

SENATOR JOHN BROOKS HENDERSON, U. S. SENATOR FROM MISSOURI

by

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## CONTENTS

Chapter		Page
I	Missouri State Representative . . . . .	1
II	Congressional Campaigns . . . . .	19
III	Influential Democrat. . . . .	43
IV	Unconditional Unionist. . . . .	62
V	Emancipation. . . . .	79
VI	Indian Peace Commission of 1867 . . . . .	103
VIII	Impeachment . . . . .	127
	Epilogue. . . . .	148

## CHAPTER I

### MISSOURI STATE REPRESENTATIVE

Chief Justice: "Mr. Senator Henderson, how say you? Is the respondent, Andrew Johnson, President of the United States, guilty or not guilty of a high misdemeanor, as charged in this article?" Mr. Henderson: "Not guilty."<sup>1</sup>

By opposing the demands of his party he sacrificed re-election, and possibly an appointment in Grant's cabinet. For Henderson to put all this and more on his vote required deep personal convictions. It was not a spur of the moment decision. Joining with six fellow Republicans and twelve Democrats, John Brooks Henderson of Missouri acquitted Andrew Johnson. To the seven Republicans the vote meant opposing the pressures of the Radical elements in the party and placing their political futures in question.<sup>2</sup> For these men the future brought different reactions from state and national parties. Though Senator Henderson was never elected to a public office after 1869, his career offers ample evidence he was never "read out" of the Republican party. Though he failed re-election in Missouri, he remained in the good graces of the state organization. Called on to serve in various capacities for party and nation, he willingly gave his time and energy to each task.

<sup>1</sup>Supplement to the Congressional Globe, "Proceedings of the Senate Sitting for the Trial of Andrew Johnson," 40th Congress, 2nd Session; (Washington, 1868), p. 411; Lately Thomas, The First President Johnson (New York, 1968), p. 602.

<sup>2</sup>These college textbooks say little or nothing of the intense political pressures that were exerted on the seven men to vote for the party: John A. Garraty, The American Nation, p. 435; Oscar Handlin, America A History, p. 507; Norman A. Graebner, Gilbert C. Fite, Philip L. White, A History of the United States, p. 831; John Blum, Bruce Catton, Edmund S. Morgan, Arthur M. Schlesinger, Jr., Kenneth M. Stampp and C. Van Woodward, The National Experience, p. 364; Thomas A. Bailey, The American Pageant, p. 479.

His career for the next thirty years was closely associated with the Republican Party. But the career of Senator Henderson after leaving the Senate is outside the scope of this work and will only be summarized in the closing chapter.

Henderson's career before the trial exemplifies a dedication to the Constitution, the law and the Union, not political expediency. His early political life gives ample evidence of his integrity. Few periods in our history have forced so many complex problems on the nation for solution as the quarter of a century from 1845 to 1870. They were years froth with controversies. For Henderson these were the years of increasing economic and political activity. He struggled with the issues, made his decisions--not always consistent, as few politicians of this period were. It was during this period that John B. Henderson rose from orphan to United States Senator.

The Missouri Legislature sought solutions for those issues of both local and national significance. Local responses to such questions as internal improvements, banks, the Pacific railroad, and slavery expansion into the territories, had major influence on Missouri's national representatives. Political parties were confronted by these same problems, solutions were found for some but others proved to be too complex. Often, failure to resolve these issues resulted in oblivion for the political organization, followed by a shifting and reorganization of party allegiances. If change did not accompany the political party or politician, both were cast aside.

John B. Henderson, like many Missourians, was born in the east and migrated west. Henderson's parents, James and Jane Dawson Henderson, farmed in Pittsylvania County, Virginia, where John was born in November,

1824.<sup>3</sup> James Henderson, unprosperous farmer, without slaves, with a growing family, and a desire for good land, took the first opportunity to go west. The family remained in the Old Dominion until 1832 when they moved to Lincoln County, Missouri. Four years after settling there both parents died, leaving John, the eldest, to look after the remainder of the family, a brother and two sisters.<sup>4</sup> The records do not show if the children stayed with friends or relatives, but their tender age would necessitate living with other families.

John's formal education was at most meager. In the winter of 1842 and 1843 he moved from Lincoln County to Prairieville, in Pike County to attend a school taught by Samuel F. Murray, Esq.<sup>5</sup> It was the influence of Murray that turned John first to teaching and subsequently toward the law. After approximately a year at the Pike County school, he tried the Norville school, but a short time later returned to Prairieville, where he became the new teacher. The teaching position allowed him to pursue his reading of the law, and three years later, in 1847, he was admitted to the bar. Henderson moved to Clarksville in southeastern Pike County and announced in the Louisiana

<sup>3</sup>J. Thomas Scharf, History of St. Louis City and County (Philadelphia, 1883), IV, 1497; Census of 1820, Virginia, Pittsylvania County, Microfilm, p. 65, State Historical Society of Missouri, Columbia, Missouri. There is some uncertainty about the year Henderson was born; the Dictionary of American Biography, the Biographical Dictionary of the American Congress, and his obituary all give the date of birth November, 1826. If this date is accurate, he was constitutionally ineligible to serve in the Missouri House of Representatives in 1848. I believe he was actually born in 1824; this would solve the constitutional problem in 1848, but would make him two years older than he claimed. He may not have known his true birthdate, but on the other hand he may have enjoyed the illusion he was one of the youngest United States Senators. For the purpose of this work, the date November, 1824 will be used.

<sup>4</sup>Scharf, History of St. Louis and County, 1497.

<sup>5</sup>History of Pike County (Des Moines, Iowa, 1883), p. 385.

Democratic Banner of May 3, 1847 he was ready to handle all legal matters.<sup>6</sup> Teaching and working toward the passage of the bar examination had not taken all his time for he was active in county politics.

As early as February, 1847 he was mentioned as a candidate for clerk of the county. A letter to the editor of the Democratic Banner signed only "Calumet" recommended Henderson for the office.<sup>7</sup> A week later, Henderson wrote an open letter to the voters of Pike County agreeing to seek the clerk's office. Noting in his letter there were already six candidates in the field, he nevertheless considered himself bound by the demand of friends and neighbors to seek the office.<sup>8</sup> There is reason to speculate that his candidacy was not to win the office for himself, but was a political maneuver to aid a fellow Democrat by drawing off votes in Clarksville, a position difficult to substantiate. Teaching school, studying law, recently arriving in Pike County, and seeking a county-wide office is sufficient circumstantial evidence that his candidacy was motivated to aid the party and not himself. Added to these liabilities was the age of the candidate, at most twenty-three. Whatever the motivation, on July 12, 1847 he withdrew from the race with the following letter to the editor of the Democratic Banner:

Mr. Murray--I wish to say through your columns to my friends that I am no longer a candidate for the County Clerkship. I feel that I am under many obligations to those who have manifested an interest in my behalf, and I take this opportunity to return to

<sup>6</sup>Ibid., p. 385; Louisiana Democratic Banner, May 3, 1847, Scharf says Henderson was admitted to the bar in 1848, but I believe this is an error. The Louisiana Democratic Banner was published weekly in Louisiana, Missouri, located about sixty miles north of St. Louis overlooking the Mississippi River.

<sup>7</sup>Louisiana Democratic Banner, February 15, 1847.

<sup>8</sup>Ibid., February 22, 1847.



them my thanks for their generous kindness. I withdraw my name from the list of candidates, with the confident hope that some one more competent than myself will be selected to discharge the duties of this important office. The field is still full of worthy men, in pure deference to whose advanced age and numerous wrinkles, I now decline.<sup>9</sup>

Through the sarcasm it is clear he believed the principle objections to his candidacy were youth and inexperience. No longer an active candidate for public office, he turned his energy to the practice of law and mobilizing the Democratic Party for the next fall elections.

In September, 1847, the Pike County Democratic Party met at Bowling Green, Missouri to discuss the county political races and elect delegates to the district and state conventions. Henderson actively participated in the debates and the selection of members for the vigilance committees of each township.<sup>10</sup> The meeting postponed until November the choosing of delegates to the conventions and writing a platform.<sup>11</sup> At its conclusion Henderson was elected to the three-man committee to write an address to the Democrats of Pike County. In November Pike County Democrats convened in Louisiana to complete the unfinished business of September. The meeting passed resolutions condemning the Wilmot Proviso, the Whigs, and Zachary Taylor, but supported the Missouri Compromise.<sup>12</sup> Henderson was chosen one of eight Pike County delegates to attend the district Democratic convention at St. Charles, Missouri. The county convention adjourned after hearing a speech by Henderson.<sup>13</sup>

<sup>9</sup>Ibid., July 26, 1847.

<sup>10</sup>Ibid., September 13, 1847.

<sup>11</sup>Ibid., September 13, 1847.

<sup>12</sup>Ibid., November 8, 1847.

<sup>13</sup>Ibid., November 8, 1847.

The year 1848 was important for Missouri and Henderson. The election year issues of slavery in the territories, the Wilmot Proviso, and internal improvements were pressuring the political parties for solutions. Henderson's Democratic party activity of the past year continued unabated, with his election as secretary of the Democratic Township Committee of Calumet.<sup>14</sup> As early as March the Democratic Banner was editorially suggesting Henderson's name for the office of state representative from Pike County. The editorial urged the Democrats to select a man " . . . able to inspire, who has the confidence of the party, who can rally the whole party. No timid creature."<sup>15</sup> In the same paper a letter signed "Cuiver" encouraged Henderson to seek the nomination for state representative. The writer argued he was " . . . talented, firm, unwavering in his attachment to Democratic principles, and a good debater."<sup>16</sup>

On May eighth the Pike County Democratic Convention met in Bowling Green to select a slate of candidates and a platform. During the afternoon session the nominations and balloting for representative were concluded with Henderson's election. After his brief speech of acceptance the convention adopted a platform that included: support for the Independent Treasury system, national internal improvements, the Mexican War, and that each state had the supreme and unlimited control over its domestic institutions and the uncontrolled power to determine herself whether slavery should exist within its limits. Congress had no Constitutional right to legislate in this matter.<sup>17</sup>

<sup>14</sup>Ibid., February 14, 1848.

<sup>15</sup>Ibid., March 20, 1848.

<sup>16</sup>Ibid., March 20, 1848.

<sup>17</sup>Ibid., May 15, 1848; History of Pike County, p. 385.

Henderson's election by the Pike County Democratic Convention was a personal victory for him. Only the year before he had withdrawn from a political contest because of age and inexperience. Now scarcely of constitutional age, lacking legislative experience, he had been chosen by the Democrats over other candidates, to wage an uphill battle to win the August election against the Whigs.

Henderson believed he could overcome the slight Whig majority and his opponent's advantage of having served in a county office, by relying on his speaking ability. By the second week of June he had announced his speaking dates. Starting on July tenth he would speak at twelve communities and close his campaign on the twenty-sixth of July with a final speech at Noix Creek Church, between Louisiana and Bowling Green.<sup>18</sup>

The Whigs' candidate for representative had previously been Sheriff of Pike County, was well acquainted, and older than his Democratic opponent.<sup>19</sup> Campaign strategy against Henderson was soon apparent. The Whig attack emphasized his lack of money (property) and youth.<sup>20</sup> The Democratic Banner, under the direction of his former school teacher and old friend Murray, turned these personal attacks to Henderson's advantage. One letter signed "Cornstalk", and supposedly written by a backcountry farmer, urged the voters not to support Henderson. According to "Cornstalk" a law ought to be passed to keep school teachers, lawyers, and others who have no wealth out of politics.<sup>21</sup> The letter, printed in the Democratic Banner, a paper favorable to

<sup>18</sup>Louisiana Democratic Banner, June 19, 1848.

<sup>19</sup>History of Pike County, p. 385.

<sup>20</sup>Louisiana Democratic Banner, July 17 and 24, 1848.

<sup>21</sup>Ibid., July 10, 1848.



Henderson's election, suggests that it was the work of Democrats attempting to discredit the Whigs and evoke sympathy for Henderson. Other letters by loyal Democrats endorsed Henderson, urging the people to vote for him because he was young. "His youth should commend him to the people." Most letters did not fail to mention he was left an orphan, thrown upon his own destiny and by his own efforts had secured the support of the people.<sup>22</sup>

Little difference was detected in the speeches of either candidate on state issues. The people knew the county platforms and it was unnecessary for the candidates to discuss individual planks.<sup>23</sup> The original Whig nominee, soon after election by the county convention, withdrew from the campaign. A second candidate was chosen. Although the Whigs did have a slight majority in Pike County, this interruption helped the Democrats.<sup>24</sup> A big boost to Henderson's campaign was the support provided by the Louisiana Democratic Banner. The editor let no opportunity escape that might further Henderson's cause. Throughout the month of July every issue contained at least two and sometimes three articles on the state representative race. The Whigs were not without their press. The Seventy-Six, published weekly in Bowling Green, carried their political banner against the Democrats.<sup>25</sup> However, its circulation was smaller than that of the Democratic Banner.

The August election in Pike County was a complete victory for the entire Democratic ticket. There was little variation in the number of ballots cast

<sup>22</sup>Ibid., July 17, July 24, and August 7, 1848.

<sup>23</sup>Ibid., July 31, 1848.

<sup>24</sup>Ibid., July 31, 1848; John V. Mering, The Whig Party in Missouri (Columbia, Missouri, 1967), p. 264.

<sup>25</sup>No issues of the Whig newspaper Seventy-Six exist for the year 1848; it ceased publication in 1849.

for any individual Democrat, which indicates a party vote and not a vote for the man. In the light of these returns, it appears that Henderson's speaking ability, personality, youth, or lack of property had no measurable effect on the voters of Pike County. At least a majority decided to turn the Whigs out of office and give the Democrats a chance. Henderson's margin was 37 votes of a total 1783 cast.<sup>26</sup> At age twenty-three he won his first elective office to a legislative body that sowed the seeds of Thomas Hart Benton's defeat and the disunion and temporary disappearance of the Democratic Party in Missouri.

The Missouri Legislature opened on December 25, 1848 and with the eagerness of a newly elected representative, Henderson answered the first roll call.<sup>27</sup> When elected in August he was not constitutionally eligible, but if challenged, there is no mention in the official proceedings of the House. However, the Journal of the Missouri House of Representatives does record challenges to others.<sup>28</sup> As expected for a first term legislator, nothing of current significance was given him for committee assignments; Rules, Judiciary and Criminal Jurisprudence, Elections, and later, Apportionment.<sup>29</sup> Although he did not serve as chairman of any standing committee, he did serve in that capacity on several select committees appointed by the speaker. It was soon apparent that the Representative from Pike County would take an active part in

<sup>26</sup> Louisiana Democratic Banner, August 14, 1848; Scharf, History of St. Louis City and County, 1497; Liberty Weekly Tribune, September 29, 1848.

<sup>27</sup> Journal of the Missouri House of Representatives, Fifteenth General Assembly, First Session, 1848-1849, p. 4.

<sup>28</sup> The Missouri Constitution of 1820, Article III, Section 3: "No person shall be a member of the house of representatives, who shall not have attained to the age of twenty-four years. . . ." History of Pike County, p. 385.

<sup>29</sup> Journal of the Missouri House, 1848, p. 42; Louisiana Democratic Banner, January, 1849.

the business of the House, when two days after the session convened he made his first speech of any length, on a bill to raise the governor's salary. He offered a motion to postpone the bill indefinitely, arguing the current indebtedness of the state should be paid; there was already a heavy burden of taxation resting on the people; it would not help the present governor; and the people should be allowed to express their views in the next canvass.<sup>30</sup> Henderson insisted his motion to postpone should be sustained, and it was.

The General Assembly met on January first in joint session to elect a United States Senator. Henderson voted for David R. Atchison, Democrat, who was elected.<sup>31</sup> Four days after voting for a pro-slavery senator, Representative Henderson introduced four resolutions that offered a solution to the perplexing problem of slavery's expansion into lands recently acquired from Mexico.

First--That neither in the acquisition of territory, nor in the territorial organization thereof, can any conditions be imposed on any institutions provided for, or established, which conflict with the right of the people of such territory to form a free and sovereign State with such institutions and privileges as are enjoyed by the present members of the confederacy.

Second--We maintain that the power of Congress over the territories belonging to the United States is a limited power that can only be constitutionally exercised in disposing of the soil, and securing equal rights and privileges to all who may emigrate thereto, and that neither the constitution, the spirit of our institutions, nor the principles of our federative system, authorize congress to discriminate between the citizens of the different States of our Union in any respect, and especially in the enjoyment of that which was acquired by the joint blood and treasure of all our people.

Third--The right to prohibit slavery in any territory belongs exclusively to the people thereof, and can only be exercised by them in forming their constitution for a State government, or

<sup>30</sup> Journal of the Missouri House, 1849, p. 34; Jefferson City Weekly Jefferson Inquirer, December 30, 1848.

<sup>31</sup> Journal of the Missouri House, 1849, p. 63.

in their sovereign capacity as an independent State.  
 Fourth--Resolved, that our Senators be instructed and our Representatives in Congress be requested, to vote in accordance with the above resolutions, in all matters relating to the erection of territorial governments in California and New Mexico.<sup>32</sup>

Of these resolutions, the third was the most important. Henderson was quite insistent that Congress had no right to determine whether slavery should exist in any territory, and the people of a territory alone had the right to settle the matter. This was the Lewis Cass doctrine of squatter sovereignty. Just before Henderson proposed his resolutions, similar resolutions had been introduced in the Senate by Carty Wells and had been referred to the Senate Committee on Federal Relations.<sup>33</sup> The Chairman of the committee was Claiborne F. Jackson who reported similar resolutions out of committee on the fifteenth of January, recommending their passage.<sup>34</sup> The drafting of the propositions had been done by Judge William B. Napton of the Missouri Supreme Court, but Jackson shepherded them through the Senate and consequently they bear his name.<sup>35</sup> The House resolutions only instructed Missouri's representatives in the organization of California and New Mexico territories. The Jackson-Napton Resolutions made no reference to specific territories, and left the matter purposely vague while Senator Wells' resolutions denounced the Wilmot Proviso and the Missouri Compromise. The Jackson-Napton Resolutions went further and pledged Missouri's support to other slave holding

<sup>32</sup>Journal of the Missouri House, 1849, p. 82; Weekly Jefferson Inquirer, January 13, 1849.

<sup>33</sup>Journal of the Missouri Senate, Fifteenth General Assembly, First Session, 1848-1849, p. 64. Senator Wells' resolutions numbered seven.

<sup>34</sup>Journal of the Missouri Senate, 1849, p. 111; Clarence H. McClure, "Opposition in Missouri to Thomas Hart Benton," Bulletin of Central Missouri State Teachers College (Warrensburg, Missouri, 1926), p. 154.

<sup>35</sup>Benjamin C. Merkel, "Slavery Issue and Political Decline of Thomas Hart Benton," Missouri Historical Review, July, 1944, p. 392.



states. Henderson's proposals, when compared with Jackson's were couched in moderate terms and were not as extreme. However, both the Jackson-Napton and Henderson resolutions contained one statement that was identical: The right to prohibit slavery in any Territory belongs exclusively to the people thereof, and can only be exercised by them in forming their constitution for a State government, or in their sovereign capacity as an independent State. This striking similarity between the Senate and House resolution raises questions about their author. Certainly it was no coincidence. Did Henderson see a copy of the Jackson-Napton Resolutions and extract the proposal, or did Henderson suggest it to Judge Napton for inclusion in the Senate resolutions? If the Senate resolutions were drawn up on a Sunday afternoon in January, Henderson could not have seen them before he introduced his. His propositions were introduced on Friday, the fifth of January, before the first Sunday in that month.<sup>36</sup> It appears either he gave his resolutions to the Sunday meeting, or the committee extracted it from his House resolutions. The moderation of Henderson's position illuminates a facet of his character and suggests his desire to pursue a more conciliatory course. Knowing of Senator Wells' proposals, Henderson wrote the House resolutions to give the moderates a choice. The extreme pro-slavery view was contained in the Jackson-Napton Resolutions. In little over a decade Missouri would accept the state rights view of Henderson, in the Missouri State Convention of 1860, by rejecting secession. When the Jackson-Napton Resolutions came before the House, Henderson gave them his support.<sup>37</sup>

<sup>36</sup>Ibid., p. 392; E. M. Violette, A History of Missouri, 1957 edition (Cape Girardeau, Missouri, 1957) p. 273.

<sup>37</sup>Weekly Jefferson Inquirer, March 10, 1849.

The debates in both Houses on the Jackson-Napton Resolutions brought into public view the deepening controversy within the Democratic Party in Missouri. In varying degrees the issue divided all political parties and the individual's allegiance to them.<sup>38</sup> The most immediate and far-reaching result of the Jackson-Napton Resolutions was the failure of Missouri's senior Senator, Thomas Hart Benton to win re-election in 1851. Benton opposed the resolutions and though he knew of them before they passed, he made little effort to stop them. Instead, he insisted on appealing to the people of Missouri. He returned to the state in the spring to marshal public opinion for release from the instructions.<sup>39</sup> The canvass with its name calling and heated exchanges effectively widened the breach in the Democratic Party. Henderson's district was little different from others across the state. Its voters took sides and asked their local representative his views on the issue. Although Henderson had long been an admirer of Benton, he had voted for the resolutions in the House. The Democratic Banner endorsed Henderson's course, and urged its readers to support their representative and legislature.<sup>40</sup>

Many, however, did not agree with Henderson's vote or the legislature's course and demanded a public explanation.<sup>41</sup> His views were contained in a long letter to the Democratic Banner of July 30, 1849. The current agitation, said Henderson, had been caused by individuals who wanted to strengthen the non-slave holding interests, and with additional free states, possibly alter

<sup>38</sup>William E. Parrish, Turbulent Partnership: Missouri and the Union (Columbia, Missouri, 1963), p. 2; Merkel, Missouri Historical Review, p. 393; Violette, History of Missouri, p. 277.

<sup>39</sup>Violette, History of Missouri, pp. 274-275; Edwin C. McReynolds, Missouri A History of the Crossroads State (Norman, 1962), p. 183.

<sup>40</sup>Weekly Jefferson Inquirer, April 21, 1849.

<sup>41</sup>Louisiana Democratic Banner, July 23, 1849.

the Constitution to abolish the clause protecting slavery. For these reasons he cast his vote for the resolutions: to advance his doctrine of Congressional non-interference; to allay sectional jealousies; to give aid and moral support to those who labored to quiet the excitement, and last; " . . . to strengthen and bind more firmly together the States of the Union, by inducing, if possible, on the part of Congress a proper regard for their acknowledged rights and sovereignty." He denied that men who voted for the resolutions were motivated by treason, saying he was "free from harboring any unholy designs against the Union." He stated that "If there be one thing in this world that I would deprecate above all others, it would be the severing of the golden cord which unites as one the happy States of the Union." Contrary to charges by Senator Benton and his supporters that a vote for the resolutions was a vote for disunion, Henderson was certainly not motivated by such a desire. His letter concluded on a prophetic note: "The States of this Union are indissolubly connected by the strong ties of interest and friendship, and though at times excitement may be aroused and our political sky checkered by dark and frowning clouds, yet a returning sense of justice, and a recurrence to the constitution and the first principles of our government, will finally dispel the gloom and restore to us the sunshine of peace."<sup>42</sup> The controversy raised by the resolutions was deeper than the political career of Thomas Hart Benton--it was an issue between the pro-slavery and anti-slavery factions in Missouri that continued until the Civil War. But slavery alone was not the only problem demanding the attention of the General Assembly.

The annual report from the Inspectors of the Penitentiary brought further division to the ranks of the Democrats. The preamble of this report was

<sup>42</sup>Ibid., July 30, 1849.

critical of the Mexican War and its veterans. Following its introduction and a discussion of the report, Henderson requested it be temporarily laid on the table.<sup>43</sup> He said it was only equitable to allow the inspectors time to prepare an explanation of the preamble. Two days later during debate on the preamble Henderson offered to strike out a sentence and add the following: "Who so gallantly defended the rights and honor of our country in a just and necessary war with Mexico." William F. Switzler, Whig from Columbia, offered to amend Henderson's amendment, resulting in the withdrawal of both amendments.<sup>44</sup> However, in the next day's session, Henderson's amendment was re-introduced by a fellow Democrat and this time it was accepted. So heated was this issue in the House, they spent Monday through Wednesday debating the preamble and its amendments.<sup>45</sup> Obviously Henderson sided with those Democrats who supported the war. "He considered the war as just and necessary, and wanted to praise the volunteers. They had been denounced as robbers and murderers, engaged in an unholy and damnable war. This he believed to be untrue . . . . Our volunteers left the comforts of home and endured the suffering of an Arduous campaign, to fight the battles of our country in a just and necessary war."<sup>46</sup> When finally accepted, the preamble contained Henderson's amendment. The real issue was not the substance of the report of the Inspectors of the Penitentiary, but an expression by the Missouri Legislature regarding United States participation in the Mexican War.

<sup>43</sup>Weekly Jefferson Inquirer, January 20, 1849.

<sup>44</sup>Journal of the Missouri House, 1849, p. 172; Weekly Jefferson Inquirer, January 27, 1849.

<sup>45</sup>Journal of the Missouri House, 1849, pp. 171-177; Louisiana Democratic Banner, February 5, 1849.

<sup>46</sup>Weekly Jefferson Inquirer, January 27, 1849.



Proportionately, Missouri's seven thousand volunteers was larger than any other state west of the Mississippi River, and coupled with the campaign of Colonel Alexander W. Doniphan, represented a major contribution to the war.

Internal improvements also engaged the attention of the General Assembly. Henderson signed a memorial to Congress asking land be granted to aid the Hannibal and St. Joseph Railroad Company.<sup>47</sup> He also supported a bill authorizing the use of state and county monies to clear the Des Moines River in northern Missouri. In his support of this measure, he believed the counties nearest to the River, and therefore the ones that would receive the greatest immediate benefit, should provide additional funds from their county treasuries.<sup>48</sup> He also voted to appropriate \$10,000 for the survey of the Missouri and Mississippi Railroad, the money contingent upon his amendment that Congress grant land to the railroad in alternate sections for six miles on each side of the right of way.<sup>49</sup>

Henderson as a beginning legislator also voted for an elective judiciary, rather than one appointed by the governor, and favored reforming the pleadings and practices in Missouri courts.<sup>50</sup> In February he submitted two bills for Pike County that passed--the establishment of a Court of Common Pleas at Louisiana; and a request for a charter for the town of Louisiana.<sup>51</sup>

An issue before the General Assembly that gave an early indication of

<sup>47</sup>Louisiana Democratic Banner, January 29, 1849.

<sup>48</sup>Weekly Jefferson Inquirer, March 3, 1849.

<sup>49</sup>Ibid., March 10, 1849.

<sup>50</sup>Ibid., February 10 and 17, 1849.

<sup>51</sup>Louisiana Democratic Banner, February 19 and March 12, 1849.

Henderson's strong personal regard for constitutional government, was the proposed constitutional amendment on banks. This would have eliminated all banks in the state after 1857 (the date the charter of the State Bank of Missouri expired). Henderson would not support the amendment on moral and constitutional grounds. He considered the methods being employed to adopt the proposal violated the Missouri Constitution. Henderson, though in sympathy with the idea of no banks, would not ignore the supreme law of Missouri. For him, the real issue before the House was the disregard of the proper procedures for amending the constitution. To Henderson, a vote for the amendment would be in violation of his oath to uphold the Missouri Constitution. The amendment would go into effect in 1857, and he believed the legislature should not place restrictions on inhabitants of the state so far in advance.<sup>52</sup>

Following adjournment of the General Assembly, Henderson returned to Pike County and his law practice. In April a meeting was held at Bowling Green to consider the action of the Missouri Legislature on the Wilmot Proviso. It endorsed the Jackson-Napton Resolutions, and extended thanks to Henderson for his vote and speeches on behalf of the resolutions. This meeting, and the resolutions it passed, was duplicated around the state in the next few months. Throughout the summer and fall of 1849 Missourians aired the Jackson-Napton Resolutions, the Wilmot Proviso, and decided the political fate of Senator Benton. When Benton came to Pike County speaking in opposition to the resolutions, Henderson and several other Democrats signed a letter asking Benton to state his position on the Wilmot Proviso. He refused to answer the question at a public meeting and treated the letter with scorn.<sup>53</sup> It would be

<sup>52</sup>Ibid., March 19, 1849.

<sup>53</sup>Ibid., October 29, 1849.

inaccurate to assume all who voted for the Jackson-Napton Resolutions or opposed Benton in 1849 were secessionists in 1861, for Henderson certainly would not fit that mold.

At the conclusion of the year 1849 Henderson made a move that would be of significant economic and political importance later. After the adjournment of the General Assembly, he completed plans to move his law practice to the largest community in Pike County, Louisiana. There were advantages in moving. Other than its size, it was closer to the county seat at Bowling Green, and the most influential newspaper in the county, published by his old friend, was located there. All these factors, plus the growth of Louisiana, dictated a move completed in early November, 1849.<sup>54</sup>

The future must have appeared bright to youthful Representative John B. Henderson, Esq. Having completed a successful term in the House, influential in the Pike County Democratic Party, a successful lawyer, his future was almost assured in Missouri politics. If he had looked over his shoulder to the past, he surely must have considered himself having come a long way in ten years. However bright his political future might have appeared in the fall of 1849, those seeds planted by the recent legislature would produce crops of misunderstanding and distrust in Missouri politics. The decade of the fifties was to be a decade of disintegrating political parties and allegiances.

<sup>54</sup> Scharf, History of St. Louis City and County, p. 1497; Louisiana Democratic Banner, November 5, 1849.

## CHAPTER II

### CONGRESSIONAL CAMPAIGNS

The decade of the fifties was characterized by political upheaval. The repercussions of the Jackson-Napton Resolutions, the Compromise of 1850, the Kansas-Nebraska Act, closely followed by the Lecompton Constitution debate, created an atmosphere for political change. All these national issues had local implications. Events proved the slavery issue could not be confined to one party, nor could any party escape taking a stand. For Missouri parties, the fifties brought a wider and deeper gulf in the Democratic party and the disappearance of the Whig party.<sup>1</sup> Individually, the years were marked by almost constant realignment in voter support for political parties and politicians. To remain steadfast and consistent to principle while the party followed a different course, required character and conviction. The upheaval in turn affected the political success of candidates in local and state contests. Henderson's two unsuccessful congressional races mirrored the turmoil of the decade. His political failures were partially off-set by business successes.

During this period of shifting political allegiances Missouri experienced transportation and financial expansion.<sup>2</sup> The 1840's had closed with the Missouri Assembly enacting general legislation authorizing private corporations to construct toll roads. The 1850's witnessed not only construction of plank roads, but also a growing willingness to provide state aid to

<sup>1</sup>Norma L. Peterson, Freedom and Franchise: The Political Career of B. Gratz Brown (Columbia, Missouri, 1965), p. 53; John V. Mering, The Whig Party in Missouri (Columbia, Missouri, 1967), p. 208.

<sup>2</sup>Ibid., p. 147; John R. Cable, The Bank of the State of Missouri (New York, 1923), p. 7.

railroads. As trade and industry developed there was a corresponding demand for better banking facilities. Instead of opposition to banks, the Democrats as typified by Henderson's role became promoters of state banks. Henderson's business and political activities of the 1850's provide an insight into the confused state of the Democratic party in Missouri for both Henderson and Missouri were affected by the political realignments and economic growth of the decade.

The Democratic party of Pike County, in preparation for the 1850 elections, held a county meeting on the fourth of February. At the meeting Henderson was elected to three committees and chosen one of the county delegates to the district convention. The frequency of his name on committees was an indication of Henderson's growing influence in the county organization. The meeting adjourned with outward appearances of unity between the Benton and anti-Benton factions.<sup>3</sup> Added to his county political activity was Henderson's appointment in the same month to fill the vacancy of the clerk of the Louisiana City Council, normally an elective office.<sup>4</sup> The city council records are meager but they suggest Henderson was too busy campaigning for the Missouri House to be in regular attendance, especially following the May Democratic meeting which nominated him unanimously for a second term.<sup>5</sup>

<sup>3</sup>Louisiana Democratic Banner, February 15, 1850.

<sup>4</sup>Ibid., March 18, 1850. Henderson was appointed by Mayor W. K. Kennedy until the fall elections. "Ordinance Book," 1850, Office of the Mayor, City of Louisiana, Missouri. The first ordinance signed by Henderson as City Clerk was #45, establishing the city burying ground. The salary for the office was \$50.00 per year plus fees from individuals.

<sup>5</sup>"Ordinance Book," ordinances forty-seven through fifty-six were signed by a pro-tem clerk; St. Louis Sunday Republican, May 5, 1850; Louisiana Democratic Banner, May 6, 1850.



Standing in the way of Missouri Democratic party unification in 1850 was the national issue of slavery. The split in Missouri was apparent by 1849. The aftermath of the Jackson-Napton Resolutions made a politician's opinions on slavery a primary determinant of political success.<sup>6</sup> On one side were Benton Democrats who supported the Wilmot Proviso and denounced the slavery resolutions of the recent General Assembly as disunion and traitorous. The anti-Benton Democrats defended the resolutions, but a few did not accept the extreme doctrine of disunion. An outward manifestation of the party's quarrel was that each faction nominated candidates for county and state offices.

A glimpse of this internal strife in the Democratic party and Second Congressional District appeared in the spring of 1850. In April, some leading Democrats of Pike county, including Henderson, sent a public letter to all counties of the district urging nomination of delegates to the district convention, so as to have a full ticket for the fall election.<sup>7</sup> The Democrats opened their convention in St. Charles, Missouri on the twentieth of May. It was evident from the first day a unified party was impossible. Less than half of the district had chosen delegates, but in the face of such obvious lack of support the delegates hoped to choose a candidate that would unite the party.<sup>8</sup>

In the selection of temporary officers Henderson was elected secretary. The afternoon session opened with the nominations for congress. Four names, including the incumbent, William V. N. Bay, and Dr. J. C. Wellborn, nominated

<sup>6</sup>Mering, The Whig Party, p. 167.

<sup>7</sup>Jefferson City Inquirer, April 20, 1850.

<sup>8</sup>Louisiana Democratic Banner, May 13, 1850; St. Louis Daily Missouri Republican, May 22, 1850.

by Henderson, were put before the convention. The remainder of the afternoon was taken up by delegates vainly trying to elect a candidate. Their efforts only succeeded in deadlocking the convention and compelled them to adjourn until the next morning. Perhaps an evening of behind-the-scenes bargaining would break the deadlock. At eight o'clock the next morning the delegates were again voting, but after nineteen ballots it was evident the convention was so divided no one nominated would receive a majority of the votes.<sup>9</sup>

To unite the party and conclude the convention a compromise candidate was needed. Obviously the previous nominees were not acceptable. What man could all factions support? John B. Henderson was nominated and elected by unanimous vote.<sup>10</sup> The convention's choice is difficult to explain. He was known to have voted for the Jackson-Napton Resolutions, opposed the Wilmot Proviso, and was an anti-Benton candidate for the Missouri legislature.<sup>11</sup> Any one position was sufficient to warrant opposition from the Benton Democrats. Why was he nominated? Anxious to conclude their work, the delegates chose him to give the appearance of party unity. He was acceptable because of his moderate convictions, but that did not mean votes in November. In truth there was little intention on the part of Benton Democrats to support him. It was one thing to nominate Henderson but another to campaign for him. Henderson's acceptance of the nomination was not a foregone conclusion. In declining Pike county candidacy he probably was giving up re-election to the Missouri House. He exchanged one for a sixteen-county district, amplifying his campaign problems. However, for a man seeking a political career the nomination

<sup>9</sup>Louisiana Democratic Banner, June 3, 1850.

<sup>10</sup>Ibid., June 3, 1850; History of Pike County (Des Moines, 1883), p. 387.

<sup>11</sup>Daily Missouri Republican, May 22, 1850.

was a fortunate development, even with the risks. Regardless of delegate motives, the nomination presented Henderson with an opportunity to become a prominent and influential figure in the party.

Shortly after the St. Charles convention, Henderson sent the following letter to the Democratic Banner explaining the acceptance of the congressional nomination. The letter read in part: "The nomination, unexpected and unsought by me, came as the spontaneous wish--the free gift of the Democratic party, to which I have ever belonged as an humble member. Under such circumstances I do not feel at liberty to disregard that wish, as I deem it the duty of every Democrat to sacrifice personal considerations when necessary, and act with cheerfulness in any station in which it is thought best by his friends that he should serve."<sup>12</sup>

The Whigs had watched with delight their growing chances in the Second Congressional District. They had decided to stand above the internal fighting of the Democrats and await their opportunities. There were good reasons for optimism in the district that usually returned a Democratic majority.<sup>13</sup> In considering the election prospects of the Democrats, something should be said of the public's lack of acquaintance with Henderson. There was little doubt his nomination was a surprise to Democrats. Henderson had gone to St. Charles as a delegate, not actively seeking the nomination. Virtually unknown outside Pike County, except to Democratic leaders, the St. Charles Convention in nominating Henderson had placed an additional burden on the shoulders of a party already straining to remain united. Henderson faced the formidable task of becoming a well-known public figure in a district that already knew

<sup>12</sup> Louisiana Democratic Banner, May 27, 1850.

<sup>13</sup> Daily Missouri Republican, April 27, 1850.



his opponent. The election would tell how successful Henderson fulfilled his role of party unifier.

The turmoil of the Jackson-Napton Resolutions and Senator Benton's appeal to Democrats not to support candidates who had voted for the resolutions, increased the normal Whig expectations. The Whig and Benton Democrats united through campaign oratory to label the anti-Benton Democrats as disunionists.<sup>14</sup> The St. Louis Daily Missouri Republican, a Whig paper, carried another theme aimed at the Second District. If the Benton Democrats would not enter a candidate and could not support Henderson, what were they to do?<sup>15</sup> The Republican and Whig candidates were ready with the answer. Support the Whig and defeat the disunionists. The Whigs re-nominated a Pike countian, Gilchrist Porter, who had been defeated two years before.<sup>16</sup> Porter's campaign contained two themes: Henderson's vote for the divisive resolutions and conciliatory words for the Benton Democrats. Porter hoped the tactic would bring him enough Benton supporters to defeat Henderson.<sup>17</sup> The Whig papers, the Jefferson Inquirer and the Daily Missouri Republican, castigated Democratic candidates for voting for the Jackson-Napton Resolutions and opposing the Wilmot Proviso. Henderson received the support of party papers; the Democratic Banner, the Hannibal Courier, and the St. Louis Times. Regardless of political affiliation, all papers consistently pursued one issue, the resolutions. Other matters were mentioned, Henderson's youth, Porter's

<sup>14</sup> Ibid., July 16, 1850; Benjamin C. Merkel, "Slavery Issue and Political Decline of Thomas Hart Benton," Missouri Historical Review, July, 1944, p. 396.

<sup>15</sup> Daily Missouri Republican, June 6, 1850.

<sup>16</sup> Louisiana Democratic Banner, June 10, 1850.

<sup>17</sup> Jefferson City Inquirer, June 8, 1850; Daily Missouri Republican, June 25 and 27, July 3 and 16, 1850.

stand on the tariff, and internal improvements, but underlying all the campaign rhetoric was the split in the Democratic Party.<sup>18</sup>

The Louisiana Democratic Banner and the Republican, the former on the tenth and the latter on the nineteenth of June, published the joint speaking dates of the two candidates.<sup>19</sup> The Second District was composed of sixteen counties stretching from the Mississippi River counties north of St. Charles to the south central counties across the Missouri River.<sup>20</sup> It was a major undertaking to campaign in all counties of the district. The speaking tour began on June seventeenth and came to a close on July thirty-first. The men gave a speech at each of the twenty stops. Usually the first speech was one hour, followed by his opponent's speech of an hour and a half, with the first speaker allowed thirty minutes rebuttal.

The election in August fulfilled the expectations of the Whigs. Henderson was defeated by a thousand votes. He carried only four of the sixteen counties in the district, and all were pro-southern counties south of the Missouri River.<sup>21</sup> The Louisiana Democratic Banner attributed Henderson's defeat to the defection of Benton Democrats.<sup>22</sup> That accusation was borne out by the Jefferson Inquirer in an article on the political affiliation of the new members of the General Assembly. In the counties composing the

<sup>18</sup> William E. Parrish, Turbulent Partnership: Missouri and the Union, 1861-1865 (Columbia, Missouri, 1963), p. 3.

<sup>19</sup> Daily Missouri Republican, June 19, 1850; Louisiana Democratic Banner, June 10, 1850.

<sup>20</sup> History of Pike County, p. 387.

<sup>21</sup> Jefferson City Inquirer, August 17, 1850; Louisiana Democratic Banner, August 9, 1850.

<sup>22</sup> Ibid., August 19, 1850.

Second Congressional District only one anti-Benton Democrat won office. All others were Whigs or Benton Democrats.<sup>23</sup> Collaborative evidence was also found in a comparison of the votes in the 1848 and 1850 Congressional elections. Porter had been defeated in 1848 by William Bay, a Democrat. Two years later Henderson received twenty-six hundred fewer votes than his Democratic predecessor. Porter also received fewer votes in 1850 than in 1848, but his victory was attributed to less party defection and an increased vote in some counties.<sup>24</sup> Porter's victory was difficult to determine with accuracy, perhaps enough Benton Democrats joined the Whigs.<sup>25</sup> Inability to unite his party and being virtually unknown in many parts of a marginal district, would explain the sharp reduction of votes by Democratic candidate Henderson, without the corresponding number going to his opponent. As a Democratic compromise candidate he had failed to unite the factions. The best explanations of both candidates' total vote decline in 1850 was the confusion of party politics and no presidential contest to attract the voters attention. The electorate exemplified its uncertainty on issues and candidates by staying away from the polls.

The unsuccessful race temporarily diverted Henderson from emphasis on campaign politics to the practice of law and business. During the next six years he sought no elective office and his business typified the diversity of a small town lawyer. In one respect the defeat in 1850 offered Henderson an opportunity to involve himself in numerous real estate transactions in Louisiana and Pike County. The deed books in the Pike County Recorder's Office

<sup>23</sup> Jefferson City Inquirer, August 24, 1850; Mering, The Whig Party, p. 172.

<sup>24</sup> Louisiana Democratic Banner, August 28, 1850.

<sup>25</sup> Jefferson City Inquirer, September 7, 1850.

reveal Henderson as an active land investor.<sup>26</sup> His most consistent real estate transaction was giving loans, secured by a deed of trust, on rural or city property. Many of these loans ended in foreclosure, with Henderson subsequently obtaining the property.<sup>27</sup> He was active not only in real estate, but in the collection of debts, some involving settlement of estates, others simply settling long overdue obligations.<sup>28</sup> Henderson also tried numerous court cases, and in November, 1850, he helped organize the Louisiana winter debating club. The following notice appeared in the Democratic Banner: "A meeting will be held at the office of J. B. Henderson, on Saturday evening next, at early candle light, to organize a debating club for the winter. A full attendance is requested."<sup>29</sup> Even with such varied interests, politics apparently still held an attraction to him. As an example, a resident of Louisiana accused Henderson of trying to manipulate the mayor and city council for his own ends. The Democratic Banner printed the accusing letter but followed it with one from Mayor Kennedy, denying the allegation. For several weeks charges and countercharges filled the local paper, then disappeared when they could not be substantiated.<sup>30</sup> Between 1850 and 1856 Henderson laid the basis for his financial security. The tax books of Pike county for the years before the Civil War have been destroyed, making an accurate assessment of his worth impossible. However, the frequency of his real estate

<sup>26</sup>"Abstract and Index of Deeds," Direct and Indirect, 1820-1857, Pike County Recorder's Office, Bowling Green, Missouri.

<sup>27</sup>"Deed Books," M through U, Pike County Recorder's Office. Henderson also handled land claims for veterans (their widows and minor children) of the War of 1812 or the Indian wars since 1790.

<sup>28</sup>Louisiana Democratic Banner, October 30, November 27, 1850.

<sup>29</sup>Ibid., November 6, 1850.

<sup>30</sup>Ibid., October 4, November 6, November 18, 1850.

transactions, court cases, involvement with the business leaders of the county and subsequent investments, provides a clue to his developing wealth.

The desire for improved transportation in Missouri was manifested by providing state aid to railroads and authority to construct toll roads. Henderson and the Democratic Banner were early backers of the movement for plank roads. Editorially the paper urged the citizens of Pike county and Louisiana to support the development of these roads.<sup>31</sup> The editor considered them a way of funneling trade from the interior to Louisiana and the river. The Missouri Legislature, in response to requests, had enacted legislation in February, 1851 authorizing the incorporation of the Louisiana and Middletown Plank or Macadamized Road Company. The road was to run from Louisiana to Middletown in Montgomery county with options to add feeder roads.<sup>32</sup> United States highway 54 from Louisiana to Bowling Green and Missouri state route 161 from Bowling Green to Middletown follows closely the old plank road. The required capital stock of the company was \$75,000 with an option to increase the amount to \$150,000.<sup>33</sup> Obtaining incorporation was the first and easiest step. Intensive promotion in the county was needed to secure enough subscriptions to organize the company and start construction. By March every issue of the Democratic Banner was urging the plank road for Pike county. It suggested public meetings to determine the attitude of the people toward the project. Meetings in Louisiana, Bowling Green, and Frankford were held to educate and create enthusiasm among the people.<sup>34</sup>

<sup>31</sup>Ibid., January 20, 1851.

<sup>32</sup>Ibid., February 24, 1851.

<sup>33</sup>Ibid., March 24, 1851.

<sup>34</sup>Ibid., March 3 and 10, 1851.



Construction of the Louisiana and Middletown Plank Road seemed a reality after the city council of Louisiana authorized the purchase of \$20,000 in stock.<sup>35</sup> The drive had progressed enough by June that a public meeting was held at Bowling Green to discuss the proposed route. Two spokesmen for the road, James O. Broadhead and Henderson, addressed the meeting. They urged continued citizen support, explaining the advantage of this improvement to the city and county.<sup>36</sup> Soon after the June meeting an important public meeting was called to be held in the Louisiana Methodist Church, chosen because of its seating capacity. Several speeches were delivered endorsing the road. While the enthusiasm was high, Henderson proposed a resolution calling for the appointment of men to collect the subscriptions. The resolution was accepted and Henderson was elected one of the men.<sup>37</sup> Enough money was pledged by the fall of 1851 to permit the stockholders to organize the corporation and elect officers and directors. At the first annual meeting Henderson was chosen secretary, with the salary of \$50.00 a year.<sup>38</sup> The December board of directors meeting authorized Henderson to act as agent in obtaining the services of an engineering firm. By the end of the month he had submitted his report, recommending the firm of Cozens, Shultz & Hyer of St. Louis. The recommendation was accepted.<sup>39</sup>

The first months of 1852, Henderson was busy advertising and receiving

<sup>35</sup>Ibid., April 21 and 28, 1851.

<sup>36</sup>Ibid., June 25, 1851; History of Pike County, p. 213.

<sup>37</sup>Louisiana Democratic Banner, June 25, 1851; History of Pike County, p. 214.

<sup>38</sup>"Minute Book of the Louisiana and Middletown Plank or Macadamized Road Company Minutes, 1851-1868," p. 30, Western Historical Manuscripts Collection, Columbia, Missouri.

<sup>39</sup>"Minute Book," p. 17.

bids from contractors. By April the board of directors made its decision. On May fourth ground was broken, and by July, six miles of the Louisiana and Middletown Plank Road had been completed along with the first toll gate.<sup>40</sup> Its effect was immediate. The price of land went up--city lots from \$400 to \$1,000 and rural land from \$10 to \$15 an acre along the right-of-way.<sup>41</sup> The road eventually extended west beyond Bowling Green and provided access to the county seat and the river for most of Pike county. The toll gates remained on that road and the Louisiana and Frankford Plank Road long after the county acquired them.<sup>42</sup> Henderson continued as secretary of the Louisiana and Middletown Road Company until August 1857, when he was not re-elected.<sup>43</sup> His political activities had caused increasing absences in the last year and a half. Although no longer a member of the board of directors, Henderson held stock in the corporation, and maintained a more than casual interest in toll roads for several years. Two years later, in 1859, he purchased at public auction the Louisiana and Frankford Plank Road Company. The road connected Louisiana with Frankford, about ten miles to the north paralleling the Mississippi River. The purchase price of \$1,000 cash was considered a good

<sup>40</sup>"Deed Book" N, "Field Notes of the Louisiana and Middletown Plank Road," Pike County Recorder's Office, pp. 381-85. Act of incorporation, Louisiana and Middletown Plank or Macadamized Road Company, February 27, 1851, Section 17 and 18. The act required the road to be fifty feet wide, could not have a toll gate more than every five miles. Toll rate for each five miles was: each person and horse, mule, or ass, five cents; each loose horse, mule, ass, or cattle, one cent each; for every sulky, buggy, or other carriage drawn by one horse or mule, ten cents; for every carriage or vehicle drawn by two horses, fifteen cents; for every vehicle of burden, five cents, plus two and a half cents for every horse or beast used to draw the vehicle.

<sup>41</sup>History of Pike County, p. 215.

<sup>42</sup>Interview with Mr. Raymond Ince, County Assessor, Pike County, Bowling Green, Missouri, November, 1970. Mr. Ince recalled as a boy driving a team to haul gravel for repair of the road and paying toll when taking crops into Louisiana. He said the toll gates remained on the roads until the middle 1930's.

<sup>43</sup>"Minute Book," p. 105.

investment.<sup>44</sup> Today county route 79 from Louisiana to Frankford corresponds to the old road. Along with legal and business interests, Henderson served as judge of the Court of Common Pleas in Louisiana. The court was established in 1853, and in August of that year he was appointed its second judge. He held the judgeship for two years, resigning on August 13th, 1855 to devote more time to personal business and his new political campaign.<sup>45</sup>

Missouri political parties in 1855 had one common characteristic, internal division. The degree of division and the causes varied with each party. This characteristic was so serious in 1855 that it marked the disappearance of the Whigs as a political force. Throughout the fall and winter of 1855 rumors were increasing that the Benton Democrats would try to "patch up" their differences with the rest of the party.<sup>46</sup> As if to publicly attest to the irrevocable split, both Democratic factions held state conventions on the same day in Jefferson City.<sup>47</sup> The Kansas-Nebraska Act had replaced the Jackson-Napton Resolutions as the wedge dividing the Democrats. The anti-Benton (pro-southern) faction endorsed the Kansas-Nebraska Act, while the Benton convention denounced it and the trouble it had caused.<sup>48</sup> Rather than conciliation the two factions adopted different platforms and separate candidates for the state election. Some of the planks in the Benton platform were similar to the ones adopted later by the Missouri Republicans. This was

<sup>44</sup>Daily Missouri Republican, August 26, 1859; Louisiana Journal, October 13, 1859.

<sup>45</sup>History of Pike County, p. 387. James O. Broadhead Papers, Missouri Historical Society, St. Louis, Missouri. Henderson as judge of the court witnessed a deed of sale for Broadhead, February, 1854.

<sup>46</sup>Peterson, Freedom and Franchise, p. 52.

<sup>47</sup>Ibid., p. 56.

<sup>48</sup>Walter H. Ryle, Missouri: Union or Secession (Nashville, 1931), p. 93.



no coincidence. Many leaders of the Benton convention, after the 1856 election became charter members of the Missouri Republican party.<sup>49</sup> The plight of the Whigs and Benton Democrats had an effect on party alignments in the state. Their followers had to find a suitable political organization and their search for a political identity continued until 1860.

The election issue in 1856 was slavery. The Benton faction preached Union and avoidance of slavery agitation. The anti-Benton Democrats sometimes called "National Democrats," labeled Benton and followers free-soilers.<sup>50</sup> The political significance of the election was the scattering of Benton Democrats, placing the Missouri Democratic party under the domination of pro-southern sympathizers. The guidance of the Democratic party by the pro-southern element continued until the outbreak of hostilities in 1861.<sup>51</sup> The Whig party had succumbed. Some Whigs had joined the Benton Democrats in 1855 only to face the same dilemma in 1856. Other Whigs had gone to the growing American party and had temporarily found political refuge.<sup>52</sup> Very little is known of Henderson's campaign for the Missouri House of Representatives in 1856. The county newspaper files for these years have been lost, but in all likelihood he was elected as an anti-Benton Democrat. One reason for this assumption was Henderson's voting pattern in the 1856 General Assembly. Generally it supported pro-southern legislation. Additional evidence of his political allegiance was his selection by the Democratic State Committee (controlled by pro-southern Democrats) to represent the First Senatorial

<sup>49</sup>Peterson, Freedom and Franchise, p. 59.

<sup>50</sup>Ryle, Union or Secession, p. 98.

<sup>51</sup>Ibid., p. 102.

<sup>52</sup>Walter H. Ryle, "Slavery and Party Realignment in Missouri in the State Election of 1856," Missouri Historical Review, April, 1935, p. 323.

District as a Buchanan presidential elector.<sup>53</sup> After the presidential election in November, Henderson traveled to Jefferson City to cast his vote for Buchanan and attend the legislature. He arrived later than the other electors, but his tardiness did not delay the vote at the prescribed time.<sup>54</sup>

The 19th General Assembly reflected the political changes in the state. Dominated by pro-southern Democrats, their opponents in the legislature were a mixture of Americans and remnants of Whigs and Benton Democrats.<sup>55</sup> More meaningful than party labels in determining political allegiances in Missouri, was the understanding that individuals were polarizing toward two political factions. The extremists comprised two groups: pro-slavery sympathizers who adamantly defended slavery and wanted disunion before endangering the institution and their opponents, the anti-slavery supporters who talked of abolition and who were equally determined in their views.<sup>56</sup> The extremists did not compromise their views, and although small in numbers they effectively kept slavery an issue in state elections. Significantly for Missouri, the largest group who sought the middle ground between extremes were moderates. Henderson's position in the changing political climate was moderate conservative. He believed the extremists' solutions to slavery would ultimately bring an end to the Union, a solution he did not accept.

The 19th General Assembly convened on December 29th, 1856. Reapportionment following the 1850 census allowed Pike county two representatives,

<sup>53</sup>Jefferson City Weekly Jefferson Inquirer, October 11, 1856.

<sup>54</sup>Ibid., December 6, 1859.

<sup>55</sup>Ryle, Union or Secession, p. 105.

<sup>56</sup>Reinhard H. Luthin, "Organizing the Republican Party in the Border-Slave Regions: Edward Bates's Presidential Candidacy in 1860," Missouri Historical Review, January, 1944, p. 141.

William G. Hawkins and Henderson. On December thirtieth Henderson nominated Benjamin P. Hesser for Enrolling Clerk of the House and he was elected.<sup>57</sup>

The Speaker of the House appointed Henderson to the standing committees on Federal Relations and chairman of the important Banking Committee.<sup>58</sup> Another indication of his political allegiances appeared in the election of the two United States Senators. Henderson did not vote for Thomas H. Benton on either ballot, but instead cast his lot with the pro-slavery sympathizers, voting with the majority for James S. Green and Trusten Polk.<sup>59</sup>

Henderson was active in the assembly, both with routine House business and as chairman of the banking committee, which had greater significance because of the pressure for additional banking facilities. The previous legislature had approved a constitutional amendment authorizing additional banks of issue. On February twenty-first Henderson submitted the Report of the Joint Committee on Banks.<sup>60</sup> It faced two problems: what should be done with the State Bank of Missouri and how could the legislature provide adequate facilities? The report recommended the re-chartering of the State Bank of Missouri.<sup>61</sup> The old state bank was to be liquidated, its branches closed, and the new bank establish its main office in St. Louis, and seven branches

<sup>57</sup>Journal of the Missouri House of Representatives, 19th General Assembly, 1st Session, 1857-1858, p. 9. Hesser was an old acquaintance of Henderson's, he had served as Henderson's clerk in the Court of Common Pleas in Louisiana for two years.

<sup>58</sup>Journal of the Missouri House, 1857, p. 36; Weekly Jefferson Inquirer, January 10, 1857.

<sup>59</sup>Ryle, Union or Secession, p. 106; Journal of the House, 1857, p. 83 and 90; Weekly Jefferson Inquirer, January 17, 1857.

<sup>60</sup>Journal of the Missouri House, 1867, p. 389; For complete report of the committee see: Appendix to the Journal of the House, pp. 447-48.

<sup>61</sup>Appendix to the Journal of the Missouri House, 1857, p. 448; Weekly Jefferson Inquirer, February 28, 1857.

throughout the state. The only structural difference in the two systems was the relocation of the Lexington branch in Louisiana. In addition, the new proposal called for chartering of nine additional banks of issue. The significance was the equality of all ten chartered banks. Previously, the State Bank had had a monopoly of issue and had restricted the amount of currency in circulation.<sup>62</sup> The new plan increased available currency and provided additional financial institutions for the developing state. The Joint committee declared that the new system would provide adequate banking and currency expansion for several years. The plan passed both Houses with little opposition.

Other than introducing and helping write banking legislation, Henderson was appointed to a special house committee to investigate the personal conduct of two members. During a heated debate one member had crossed the aisle and hit his opponent, knocking him to the floor.<sup>63</sup> If this special committee ever made a formal report to the assembly, it never appeared in the Journal. The incident was only one of several that included brandishing guns and knives during debates in the House, and serve as examples of the increased tension, lack of compromise, and misunderstanding in the 1850's in state and national governments.

The diversity of the last weeks of the session illuminates Henderson's character. For several days during the session, Henderson cared for Peter Carr, a fellow representative who had contracted smallpox. Carr, writing to James O. Broadhead, revealed his recovery was due in part to the attention and

<sup>62</sup>Cable, Bank of Missouri, p. 251; Appendix to the Journal of the Missouri House, 1857, p. 448.

<sup>63</sup>Journal of the Missouri House, 1857, p. 232; Weekly Jefferson Inquirer, February 7 and 28, 1857.

care he had received from Henderson who either was not afraid of the "pox" or was immune.<sup>64</sup> He voted for a joint resolution, expressing the sentiment of the General Assembly, that emancipation in Missouri at that time was unwise and should be discouraged. The resolution passed by an overwhelming vote, 25-4 in the Senate, and 107-12 in the House.<sup>65</sup> On February twenty-fifth the House debated a bill that required naturalized citizens to present their papers at the time of voting. Henderson introduced an amendment that relaxed these voting regulations. Henderson's amendment recognized the need for knowing if a person was a citizen, but at the same time the law was too restrictive and should be tempered. The amendment was adopted.<sup>66</sup>

Henderson's interests in the development of transportation extended beyond plank roads. He was also aware of the importance of railroads, and before the session closed he introduced a bill to incorporate the St. Louis and Keokuk Railroad.<sup>67</sup> The votes on emancipation and naturalization typified his moderate, conservative character. His emancipation vote was realistic at that time, and seemed to label him as a pro-southern Democrat. On the other hand he urged a more lenient policy for naturalized citizens, many of whom were ardent in denouncing slavery. If he had been in the pro-slavery "mold" he would have voted against relaxing voting requirements for naturalized citizens and certainly would not have offered his amendment. On the fourth of March the General Assembly adjourned, having passed important legislation providing state aid to railroads, and better banking facilities.

<sup>64</sup>Peter Carr to James O. Broadhead, February 4, 1857, James O. Broadhead Papers, Missouri Historical Society, St. Louis.

<sup>65</sup>Weekly Jefferson Inquirer, February 14, 1857.

<sup>66</sup>Journal of the Missouri House, 1857, pp. 418-20.

<sup>67</sup>Weekly Jefferson Inquirer, February 7, 1857.



An indication of his continuing favor in the state party circles was evident two weeks into the new year. On January fourteenth, 1858 Governor Robert M. Stewart appointed him Division Inspector for the Second Military District, with the rank of colonel.<sup>68</sup> The appointment was little more than ceremonial, requiring only occasional visits to militia units in the district. Besides the obvious political implications, the title of "colonel" could be a political asset, especially for a man seeking office in a district with obvious shifting political alignments.

The erosion of political parties and personal allegiances continued unchecked throughout 1858. As political parties lost cohesion, individual allegiance became increasingly tenuous. Henderson at the same time was attempting to assess these political alignments to determine the opportunities of a congressional race in the Second District.<sup>69</sup> Frank Blair, Jr. writing to James O. Broadhead urged him to enter the race. Blair believed the Democrats, especially Henderson, would not allow incumbent Thomas L. Anderson (American) to run unopposed.<sup>70</sup> Typifying the confused state of Missouri politics, many Democrats appeared satisfied with Anderson, leading the Lexington Expositor to comment the Democrats would make no nomination for congress.<sup>71</sup> Beginning in March and lasting into July, county Democratic meetings endorsed Anderson's vote on the Lecompton Constitution, and refused

<sup>68</sup> Columbia Statesman, January 15, 1858.

<sup>69</sup> Daily Missouri Republican, May 20, 1858. Henderson in the Pike county Democratic meeting declined the nomination for state representative, his only reason--it was against his wishes.

<sup>70</sup> Frank P. Blair, Jr. to James O. Broadhead, April 19, 1858, Broadhead Papers.

<sup>71</sup> Weekly Jefferson Inquirer, May 8, 1858.

to appoint delegates to a district convention.<sup>72</sup> However, as early as February the Louisiana Democratic Herald suggested Henderson as the Democratic nominee.<sup>73</sup> The Herald's suggestion was followed on May twenty-eighth by the Hannibal News supporting Henderson's nomination for congress. The News recognized there had been no Democratic convention and until one was held it would keep his name at its masthead.<sup>74</sup> The Columbia Statesman on July sixteenth noted Henderson had been mentioned for congress, but as a former Whig paper it was not endorsing him.<sup>75</sup>

Anderson had been elected in 1856 on the American ticket, and while in Washington had supported Buchanan's administration on key issues. The most discussed issue in newspapers and party meetings was Anderson's vote to sustain the Lecompton Constitution as the constitution for the state of Kansas. In voting for Lecompton, Anderson put himself on the side of the Buchanan Democrats.<sup>76</sup> Henderson and Senator Stephen A. Douglas opposed the Lecompton Constitution because the methods used to pass it had made a mockery of their doctrines of popular sovereignty.<sup>77</sup> Many Democrats in the Second District did not agree with Anderson. Attempts were made in June to call a Democratic district convention to nominate Henderson for congress. At the request of a few Democrats an invitation was issued for a convention at Mexico, Missouri.<sup>78</sup>

<sup>72</sup>Daily Missouri Republican, March 27, April 22 and 28, May 14, June 17, July 24, 1858.

<sup>73</sup>Sunday Republican, February 7, 1858.

<sup>74</sup>Columbia Statesman, May 28, 1858.

<sup>75</sup>Ibid., July 16, 1858.

<sup>76</sup>Daily Missouri Republican, April 20, 1858.

<sup>77</sup>Peterson, Freedom and Franchise, p. 84.

<sup>78</sup>Daily Missouri Republican, June 25, July 1, 1858.

The convention was denounced as divisive and unnecessary since the Democrats had already picked their nominee. Apparently most Democratic leaders agreed, as only three counties responded. The frustration of the sponsors was evident from the resolution offered by Henderson:

Resolved, That whilst it is the opinion of the convention that sound policy and the integrity of the Democratic party in this district requires that we should have a Democratic candidate for Congress, and that our principles, uncontaminated with those of any other party, should be represented in the coming congress, yet inasmuch as only three counties are represented in this convention, and a difference of opinion exists amongst Democrats as to the propriety of making a nomination at a day so late, therefore, we further resolve that this convention adjourn without making a nomination.<sup>79</sup>

The failure of the Democrats to hold a district convention revealed the division of the party in the Second District. Henderson's consistent support of popular sovereignty left him without the support of the Buchanan Democrats who comprised the leadership and numbers of the party. Should he run? The decision had to be made soon, for the hour was late.

On July twenty-fourth the Jefferson City Inquirer printed Henderson's "eleventh-hour" announcement. Although opposed to Henderson, the Inquirer printed the notice because it signified a division in the pro-southern Buchanan Democrats.

To the Voters of the Second Congressional District  
 Numerous appeals have been made to me to become a candidate for Congress in this District but my inclinations as well as my engagements, have hitherto forbidden an affirmative response to those requests.

They have at length become so urgent, that as a good citizen I am not permitted to disregard them, and I therefore announce myself a candidate for Congress.

My past records as a Democrat, is before you, my future will correspond with the past. The great principles communicated in the last annual message of the President received my hearty endorsement. I am opposed to the agitation of the slavery question, endorsing in sincerity the principle of the Cincinnati platform,

<sup>79</sup>Ibid., July 3, 1858.

and therefore, opposed to excluding National men from our organization in any part of the Union.

I am opposed to disturbing the institutions of my own state, and shall be found in opposition to mere scheme calculated to disturb the Union of States.

If elected the interests of my constituents shall not be neglected; if defeated, I shall have one consolation that I would rather be right than a member of Congress.

J. B. Henderson<sup>80</sup>

Henderson's announcement received a mixed reception in the pages of the newspapers. Typical comments by the opposition were found in three articles printed in the St. Louis Daily Missouri Republican. The Republican condemned his candidacy because he was not nominated by the Democratic party and urged the party to punish him for his revolt.<sup>81</sup> A letter to the editor expressed fear that Henderson's announcement would divide the party, resulting in defeat of legislative candidates.<sup>82</sup> The same paper also charged him with entering the race knowing he would receive the backing of Black Republicans in the district. The turmoil of the Democratic party at the "grass roots" was not unique to Henderson's district, but symptomatic of the country. Henderson's hope of victory following a last minute announcement required a unified party. The district Democrats had not united in his nomination, seriously weakening his already meager chances. With the election only two weeks away there was little opportunity to conduct a general canvass. A last minute appeal in the form of a circular, asking Democrats to unite behind him, was sent around the district.<sup>83</sup> With all the forces arrayed against him why did Henderson make the race? Three answers are suggested: the Democrats needed to keep their

<sup>80</sup>Ibid., July 24, 1858.

<sup>81</sup>Ibid., July 29, 1858.

<sup>82</sup>Ibid., July 26, 1858.

<sup>83</sup>Weekly Jefferson Inquirer, July 31, 1858.

identity and could achieve it only by entering a candidate; he believed that popular sovereignty, conscientiously applied, was the solution not only to the agitation over slavery but that the Lecompton Constitution had made a mockery of it; finally, he sought the prestige of the office. If the Democrats had united he would have won, but caught between opposing forces, there was little hope.

Anderson won in a landslide, defeating Henderson by almost 5,000 votes.<sup>84</sup> His defeat was ascribed to those Democrats who opposed his answer to the Kansas question. They were satisfied with Anderson's record--whether American or Democrat. It was this answer, not party label, that concerned the people.

Henderson's defeat did not dim his political allegiance or principles. Four days after the election, Henderson greeted Senator Stephen A. Douglas in Pittsfield, Illinois, where the senator was campaigning against Abraham Lincoln.<sup>85</sup> In his brief speech Henderson said he had been labeled a Black Republican for supporting Douglas. The Illinois speech and one in St. Louis on the eighth of January, 1859, indicate Henderson's growing reputation in the Democratic party. The St. Louis speech was on the occasion of the forty-fourth anniversary of Andrew Jackson's victory at New Orleans. Other speakers included T. C. Reynolds, C. P. Jackson, and J. W. Noel, all pro-southern Buchanan Democrats. Henderson's speech was short and humorous, but in closing he said it was time to "smother all differences in the party, and show an undivided front to all opposition."<sup>86</sup> By 1859 the term "opposition" was being applied to all groups who opposed the Buchanan Democrats. The opposition was

<sup>84</sup>Daily Missouri Republican, August 17, 1858; History of Pike County, p. 387.

<sup>85</sup>Daily Missouri Republican, August 13, 1858; Liberty Weekly Tribune, September 3, 1858.

<sup>86</sup>Daily Missouri Republican, January 4 and 10, 1858.



composed of the remnants of the American, Whig, and Benton Democrats.<sup>87</sup>

The 1850's had opened and closed on congressional defeats for Henderson, but by 1860 he had become a prominent financial and political figure in the Second Congressional District. His varied law practice had provided sufficient income to invest in a bank, real estate, roads, and maintain an active political career.<sup>88</sup> Henderson's political future was uncertain. His relationship to the party after the 1858 defeat was clouded, as was the condition of the Democratic party. Divided on the national issues, the party could no longer unite behind one candidate. A Democrat seeking political office faced increasing difficulty in drawing together enough support to win. The future of Missouri politics and parties was more uncertain and confused in 1859 than it was ten years earlier. What did the 1860's have in store for the nation, Missouri, and Henderson?

<sup>87</sup>Luthin, Missouri Historical Review, 142.

<sup>88</sup>Louisiana Journal, June 9, 1859. Henderson had been elected President of the Louisiana Bank early in 1859. He remained president until the State Bank was dissolved during the Civil War.

### CHAPTER III

#### INFLUENTIAL DEMOCRAT

The period from January, 1860, through mid 1861 was crucial to Missouri's relation to the Union. These months also were the keystone to John B. Henderson's reception as an influential Missouri political figure and his eventual senatorial nomination. Political parties had splintered over slavery and were unable to unite behind one national candidate. The division was a reflection of divergences at the state level. Missouri had experienced factional parties for over a decade, with gravitation toward individual advocacy of moderate or extreme political solutions. The state elections of 1858 marked the last time in pre-Civil War years the Democrats of Missouri were unable to unite upon a state-wide ticket. But even for that election there was conspicuous evidence of the breakdown in the Democratic party, as witnessed in the Congressional race of the Second District. The campaign of 1860 saw the further dismemberment of political organizations with the emergence of four parties seeking state offices. This election and the turmoil caused by secession signaled the emergence of Henderson as an important political figure. During this interval Missouri elected an avowed secessionist governor, and the legislature authorized a convention to determine the role Missouri should pursue. Throughout the turbulence Henderson maintained his moderate, conservative attitude and his convictions for the Union, and the Constitution. When hostilities broke across Missouri, Henderson played a limited role in the actual fighting, his most immediate contribution was marshalling Union strength and opinion to resist the secessionists in the northeast section of Missouri.

The split in the Democratic party of Missouri was very apparent in the Second Congressional District. Henderson had been defeated in 1858 because

he lacked the backing of the Buchanan Democrats. In addition to variances on slavery, Henderson expressed opinions dissimilar to some Democrats on state aid for railroads. A meeting was held in Bowling Green to hear public sentiment on state aid to Missouri's railroads. The gathering on February 6, 1860 was chaired by Henderson who expressed the opinion that aid should be provided. He was followed by the Democratic leaders, Peter Minor, Samuel F. Murray, and William G. Hawkins, all opposing state aid.<sup>1</sup> These men were voicing the party view. Editorially the Louisiana Journal commented: "It is true that John B. Henderson was there, acted as chairman of the meeting, and in a speech explaining the objects of the meeting said that he was in favor of the completion of the roads. We give him credit for his position and think that he demonstrated on last Monday, as he has upon a great many other occasions, that he has more brains and more patriotism than the other leaders of his party in this country."<sup>2</sup>

In the same edition was a critique of the recent Pike County Democratic meeting. Henderson had addressed the assembly for about an hour, with a speech the paper described as a "salvo." The article alluded to Henderson as the "old wheel horse" who did not yield one inch on the doctrine of popular sovereignty. Continuing, the paper called it a conservative speech, "much different from the fire eating disunion Democratic harangues we have so often heard from certain administration democrats during the present winter." The paper concluded its assessment by saying "no conservative man could say ought against his speech."<sup>3</sup> After listening to his speech, the meeting chose

<sup>1</sup>History of Pike County (Des Moines, 1883), p. 349; Louisiana Journal, February 9, 1860.

<sup>2</sup>Ibid., February 9, 1860.

<sup>3</sup>Ibid.

Henderson to attend the district and state conventions. The following month, the Democrats, meeting at Bowling Green, endorsed Henderson for Congress. There was an effort in the meeting to reach agreement on the question of slavery expansion into the territories.<sup>4</sup> Although the article makes no comment on the outcome, future occurrences clearly point to its failure. Unfortunately for Henderson's immediate plans the division in the party would again hinder his political ambitions. Before going to the district meeting to seek the formal nomination of the party, he had to attend the state convention at the state capital.

The Democratic State Convention met in Jefferson City on April 9, 1860. The convention had a three-fold responsibility; nominate a state ticket, elect delegates to the national convention and select presidential electors for the party. The permanent officers of the state convention were opponents of popular sovereignty and Stephen A. Douglas. It was also evident from the composition of the convention delegations that many of the county organizations were dominated by pro-southerns.<sup>5</sup> There were a number of conservative Democrats who were loyal to the party, but did not accept the extreme demands for slavery expansion. Henderson was one of those Democrats. Henderson and Colonel William Claiborne addressed the convention on the second day, delivering eloquent and patriotic speeches supporting the party.<sup>6</sup> Shortly after the speeches the president of the convention announced the members of the Committee on Resolutions, the most important committee in the convention. Henderson had been selected by the First Senatorial District to represent it on the

<sup>4</sup>Ibid., March 8, 1860.

<sup>5</sup>Walter H. Ryle, Missouri: Union or Secession (Nashville, 1931), p. 137.

<sup>6</sup>Louisiana Journal, April 10, 1860; St. Louis Daily Missouri Republican, April 11, 1860.

committee. The Committee on Resolutions was anti-Douglas with one exception, Henderson. However, at the first meeting of the committee Henderson was unanimously chosen its chairman.<sup>7</sup> This was a clever move by the anti-Douglas faction to either tie Henderson's tongue or obtain his support. If the chairman had introduced a report opposing the tenets of Douglas, it would appear Henderson had accepted the extreme pro-southern position on slavery. However, the anti-Douglas committee members had underestimated their chairman.

The committee immediately went to work on a platform for the party. It was desirable that a platform containing a broad appeal should be written to strengthen the party, by uniting the divergent factions. The task was impossible considering the composition of the party and the committee. A set of resolutions partly based on the Jackson-Napton Resolutions were introduced in the first meeting. These proposals had been accepted in advance by the southern sympathizers on the resolution committee. Henderson immediately assailed the proposals as too extreme.<sup>8</sup> For over a day the committee debated the propositions without regard for parliamentary rules. Finally, the pro-slavery majority forced a vote on each motion, accepting them without basic change.<sup>9</sup> Briefly paraphrased the resolutions were that:

1st Congress had no power to abolish slavery in the territories.

2nd Territorial legislatures had no power to abolish slavery, prohibit its introduction, or exclude, or impair the right of property in slavery by any legislation in a territory.

<sup>7</sup>Daily Missouri Republican, April 11, 1860; Ryle, Union or Secession, p. 138; Sciva B. Laughlin, "Missouri Politics During the Civil War," Missouri Historical Review, April, 1929, 412. Members of the committee were chosen from each senatorial district, the delegates from that district electing their representative.

<sup>8</sup>Ryle, Union or Secession, p. 139.

<sup>9</sup>Laughlin, Missouri Historical Review, 413; Ryle, Union or Secession, p. 140.



3rd The acquisition of Cuba was advocated.

4th Congress was urged to aid construction of a railroad to the Pacific.

5th The attack upon Harper's Ferry was condemned and held to be the work of the Republican party.

6th The state should sponsor a system of internal improvements without specific mention of railroads.

7th Banks of issue should redeem their circulation in coin when presented.<sup>10</sup>

Henderson was the only member in the committee declining to vote on the platform, and though the chairman of the Committee on Resolutions, he refused to report its work to the convention.<sup>11</sup>

Henderson's stance in the committee was consistent with his earlier beliefs. Since 1848 he had been an advocate of the doctrine of popular sovereignty. Ten years later in the 1858 congressional race he was its champion. His unwavering loyalty to a principle was clearly evident in his refusal to accept responsibility for the resolutions to which he was diametrically opposed. Irregardless if all the other committee members supported the resolutions, political or personal favoritism could not sway his convictions. He could not be intimidated to support the resolutions or abandon his support of Douglas. Again, when it was a choice between party or personal integrity, Henderson did not hesitate to stand by his convictions. When he refused to present the resolutions, vice-chairman Sterling Price reported them to the convention. Following acceptance of the platform, the convention elected delegates to represent Missouri in the Democratic National Convention at Charleston, South Carolina.

<sup>10</sup> Daily Missouri Republican, April 12, 1860.

<sup>11</sup> Ryle, Union Secession, p. 140.

Although an avowed Douglas advocate, Henderson was elected.<sup>12</sup> Immediately after the delegate selection, a heated debate erupted over the question of instructing the national delegation. The debate continued into the evening, culminating in the convention voting on two resolutions, one to instruct the Missouri delegation to vote for Daniel S. Dickinson and the other to allow the delegates to go uninstructed. The convention, by a two-thirds majority, accepted the latter resolution.<sup>13</sup>

Henderson left Louisiana for Charleston on April nineteenth.<sup>14</sup> During his absence, the Louisiana Journal published an editorial commenting on the dilemma of the State Democratic Convention with a pro-southern platform, and its failure to instruct the Missouri delegates to support a southern nominee. It was rumored that at least half the delegation championed Douglas, although Henderson had returned from Jefferson City saying he was not instructed. He had denounced the platform as humbug and was going to Charleston as a Douglas man with intentions to do all in his power to procure his nomination.<sup>15</sup> Henderson's role and public statements concerning the state convention had not fallen on deaf ears. At approximately the same time as the opening of the Charleston convention, the Pike county Democrats met in Bowling Green and elected their candidates for the August election. In Henderson's absence the pro-southern and Buchanan Democrats succeeded in defeating all the county nominees favorable to Henderson. An example of the long standing opposition to Henderson was the actions of the nominees for state representative. Each had

<sup>12</sup>Encyclopedia of the History of St. Louis, eds. William Hyde and Howard L. Conard (St. Louis, 1899), 1016; Daily Missouri Republican, April 12, 1860.

<sup>13</sup>Ibid., April 13, 1860.

<sup>14</sup>Louisiana Journal, April 19, 1860.

<sup>15</sup>Ibid., April 26, 1860.

worked to defeat Henderson in the last congressional race, actively supporting Thomas L. Anderson. Both men made speeches in the county meeting excoriating the action of Henderson in running for Congress in 1858. Henderson's brother, in seeking the office of sheriff, had hoped through John's influence in the county organization to win the nomination, but the Bowling Green meeting did not nominate him. In short, all of the nominees were anti-Henderson and Douglas.<sup>16</sup> The county Democrats provided strong support for the Buchanan administration and would not abide any nominee who backed the ideas of Douglas. Since the action of the county organization did reflect the majority attitudes of Pike county Democrats, Henderson's political base was seriously threatened. The Louisiana Journal believed the "Henderson wing" of the county party had been destroyed, predicting the "fur will fly before the August election."<sup>17</sup>

Henderson returned from Charleston on the eleventh of May to find his followers if not ousted, at least pushed to the periphery of the county organization.<sup>18</sup> A week later he was invited by the county Democrats to speak in Louisiana, prompting the local paper to speculate that the purpose was to unite the party and heal the schism. "But Henderson's talk can't do that. Not even Spalding's best glue will make the severed fragments stick just now."<sup>19</sup> Henderson also spoke in Bowling Green where his theme at the court house meeting was his role and course at the Charleston convention. Henderson's speech consumed two hours, defending Douglas' doctrines and denying that his followers were free-soilers or had deserted the south. Won to Henderson's view, the

<sup>16</sup>Ibid., May 10, 1860.

<sup>17</sup>Ibid.

<sup>18</sup>Daily Missouri Republican, May 11, 1860.

<sup>19</sup>Louisiana Journal, May 17, 1860.

meeting adjourned after adopting the following resolution: "Resolved, That we heartily approve the course pursued by the Hon. John B. Henderson in the Charleston Democratic Convention, and we hereby re-indorse him as our next choice for Congress."<sup>20</sup>

The Louisiana Journal on May twenty-fourth announced its support of the Constitutional Union ticket in opposition to Henderson and Douglas.<sup>21</sup> This was only the first of several problems encountered by Henderson during the 1860 congressional campaign. Consistent with their recent past, Missouri Democrats were again divided. This was already evident at the local level by the proceedings of the Pike county Democrats in opposing Henderson on the county nominations. The division was apparent in the district meeting at Mexico, Missouri. Delegates from the Second Congressional District had arrived in Mexico on May twenty-second and the convention got underway on the following morning. By a large majority Henderson was nominated to carry the Democratic banner in the congressional campaign. Considerable disagreement and misunderstanding surrounded the nomination of Henderson, as evidenced in the district papers. The Journal commented that the convention was disrupted when several counties bolted because of Henderson's nomination. Those delegates would not support a man who advocated the political doctrines of Stephen A. Douglas. This account further stated that Henderson made an acceptance speech qualifying his nomination, giving those who had bolted until nine o'clock the next morning to come back to the party. If they did not, he would decline the nomination.<sup>22</sup> Another news story did not mention "bolters," but did allude to

<sup>20</sup> Daily Missouri Republican, May 18, 1860.

<sup>21</sup> Louisiana Journal, May 24, 1860.

<sup>22</sup> Ibid., May 31 and June 7, 1860; Liberty (Missouri) Weekly Tribune, June 1, 1860.

a small number of delegates who were dissatisfied with Henderson's nomination, because they wanted their own man. According to this account his acceptance speech thanked the delegates for sanctioning and endorsing his course. If after a night's reflection, one single dissenting voice was heard against his selection, he would decline. The next morning the delegations were polled on their support of Henderson and all heartily endorsed him pledging majorities in the August election.<sup>23</sup> Somewhere between these two versions lies the truth of the Mexico convention. Certainly there was some dissatisfaction with Henderson's nomination, especially among the delegates who opposed his forceful sentiments for Douglas. Regardless of their outward expressions of union, the Democrats in the Second Congressional District were split. After Henderson's return from Mexico, a Democratic meeting was held in Louisiana's City Hall to permit the party's rank and file to express their opinions on the nomination of the district convention. Having accepted the convention's choice, the meeting asked Henderson to speak. He solicited support from the people in his home county, but the Louisiana Journal took a dim view of Henderson's speech and believed he was wasting time with such an appeal.<sup>24</sup>

There is evidence to show that Henderson's principles were misunderstood by some Democrats in his district and that he was not cheerfully supported. In a letter from Columbia, Missouri to the editor of the St. Louis Daily Missouri Republican, Henderson was portrayed as a candidate opposed to Douglas' doctrine of popular sovereignty. It alludes to Henderson's "fingers writing four of the Jackson Resolutions," and as a member of the platform committee, each plank

<sup>23</sup>Daily Missouri Republican, June 1, 1860; Liberty Weekly Tribune, June 8, 1860.

<sup>24</sup>Louisiana Journal, May 31, 1860.



met his approval.<sup>25</sup> Apparently the letter was an attempt to convince those opposed to Douglas' principles that Henderson was "sound" on slavery. Added to this was the accusation of the Louisiana Journal that the Democratic papers in the district were not pleased with Henderson's nomination. It quoted the Palmyra Courier, "in unfurling the Henderson banner, it is proper for us to state that he is not our first choice."<sup>26</sup> This was a natural reaction inasmuch as Palmyra was the home of Congressman Thomas L. Anderson, Henderson's opponent in 1858. With so much tumult inside the Democratic party, the campaign for congress promised to be interesting. Before Henderson could concentrate on his campaign, he had to attend to unfinished business of the Democratic National Convention.

The Charleston delegations had not been able to unite on a presidential candidate. The difficulties of the convention had been compounded by the bolting of southern delegations and the disruptive tactics of the Buchanan Democrats. The Charleston convention had agreed to reconvene at Baltimore in an endeavor to nominate a presidential candidate.<sup>27</sup> However, President Buchanan and administration Democrats were as determined to keep Douglas from getting the nomination at Baltimore, as at Charleston. The Baltimore Convention convened on June 20, 1860. It was apparent at the first session that the Democratic party was no closer to union. After administration Democrats and secessionists bolted the convention, the remains of the national Democratic party nominated Stephen A. Douglas for president and Benjamin Fitzpatrick of

<sup>25</sup>Daily Missouri Republican, June 1, 1860.

<sup>26</sup>Louisiana Journal, June 7, 1860.

<sup>27</sup>George Fort Milton, The Eve of Conflict (New York, 1934), p. 449; Three Against Lincoln: Murat Halstead Reports the Caucuses of 1860, ed. William B. Hesseltine (Baton Rouge, Louisiana, 1960), p. 107.

Alabama as his running mate.<sup>28</sup> Henderson, throughout both conventions, supported Douglas. Returning to Missouri, Henderson addressed a rally in St. Louis giving his impressions of the Baltimore meeting. He believed the seceders could not elect their candidate because the people would not support them. Henderson was confident that the principle of non-intervention was the only plausible solution for peace and harmony in the Union. As a Douglas man he would advocate and vote for his election to the presidency. Henderson's speech was only one of several presenting similar views that the Daily Missouri Republican printed.<sup>29</sup> He left St. Louis on the twenty-ninth of June for his home in Louisiana, to complete preparations for the canvass with James S. Rollins, the opposition candidate for congress.

James S. Rollins had been nominated by the Constitutional Union party at Mexico, the same day Henderson was selected by the Democrats.<sup>30</sup> Rollins had been one of the leaders of the Whig party until its demise, then helped organize the Constitutional Union party because he was unable to make the sharp transition to the radical Republican ticket. A veteran campaigner, Rollins' most recent canvass was as the American party's candidate in the special election of 1857, to fill the office of governor. The Second District Congressional campaign would be the closest and hottest of the 1860 state elections. Henderson's chief handicap in the campaign was a divided party. He was adamantly opposed by the Breckenridge Democrats on the slavery issue. The Journal gave a vivid description of what it believed was Henderson's feelings toward them: "He will no longer court your false friendship, but assign you to your proper

<sup>28</sup>Ibid., p. 253; Milton, Eve of Conflict, p. 476. Hesselstine gives the wrong initial for Henderson.

<sup>29</sup>Daily Missouri Republican, June 28, 1860.

<sup>30</sup>James S. Rollins to James O. Broadhead, June 5, 1860, James O. Broadhead Papers, Missouri Historical Society, St. Louis.

company, and set you down in the category of Judas and Arnold. The day of concealment has passed, and your hands red with blood of the Democratic party will be held up by Henderson, and down your throats he will pour the red hot lava of his wrath."<sup>31</sup> The local paper delighted in printing several articles describing the dilemma of some Democrats in the Second District. They did not like Douglas, but feared Henderson so much they were reluctant to openly support Breckenridge. Henderson made it clear if they did not sustain Douglas they could not advocate him.<sup>32</sup> In this climate of turmoil, uncertainty, and divided loyalties, the campaign opened.

The first joint rally of the canvass took place at New London, in Ralls county on July first. The speeches contained three issues that were repeated, with some variation, at each speaking engagement of the campaign. Each candidate tried to tag the other as a Black Republican and portrayed a vote for his opponent as a vote for abolition. Another recurring topic was the expansion of slavery into the territories in which each man accused the other of being either unsound on this issue, or that their opinions had changed. A third theme was the split in the Democratic party. Henderson assumed the position that the party was not seriously split and that Douglas was the only national candidate. Rollins, on the other hand, played up the convention split and urged the people to rally behind the only national party--the Constitutional Union.

Beginning with their first meeting each candidate attempted to stigmatize his opponent with Black Republican associations. Henderson pointed out that he had been a Democratic candidate hence he would not have been the Republican candidate against Thomas L. Anderson two years earlier. Rollins also charged

<sup>31</sup>Louisiana Journal, July 5, 1860.

<sup>32</sup>Ibid., July 5, 1860.

that Henderson had associated with abolitionists and free-soilers. "In 1858 two years ago, my excellent friend ran a race for Congress, and made out about as well as I expect he will make out on this occasion, and the very men who were opposing him then charged that if he was elected the devil would be to pay here in the Second Congressional District--that it would be a triumph of Black Republican beyond a doubt--and they proclaimed when he was defeated, that Black Republican was overthrown." Henderson counter-charged that Rollins was pledged to Abraham Lincoln, and recently had corresponded with Black Republicans. Henderson also asked Rollins a list of questions, which if not answered, implied that Rollins was with the Republicans.

If Edward Bates had received the Chicago nomination were you not pledged either in writing or orally, to support him for the Presidency, regardless of the nominations made by the American or Constitutional Union Party? Were you not, in the winter and spring of this year in correspondence with leading Republicans of other states and of this state--I mean Cassius M. Clay, Seward, Chase, and others of that stripe--relative to the Chicago convention, and urging a straight out fight between freedom and slavery in this country? Are you not committed in writing and bound now to support the nominee of the Chicago convention (regardless of what the American party might do) had the nominees of that convention been Seward, Banks, or Chase?<sup>33</sup>

Charges and counter-charges took up much of the speaking time at each rally. The solution or lack of one for expansion of slavery into the territories underlaid all the debates and occupied nearly half of their speaking time. It was linked directly to the division in the Democratic party, the third theme of the campaign. Rollins charged both wings of the Democratic party were sectional, consequently the Democrats were no longer a national party. The only party that could boast a national following was the Constitutional Union party. Henderson countered that the Democrats were not as divided as

<sup>33</sup>Ibid., July 5 and 19, 1860; Daily Missouri Republican, July 6, 8, 9, 12, and 16, 1860.

Rollins suggested. The only reason for the trouble at Charleston and Baltimore were the disruptive activities of the Buchanan office holders and a few southern extremists. Regardless of the bolters, said Henderson, Douglas was nominated by the national party, receiving a two-thirds vote of the entire convention, including the southern delegates who had left. Henderson believed the Democratic party was the only national party and therefore provided the only plausible solution to slavery. "Mr. Douglas was nominated by  $212\frac{1}{2}$  electoral votes of 303, he received more than two-thirds of the whole electoral votes and I am one to say this day believe him to be the National Democratic nominee for President."<sup>34</sup>

Slavery expansion into the territories was the major issue in this campaign, as it had been for several years. Beginning in the Missouri legislature of 1848, Henderson had been an exponent of popular sovereignty and his political expressions throughout the preceeding decade confirm his attachment. Henderson had campaigned for congress in 1858 against the American party candidate because he had opposed his stand on the Lecompton Constitution. He had remained steadfast to the principle of popular sovereignty. The crucial question of when to apply the doctrine separated the candidates. Henderson argued the doctrine should be applied at the time a territorial government was organized. Rollins accepted the general principle of the people deciding, but believed the proper time to decide the issue was after the territory had reached a population of 90,000, the number required for a member of congress. Both men agreed on congressional non-intervention after the people of the territory had made their decision. Rollins did sanction congressional intervention before the territory had reached the magic figure of 90,000. Basically both men accepted, in principle, popular sovereignty, and in reality the campaign

<sup>34</sup>Ibid., July 9, 12, and 16, 1860.



in the Second District was a contest between two conservatives.<sup>35</sup> The impression both candidates gave in their speeches was fundamentally a moderate and conservative approach in their solutions to the problems facing the district. The Second District did not have a candidate of either extremes--the northern dominated Republican party or the southern Democratic or Breckenridge party. From the standpoint of policies it made very little difference which man won, because the district would be served by a conservative. In this respect the campaign and election in the district was an accurate political forecast of the road the people of Missouri would follow, when the southern states left the Union.

From late June until early August the two men carried on a strenuous campaign. Both men at St. Charles on July twentieth complained of illness, and each attributed it to the arduous campaign.<sup>36</sup> This was Henderson's best race of his three congressional contests, for he lost to Rollins by only 268 votes out of a total of 22, 138 cast. Rollins' vote compared closely to the vote cast for Semple Orr, the Constitutional Union candidate for governor. The races for governor and congress in the Second District suggest that the people of Missouri were not willing to support either extreme. The narrow vote margin and total vote strongly implies support for conservative solutions, but no basic difference in the two candidates. The air of uncertainty and the enthusiasm for the contest also contributed to a close vote. If one thing was of primary significance in the defeat of Henderson in 1860, it was the divided Democratic party.<sup>37</sup> His three congressional defeats were suffered at the hands of Benton Democrats in 1850, in 1858 to the Buchanan Democrats, and in 1860

<sup>35</sup>Ibid., July 8, 1860.

<sup>36</sup>Ibid., July 20, 1860.

<sup>37</sup>Ibid., August 9 and 10, 1860.

because of the Breckenridge Democrats. Henderson never again waged a race for this congressional seat.

Henderson's political activity did not diminish with his defeat in the August election. After a brief rest, he resumed the campaign trail on behalf of presidential candidate Douglas in Missouri. The Democrats of Pike county who supported Douglas held a meeting in Louisiana to organize clubs to carry his banner during the campaign. Henderson delivered a long speech saying Buchanan had caused the most trouble in the Democratic party, and he said that the Constitutional Union party did not have a platform and was composed of odds and ends. His speech brought the desired results and the meeting agreed to organize a club and campaign for Douglas.<sup>38</sup> On August twenty-fifth Henderson spoke at the St. Louis Court House to a rally numbering between eight and twelve thousand. He referred to his last campaign, saying the doctrine of popular sovereignty was the way free governments subsist. Now was the time to rally to the Democratic party, elect Douglas, and save the Union.<sup>39</sup> During the first week in September, Henderson was at another Democratic meeting in Bowling Green, Missouri, where the Breckenridge-Douglas factions in Pike county were destroying the last vestiges of party unity. Henderson again made a speech, and was followed by E. C. Murray, who attacked Henderson and Douglas, and urged the party to vote for Breckenridge.<sup>40</sup> Immediately after the meeting, Henderson left for Illinois to speak at a Douglas rally. On his way from Bowling Green to Louisiana, he was obliged to remain overnight at a farm

<sup>38</sup> Louisiana Journal, August 6, 1860.

<sup>39</sup> Daily Missouri Republican, August 26, 1860.

<sup>40</sup> Louisiana Journal, September 6, 1860.

house because local rains had made the creeks impassable, and he arrived too late at Pleasant Hill, Illinois to give his speech. It had been reported by other members of the delegation from Louisiana who preceded Henderson, that he must have drowned while crossing a creek, but his arrival dispelled this gloom.<sup>41</sup> These speaking engagements were but a few of the rallies he was asked to attend during the months preceding the presidential election, and it was physically impossible for him to accept all the invitations throughout the state. These numerous speaking requests show that he was a respected Democrat and had become a prominent public figure outside the Second District.<sup>42</sup>

The last week in September, Henderson interrupted his campaign activities to attend the meeting of the pro-Douglas Democratic State Central Committee in St. Louis. Two things necessitated the special meeting, both resulting directly from the split in the state Democratic party machinery. The committee had to fill three vacancies on the electoral ticket and four on the Central Committee. The vacancies were caused by members joining the Breckenridge faction and refusing to support Douglas. One of the vacancies on the electoral ticket existed in the First Electoral District, held previously by E. C. Murray of Louisiana who had joined the faction supporting Breckenridge. The committee chose Henderson to fill the vacancy.<sup>43</sup> He was also elected to one of the four vacancies on the State Central Committee. There were rumors at the meeting that the governor-elect was not supporting Douglas for president. The chairman of the Central Committee selected a sub-committee of five to write

<sup>41</sup>Daily Missouri Republican, September 8, 1860.

<sup>42</sup>Ibid., September 14, 19, and 23, 1860.

<sup>43</sup>Ibid., September 27, 1860; Ollinger Crenshaw, The Slave States in the Presidential Election of 1860 (Gloucester, Massachusetts, 1969), p. 162.

a letter to governor-elect Claiborne F. Jackson to inquire the meaning of a speech he had delivered recently in Jefferson City. The real design of the letter was to obtain a public announcement from Jackson, who had strong pro-southern leanings, that he still supported the candidacy of Douglas. One of the sub-committee members was Henderson. Jackson was to reply in the same manner the sub-committee made its request, through the pages of the St. Louis Daily Missouri Republican, so that the answer would be given the widest circulation.<sup>44</sup> His answer did not appear in the paper. Corresponding with the State Central Committee meeting was the election of officers to the Young Men's Democratic organization. Henderson was chosen president, and elected chairman of its state executive committee to oversee the organization of county clubs.<sup>45</sup> Election to these party offices and his popularity as a speaker following his narrow defeat, suggests that he had become a major figure in the Missouri Democratic party. Although it was a divided party, Henderson had reached considerable stature in it. Following the St. Louis meetings, he left for several speaking engagements in behalf of Douglas in various sections of the state.

In October the Journal listed Henderson as one of the managers of the annual Grand Social Ball in Louisiana. Most of the leaders in Pike and surrounding counties attended.<sup>46</sup> In the same issue the paper published an announcement of a mass meeting in Louisiana on the fifteenth of October in honor of Stephen A. Douglas. Before the meeting in Louisiana, Henderson went to St. Louis for a large rally welcoming Douglas to the city and to Missouri.

<sup>44</sup>Daily Missouri Republican, October 1, 1860.

<sup>45</sup>Ibid., September 28, 1860.

<sup>46</sup>Louisiana Journal, October 11, 1860.

He was one of fifty men named as the official reception committee.<sup>47</sup> After the St. Louis rally, Henderson and Douglas journeyed to Louisiana on the steam packet for a barbecue and rally, which attracted about 4,000 persons. Henderson introduced Douglas whose speech brought the rally to a close.<sup>48</sup>

Henderson's effort in behalf of Douglas was rewarded by his victory in Missouri, the only state Douglas carried. The presidential election re-emphasized the conservative views of the people. Missouri voted overwhelmingly for the two conservative candidates, Douglas and Bell. Pike county and the Second District returns were divided almost equally between the two, where Lincoln and Breckenridge got a total of 435 votes, as compared with 2,423 votes for Bell and Douglas. Because of a divided Democratic party and a four-way split on the electoral vote, the Republicans won the northern states and elected Lincoln. His election caused South Carolina to secede and brought a number of southern states to the brink of secession. If the Union divided, what would Missouri and Henderson do?

<sup>47</sup>Daily Missouri Republican, October 12, 1860; Crenshaw, The Slave States, p. 172.

<sup>48</sup>Louisiana Journal, October 18, 1860.



## CHAPTER IV

### UNCONDITIONAL UNIONIST

When 1861 brought announcements of additional southern states resorting to secession, Missourians' emotional reaction ranged from jubilation to outrage. In the early months of 1861, as the number of seceding states increased, Missourians expressed their sympathy or indignation through resolutions supporting either Union or secession. With secession a reality, would coercion become the policy of the Federal government to maintain the Union? While Missourians attempted to organize their responses to national events, the Missouri legislature met under the watchful eye of pro-southern Governor Claiborne F. Jackson. Would the legislature, acting for the state leaders, enact a secession ordinance, would Missouri remain neutral, or take an active part in maintaining the Union? These and other questions were in the minds of politicians, businessmen, farmers, and military leaders at the beginning of 1861. What role would John B. Henderson play in the events? Would his loyalty be to the Constitution of the Confederacy, or the Union? His decision would help shape the fate of Missouri's relationship to the Federal Union.

The most immediate question to answer, once South Carolina had seceded, was to define Missouri's relationship to the Union. Responsible for Missouri's initial response was the General Assembly. The political affiliations of the assemblymen were crucial in determining the course they would recommend. The largest faction in the House of Representatives were Breckenridge Democrats, who alone could not organize the House. With the Douglas faction, the Democrats could control the House. However, most Breckenridge Democrats leaned to the south, alienating the Douglas supporters. But on the issues of the Union, the Douglas Democrats and Constitutional Unionists could unite for the

Union and hold a narrow majority in the House.<sup>1</sup> Shortly after the Assembly met, George G. Vest of Cooper county, in response to Governor Jackson's message, introduced a bill calling for a state convention to consider Missouri's relation to the Union.<sup>2</sup> The bill passed the assembly and went to the Governor, who promptly signed it. If party labels were a true indication of individual loyalties in this opening session, the conservative sentiment was in the majority. That would explain the moderate resolution calling for the state convention, and a clause making all action in changing Missouri's relationship to the Union, subject to a vote of the people.<sup>3</sup> The Douglas Democrats and Constitutional Unionists were conservative, as their platforms and candidates in the preceding election had shown. The majority in the House at this time would vote to maintain a conservative, moderate role for Missouri.

No sooner were the national election returns confirmed than meetings of Union and secessionist sympathizers were held in Pike county. On December twenty-third a pro-southern meeting in Louisiana urged the south to remain in the Union, even though the north was guilty of many wrongs over the last thirty years. Henderson did not attend the meeting, but his brother James was there.<sup>4</sup>

<sup>1</sup>Eugene M. Violette, A History of Missouri (Cape Girardeau, Missouri, 1967), p. 324; Duane Meyer, The Heritage of Missouri (St. Louis, 1965), p. 350. The House of Representatives had forty-seven Breckenridge and thirty-six Douglas Democrats, thirty-seven Constitutional Unionists and twelve Republicans.

<sup>2</sup>St. Louis Daily Missouri Republican, January 19, 1861; Journal of the Missouri House of Representatives, Twenty-First General Assembly, First Session, 1860-1861, p. 86; Walter H. Ryle, Missouri: Union or Secession (Nashville, 1931), p. 182.

<sup>3</sup>Meyer, Heritage of Missouri, p. 350; Norma L. Peterson, Freedom and Franchise: The Political Career of B. Gratz Brown (Columbia, Missouri, 1965), p. 100.

<sup>4</sup>History of Pike County (Des Moines, 1883), pp. 261-262; Daily Missouri Republican, January 4, 1861.

The Union sympathizers were not idle. James O. Broadhead wrote to Abiel Leonard urging him to organize the Union men and stated that, "John B. Henderson is I know right and reliable urge him to take the stump to be a candidate for the convention if one is called . . ." <sup>5</sup> The same week that Broadhead wrote to Leonard, a meeting was held in Louisiana to choose a committee to write Union resolutions for the county. Henderson was elected to this committee composed of Union sympathizers. <sup>6</sup> On January nineteenth, the legislature passed the bill calling for the state convention. That same day, a mass meeting assembled in Louisiana to respond to the resolutions the committee had drafted. The chairman requested that Henderson read the resolutions. The proposals counselled moderation by both north and south. They urged no hostilities on either side, so every remedy could be employed to bring peace. The propositions advocated a state convention, with the final decision of Union or secession to be submitted to the people. After Henderson read the resolutions, a debate ensued between him and several gentlemen who objected to several of the proposals. Two attempts were made to amend the resolutions, but both were defeated, with the defense led by Henderson. <sup>7</sup> Following these skirmishes, the meeting voted acceptance of the resolutions as read. In a requested address, Henderson gave an eloquent pro-Union speech.

When the public learned the legislature had passed a convention bill, efforts were undertaken to encourage potential candidates. The Louisiana Journal wasted no time in recommending Henderson as a candidate for one of

<sup>5</sup>James O. Broadhead to Abiel Leonard, January 6, 1861, James O. Broadhead Papers, Missouri Historical Society, St. Louis.

<sup>6</sup>History of Pike County, p. 263.

<sup>7</sup>Ibid., pp. 263-266; Louisiana Journal, January 24, 1861; Daily Missouri Republican, January 27, 1861.

the positions in the state convention. The Journal's article suggesting Henderson's nomination was a deliberate attempt to influence the public, prior to a general meeting in Louisiana, for the purpose of nominating a candidate.<sup>8</sup> The most important factor influencing Henderson's decision was the petition by a group of men in Pike county, representing all political parties urging him to become a candidate for the convention. The open letter to Henderson contained eighty-two signatures asking him to announce immediately for one of the seats.<sup>9</sup> Henderson's reply dated January twenty-fourth, was printed in the Journal:

Gentlemen: Yours of this date, soliciting the use of my name, in connection with the Convention to be held in our State on the 28th proximo, has been received, and in reply thereto I will say after thanking you for the confidence expressed in your letter, that if the use of my name can be of any service, towards preserving the Union, in the restoration of peace, and fraternal feeling in the different sections of our distracted county, I shall most cheerfully consent to its use.

I had determined to abstain from all connection with politics, for a while in the future at least, but the times are such that I cannot be an idle spectator, and so urgent a request from citizens of different political parties, yet agreeing in a common desire to preserve the Federal Union, if possible, requires that I should respond affirmatively to your request.<sup>10</sup>

Four days later at Bowling Green he again announced he would run. The meeting in Bowling Green was similar to the one in Louisiana, completely dominated by the Union men. Following Henderson's announcement the meeting nominated him by acclamation. In a speech generously thanking the people for their confidence, he said he was opposed to the use of military force by either side. The Journal referred to the meeting and its results as a great victory for the

<sup>8</sup>Louisiana Journal, January 24, 1861.

<sup>9</sup>Ibid., January 31, 1861.

<sup>10</sup>Ibid.

Union in Pike county.<sup>11</sup> Outside the district several papers considered Henderson's decision important enough to carry the news of his announcement: "We are authorized to announce John B. Henderson, Esq., as a candidate for the Convention in the Pike, Lincoln, and Audrain Senatorial District. He is for the Union, and against secession."<sup>12</sup>

On February seventh, the Louisiana Journal announced the speaking dates and locations for Henderson during the brief time before the election. He planned five rallies in the senatorial district before the election.<sup>13</sup> Candidates for the convention ran on platforms advocating either the Union or secession. Political parties or their labels were not associated with individual campaigns. While Henderson was undertaking the campaign in behalf of the Union, a fellow Pike countian, T. J. C. Fagg, wrote Broadhead discussing the political situation in the county. "I find few to stand up for the Union platform (referring to coercion). My impression at the start was that Henderson occupied the same position (as Fagg) and was among the first to urge him to become a candidate for the convention--but I find that he and George Anderson with others who are leading the Union party in this district are fighting extremely shy on the question of coercion."<sup>14</sup> In closing his letter Fagg said he would support Henderson for the convention and "I should do Henderson the justice to say that privately he talks all right about coercion but thinks that no practical good can be accomplished by arguing the abstract

<sup>11</sup>Ibid.

<sup>12</sup>Daily Missouri Republican, January 28, 1861; Columbia Statesman, February 1, 1861; Liberty Tribune, February 8, 1861.

<sup>13</sup>Louisiana Journal, February 7, 1861.

<sup>14</sup>T. J. C. Fagg to Broadhead, February 8, 1861, Broadhead Papers.



question before the people."<sup>15</sup> Henderson continued campaigning up to the day of the election, the nineteenth of February. The first Senatorial District elected three men to attend the convention; Henderson, George W. Zimmerman of Lincoln county, and R. C. Calhoun of Audrain county.<sup>16</sup> All three delegates were for the Union, but only Henderson was an unconditional Union man.

Generally it was difficult to classify men as "conditional" or "unconditional" Union men. The accepted definition for unconditional Union men was merely unconditional support for the Union. In the last extremity they could be counted on for support. A clear understanding of the term conditional Union men was more difficult. Although advocates of the Union, these men would not sanction unlimited latitudes for the Federal government. Each individual had placed boundaries on the response the Union could make toward the seceded states. Generally the boundary was coercion of the seceded states by the Union. If coercion occurred these men would join the south.<sup>17</sup> By January, 1861, instead of political affiliation, a person was categorized by the degree of his loyalty to the Union. There were many variations but the three categories that had the most meaning were: secessionists, conditional, and unconditional Unionists. As events would reveal, Henderson was without question an unconditional Union man. For Henderson, and many others, the use of coercion was difficult to sanction. He publicly opposed coercion, but privately believed if the seceded states did not rejoin the Union, war between the

<sup>15</sup>Ibid.

<sup>16</sup>Daily Missouri Republican, February 21, 1861; Louisiana Journal, February 21, 1861; J. Thomas Scharf, History of Saint Louis City and County (Philadelphia, 1883), p. 1497.

<sup>17</sup>Edwin C. McReynolds, Missouri: A History of the Crossroads State (Norman, Oklahoma, 1962), p. 211; Violette, History of Missouri, p. 330; Samuel B. Harding, "Missouri Party Struggles in the Civil War Period," Annual Report of the American Historical Association, 1900 (Washington, 1901), 91.

two sections was inevitable. Regardless of his talk publicly or privately, when it came to his loyalty to the Union, Henderson never vacillated--he stood by the Federal Government.

Henderson was elected to the state convention by a thousand vote majority over his secessionist opponent. Two days after his victory the Daily Missouri Republican editorially discussed the upcoming convention and some of its prospective members, mentioning the delegates they considered worthy of the presidency, and specified Henderson as one of the capable men for the office.<sup>18</sup>

The convention convened in Jefferson City on February 28, 1861. Henderson did not answer the roll call on the first day, as he arrived in the late afternoon.<sup>19</sup> The next day, March first, he nominated R. A. Campbell, a fellow Pike countian, who was elected to serve as assistant secretary. Also on the same day, Henderson voted to require that all members of the convention take an oath of allegiance to the United States Constitution.<sup>20</sup> In the selection of permanent officers Henderson voted with the majority for Sterling Price for President, and to transfer the convention to St. Louis. With the arrival of the delegates in St. Louis a paper there carried descriptions of some of the more prominent members. The paper commented on Henderson as "the young and rising statesman of Missouri."<sup>21</sup>

<sup>18</sup>Daily Missouri Republican, February 22, 1861; Louisiana Journal, February 28, 1861.

<sup>19</sup>Journal of the Missouri State Convention, March, 1861 (St. Louis, 1861), pp. 9-10; Proceedings of the Missouri State Convention, March, 1861 (St. Louis, 1861), pp. 1-2; Liberty Weekly Tribune, March 8, 1861.

<sup>20</sup>Proceedings, March, 1861, p. 10; Daily Missouri Republican, March 2, 1861.

<sup>21</sup>Daily Missouri Republican, March 5, 1861.

The earliest indication of the delegate strength supporting the conditional or unconditional Union views, was the vote on whether to allow the Commissioner from the State of Georgia, Luther J. Glenn, to address the convention. Henderson cast his vote with the unconditional Unionists, refusing to allow him to speak.<sup>22</sup> The other two representatives from the First Senatorial District voted with the majority to permit him to speak. On the fourth day, the president appointed Henderson to the most important committee of the convention, the Committee on Federal Relations.<sup>23</sup> This committee was to frame resolutions expressing the views of the convention and recommend the course Missouri should follow. Shortly after his appointment, Henderson offered a resolution to establish a committee to consider the speech of the Commissioner from Georgia, and to recommend a suitable reply.<sup>24</sup> The resolution was adopted, with Henderson appointed chairman of the committee. On March sixth, Henderson was absent on leave, but two days later returned and was engaged in the work of the Committee on Federal Relations. After the committee presented its report Henderson made a long speech expressing his opinions on the troubles of the country. The speech provides a good insight into his attitudes at that time.

This was not the time for hesitancy, there was a spirit of insubordination and reckless folly--a spirit that disregards law and order . . . and we are looking upon that spirit of reckless disregard of law as a remedy for existing evils (secession) and debating whether to plunge into this reckless disregard ourselves and offset one wrong against another. If we want the southern states back the way was not passing ordinances of secession that looks to their encouragement and support. The division of the north and south will bring on destruction to the very

<sup>22</sup>Proceedings, March, 1861, p. 17; Daily Missouri Republican, March 5, 1861.

<sup>23</sup>Journal, March, 1861, p. 21; Proceedings, March, 1861, p. 20; Daily Missouri Republican, March 6, 1861.

<sup>24</sup>Journal, March, 1861, p. 22; Daily Missouri Republican, March 6, 1861.

prosperity of the Union. Once separation comes, war is inevitable between the two sections.<sup>25</sup>

He said because of this speech he would be labeled a Black Republican. "But unless their views change upon slavery so that they are no longer the party of the present day I expect never to cast a vote for them. But, sir, I have my rights in this country, and if (the) Republican party are Union men, all I can say is that I will not abandon the Union because they cling to it."<sup>26</sup>

The remainder of this session of the convention, following the introduction of the report by the Committee on Federal Relations, was exhausted by delegates expressing their sentiments on the resolutions. In fact, from the eleventh to the sixteenth of March the convention was devoted to this type of speech. Commencing on March nineteenth the convention voted separately on the resolutions of the committee, passing all by substantial majorities. The first resolution was the most important, passing with only one dissenting vote. It declared there was "no adequate cause to impel Missouri to dissolve her connection with the Federal Union."<sup>27</sup> On the same day, Henderson offered his report from the Committee on the address by the Commissioner from Georgia. The report expressed Henderson's views that had previously been outlined in his speech supporting the resolutions of the Federal Relations Committee.

The majority report recommended five resolutions:

1st. That the communication made to this Convention by the Hon. Luther J. Glenn, as a Commissioner from the State of Georgia, so far as it asserts the constitutional right of secession, meets with our disapproval.

2nd. That whilst we reprobate in common with Georgia, the violation of the constitutional duty by Northern fanatics, we cannot

<sup>25</sup>Proceedings, March, 1861, pp. 84-93; Sceva B. Laughlin, "Missouri Politics During the Civil War," Missouri Historical Review, July, 1929, 598.

<sup>26</sup>Proceedings, March, 1861, p. 89.

<sup>27</sup>Journal, March, 1861, p. 46.



approve the secession of Georgia and her sister states, as a measure likely to prove beneficial either to us or to themselves. 3rd. That in our opinion the dissolution of the Union would be ruinous to the best interests of Missouri, hence no effort should be spared on her part to secure its continued blessings to her people, and she will labor for an adjustment of all existing differences on such a basis as will be compatible with the interests and the honor of all the States.

4th. That the convention exhorts Georgia and the other seceding States to desist from the revolutionary measures commenced by them, and unite their voice with ours in restoring peace and cementing the Union of our fathers.

5th. Resolved, That the President of the Convention transmit a copy of these resolutions, together with a copy of those concerning our Federal Relations adopted by the Convention, to the President of the Convention of Georgia, or if the Convention shall have adjourned then to the Governor of said State.<sup>28</sup>

A minority report was introduced along with the majority report but both were tabled and it was agreed to make them the first order of business when the convention reconvened in December.<sup>29</sup> Before adjourning, the convention passed a resolution establishing an executive committee with the responsibility for determining the necessity of calling another session. On March twenty-second Henderson was elected by his fellow delegates to represent the Second District at the Border State Convention in Frankfort, Kentucky. The convention adjourned on the same day but agreed to meet on the third Monday in December, unless called into session by the executive committee.<sup>30</sup>

Upon returning home, Henderson found a minor controversy raging in Pike and Lincoln counties. The Louisiana Journal had published an article saying there was no basis for the rumors that Henderson and the other two district delegates did not harmonize. The paper reported of rumors accusing Henderson

<sup>28</sup>Proceedings, March, 1861, p. 254; William E. Smith, The Francis Preston Blair Family in Politics (New York, 1933), p. 27.

<sup>29</sup>Journal, March 1861, p. 57.

<sup>30</sup>Ibid., p. 60; Proceedings, March, 1861, p. 266; Daily Missouri Republican, March 23, 1861; Louisiana Journal, March 28, 1861.



of being an abolitionist, and Zimmerman of being a secessionist.<sup>31</sup> It was evident from the convention voting record that Henderson did not agree with Calhoun and Zimmerman on all the issues. On fifteen important marginal ballots Henderson cast opposing votes eight times. However, when Henderson's vote on the same issues was compared to Broadhead, Isidor Bush, or John How (all unconditional Unionists), there was only one instance of divergence. Thus, Henderson's voting record more closely followed the unconditional rather than the conditional Unionist. The conclusion should not be drawn that Henderson had accepted the Republican platform because he voted with men who had been closely associated with the party. The convention's course was mutually advocated by Henderson and the Republicans, and some people considered him a Republican by association. Perhaps Henderson's agreement on these issues laid the basis for his gradual transition from the Democratic party to the Republican in the next few years. Principles, not labels, dictated his votes. Regardless of his denials, the charges that he was an abolitionist continued. In an endeavor to silence the talk, Henderson made a public speech at the Concert Hall in Louisiana the first week in April. He said those dissatisfied with the convention were the ones who wanted the state to leave the Union. The secessionist paper in Louisiana, the Herald, had previously charged him with supporting the Black Republicans, to which Henderson replied in his speech that the editor of the paper was either a fool or drunk when he penned the article. In concluding, Henderson said it should be the least the Louisiana Herald could do to pay back the several hundred dollars he had loaned it, before " . . . turning it into an engine of lies to manufacture falsehoods against him."<sup>32</sup> An example of the ill feeling between the Herald and Henderson

<sup>31</sup>Louisiana Journal, March 28, 1861.

<sup>32</sup>Ibid., April 11, 1861.

was his withdrawal of the advertisement that later appeared in the Journal: "J. B. Henderson, Attorney at Law, Louisiana, Mo., office in the Bank Building, Third Street."<sup>33</sup> The dispute over secession and the convention caused Henderson to withdraw his advertising support from the Herald because of their growing difference politically and the personal attacks launched against him by the paper.

Following adjournment of the convention, Henderson embarked upon another speaking tour of the Second District. Henderson and George Anderson traveled over the district giving speeches in support of the Union. The second week in April they were in Lincoln county and the third week in Ralls county.<sup>34</sup> During this time the Louisiana Herald was carrying out vicious attacks against Henderson.<sup>35</sup> By the end of April, local and national conditions had so deteriorated, the Union men in Pike county determined to go beyond merely passing resolutions. The meeting was held on the twenty-fifth of April in the Louisiana City Hall, with speeches and resolutions much the same as in previous meetings. But this gathering was set apart from the earlier ones in one important respect, the men decided to procure arms for Union companies in Pike county. A committee of three was selected, with Henderson chairman.<sup>36</sup> He left two days later on the packet for St. Louis to obtain arms, but his trip was fruitless. Before leaving Henderson helped make plans for a Union rally, by writing his old opponent James S. Rollins and friend Willard P. Hall, asking them to attend the meeting at Bowling Green on May fourth. Rollins

<sup>33</sup>Ibid., April 4, 1861.

<sup>34</sup>Ibid., April 18 and 25, 1861.

<sup>35</sup>Ibid., April 25, 1861: All the issues of the Herald have been destroyed.

<sup>36</sup>Louisiana Journal, April 25, 1861; Philander Draper to Broadhead, April 26, 1861, Broadhead Papers.

replied he would like to come but other business in Boone county would prevent his attending. He closed the letter saying:

Allow me to say that your brief allusion to our contest last summer, was grateful to my feelings. And I can say with you, that the excitement attendant upon our severe struggle, and any improper feelings temporarily aroused, were buried with the termination of the race. I never doubted your sincerity or your patriotism, and now that our State is threatened with civil war and anarchy, and the very temple of freedom, threatened with overthrow, I am ready to unite with you, and all good citizens to prevent the one and save the other.  
I am faithfully and truly your friend,<sup>37</sup>

Hall's letter regretted that events would require his presence in St. Joseph and prevent his attendance at the Bowling Green rally.<sup>38</sup> This correspondence was evidence of Henderson's labors to unite the Union men, not only in his district, but across the state. Although the immediate effort was not successful, his correspondence with these and other men was significant for both Henderson's and Missouri's future.

Soon after the Bowling Green rally, Henderson wrote Broadhead outlining his appraisal of conditions in Pike county and the congressional district. He explained he had been unable to get to Illinois (Rock Island Arsenal) to obtain the arms, but it would turn out just as well, since Edwin Draper would obtain the ordnance in St. Louis and then return to Louisiana with them. Henderson reassured Broadhead that Draper was Union, and that the local men were drilling. He believed the capture of Camp Jackson required continued action on the part of Union men.<sup>39</sup> A week after Henderson's letter, Broadhead wrote Draper and suggested if there were men in Pike county that were conducting

<sup>37</sup>Louisiana Journal, May 9, 1861.

<sup>38</sup>Ibid., May 9, 1861.

<sup>39</sup>Henderson to Broadhead, May 13, 1861, Broadhead Papers.

treasonable activities, to inform him and warrants would be issued. Broadhead wanted the arrest of Dr. S. W. Buckner and Samuel Harris but conceded they had probably been too sly. Nevertheless he asked Draper to have Henderson look into the matter as "he will know what proof will be sufficient to justify the affidavit."<sup>40</sup>

On the eighteenth of May a large Union meeting was held outside of Louisiana. A number of resolutions were adopted expressing the opinions of the people toward the recent hostilities. They supported the Union cause and deplored the recent outbreaks of fighting. The last resolution was a public thanks to Henderson for all he had done in the face of opposition.<sup>41</sup> A few days after the meeting Henderson left for Frankfort, Kentucky to attend the Border State Convention. The convention did not last long because slight interest was shown. Only delegates from Missouri and Kentucky responded.<sup>42</sup> Henderson was back in the state by the first of June.

Following the capture of Camp Jackson in St. Louis, the extra session of the Missouri legislature passed a military bill that put all able-bodied men in the militia. It compelled them to obey the orders of officers appointed by the governor. To Henderson and Union sympathizers, this was an attempt by the secessionist governor to force Missouri into the Confederacy. Henderson told Broadhead the county court of Pike was going to implement the law, regardless of opposition from most of the people in the county. Henderson said he had made a speech in Prairieville announcing that Union men would no longer be intimidated by secessionists, that Union men would be armed by the general

<sup>40</sup>Broadhead to Edwin Draper, May 21, 1861, Broadhead Papers.

<sup>41</sup>Louisiana Journal, May 23, 1861.

<sup>42</sup>Ibid., May 30, 1861; Daily Missouri Republican, May 28 and 29, 1861.

government, and would defend themselves. In the same letter, Henderson remarked that two secessionists who had been given paroles following the Camp Jackson affair were now going about Pike county with kegs of powder organizing companies under the "odious military bill." Henderson closed his letter with some advice Broadhead should pass on to the military authorities in St. Louis: "Now I suggest that you at St. Louis are pursuing a course too pacific in this crisis--I have looked every morning to see a proclamation from Gen. Lyon to the effect that any and all attempts to put into operation, this accursed military bill will be looked upon as treasonable and will be dealt with accordingly by the government of the United States . . . I suggest that the declaration be made boldly that the whole power of the Government will be exercised if necessary."<sup>43</sup> Temporarily interrupting Henderson in early June was the death of his political friend, a man high in his admiration, Stephen A. Douglas. His death was a great loss to northern Democrats. Henderson attended a memorial service at the Louisiana Methodist Church, and delivered the eulogy.<sup>44</sup> During May and June, Henderson, Fagg, and Anderson were speaking throughout the district, in behalf of the Union. Not a single issue of the Louisiana Journal during the spring failed to print a notice of one or all three men's speaking engagements.<sup>45</sup> These three men were the voice of the Union in Pike county and the Second Congressional District.

By late June, 1861 there was talk of holding a second session of the state convention in July, instead of December, because of recent events in the

<sup>43</sup>Henderson to Broadhead, June 10, 1861, Broadhead Papers.

<sup>44</sup>Louisiana Journal, June 13, 1861.

<sup>45</sup>Ibid., June 18, 1861; Daily Missouri Republican, June 15, 1861.



state. There was also discussion of removing the governor and replacing him with someone who more nearly expressed the feelings and sentiments of the people of Missouri. An expression of this sentiment was contained in a letter to Broadhead from Walter L. Lovelace of Danville, Missouri. "Wonder who will be the next governor, need a loyal man, suggest John B. Henderson as a possible candidate."<sup>46</sup>

The last week of June Henderson wrote Broadhead keeping him abreast of the local situation. He gave assurances the Union men would not fight the secessionists, except in self defense, and believed the chief trouble was over in that part of the district. However, Henderson suggested the men responsible for the previous trouble be dealt with. The most prominent should be brought to trial for treason and if there be clemency let it come through the pardoning powers of the president. "Politically I have no special love for Mr. Lincoln, you know, but I do desire that the prominent traitors of this state, shall be placed in a situation of dependence on him for their necks. . . . I am sure I do not desire the death of any of them . . . " Henderson reassured Broadhead the guns obtained in St. Louis by Draper had not been sent out indiscriminately, but had been used to arm a Union company in Bowling Green, with the remainder in Henderson's house, awaiting organization of a company in Louisiana. Henderson suggested the second session of the state convention not meet until the tenth of July. By then all would be in hand.<sup>47</sup> By the middle of July the decision had been made to hold another session of the state convention. The call was issued on July sixth, for the meeting to be held in Jefferson City on the twenty-second of the month. Previous to

<sup>46</sup>Walter L. Lovelace to Broadhead, June 24, 1861, Broadhead Papers.

<sup>47</sup>Henderson to Broadhead, June 25, 1861, Broadhead Papers.

attending the convention, Henderson again wrote Broadhead about the continuing treasonable acts of some individuals in the north. He suggested a United States Marshall be sent to Pike county to arrest these individuals, and gives a list of men. Henderson closed the letter with: "It is highly important in my view that terror should be stricken amongst them here--Let the Marshall come with authority to take them and let him summon the Home Guards here and I will guarantee a safe delivery of his witnesses at St. Louis."<sup>48</sup>

The majority of Missourians had not joined either extreme, and were willing to give guarantees to the southern states to rejoin the Union. If that failed they would stay with the Union and use force to preserve it. After the November elections the principle political issue for Missouri had shifted from slavery expansion into the territories, to preservation of the Union. Maintenance of the Union continued as the central political issue until August, 1861, when martial law was proclaimed in Missouri. After that date it was the responsibility of the military forces of the Federal government, and not political forces, to keep Missouri in the Union. August also marked the transition in political questions from secession to emancipation.

For almost two months there was no official government in Jefferson City, following the retreat of Governor Jackson into southwest Missouri. Conditions were deteriorating in the machinery of government. A state government would have to be established to run the state. The second session of the state convention would wrestle with this problem. What would the convention do concerning the vacancies among our representatives in Washington? Who would guide Missouri in the turmoil of the Civil War years?

<sup>48</sup>Henderson to Broadhead, July 18, 1861, Broadhead Papers.

## CHAPTER V

### EMANCIPATION

As a border state, Missouri faced military and political upheaval when the Civil War became a reality. In the early months of hostilities the border states were battlegrounds for the contending armies. Added to Missouri's woes was the lack of a loyal state government. Missouri's governor, Claiborne F. Jackson, a secessionist, had attempted to sever the state's ties with the Union. His abortive efforts crippled the machinery of state administration, necessitating the reconvening of the Missouri State Convention elected in 1861. A second session of the convention established a provisional government that functioned until 1864. Compounding the state turmoil was the contest in the Union party between the radical and conservatives for domination of the state.<sup>1</sup> This contest was overshadowed only by the military conflict between Unionists and Secessionists. The political struggle was near the surface in all problems after 1862, but was most clear in the debate over emancipation.

These issues were not impersonal but marked the careers and futures of those they touched. With the troubles in state and national governments, men of personal integrity, principle, character were needed in leadership roles. Missouri was fortunate to have the services in Washington, through most of the sixties, of John B. Henderson, a man who placed public service, integrity, constitutional principle, and honesty above party or personal ambition. His earlier career was a testimonial to these ideals, and his senatorial career

<sup>1</sup>The radical and conservative terms apply to the factions within the Union party during the Civil War. Their solutions to the problems during the turmoil of the sixties were judged by pre-war political criterion resulting in the designations, conservative and radical.

affirm these principles.<sup>2</sup> Henderson's service in the capital was dominated by three events which had national impact. His leadership in the adoption of emancipation, his role in seeking a permanent peaceful solution to the Indian wars, and his vote to sustain Andrew Johnson, marked him as a man of high ability and promise. Each of these topics and Henderson's particular contribution will be the subject of the next three chapters. However, attention to national events does not preclude state affairs, as they had a direct effect upon Henderson's role in the senate.

It was apparent to most Union men by the spring of 1861 that a second session of the state convention for setting Missouri's course during the war, would have to be called. The administration of Governor Jackson had ceased to operate, threatening the existence of civil government in Missouri. A special committee of the convention established by the March meeting issued a call to assemble at Jefferson City July 22, 1861.<sup>3</sup> On opening day Henderson was chosen to represent the Second Congressional District on the most important Committee of Seven. It was charged with preparing a report recommending what course the convention should take.<sup>4</sup> Several days later the committee recommended that all state offices be declared vacant. Debate on the suggestion terminated on July thirtieth with the delegates accepting the recommendation. Henderson and a majority of the members chose Hamilton R. Gamble provisional governor, on the

<sup>2</sup>Edwin C. McReynolds, Missouri: A History of the Crossroads State (Norman, 1962), p. 262.

<sup>3</sup>William E. Parrish, Turbulent Partnership: Missouri and the Union, 1861-1865 (Columbia, 1963), pp. 32-33; Duane Meyer, The Heritage of Missouri (St. Louis, 1963), pp. 380-381; Eugene M. Violette, A History of Missouri (Cape Girardeau, 1957), p. 393.

<sup>4</sup>Journal of the Missouri State Convention, July, 1861 (St. Louis, 1861), p. 5; Proceedings of the Missouri State Convention, July, 1861 (St. Louis, 1861), p. 14.

following day.<sup>5</sup> Gamble and other executive officers were to serve until state elections were held. The convention adjourned to meet when and if the necessity arose.

Soon after adjournment the federal commander of the Western Department, General John C. Fremont, issued two proclamations. The first established martial law in Missouri and the second freed all the slaves in the state.<sup>6</sup> Martial law did not create much opposition, but freeing the slaves in the border state aroused wide-spread alarm. President Abraham Lincoln, in consideration of his border state strategy, ordered Fremont to rescind the proclamation. Although repealed, the "fall out" from the announcement had far-reaching consequences in Missouri. Henderson's reaction was expressed in a letter to James O. Broadhead in September. "You remember that the Gov. addressed a letter to obtain an interview and that without addressing any reply General Fremont issued that strange proclamation, which has lost us thousands of good Union men in North Missouri and many more thousands in the non-slaveholding states."<sup>7</sup> The radicals advocated the Fremont proclamation, believing it was the quickest and surest way to remove the institution. Conservatives rejected the announcement as threatening property without due process. Those who opposed the order were not necessarily pro-slavery, but objected to its method of extinguishing the institution. The two different views on the Fremont proclamation were the seeds that eventually severed the Union party, and enabled the radicals to gain

<sup>5</sup>Ibid., p. 132; St. Louis Daily Missouri Republican, August 1, 1861.

<sup>6</sup>Ibid., August 15, 1861; Parrish, Turbulent Partnership, p. 60. He gives the date August thirtieth for the proclamation.

<sup>7</sup>John B. Henderson to James O. Broadhead, September 7, 1861, Abraham Lincoln Papers, Library of Congress, Washington.



control of Missouri.<sup>8</sup> The second proclamation, martial law, put the burden of keeping Missouri in the Union squarely on the shoulders of the federal and state military forces.

When Governor Jackson vacated Jefferson City he took most of the Missouri State Guards with him, making it imperative for the provisional government to establish its own militia forces. The strategy of the provisional government was to rely primarily on Missouri militia and call on federal forces to cope with more serious situations such as a full-scale invasion by Confederate forces. As part of the new organization of state militia forces, Henderson, on August 24, 1861 was appointed Brigadier General by Governor Gamble for an area which included the whole of northeast Missouri.<sup>9</sup> Henderson's immediate responsibility was to raise a force of sufficient strength to protect the railroads and bridges in his section of the state.

By October two regiments had been raised from Henderson's district, which was the same as the Second Congressional District, and organized into a brigade. A problem not uncommon in the early months of the war was voiced by the Louisiana Journal. "Henderson has some 600 or 700 men in arms most in active duty in the county round about, which would soon be increased to several thousands, if they had clothing, boots, shoes, tents, & c. But men cannot even drill, much

<sup>8</sup>Samuel B. Harding, "Missouri Party Struggles in the Civil War Period," Annual Report of the American Historical Association, 1900 (Washington, 1901), 98; Norma L. Peterson, Freedom and Franchise: The Political Career of B. Gratz Brown (Columbia, 1965), p. 106; Sceva B. Laughlin, "Missouri Politics During the Civil War," Missouri Historical Review, October, 1929, 92.

<sup>9</sup>Vivian K. McLarty, "The Civil War Letters of Colonel Bazel F. Lazear," Missouri Historical Review, April, 1950, 256; Louisiana (Missouri) Journal, August 29, 1861; Daily Missouri Republican, September 1, 1861; History of Pike County (Des Moines, 1883), p. 276; J. Thomas Scharf, History of Saint Louis City and County (Philadelphia, 1883), II, 1497; Walter Williams, ed., A History of Northeast Missouri (New York, 1913), p. 215; Military History of Pike County, Pike County Historical Society (Louisiana, Missouri, 1915), p. 10.

less march and fight, without these requisites. Our soldiers are wanting everything, except brave hearts and hands."<sup>10</sup> Henderson reiterated the theme in a letter to Broadhead. "I will soon have a regiment of horse and one of foot--good and true men--I want arms I want equipments for them and although they are State troops enlisted for six months, I pledge myself in that time to close the war in North Missouri." In the same letter he warned, "the impression is fast becoming general here, that those in power do not ask, desire, nor admit our aid or counsel."<sup>11</sup> Henderson diligently pursued this task by writing to Governor Gamble, and making a special trip to St. Louis to obtain the equipment for his brigade.<sup>12</sup> By the first of October his exertions had been rewarded. "No one need hold back now on account of arms and equipments--as every one who enlists will be armed and equipped and ready for service at once."<sup>13</sup> Soon after the supplies arrived he began the task of deploying the brigade to protect the railroads. His work was interrupted by the third session of the Missouri Convention, and deployment of his brigade was delegated to subordinates.

Henderson left Louisiana on October tenth, but arrived late for the opening session of the convention in St. Louis.<sup>14</sup> The session was convened to consider state finances and reorganization of the militia. His principal committee assignment was in preparing the new militia bill. As submitted, the bill created the Missouri State Militia, responsible to the governor, but commanded

<sup>10</sup>Louisiana Journal, September 19, 1861.

<sup>11</sup>Henderson to Broadhead, September 7, 1861, Lincoln Papers.

<sup>12</sup>Henderson to Hamilton R. Gamble, October 1, 1861, Hamilton R. Gamble Papers, Missouri Historical Society, St. Louis.

<sup>13</sup>Louisiana Journal, October 3, 1861.

<sup>14</sup>Ibid., October 10, 1861; Daily Missouri Republican, October 11, 1861.

and trained by federal officers.<sup>15</sup> The third session lasted approximately two weeks, and Henderson was again back home. In Louisiana he wrote Governor Gamble narrating his recent military activities and acquainting him with the capture of prisoners. "What to do with these prisoners I do not know--I hope you will make it a matter of attention at Washington, that a place of confinement may be procured for these men and transportation to the point. Even if I desire to send some of them to St. Louis, I have no means of so doing without paying their passage and that of the guards from my own pocket and this thing long continued would deplete exceedingly."<sup>16</sup>

After dispatching the letter, Henderson left Louisiana to join the main body of his forces near Fulton, Missouri. While Henderson was attending the state convention a large force of secessionists had gathered in eastern Callaway county. To meet this threat most of the brigade had gone to the vicinity of Fulton. Upon arrival, Henderson entered into talks with the leader of the secessionists, Jefferson F. Jones. Jones' forces were estimated at about four hundred men, compared to nearly a thousand under Henderson. The talks resulted in a "treaty." Henderson agreed not to invade Callaway county if Jones would disband his men.<sup>17</sup> Henderson dispersed his brigade to other areas of the northeast to resume protection of the railroads and bridges from guerrilla attacks, and established his headquarters at Camp Henderson outside the town of

<sup>15</sup>Journal of the Missouri State Convention, October, 1861 (St. Louis, 1861), pp. 4-5; Daily Missouri Republican, October 12, 1861; Parrish, Turbulent Partnership, p. 77.

<sup>16</sup>Henderson to Gamble, October 21, 1861, Gamble Papers. These prisoners were captured in north Missouri attempting to destroy railroad property.

<sup>17</sup>McLarty, Missouri Historical Review, 259; Daily Missouri Republican, October 31, 1861; Louisiana Journal, October 31, 1861; WPA Writers Program, Missouri (New York, 1941), p. 348; Ovid Bell, The Story of the Kingdom of Callaway (Fulton, Missouri, 1952), p. 230.

Louisiana.<sup>18</sup> Once again the perplexing question of prisoners arose. Shortly after the new year, Henderson's forces captured several men trying to burn bridges. In a dispatch to General Henry W. Halleck, his superior, Henderson requested guidance in the disposition of the captives. Should they be tried there or sent to St. Louis?<sup>19</sup> It was decided to hold them for trial rather than incur the expense of sending them to St. Louis. While Henderson was occupied with military operations against rebels in northern Missouri, the United States Senate was expelling Missouri's two Senators for disloyalty.<sup>20</sup>

Gamble's provisional government had the opportunity to fill the vacancies in the Senate and in several state positions because some officials refused to take the oath of loyalty. On January 16, 1862 the Louisiana Journal printed the following prophetic article: "Polk and Johnson having been expelled from the Senate it devolves upon Gov. Gamble to fill the vacancies by appointment. The name of Gen. Henderson has been suggested as a suitable man to fill one of the seats, and Gov. Gamble would not better suit the loyal men of North Missouri, than by appointing Gen. Henderson."<sup>21</sup> But on the same day, the St. Louis Daily Missouri Republican announced: "The Governor has appointed John B. Henderson and Barton Bates as Judges of the Supreme Court."<sup>22</sup> Prior to the announcement, Henderson was traveling with General John M. Schofield near Mexico, Missouri

<sup>18</sup>Daily Missouri Republican, November 3, 1861; Louisiana Journal, November 21, 1861.

<sup>19</sup>The War of the Rebellion: Official Records of the Union and Confederate Armies (Washington, 1894), Series II, I, 254.

<sup>20</sup>H. C. McDougal, "A Decade of Missouri Politics--1860-1870 From A Republican Viewpoint," Missouri Historical Review, January, 1909, 135; Daily Missouri Republican, January 11, 1862.

<sup>21</sup>Louisiana Journal, January 16, 1862.

<sup>22</sup>Daily Missouri Republican, January 16, 1862; Cornelius Roach, Official Manual of the State of Missouri, 1913-1914 (Jefferson City, 1914), p. 212.



rounding up captives who had been destroying railroad equipment. The two generals arrived in St. Louis on the day the paper printed Henderson's appointment. Coincidentally, Lieutenant Governor Willard P. Hall arrived on the same day, having assumed the duties of chief executive in the absence of Governor Gamble, who had left for Washington.<sup>23</sup> Two days later the Daily Missouri Republican carried this brief article: "The appointment of Judge of the Supreme Court, conferred on the 16 inst., upon Gen. John B. Henderson by acting Governor Hall, has been declined."<sup>24</sup> Reasons for Henderson's decision is pure speculation, as no evidence exists accurately to reflect his reasons for refusing the appointment. Perhaps he believed the Senate would be a better match for his talents, because he had more legislative experience than judicial. For whatever reason, Lieutenant Governor Hall appointed Henderson to the United States Senate sometime between January eighteenth and the twenty-second, to fill the vacancy of Trusten Polk.<sup>25</sup> However, the senatorial appointments of Henderson and Robert Wilson were only until the next session of the Missouri Legislature.

"The appointment of Henderson gives general satisfaction to the Union men, but that of Wilson is regarded by them with very limited favor."<sup>26</sup> And, "the transfer of Jno. B. Henderson from the Supreme Court to the Senate gives great satisfaction here."<sup>27</sup> The most generous praise, as expected, came from the

<sup>23</sup>Daily Missouri Republican, January 17, 1862.

<sup>24</sup>Ibid., January 18, 1862; Louisiana Journal, January 23, 1862.

<sup>25</sup>John G. Nicolay and John Hay, Abraham Lincoln: A History (New York, 1904), VIII, 469; John F. Phillips, "Hamilton R. Gamble and the Provisional Government of Missouri," Missouri Historical Review, October, 1910, 12; Parrish, Turbulent Partnership, p. 87; Liberty (Missouri) Tribune, January 24, 1862.

<sup>26</sup>C. B. Rollins, ed., "Letters of George Caleb Bingham to James S. Rollins," Missouri Historical Review, October, 1938, 47.

<sup>27</sup>Daily Missouri Republican, January 23, 1862.



Louisiana Journal: "Gen. Henderson is an able, conservative man, and his appointment will be hailed with delight by the loyal citizens of our State. Gen. Henderson's loyalty is above suspicion; having ever since the commencement of our difficulties, been a decided, thorough-going Union man, in favor of sustaining the government, and protecting the flag of our Union."<sup>28</sup> On the subject that was becoming increasingly important to the nation and Missouri, emancipation, the Journal continued: "While they will ardently sustain the government in all just means for the suppression of the rebellion, they will equally oppose the radical schemes of the fanatical abolitionists, for changing the war from one for the Union, to one for the turning loose 4,000,000 of ignorant lazy negroes."<sup>29</sup>

Henderson left Louisiana on January twenty-third, but was compelled to remain in St. Louis for two days because of illness, and arrived in Washington on the twenty-eighth of January. The next day, he was presented to the Senate by Wilson, the oath was administered, and he took his seat.<sup>30</sup> Even though he was a freshman Senator, many matters were debated by him during his first years in Washington, but nothing had more emotion or political importance than the emancipation issue within the border states. Henderson's character and integrity were amply displayed by his consistent demand for constitutional safeguards while advocating emancipation. As a former slave owner from a border state, and the author of the Thirteenth Amendment, his attitude and support for emancipation were important in illuminating his political career.

President Lincoln's plan to keep the border states loyal included gradual,

<sup>28</sup>Louisiana Journal, January 23, 1862.

<sup>29</sup>Ibid.

<sup>30</sup>Congressional Globe, 37th Congress, 2nd Session, p. 533; Louisiana Journal, January 30, 1862.

compensated emancipation for loyal owners. Two months after Henderson entered the Senate, Lincoln embodied this idea in a proposal he sent to Congress asking for support, especially from the border states.<sup>31</sup> The debate over the bill provided Henderson an early opportunity to express his opinions on emancipation. He said, "additional slavery agitation will do no good but great harm. Putting down the rebellion requires the complete energy of all the friends of the Union."<sup>32</sup> Henderson feared discussion of emancipation would threaten Union support in the border states, where large numbers of Union sympathizers owned slaves. He did not oppose abolishing slavery, but concluded it would not be militarily expedient for the Union at this time. Despite this reservation, Henderson found Lincoln's proposition sound. "It intimates to the States that the nation would prefer gradual to immediate emancipation. Then sir, I shall cast my vote for it. I regard it as no insult to the people of the State; I regard it as no threat; but I regard it as a measure that is conciliatory, and looks to the future peace and harmony of the country, and to the early restoration of the Union."<sup>33</sup>

Henderson and his colleague Wilson were divided on the first wartime vote for gradual emancipation, a division between Missouri's two senators which was typical of public opinion in the state. Political parties had disappeared in the turmoil of the war and civil unrest. However, General Fremont's August, 1861 emancipation proclamation had rekindled the political fires. The present

<sup>31</sup>John B. Henderson, "Emancipation and Impeachment," Century Magazine, December, 1912, 197; Roy P. Basler, ed., The Collected Works of Abraham Lincoln (New Brunswick, New Jersey, 1955), V, 144-146.

<sup>32</sup>Congressional Globe, 37th Congress, 2nd Session, p. 1391; Louisiana Journal, April 10, 1862.

<sup>33</sup>Daily Missouri Republican, April 1, 1862; Congressional Globe, 37th Congress, 2nd Session, p. 1393.

differences were not associated with pre-civil war party labels, but rather two emancipation philosophies, radical and conservative. The distinction between the two groups came from differing views as to the best method of ending slavery in Missouri, but broadened to include the administration of the state government, attitude toward the national administration, and treatment of the southern sympathizers. There were three shadowy factions on emancipation by the second year of the war; "Charcoals," who supported Fremont's proclamation; "Claybanks," who favored gradual, compensated emancipation; and "Snowflakes," who opposed emancipation in any form.<sup>34</sup> By far, the majority of Missourians agreed with the Claybank faction. Of the two senators from Missouri, Henderson was classified as a Claybank and Wilson a Snowflake. Both Senators returned to Missouri in June, 1862 to attend the fourth session of the Missouri State Convention. The Daily Missouri Republican commented: "On the really important points before Congress it is presumed they have 'paired off' and their presence there will not, therefore involve the neglect of important public business."<sup>35</sup>

Henderson's participation in the fourth session was abbreviated. On June second he answered the first roll call and was assigned to the committee on Congressional Districts.<sup>36</sup> He was not a participant in the early debates, but waited until June sixth, the day before he returned to Washington, to express his views on the important issue before the delegates. Henderson made a lengthy speech detailing his views on the future of slavery and the prospects for

<sup>34</sup>Marguerite Potter, "Hamilton R. Gamble, Missouri's War Governor," Missouri Historical Review, October, 1940, 56; Laughlin, Missouri Historical Review, 93; Harding, American Historical Association, 98.

<sup>35</sup>Daily Missouri Republican, June 1, 1862.

<sup>36</sup>Journal of the Missouri State Convention, June, 1862, (St. Louis, 1862), p. 9; Daily Missouri Republican, June 4, 1862.

emancipation. His remarks were made as a consequence of the convention vote to table a bill that provided gradual, compensated emancipation for Missouri.<sup>37</sup>

"I think it is altogether likely that in less than six months from this day propositions will be adopted that members hardly dream of."<sup>38</sup> He admonished the delegates, saying, "I tell you, Mr. President, the Northern people will not much longer furnish their money and their sons for the suppression of this rebellion without resorting to all the means that God and men have put into their hands for this purpose."<sup>39</sup> In closing, Henderson said, "I again repeat, that, so long as the President is Commander-in-Chief of the armies, he will do everything in his power to protect the institution of slavery in the loyal states; but the President may be required to declare the slaves free, especially in the seceded States, and every gentleman can draw his own conclusions as to what will be the result in the border states."<sup>40</sup> Evidently Henderson had prior knowledge of Lincoln's intention to issue an emancipation proclamation, but the convention did not heed his pleas, in defeating by an overwhelming 52-19 vote the ordinance that would have submitted gradual emancipation to the voters. Disappointed, Henderson left for Washington on June eighth to attend the remainder of the second session of Congress. Henderson's stature was not diminished in Missouri by his stand for compensated emancipation. The Washington correspondent for the Louisiana Journal commented on the high regard with which Henderson was held: "This much I will say, that our own Senator, Gen. Henderson, and our Representative, Maj. Rollins, stand high. No man ever gained

<sup>37</sup>Journal, June, 1862, pp. 19-20.

<sup>38</sup>Proceedings of the Missouri State Convention, June, 1862, (St. Louis, 1862), p. 98.

<sup>39</sup>Ibid., p. 99.

<sup>40</sup>Ibid., p. 104; Walter B. Stevens, "Lincoln and Missouri," Missouri Historical Review, January, 1916, 83.



in so short a time, so high a position in the Senate as Gen. Henderson has, in the few months he has been there."<sup>41</sup>

In July, Lincoln had renewed his efforts on behalf of compensated, gradual emancipation with another appeal to the border state representatives in Congress. On July twelfth, Lincoln invited these representatives to the White House to discuss the matter of emancipation, but he received little encouragement from the meeting. Twenty members who attended signed a qualified refusal, opposing Lincoln's recommendation.<sup>42</sup> Unable to attend because of Senate business, Henderson wrote his answer to Lincoln's appeal on July twenty-first. He was prophetic in one paragraph: "In this period of national distress, I know of no human institution too sacred for discussion no material interest belonging to the citizen that he should not willingly place upon the altar of his country, if demanded by the public good. The man who cannot sacrifice party and put aside selfish considerations is more than half disloyal."<sup>43</sup> However, Henderson disagreed with Lincoln over the results of emancipation. Lincoln saw in emancipation a method of rapidly bringing the war to a close, but Henderson did not believe there was any swift way of ending the conflict. Whether or not they agreed on the end results, Henderson supported Lincoln's proposal, and agreed to make gradual, compensated emancipation a fall election issue in Missouri.<sup>44</sup> Henderson was slowly moving toward Lincoln's view that slavery had to be abolished to save the Union.

<sup>41</sup>Louisiana Journal, June 12, 1862.

<sup>42</sup>Henderson, Century, 198; Laughlin, Missouri Historical Review, 94; Stevens, Missouri Historical Review, 83; Parrish, Turbulent Partnership, p. 134.

<sup>43</sup>Edward McPherson, The Political History of the United States of America During the Great Rebellion (New York, 1864), p. 218; Louisiana Journal, August 14, 1862; Daily Missouri Republican, July 26, 1862.

<sup>44</sup>Allan Nevins, The War for the Union (New York, 1960), p. 115; Stevens, Missouri Historical Review, 83.



In the Senate in the spring and summer of 1862, Henderson objected to the confiscation act for the same reason he opposed Fremont's emancipation proclamation. The federal government did not have constitutional authority to free the slaves of loyal men. "I have no objection to confiscating the property of the rebel, including his slave; but let it only be done when guilt has been established under the forms of judicial investigation. I crave this not for the sake of the traitor, but for our sake and in behalf of constitutional liberty."<sup>45</sup>

On July seventeenth the Thirty-Seventh Congress adjourned its second session. Henderson left for Missouri to speak with his constituents concerning his actions during the last Congress and to urge their support of Lincoln's emancipation program. His first address was in the Louisiana Methodist Church on August fifth. Speaking for two and one-half hours, he accounted for his activities and votes during the last session. He said he had laid aside party feeling until the war was concluded, and requested the audience to calmly consider Lincoln's proposition, that it would not disturb the harmony and unity of loyal men. "While I personally a slave owner, I would accept the proposition of the President."<sup>46</sup> The next stop on his tour was Hannibal. On August twentieth he addressed a large crowd, reiterating the ideas expressed at Louisiana two weeks earlier. He expanded his remarks on gradual emancipation to include his opinions on the constitutional question involved.

The government may sanction what is abstractly wrong, but the private citizen who resists the authority of law because his conscience may disapprove it, invites resistance to things approved by himself. Slavery, whether morally right or morally wrong is permitted under the Constitution. Abolitionist activities are wrong. Such efforts are dishonest because they tend to deprive persons of what the law recognizes as property. But all the

<sup>45</sup>Congressional Globe, 37th Congress, 2nd Session, p. 1575.

<sup>46</sup>Louisiana Journal, August 7, 1862.

arguments in favor of the right of property presuppose the loyalty and obedience of the citizen. No one denies the right of the Government to forfeit the lands and personal property including the slaves for the crime of the citizen. I do not hesitate to declare my belief then that Civil war . . . would prove the death-knell of African slavery in this country.<sup>47</sup>

He suggested an agreement between the state and the federal government on emancipation and then to submit it to the people of the state for approval. Finally, "I am free to admit that in my opinion the best thing the people of Missouri can do is to ask the convention again to meet and submit an ordinance such as I have indicated to Congress at its next session."<sup>48</sup> Clearly Henderson was speaking to the moderate-conservative throughout Missouri. His position was a rejection of both extremes--abolitionists and slave-owners who refused to accept gradual compensated emancipation. The speech was well received. The day after the address Henderson was asked to furnish a copy for publication and circulation.<sup>49</sup> He then traveled to St. Louis for a mass meeting where he spoke and endorsed several proposals, especially the resolution accepting the president's emancipation proposal. By the first week of September, Henderson had completed his speaking engagements and his sampling of public opinion on emancipation. In a letter to Lincoln, he revealed his findings, "I have made several speeches to our people in the largest of our slave-holding counties since my return and I have in each case urged most successfully upon their consideration your very generous proposition for compensated emancipation. I feel satisfied that a great change is going on in the public mind in regard to this question. . . I am very certain that I will be in a condition by the meeting of Congress in December to propose acceptance by Missouri."<sup>50</sup>

<sup>47</sup>Daily Missouri Republican, August 29, 1862.

<sup>48</sup>Ibid.,

<sup>49</sup>Ibid.

<sup>50</sup>Henderson to Lincoln, September 3, 1862, Lincoln Papers

Henderson must have been pleased with his Hannibal address, because he included a copy to the President.

In mid-September Henderson was invited to a St. Louis observance of the seventy-fifth anniversary of the adoption of the Constitution of the United States. He accepted, but illness at the last minute prevented his attendance.<sup>51</sup> Certainly, at the back of Henderson's mind was the realization that when the Missouri Legislature convened, his term in the Senate would expire. The speaking engagements of August and September had served a dual purpose; they determined the sentiment of the people for gradual emancipation and provided a platform for his election to the Senate. The elections for the legislature were to be held in November and his public appearances had provided good exposure among the candidates for the General Assembly, who ultimately elected the Senators. As if by coincidence, the Louisiana Journal printed an excerpt of a letter it received from Washington, the author being otherwise unidentified.

Had I the power, John B. Henderson should occupy the place of 'Honest Abe' when his term expires; for I look upon him as one of the first men of the nation and age, a pure patriot, a wise statesman, a true type of the American character, as it should be, a man above reproach, whose ambition is to serve his country in such a way as will rebound to her honor and glory. I hope the people of Missouri will support him as one man. He is this day, in my opinion, her truest friend--her salvation depends on sustaining him; for there is no man in the State who wields the power here that he does. His opinions are looked upon as those of a true statesman, and as such he cannot be now spared from the Senate. I would God we had a few more like him.<sup>52</sup>

By late October Henderson was growing concerned over his election. In writing to James O. Broadhead, urging him to run for the Missouri Senate, Henderson was at a loss to explain the recent attack upon himself. Two Pike county candidates

<sup>51</sup>Daily Missouri Republican, September 17, 1862.

<sup>52</sup>Louisiana Journal, October 2, 1862.

for the state legislature had accused Henderson of being an abolitionist. "Haven't seen (Sam) Russell (,) Hugh Allen talks of nothing except emancipation and my abolitionism--negro equality and the general ruin of the state."<sup>53</sup> Henderson asked Broadhead to use whatever influence he had to stop such talk. Shortly after his letter, Henderson appeared in St. Louis at a rally supporting the candidacy of Frank Blair for Congress.<sup>54</sup> He returned home where he made another speech defending his work in Congress and his addresses since August. This was his last address before the November state elections, which were a victory for emancipation. Of Missouri's nine seats in the House of Representatives, six were won by men sympathetic to emancipation. In the Missouri legislature, the House contained enough emancipation sympathizers to elect the speaker.<sup>55</sup> The election was significant for two reasons; it indicated the people of Missouri were interested in some form of emancipation, and it almost assured Henderson's return to Washington.

Following the fall elections, he returned to Washington for the third session of Congress. As he prepared his emancipation bill, the Missouri legislature wrestled with the election of United States senators. Editorially Henderson's election was supported by the Daily Missouri Republican, Lexington, Missouri, Union, and the Louisiana Journal, three of the more prominent Missouri papers.<sup>56</sup> Although the legislature was pro-emancipation, his election was not a certainty as this excerpt of a letter indicates. "As to the

<sup>53</sup>Henderson to Broadhead, October 23, 1862, Broadhead Papers.

<sup>54</sup>Daily Missouri Republican, November 3, 1862.

<sup>55</sup>Stevens, Missouri Historical Review, 83; Laughlin, Missouri Historical Review, 101; Henderson, Century, 197.

<sup>56</sup>Daily Missouri Republican, November 23, 1862; Louisiana Journal, November 27, 1862.



Senate, my prospects are fair--In confidence Henderson is losing ground. Don't mention this to him for he might mistrust my motive."<sup>57</sup> Jefferson City and St. Louis were rife with rumors of every conceivable combination to win the seats in the Senate. One rumor linked the friends of Henderson and John S. Phelps, while another joined Henderson and Samuel T. Glover forces. Henderson's name consistently appeared as half of almost all the combinations, indicating he had wide and consistent support in the legislature. To clarify his disposition or alliance with any combination, Henderson wrote to Broadhead. "I cannot and will not form any combination with Col. Phelps or any other man in Missouri, who is not in favor of honorable, just and fair schemes of emancipation in the state."<sup>58</sup>

On December ninth, Henderson announced to the Senate he would introduce legislation to aid Missouri in carrying out compensated emancipation.<sup>59</sup> He introduced the bill ten days later, while Representative John W. Noell of Missouri submitted a similar House bill. Although both sought compensated emancipation there were significant differences. Noell's bill offered \$10,000,000, and Henderson's \$20,000,000 for immediate emancipation. The House bill did not provide any compensation for gradual emancipation, while the Senate bill provided not less than \$10,000,000.<sup>60</sup> This was a serious and fundamental difference. The Missouri Constitution required payment to owners for loss of slaves, but under the Noell bill, that would have been impossible because of inadequate money. Ten millions for immediate emancipation would not have returned the cost

<sup>57</sup>Samuel T. Glover to Montgomery Blair, December 1, 1862, Blair Family Papers, Library of Congress, Washington.

<sup>58</sup>Henderson to Broadhead, December 14, 1862, Broadhead Papers.

<sup>59</sup>Meyer, Heritage of Missouri, p. 383; Congressional Globe, 37th Congress, 3rd Session, p. 52; Louisiana Journal, December 18, 1862.

<sup>60</sup>Nicolay and Hay, Lincoln, VIII, 396; Congressional Globe, 37th Congress, 3rd Session, p. 138; Henderson, Century, 197.



for their slaves. Henderson's bill recognized the problem, and provided a better solution. If gradual emancipation was accepted, the ten millions compensation would be sufficient over the longer period. If Missouri chose immediate emancipation, the twenty millions would provide a reasonable price for all the slaves at that time. Underlying these differences was a personal contest for the Senate seat held by Henderson. Both bills were used by the two men to advertise their candidacy for the Senate. "Some persons here say that Noell is making the most desperate exertions for the Senate and one gentleman of the House was so unkind as to remark that he had recently written a bushel . . . of letters to the members. He never opens his head to me--has not intimated that he is a candidate."<sup>61</sup> Both men had their eyes on the emancipation-dominated Missouri House and its deliberations in electing Senators. The United States House passed Noell's bill on January 6, 1863 and sent it to the Senate. At the time, Lincoln telegraphed General Samuel R. Curtis in Missouri urging him to keep things quiet for two or three weeks. By then Congress would have done something about slaves.<sup>62</sup>

The real difficulty in Congress centered on the fundamental differences in the two bills; the amount to be paid to emancipate the slaves and the last date for slavery. Henderson pleaded with the Senate to maintain the amount he had proposed, instead of the figure recommended in the House bill. He had asked the Missouri Legislature for an indication of the amount necessary to effect emancipation, and they passed a joint resolution requesting \$25,000,000.<sup>63</sup> He knew it was not possible to obtain this amount, but "I am willing to take the

<sup>61</sup>Henderson to Broadhead, December 27, 1862, Broadhead Papers.

<sup>62</sup>Basler, ed., Collected Works, VI, 52; Nicolay and Hay, Lincoln, VIII, 396.

<sup>63</sup>Henderson to Robert T. Van Horn, January 8, 1863, Civil War Political Papers, Missouri Historical Society, St. Louis; Louisiana Journal, January 15, 1863; Congressional Globe, 37th Congress, 3rd Session, pp. 351-357.

least possible amount that I believe we can get along with; and if it is given, I hope that the legislature will accept it."<sup>64</sup> Henderson argued the \$10,000,000 of Noell's bill would be sufficient only if emancipation would be extended until 1885 or 1890. Constitutionally he expressed this position:

It is claimed that Congress may in a time of war, and for the purpose of restoring peace, interfere with slavery, in a state, even to the extent of its abolishment. I desire no forced construction of the Constitution in this case; I want no precedent to justify future usurpations of power or interference with the reserved rights of the States. I would resort to the same mode of construction now that would govern me in a time of peace. To sustain the Constitution, it is not necessary to use power outside of its grants. It should be regarded as a living instrument intended for the government of a great and progressing people linked in perpetual union.<sup>65</sup>

The Senate completely altered Noell's bill, necessitating its return to the House. The Henderson sponsored bill passed the Senate on February 12, 1863, by a vote of 23-18.<sup>66</sup> Henderson's evaluation of its chances in the House were contained in a letter to Broadhead:

Since it reached the House, Noell has suffered them in caucus to reduce the am't to 15 millions, strike out gradual and make it immediate, & to take away the whole value of the bonds by requiring an act of appropriation here after to pay them. It also provides that nobody shall be paid who ever countenanced, aided, or dreamed of countenancing or aiding the present rebellion or who has not been loyal (to be determined I suppose by the District Provost Marshall or a Lieut or Sergeant). The whole thing at present looks like a d--d farce. I don't know what Noell and Thad. Stevens will do with the matter but I am inclined to think they will do whatever Sumner tells them and he is bent on destruction of the bill.<sup>67</sup>

The House did not call up the amended bill until February twenty-fifth, in the

<sup>64</sup>Congressional Globe, 37th Congress, 3rd Session, p. 587; Daily Missouri Republican, January 23, 1863.

<sup>65</sup>Congressional Globe, 37th Congress, 3rd Session, p. 355.

<sup>66</sup>Ibid., p. 903.

<sup>67</sup>Henderson to Broadhead, February 22, 1863; Broadhead Papers.

last days of the session. The opponents of the bill were successful in keeping the measure from a vote until the session ended. This effectively killed compensated emancipation in the United States Congress. Unfortunately for the program of compensation, the House and Senate could not agree on the amount needed to effect the purchase of Missouri slaves. The view sustained by Henderson seems the most practical and moderate when weighed against those of Missouri, Congress, and the President. Even while Congress debated the two compensation bills, the fate of slavery in Missouri was sealed by Lincoln's Emancipation Proclamation of January 1, 1863.

While Henderson was trying to obtain federal aid for emancipation, the Missouri Legislature continued to struggle over the election of Senators. The legislature's only success was the election of Henderson to complete the term that expired on March 4, 1863.<sup>68</sup> The General Assembly was deadlocked in electing a man for the term expiring on March 4, 1867. The long term was to be filled last, and it was generally agreed Henderson would be selected. But until the short term was decided, the other would remain vacant. The contests in the joint sessions were between conservative and radical philosophies on emancipation and the administration of the state government of Missouri. The failure of the legislature was significant. After March 4, 1863 Missouri did not have a representative in the Senate of the United States. The stalemate was not resolved until the re-convening of the legislature in November, 1863.<sup>69</sup> This in part explains why there was no attempt to carry out a new program of compensated emancipation. By the time Henderson, Lincoln's spokesman on compensated

<sup>68</sup>Louisiana Journal, January 15, 1863; Liberty Tribune, January 9, 1863; Congressional Globe, 37th Congress, 3rd Session, p. 1041; Potter, Missouri Historical Review, 56.

<sup>69</sup>Laughlin, Missouri Historical Review, 102; Peterson, Freedom and Franchise, p. 129; Parrish, Turbulent Partnership, pp. 172-173.

emancipation, had returned to the Senate, his attitude and those of the Nation had altered. Henderson's changing view on emancipation was evident during the state convention of 1863.

In the summer of 1863 Governor Gamble called the state convention into its last session. The primary purpose of this session was to pass an emancipation ordinance, because the Missouri General Assembly had failed to reach agreement. Henderson attended the session and significantly was chosen to the Committee on Emancipation. He spoke in favor of emancipation; desired compensation; but with or without compensation, emancipation was a necessity in Missouri. "Once the civil war commenced no human power could prevent emancipation. If the convention had passed an ordinance of emancipation a year ago in answer to the President's and Congress' proposal, I have no doubt that compensation would have been obtained."<sup>70</sup> In concluding his remarks, he attempted to show the rapidly changing opinions on emancipation. "Twelve months ago only 19 (Henderson was one) voices were raised against tabling a proposition that gave slavery (a) 70 year lease. During the month of March last a lease of 37 years was rejected by opponents of emancipation. It is now reduced to 13 years and a refusal to close with the terms offered may possibly result in the total loss of the entire institution. To such men I say that slavery has ceased to be of pecuniary value."<sup>71</sup> His speeches and support in the convention indicate a transition from compensated and gradual, to immediate emancipation. He believed the interests of the state demanded the ultimate extinction of slavery. On July first the convention passed an ordinance providing gradual emancipation for the state after 1870. The radicals opposed the ordinance and were supported by the

<sup>70</sup>Daily Missouri Republican, June 26, 1863.

<sup>71</sup>Ibid., June 29, 1863.



"Snowflakes" in the convention, but their strength was not sufficient to prevent passage. Henderson wrote Lincoln:

Nine tenths of the people every-where in the State are disposed to acquiesce in the recent ordinance of the convention abolishing slavery prospectively. The elements opposing it among the people are the same that opposed it in the convention--the radical revolutionists, and the original secessionists. The ordinance is not exactly as I would have had it, but it is better than I expected, and secures all that the true friend of the Government ought to ask. The point again is, that the people--the masses, will yield to it a willing support and our internal peace is put beyond pre-adventure.<sup>72</sup>

After the convention adjourned Henderson turned his attention to the Senate contest.<sup>73</sup>

When the Missouri legislature re-convened in November, 1863, its principal task was to fill the vacancies of two United States Senators. The result was the election of B. Gratz Brown to the term ending March 4, 1867, and Henderson to the full term ending March 4, 1869. Most newspapers and Missouri "watchers" agreed the election was a draw between contending factions in the state. "Yours saying Brown and Henderson are elected Senators is received. I understand, this is one and one. If so, it is knocking heads together to some purpose."<sup>74</sup>

Before leaving for Washington, Henderson's Louisiana friends honored him with an oyster supper. He departed for the capital shortly before the first of the year.<sup>75</sup> He announced his intention to sponsor a constitutional amendment

<sup>72</sup>Henderson to Lincoln, July 6, 1863, Lincoln Papers.

<sup>73</sup>Louisiana Journal, July 18, 1863; Daily Missouri Republican, July 28, 31, August 1, 3, and 4, 1863; Liberty Tribune, August 14, 1863.

<sup>74</sup>T. J. Gantt to Montgomery Blair, September 30, 1863, Blair Family Papers; Basler, ed., Collected Works, VII, 13; Daily Missouri Republican, November 14, 1863; William Lornow, "Missouri Radicals and the Election of 1864," Missouri Historical Review, July, 1951, 362; Hans L. Trefousse, The Radical Republicans (New York, 1969), p. 276.

<sup>75</sup>Louisiana Journal, December 5, 1863; Congressional Globe, 38th Congress, 1st Session, p. 1.



for emancipation of slaves, soon after returning to Washington. Henderson's amendment represented the last step from gradual, compensated, to immediate emancipation. However, the theme in all his speeches, proposals and debates, was his scrupulous regard for the constitutional procedures in the abolition of slavery. From first to last he had maintained this constitutional obligation. On the eleventh of January, 1864 he introduced his resolution.<sup>76</sup> It was read twice and referred to the Committee on the Judiciary. There was considerable debate over the wording of the resolution, but not the basic concept. Senator Charles Sumner offered one version and Senator Lyman Trumbull suggested the terms of the Ordinance of 1787. The latter wording received the broadest support and on April 9, 1864 the Senate passed it with the required two-thirds majority.<sup>77</sup> The resolution went to the House but was delayed until the next Congress. On January 11, 1865 the House accepted the resolution, and the Thirteenth Amendment was sent to the states for ratification.<sup>78</sup>

<sup>76</sup>New York Times, January 12, 1864; Congressional Globe, 38th Congress, 1st Session, p. 145; Nicolay and Hay, Lincoln, X, 75; McPherson, The Great Rebellion, p. 255; Daily Missouri Republican, January 12, 1864.

<sup>77</sup>New York Times, April 9, 1864; Henderson, Century, 198; Trefousse, Radical Republicans, p. 298.

<sup>78</sup>Henderson, Century, 198.

CHAPTER VI  
INDIAN PEACE COMMISSION OF 1867

The second session of the 39th Congress convened in early December, 1866. Following preliminary organization, the standing committees for the session were announced, with Henderson assigned to the committees of District of Columbia, Audit and Control and the Expenses of the Senate, and chairman of Indian Affairs.<sup>1</sup> This chairmanship brought Henderson additional responsibility and an awareness the Indian problem must be dealt with. For decades the friction between Indian and white had resulted in loss of lands and reduction of the tribes. As chairman of the Indian Affairs Committee, Henderson would attempt an equitable solution to the century old problem.

In the 1820's the territory somewhere west of Iowa, Missouri and Arkansas had the reputation as the Great American Desert. Considered unsuitable for the white man, it would serve as a reservation for the eastern Indian, who would be moved there by 1835.<sup>2</sup> This "desert" would be one big reservation for the plains and eastern Indians. As long as the United States maintained this policy, peaceful relations existed between the two races.<sup>3</sup> In the decades prior to the Civil War, the concept of the "desert" and its one reservation, vanished. Its disappearance was due to several factors, but the opening of immigrant routes west was the principal one. The heart of the big reservation (the present states of Nebraska and Kansas) blocked the transportation routes to the mountains and beyond.<sup>4</sup> Railroad construction and immigrant crossing

<sup>1</sup>Congressional Globe, 39th Congress, 2nd Session, p. 13.

<sup>2</sup>Roy M. Robbins, Our Landed Heritage (Lincoln, Nebraska, 1962), p. 51.

<sup>3</sup>Ray A. Billington, Westward Expansion (New York, 1967), p. 655.

<sup>4</sup>James Mooney, "Calendar History of the Kiowa Indians," 17th Annual Report of the Bureau of American Ethnology, (Washington, 1898), p. 182.

of the reservation led to numerous Indian uprisings after the Civil War.

By the close of the war, the Indians of the plains were pressured from all sides. The California gold strikes were over, but prospectors had moved into the Rockies in their quest for gold and silver. The lands of Oregon, Washington, and Texas were rapidly diminishing; in 1867 Nebraska and Kansas were no longer territories. When previously threatened or surrounded, the Indian had moved to lands not desired by the white man. There was no sanctuary where the Indian could continue his nomadic existence. The unsettled lands of the west were disappearing, and so were the alternatives for the Indian.<sup>5</sup>

The first serious conflict came in the 1860's as a direct result of a mining boom on the eastern slopes of the Rockies. The discovery on the Cheyenne and Arapaho reservations led to the infamous Sand Creek Massacre by Colonel J. M. Chivington and the Colorado militia. In retaliation, during the winter of 1864-65, the Platte valley was under attack by Cheyenne and Arapaho. In the fall of 1865, a treaty was signed and temporary peace came to the Southern plains.<sup>6</sup>

The central plains were hardly quiet when another Indian war erupted. It was occasioned by reports of the Sand Creek Massacre, the increasing numbers of settlers moving into Montana, and the government's attempt to build a wagon road to Montana.<sup>7</sup> Word that the government was to construct a road through the Powder River country aroused the Sioux in united action. They could not allow a road through their favorite hunting grounds, and Red Cloud warned that

<sup>5</sup>Robbins, Landed Heritage, pp. 225-226.

<sup>6</sup>Mooney, "Calendar History," American Ethnology, p. 183; William H. Leckie, The Military Conquest of the Southern Plains (Norman, 1963), pp. 23-24.

<sup>7</sup>Billington, Expansion, p. 659; Henry E. Fritz, The Movement For Indian Assimilation, 1860-1890 (Philadelphia, 1963), p. 61.

any attempt would be resisted. Nevertheless, in the summer of 1866 three forts were erected along the Powder River Road; Forts Reno, Phil Kearny, and C. F. Smith. Construction crews and forts were under almost constant attack. The Powder River war reached its climax with the Fetterman Massacre, and the next year the three forts were abandoned.<sup>8</sup> The Fetterman Massacre provided the impetus for Americans to begin a re-examination of their government's Indian policy.<sup>9</sup>

Eastern humanitarians believed the Indian troubles stemmed from a division of authority between the War Department and the Department of Interior. The Indian Bureau had been under the jurisdiction of the War Department, but in 1849 was transferred to the Department of Interior. The merits of soldiers or civilians as Bureau administrators influenced any discussion of Indian problems from 1867-79.<sup>10</sup> The dispute was not over hostile Indians--the Bureau readily agreed the War Department should have jurisdiction. It was the peaceful Indian that aroused the heated debate. Congressmen generally voiced the opinion of their section, the west wanting military control of Indian affairs, and the east vigorously opposing such a move.<sup>11</sup>

The re-appraisal of the Indian problem following the Fetterman Massacre was aided by a report from the Joint Special Committee on the Condition of the Indian Tribes, created in 1865. Published in 1867, it concluded that Indians were decreasing in number due to disease, war, cruel treatment by

<sup>8</sup>Ibid., p. 61; Leckie, Military Conquest, p. 32.

<sup>9</sup>New York Times, January 9, 1867.

<sup>10</sup>Loring B. Priest, Uncle Sam's Stepchildren (New Brunswick, New Jersey, 1942), p. 15.

<sup>11</sup>Marvin H. Garfield, "Defense of the Kansas Frontier," Kansas Historical Quarterly, I, August, 1932, 329.

whites, unwise governmental policy and the steady westward advance of the white man. In a majority of cases the Indian wars were attributed to aggressive, lawless white men, loss of hunting grounds and destruction of game. The report concluded with a recommendation that the Indian Bureau remain in the Interior Department.<sup>12</sup> Some of its conclusions were justified by events that occurred on the Kansas plains during the spring and summer of 1867.

Kansas, early in 1867, was alive with talk of an Indian uprising. General W. S. Hancock had taken the field in March to over-awe the Indians, hoping that his military demonstration would impress them and they would keep the peace.<sup>13</sup> Whatever his intended purpose, the expedition did not bring peace to the Kansas plains. In April, according to Governor Samuel J. Crawford, "the plains of Kansas (were) swarming with bloodthirsty Indians."<sup>14</sup> There was substantial evidence to support the argument that Hancock's expedition incited the Cheyenne to hostile acts. Careful examination of the available evidence in 1867 suggests that the Hancock expedition was dispatched on false information.<sup>15</sup> The Kansas events, the report of the Joint Congressional Committee, and the Fetterman incident were used by the humanitarians to change the government's Indian policy.

<sup>12</sup>United States Congress, Senate Reports, No. 159, 39th Congress 2nd Session, pp. 1-10; New York Times, January 27, 1867; Leckie, Military Conquest, pp. 57-58.

<sup>13</sup>Lonnie J. White, "Warpath on the Southern Plains," Journal of the West, IV, October, 1965, 485; George B. Grinnell, The Fighting Cheyennes (Norman, 1956), p. 247; William E. Connelley, "Treaty Held at Medicine Lodge," Col-lections of the Kansas State Historical Society, XXVII (Topeka, 1928), pp. 601-2.

<sup>14</sup>Samuel J. Crawford, Kansas in the Sixties (Chicago, 1911), p. 251.

<sup>15</sup>Douglas C. Jones, The Treaty of Medicine Lodge (Norman, 1966), pp. 96-97; Leckie, Military Conquest, pp. 33-39.



Their solution to the all too frequent wars was that the Indian abandon his nomadic life and accept out-of-the-way reservations where he would lead an agricultural existence. In this concept providing for small reservations, the Indian would become temporary wards of the government, while gradually learning the white man's civilization. This satisfied the westerner because it confined the Indian to a relatively small area, leaving the remainder of the frontier to the settler. The eastern humanitarians supported the plan because it isolated the Indian from the evil influences of the white man, and would provide an easier transition to civilization.<sup>16</sup> As early as February, 1867 Henderson expressed his hopes for the Indian of the plains.

Something ought to be done in order to correct this system. I have not any doubt that it will be done; and, with a view to that end, I think commissioners ought to be appointed, if not permanent commissioners, at least a temporary board for the purpose of devising ways and means of having the Indians put upon certain reservations beyond the lines of travel as far as possible, and collecting them in a space much smaller than in which they now are. That will have to be done ultimately, and the sooner it is done the better.<sup>17</sup>

Little else was done by Congress concerning the Indian reservations in the second session of the 39th Congress.

Congress reconvened on July 3, 1867 and on the fifteenth, Henderson introduced his bill for a special peace commission to meet with the Indians.<sup>18</sup> The next day, he called up the bill and made a short speech in its support.

I propose that a joint commission of military men, who have been engaged in this war, and who understand the condition of affairs, and certain eminent civilians, to whom I shall propose to add the Commissioner of Indian Affairs, be appointed; and that commission undertake, if possible, to make peace. I am not justifying the Indians in their barbarity; but we, in the treaty, said they shall stay where they are until the President finds other quarters for

<sup>16</sup>Billington, Expansion, p. 661.

<sup>17</sup>Congressional Globe, 39th Congress, 2nd Session, p. 1623.

<sup>18</sup>Ibid., 40th Congress, 1st Session, p. 655.

them.

Gentlemen may say that the savage must give way to civilization. Surely so; but then we ought to make the savage give way to civilization in such a manner as that we shall show a recent respect for ourselves and something like a regard for our own honor. Civilization ought to be civil. I am only here for the purpose of standing up to our own treaty obligations, and in my opinion when we do that we shall have less trouble with the Indians.

Now, what is this proposition? It is to do something with these Indians; and what is that? To remove them off the line of these two railroads, the Platte road and the Smoky Hill road. We want to get them south of the Arkansas river and north of the Platte river, and bind them by treaty stipulations not to go upon the line of these roads.<sup>19</sup>

Senate bill no. 136 embodying Henderson's proposals was signed by President Andrew Johnson on July twentieth. The law authorized the Peace Commission to; restore peace to the plains, secure the right-of-way for Pacific railroads, provide protection of frontier settlements, and recommend a permanent Indian policy.<sup>20</sup> Besides establishing the commission, the law designated four of the eight commissioners.

As Chairman of the Senate Committee on Indian Affairs, Henderson acted as public relations man for the commission, as well as principal draftsman for the Commission's statements to the Indians. He was described as having a "cool head, courteous in deportment, patient, affable to all, eager to oblige, and always thoughtful to the wants of others."<sup>21</sup> N. A. Taylor, Commissioner of Indian Affairs was also designated. Taylor was elected president of the Commission, and although not as energetic as Henderson, was effective in settling

<sup>19</sup>Ibid., pp. 668-669; New York Times, July 28, 1867.

<sup>20</sup>Congressional Globe, 40th Congress, 1st Session, p. 715; Marvin H. Garfield, "The Indian Question in Congress and Kansas," Kansas Historical Quarterly, II, February, 1933, 32.

<sup>21</sup>"A British Journalist Reports the Medicine Lodge Peace Councils of 1867," Kansas Historical Quarterly, XXXIII, Autumn, 1967, 253; Jones, Medicine Lodge, p. 209.

disputes among the Commissioners. Formerly a Methodist minister, he accepted the office of Commissioner with the hope of helping the Indian. The third member of the Commission, Samuel F. Tappan had been a colonel in the Colorado militia, and was in charge of the investigating commission into the Sand Creek Massacre. A man of few words, he nonetheless was considered to be well informed on the life of the Indians. However, it was reported "that all Tappan ever did was sit and contemplate the ground between his feet, or on more active days, whittle on a stick."<sup>22</sup> The last commissioner specifically named in the law was John B. Sanborn. He had seen service as a general of the volunteers during the Civil War. Sanborn was an authority on the Treaty of the Little Arkansas of 1865, having been a party to the negotiations. His official duties for the Peace Commission were procurement and disbursement but he had the reputation of a good storyteller and a sense of humor.<sup>23</sup>

The remaining members of the Commission were selected by the President. The most prominent and best known of all the commissioners, was Lieutenant General William T. Sherman, Commander of the Division of the Missouri. Although Sherman did not go to Medicine Lodge, having been recalled to Washington, he remained a member of the board, and took part in writing the Commission's official report.<sup>24</sup> The vacancy created by General Sherman's absence was filled by General C. C. Augur, a subordinate to Sherman, and Commander of the Department of the Platte. A graduate of the United States Military Academy, he saw field service in the Mexican and Civil Wars, and retired from

<sup>22</sup> Jones, Medicine Lodge, p. 208.

<sup>23</sup> Ibid., Leckie, Military Conquest, p. 25.

<sup>24</sup> Robert G. Athearn, William Tecumseh Sherman and the Settlement of the West (Norman, 1956), p. 172; Jones, Medicine Lodge, pp. 18-19.

active service in 1885.<sup>25</sup> The second general officer to go to Medicine Lodge as a Commissioner was Alfred H. Terry. General Terry, another subordinate of General Sherman, was Commander of the troublesome, Department of the Dakota. A graduate of Yale, he had extensive field service during the Civil War, remaining in the regular army and serving in the west, where he retired in 1888.<sup>26</sup> The last military officer of the Peace Commission was a retired General, William S. Harney. Of the commissioners, he was the Indian authority. He had previous service in the Seminole War and in the west. Although sympathetic to the South at the outbreak of the Civil War, he remained with the Union, but was relieved of command in 1861 and retired from service in 1862. His official capacity with the Commission was supervision of the column and camp, which he did with military precision.<sup>27</sup>

Other than Commissioners, escort, and housekeeping personnel, the Indian Peace Commission was accompanied by six reporters, representing such papers as the New York Herald, the Commercial of Cincinnati, Frank Leslie's Illustrated Newspaper, the Missouri Democrat and Daily Missouri Republican. Of the reporters, Henry M. Stanley would be the most renowned in later years for his explorations in Africa, and finding Dr. David Livingston. Stanley represented the Missouri Democrat.<sup>28</sup>

The Commission's purpose was unique when compared to earlier meetings

<sup>25</sup>Mark M. Boatner, The Civil War Dictionary (New York, 1959), pp. 34-35; Concise Dictionary of American Biography (New York, 1964), p. 34.

<sup>26</sup>Boatner, Civil War Dictionary, p. 376; Concise Dictionary of American Biography, p. 1052.

<sup>27</sup>Boatner, Civil War Dictionary, p. 376; Jones, Medicine Lodge, p. 207; Concise Dictionary of American Biography, p. 400; St. Louis Daily Missouri Republican, July 27, 1867.

<sup>28</sup>"A British Journalist," Kansas Historical Quarterly, 251.

with the Indians. The law required this Peace Commission to devise some program that would bring civilization to the Indians. It was to be a new approach to an old problem. Instead of writing a new treaty with smaller boundaries, the Peace Commission would attempt to gain Indian acceptance of a new way of life.<sup>29</sup>

Henderson stopped over in Louisiana on his way to the first Commission meeting in St. Louis, held in parlor six of the Southern Hotel, on August sixth. At the meeting Taylor was elected president and A. S. H. White of the Indian Bureau, as secretary. Following their election, there was considerable discussion over the proper procedure; should they visit the Indians, or prospective reservations, first? The members agreed to meet the next day to resolve this and other organizational problems.<sup>30</sup> The Daily Missouri Republican commented on the members; "the board is composed of men of eminent character and distinguished services and doubtless whatever they do in the arduous undertaking before them will receive the approval of the country."<sup>31</sup> At General Sherman's headquarters the next day, Henderson dominated the meeting. He proposed, and the Commission agreed, to send runners to the tribes north and south of the Platte. Those tribes north of the Platte were to assemble at Fort Larned at the full moon in October. From Henderson's suggestions,

<sup>29</sup>Jones, Medicine Lodge, p. 17; Congressional Globe, 40th Congress, 1st Session, pp. 667-673 and 678-690.

<sup>30</sup>Leckie, Military Conquest, p. 58; W. A. Nichols to W. T. Sherman, July 31, 1867, William T. Sherman Papers, Library of Congress, Washington; "Minutes of the Indian Peace Commission," August 6, 1867, p. 1, Record Group 48, Secretary of the Interior, National Archives, Washington; Louisiana Weekly Journal, August 3, 1867.

<sup>31</sup>Daily Missouri Republican, August 7, 1867; New York Times, August 8, 1867.



the Commission adopted the following resolutions: that they leave from Omaha by August thirteenth, and that they employ a photographer and reporter for the Commission. Having settled the organization problems, Henderson left St. Louis for home, to meet the Commission at one of the Missouri River ports.<sup>32</sup>

The Commission left St. Louis on the chartered steamer St. John and arrived at St. Joseph on August fourteenth, where Henderson re-joined the party.<sup>33</sup> At Fort Leavenworth their stay had been long enough to take testimony from General Hancock, in relation to the recent Indian disturbances. On the trip from St. Joseph, Henderson read scripture to the company and General Sherman commented on them.<sup>34</sup> On August twenty-first the Commission reached Yankton, Dakota Territory. The primary purpose of the steamer trip up the Missouri River was to inspect the country for suitable reservations and to notify the Indians of the council to be held at Fort Laramie in September.<sup>35</sup> The commissioners ascended the Missouri as far as the Big Cheyenne River. The party wanted to go as far as Fort Rice, located near the mouth of the Cannonball River, but low water and lack of time prevented their going further. While the steamer was turned around Henderson went ashore and followed the Cheyenne a few miles up stream so he could judge the country.<sup>36</sup>

<sup>32</sup>Daily Missouri Republican, August 8, 1867; N. G. Taylor to George B. Willis, August 9, 1867, Record Group 48, Indian Treaty Commission, 1867-1868, Secretary of the Interior, National Archives; Louisiana Weekly Journal, August 10, 1867; New York Times, August 11, 1867; "Minutes," August 7, 1867, pp. 3-4, National Archives.

<sup>33</sup>Daily Missouri Republican, August 8, and 15, 1867; New York Times, August 27, 1867; Louisiana Weekly Journal, August 17, 1867.

<sup>34</sup>Daily Missouri Republican, August 24, 1867.

<sup>35</sup>"Minutes," August 12, 1867, p. 5, National Archives; Daily Missouri Republican, August 29, 1867.

<sup>36</sup>Daily Missouri Republican, September 11, 1867.

Returning downstream, the commissioners held short talks at various points, reaching Omaha on the eleventh of September. The next day General Sherman received word the Indians were not assembling at Fort Laramie for the September meeting. They said they would come during the full moon in November. Unable to meet with the Fort Laramie Indians, the Commission recessed until time to leave for the council with the southern bands at Fort Larned. Henderson arrived in Louisiana September twenty-fourth.<sup>37</sup>

The reassembled Commission left St. Louis at three-thirty aboard the Union Pacific, Eastern Division, for Fort Harker, expecting to arrive on Monday night the seventh of October.<sup>38</sup> The Commission had altered its plans to meet the southern Indians eighty miles south of Fort Larned, on Medicine Lodge and Elm Creeks. The council site had been selected by Thomas Murphy, Superintendent of Indian Affairs for most of Kansas. After a brief rest at Harker, which included a serenade by the post band, the Commission continued the journey by ambulance to Fort Larned and the council site.<sup>39</sup> The Peace Commission column contained ten ambulances for commissioners and reporters, thirty wagons carrying supplies, and an escort commanded by Major Joel H. Elliott, composed of two companies of the 7th Cavalry, with a battery of Gatlin guns from the 4th Artillery.<sup>40</sup>

<sup>37</sup>Ibid., September 13, 1867; New York Times, October 16, 1867; Louisiana Weekly Journal, September 18, 1867; "Minutes," September 13, 1867, p. 16, National Archives.

<sup>38</sup>Daily Missouri Republican, October 6 and 12, 1867.

<sup>39</sup>Ibid., October 12, 1867.

<sup>40</sup>"A British Journalist," Kansas Historical Quarterly, 250-251; Major Joel H. Elliott, "Official Report," November 5, 1867, Record Group 393, Department of the Missouri, National Archives; Daily Missouri Republican, October 18, 1867.

The column reached Fort Larned on the eleventh of October, where they were greeted by Thomas Murphy, Jesse Leavenworth, the Kiowa-Comanche agent, and the post commander. Murphy had asked some chiefs to meet the Commission at Fort Larned and ride to the council grounds, to insure against deception, and to flatter the selected leaders.<sup>41</sup>

The Peace Commission spent the night of October twelfth across the Arkansas River from Fort Larned. During the evening the Commission listened to the Kansas delegation, composed of United States Senator E. G. Ross, Governor Crawford, Colonel J. K. Rankin, and J. P. Root.<sup>42</sup> They laid before the commissioners the opinions of the people and government of Kansas toward the plains Indians. "From beginning to end of the great contest over Indian policy, Kansas remained in the war party. Governor, state legislature, press, and public opinion united solidly in demanding a change in Indian administration."<sup>43</sup> The state's position was expressed by Governor Crawford: every effort should be made to defend the state; Indian uprising must be suppressed with military force; wild tribes and eastern reservation Indians should be removed from the state; and the Bureau of Indian Affairs should be under the War Department. Ross and Crawford wanted to make certain the new reservations established by the Commission would be outside the borders of Kansas, and the reservation lands and Indians reduced.<sup>44</sup>

As the column neared Medicine Lodge Creek, its size increased. At Fort

<sup>41</sup>Jones, Medicine Lodge, p. 50; Daily Missouri Republican, October 18, 1867.

<sup>42</sup>Crawford, Kansas in the Sixties, p. 258; Leckie, Military Conquest, p. 59; Daily Missouri Republican, October 18, 1867.

<sup>43</sup>Garfield, "The Indian Question," Kansas Historical Quarterly, 34; Kansas Weekly Tribune, October 24, 1867; Topeka Weekly Leader, October 31, 1867.

<sup>44</sup>Garfield, "The Indian Question," Kansas Historical Quarterly, 34; Kansas Weekly Tribune, October 24, 1867.

Larned two additional companies of soldiers along with wagons loaded with goods for the Indians were added to the column. The Commission's army was now complete. There were 211 vehicles, 1250 animals and about 600 men. "Our train when underway stretched out over three miles in length. In advance was the mounted escort, making a dashing military appearance; next followed the ambulances containing the commissioners, newspaper correspondents, attaches, &c. then came the long string of canvass-covered wagons, freighted with the supplies and Indian goods."<sup>45</sup> On October fourteenth, the Commission reached the hills surrounding Medicine Lodge Creek. Reporter Stanley describes the scene:

A natural basin, through which meandered Medicine Lodge Creek, with its banks extensively wooded, was the place selected for their camp. The basin hedged in commanding elevations, was intersected by small . . . hills, deep ravines. On the extreme right was the Arapahoes camp consisting of 171 lodges. Next to these, and close to the creek, almost buried in a dense grove of fine timber, was the camp of the Comanches, numbering 100 lodges; adjoining which was the Kiowa camp, 150 lodges. At the western extremity of the basin were the camps of the Apaches, numbering 85 lodges, and the Cheyennes, 250 lodges.<sup>46</sup>

The estimated number of Indians present varied between 2,000 and 5,000. The tribes represented were Plains Apache, Comanche, Arapaho, Kiowa, and eventually the Cheyenne.<sup>47</sup> Black Kettle's Cheyenne band was there, but the remainder were camped a day's ride south. Their absence was due to several factors; disagreement among the leaders, warrior society politics, and plain stubbornness. These difficulties kept the majority of Cheyenne away from the council

<sup>45</sup>Elliott, "Official Report," National Archives; Jones, Medicine Lodge, pp. 66-67; Daily Missouri Republican, October 22, 1867.

<sup>46</sup>"A British Journalist," Kansas Historical Quarterly, 261-262.

<sup>47</sup>Jones, Medicine Lodge, p. 74; W. S. Nye, Carbine and Lance (Norman, 1942), p. 45; Connelley, "Treaty Held at Medicine Lodge," Collections, 603; Garfield, "Defense of Kansas," Kansas Historical Quarterly, 342; Daily Missouri Republican, October 22, 1867.

until last days.<sup>48</sup>

On October fifteenth an informal conference was held with the tribal leaders to establish a time for the principal treat discussions. During the discussion Commissioner Sanborn remarked, "they color like our ladies," to which Henderson replied, "General, better not have that fact reported."<sup>49</sup> The Kiowas, Comanches, Arapahoes and the Apaches agreed to talk on the nineteenth. During the interval the Peace Commissioners attempted to determine the cause of the current Indian hostilities. President Taylor took testimony connected with the Hancock campaign of that spring, 1867.<sup>50</sup> The principal question the Commission had to answer was, whether General Hancock had accurately interpreted his information. Had he used good judgment in marching against the Indians in the spring of 1867? If he had not taken the field, would the Indians have made war? The commissioners cross-examined several individuals who had submitted reports to General Hancock. After two days of testimony, the Commission concluded the Hancock campaign had been organized and conducted on the basis of false information.<sup>51</sup> Prior to the expedition there were no Indian disturbances in Kansas, but the Hancock campaign resulted in a general uprising.<sup>52</sup>

The Grand Council opened on the appointed day, at a special site prepared

<sup>48</sup>Jones, Medicine Lodge, p. 77; Leckie, Military Conquest, p. 60; Grinnell, Cheyennes, p. 275.

<sup>49</sup>Daily Missouri Republican, October 22, 1867.

<sup>50</sup>Jones, Medicine Lodge, p. 86.

<sup>51</sup>Garfield, "Defense of Kansas," Kansas Historical Quarterly, 334-338; Grinnell, Cheyennes, p. 246; "A British Journalist," Kansas Historical Quarterly, 277-278.

<sup>52</sup>"Minutes," October 16, 1867, p. 24, National Archives; Garfield, "Defense of Kansas," Kansas Historical Quarterly, 330; Jones, Medicine Lodge, p. 89; Grinnell, Cheyennes, pp. 246-247.



for the meeting. "A vast amphitheater had been cleared in the center of a grove of tall elms as the place where the grand council should be held. Logs had been arranged so as to seat the principle chiefs of the Southern Nations. Tables were erected for the accommodation of the various correspondents. Before these tables were the seats arranged in a semi-circle for the commissioners. Facing the commissioners were a few of the most select chiefs of the different tribes."<sup>53</sup> Commissioner Taylor opened the proceedings by introducing Henderson as the spokesman for the United States. Henderson reminded the Indians they had violated the 1865 Treaty of the Little Arkansas.<sup>54</sup> He said the Peace Commissioners wanted to know their reasons for breaking the treaty. Had the soldiers or Indian agents mistreated them? Speak freely, "we have come to hear all your complaints and correct all your wrongs." Henderson then moved to the purpose of the council with the Indians--the program for a new way of life. He explained the United States was prepared to provide the comforts of civilization, build churches, and provide schools and teachers to educate their children. Agricultural implements, cattle, and sheep would be furnished to help them make the transition to a farm life.<sup>55</sup> Each chief then had the opportunity to express his opinions on the proposals of the government.

The Cheyenne said they were too few to speak and would await the arrival of the main body. Satanta spoke for the Kiowa, informing the Commission that

<sup>53</sup>"A British Journalist," Kansas Historical Quarterly, 279.

<sup>54</sup>Rupert N. Richardson, The Comanche Barrier to Southern Plains Settlement (Glendale, 1933), p. 301; Daily Missouri Republican, October 25, 1867; "Minutes," October 19, 1867, p. 25, National Archives, "On motion of Gen. Harney, it was agreed that Senator Henderson prepare the proper paper to be read to the Indians at the Council."

<sup>55</sup>Elliott, "Official Report," National Archives; Daily Missouri Republican, October 27, 1867; Appendix to "Minutes," October 19, 1867, National Archives.

the Kiowa and Comanches had not been fighting, that it was the Cheyenne. He refused to relinquish the land south of the Arkansas, "we do not want any of the medicine houses in our country. We want our children to be just as we are. I have heard that it is intended to put the Kiowas upon a reservation in the mountains and build houses for them. I don't want to go. I want to roam on the prairies. I feel free and happy then. I wish you to hear what I have to say and hear it well and put it down on papers and show it to my great Father in Washington and see what he says and how he likes it."<sup>56</sup> Next to express his opinion was Ten Bears, chief of the Comanches. He also wanted to remain free but hoped to obtain wisdom from the commissioners.<sup>57</sup> He shook hands all around, and sat down. Following Ten Bears was Silver Brooch of the Comanche, who delivered the most threatening speech, reminding the commissioners that he had earlier agreed to follow the path of the white man. In return, his people were to have been given those things just promised, but a great many years had passed and they had never come. Silver Brooch closed with these words: "I will wait until next summer and then if something is not done I will return to the prairie."<sup>58</sup> The last of the chiefs to speak that day was Poor Bear of the Apache. He reaffirmed his love of the whites, urging that the treaties be signed, so they could return home as fast as possible. Most of the first council was occupied by speeches and translations. The remainder of the day the commissioners spent preparing a treaty for presentation the following day, while Henderson prepared answers to Indian objections raised that morning.

<sup>56</sup>Elliott, "Official Report," National Archives; Appendix to "Minutes," October 19, 1867, National Archives.

<sup>57</sup>"A British Journalist," Kansas Historical Quarterly, 283.

<sup>58</sup>Elliott, "Official Report," National Archives; Appendix to "Minutes," October 19, 1867, National Archives.

The council resumed at 10 o'clock the next morning. Ten Bears again spoke reaffirming his objections to medicine houses, and the reservations. He was followed by Satanta, who requested that the Kiowa and Comanches each have their own agent.<sup>59</sup> Following Satanta's speech, Henderson replied to the objections voiced by the chiefs, and explained the position of the commissioners. He reminded those Indians who insisted on following the buffalo, that they would not last forever. Henderson said they needed homes and lands before the good land was gone. He then detailed the boundaries of the reservation and asked the chiefs to return the next day to sign the treaty.<sup>60</sup>

The treaty presented for signing on October twenty-first was basically the same as previously outlined, except for one alteration, a major concession to the hunting rights of the Indians. It allowed the Kiowa and Comanches to hunt their old lands south of the Arkansas River, especially the Big Bend country, for as long as the buffalo herds lasted. The treaty stipulated white settlers were to stay out of the region for three years.<sup>61</sup> The commissioners realized that the Indians would sign only if they had hunting rights in the Big Bend country. When this concession was explained, the Indians were asked to sign. In turn, the Comanche and Kiowa signed the treaty, followed by the commissioners, and the newspaper correspondents acted as witnesses. The boundaries established in the treaty designated a 4,800 square mile reservation for the Kiowa and Comanches in the southern part of Indian Territory.<sup>62</sup>

<sup>59</sup>"A British Journalist," Kansas Historical Quarterly, 285-286.

<sup>60</sup>Elliott, "Official Report," National Archives; Appendix to "Minutes," October 20, 1867, National Archives.

<sup>61</sup>Charles J. Kappler, A Compilation of all the Treaties Between the United States and Indian Tribes (Washington, 1873), pp. 323-324.

<sup>62</sup>Jones, Medicine Lodge, pp. 127-128; Daily Missouri Republican, October 28, 1867.

After the formalities of treaty signing were completed, the council went to the wagons for distribution of the Indian presents. That evening a rain storm did not prevent a delegation of Cheyenne, led by Black Kettle, from coming into camp to talk with the commissioners. He explained the Cheyenne were in the process of making medicine and wanted the other bands to remain until they had a chance to speak with the Commission. It was mutually agreed to meet in four days at the council site.<sup>63</sup>

The Arapaho visited the commissioners soon after the Cheyenne departed, asking to negotiate separately. They accused the Cheyenne of causing them nothing but trouble. The commissioners refused their request, but soon received an appeal from the Apaches, who wanted to settle on the Kiowa-Comanche reservation. An appendix was prepared to the Kiowa-Comanche treaty and the Apaches signed on October twenty-fifth.<sup>64</sup>

The day the Apaches signed their treaty, Satanka, the Kiowa chief left the council. He had not spoken in the earlier meetings but came to the commissioners at his departure. According to the members of the Commission and the reporters, his farewell was the most touching speech they had ever heard.<sup>65</sup> The speech was lengthy, but some of the phrases suggest its feeling. "You have not tried, as many have, to get lands for nothing, you have not tried to make a new treaty merely to get the advantage. You know what is best for us. Teach us the road to travel and we will not depart from it forever. We know you will not foresake us and tell your people to be as you have been. I am old

<sup>63</sup>"A British Journalist," Kansas Historical Quarterly, 291; Grinnell, Cheyennes, p. 275; Jones, Medicine Lodge, p. 139; Daily Missouri Republican, October 31, 1867.

<sup>64</sup>Mooney, "Calendar History," American Ethnology, p. 184.

<sup>65</sup>Jones, Medicine Lodge, p. 155.



and will soon join my fathers, but they who come after me will remember this day. And now the time is come that I must go, Good bye. You may not see me again but remember Satanka as the white man's friend."<sup>66</sup>

The reluctant Cheyenne came to the council, on October twenty-seventh, twelve days late. It was agreed to meet the next day at 10 o'clock. Henderson, the commission spokesman, addressed the Cheyenne chiefs, outlining treaty terms similar to the Kiowa and Comanche. Buffalo Chief, the Cheyenne spokesman, rejected the offer to build houses and to be treated as orphans by the white man. "You think that you are doing a great deal for us by giving these presents to us, but we prefer to live as formerly. If you gave us all the goods you could give, yet we would prefer our own life. You give us presents and then take our land; that produces war."<sup>67</sup> He assigned special emphasis to the land they claimed between the Arkansas and Platte Rivers.

The land the Cheyenne claimed was drained by the Smoky Hill, Republican, Saline, and Solomon Rivers. This was unfortunate for the Cheyenne, as these river valleys were the first in the region to attract settlers. It was evident from Buffalo Chief's speech they would not peacefully leave the land between the Arkansas and Platte.<sup>68</sup> Their uncompromising demands threatened the success of the peace talks. Considerable debate between the commissioners followed Buffalo Chief's remarks. Some members urged adjournment, but Henderson strongly opposed it. He left the commissioners and had the Cheyenne leaders brought to him a short distance away. Henderson, through an interpreter, talked at some

<sup>66</sup>Elliott, "Official Report," National Archives; Appendix to "Minutes," October 24, 1867, National Archives.

<sup>67</sup>New York Times, November 1, 1867; Daily Missouri Republican, November 1, 1867; "A British Journalist," Kansas Historical Quarterly, 315.

<sup>68</sup>Jones, Medicine Lodge, p. 174; Garfield, "Defense of Kansas," Kansas Historical Quarterly, 343.



length with the Cheyenne leaders, then returned to the council and outlined the compromise he had reached.<sup>69</sup> He had told the Cheyenne they would not have to go on the reservation immediately, only after the buffalo had gone. In addition he promised them hunting rights in the area bounded on the north by the Platte and the south by the Arkansas, under the terms of the Little Arkansas Treaty of 1865 (it forbade Indian hunters going nearer than ten miles to a route of travel or settlement.)<sup>70</sup> The Cheyenne in return agreed to accept houses on the reservation south of the Arkansas, and when the buffalo was gone, to stay on the reservation. What appears a favorable compromise for the Cheyenne was in reality a temporary pardon. Undoubtedly, they did not anticipate the slaughter of the buffalo a few years hence.

Three articles in the treaties clearly show the new direction the Peace Commission was endeavoring to advance. Article V of the treaties required the Indian agent to live on the reservation, a provision intended to correct absenteeism. Article VI provided for private ownership of land by members of the tribe. The provision assumed an understanding of individual land ownership by the Indians. Since he did not understand private land ownership, this article was meaningless to him. Article XI prohibited the Indians from living permanently away from the reservation, but they could pursue the hunt in defined areas off the reservations as long as the buffalo remained.<sup>71</sup> The commissioners were so anxious to have the Cheyenne sign the treaty and conclude the council,

<sup>69</sup>Daily Missouri Republican, November 1, 1867; Jones, Medicine Lodge, p. 176.

<sup>70</sup>"A British Journalist," Kansas Historical Quarterly, 318-319; Kappler, Treaties Between the United States and the Indians, p. 134; Daily Missouri Republican, November 2, 1867.

<sup>71</sup>Jones, Medicine Lodge, pp. 127-132; Kappler, Treaties Between the United States and the Indians, pp. 321-324.

that the Henderson "compromise" was not included. Following the gift distribution, the Cheyennes left, and the Medicine Lodge Council adjourned.<sup>72</sup>

The commissioners departed the next day going directly to Fort Harker, a fifty-two hour journey. They arrived October thirty-first.<sup>73</sup> Two days later they were in St. Louis where General Sherman and the other members agreed to write their formal report in Washington, but the Commission had to return to Fort Laramie to meet the Indians assembling there. Henderson, due to personal matters and a special session of Congress, could not go. On November fourth all the commissioners except Sherman and Henderson left St. Louis for Fort Laramie.<sup>74</sup> By the last of the month it was apparent most of the Indians were not coming to the council. "Arrived today (.) Harney and Sanborn remain at Laramie to distribute presents (.) Taylor and Tappan are finishing business at North Platte. Terry and myself are excused (.) Commission have agreed to meet all the upper tribes at Phil Kearny in May next (.) all right in this department."<sup>75</sup> By December the members had begun to assemble in Washington.

On December ninth the members met at the Capitol, in the rooms of the Senate Committee of Indian Affairs. The first meeting adjourned to await the arrival of other members.<sup>76</sup> On the eleventh of December Henderson proposed that Sherman, Sanborn, and Taylor write the Commission's report. Commissioner Tappan offered an amendment, which substituted Henderson for Sanborn. Tappan's

<sup>72</sup>Kappler, Treaties Between the United States and the Indians, pp. 129-136; Jones, Medicine Lodge, p. 177; Grinnell, Cheyennes, p. 275; "A British Journalist," Kansas Historical Quarterly, 319.

<sup>73</sup>Daily Missouri Republican, November 1, 1867.

<sup>74</sup>Ibid., November 4, 1867; "Minutes," November 2, 1867, pp. 26-27, National Archives.

<sup>75</sup>Augur to Sherman, November 20, 1867, Sherman Papers.

<sup>76</sup>"Minutes," December 9, 1867, p. 28, National Archives; Daily Missouri Republican, December 9, 1867.

amendment was accepted. There was some discussion of the Powder River Road, but nothing was decided, and they adjourned.<sup>77</sup> On the eighteenth, the sub-committee chosen to write the report met and drafted their proposals. The remainder of the month was devoted to revising and on January 3, 1868, the sub-committee presented their work. The Commission selected Henderson to write the final copy that was accepted at the last meeting of the Commission on January seventh and sent to President Andrew Johnson.<sup>78</sup>

The official report was divided into four parts. The first segment narrated a brief history of the disturbances on the plains prior to the Peace Commission. Part two criticized the government Indian policy. The Commission considered much of the trouble on the frontier as derived from rumor, false reports, scare stories, and compounded by the lack of cooperation between the federal and state governments. In closing the second part, the commissioners charged the United States Government had been universally and consistently unjust in dealing with the Indian of the plains. Part three of the report made specific recommendations for Indian relations: that state governors be relieved of responsibilities in Indian affairs; a division of authority in handling Indians; white settlers should be forcibly removed from Indian lands; Indian traders should be well regulated; a presidential commission should make regular checks on Indians; and Indian officials should be under the control of a civil service system.<sup>79</sup> The final part of the report accounted for all the monies

<sup>77</sup>"Minutes," December 11, 1867, p. 31, National Archives.

<sup>78</sup>Ibid., December 12, 1867, p. 32, National Archives; Henderson to John Sherman, December 12, 1867, The John Sherman Papers, Library of Congress, Washington; Nichols to Sherman, December 21, 1867, W. T. Sherman Papers; Daily Missouri Republican, January 7, 1868.

<sup>79</sup>United States Congress, House of Representatives Executive Document No. 97, 40th Congress, 2nd Session, pp. 831-833; Daily Missouri Republican, January 7, 1868.

of the Commission.

The Commission was a failure for those seeking permanent answers. Even as the commissioners returned to St. Louis from Fort Laramie, forces were at work to bring war to the plains. Hopes of permanent peace from the Medicine Lodge Treaties did not materialize. Circumstances on the plains and in Washington did not give the treaties an opportunity to test their soundness. Major fighting erupted on the plains in 1868.<sup>80</sup> Although they signed the treaties, the Indians ignored the offer of homes and farms. They could not bring themselves to abandon their traditional way of living, even in the face of extermination. Reservations were resisted by the representatives of the tribes, and only when the right to continue the chase was included, did the tribes agree to such restraints. The treaties did not satisfy the military, who were compelled to police the Indian hunting areas. It proved difficult for the army to distinguish between the Indians allowed to hunt between the Arkansas and Platte Rivers, and those that could not. It was equally perplexing to determine if the Indian was friendly or hostile.

The Cheyennes hunting north of the Arkansas were brought into increasing contact with settlers and railroad construction crews. This contact led to minor trouble in the spring and summer of 1868. The Indian Bureau failed to provide the necessary supplies and guidance for re-location on the reservations south of the Arkansas. Most of the Indians were left to their own devices during the spring and summer of 1868, following the Fort Laramie and Medicine Lodge Councils.<sup>81</sup> By the fall, when the Bureau was ready to implement the treaty provisions most of the young men refused, and prepared to fight rather

<sup>80</sup>Leckie, Military Conquest, pp. 63-87; Grinnell, Cheyennes, p. 298.

<sup>81</sup>Leckie, Military Conquest, pp. 64 and 67.

than go on the reservations.

The war began when the Cheyenne, Kiowa, Arapaho, and Comanche received an issue of arms from a federal Indian agent. Led by Black Kettle, the Indians moved north into the Smoky Hill and Saline River Valleys.<sup>82</sup> Although Black Kettle and his band were defeated by Colonel George A. Custer in a winter campaign at the Washita, Indian wars continued for almost a decade.

The Medicine Lodge treaties failed to solve the Indian problem. They did however, mark the appearance of the first attempts to assimilate the Indians. The commissioners encouraged the Indian to adopt the white man's civilization, warning him that the old ways were rapidly coming to an end. Henderson's sponsoring the bill for the Peace Commission and his active participation in the council before the spring of 1868 reveals a sincere desire to find a solution to the Indian-white relations. His leadership and counsel were removed at a critical moment. During the spring and summer of 1868 when strong guidance was needed, Henderson was diverted by the turmoil of the impeachment of Andrew Johnson.

<sup>82</sup>Ibid., pp. 70-71; Leavenworth Daily Conservative, November 1, 1868.



## CHAPTER VII

## IMPEACHMENT

An early signal of the changing leadership and direction of the Republican party came from Missouri in 1868. It was a significant year for the national government, Henderson, and the Republican party. The Missouri Radical party reached its zenith in 1868, splintered by the campaign for United States Senator and the disagreement on disfranchisement of former confederates. The division in 1868 led to the rise of Liberal Republicans and the domination of Missouri politics by the Democratic party following the election of Carl Schurz.<sup>1</sup>

After the Indian Peace Commission presented its report to the President, Henderson's active participation in its work came to an end. While the Commission met with the Indians in the spring and summer of 1868, Henderson's attention was drawn to the growing difficulties between the legislative and executive branches of government.<sup>2</sup> For two years a struggle had been going on between the two branches for domination of the government and reconstruction of the South. The 1866 off year elections had given the Radicals in the Republican party a sufficient majority in both houses of Congress to over-ride the President Johnson's vetoes. The Republican majority in Congress, led by the Radicals, passed several bills over the objections of the President, particularly the Tenure of Office Act. The original impetus for the measure was

<sup>1</sup>Richard O. Curry, ed., Radicalism, Racism, and Party Realignment (Baltimore, 1969), p. 24; Eugene M. Violette, A History of Missouri (Cape Girardeau, Missouri, 1957), p. 424; Thomas S. Barclay, The Liberal Republican Movement in Missouri, 1865-1871 (Columbia, Missouri, 1926), p. 151.

<sup>2</sup>William T. Sherman to John Sherman, March 4, 1868, William T. Sherman Papers, Library of Congress, Washington; John B. Sanborn to John B. Henderson, April 22, 1868, Record Group 48, Secretary of Interior, National Archives, Washington.

the wholesale removal of Republicans from office following the elections of 1866.<sup>3</sup> The act originally did not include the cabinet, but in February, 1867 Congress amended it to include cabinet officers. As amended the act struck at the long established principle of the President removing cabinet officers at his pleasure.<sup>4</sup>

The Philadelphia Convention of 1787, although debating a wide range of issues, gave little consideration and no debate to the authority or breadth of the president's removal power. Consequently, the Constitution lacked definitive language on removal, with the exception of the provision concerning impeachment.<sup>5</sup> The Organic Bill, presented in the first Congress of 1789, raised the issue of presidential removal authority. This bill would create three departments; Foreign Affairs, War, and Treasury. Should the president have the sole power, other than the constitutional provision of impeachment, to remove these officers? The outcome of the debate was called the "Decision of 1789." Four interpretations on removal authority were advocated in the debates. The power to remove subordinates was inherent in the grant of executive power along with the duty imposed upon the president by the Constitution to "take care that the laws be faithfully executed." Removal power was not conferred on the executive by the legislative branch, but was a constitutional grant. A second argument suggested the constitutional power to establish offices (a constitutional grant to the legislature) subordinate to the president, carried with it the authority to assign the power of removal to whomever Congress deemed

<sup>3</sup>Eric L. McKittrick, Andrew Johnson and Reconstruction (Chicago, 1960), p. 495.

<sup>4</sup>David M. Dewitt, The Impeachment and Trial of Andrew Johnson (New York, 1967), pp. 193-199.

<sup>5</sup>Louis W. Koenig, The Chief Executive (New York, 1964), p. 159; Rowland Eggar, The President of the United States (New York, 1961), p. 28; Joseph E. Kallenbach, The American Chief Executive (New York, 1966), p. 398.

appropriate. According to this view the president, the courts, or Congress could remove officers on whatever terms the Congress established. This authority, its advocates said, devolved upon Congress from the constitutional clause "necessary and proper." A third theory urged in the debates of 1789, but having little appeal, was in the absence of other constitutional provisions that removal of officials could only be carried out by impeachment. This view was held by those who interpreted the Constitution literally. The fourth interpretation was that removal power was implied from the power to appoint, and removal of an officer would require approval of the Senate and executive.<sup>6</sup>

To some extent this last theory was voiced by Henderson during the debates in Congress on the Tenure of Office bill in 1866. He clearly opposed the President removing any officer below cabinet rank without the consent of the Senate. "The President cannot appoint in some cases without the concurrence of the Senate. Wherever the concurrence of the Senate is necessary the Senate is a part of the appointing power, and if a part of the appointing power, the court say that the same power that appoints must necessarily, in the absence of any law on the subject, have the power to remove."<sup>7</sup> Henderson believed if the President carried out removal, "for opinion's sake and without cause other than opinion's sake would be an abuse of power which, in the language of Mr. (James) Madison would subject the President himself to impeachment."<sup>8</sup> In April, 1866, he said, "I have come to the conclusion--and I hope that it is a conclusion arrived at without any bias or prejudice from existing circumstances--that the

<sup>6</sup>Joseph P. Harris, The Advice and Consent of the Senate (Los Angeles, 1953), p. 31; Edward S. Corwin, The President: Office and Powers 1787-1957 (New York, 1957), p. 87; Edward S. Corwin, The President's Removal Power Under the Constitution (New York, 1927), p. 12.

<sup>7</sup>Congressional Globe, 39th Congress, 1st Session, p. 2307.

<sup>8</sup>Ibid., p. 2306.

President has no power constitutionally to remove an officer at all."<sup>9</sup> In fairness to Henderson it should be said he was referring to "inferior" officers and not cabinet rank individuals. Almost two years before the trial of Johnson, Henderson was on record as opposing the executive exercising sole authority in removals. He expressed these views because, "a lack of removal power by the President will foster a sense of independence and security in men across the country and they will not be dependent on the one-man power. The unlimited removal power is dangerous to the liberties of the country."<sup>10</sup>

The long debate in the first Congress on presidential removal authority ended in the adoption of the principle that the chief executive could remove those officers of cabinet rank established under the Organic Act. The "Decision of 1789" established a precedent of presidential removal that was followed during the next three-quarters of a century.<sup>11</sup> With the possible exception of Thomas Jefferson, none of Andrew Jackson's predecessors used the power to remove individuals from office other than for well-justified cause. President Jackson and each of his successors up to the Civil War reversed this custom and deliberately removed thousands of individuals for personal and partisan reasons. By taking a direct hand in the removal of individuals, the power of the president's office was vastly increased.<sup>12</sup> His influence was now felt in every part of the country and as the machinery of government increased, so did the power of the president.

<sup>9</sup>Ibid., p. 2278.

<sup>10</sup>Ibid., p. 2281.

<sup>11</sup>Eggar, The President, p. 29; Kallenbach, American Chief Executive, p. 399.

<sup>12</sup>Leonard D. White, The Jacksonians: A Study in Administrative History 1829-1861 (New York, 1954), p. 33.

Prior to the Civil War, the Whigs opposed the Democrats on many political and constitutional issues, among them the unrestricted right of removal by the president. The position of the Whigs was clearly evident in a series of resolutions offered by the party in 1834, following President Jackson's removal of federal deposits from the Bank of the United States.<sup>13</sup> Paraphrased, the resolutions said the Constitution did not give the president authority to remove officers who have been established by law. Also Congress would prescribe tenure, terms, and conditions on which the office would be held. They wanted the Senate, except in diplomatic appointments, to exercise approval in removal.<sup>14</sup> In challenging the president's power of removal, the Whigs controverted Madison's view set forth in 1789, and therefore were ardent advocates of the legislative "necessary and proper" theory.

Following Abraham Lincoln's death, Andrew Johnson assumed the office of President. Almost immediately he was challenged by Congress on reconstruction of the South. The Republican Congress passed Reconstruction Acts halting the Lincoln and Johnson programs, and announced that reconstruction was a legislative and not an executive responsibility. A clearer statement would be difficult to find than Senator John Sherman's Republican Congressional view of the roles of the legislative and executive branches, "the executive department of a republic like ours should be subordinated to the legislative department."<sup>15</sup> When Congress passed the Tenure of Office bill Johnson vetoed it saying, "having at an early period accepted the Constitution in regard to the executive office in the sense in which it was interpreted with the concurrence of its founders,

<sup>13</sup>Ibid., p. 40; W. E. Binkley, The Powers of the President (Garden City, New York, 1937), p. 78.

<sup>14</sup>Senate Document #155, 23rd Congress, 1st Session, p. 40.

<sup>15</sup>Leonard D. White, The Republican Era: 1869-1901 (New York, 1958), p. 21.



I have found no sufficient grounds in the arguments now opposed to that construction or in any assumed necessity of the times for changing those opinions."<sup>16</sup> Though his statement was not clear, Johnson saw no justification for changing a long standing precedent of sole executive authority over removals.

When Congress passed the bill over his veto, Johnson regarded the act as unconstitutional legislative infringement upon the executive authority, and it was his duty to the office and himself to resist. On February 21, 1868 Johnson notified the Senate he had removed Edwin M. Stanton as Secretary of War and named General Lorenzo Thomas, successor, a violation of the Tenure of Office Act as interpreted by some in Congress.<sup>17</sup> The House of Representatives, after several abortive attempts, had the basis for charging the President with violation of an act of Congress. A select committee of the House prepared articles of impeachment, composed of eleven separate charges, setting in motion the machinery for the trial of the President.<sup>18</sup>

Under the Constitution, in cases of presidential impeachment, the Senate sits as jury and court, with the Chief Justice presiding and rendering judgments according to the law. In the opening session the Chief Justice, Salmon P. Chase insisted he rule on points of law. However, if one senator objected to a decision of the chair, the ruling would be decided by a vote of the court, effectively circumventing the ruling of the Chief Justice. On March 5, 1868 the impeachment managers presented the House articles of impeachment to

<sup>16</sup>Edmund G. Ross, History of the Impeachment of Andrew Johnson (Washington, 1896), pp. 60-63.

<sup>17</sup>Ibid., pp. 67-69; Binkley, Powers of the President, p. 149.

<sup>18</sup>Ross, History of Impeachment, pp. 79-84; Binkley, Powers of the President, p. 149. The Radicals wanted to impeach Johnson on the birthday of George Washington, but so many wanted to express themselves, that the House had to set the clock back in order that Monday would appear Saturday, February twenty-second in the Congressional Record.

the Senate. On that same day the Chief Justice and the Senators were administered the following oath; "That in all things appertaining to the trial of the impeachment of Andrew Johnson, President of the United States, now pending, I will do impartial justice according to the Constitution and laws: So help me God."<sup>19</sup> Following the preliminary matters, the Chief Justice again reminded the Senate that while sitting as a court the rules of the legislative body would not apply. The court promptly accepted the rules of the Senate to govern the proceedings. On the first day of the trial Henderson voted to allow the President's counsel thirty days to prepare his defense, but the court voted it down. He then joined a majority of the court to permit him ten days, on which a newspaper commented; "It will be noticed that in this 24 are found all the Democratic and the conservative Republicans."<sup>20</sup> At the end of ten days the President's counsel appeared and answered the charges.

The trial opened on Friday the thirteenth of March with the managers supremely confident they would secure the ouster of the President. If conviction of the President rested on a party vote, Johnson had no chance of escaping. From the standpoint of party loyalty he could count on twelve acquittal votes, from nine Democrats and three Johnson conservatives. This left forty-two Republican votes, six more than needed for conviction. Although the Republican party was dominated by the Radicals, they were splintered and did not present

<sup>19</sup>Supplement to the Congressional Globe, "Proceedings of the Senate Sitting for the Trial of Andrew Johnson," 40th Congress, 2nd Session (Washington, 1868), p. 5; Lately Thomas, The First President Johnson (New York, 1968), p. 585; George Fort Milton, The Age of Hate: Andrew Johnson and the Radicals (Hamden, Connecticut, 1965), p. 521; St. Louis Daily Missouri Republican, March 6, 1868.

<sup>20</sup>Daily Missouri Republican, March 14 and 28, 1868; "Drama of Impeachment," p. 18, Andrew Johnson Papers, Reel 54, Series 13, Library of Congress, Washington.

a bloc vote on all party issues.<sup>21</sup> On the thirteenth, the House Managers began to present their case against the President. Presentation of the evidence by prosecution and defense counsels took twenty-three days, most of this time consumed in debates and voting over the admissibility of evidence. Throughout the course of the trial, Henderson did not take a leading part in the proceedings, but occasionally asked questions, and voted on all roll calls. A pattern of his feelings emerged during the trial that tended toward moderate solutions.<sup>22</sup> On May sixth the court heard the last formal arguments. The next day the court in a brief session agreed to adjourn for several days before the votes were taken on the articles. The real motive for the recess was to allow the managers time to organize and pressure these Republican senators who were showing signs of weakness.

For weeks there had been rumors of various senators' opposing one or all of the articles. As early as mid-April, a list appeared giving "doubtful" jurors. Thomas Ewing, in writing to his son, suggested there were twelve.<sup>23</sup> Speaker of the House Schuyler Colfax had given up on Joseph S. Fowler, James W. Grimes, and Edmund G. Ross.<sup>24</sup> Rumors about the reliability of William P. Fessenden, Lyman Trumbull, Henry B. Anthony, John B. Henderson and Peter Van Winkle were circulated.<sup>25</sup> All this talk amounted to the same thing, no one knew the outcome of a vote on any of the articles. Both sides used the delay

<sup>21</sup>Hans L. Trefousse, The Radical Republicans (New York, 1969), p. 25; Milton, Age of Hate, p. 583; Milton Lomask, Andrew Johnson: President on Trial (New York, 1960), p. 316. On financial questions, the homestead bill, government relations with industry and business, labor problems, and race relations the radicals were divided.

<sup>22</sup>Dewitt, Impeachment and Trial, pp. 522-523.

<sup>23</sup>Lomask, Andrew Johnson, p. 317.

<sup>24</sup>Trefousse, Radical Republicans, p. 392.

<sup>25</sup>Milton, Age of Hate, p. 584; Daily Missouri Republican, May 10, 1868.

to bolster their forces. The atmosphere of the recess was ably described by David Dewitt; "Detectives kept a secret eye on their (senators) residences and on the residence of the Chief Justice. Spies mingled in the social circles they frequented, to catch some unguarded word, and agents were employed to pester them with every species of importunity to disclose their intentions. They were threatened in the party press; their constituents were stirred up to threaten them from home; letters were sent to them from all quarters filled with the threats of political ostracism and even assassination, in the event of their treason."<sup>26</sup> This description amply portrayed the treatment Henderson was subjected to during the next week.

In the waning days of the trial Henderson had written Carl Schurz saying he believed conviction would most likely come on the eleventh article, but he was not certain if there were enough votes to convict.<sup>27</sup> The Radicals concentrated their attention on eleven senators they considered doubtful: Fessenden, Anthony, Trumbull, Ross, Grimes, Fowler, Van Winkle, Sprague, Edmunds, Henderson, and Willey. In self-defense the moderate senators began to hold meetings to strengthen their resolve.<sup>28</sup> They held the fate of the President.

The court reconvened on Monday, May eleventh to hear the opinions of the individual senators. Each was allowed fifteen minutes to give his opinion on the articles of impeachment. This session was held behind closed doors, and the information that trickled out was incomplete. Before the day was over the Radicals were dismayed over Henderson's actions, as it was known he had spoken

<sup>26</sup>Dewitt, Impeachment and Trial, p. 517.

<sup>27</sup>John B. Henderson to Carl Schurz, May 1, 1868, Carl Schurz Papers, Library of Congress, Washington.

<sup>28</sup>Milton, Age of Hate, p. 586; John B. Henderson, "Emancipation and Impeachment," Century Magazine, December, 1912, 207.



against the first eight articles. Because of the time limit he could not express himself on the remaining three charges.<sup>29</sup> Additional evidence that he was leaning toward the President came at the dinner recess. Henderson was seen in the company of Reverdy Johnson, and was followed to the home of Chief Justice Chase, where they dined.<sup>30</sup> To the Managers this was ample evidence that Henderson needed encouragement to vote guilty. Although the speech and dinner on the eleventh were indications of his sentiments, there was rumor of his taking the side of the President as early as May third. "There are various considerations to show that there will not be a conviction of the President. The first, there has been no evidence brought to substantiate the charges. This will not weigh very heavily on the minds of such blind partisan fanatics as Drake . . . but we do expect that men like Trumbull, Fessenden, Grimes, Edmunds, Willey, Anthony, Fowler, and we will even include Henderson, will show some self-respect and prove themselves unwilling to have their names go down in history connected with such an outrage as the conviction of the President upon such testimony as has been adduced."<sup>31</sup> Collaborating the article was Gideon Welles' assessment of Henderson's intentions, "The vote of Henderson of Missouri is relied upon through the influence of Miss (Mary) Foote to whom he expects to be married."<sup>32</sup> Henderson had announced his marriage the first week in May, with the wedding planned for June twenty-fifth.<sup>33</sup>

<sup>29</sup>Milton, Age of Hate, p. 594; Washington Evening Star, May 11, 1868; Francis Fessenden, Life and Public Service of William Pitt Fessenden (New York, 1970), II, 203; Daily Missouri Republican, May 12, 1868.

<sup>30</sup>Barclay, The liberal Republican, p. 134; Milton, Age of Hate, p. 597.

<sup>31</sup>Daily Missouri Republican, May 2, 1868.

<sup>32</sup>Howard K. Beale, ed., Diary of Gideon Welles (New York, 1960), III, 349.

<sup>33</sup>Louisiana Weekly Journal, May 2, 1868.



The Radicals, confronted with Henderson's defection, called upon the resources at their disposal to persuade him to vote guilty on at least one article, preferably the eleventh. All Republican senators in the doubtful column were put under increasing pressure following the speeches on the eleventh and the twelfth of May. The Radical strategists believed Henderson's weakness was his sympathy for his constituents. They sent word to Missouri to pour upon him telegrams urging a vote for the party. During the morning of the twelfth, Henderson was visited by a majority of the Missouri delegation in the House of Representatives to receive his assurance he would vote for article eleven.<sup>34</sup> The representatives said it was the unanimous wish of the Union party in Missouri that he vote to remove the President. If Johnson was not convicted a period of chaos in Missouri would follow when lives and property would be lost. The pressure from these men and the Missourians they represented, was such that Henderson temporarily lost his self-confidence and offered to resign so the governor could appoint someone who would cast a "guilty" vote.<sup>35</sup> This reply did not satisfy the representatives, as they wanted a promise from Henderson to vote guilty on the eleventh article. Henderson asked them to leave, consult among themselves, and advise him in writing, on what they recommended. Just before noon he received their reply: "Sir--On a consultation of the Radical members of the House of Representatives from Missouri, in view of your position on impeachment articles, we ask you to withhold your vote on any article upon which you cannot vote affirmatively. The request is made because we believe the safety of the loyal people of the United States demands the immediate removal of Andrew Johnson from the office of President of the United States." The Washington

<sup>34</sup>Barclay, The Liberal Republican, p. 134; Milton, Age of Hate, p. 596.

<sup>35</sup>Washington Evening Star, May 12, 1868.

paper reported the same day, "that Senator Henderson has given the Missouri delegation to understand that he will vote for conviction on this (eleventh) article."<sup>36</sup> That evening the Missouri Representatives returned to Henderson's room and requested his answer. He replied that he could not satisfy their request without humiliation and shame and he knew they did not wish him subjected to that. The delegation demanded conviction of Johnson and the resignation of Henderson if he could not vote for removal. Henderson then promised to try to find out how the other doubtfuls were going to vote, arguing his vote would not be needed to convict. Though not completely satisfied, the delegation left.<sup>37</sup> During the previous week, Henderson had been approached by General U. S. Grant on behalf of the impeachers. The following episode transpired between the two men:

Henderson was invited to a ten o'clock breakfast at General Grant's house. After the other guests had left the General asked Henderson to remain, lighted the inevitable cigar and proposed a walk. What did the Senator think as to the result of the impeachment. 'You may rest assured that impeachment will fail;' the latter answered. Grant expressed surprise; the Managers were very confident 'They have no substantial grounds for such confidence,' Henderson shot back.

Then Grant revealed that the Managers were so sure of success that the members of Ben Wade's cabinet had already been selected. Amazed, Henderson asked who they would be, and Grant told him that Butler had been picked for Secretary of State. 'These men who are counting on the success of impeachment,' he added, 'offer me their influence as the nominee to succeed Wade, in case he becomes President by the removal of Johnson.'

'What are the conditions?'

'That I shall agree to take over Wade's Cabinet.'

'Good God, General,' the Senator expostulated, 'you didn't consent to that, did you?' Grant answered that he had not made any promise.

A week later, Grant sat down by Henderson on a street car and again took up the impeachment matter. Had Henderson changed his mind? The answer was negative. Did the Senator think he could defeat it? 'Well, I can't warrant that,' Henderson answered. 'We have friends enough against it to defeat it, but I cannot give a pledge that we shall actually defeat it.'

'I hope you won't,' Grant snapped back. Astonished, Henderson asked if he meant he would impeach. 'Yes, I would' he answered

<sup>36</sup>Daily Missouri Republican, May 14, 1868; Congressional Globe, 40th Congress, 2nd Session, p. 2548.

<sup>37</sup>Daily Missouri Republican, May 13, 1868; Lomask, Andrew Johnson, p. 326.

brusquely, 'I would impeach him, if for nothing else than because he is an infernal liar.'

By this time Henderson was boiling with rage at Grant's attempt to sway him. 'I very much regret to hear you say it,' he said rebukingly. 'I regret it because on such terms it would be nearly impossible to find the right sort of man to serve as President.' Non plussed, Grant quickly left the car.<sup>38</sup>

On Wednesday, May thirteenth, Henderson received the following telegram from St. Louis:

"Hon. J. B. Henderson--There is intense excitement here. A meeting is called for tomorrow night. Can your friends hope that you will vote for the eleventh article? If so, all will be well.

E. W. Fox"

Henderson's sense of judicial honesty was apparently outraged at the blatant request and responded with the following:

"E. W. Fox, St. Louis--Say to my friends that I am sworn to do impartial justice according to the law and the evidence, and I will try to do it like an honest man.

J. B. Henderson"<sup>39</sup>

On the next day, Thursday, the fourteenth, Henderson sent the Missouri delegation his opinion of his responsibility, and the court's in the coming vote on the articles of impeachment.

It was for the House of Representatives to prefer articles of impeachment. It is for the Senate to try them; and the members of the House have no more right to dictate or control the judgment of the Senate in the premises than the members of a grand jury presenting an indictment have to influence the verdict of the petit jury, on the trial of crime; and I do thus speak for the

<sup>38</sup>Henderson, Century, 205-207; Lomask, Andrew Johnson, p. 325; Thomas, First President Johnson, p. 604.

<sup>39</sup>Washington Evening Star, May 14, 1868; Henderson, Century, 208; Daily Missouri Republican, May 14, 1868; Louisiana Weekly Journal, May 16, 1868; Samuel S. Cox, Three Decades of Federal Legislation (Providence, Rhode Island, 1894), p. 594.

purpose of reflecting on your action for I distinctly disclaim such purpose, knowing what you have done and said springs from the best motives as well as kindest of feeling. My duty in the premises I cannot shirk, nor can I divide it with others if I resign before the conclusion of the trial.

It strikes me I am short of the obligations of my oath, and unnecessarily subject myself to the imputations or weakness or something worse. If I remain and do my duty my constituents at present may condemn me, but will not when they hear my reasons, and the people of Missouri have no reason or desire I hope, to strike me down without a hearing. If I stay and withhold my vote, as you request, you are aware the result would be the same as if I voted adversely. If I should resign, and perhaps a successor should come perhaps a proper sense of delicacy would prevent him from violating every precedent on this subject by casting a vote at all. If he sat silent, it would be the same in result as if he voted adversely. If he voted, affirmatively, and thus secured conviction, this manner of obtaining conviction would certainly neutralize in the end every advantage to be derived from impeachment.

Hence I have resolved to remain at my post and discharge my duty as it is given me to know it, and appealing to heaven for the rectitude of my intentions and integrity of my conduct, I shall follow the dictates of conscience to the end of the trial, and throw myself upon the judgment of a generous people for my vindication.<sup>40</sup>

The Radicals used threats, efforts of members influential in state and national parties, and political promises, but failed to permanently sway him. Henderson was aware of the consequences of his independent role, and that a vote against the party dictates would place him in serious trouble in the party organization in Missouri. Like the national party, the Republican party machinery in Missouri was firmly in the hands of the Radicals. The appeals made to Henderson and the other wavering senators were in the name of party, and disregarded reason or evidence. His guilty vote was demanded not because the evidence dictated it, but because the President was a Democrat and the impeachers were Republicans.

The trial resumed on Saturday, May sixteenth with the impeachment managers proposing that the order of voting be modified. They proposed article eleven

<sup>40</sup> Louisiana Weekly Journal, May 23, 1868; Daily Missouri Republican, May 15, 1868; Washington Evening Star, May 16, 1868.



be voted on first, because of the widely held belief that it would be the easiest on which to achieve conviction. Fessenden, Henderson, Ross, Trumbull, and Van Winkle voted against the modification, but they were in the minority, and the resolution carried by a simple majority.<sup>41</sup> At twelve-thirty the clerk of the court read the article and as the roll was called, each senator rose from his seat and responded. Henderson's name was called and the Chief Justice read the question, to which Henderson replied, "Not guilty," loud and strong. His features showed the stress of the past several days. When the last vote was cast the Chief Justice announced the results on the eleventh article; thirty-five guilty, nineteen not guilty. Conviction had failed by one vote.<sup>42</sup> If any one of the seven Republicans, William P. Fessenden of Maine, Joseph S. Fowler of Tennessee, James W. Grimes of Iowa, John B. Henderson of Missouri, Edmund G. Ross of Kansas, Lyman Trumbull of Illinois, and Peter Van Winkle of West Virginia, had yielded to the pressure, the President would have been removed. Not despairing, the Radicals pushed through an adjournment resolution to reconvene on May twenty-six, with the excuse that the senators wished to attend the Republican National Convention in Chicago.<sup>43</sup> It also permitted the managers time to reorganize their forces for conviction on one of the remaining articles.

The Republican National Convention did not "read out" of the party the seven men, although there was considerable talk of such a movement.<sup>44</sup> The convention did accept a resolution that said in part, Johnson "has been duly impeached for high crimes and misdemeanors and properly pronounced guilty thereof by the vote

<sup>41</sup>Supplement to the Congressional Globe, 40th Congress, 2nd Session, p. 411.

<sup>42</sup>Ibid., p. 412; Fessenden, Fessenden, 204; Washington Evening Star, May 16, 1868; "Drama of the Impeachment," Johnson Papers, p. 34.

<sup>43</sup>Supplement to the Congressional Globe, 40th Congress, 2nd Session, p. 412.

<sup>44</sup>Washington Evening Star, May 18, 1868; Daily Missouri Republican, May 18, 1868.



of thirty-five Senators."<sup>45</sup> The convention was in effect saying he was convicted in the eyes of the Republican party, and was an indirect repudiation of the seven men. For obvious reasons Henderson did not attend the meeting, but at its conclusion let it be known he would campaign for the National ticket of Grant and Colfax in Missouri. For all practical purposes, the trial of Andrew Johnson was over before the convention met. When the trial resumed on May twenty-sixth, the vote on articles two and three received an identical vote as on the eleventh article, and stood one short of conviction. After the vote on article three, the court adjourned sine die.<sup>46</sup> But for Henderson and six other Republicans, Johnson would have been convicted and the system of government altered. During the course of the votes, no Senator was permitted to express his opinion on impeachment or the particular article. The significance of Henderson's vote requires more than a passing acknowledgment of his reasons. Partly for the impeachment record, and for the people of the nation, he wrote a long detailed account of his objections to the eleven articles.

The first and only really important question to be settled is this: could the President lawfully remove Mr. Stanton as Secretary of War on the 21st day of February last? I am aware that some persons now insist that the result of the votes establishing these Departments, in the first Congress, was not such as to indicate a constitutional construction in favor of the presidential power of removal. I think otherwise. I am satisfied that a careful examination of the debate and conclusion arrived at by the votes will convince any unprejudiced mind that the First Congress clearly and explicitly conceded this power to the President as a constitutional prerogative which could not be limited or controlled by law . . . I am forced to the conclusion that whatever may be the President's constitutional power in the premises, the power to remove these officers absolutely is given to the President by the laws themselves and was so intended at the time. The Departments are called Executive Departments. He is clearly responsible for their conduct, and

<sup>45</sup>Washington Evening Star, May 21, 1868; Daily Missouri Republican, May 22, 1868.

<sup>46</sup>McKittrick, Andrew Johnson and Reconstruction, p. 506; Supplement to the Congressional Globe, 40th Congress, 2nd Session, p. 415.

each one of the acts provides in terms that he may remove the officer at any time, and the acts designate who shall succeed them in case of removal or other vacancy . . . . Previous to the act (Tenure of Office Act) at least--it was quite clear that the President possessed the undoubted power to remove a cabinet officer commissioned as he must have been, to hold during the pleasure of the President, either in the recess or during the session of the Senate.

We are told that the President claims in his answer the power to have removed Stanton under the constitution and in defiance of the law. I am not trying him for his opinions. I am called to pass judgment on what he has done, not on what he claims a right to do. We must not convict men in this country for entertaining false notions of politics, morals, or religion. If he honestly intended only to procure what he says in this case, to wit: a judicial construction of a doubtful law, doubtful in its constitutionality, what right have we to pronounce him guilty of high crime? I have thought it proper, also, in this case to examine into the President's intentions. I am satisfied that all the evidence tending to explain his intention should have gone before the court. We sit in the capacity of a court and also a jury. As a court we must hear all evidence; as a jury we must consider that only which is competent and relevant.

The Constitution, in making us the "sole" judges of the law and the fact, presumes that we are sufficiently intelligent to hear all testimony offered, whether competent or incompetent, and to exclude from our minds that which is improper. When the court and jury are different persons it may be well to confine the testimony going before the jury to that which is clearly competent and relevant; but no such rule applies to the court. I only insist that competent evidence, going to explain the character of his intentions should not have been rejected by the court. A verdict of guilty on these articles after the exclusion of this testimony, would fail to command the respect and approval of an enlightened public judgment. This, in my judgment, disposes of the first ten articles. In the first place, there is not a particle of testimony proving a prior agreement, much less a conspiracy between these parties. Second, a conspiracy to be unlawful must contemplate an unlawful act or a lawful act by unlawful means. The objects designed by the President--the removal of Stanton and the appointment of Thomas ad interim--were lawful acts and hence any conspiracy based on these facts must fall.

On article eleven there has been no evidence offered to show that the President attempted to prevent the execution of the reconstruction acts. If any further reason were needed for voting against this article, it might be found in the fact that there is absent from the proof all pretense of a corrupt or wicked design in this request of the President. In my judgment a cool and deliberate future will not fail to look with amazement on this extraordinary proceeding as it is now presented to us, and the legal and discriminating minds of the world would visit with deserved condemnation a judgment of conviction on any one of the articles now pending.<sup>47</sup>

<sup>47</sup>Louisiana Weekly Journal, June 27, 1868; Supplement to the Congressional Globe, 40th Congress, 2nd Session, pp. 516-520; Daily Missouri Republican, June 11, 1868.

Henderson's support of the national Republican nominees did not prevent the Radical press of Missouri from denouncing him as a traitor to the party, nation, and Constitution. One example will suffice to measure the temper of the Radical papers: "Henderson DARED NOT vote against Johnson, because Johnson owned him, and ever since that bad man has been President, Henderson has worn a collar around his neck, with the inscription on it, 'I am Johnson's Dog.' Henderson since that time has never breathed an honest thought, and long since he ought to have been spurned and driven from the society of all honorable men, who despise a demagogue and a traitor. Let him sink into obscurity so deep that the resurrection blast from Gabriel's trumpet will never reach him."<sup>48</sup> This type of denunciation was supported by a more active opposition to Henderson's course, as reported in the Louisiana Weekly Journal: "Senator Henderson was burnt in effigy at Macon City last Saturday night, by the earnest Radicals."<sup>49</sup> And finally, from the diary of William P. Fessenden, "we four men, Grimes, Trumbull, Henderson and myself have had and are having, a hard time of it."<sup>50</sup> There was no doubt that the men who saved Johnson received abuse from the Radical partisans and their political futures were seriously threatened because of the domination of most of the parties by these men.

Henderson's immediate political future was more of a question than that of the other six men, as his term expired in March, 1869. Missouri politics was entering a period of transition--the election of 1868 was the "high-water" mark of the Radicals.<sup>51</sup> Unfortunately for Henderson, his senatorial term expired with

<sup>48</sup>Louisiana Weekly Journal, May 30, 1868; Barclay, The Liberal Republican, p. 134.

<sup>49</sup>Louisiana Weekly Journal, May 23, 1868.

<sup>50</sup>Fessenden, Fessenden, 221.

<sup>51</sup>Curry, Radicalism, p. 24; Norma L. Peterson, Freedom and Franchise: The Political Career of B. Gratz Brown (Columbia, Missouri, 1965), p. 172.

the Radicals in full control of the legislature. Yet despite opposition to him from the Radical ranks in Missouri, there were those who admired his stand, and in Louisiana he was treated to a serenade by his friends and neighbors.<sup>52</sup>

But Henderson's re-election rested with the Radical-controlled Republican party of Missouri. Signs of change were visible in the national party as evidenced by the national convention's substitution of Schuyler Colfax for Wade as Grant's running mate, and a moderate plank on voting rights in the south.<sup>53</sup>

The Missouri Republican party was still dominated by Radicals who had sought to influence Henderson's vote in the impeachment proceedings. Henderson's independence during the trial placed him in a political "no-Man's land" in the coming senatorial election.<sup>54</sup> Most Radicals could not accept him as a leader following his vote to acquit Johnson. The moderate Republicans were in no position to offer him their standard, because they lacked political strength in the party. The Democrats, although they applauded his vote, did not accept his views on other issues and therefore would not support him. As long as the Missouri and national parties were dominated by the Radicals, Henderson had little hope of resuming the influential position he occupied before the trial.

Radical domination of the national party diminished soon after the election of 1868, and the Radicals and Republicans in Missouri lost power following the election of Carl Schurz to Henderson's seat in 1868.<sup>55</sup> Henderson returned

<sup>52</sup>Louisiana Weekly Journal, June 13, 1868; New York Times, June 17, 1868.

<sup>53</sup>Trefousse, Radical Republicans, p. 399.

<sup>54</sup>Barclay, The Liberal Republican, p. 135; Peterson, Freedom and Franchise, p. 172; William E. Parrish, Missouri Under Radical Rule (Columbia, Missouri, 1965), p. 254.

<sup>55</sup>Schurz was the last Republican senator from Missouri until 1905, and in 1873 the last Republican governor left office and another was not elected until 1909. Henderson's subsequent defeats can be attributed more to party affiliation than individual. The Democratic party tide was running by 1870.



to Missouri in the summer of 1868 to campaign for himself and Grant. His speeches were an explanation of his recent vote and he hoped to convince the legislators that he had followed the correct course during the trial.<sup>56</sup> Unfortunately for Henderson's immediate re-election, the Radicals were not listening. Their choice for Senator rested with others that were more reliable. The two leading contenders for Henderson's seat were Benjamin Loan and Schurz. Henderson's only hope of re-election rested on a dead-lock between the two leaders. "Loan's friends will go for me if Loan cannot succeed and a majority of Schurz's friends are for me in preference to Loan. I think I hold the balance of power between them, and if the caucus is broken, I know I hold it in joint session."<sup>57</sup> One asset in Henderson's favor was the friendship of Grant. But none of the possibilities materialized; Schurz was too strong and was chosen by the Republican caucus on the first ballot.<sup>58</sup> Thus closed the senatorial career of John B. Henderson.

There was a direct correlation between his failure to be re-elected to the United States Senate and his "not guilty" for Johnson. He knew with his vote that re-election would be jeopardized, but he once again exemplified the personal integrity his political career so ably demonstrated. Henderson was not removed from the Republican party of Missouri or the nation. During the remainder of his life he was an active member of the party and reached its highest councils, but was not again elected to public office. As his previous career clearly demonstrated, he was a moderate conservative who stood by his convictions.

<sup>56</sup>Jefferson City People's Tribune, June 24, 1868; Liberty Tribune, July 10, 1868; Columbia Statesman, August 7, 1868; Louisiana Weekly Journal, September 12, 1868; New York Times, September 14, 1868.

<sup>57</sup>Parrish, Under Radical Rule, p. 261; Barclay, The Liberal Republican, p.155.

<sup>58</sup>Parrish, Under Radical Rule, p. 263; Barclay, The Liberal Republican, p. 155; Daily Missouri Republican, January 14, 1869; Louisiana Weekly Journal, January 23, 1869.



He had supported Douglas and popular sovereignty in the face of party objections. He had opposed his party on constitutional issues, especially on banks. He had opposed the extremists of the Democratic party on the eve of the Civil War. On slavery he had tried to follow the moderate course to protect property and eventually to rid the institution through constitutional measures. From his first elective office in the Missouri General Assembly, to the United States Senate, his course exhibited personal integrity, honesty, and devotion to constitutional principles. How easy it would have been to accept the arguments of the Radicals and remain silent, or cast his vote against Johnson and inherit the rewards that a guilty vote would have bestowed upon him. He realized that a guilty vote was, in reality, voting against his past and personal honor. Lesser men refused to sacrifice their futures and allowed party dictates to color their decision. It has been written that other Republican senators were willing to vote "not guilty" if it became necessary to save Johnson.<sup>59</sup> Therefore, these seven men do not deserve the praise bestowed upon them. There is more reason to praise the men who did face the abuse and save Johnson, because it took more courage to vote not guilty, while knowing others believed the same way. The seven could have taken the silent, less forthright position and let others do it. If they had assumed this attitude, Johnson would have been convicted, but because Henderson believed the evidence did not warrant a guilty vote, he would not let his decision be influenced.

"I cannot, in justice to the laws of the land, in justice to the country or to my own sense of right, render any other response to the several articles than a verdict of 'not guilty.'"<sup>60</sup>

<sup>59</sup>William A. Dunning, Reconstruction: Political and Economic, 1865-1877 (New York, 1933), p. 107.

<sup>60</sup>Louisiana Weekly Journal, June 27, 1868; Supplement to the Congressional Globe, 40th Congress, 2nd Session, p. 520; Daily Missouri Republican, June 11, 1868.

## EPILOGUE

Henderson's political career, after the unsuccessful senatorial campaign of 1869, provides sufficient testimony that he was not eliminated from either the state or national Republican parties. While it is true he never again held an elective public office, his association with the Republican party suffered only temporarily because of his forthright stand during the impeachment trial.

Henderson returned to Louisiana and in 1870 was active in the Liberal Republican movement.<sup>1</sup> In 1871 he was offered the Liberal Republican nomination for United States Senator, but refused. However, when the caucus of the regular Republicans offered the same nomination, he accepted. His explanation for the turn-about was that he hoped to unite both factions under the regular Republican banner in the face of growing Democratic party strength. Henderson lost the election 59-102.<sup>2</sup> In 1872 he was nominated by the united Republican party to run for governor. He canvassed the state, attempting to turn the tide of the Democratic party, but he was defeated by a Democratic landslide. He was also selected by the Republican caucus for United States Senate but the Democratic controlled General Assembly elected a Democrat.<sup>3</sup> This proved to be

<sup>1</sup>John B. Henderson to John T. Hoffman, September 17, 1870, Western Historical Manuscripts Collection, Columbia, Missouri. Henderson was asking Governor Hoffman of New York to appoint delegates that were sympathetic to the Liberal party.

<sup>2</sup>William E. Smith, The Francis Preston Blair Family in Politics (New York, 1933), II, 439; William E. Parrish, Missouri Under Radical Rule (Columbia, Missouri, 1965), p. 316; Thomas S. Barclay, The Liberal Republican Movement in Missouri, 1865-1871 (Columbia, Missouri, 1926), p. 277.

<sup>3</sup>Louisiana Weekly Journal, September 7, 1872; Jefferson City People's Tribune, October 30, 1872; Duane Meyer, The Heritage of Missouri (St. Louis, 1965), p. 422; Eugene M. Violette, A History of Missouri (Cape Girardeau, Missouri, 1957), p. 426; St. Louis Missouri Democrat, September 6 and November 4, 1872; 27th General Assembly, Journal of the Senate (Jefferson City, 1873), p. 102; 27th General Assembly, Journal of the House of Representatives (Jefferson City, Missouri, 1873), p. 156.

the last campaign for Henderson. He never sought an elective office again, but remained active in party politics.

During the second term of the Grant administration numerous scandals were uncovered. One of the most lucrative and widespread was the "Whiskey Ring," which involved the fraudulent use of revenue stamps and pay-offs, that reached even to the White House. When President Grant learned of the misdeeds he ordered the prosecution of all--"let no guilty man escape." Henderson was appointed special United States Prosecuting Attorney in St. Louis.<sup>4</sup> He put aside his private law practice to vigorously pursue the cases. In the course of the trials he came too close as far as Grant was concerned, to exposing the President's private secretary, Orville E. Babcock. Henderson wanted Babcock brought to trial in a civil court but he was unsuccessful, as Grant shielded his secretary, and Henderson was removed as prosecuting attorney allegedly for remarks he made against the President during the summation of a case. Henderson, the United States District Attorney, and the St. Louis newspapers protested this removal, saying Henderson had not impugned the President.<sup>5</sup> It was to no avail. For nearly a year after the trial, Henderson sought payment for his

<sup>4</sup>St. Louis Globe-Democrat, October 23, 1875; "General Record Book," United States District Court of Missouri, Eastern District, Vol. II, p. 204; Record Group 21, National Archives and Records Service, Region 6, Kansas City, Missouri; Ross A. Webb, Benjamin Helm Bristow (Frankfort, Kentucky, 1969), p. 196. President Grant in the early stages of the trial asked Hamilton Fish to consult with the Cabinet for a successor to the Secretary of Interior. Fish replied that in view of the coming election a man so appointed must be competent and well known, and that John B. Henderson of Missouri was a man of "high character" and with "very eminent qualifications."

<sup>5</sup>John McDonald, Secrets of the Great Whiskey Ring (St. Louis, 1880), p. 223; Webb, Bristow, pp. 201-202; John B. Henderson to Edwards Pierrepont, December 9, 1875, Record Group 60, National Archives, Department of Justice Files, 1875-1876, Washington; David P. Dyer to Edwards Pierrepont, December 9, 1875, Record Group 60, National Archives; Lucius E. Guese, "St. Louis and the Great Whiskey Ring," Missouri Historical Review, April, 1942, 176.

services on behalf of the government, and finally received his fee in late 1876.<sup>6</sup>

In the following decade, Henderson continued his law practice in St. Louis and in 1880 was instrumental in organizing the anti-third term movement against Grant. By the late 1880's he had completed plans to move permanently to Washington, D. C.<sup>7</sup> Before leaving St. Louis he attended the Chicago Republican National Convention in 1884. Henderson was chosen permanent president of the convention, and with this announcement, the delegates gave him a standing ovation.<sup>8</sup> The meaning was clear to all, his personal honesty had been vindicated and these expressions were a public apology by the national Republican party to Henderson for the abuse he had suffered. At the time of his move to Washington his name was seriously considered as one of the members of Benjamin Harrison's cabinet. Numerous editorials supported Henderson's selection. "If Harrison can elect a cabinet made up of citizens more eminent in character and fitness than John B. Henderson then the country is richer in eminent men than any one supposed."<sup>9</sup> The next day the same paper editorially expressed its appraisal of Henderson:

While up to the present writing there is no assurance that General Harrison has revealed to anyone the name of a single member of his cabinet, or that he has even settled the matter in his own mind, we know, of course, that he has had the subject under consideration, and that he has gone over a wide range of possibilities.

<sup>6</sup>Henderson to Pierrepont, January 18, February 1, 17, and 24, March 4 May 29, 1876; Henderson to Alphonso Taft, June 19 and August 31, 1876, Record Group 60, National Archives.

<sup>7</sup>Washington Evening Post, March 12, 18, April 13, 16, and 26, May 7, 1880.

<sup>8</sup>Horace White Life of Lyman Trumbull (New York, 1913), p. 326; Official Proceedings of the Republican National Convention, 1884 (Minneapolis, 1903), pp. 178-179; Edward McPherson, A Handbook of Politics for 1884 (New York, 1969), p. 198.

<sup>9</sup>Washington Post, December 28, 1888.



One of the men about whom he has made inquiries of those in his confidence is General John B. Henderson, of Missouri. The Post named General Henderson as a possible member of the cabinet very soon after General Harrison's election, and he is certainly not lacking in points of fitness and ability.

He has been a consistent, pronounced and prominent Republican for many years, but he has held only one office, that of United States Senator soon after the close of the war, and at one time he was the Republican candidate for Governor of Missouri. He has always been looked up to as an authority in his party, and has been the confidential adviser of some of the best and greatest men in it, but his life work has been that of a lawyer rather than a politician.

General Henderson has at times incurred the displeasure of certain elements of his party, notably when he opposed the abortive impeachment of Andrew Johnson; and in 1880 he was prominent in organizing the opposition to the third term movement in favor of General Grant, an act for which all good Republicans and the entire country would now be glad to thank him. While his Republicanism has been unquestioned, he has invariably shown himself to be a man of positive individual views and of the highest sense of personal and party honor. Possessing in a high degree the qualities fitting him for the duties of any of the executive departments--his rank and success at the bar being of high order--the circumstances of birth, residence and association are such in his case that he would answer admirably for the southern representative in the cabinet, he is a native of Virginia, has lived nearly all his life in Missouri, and is thoroughly familiar with the southern people, their sectional peculiarities, their political sentiments and the relations subsisting between themselves and the colored race. A plain, practical and conscientious man, he could not fail to be a most valuable executive adviser, whose selection would be acceptable to the country at large, as well as sagacious, viewed from a political standpoint.<sup>10</sup>

Notwithstanding these editorials, Henderson though seriously considered, was not selected for a cabinet office. Instead of the cabinet, Henderson was chosen to head the United States delegation to the first Pan-American Conference in Washington in 1889.<sup>11</sup> Although the meeting did not accomplish all

<sup>10</sup> Ibid., December 29, 1888.

<sup>11</sup> Senate Executive Document No. 232, 51st Congress, 1st Session, p. 43; International American Conferences, Report of Committees and Discussions (Washington, 1890), I, 43.



the desired goals, it did mark the beginning of serious United States participation in the Pan-American organization, that culminated in the Organization of American States.

During the sessions of the Pan-American meeting Henderson's family moved to Washington. Their new residence at Sixteenth and Florida was known variously as "Henderson's Castle" or "Boundary Castle," ably managed by Mrs. Mary Henderson.<sup>12</sup> In 1892 Henderson was appointed by President Harrison to the Board of Regents of the Smithsonian Institution, an appointment confirmed by the Senate. Henderson served as a member of the Regents until two years before his death, in 1913.<sup>13</sup>

Although Henderson was not a major political figure in national politics, he obviously played a significant role in the Republican party of Missouri and the nation. An independent man, a trait increasingly difficult to find, he never betrayed his loyalty to the Union, to the law and Constitution, or the nation. His political and financial papers have apparently been destroyed, but the illumination of his career from other sources is of importance.<sup>14</sup> He helped mold the course of Missouri during the turbulent years of the Civil War and aided President Lincoln in carrying out his policy of emancipation. His vote in the impeachment trial temporarily lifted him from obscurity and he

<sup>12</sup>Federal Writers Project, Washington City and Capital (Washington, 1937), p. 661.

<sup>13</sup>Smithsonian Institute, Smithsonian Miscellaneous Collection (Washington, 1901), XLIII, 1851.

<sup>14</sup>Interview with Jesse S. Shima, December 27, 1969, Washington, D. C. Mr. Shima was the confidential secretary to Mrs. Mary Henderson until her death in 1931. He said the Senator's papers were destroyed by the Navy Club when they leased the house from the estate in 1933.

always considered his actions there the most important of his life. What better vindication for the course he had pursued, than to have the party which had abused him, honor him. The numerous Republican party affiliations during the half century after Johnson's trial show he was not removed from party circles, but was accorded positions of respect and influence among the leaders of the national Republican party.<sup>15</sup>

Why history passes some men and bestows its light upon others is never fully explained. Certainly Henderson deserves his place in the history of Missouri and the nation. Let his example of individual honesty and integrity serve as a guide to aspiring political leaders and to the citizen who despairs of contemporary political leadership.

<sup>15</sup>Perhaps a partial explanation of the different treatments received in later years by Ross of Kansas and Henderson stems from their attitudes during the trial. Ross assumed a secret manner refusing to give an opinion until the roll call. The Missouri Senator was quite the contrary--he was open and free with his opinions on the several charges.

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SENATOR JOHN BROOKS HENDERSON, U. S. SENATOR FROM MISSOURI

by

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AN ABSTRACT OF A DOCTOR'S DISSERTATION

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## ABSTRACT

The career of John Brooks Henderson has been overlooked by Missouri historians. This work attempts to partially solve the oversight by focusing on his political career from 1848 until defeat for re-election to the United States Senate in 1869. Out of necessity, many of Henderson's senatorial activities have been deferred to permit examination of his role in the major issues in the decade of the sixties.

From candidate for county clerk to United States Senator, Henderson's elective career mirrors the turmoil faced by a politician in the state and nation on the eve of the Civil War. His political ascendancy in the state Democratic party parallels the splintering of party allegiances on the issues of: popular sovereignty, banks, slavery expansion, and the Mexican War. Henderson's attempts to win national office preceding the Civil War were thwarted each time by division within the Democratic party over national questions. When the problem of Missouri's relation to the national government came before the people on the eve of the war, Henderson steadfastly stood for the Union. In the state conventions of 1861 he was an ardent spokesman for the "Unconditional Union" faction. From his first political office to his last, he exemplified character which would not allow him to place party before personal integrity or the country.

His devotion to the law and Constitution are clearly evident throughout his career, but was best manifested in his search for a constitutional solution to slavery. Henderson took a leading role in Missouri and the border states, first as the spokesman for President Abraham Lincoln's compensated emancipation and later as the author of the Thirteenth Amendment to the Constitution. After the war, as Chairman of the Senate Committee on Indian

Affairs, he sought an equitable answer to the constant friction between Indians and whites by sponsoring the bill that authorized the Indian Peace Commission of 1867. While a commission member, he urged the Indians to accept a new reservation system with a program of government help. He proposed, as Commission spokesman at the meetings, a gradual transition to agricultural pursuits instead of the hunt, because the buffalo were rapidly disappearing. Although successful in obtaining Indian approval, Henderson was unable in the crucial months after the treaties to give his full attention to enacting the necessary congressional legislation to implement the treaty provisions, and successfully settle the difficult problem.

His concern in the spring of 1868 was increasingly drawn to the struggle between the President and Congress. Originally a struggle over reconstruction of the southern states, it soon widened into a struggle for control of the national government, culminating in the impeachment of Andrew Johnson. Henderson's vote in the trial is the nearest he came to national fame, when along with six other Republican senators he acquitted the President. For this act of personal integrity and honor he and the others were abused. But unlike the others, Henderson suffered the least permanent harm. In later years he enjoyed influence in the state and national Republican parties and received several nominations for state and national offices.