote for the Omnibus. Hastily, he added this postscript: "This damned administration has set itself seriously about the unholy work of dissolving [*sic*] the Union of these states." *Mangum Papers*, V, 179, Atchison to Mangum, June 28, 1850. Benton's stand on the Omnibus is found in *Thirty Years' View*, II, 749-65.

23. *Congressional Globe*, 31st Cong., 1st sess., pp. 1134, 1144, 1148, 1379, Appendix, 902, 911, 1420.

24. *Ibid.*, Appendix, p. 953.

25. *Ibid.*, pp. 1420, 1457, 1481-82, Appendix, 1456.

26. *Ibid.*, Appendix, pp. 1470-85. For an evaluation of the role of Senator Pearce in the proceedings of July 31, see Bernard C. Steiner, "James Alfred Pearce," *Maryland Historical Magazine*, XVIII (December, 1923), 341-357.

27. *Liberty Tribune*, December 13, 1850. Speech at Platte City, November 4, 1850.

28. *Congressional Globe*, 31st Cong., 1st sess., Appendix, pp. 1499-1500, 1514-17.

29. *Ibid.*, pp. 1560, 1565, 1573; *Liberty Tribune*, December 13, 1850. Speech at Platte City, November 4, 1850.

30. *Congressional Globe*, 31st Cong., 1st sess., p. 1578.

31. *Ibid.*, pp. 1555, 1573, 1589.

32. *Ibid.*, pp. 1588-89, 1605-6, 1616, Appendix, 1591-1609, 1630. Throughout the debate on the fugitive slave bill, the South manifested the view that this measure should be considered not as a favor granted it, but as a right to which it was entitled under the Constitution.

33. *Ibid.*, pp. 1743, 1794-95, 1830.

34. Milton, *Eve of Conflict*, p. 77.

35. *Liberty Tribune*, December 13, 1850. Speech at Platte City, November 4, 1850.

## CHAPTER X

1. *Liberty Tribune*, June 6, 1851. The letter was discovered in a desk in the Missouri House of Representatives. The envelope contained Birch's name in pencil, but he denied knowledge of the letter. *Jefferson Inquirer*, May 10, 1851.

2. *Liberty Tribune*, January 25, 1850; *Congressional Globe*, 30th Cong., 2nd sess., pp. 162, 470; 31st Cong., 1st sess., p. 97.

3. *Liberty Tribune*, May 3, 1850. Atchison to John Bretz of Buchanan County, February 20, 1850; *Denver Papers*, Atchison to Denver, February 22, 1850.

4. *Jefferson Inquirer*, April 6, 1850.
5. Atchison Papers, Denver to Atchison, April 12, 1850. James W. Denver later served as a congressman from California (1855-1857) and as territorial governor of Kansas (1858).
6. Leonard Papers, Thomas E. Birch to Leonard, July 24, 1850.
7. Gist Blair Papers (Library of Congress), Frank P. Blair, Jr. to Montgomery Blair, June 15, 1850.
8. Leonard Papers, E. Stanley to Leonard, July 17, 1850, John C. Richardson to John G. Miller, August 3, 1850, S. T. Glover to Leonard, August 3 and September 27, 1850, Thomas Ansell to Leonard, August 19, 1850, John G. Miller to Leonard, August 26, 1850.
9. *Jefferson Inquirer*, August 24, 1850.
10. Van Buren Papers, Francis P. Blair to Van Buren, August 1 and November 12, 1850.
11. Leonard Papers, Leonard to Wife, January 14 and 18, 1851; *House Journal, Sixteenth General Assembly*, pp. 88, 147.
12. Leonard Papers, S. T. Glover to Leonard, January 24, 1851, James S. Rollins to Leonard, February 5, 1851.

## CHAPTER XI

1. *Congressional Globe*, 32nd Cong., 2nd sess., p. 89.
2. Roy F. Nichols, *The Democratic Machine, 1850 to 1854* (New York, 1923), pp. 30-31.
3. *Congressional Directory*, 32nd Cong., 1st sess., p. 23; *ibid.*, 32nd Cong., 1st sess., revised, p. 23; Martha T. Hunter, *A Memoir of Robert M. T. Hunter* (Washington, 1903), p. 105.
4. *Congressional Directory*, 32nd Cong., 2nd sess., p. 47; William L. Marcy Papers (Library of Congress), James G. Berret to Marcy, January 14, 1853; Atchison Papers, DeSaussure to Atchison, January 21, 1855.
5. Virginia Mason, *The Public Life and Diplomatic Correspondence of James M. Mason* (Roanoke, Virginia, 1903), pp. 51-52; *Congressional Directory*, 33rd Cong., 1st sess., pp. 52, 55; Van Buren Papers, Francis P. Blair to Van Buren, August 24, 1854; Atchison Papers, Andrew P. Butler to Atchison, April 15, 1855.
6. Buchanan Papers, Buchanan to Cave Johnson, March 22, 1851, Robert M. McLane to Buchanan, March 31, 1851; Van Buren Papers, Francis P. Blair to Van Buren, March 10 and 15, 1851.
7. Andrew Jackson Donelson Papers (Library of Congress), Bowlin to Donelson, May 5, 1851.
8. Nichols, *The Democratic Machine*, pp. 35-36; Buchanan Papers, Robert M. McLane to Buchanan, March 31, 1851; *Congressional Globe*, 32nd Cong., 1st sess., p. 488.
9. Marcy Papers, James G. Berret to Marcy, March 22 and April 30, 1852, A. Campbell to Marcy, May 1, 1852.
10. *St. Joseph Gazette* (St. Joseph, Missouri), April 14, 1852; Sappington Papers, Austin A. King to M. M. Marmaduke, February 10, 1852; James S. Rollins Papers (State Historical Society of Mis-

souri, Columbia), Benton to Rollins, November 8, 1851; Van Buren Papers, Francis P. Blair to Van Buren, April 30, 1852; Buchanan Papers, H. A. Clover to Buchanan, April 13, 1852. The two Prices were not related.

11. Shoemaker, *Missouri and Missourians*, I, 638-39; Van Buren Papers, Francis P. Blair to Van Buren, August 16, 1852.

## CHAPTER XII

1. Pierce carried Missouri by approximately 8,000 votes.

2. *Congressional Globe*, 32nd Cong., 1st sess., pp. 80, 1666; *Liberty Tribune*, July 2, 1852.

3. William E. Connelley, *The Provisional Government of Nebraska Territory and the Journals of William Walker*, The Proceedings and Collections of the Nebraska State Historical Society, 2nd Ser., III (Lincoln, 1898), pp. 24-28, 60-61. The Wyandots moved to Kansas in 1843 from Ohio where they had become quite civilized through their contacts with the whites. Many of them had accepted the Methodist faith, and Free Masonry had attracted so many that they established a lodge. They had developed a written code of laws which further testified to their acceptance of white civilization. Most of them made their livelihood through farming in the Kaw River valley. *Ibid.*, pp. 1-4.

4. *Jefferson Inquirer*, March 26, 1853. Address of Abelard Guthrie to the People of Nebraska Territory, March 7, 1853; Connelley, *Provisional Government of Nebraska*, pp. 76-77. Guthrie to Walker, December 1, 1852. Guthrie reported that during a later conference, Atchison went so far as to say that "he would rather see the whole territory sunk into hell than to see it organized as free soil!"

5. *Washington Union*, December 5, 1852; *Jefferson Inquirer*, March 26, 1853; *Congressional Globe*, 32nd Cong., 2nd sess., p. 85; Connelley, *Provisional Government of Nebraska*, pp. 58-60.

6. *Congressional Globe*, 32nd Cong., 2nd sess., pp. 47, 475, 565; *Washington Union*, January 7, 1853. All of Missouri's delegation voted for the passage of the Hall bill except Phelps who was absent.

7. *Congressional Globe*, 32nd Cong., 2nd sess., pp. 1111-13. Italics mine.

8. *National Intelligencer* (Washington, D. C.), March 10, 1853; *St. Joseph Gazette*, April 6, 1853; *Jefferson Inquirer*, May 21, 1853; Blair Papers, Benton to one of the Blairs, April 30, 1853; James C. Malin, *The Nebraska Question, 1852-1854* (Lawrence, Kansas, 1953), pp. 128-29; P. Orman Ray, *The Repeal of the Missouri Compromise* (Cleveland, 1909), p. 115.

9. *Missouri Republican*, June 22, 1853; Treat Papers, Atchison to Treat, May 29, 1853.

10. *Jefferson Inquirer*, July 9, 1853.

11. Atchison Papers, Hannegan to Atchison, July 1, 1853.

12. *Missouri Republican*, September 16, 1853; *Jefferson Inquirer*, August 13, 1853.

13. *Ibid.*, July 30, 1853.
14. *Missouri Republican*, August 31, 1853.
15. *Ibid.*, August 26, 1853.
16. *Ibid.*, September 17, 1853.
17. *Ibid.*, August 8, 1853.
18. Connelley, *Provisional Government of Nebraska*, pp. 36-41, 59; *National Intelligencer*, October 13, 1853; *Missouri Republican*, September 29, 1853; Ray, *Repeal of the Missouri Compromise*, fn., p. 156, quoting the *New York Evening Post*, November 18, 1853. Manypenny reported that treaties were not concluded at this time because of the unsettled condition arising out of the talk of immediate settlement. Report of the Commissioner of Indian Affairs, November 9, 1853, in *House Executive Documents*, 33rd Cong., 1st sess., p. 269 ff.
19. *Jefferson Inquirer*, December 17, 1853.
20. *Washington Union*, December 24, 1853, contains Atchison's letter to the editor of the *Examiner*, together with one from his secretary transmitting a copy to Manypenny, who undoubtedly arranged for the publication of both.

### CHAPTER XIII

1. Marcy Papers, Pierce to Marcy, November 9, 1852, J. A. Thomas to Marcy, November 20 and 24, 1852, Marcy to James G. Berret, January 15, 1853, Marcy to P. M. Wetmore, January 19, 1853; Buchanan Papers, F. Byrdsall to Buchanan, November 24, 1853; Van Buren Papers, Francis P. Blair to Van Buren, November 25, 1852; Morgan Dix, *Memoirs of John Adams Dix* (New York, 1883), I, 271.
2. Franklin Pierce Papers (Library of Congress), Pierce to Davis, December 7, 1852; Marcy Papers, Thomas to Marcy, December 20 and 27, 1852, Wetmore to Marcy, December 28, 1852, A. Campbell to Marcy, December 31, 1852; *Boston Post* (Boston, Massachusetts), December 27 and 28, 1852; Hunter, *Hunter Memoir*, pp. 106-7; Van Buren Papers, Blair to Van Buren, December 29, 1852.
3. Marcy Papers, Thomas to Marcy, January 11, 15, and 16, 1853, Berret to Marcy, January 14, 1853, W. W. Snow to Marcy, January 22, 1853; Van Buren Papers, Blair to Van Buren, January 11, 1853; *New York Herald*, January 5, 1853.
4. Hunter, *Hunter Memoir*, pp. 105-9; Dix, *Memoir*, p. 272; Roy F. Nichols, *Franklin Pierce: Young Hickory of the Granite Hills* (Philadelphia, 1931), pp. 227-29.
5. Van Buren Papers, Blair to Van Buren, December 18 and 27, 1852, and February 24, 1853; Blair Papers, *passim*, January and February, 1853.
6. Atchison Papers, King to Atchison, February 20, 1853.
7. *Washington Union*, April 3, 1853; *Courier* (Charleston, South Carolina), April 1 and 4, 1853.
8. *Senate Executive Journal*, IX, 130; *Charleston Courier*, April 7, 1853.

9. *New York Tribune*, April 9, 1853; Atchison Papers, Dickinson to Atchison, April 13, 1853.

10. Stephen A. Douglas Papers (University of Chicago Library), D. H. Armstrong to Douglas, January 12, 1853, Samuel Treat to Douglas, January 17, 1853, Green to Douglas, November 15, 1852; *Dictionary of American Biography*, VII, 549.

11. *New York Tribune*, April 5, 1853. Atchison contended that while the "taint of free-soilism" might be overlooked in appointing a man to a position in a nonslaveholding state, that sort of thing would never do for the other region. See also *Charleston Courier*, April 17, 1853.

12. *Liberty Tribune*, April 15, 1853; Douglas Papers, Samuel Treat to Douglas, January 17, 1853; Blair Papers, Frank P. Blair, jr. to Montgomery Blair, February 11, 1853, Benton to one of the Blairs, April 30, 1853; Van Buren Papers, Francis P. Blair to Van Buren, April 1, 1853; *The History of the Bench and Bar of Missouri*, ed. A. J. D. Stewart (St. Louis, 1898), pp. 377-79.

13. *Liberty Tribune*, May 27, 1853; *Jefferson Inquirer*, July 9, 1853.

14. *New York Tribune*, August 30, 1853.

15. Atchison Papers, Atchison to Robert McClelland, Secretary of the Interior, August 25, 1853.

16. *Jefferson Inquirer*, October 15, 1853, reprinted the correspondence; Blair Papers, Samuel Simmons to Montgomery Blair, October 15, 1853; *Missouri Republican*, December 5, 1853.

17. Sappington Papers, Thomas L. Price to M. M. Marmaduke, October 17, 1853.

18. Walter B. Stevens, *The Brown-Reynolds Duel, a Complete Documentary Chronicle of the Last Bloodshed under the Code between St. Louisians* (St. Louis, 1911); *Jefferson Inquirer*, April 8, 1854; Van Buren Papers, Francis P. Blair to Van Buren, August 24, 1854.

#### CHAPTER XIV

1. *Washington Union*, November 28, 1853; Buchanan Papers, J. Glancy Jones to Buchanan, October 3, 1853.

2. *Washington Union*, December 15, 1853; *Missouri Republican*, December 20, 1853; Marcy Papers, Marcy to John M. Daniel, December 15, 1853. Senator Butler had not yet taken his seat for this session, and therefore he did not join his messmates in the voting.

3. Marcy Papers, Marcy to Redfield, December 13, 1853.

4. *Washington Sentinel* (Washington, D.C.), December 13, 1853.

5. *New York Herald*, January 2, 1854.

6. *Congressional Globe*, 33rd Cong., 1st sess., pp. 44, 87.

7. *Richmond Enquirer* (Richmond, Virginia), December 5, 1853. Italics mine.

8. *Ibid.*, December 26, 1853; *Charleston Courier*, January 2, 1854; *Baltimore Sun*, December 31, 1853.

9. Frank H. Hodder, "The Genesis of the Kansas-Nebraska Act," *Proceedings of the State Historical Society of Wisconsin for 1912* (Madison, 1913), pp. 76-77; Frank H. Hodder, "The Railroad Background of the Kansas-Nebraska Act," *Mississippi Valley Historical Review*, XII (June, 1925), 11. The Washington correspondent of the *Missouri Republican* indicated that Atchison and Douglas were "inseparable friends" and that both hated Benton. *Missouri Republican*, January 13, 1854.
10. New York *Tribune*, October 10, 1854. Speech at Atchison, Kansas Territory, September 21, 1854.
11. Nichols, *Franklin Pierce*, p. 320; Milton, *Eve of Conflict*, pp. 108-9.
12. *Congressional Globe*, 33rd Cong., 1st sess., p. 115.
13. *Washington Union*, January 10, 1854. The *Union's* first comment appeared on January 7.
14. Italics mine.
15. Philip Phillips Papers (Library of Congress), extract from notes of Philip Phillips, left for his children; *Charleston Courier*, January 10, 1854; *Baltimore Sun*, January 6, 1854.
16. *Washington Sentinel*, January 14, 1854.
17. Gideon Welles Papers (Library of Congress), Diary, June 29, 1855, relating interview with Cass.
18. Henry M. Flint, *Life of Stephen A. Douglas* (New York, 1860), p. 172; Mrs. Archibald Dixon, *True History of the Missouri Compromise and Its Repeal* (Cincinnati, 1899), pp. 444-45.
19. *Congressional Globe*, 33rd Cong., 1st sess., p. 186.
20. Phillips Papers.
21. Welles Diary, June 29, 1855; *Washington Union*, January 21, 1854.
22. New York *Herald*, January 23, 1854; Buchanan Papers, John A. Parker to Buchanan, March 29, 1854.
23. Nichols, *Franklin Pierce*, p. 322.
24. Dixon, *True History of the Missouri Compromise*, pp. 457-60; Phillips Papers; Breckinridge Family Papers (Library of Congress), John C. Breckinridge to James M. Morgan, March 6, 1854; New York *Herald*, January 24, 1854.
25. *Congressional Globe*, 33rd Cong., 1st sess., pp. 221-22. The division of Nebraska into two territories came about primarily because of the fear of Iowans that they would lose political control of a single territory to Missouri. Nevins, *Ordeal of the Union*, II, 97-98.
26. *Washington Union*, January 26, February 2 and March 7, 1854; New York *Tribune*, January 27, 1854; William Allen Papers (Library of Congress), Francis P. Blair to Allen, February 10, 1854.
27. *Missouri Republican*, March 14, 1854; *Congressional Globe*, 33rd Cong., 1st sess., pp. 520, 1303.
28. *Ibid.*, pp. 532, 1254; Leonard Papers, John G. Miller, Mordecai Oliver, and James O. Lindley to Leonard, December 27, 1853; Rollins Papers, Miller to Rollins, March 9, 1854.

29. *Missouri Republican*, June 21, 1854.
30. Quoted in Jackson, *Missouri Democracy*, I, 131.
31. *Liberty Tribune*, July 24, 1847.

## CHAPTER XV

1. Atchison Papers, Jackson to Atchison, January 18, 1854.
2. *Missouri Republican*, January 24, 1854; Sappington Papers, Blair to Marmaduke, February 5, 1854.
3. Atchison Papers, Hughes to Atchison, July 13, 1854.
4. Rollins Papers, Broadhead to Rollins, March 12, 1854.
5. Leonard Papers, Blair to Leonard or Daviss, July 18, 1854, Leonard to Blair, July 21, 1854.
6. *Missouri Statesman*, September 1, 1854.
7. Atchison Papers, Clark to Atchison, August 19, 1854, Lowry to Atchison, August 13, 1854.
8. Jefferson Davis Papers (Duke University, Durham, North Carolina), Atchison to Davis, September 24, 1854.
9. Cited in *New York Times*, November 23, 1854.
10. Leonard Papers, *passim*, August to November, 1854.
11. *Ibid.*, Abram S. Mitchell to Leonard, November 20, 1854, James S. Rollins to Leonard, November 27, 1854, James J. Lindley to Leonard, December 7, 1854, Joseph Daviss to Leonard, December 27, 1854; Rollins Papers, Mitchell to Rollins, November 25, 1854.
12. *House Journal, First Session, Eighteenth General Assembly*, pp. 1-20; *Senate Journal, First Session, Eighteenth General Assembly*, pp. 1-12; Leonard Papers, Daviss to Leonard, December 27, 1854.
13. *Ibid.*, Daviss to Leonard, December 27, 1854, and January 1, 1855; *Missouri Statesman*, January 12, 1855.
14. *House Journal, First Session, Eighteenth General Assembly*, pp. 63, 94-101, 177-89, 202; Switzler, *History of Missouri*, p. 278. Doniphan, a member of the House, voted throughout for General Robert Wilson. Ninety-one votes were needed for election.
15. George R. Smith Papers (Missouri Historical Society, St. Louis), John McCloy to Smith, January 17, 1855; *Missouri Examiner* (Jefferson City, Missouri), January 18, 1855; Rollins Papers, Bates to Rollins, February 2, 1855.
16. *Senate Journal, First Session, Eighteenth General Assembly*, p. 189; *House Journal, First Session, Eighteenth General Assembly*, p. 350.
17. Blair Papers, Samuel Simmons to Montgomery Blair, March 6, 1855.
18. Cited in Norma L. Peterson, "B. Gratz Brown, the Rise of a Radical, 1850-1863" (Unpublished doctoral dissertation, University of Missouri, 1953), pp. 66-67.
19. *Missouri Democrat* (St. Louis, Missouri), February 1 and 24, 1855.
20. *Squatter Sovereign* (Atchison, Kansas Territory), February 20, 1855.
21. *Ibid.*, February 13, 1855; *Missouri Examiner*, March 29, 1855.

## CHAPTER XVI

1. Atchison Papers, Walker to Atchison, July 11, 1854.
2. Nevins, *Ordeal of the Union*, II, 309; Lucien Carr, *Missouri: A Bone of Contention* (Boston, 1888), pp. 243-48; Leverett W. Spring, *Kansas: The Prelude to the War for the Union* (Boston, 1885), pp. 26-27.
3. John N. Holloway, *History of Kansas* (Lafayette, Indiana, 1868), pp. 122-24; *History of Clay and Platte Counties*, pp. 634-37; Paxton, *Annals of Platte County*, pp. 184, 198.
4. Atchison Papers, John B. Clark to Atchison, August 19, 1854; *Liberty Tribune* and *St. Joseph Gazette*, *passim*, June to August, 1854; Paxton, *Annals of Platte County*, pp. 184-89; Holloway, *History of Kansas*, pp. 124-25; "A Southern Family on the Missouri Frontier: Letters from Independence, 1843-1855," ed. W. Darrell Overdyke, *Journal of Southern History*, XVII (May, 1951), 234, Sam Ralston to D. W. Jordan, December 9, 1854.
5. *Kansas Weekly Herald* (Leavenworth, Kansas Territory), October 6, 1854. The author has been unable to find any records indicating that Atchison owned any stock in the town company.
6. Davis Papers, Atchison to Davis, September 24, 1854.
7. Leverett W. Spring, "Kansas and the Abolition of Slavery," *Magazine of Western History*, IX (November, 1888), 80.
8. An excellent study of this is found in Bernard A. Weisberger, "The Newspaper Reporter and the Kansas Imbrolio," *Mississippi Valley Historical Review*, XXXVI (March, 1950), 633-56.
9. *Washington Union*, October 13, 1854.
10. *Littell's Living Age*, L (July 26, 1856), 254-56.
11. Charles Robinson, *The Kansas Conflict* (New York, 1892), p. 46; Horace Greeley, *The American Conflict* (Hartford, 1885), I, 236-37; Atchison Papers, Reeder to Atchison, September 6, 1854.
12. *Kansas Historical Collections*, III, 226-28, 232-35; V, 163-69; *Richmond Mirror* (Richmond, Missouri), December 8, 1854.
13. Paxton, *Annals of Platte County*, p. 189; William G. Cutler, *History of the State of Kansas* (Chicago, 1883), p. 93, quotes Weston speech from *Platte Argus*.
14. Overdyke, "A Southern Family on the Missouri Frontier," pp. 233-34, Ralston to Jordan, December 9, 1854; Spring, *Kansas*, pp. 40-42; Holloway, *History of Kansas*, pp. 135-36. Later estimates indicated that of 2,871 ballots cast, only 1,114 were legal.
15. *Jefferson Davis, Constitutionalist: His Letters, Papers, and Speeches*, ed. Dunbar Rowland (Jackson, Mississippi, 1923), X, 65, T. J. B. Cramer to Harry C. Conway, May 22, 1888. The Kansas-Nebraska Act provided that any free white male over twenty-one, who actually resided in the territory, could vote but prescribed no term of residence.
16. *Congressional Globe*, 33rd Cong., 2nd sess., p. 1; Overdyke, "A Southern Family on the Missouri Frontier," pp. 233-34, Ralston to Jordan, December 9, 1854.

17. *Washington Union*, December 26, 1854; *Baltimore Sun*, January 5, 1855; *Squatter Sovereign*, February 3, 1855; *Spring, Kansas*, p. 27.
18. Welles Diary, June 29, 1855.
19. *Missouri Democrat*, February 26, 1855; *Intelligencer* (St. Louis, Missouri), February 24, 1855.
20. *Missouri Democrat*, February 26, 1855; *Liberty Tribune*, March 2, 1855; *Richmond Mirror*, March 3, 1855.
21. *House Report No. 200*, 34th Cong., 1st sess., p. 9. Hereinafter cited as *Howard Report*; *Squatter Sovereign*, February 13, 1855.
22. *Howard Report*, pp. 321-25, 865-66, 894-99, testimony of Willard P. Hall, Thomas E. Bottom, John Scott, and Matthew R. Walker.
23. *Ibid.*, pp. 353-56, testimony of John H. Stringfellow.
24. *Ibid.*, pp. 283-85, 435-36, 927-30, testimony of Dr. James Noble, Arnet Groomes, and Amos Reese.
25. *Ibid.*, pp. 30-35, 507-22, 936.
26. *Hunter Correspondence*, pp. 160-61, Atchison to Hunter, April 4, 1855. The date given, March 4, is obviously in error.
27. *Atchison Papers*, Butler to Atchison, April 15, 1855.
28. *Ibid.*, Mason to Atchison, May 3, 1855.
29. *Howard Report*, pp. 938-39, testimony of Reeder; *New York Tribune*, May 1 and 22, 1855.
30. Nichols, *Franklin Pierce*, pp. 408-10; *Atchison Papers*, Lyon to Atchison, May 29 and June 8, 1855, Lyon to Captain J. McDowell, Assistant Adjutant General, May 21, 1855; *Howard Report*, p. 939, testimony of Reeder.
31. *Squatter Sovereign*, June 5, July 17 and 24, 1855.
32. *Ibid.*, July 24 and 31, 1855.
33. *Kansas Historical Collections*, V, 227-34; Marcy Papers, William Hunter, acting Secretary of State, to Reeder, July 28, 1855, Pierce to Marcy, August 2, 1855; *Squatter Sovereign*, August 7 and 14, 1855; Nichols, *Franklin Pierce*, pp. 417-18. The President ordered Pawnee City itself destroyed and the townsite reincorporated within the Fort Riley reservation.
34. *New York Tribune*, June 21 and August 16, 1855.

## CHAPTER XVII

1. Paxton, *Annals of Platte County*, p. 198; *History of Clay and Platte Counties*, p. 171; *Missouri Democrat*, April 30, 1855; *New York Tribune*, June 4, 1855; *Squatter Sovereign*, April 24, 1855.
2. Rollins Papers, B. Gratz Brown to Rollins, July 20 and 22, 1855. The proceedings of the convention are in the *Liberty Tribune*, July 20, 1855; the address appears in the same journal for October 5, 1855.
3. *Spring, Kansas*, pp. 62-64.
4. *New York Tribune*, August 16, 1855; Webb's Scrapbook (Kansas State Historical Society, Topeka), V, 52; Holloway, *History of Kansas*, p. 209; Nichols, *Franklin Pierce*, p. 418.

5. *Squatter Sovereign*, September 11, 1855.
6. *Liberty Tribune*, November 16, 1855. Italics mine.
7. *Squatter Sovereign*, October 16 and 30, 1855.
8. Spring, *Kansas*, pp. 64-69; Nevins, *Ordeal of the Union*, II, 390-92; Albert J. Beveridge, *Abraham Lincoln, 1809-1858* (Boston, 1928), II, 323-24.
9. *Squatter Sovereign*, September 5 and 11 and October 16, 1855; William E. Connelley, *History of Kansas, State and People* (Chicago, 1928), I, 403-4.
10. Daniel W. Wilder, *The Annals of Kansas* (Topeka, 1875), pp. 63-67; Wendell H. Stephenson, *The Political Career of General James H. Lane*, Publications of the Kansas State Historical Society, III (Topeka, 1930), pp. 51-54.
11. Spring, *Kansas*, pp. 71-72.
12. Douglas Papers, Calhoun to Douglas, November 27, 1855. The convention proceedings are in the *Squatter Sovereign*, November 27, 1855.
13. Wilder, *Annals of Kansas*, p. 70; Connelley, *History of Kansas*, I, 420-32.
14. Correspondence, *ibid.*, I, 434-35.
15. Daniel Woodson Papers (Kansas State Historical Society, Topeka), Woodson to Robert S. Kelley and John H. Stringfellow, November 28, 1855; Holloway, *History of Kansas*, pp. 225-27.
16. *Kansas Weekly Herald*, December 8 and 15, 1855; Woodson Papers, Shannon to Sumner, December 1, 4, and 6, 1855.
17. Stephenson, *James H. Lane*, pp. 56-57. Shannon later testified before the Howard committee that Atchison and Boone had "exercised a great deal of influence" at this time "in preventing a conflict of arms between the two parties." *Howard Report*, p. 1103.

## CHAPTER XVIII

1. *Squatter Sovereign*, October 23, 1855.
2. *Liberty Tribune*, June 29, July 6 and 27, and November 16, 1855.
3. *Missouri Democrat*, April 30, May 4 and 18, and July 12, 1855; Rollins Papers, Brown to Rollins, July 20, 1855; *Liberty Tribune*, July 20, 1855.
4. *Missouri Democrat*, September 11, 1855; *Squatter Sovereign*, June 5, 1855.
5. *Missouri Examiner*, July 14 and August 4, 1855.
6. *House Journal, Adjourned Session of Eighteenth General Assembly*, pp. 233-35; *Senate Journal, Adjourned Session of Eighteenth General Assembly*, pp. 72-73; Rutgers College Papers (Missouri Historical Society, St. Louis), Green to Corbin, December 5, 1855. Atchison always denied any connection with the Know-Nothing movement, and this writer has found no evidence to connect him directly with it.
7. *Ibid.*, Atchison to Corbin, December 14, 1855.

8. Cited in *Liberty Tribune*, January 11, 1856.
9. *Squatter Sovereign*, January 22 and 29, 1856; *Missouri Examiner*, February 2, 1856.
10. *Squatter Sovereign*, October 16 and November 27, 1855.
11. Woodson Papers, Whitfield to Woodson, December 4, 1855.
12. *New York Tribune*, January 19, 1856.
13. *Ibid.* Italics mine.
14. *Ibid.*; *Squatter Sovereign*, January 22 and February 5, 1856.
15. *Ibid.*, *passim*, January to April, 1856.
16. Copied from the Charleston papers by the *Liberty Tribune*, April 4, 1856. Horace Greeley had invented the term "Border Ruffians," which came to be attached to all who lived in western Missouri. *New York Tribune*, April 10 and 12, 1855.
17. Atchison Papers, D. F. Jamison, chairman of the Executive Committee of the Kansas Association of the Orangeburg District, to Atchison, March 25, 1856; Webb's Scrapbook, XII, 172.
18. *Ibid.*, XIII, 200.
19. *Squatter Sovereign*, June 24, 1856.
20. *Ibid.*, July 8, 1856.
21. Walter L. Fleming, "The Buford Expedition to Kansas," *American Historical Review*, VI (October, 1900), 39-40. Upon his return to Alabama, Buford made a detailed report of the settlement of each man in the expedition.
22. *Ibid.*, pp. 42-43.
23. Beveridge, *Abraham Lincoln*, II, 333-34.
24. The best survey of Southern opinion and action is to be found in Elmer L. Craik, "Southern Interest in Territorial Kansas," *Collections of the Kansas State Historical Society*, XV (1919-1922), 346-53, 391-425.

## CHAPTER XIX

1. *Kansas Historical Collections*, V, 245-47; Nichols, *Franklin Pierce*, pp. 443-44; Holloway, *History of Kansas*, pp. 278, 285.
2. Richardson, *Messages and Papers of the Presidents*, VI, 2885-93.
3. *Ibid.*, VI, 2923-24.
4. Nichols, *Franklin Pierce*, p. 444.
5. Douglas Papers, Atchison to Douglas, February 28, 1856.
6. Rutgers College Papers, Atchison to Corbin, March 15, 1856.
7. Atchison Papers, Butler to Atchison, February 28, 1856.
8. *Congressional Globe*, 34th Cong., 1st sess., pp. 584-87.
9. Atchison Papers, Butler to Atchison, March 15, 1856.
10. *Congressional Globe*, 34th Cong., 1st sess., p. 639; Charles Sumner, *The Works of Charles Sumner* (Boston, 1875), IV, 137-255, Atchison quotation, 160-61.
11. *Congressional Globe*, 34th Cong., 1st sess., Appendix, p. 546.
12. *Ibid.*, pp. 451-64, 691, 710, 728.

13. John Sherman, *Recollections of Forty Years in the House, Senate and Cabinet* (Chicago, 1895), I, 114-16, 126-30.
14. *Squatter Sovereign*, April 15, 1856.
15. Sherman, *Recollections of Forty Years*, I, 129.
16. Wilder, *Annals of Kansas*, p. 97; *Squatter Sovereign*, May 6, 13, and 20, 1856; Crittenden Papers, G. J. Park to John J. Crittenden, May 20, 1856.
17. *Squatter Sovereign*, May 27, 1856; *New York Tribune*, May 30 and June 7, 1856; Crittenden Papers, Park to Crittenden, May 20, 1856, with postscript of May 22; *Spring, Kansas*, pp. 118-28.
18. *New York Tribune*, June 5, 1856.
19. Weisberger, "The Newspaper Reporter and the Kansas Imbroglia," pp. 645-47.
20. *Spring, Kansas*, p. 124.
21. William A. Phillips, *The Conquest of Kansas, by Missouri and Her Allies* (Boston, 1856), pp. 295-96.
22. *Squatter Sovereign*, June 24, 1856.

## CHAPTER XX

1. *New York Tribune*, May 23, 1856; *Squatter Sovereign*, June 24, 1856.
2. *Howard Report*, pp. 1193-99. Testimony of Mahala and John Doyle; affidavits of James Harris and Louisa Jane Wilkinson. Representatives Howard and Sherman declined to investigate the "Pottawatomie massacre," and the depositions cited were taken by Representative Oliver as part of his minority report.
3. *Spring, Kansas*, pp. 142-62. The *Kansas Weekly Herald*, June 14, 1856, contains Governor Shannon's proclamation.
4. Cited in Nevins, *Ordeal of the Union*, II, 480.
5. *DeBow's Review*, XXI (August, 1856), 187-94; Atchison Papers, James M. Mason to Atchison, September 5, 1856; *Squatter Sovereign*, July 1 and August 5, 1856.
6. Beveridge, *Abraham Lincoln*, II, 406; "The Chicago Company and the Missouri River Pirates," in "Bypaths of Kansas History," *Kansas Historical Quarterly*, XV (May, 1947), 211-13; Webb's Scrapbook, XIV, 140, 169; Kansas State Historical Society Miscellaneous Papers, Thomas W. Bicknell to E. C. Manning, September 18, 1911.
7. Wilder, *Annals of Kansas*, pp. 104-5; *Squatter Sovereign*, August 26, 1856.
8. Wilder, *Annals of Kansas*, p. 105; *Kansas Weekly Herald*, August 9, 1856.
9. *Lecompton Union* (Lecompton, Kansas Territory), August 30, 1856.
10. *Spring, Kansas*, pp. 189-200; *Squatter Sovereign*, September 2, 1856; Webb's Scrapbook, XVI, 254.
11. John H. Gihon, *Geary and Kansas* (Philadelphia, 1857), pp. 152-53. Gihon served as secretary to Governor Geary during his administration in Kansas. His sentiments are obviously of a strong anti-

slavery nature. Cutler, *History of Kansas*, p. 151, contains the account of the meeting which appeared in the *Platte Argus*, including the resolutions.

12. Pierce Papers, Geary to Pierce, December 22, 1856, and January 12, 1857; *Squatter Sovereign*, December 16, 1856.

13. *Ibid.*, January 27 and February 24, 1857; Paxton, *Annals of Platte County*, p. 226; Papers in the Estate of Ben Allen Atchison, deceased, Probate Court of Clinton County, Plattsburg, Missouri.

14. *New York Times* (New York City, New York), July 7, 1857.

15. Both letters are in the *Jefferson Inquirer*, August 22, 1857.

16. Connelley, *History of Kansas*, I, 559.

17. Atchison took no part in the ludicrous proceedings surrounding the drafting of the Lecompton constitution nor did he exercise any influence among his former Senate colleagues with regard to it.

## CHAPTER XXI

1. Cited in *Liberty Tribune*, October 15, 1858.

2. Deed Book C, 406; Deed Book D, 288, 423, in the Office of the Clinton County Recorder, Plattsburg, Missouri; Papers in the Estate of Ben Allen Atchison; Slave Schedule, Missouri Census, Clinton County, 1860 (State Historical Society of Missouri, Columbia), I, 201.

3. Paxton, *Annals of Platte County*, p. 226; Papers in the Estate of Ben Allen Atchison; Interview with Miss Anne Atchison and Mrs. Frank Wright of Gower, Missouri, great-nieces of David Rice Atchison, January 25, 1955; *Liberty Tribune*, November 18, 1859.

4. John F. Snyder, "The Democratic State Convention in 1860," *Missouri Historical Review*, II (January, 1908), 120-22.

5. Walter H. Ryle, *Missouri: Union or Secession* (Nashville, 1931), pp. 142-53.

6. Shoemaker, *Missouri and Missourians*, I, 824; *Liberty Tribune*, August 31, 1860.

7. *Ibid.*, October 26, 1860.

8. Ryle, *Missouri: Union or Secession*, pp. 159-63.

9. Leopard and Shoemaker, *Messages and Proclamations of the Governors*, III, 33-37; *Liberty Tribune*, October 26, 1860.

10. Switzler, *History of Missouri*, pp. 303-5, 323; Thomas L. Snead, *The Fight for Missouri from the Election of Lincoln to the Death of Lyon* (New York, 1888), pp. 53-54. The Conditional Unionists wanted to keep Missouri in the Union but later divided on the question following the application of force by the federal army to assure the state's loyalty.

11. William E. Parrish, "The Provisional Government of Missouri, 1861-1865" (Unpublished Master's thesis, University of Missouri, 1953), pp. 5-6.

12. *Liberty Tribune*, June 7, 1861.

13. William E. Parrish, "General Nathaniel Lyon. A Portrait," *Missouri Historical Review*, XLIX (October, 1954), 6-16.

14. Snead, *Fight for Missouri*, pp. 223-28, 237-43; *Liberty Tribune*, July 19, 1861. General Price had become head of the Missouri State Guard after the Camp Jackson affair in May.

15. Arthur R. Kirkpatrick, "Missouri, the Twelfth Confederate State" (Unpublished doctoral dissertation, University of Missouri, 1954), pp. 79-80; *War of the Rebellion: Official Records of the Union and Confederate Armies* (Washington, 1880), Ser. I, Vol. III, 612-14. Hereinafter cited as *O. R.*

16. *Ibid.*, Ser. I, Vol. III, 620; *Richmond Enquirer*, July 27 and 28, 1861; Thomas C. Reynolds Papers (Missouri Historical Society, St. Louis), Reynolds to Jefferson Davis, November 13, 1880; Thomas C. Reynolds, "General Sterling Price and the Confederacy" (Unpublished memoir in the Reynolds Papers), pp. 30-31; Rowland, *Jefferson Davis, Constitutionalist*, V, 184-85, Davis to Jackson, January 8, 1862.

17. Reynolds, "General Sterling Price," p. 33.

18. Parrish, "Provisional Government of Missouri," pp. 21-35; *Missouri Statesman*, August 9 and 23, 1861; Reynolds Papers, Memorandum of June 2, 1886.

19. *O. R.*, Ser. I, Vol. III, 631, 639.

20. *Ibid.*, Ser. I, Vol. LIII, 722-25.

21. *Missouri Statesman*, September 13 and 20, 1861; *O. R.*, Ser. I, Vol. III, 195; Switzler, *History of Missouri*, pp. 395-97.

22. *O. R.*, Ser. I, Vol. III, 718-19; William F. Swindler, "The Southern Press in Missouri, 1861-1864," *Missouri Historical Review*, XXXV (April, 1941), 399.

23. *O. R.*, Ser. IV, Vol. I, 576-77.

24. *Senate Journal, Extra Session of the Rebel Legislature*, pp. 3-4; *O. R.*, Ser. I, Vol. LIII, 751.

25. *Senate Journal, Extra Session of the Rebel Legislature*, pp. 2-13, 42-43.

26. Kirkpatrick, "Missouri, the Twelfth Confederate State," pp. 111-35.

27. Atchison Papers, E. S. Wilkinson to Atchison, March 26, 1885; Atchison Journal (in Atchison Papers), Book II, 1; Reynolds, "General Sterling Price," p. 33; Kirkpatrick, "Missouri, the Twelfth Confederate State," pp. 139-44. Governor Jackson died in Little Rock on December 7, 1862.

28. Atchison Papers, Atchison Journal, Book II, 1; Atchison to Margaret L. Atchison, no date (copy has 1865 written across the top), Atchison to William Atchison, *et al.*, August 12, 1865.

29. *Ibid.*, Atchison to William Atchison, November 14, 1865, Winslow Turner to Atchison, October 22, 1866.

## EPILOGUE

1. *History of Clinton County*, Part II, 182; Interview with Miss Anne Atchison and Mrs. Frank Wright; Interview on January 29, 1955 with Mrs. W. W. Matthews of Garden City, Kansas, who as a child knew General Atchison in Clinton County, Missouri.

2. Atchison Papers, E. H. Norton to Atchison, May 28, 1872, Atchison to Norton, May 30, 1872, Atchison to M. Bottom, *et al.*, August 29, 1872.

3. *Ibid.*, Atchison Journal, Book III, December 31, 1872.

4. *Liberty Tribune*, June 7, 1872; Atchison Papers, Atchison Journal, Book III, September 10, 1874, Book IV, September 30, 1872; *Daily Journal of Commerce* (Kansas City, Missouri), September 14 and 15, 1875.

5. *Richmond Conservator* (Richmond, Missouri), August 22, 1882.

6. Atchison Papers, Brewster to Atchison, May 13, 1882.

7. *Ibid.*, Atchison to Brewster, May 19, 1882; Paxton, *Annals of Platte County*, p. 833.

8. *Plattsburg Leader* (Plattsburg, Missouri), November 2, 1928.

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## IX. Interviews

- January 25, 1955, with Miss Anne Atchison and Mrs. Frank Wright of Gower, Missouri, great-nieces of David Rice Atchison, who still live on the family farm in Clinton County.
- January 29, 1955, with Mrs. William W. Matthews of Garden City, Kansas, who as a child knew David Rice Atchison in Clinton County, Missouri.



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