A thesis submitted to the Department of American History and the Faculty of the Graduate School in partial fulfillment of the requirements for the Master's degree.

Date Approved: [Signature]

Department of American History.
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DAVID R. ATCHISON, SENATOR.

Introduction.

Many who have played an important part in the history of a country and were well known during their lifetime are quite forgotten by after generations or maybe remembered only for some act which the world has not approved. A closer investigation of their lives will often show that they were leaders in movements of real importance, which have had a determining influence in the development of some phase of the nation's growth. The subject of this monograph, David Rice Atchison, seems to be such a character. It can quite accurately be said that the keynote of his whole senatorial career of twelve years was the organization and development of the west and northwest. It was largely thru his influence that grants of government land were secured to aid in the beginning of railroad building west of the Mississippi River in the early fifties. And without these grants the roads could not have been built. These are some of the things for which he deserves great credit, and with the exception of his quite exaggerated connection with
the "Border Ruffians" in the Kansas Struggle of 1855 and 1856, there are few things that can be pointed out to his discredit. In attempting to form any judgment of him either in his official or private capacity we must take into consideration the fact that he was a proslavery man of the "states rights" type. He has been called the leader of the Calhoun faction in Missouri, but if there is any truth in the statement it is only in respect to purely slavery matters, because Atchison was above all a western man rather than a southern man. An analysis of the votes will show that up to 1850 he voted more often with his colleague, Thomas H. Benton, than with Calhoun. Also it will be found that he very seldom took part in the discussion of any but western measures. His differences with Benton were largely developed thru the local political situation in Missouri after 1850. It was also about this time that his extreme radicalism on the slavery question seems to have begun to develop.

It is almost impossible to find material concerning Atchison that throws light on his motives or gives much detail regarding his activity. It is remarkable how little has been recorded. The loss of his library and papers when his house burned just a few
years before his death deprived us of all personal records. In absence of these, practically the only material now accessible is the Congressional Globe and contemporary newspapers. Neither of the latter are very satisfactory as historical sources without the former to correlate with them, to supply the motive element to the bare record. This limitation has been very acutely felt in the preparation of this piece of historical work and special care has been taken under these circumstances not to draw conclusions that are not clearly warranted by the facts at hand. The purpose of the present study is to set forth as clearly as possible Atchison's activity in the Senate. There has been no attempt to give more than a very brief summary of his early life, and that merely to serve as an introduction to his more important work as Senator.

There are at least four quite divergent biographical sketches of Atchison. As it has been impossible to verify the points of difference but the following sketch has been derived from the points of agreement and is offered as an approximation to the facts respecting his early life.

Atchison was born at Frontown, Fayette County, Kentucky, on the eleventh of August 1807, and was the
eldest of a family of four boys and two girls. His
grandfather was Alexander Atchison, an Irish immigrant
who settled in western Pennsylvania before the American
Revolution. There his father, William Atchison, was
born February 2, 1770. After the Revolution he removed
to Kentucky. It was in this wild frontier country that
David grew up. Thus, from the beginning, he was
associated with pioneer life, and probably knew no other.
He received at least a fair education and one account
says that he was a graduate of Transylvania University
and later attended Law School in Lexington, Kentucky.
He was named in honor of David Rice, a prominent
pioneer Presbyterian minister of Kentucky. His parents
wished him to follow in the footsteps of his namesake,
but he was otherwise inclined. By 1830 he was a
resident of Liberty, Missouri, and in that year was
admitted to the bar, at the early age of twenty three.
This in itself indicates that he showed some ability,
even though the above statement respecting his higher
education may not be true. And if there is any truth
in that statement his ability would be shown still more
clearly. Within four years he was elected to the
General Assembly of Missouri, and four years later was
reelected. He was influential in the movement of 1835
and 1836 which resulted in the annexation of the Platte Country to Missouri in 1837. His title of General was derived from the fact that he was elected Major General in the militia in 1838 although he never saw active service. In March of 1841 the General Assembly organized the Platte Country into the twelfth judicial district and the Governor appointed Atchison Circuit Judge of the district. At this time he moved to Platte City, which he made his home until after the war.

Up to this time, although only thirty four years of age he had held several positions of some distinction and when appointed senator two years later the Missouri Republican said there was no one better qualified for the position than Mr. Atchison.
CHAPTER I.

TWENTY EIGHTH CONGRESS, 1843 - 45.

FIRST SESSION 1843 - 44.

The legislature of Missouri elected Lewis F. Linn Senator to succeed himself in 1843. He died before the meeting of Congress in the winter and on October third Governor Reynolds appointed Judge Atchison to fill the vacancy until filled by the legislature. Mr. Atchison set out November seventh for Washington to begin his new career. Congress met on December fourth and his colleague, Thomas H. Benton, presented his credentials. He was appointed by President pro tem Mangum to the committees on Agriculture, Militia, Post Office and Post Roads on December eleventh.

The first subject to engage his interest was the Oregon situation. Great Britain and United States claimed the Oregon Country, basing their claim on discovery, exploration and settlement. On account of their inability to agree on a boundary, by Article III of the Convention of 1818 they provided that all country west

of the Stony Mountains claimed by either country be free and open to the citizens and subjects of each for ten years: this agreement not to prejudice the claim of either party. Spain and Russia had claim to the same country but they were eliminated: Spain by the treaty of 1511, by which she renounced all claims north of 42°, Russia by the treaty of 1825 which fixed 54° 40' as the southern limit of Russian territory.

In 1842 and again in 1826-7 there were attempts at settlement of the boundary. The United States claimed the whole of Oregon, but offered to settle on 49°; first in 1824 and again in 1826. Great Britain claimed that the whole country north of 42° was open to settlement and fixed the Columbia River as the line of compromise. No agreement could be reached, so in 1827 the treaty for joint occupation was renewed indefinitely with the proviso that it might be abrogated by either party on one year's notice.

The first American settlement in the Oregon country was made at Willamette in 1834, but few emigrants went until 1843 and no settlements were made north of the Columbia. In 1842 and again in 1843 Freemont was sent out on exploring expeditions and by this time there was considerable of interest in Oregon.
English fur traders had established posts throughout all the Oregon country, and to regulate that trade Parliament had on July 2nd, 1821 passed an act regulating the fur trade and extending civil and criminal jurisdiction over that country so far as related to British subjects.

The situation led to a desire in the United States to extend our laws over that country to the same degree that Great Britain had done so, and to establish a line of military posts along the route to Oregon for the protection of emigrants en route or settling in that region. Such was Polk's recommendation in his annual message of December 4th, 1843. All diplomatic means for the settlement of the boundary had failed. The Webster - Ashburton treaty, 1842, had no provision on that point. Atchison's policy respecting Oregon was in full accord with that of the president. On December 14th he gave notice that at the earliest possible time he would introduce a bill to authorize the occupation and to encourage the settlement of Oregon. This bill he introduced December 21st and secured its reference to a select committee composed of himself, Walker (Miss.), Servier (Ark.), Merrick (Ma.) and Phelps (Vt.). 

bill provides that:

I. "The President cause to be erected a line of stockades and block-houses along the route to Oregon from some point in Missouri to the pass into the Oregon Territory.

II. "That fortifications be erected at the mouth of the Columbia River.

III. "That six hundred and forty acres of land be granted to any person who shall cultivate and use it for five consecutive years.

IV. "To married men an additional one hundred and sixty acres be granted and also one hundred and sixty for each child he may have under eighteen years of age.

V. "Land so granted should not be sold or transferred until patent was granted.

VI. "Boundary: On the east the Rocky Mountains, on the south the 42° parallel of north latitude, on the west the Pacific Ocean and on the north the parallel of 54° 40' north latitude.

VII. "Appropriation of one hundred thousand dollars to carry into effect the above provisions." §

In the bill, Atchison was following in the footsteps of his predecessor, Lewis F. Linn, it being practically the same as Linn's bill of the preceding session which had passed the Senate February 6th, 1843 by a vote of 24 to 22. Linn's first efforts in this movement began five years before on February 7th, 1838 when he introduced a bill of similar character. Each session following that he had pressed the subject by presenting bills and resolutions for the same purpose.

§ Cong. Globe 28 Cong. 1 session P. 56.
and on August 2, 1841 a resolution directing the President to give notice for termination of joint occupation of the Territory. Benton said, "He aroused the public mind to the importance of securing this beautiful and valuable country from the grasp of Great Britain. Dr. Linn had given it an impetus and it could not stop."

Petitions from Missouri and other states urged the immediate action of Congress. The people of Oregon also urged action. The earliest petition from Oregon was presented by Linn January 28th, 1839. Atchison presented another February 7th, 1844. This asked for protection and encouragement to settlers and recited the injuries to which the settlers were subjected by the British authorities and the agents of the Hudson Bay Company.

Atchison, from his select committee on Oregon, reported his Oregon bill without amendment on January 23rd, 1844. In the meantime, January 8th, Semple of Illinois presented a joint resolution requesting the President to give notice for the termination of joint occupation of Oregon. January 25th, two days after Atchison reported his bill, the joint resolution came up

§§ Ibid 219.
§§§ Cong. Globe. 28 Cong. 1 session P. 176.
for debate, and during the time it was under discussion Atchison's bill was disregarded. On the question of the resolution, Mr. Archer of Virginia, Chairman of the Committee on Foreign Affairs, made objection on the ground that a minister was daily expected from Great Britain to negotiate concerning the boundary. The United States government had initiated the negotiations and this resolution, if passed, would be a virtual rejection of settlement by diplomatic means. Buchanan and Atchison supported Semple in defense of the resolution, but at Archer's request Semple agreed to the postponement of the bill the next Tuesday. The resolution was not considered again till February 22nd when it was taken up on Semple's motion. At this time Atchison made his first speech in the Senate. There is nothing remarkable in it, but as it was his first formal attempt it deserves some consideration here. He takes as the text of his speech the objections made to the joint resolution by Archer of Virginia.

The senator from Virginia (Archer) says that western senators have resolved to have the whole of Oregon whether it is incontestable or not and at the cost of the peace of the nation. Western senators do not desire war, and in case of war they would have to bear their full burden. The senator from Virginia also says that it is not so much a desire for the territory itself as a

§ Cong. Globe 28 Cong. 1 Session PP 190 - 1
"feeling of chivalry, " a desire to "run amuck" at Great Britain.

"We have not conspired together to plunge our country in war with England, but, sir, we have conspired together to maintain the unity of our territory, and the rights of our country. It is not our object to make war. The title is without a flaw, and we believe that the government should adopt measures to encourage occupation of the territory. The first proper step is to give notice for the termination of joint occupation. Negotiation has done nothing in these last twenty years and after the Ashburton treaty, which surrendered a large portion of our territory to Great Britain, we know that we have little hope of obtaining anything like justice or even a semblance of justice by a negotiation with England."

Our title is based on Louisiana Purchase, discovery and exploration by Gray, exploration by Lewis and Clark, by treaty with Spain in 1819.

"England set up no exclusive claim to the territory; she only insisted that the country was open to the whole world; unless the United States claimed the exclusive right to the country under the various titles heretofore stated."

In 1821 Great Britain had passed an act granting civil and criminal jurisdiction over all of Oregon and the whole territory east of the Rocky Mountains to the frontiers of Iowa, Missouri and Arkansas. For lesser crimes or suits the courts in our territory have jurisdiction, but for others, trials must be held in upper Canada.

"An American citizen may, felon-like, be dragged in chains to upper Canada, upon a charge of committing an offence against British laws upon American soil.

"Our object is not to bring in war, it is to occupy the land we are entitled to, and if war follows our doing so, why, let it come. Political negotiation was only throwing dust in the eyes of the people ----. If we want to avoid war, let
a territorial government be appointed, and proper agents, fully authorized, sent out for the protection of our citizens from the dangers that must arise from their collision with a foreign and unfriendly people. Let that be done before the first drop of blood is shed and peace may be preserved; but delay it longer and war is inevitable.

"Whether the government would assist and encourage her citizens or not in the settlement of this territory, they will do it — your power cannot check it. You might as well attempt to turn the waters of the Missouri river back upon its sources in the Rocky Mountains, as to turn the flood of population from the shores of the Pacific Ocean; the Alleghanies may be piled upon the Rocky mountains, and our people will scale them. The march of the empire is westward; nothing will, nothing can check it."

The debate dragged on till March 21st.

Hannegan of Indiana, Breese of Illinois, Servier of Arkansas all supported the resolution. Choate of Massachusetts, Dayton and Miller of New Jersey and Archer and Rives of Virginia opposed it. The division of opinion among those who spoke was mostly geographical. The east was against and the west for the resolution. The question came to a vote and the resolution rejected 18 to 28. Mr. Atchison, of course, voting for it. §§

On motion of Mr. Atchison, April 30th, his bill for the encouragement of the settlement of Oregon was taken up and made the special order for Monday, May 6th. When the bill came up, he announced his intention

§§ Cong. Globe 25 Cong. 1 Session P. 418.
of not pressing it, because Mr. Archer did not yet know the result of the negotiations with Great Britain then in progress concerning the Oregon boundary, but would call up the bill again before the end of the session. §

It was not called up so both the Atkinson bill and the Semple resolution were defeated on the pretext of negotiations.

Atkinson introduced two other public bills during this session. The first was a bill, on December, 28, 1843 for the establishment of a territorial government in Oregon. This was the earliest bill for that purpose introduced into either house of Congress. It was referred to the select committee on Oregon of which Atchison was chairman, but never reported. §§

§ Cong. Globe 28 Cong.1 Session P. 576.
§§ Ibid P. 77
The other bill was to extend the time for preemption rights under the laws of 1836 and 1849, introduced January 3, 1844. Atchison was interested throughout his career in making the terms for preemption as liberal as possible. §

The second movement for the annexation of Texas began just previous to Atchison's entrance into the Senate. On this subject he took no active part although he is usually represented as being a radical annexationist and follower of Calhoun. §§

The United States first laid claim to Texas as a part of the Louisiana Purchase of 1803, but in the treaty of 1819 with Spain had renounced all claim to Territory West and South of the line established by that treaty, in return for Florida and a like relinquishment on the part of Spain of her claims to the North and northeast of that line. Mexico secured her independence of Spain in 1821-4 and American's secured concessions for colonization in Texas (1822-32), and thru their protests Texas was excepted from the proclamation of 1829 abolishing slavery. In 1827, 1829 and again in 1835 the United States attempted to buy

§ Cong. Globe. 28 Cong. 1 Session. P 96.
§§ Ray, Repeal of the Missouri Compromise P. 27
Texas but to no avail. In the meantime she had made a boundary treaty with Mexico in 1828, ratified in 1831, which confirmed this line of 1819 and thereby again recognized the full claim of Mexico to Texas. As a result of the attempted unification of Mexico in 1835 by Santa Anna the state of Texas — Coahuila resisted and Texas secured her independence in 1836 by defeating and capturing Santa Anna. While a prisoner he made treaties recognizing the Rio Grande river as the southern boundary of Texas. The Mexican government refused to recognize the treaties and Texan independence because made under duress and because Santa Anna, as a military officer had exceeded his authority, which was purely military, in making the treaties.

The United States at this juncture sent Gaines to the Sabine River, to protect the Texas settlers against the Indians, and if he thought it necessary to advance to Nacogdoches. This he did June 28, 1836. The Mexican minister protested against this violation of Mexican sovereignty. He received no satisfaction, demanded his passports and went home.

On March 3, 1837 the United States recognized the independence of Texas. Almost immediately the movement was begun for annexation to
the United States. Texas made a formal offer on August 4th thru her minister but the United States declined the offer on the 25th. During the following year several attempts toward annexation were made by leaders in the United States but no progress was made and on October 12, 1838 Texas withdrew her offer.

There were various motives that had an influence in the desire for annexation or as it had come to be called "reannexation." The principle ones of these motives were; extension of slavery, extension of national territory, fear that Texas would be annexed by England, sympathy for the Texans, who were mostly Americans, and the fact that many Americans, some of whom were members of congress, had an interest in Texan loans and land script.

The second movement for annexation, began in 1843. October 16th Mr. Upshen, the Secretary of State, had proposed negotiations with Texas. Houston was not in favor of it unless there was some assurance that a treaty of annexation, if made, would be ratified by the United States Senate. Under Upshen's leadership little progress was made, but March 6, 1844, after his death, Calhoun became Secretary of State. Robert J. Walker and Calhoun were the principle leaders in the
annexation movement in the United States, and Calhoun's appointment meant that it would be pushed as fast as possible. On April 12th the first treaty for annexation was signed. Tyler hoped to complete annexation and get the credit for it, and thereby strengthen himself in the presidential campaign which had already begun. He submitted the treaty to the Senate April 22nd with urgent recommendation for secrecy until decision could be reached. Action on the treaty was slow. The opposition held that annexation could be legally carried out only with the consent of Mexico, because she had never recognized Texan independence. Annexation without consent of Mexico under such circumstances would be a virtual declaration of war. Before the treaty came to a vote the various nominating conventions met. The Whig on May 1st, nominating Clay without making any declaration regarding Texas. The Democrats on May 27th, nominating Polk on the "bargain" platform of Texas and the whole of Oregon. The "Nationals" on the same day nominating Tyler and taking as their campaign cry "Tyler and Texas". The result was that in the Senate no faction could command the necessary majority and the treaty was rejected June 8, 1844 by a vote of 16 to 35. §

§ Cong. Globe 28 Cong. 1 Session P. 77
Atchison voted for and Benton against. Although voting against ratification of this treaty, Benton did not oppose annexation, but he did oppose annexation without the consent of Mexico and on June 10th offered a bill authorizing the negotiation of a tripartate treaty in accordance with his own ideas. But after three days debate it failed to pass. § McDuffie's (S.C) motion for annexation by joint resolution, presented May 23rd failed by being tabled June 11th, by a vote of 27 to 19. Atchison and Benton both voted against the motion to table the resolution. §§ Thus the Texas question was left to be fought out as a campaign issue.

Atchison's activity during this session seems to have been confined almost wholly to committee work. He presented a great number of petitions from constituents relating to claims, postal service and river improvements. He presented a few private bills, but we have no evidence that he paid much attention to petitions beyond mere presentation.

§ Cong. Globe. 23 Cong. 1 Session. P 552-96
§§ Ibid P. 561
On November 18, 1844 the General Assembly of Missouri elected Atchison to the Senate to complete the term to which he had been appointed by the Governor the preceding year. He appeared promptly at the meeting of the second session in December and was appointed to membership on the same committee on which he had served during the preceding session.

The election of 1844 was fought principally over the question of annexation of Texas, and thru choice of Polk on that platform in November was equivalent to instructions on that question. Immediately after organization various proposals were submitted in both houses of Congress. Tyler’s fourth annual message states that Mexico had long since forfeited all right to interfere in Texas affairs, and the present situation seriously threatened American interests, so there was no alternative left but to annex Texas and thereby secure American interests and prevent foreign interference. By February 13th there were six resolutions and bills offered in the Senate for annexation, introduced in the following order by McDuffie (S.C),
Benton (Mo), Haywood (N.C), Miles (Conn), Foster (Tenn) and Ashley (Ark). None of these measures were satisfactory. Atchison took no part in the debate but he was very much in favor of annexation. On January 20, 1845 he presented to the Senate the resolutions of the General Assembly of Missouri instructing their senators to urge the measure; the question of slavery to be left to the people of the territory. He stated that he was willing to go even farther than was called for in the instructions. §

In the House the measure that received serious consideration was that presented by C. J. Ingersoll (Pa), from the Committee on Foreign Affairs, which provided for annexation by joint resolution. In the Committee of the Whole, Weller of Ohio, on January 3, 1845, offered the set of resolutions, he had already introduced as a substitute. Douglas then moved to amend the amendment by substituting the resolutions he had previously presented to the House. Among other things this amendment provided that nothing herein contained shall interfere with the Missouri Compromise as that Compromise had been passed before the ratification of the treaty by which Texas was ceded to Spain. January 21st Boyd (Ky) asked permission to submit an amendment § Cong. Globe 28 Cong. 2 Session P. 155.
to the pending resolutions, which the Chair ruled as out of order for there was already pending an amendment to an amendment. Douglas consented to accept Boyd's amendment as a substitute for his own. The fourth section of this provided that not more than three states be formed out of the territory in addition to the state of Texas and the Missouri Compromise should apply to states formed north of 36° 30' and south of that line states formed should be admitted with or without slavery, as the people determined, at the time of application for admission. On January 24th Owen of Indiana asked Douglas to accept a modification of his amendment to which he agreed. The modification omitted the Missouri Compromise, and provided that all the states formed out of the Texas territory be admitted with or without slavery as the people determined at the time of application for admission. The amendments came to a vote on January 25th, and the so called Douglas Amendment to the Weller amendment was rejected 95 to 107. The question was then recurrent on the Weller amendment. Several amendments to it were proposed and rejected. Milton Brown (Tenn) then proposed to strike out the Weller amendment and substitute one he had prepared. §

§ Pendleton, Alex H. Stephens P. 50. Prepared after consultation with Stephens. See also Cleveland's Letters and Speeches of Alex H. Stephens P. 75.
This substitute contained the provision that not more than four states in addition to the State of Texas be formed out of the territory and those formed south of the line 36° 30' should be admitted, "with or without slavery, as the people of each state, asking admission may desire." Douglas asked Mr. Brown to accept as a modification of his amendment an additional clause prohibiting slavery in states formed north of the line 36° 30'. Brown accepted the modification and the modified amendment was adopted by a vote of 109 to 99. The amendment, as amended, was agreed to by vote of 110 to 93 and the resolution was reported to the House. The amendment of the committee was accepted and the resolution passed by a vote of 120 to 93. It was sent to the Senate January 27th and was referred to the Committee on Foreign Affairs. Although the Committee reported against the resolution it was considered by the Senate. After several days of speeches it finally came up for final consideration on February 27th. The Senate resolved itself into a Committee of the Whole and Walker (Miss) proposed to amend the House joint resolution by adding an additional section providing that if the President deemed it more advisable not to submit the joint resolution to Texas

§ Cong. Globe. 28 Cong. 2 Session. PP 75, 171, 186, 192, 193, 194.
as an overture for admission to negotiate a treaty for that purpose, admitting Texas to the Union with suitable boundaries, and ceding to the United States the remaining portion of the republic of Texas and that one hundred thousand dollars be appropriated to cover expenses of negotiations. Foster, of Tennessee, then proposed to amend the amendment by the additional proviso that (1) the State of Texas and all others formed out of Texas territory south of the line of 36° 30' shall be admitted with or without slavery as their constitutions provide and (2) that the public debt of Texas shall not be assumed by the United States. The Foster amendment was rejected, the first part by a vote of 18 to 33 and the second by a vote of 20 to 31. In both cases Atchison and Benton voted against. Archer (Va), chairman of the Committee on Foreign Resolutions, moved to strike out all after Resolved and insert a provision directing the president to negotiate a treaty for annexation, with the consent of the people of Texas and that they be admitted to rights and privileges of citizens as soon as consistent with the principles of the constitution. This motion was lost 26 to 26. Atchison and Benton voting against. A vote was then taken on Walker's amendment, which was adopted 27 to 25. Atchison and Benton voting for.
This amendment was proposed in order to bring Benton to the support of the joint resolution, because he had held out for annexation by treaty as the proper method. The Committee then reported the resolution to the Senate.

The Senate accepted the Committee's amendments. Berrien (Ga) then moved to amend the joint resolution so as to express the opinion of the Senate on the Constitutional question of whether the Senate had exclusive power to annex territory by treaty. The amendment was lost by a vote of 25 to 26. Atchison and Benton both voting against. The opposition admitted the power to annex by treaty, but also held that Congress has power to annex by joint resolution. Crittenden (Ky) then moved to make the mode of administration definite and not leave it to the discretion of the President; to strike out all after \textit{Resolved} in the original House resolution. Decided in the negative by a vote of 24 to 28. Atchison and Benton against. Archer again offered his amendment offered in the Committee of the Whole. Foster then offered his amendment and it was rejected 16 to 33, and Archer's amendment 25 to 27. Atchison and Benton voting in the negative on both propositions. Miller (N.J) moved to strike out all after \textit{Resolved} and substitute a.
provision directing the President to negotiate a treaty of annexation, providing that slavery should be prohibited in the north and northwest part of the territory. The assent of Mexico to this treaty should be secured unless Congress should see fit to direct otherwise. This motion was defeated 11 to 33. Atchison and Benton both voting against. This was practically the same proposal that Benton had made early in December.

The question was then put on ordering the resolution to a third reading, which was carried 27 to 25. Atchison and Benton voting for. The resolution was passed, § and sent to the House for concurrence in the Walker amendment. The House concurred in the Senate amendment by a vote of 132 to 76 on February 28th and on March 1st the joint resolution received the approval of the President.

Next to the question of Texas that of Oregon was of greatest importance in this session. The "bargain" platform of the Democratic convention of May had declared for both Texas and the whole of Oregon. Both measures were to have equal support from the party. During the latter half of the year negotiations were in progress between the United States and Great Britain and had not been concluded when

§ Cong. Globe. 23 Cong. 2 Session P. 360 - 62.
Congress met in December. The President's annual message recommended the establishment of military posts along the route to Oregon and the extension of the laws to the same extent that they had been extended for Great Britain. On December 17th Atchison gave notice that he would introduce a bill for the organization of Oregon. The bill was introduced on the 19th. On the question of reference there was considerable debate as to whether it should be referred to the Committee on Foreign Affairs which was known to oppose it, or to the Committee on Territories.

Both proposals were defeated and on Atchison's motion a select committee of five was chosen to which it was referred. Atchison was appointed chairman, and the other members appointed were Walker (Miss), Rives (Va), Crittenden (Ky) and Allen (Ohio). January 16, 1845 Atchison reported the bill from the select committee without amendment, but it was never taken up for consideration. It provided for the organization under the name of Oregon Territory of all that territory between the Missouri River and the Rocky Mountains.

§§ Ibid. P. 143. The Globe gives it as Atherton who reported the bill, but as he was not on the Committee, Atchison is certainly meant.
and the Oregon country between $42^\circ$ and $54^\circ \ 40'$. Stockades and forts were to be built along the route from the Missouri river to the South Pass and near the mouth of the Columbia River. Six hundred forty acres of land to be granted to those who lived on it five consecutive years and an additional one hundred sixty acres to each married man and another one hundred sixty for each child he might have under eighteen years of age; the land not to be transferred or sold before the patent was granted. The provisions for government were similar to those of other territories, and there was no mention of slavery.

On February 4th the House bill for the organization of Oregon came to the Senate and on the motion of Mr. Bagby (Ala) was referred to select committees. The chair appointed the same members who had served on the select Oregon committee during the previous session. viz. Atchison, Walker (Miss), Servier (Ark), Merrick (Md) and Philips (Vt). On February 7th Atchison reported the bill with one amendment but did not press consideration until March 3rd.

Douglas House bill for organization of Nebraska Territory; Notice December 11th, introduced December 17th. The Atchison and Douglas bills were the first bills in Congress for the organization of Nebraska Territory.

Appendix Cong. Globe 25 Cong. 2 Session. P 44
when he made a motion to postpone previous orders and consider it. Archer again repeated his old argument of interfering with negotiations in which he was supported by Evans (Mo) and Crittenden (Ky). Allen, (Ohio) and Woodbury (N.H) supported Atchison's motion, but it was defeated 21 to 23, §§ and nothing was done toward the settlement of the Oregon Question. §§§

Cong. Globe 23 Cong. 2 Session P. 238.

In House of Representatives.
December 16, 1844, Dunèan (Ohio) introduced a bill for organization of Oregon. December 23rd. A. V. Brown, chairman of Committee on Territories introduced a bill for the organization of Oregon Territory. Passed February 3, 1845, vote 140 - 59. The bill just considered above.

December 11th Douglas gave notice of bill for organization of Nebraska Territory. December 17th Bill introduced.
January 21, 1845, Douglas gave notice and January 22 introduced a bill for establishment of military stations in Oregon and Nebraska. Notice the similarity of the Atchison and Douglas bills.
CHAPTER II.

TWENTY NINTH CONGRESS, 1845 - 7.

FIRST SESSION 1845 - 7.

Congress met on December 1st, and on the 9th the election of chairmen of committees began. Atchison and Barrow (La) were the candidates to head the Committee on Militia. Atchison was elected by a vote of 25 to 22. § On December 17th the remaining members of the committees were appointed, Atchison receiving a seat on the Committees of Indian Affairs and Pensions. §§ In the last two committees he was particularly active during the session and reported several private bills from each.

In his first annual message, Polk pointed out three important questions for the consideration of Congress: Texas annexation, Mexican difficulties and the Oregon question.

Immediately after the passage of the joint resolution for annexation, Tyler sent (March 3rd) an envoy to Texas to carry out the terms of the resolution

§ Cong. Globe. 29 Cong. 1 session P. 31.
§§ Ibid P. 66.
Thru the mediation of England and France a treaty between Mexico and Texas had been signed in May which recognized Texan independence providing they would not annex themselves to the United States. When the special session of the Texas Congress met in June they did not hesitate between ratification of the treaty and acceptance of the offer of the United States for annexation. Sentiment was almost unanimous in favor of annexation. Texas, having complied with the conditions, it only remained for Congress to pass the formal act of admission of Texas as a state. December 16th, the House's joint resolutions for that purpose came to the Senate, where it was referred to the Committee on Judiciary. On December 22nd it was passed by a vote of 31 to 14. Atchison and Benton voting for.

The Texas part of the bargain platform was now carried out but it still remained for the Democratic party to fulfill the part of the pledge respecting Oregon. In July of 1845 Great Britain had made an offer of arbitration, but Polk, thru Buchanan, Secretary of State, rejected it and proposed to compromise on the line of 49°, although he considered that the United States had a clear title to the whole of it. Packenham, the British minister, refused to transmit the proposal to his
and asked for a more reasonable proposal. Polk then directed Buchanan to withdraw the offer of compromise. When Aberdeen heard of the action of Packenham respecting the proposal, he intimated to the United States minister at London, that if the offer was renewed it would be considered. Packenham then proposed to reopen negotiations and denied having refused the compromise proposal. Polk wrote him an answer in rather strong terms, he withdrew his note and there the matter stood at the end of the year. In his first message of December 2nd Polk was very emphatic on the subject. He announced the failure of the negotiations and recommended authorization to give notice for termination of joint occupation, extension of laws to Oregon, establishment of Indian agencies, establishment of a line of forts and organizations of mounted riflemen for the protection of the route. He also served notice on Great Britain by declaring that, "It should be distinctly announced to the world, as our settled policy, that no further European colony or dominion shall, with our consent, be planted or established in any part of the North American continent."

Atchison still continued his interest in the organization of the western territory and an December 18th
1845 presented a series of six resolutions, all bearing on that country, and which were directly in line with the president's recommendations.

I. Resolved, "That the Committee on Territories be instructed to inquire into the expediency of organizing a government for the territory of Oregon."

II. Resolved, "That the Committee on Military affairs be instructed to inquire into the expediency of establishing forts and military posts along the trail from the Missouri River to the Oregon country.

III. Resolved, "That the Committee on Public Lands be instructed to inquire into the expediency of granting land to actual settlers in Oregon Territory.

IV. Resolved, "That the Committee on Militia be instructed to inquire into the expediency of organizing and equipping the militia of Oregon Territory.

V. Resolved, "That the Committee on Indian affairs be instructed to inquire into the expediency of establishing Indian agencies and extending the laws governing Indian trade to Oregon.

VI. Resolved, "That the Committee on Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the Missouri River to the Oregon Country."

Although the resolutions were self referring, thru the influence of Allen (Ohio), Chairman of the Committee on Foreign Affairs, and Calhoun, they were referred to Allen's committee, which also had charge of the joint resolutions for termination of joint occupation.

§ Cong. Globe 29 Cong. 1 session P. 76.
and a bill for the organization of the territory. In the House, Bowlin (Mo), offered a similar set of resolutions the next day.§ Some of the committees to which Atchison's resolutions were originally directed were slow in responding. He was himself chairman of the Committee on Militia to which one was directed and a member of the Committee on Indian Affairs to which another was directed. The first to respond was Benton from the Committee on Military affairs, December 30th, when he reported a bill for a regiment of mounted riflemen and a line of military stations along the route to Oregon. §§ This bill passed the Senate January 8th, 1846, §§§, sent to the house, there amended and passed 138 to 38 on April 11th. §§§§ The senate refused to concur in the amendment and on May 16th, on motion of Haralson the House receded from their amendment and passed the bill, which received the signature of the President May 19th. §§§§§ March 2nd Atchison reported a bill from the Committee on Militia providing for the

§§ Cong. Globe 29 Cong. 1 session P. 85.
§§§ Ibid P. 106
§§§§ Ibid. p 162
§§§§§ Cong. Globe 29 Cong. 1 session P. 658
§§§§§§ United States at Large IX Ch. 22 P. 13

In the House Harlson (Ga) had introduced a similar bill providing for two mounted regiments January 2nd, 1846.
Cong. Globe 29 Cong. 1 session P. 124.
organization and arming of the militia of Oregon, § but the bill was not considered. On the same day Semple (Ill) reported a bill from the Committee on Post Office and Post Roads providing for a post route from Independence to the Pacific. Along with this bill was a report and accompanying documents relating to the construction of a railroad from Independence to the Pacific. §§ They were ordered to be printed and on the next day Niles, of the same committee, moved that three thousand extra copies of the report and accompanying documents be printed for the use of the Senate. Calhoun moved that the subject be referred to the Committee on Printing, §§§ which was agreed to, and on March 6 Atherton (N.H.) reported from that committee in favor of the motion made by Niles, and it was agreed to. §§§§ The post route bill was not con-
sidered..§§§§ On May 21, Wescott, from the Committee on Territories, in answer to the resolution of inquiry, re-
ported that it was the opinion of the majority of that committee that it was not proper to form a government in Oregon. §§§§§

United States at Large IX Ch. 22 P. 442
Ibid P. 442
Ibid P. 449
Cong Globe 29 Cong. 1 session P. 455
Passed in the next session.
Cong Globe. 29 Cong. 1 session P. 847.
It was June 1 before Servier (Ark.) reported from the Committee on Indian affairs providing for Indian agents and extending the laws relating to Indian trade to Oregon. § This bill received the same fate as the others. The Committee on Public Lands did not report, but the House passed a bill with the desired provisions, in response to the Bowlin resolutions of inquiry. The Senate did not act on the bill.

Interest in Oregon, as we have seen, was not confined to the Senate, and it is well to give some attention to the men who were active in the House at that time, especially Douglas, who became the leader in the development of the west in later times. Bowlin (Mo) on December 15, 1845 moved to suspend the rules in order to introduce a bill for the organization of Oregon Territory, but the motion was lost. §§ On January 9, 1846 he introduced the bill. It was read twice and he moved its reference to the Committee of the Whole, but Douglas, as chairman of the Committee on Territories, suggested that it be referred to his Committee because it had the subject of Oregon under consideration and it was the intention of the committee to introduce such a

§ Cong. Globe 29 Cong. 1 session p. 885.
§§ Cong. Globe 29 Cong. 1 session p. 52.
bill very shortly. When Adams called for the reading of the bill, Bowlin informed the House that it was the same as the bill passed by the House the preceding session, except for a few minor amendments. The bill was then referred to the Committee on Territories. 

Douglas had on December 19, 1845, introduced a bill from the Committee on Territories to protect the right of American citizens in Oregon until the termination of joint occupation. §§ It provided for a temporary government in the territory of the United States west of the Rocky Mountains and the territory west of the Missouri River to the Rockies between the fortieth and forty third parallels of north latitude, extending over it the jurisdiction of the Supreme Court of Iowa, and the laws of that territory. §§§ He secured its reference to the Committee of the Whole for the first Tuesday in January and each day thereafter until disposed of. It was later postponed and on January 12th he moved that the Committee of the Whole be discharged from further consideration of the bill and that it be referred to

§ Cong. Globe. 29 Cong. 1 session P. 172
§§ Ibid P. 85
§§§ Cong. Globe. 29 Cong. 1 session P. 690.
the Committee on Territories, with a view to some slight alterations. § An amendatory bill was reported from that committee on February 13th by James Thompson (Pa) representing the majority. Douglas presented the minority report. §§ April 7th Douglas moved that the House resolve itself into a Committee of the Whole to consider the bill. The committee refused at that time, but on the 13th, on motion of Thompson, it was taken up. The debate on it began on the 15th, continued on the 16th, and came to a vote on the 18th when it passed 104 to 64. Douglas was absent at the time when the vote was taken but returned just as it was announced, and asked that his vote be recorded, but it was refused. Thompson then moved reconsideration but the Motion was lost. §§§

In the Senate it went to the Committee on Territories and Wescott (chairman) reported May 21st, asking that the committee be discharged from further consideration of the bill; first because the majority of the committee did not consider it either necessary or expedient and second, because they could not agree on alterations. §§§ Benton then gave notice that he

Cong. Globe 29 Cong, 1 session P. 189.
Ibid P. 395
Ibid P. 690
Cong. Globe 1 session. 29 C. P. 347
had something to say on the subject. The next day the committee report was considered and Benton began a four day speech on Oregon, which was continued on Monday May 25th, again on Wednesday and concluded Thursday. This speech gives an interesting sidelight on the interest and insistence on the termination of joint occupation and the organization of that territory. After reviewing the claim and negotiations concerning Oregon, he developed his plan for the North American Road to India, which he had first proposed in 1819 in a series of essays published at St. Louis. At that time he had said:

"The new route will consist of four parts:—
(1) A sea voyage across the Pacific Ocean.
(2) A river navigation up the Columbia.
(3) A land carriage across the Rocky Mountains.
(4) A river navigation descending the Missouri." §

Now he said:

"Thru the valley of the Columbia, lies the North American road to India. Twenty eight years ago I wrote something on this head and published it. A quarter century of experience and observation have given me nothing to detract from what I then wrote—nothing to add, except as derived from the progress of the arts, and especially omnipotent steam — — —

"Then two hundred and ten miles of land carriage between the large navigable waters of the Columbia and the Missouri. — — — If snow during some months should be found to impede the steam car in this elevated region, that same snow becomes the basis for the next best conveyance after steam— the sleigh!

§ Cong. Globe 1 session 29 C. P. 921.
"What a contrast to the time, and the perils, the exposure and expense of protection, which the present six months voyage involves -- --, omnipotent steam flying -- -- from Canton to Philadelphia in the marvelous space of some forty odd days." §

"Will the government now refuse its aid; nay more, obstruct the enterprise of individuals and frustrate the designs of nature, by leaving the Columbia -- -- in the hands of a Foreign Power, and that Great Britain -- -- ?

"I am now listened to with some surprise and incredulity when I represent this grand commercial route to India upon the line of the Missouri and Columbia, as one of the advantages of Oregon, one of our inducements to maintain our rights there." §§

At the conclusion of his speech he made a motion to re-commit the bill to the Committee on Territories with instructions:—

I. "To insert provisions extending the jurisdiction and civil and criminal laws over Oregon to the same extent that they had been extended by Great Britain.

II "To report a bill for full and perfect government of the territory, to take effect after the termination of joint occupation.

III "To provide for a territorial legislature, and for the administration of justice; for defence of the territory by fortifying the mouth of the Columbia; for commerce by establishing custom houses; for organizing the militia, and to provide for the security of navigation by erecting light houses, etc. The boundary of said territory to be established by treaty and until so established, the line of 49° be regarded as the northern limit." §§§

Atchison immediately objected to recommitment to the Committee on Territories because the chairman

§ Cong Globe. 1 session 29 c. P. 916.
§§ Ibid P. 917
§§§ Cong Globe. 1 session 29 c. P. 574.
had reported that that committee could not agree on any one proposition concerning the bill. The object of the bill was to extend our jurisdiction over Oregon and establish a territorial government, and he would therefore suggest that it be referred to the Committee on Judiciary. Benton assented but Sevier suggested that it be referred to a select committee. To this Benton had no objection. Atchison said there were already before the Senate separate bills, embracing all the measures recommended by the President of the United States, proceeding from the appropriate committees. There was no necessity for a special committee. The Judiciary was the proper one. Wescott agreed with him and gave notice of several amendments he intended to make to Benton's proposed instructions.

Benton's intention to refer the bill to the Committee on Judiciary was considered June 1st. Cass answered Benton, insisting on the whole of Oregon. Calhoun spoke against giving instructions and advised that nothing at all be done. Atchison then announced that he would vote for all the instructions. There was no impropriety in extending the laws of the United States to the same extent that English laws were extended.

§ Cong. Globe. 1 session. 29 C. P. 874.
A bill for permanent government could not go into effect until the termination of joint occupation, but it would be better to proceed and frame such a bill now, than to leave it to the next session, when there would not be sufficient time to consider it. (Joint occupation would cease April 25, 1847. Boundary treaty not yet contended.)

The next day the discussion was continued and Crittenden moved that the instructions be laid on the table. Benton agreed to this, because he said his object had been; first to secure reference of the subject to the Committee on Judiciary; second, to lay his views before the Senate by the instructions, and to ascertain the sense of that body upon, and his purpose had been sufficiently accomplished. Crittenden's motion was then agreed to. § The bill was not reported from the committee.

On July 31 Breese (Ill), a friend of Atchison's, from the Committee on Public Lands, reported a bill granting public lands for a railroad from Lake Michigan to the Pacific. Benton said that this idea was one of the most absurd and ridiculous that could be presented to Congress." §§ After his speech of May 25th on the subject of the North American Road to India, in which he urged government aid and talked of steam cars

§ Cong. Globe. 29 Cong. 1 session P. 902
§§ Ibid P. 1171.
over the mountains, it is difficult to explain his present attitude, unless it was because the proposed road was to be built from Lake Michigan instead of from Missouri. There seems to be considerable truth in a statement Polk wrote in his Diary on one occasion, that it was impossible to foretell what attitude Mr. Benton might take on a subject.

As we have seen one of the President's urgent recommendations was the giving of notice for the termination of joint occupation of Oregon. Several resolutions were introduced in both houses for that purpose and in this subject the main interest of the session centered. A resolution introduced into the House on January 5, 1846, became the basis of all the discussion on the subject. It passed the House in a form that directed notice to be given by the President. In the Senate, thru the influence of Calhoun and Webster it was modified so as to change its warlike tone and leave the giving of notice to the discretion of the President. On March 12th Atchison said that he would vote for the resolution in this form. In his opinion the only point before the Senate was: "Is it right, is it politic, is it for the best interest of the country that we shall give notice." When bills had been before
the Senate for extending the laws of the United States to Oregon, or establishing military posts there for the protection of American settlers, it had been continually urged that it would be a violation of the treaty of 1827 with Great Britain. The President in his message had also pointed out this same difficulty and had recommended that notice be given for termination of joint occupation, so that the United States would be free to adopt proper measurers for the security and protection of our citizens. Oregon might be lost in either of two ways; by negotiation or as he characterized Calhoun's attitude, "masterly inactivity." Atchison makes it plain here that his chief interest was to clear the way for the organization and settlement of the western country. The Senate and the House could not agree on the form of the resolution and had to appoint conference committees to adjust the differences. The Senate adopted their report on April 23 by a vote of 42 to 10, and the House on the same day by a vote of 142 to 46. The resolution as passed contained the Senate's amendment authorizing the President to give notice at his discretion. Atchison and some of the other Oregon men voted against. Benton voted for.

§ Cong. Globe, 29 Cong. 1 session P. 490.
The reason for Atchison’s change in attitude between March 12th, when he stated explicitly that he would vote for the resolution, and April 23rd, when he voted against it, is still a mystery.

Polk immediately ordered notice to be given (April 26), England then made proposals for a treaty to settle the boundary, which was submitted to the Senate for advice on June 10th. The Senate advised acceptance by a vote of 38 to 12. The treaty was concluded on that basis June 15th, submitted in its final form for ratification and was confirmed by a vote of 41 to 14. Atchison voted against. 

On August 5th in the House Bowlin moved the consideration of his bill for the organization of a government in Oregon in the Committee of the Whole, but the navy appropriation bill took precedence. On the next day a message from the president announced the exchange of ratification of the Oregon boundary treaty. Douglas on the same day, from the Committee on Territories, reported a bill framed by that committee to establish a government in Oregon. This bill was of course limited to the region secured by the treaty with England. Thompson (Pa) moved that slavery be prohibited in the

§ Executive Journal of the Senate VII P. 96.
§§ Cong. Globe. 29 Cong. 1 session P. 1197
territory. The amendment carried by a vote of 106 to 43. Douglas did not vote. The bill was then passed without division. §

In the Senate, August 7th, it was referred to the Committee on Territories and the next day Wescott reported it without amendment, but recommended that the Senate make the necessary amendments, because the committee did not have time to draft them. Three days later the Senate adjourned sine die without further consideration of the bill.

On August 10th, just a few minutes after the adjournment of Congress, Atchison, President pro tem, and Chalmers of Mississippi, called on the President. In his Diary Polk wrote thus of the visit: "On leaving, Mr. Atchison remarked that he had been excited on the Oregon question, but that he was my personal and political friend." §§ Nothing is said of the nature of his excitement, that would cause him to oppose the Oregon measures, but his opposition to the treaty was probably because it fixed the boundary at 49° north latitude and not farther north. The force of this reason is weakened by the fact that Atchison had supported Benton's instructions for 49° as provisional government. In doing this the Democratic party had only partially fulfilled their pledge of 1844.

§ Cong. Globe. 29 Cong. 1 session P. 1200 - 1204
§§ Polk's Diary II. P. 78
to maintain the claims of the United States to the whole of Oregon.

As was predicted, the annexation of Texas led to war with Mexico. The immediate cause of hostilities was the Texas boundary dispute. The United States claimed the Rio Grande River as the boundary, Mexico claimed the Nueces. As a matter of historical fact the contention of Mexico was correct. The disputed territory had not been occupied by either party. In November of 1845, Polk secured information that Mexico would receive a commissioner with "full powers" to settle difficulties, provided the United States fleet was withdrawn from Vera Cruz. Sildell was sent on the commission as minister with instructions to bring about friendly relations between the powers and counteract foreign influence there. If possible he was to settle the boundary dispute and was authorized to buy certain portions of northern Mexico, including San Francisco Bay, but this was to be sacrificed if it interfered with the first two points in the instructions. Mexico considered that the sending of a minister instead of a commissioner was adding insult to injury. To receive him would have meant to admit that she had no just cause for breaking of diplomatic relations in 1836. This she refused to do.

January 13, 1846 General Taylor was ordered to advance
to the Rio Grande and the order was carried out in March, without waiting for any settlement of the boundary dispute thru regular channels. Mexico rightly considered this as one more injury and gave Sidney his final answer and his passports. Taylor had taken a position at Point Isabel just across the river from the Mexican garrison at Matamoras. The Mexican general gave notice to Taylor to withdraw to beyond the Nueces River but he refused. On April 24th a scouting party met a detachment of Americans north of the river. A fight took place and sixteen Americans were either killed or wounded. Taylor, without waiting for orders, attacked the Mexicans at Palo Alto May 8th, and again at Resaca de la Palma on the 9th, defeating them in both engagements and driving them across the river. He crossed, siezed Matamoras, and pursued them thru Tamaulipas into Nuevo Léon. May 11th, Polk sent his war message to Congress asserting that Mexico had invaded American territory and shed American blood on American soil. He recommended that Congress recognize a state of war and provide ample means of bringing "the collision with Mexico to a speedy and successful close." On the same day the House passed a bill which stated in the preamble that "by the act of the Republic of Mexico, a state of war exists between that government and the United States," and provided
for the raising of fifty thousand volunteers and an appropriation of ten million dollars. It was considered March 12th in the Senate. Clayton (Del) moved to strike out the clause "prosecute said war to a speedy and successful termination" and insert "repel invasion". The motion was lost 20 to 26. Atchison and Benton voting against and Calhoun for. § Huntington (Conn) wanted to strike out the preamble and followed his motion with some remarks, severely criticised the course of the Administration in sending troops into the disputed territory and menacing the Mexican forces. The motion was defeated 15 to 28. Atchison and Benton voting against and Calhoun for. §§ The bill was then passed by a vote of 40 to 2, Atchison and Benton both voting for. Ferrieh (Ga), Calhoun, and Evans (Me) were present but did not vote. These votes indicate that Atchison stood with the Administration war policy, which was purely a policy of aggression. On the supplemental bill for the prosecution of the war, Atchison proposed, May 25th, an amendment which provided that all general officers appointed under the act be dismissed at the close of the war or within three months after. His reason for the amendment was that the

§ Cong. Globe. 29 Cong. 1 session p. 803.
§§ Ibid. P. 804.
§§§ Cong Globe. 29 Cong. 1 session p. 804.
generals would then know beforehand under what conditions they accepted their commands, and the government would not be burdened with unnecessary officers at the close of the war. § The amendment was debated for some time, but on the 27th he asked leave to withdraw it, which was agreed to. §§ The fear of a large standing army and the resulting increase in Federal power was not a fear that was peculiar to Atchison alone. It was the common attitude of the adherents of the "state rights" doctrine.

On August 8th, the Secretary of the Senate announced that the business before the Senate was the election of a president pro tempore. Allen (Ohio) moved that the election be postponed till 12 o'clock as not all the Senators were present. Objections objected to the postponement saying that the reason for it was that "a result was anticipated by some gentlemen not in accordance with their wishes." Some discussion took place after which Allen withdrew his motion, and the balloting proceeded. §§§ Atchison was elected on the eighth ballot by a bare majority, 25 out of 49 votes. Niles (Conn) stood second with 10 votes, the remainder were widely scattered. §§§§ Cass and Calhoun escorted

§ Cong Globe, 29 Cong. 1 session P. §56; §§ Ibid. P. §70. §§§ Cong. Globe. 29 Cong. 1 session P. 1209. §§§§ Ibid 1210.
him to the chair. On the following page is a table showing the standing on each ballot out of a Senate of fifty four members, twenty three were voted for at some time during the balloting.

An analysis of the preceding table may throw some light on how it happened that Atchison was elected. On the first ballot Hannegan of Indiana, a radical Democrat, was the only candidate receiving any considerable number of votes. Niles (Conn) stood second. Atchison had only two. On the second and third ballots Hannegan and Niles gained, mostly from the scattering votes of the first ballot. Atchison was dropped entirely on the third ballot, his two votes going either to Niles or Mangum, mostly probably Mangum, because Atchison and Mangum belonged to the same faction and Niles was a free state man and also for another reason which will be developed later. Hannegan and Niles continued to gain on the fourth ballot; Hannegan receiving 23 votes, only two less than a majority, and Niles 15. On the fifth Hannegan dropped to 18, Niles gained two votes, Atchison came back with three votes and those almost certainly from Hannegan. Here is the strongest reason for believing that the two original Atchison votes went to Mangum, and the Mangum votes to Hannegan, because, in the fifth ballot, when Atchison's votes came back, it was Hannegan who lost votes, while Niles gained two.
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<th>1 Ballot 49 Voting</th>
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On the sixth ballot Hannegan lost all but 52 votes, and Atchison gained 13, the votes for other candidates remaining almost the same as in the previous ballot. Niles gained one making him 18. The Atchison votes this time could come from no one but Hannegan. On the seventh ballot Atchison received an increase of four votes and Hannegan lost his two, probably to Atchison. Niles lost one. The scattering votes went to Cameron and Atchison. The largest vote, 51, was cast on this ballot. On the eighth ballot, Niles lost 7 votes, Cameron two, Dickinson two and two members who voted in the preceding ballot did not vote on this. Atchison gained five votes. Four scattering votes were cast, Hannegan receiving one of them. It is impossible to even guess where Atchison's last five votes came from, because the men who lost votes, Niles, Cameron, and Dickinson, were all northern men, all Democrats and all in favor of the war. If the two senators who did not vote on this ballot had voted, Atchison would not have been elected, unless they had voted for him.

From the foregoing analysis it seems safe to conclude that Hannegan was the first choice of the radical Democrats and Niles of the conservative. Failing to elect Hannegan the radicals supported Atchison.
The attention of the country throughout the year of 1846 was absorbed in the war with Mexico. All military operations had been successful and New Mexico and California were practically in the hands of the American army. So when Congress met on December 7th the chief interest centered in a more effective prosecution of the war. Other interests were totally eclipsed. Atchison was elected to the chairmanship of the Committee on Militia and a member of the committees on Indian Affairs, Pensions and Claims, December 4th, but on December 21st, at his request, he was excused from serving on the last named committee.

The president's message declared that it would be necessary to extend the laws of the United States to Oregon, establish mail routes, provide defense, survey land, etc. This time Atchison did not hurry forward any measures on that subject, but Breese of Illinois on December 23rd, introduced a bill for the organization of Oregon and a bill to create the office of Surveyor-General of public lands for the territory. His interest in territorial organization was due to his interest in another great project, because in the

§ Cong. Globe. 29 Cong. 2 Session P. 30-1.
§§ Ibid P. 68. Breeze and Atchison had been messmates in previous Congress; see Cong. Directory.
previous session he first introduced a bill for a grant of land for a Pacific Railroad by the northern route. §
No action was taken. On the same day Douglas, in the House, introduced a bill for organization of a government in Oregon, which contained the slavery restriction of the Ordinance of 1787. §§ Burt's amendment extending the Missouri compromise line to the Pacific was rejected on January 15th and the bill passed the House January 16th by a vote of 133 to 35, an overwhelming majority. In the Senate it was referred to the Committee on Judiciary, amended in several respects and on March 3rd, after some discussion, as it seemed impossible to come to any agreement, Westcott made a motion to lay it on the table. Carried 26 to 18. Both Atchison and Benton voted against the motion. §§§

January 11, 1847, Atchison presented the following note from the Vice President.

Washington, January 11, 1847.

"Senator Atchison will oblige me by opening the Senate today, and by presiding therein until its adjournment,"

Geo. M. Dallas,

Vice President and President of Senate.

Crittenden immediately objected to the right

§  Ante. P. 42.
§§ Cong Globe. 29 Cong. 2 session P. 71
§§§ Ibid P. 570.
of the Vice President to appoint a substitute. The twenty third rule of the senate gave him that privilege but it was held that he could exercise it only when present, and under such conditions as this the constitutional provision would apply. The question was not decided. Crittenden's resolution appointing Atchison President Pro tem for the remainder of the session was amended by Bagby to read. "Resolved, That the Senate proceed forthwith to the election of a President of the Senate." The motion carried and the ballots resulted in forty seven votes for Atchison and one for Sturges. §

The ten regiment bill was one of the most important measures of the session. While it was under discussion on January 21st, Atchison opposed the project of adding ten regiments to the regular army, because he considered that volunteers were just as efficient as regulars, and besides such an addition of regulars would almost unavoidably become a permanent burden on the country. §§ The next day he offered an amendment involving the same idea, to the effect that ten regiments of volunteers be enrolled to serve during the war. §§§

§ Cong. Globe. 29 Cong. 2 session 164.
§§ Ibid P. 231
§§§ Ibid P. 240
On the 27th he spoke again in defense of the same proposal, but on the 28th it was defeated 20 to 30. Benton voting against. On the 30th he proposed and carried an amendment providing that no lands be granted to soldiers which were already preempted or actually settled. On February 1st the bill passed by a vote of 39 to 2. Atchison and Benton voting for.

In February the question of filling vacancies among the officers of the volunteer regiments was a subject discussed to considerable extent. The principle at the basis of the debate, and to some extent in the two previous questions, was that of "states rights". Atchison took the states rights view point, insisting that the volunteer regiments were merely militia in the service of the United States, and were subject to the Militia regulations of the state to which they belonged. Under those laws the President had no right of appointment of officers to fill vacancies. Benton took the national viewpoint that the volunteers were regulars and the officers were subject to presidential appointment. Calhoun opposed "any violation of the constitutional authority of the States". On the same day, February 20th, Atchison offered an amendment to the bill to strike out

§ Cong. Globe 29 Cong. 2 session P. 278.
§§ Ibid P. 294.
the section authorizing the president to appoint the officers. § February 22nd it came to a vote and carried 27 to 17. Atchison and Calhoun for; Benton and Butler against. §§

Just before the close of the last session Polk had asked for two million dollars to be placed at his disposal to use in peace negotiations, but Congress adjourned without making the provision. In this session the same proposal was renewed in the three million dollar bill. The Senate bill came up for consideration January 19th. Atchison did not take part in the debate, so his attitude must be determined by his vote. Berrien (Ga) offered on February 2nd a proviso which declared that the intention of Congress in making the appropriation to be not a dismemberment of Mexico nor acquisition of any part of her territory by conquest, but merely a definite boundary adjustment and a settlement of claims. It was rejected March 1st by a vote of 24 to 29. Atchison, Benton and Calhoun voted against it. §§§§ Upham then offered an amendment, similar to the Wilmot proviso, which was also rejected. Vote 21 to 31. Atchison, Benton and Calhoun against. §§§§§

§ Cong. Globe. 29 Cong. 2 session P. 464.
§§ Ibid P. 473.
§§§ Ibid P. 545
§§§§ Cong. Globe. 29 Cong. 2 session P. 555.
This bill was passed to a third reading on the same day by a vote of 29 to 24, receiving the support of Atchison, Benton and Calhoun. It was then read and passed. § It was concurred on by the house on March 3rd and received the approval of the President.

§ Cong. Globe, 29 Cong. 2 session. P. 556.
The success of American arms had continued throughout the year of 1847. Mexican resistance had been crushed and General Scott entered the City of Mexico on September 14th.

Congress met on December 6th and on the 13th the chairman of the committees were elected. Atchison was made the head of the Committee on Indian Affairs and on the next day was elected a member of the committee on Militia. §

The President's message urged that New Mexico and California be retained as an indemnity from Mexico and organized as territories. He reiterated the statement that this was not a war of conquest. He also urged a territorial government be provided for Oregon. §§ These two questions became the foremost of the session.

Atchison's activity in December and January was confined to presentation of petitions and committee work, especially that relating to Indian affairs. On

§§ Ibid P. 5
January 31, 1848 he presented seven memorials from the General Assembly of Missouri. The second, fifth and seventh are of most importance. The second was for the organization of a territory west of Missouri and was referred to the Committee on Public Lands. "This memorial states that the territory lying west of the state of Missouri---is now inhabited by some thirty thousand Indians. If organized into a Territory and opened to settlement---, it would, in five years, rank in wealth and population among the first states of the Union." The fifth asked for a donation of public lands for internal improvements. And the seventh instructed the Senators of Missouri to vote in accordance with the Missouri Compromise in the organization of territory. § These memorials are of some value as an index of the interests of the people of Missouri and their conservative attitude on the slavery question, which is a marked contrast to that expressed two years later in the Jackson Resolution.

A bill was introduced on March 15th by Douglas, chairman of the committees, providing for the organization of Nebraska Territory. §§ It was referred to Douglas's committee and reported April 20th without amendment, but

§ Cong. Globe. 20 Cong. 1 session. P. 270
 §§ Ibid P. 467.
not considered.

On motion of Benton, February 2nd, it was resolved that Atchison be appointed President pro tem. § This was the third time that he had served in that capacity.

On February 10, he expressed his attitude on the sale of public lands. He said that "In getting rid of the public lands, an important service was rendered to the government of the United States, as well as to the State in which the land lies, and to private individuals who became owners." §§ This was the true western attitude, and Atchison was always ready to aid in securing for the pioneer plenty of land and the most liberal terms of sale or preemption.

Polk, for various reasons, was desirous of concluding peace with Mexico so after the fall of Vera Cruz, he determined to send N. P. Trist to negotiate a treaty when opportunity offered. His instructions were issued April 15, 1847. On account of unwarranted actions on the part of Trist he was recalled in October before any real negotiations began, but after the fall of the City of Mexico that government proposed to negotiate with Trist on the basis of his old instructions, saying

§§ Ibid. P. 388.
that they had not been officially notified of his recall. Trist accepted the offer and concluded the treaty February 2nd, 1845. Polk accepted the treaty in spite of the irregularity of the proceedings and on February 22nd submitted it to the Senate for ratification. It was debated from that date to the 10th of March. During that time, among various other amendments proposed, Baldwin offered to add a section prohibiting slavery in the territory ceded to the United States. It was defeated 15 to 38; Atchison, Benton and Calhoun against.

On March 10th the main question was put and the treaty was ratified by a vote of 38 to 14. Atchison and Benton against, Calhoun for. §

Although, Douglas had introduced a bill for the organization of Oregon Territory as early as January 10th, action on the question was deferred until after May 29th. On that day Polk sent a special message to Congress urging immediate action on account of threatening Indian insurrection. This gave some acceleration to the activity of the Senate on the question.

Benton, on June 1st, moved that in the

§ Executive Journal of the Senate VII P. 340
absence of the Vice President, Mr. Atchison, who had been the choice of that body, be appointed President pro tem. The motion was unanimously agreed to and Mangum and Sturgeon escorted him to the chair. §

The debate on the Oregon bill dragged along thru June. On the 22nd, Atchison urged the passage of the bill before adjournment. In the meantime the ratifications of the treaty with Mexico were exchanged at Queretaro on May 30th, and July 4th it was proclaimed in the United States. Two days later Polk sent a special message to Congress urging the immediate organization of the new Territories of New Mexico and California. This opened the way for a new possibility in the solution of the Oregon question. Clayton (Del) moved the reference of the Oregon bill to a select committee consisting of four Democrats and four Whigs. Bright (Ind) suggested that the subject of New Mexico and California be referred to such a committee and Clayton accepted the amendment. The committee, on July 14th, was appointed; and consisted of Clayton, chairman, and Bright (Ind), Calhoun (S.C), Clarke (R.I.) Atchison (Mo), Phelps (Vt), Dickenson (N.Y) and Underwood (Ky). Clayton, on the 18th reported a compromise bill

§ Cong. Globe. 30 Cong. 1 Session. P. 808.
providing that Oregon be organized without slavery, and California and New Mexico be organized, leaving the legality of slavery there to judicial decision. The debate was long and tedious. The Senate sat all night on the night of the 26th and just after daybreak Atchison made a short speech in favor of the bill.

"This committee," he said, "it is known to all, was raised for a special purpose, to wit, to take into consideration and report, if possible, a bill to organize Territorial Governments for Oregon, California and New Mexico. This duty has been discharged. The committee has reported a bill, and I will venture to say that there would have been no exception taken to the bill, but for the incidental question of slavery. The first subject which occupied the attention of the committee was the manner in which this question shall be questioned. The Missouri Compromise was proposed, or rather it was proposed that the spirit of the Missouri Compromise should be the rule of action, governing the committee in its report. If I mistake not, upon this proposition the vote was five to three. The question then arose, in what manner the Missouri Compromise should be applied to that question? The Senator from Indiana (Bright) suggested that it should be enforced according to its strict terms, that is, to exclude slavery from all the territory north of 36° 30' and it was considered nothing more than just and right, and in strict accordance with the Missouri Compromise, that there should be some guarantee that the institution of slavery should exist south of that line, and this guarantee we considered secured by the amendment of the Senator from Kentucky (Underwood). I myself was willing to accept this proposition of the Senator from Indiana, that the people inhabiting the territories south of that parallel of latitude, when they applied for admission as states in the Union, should decide the question for themselves. I was willing to accept the proposition of the
Senator from Kentucky, and I believe it was regarded as proper by all the members of the committee from the slave states. The Missouri Compromise, however, was not conceded to us in the committee, and I venture to say, that the spirit of that compromise will not be conceded to us in the Senate. Is there a gentleman who will have the hardihood to deny, that it is the first and highest duty of the Government to its citizens, wherever they may be, to give them a government and laws? Whatever difference of opinion there may be between northern and southern men upon this question of slavery, such a measure (organized without reference to slavery) could not effect their rights nor their interests. Sir, I held that where a government refuses protection to its citizens, it releases those citizens from their allegiance. Under this view of the case, if this Government refuse to establish a territorial government for Oregon, I hold, that if the citizens of that Territory should declare their independence, they would be perfectly justified in doing so. For five long years have our citizens in that Territory been without law; and here let me remark, that whatever difference of opinion there may be between southern gentlemen and myself on this subject, I have ever been willing, from the hour that two hundred citizens planted their feet on the soil of Oregon, to give them a government and laws, either with or without slavery. I believe I was the first to introduce a bill into this body for establishing a Territorial Government in Oregon (1843), and in that bill I incorporated the Ordinance of 1787; and for years I heard no objections to it on that score. There were other objections to the bill, but none on account of its containing the Ordinance. This bill permits the people of Oregon to decide for themselves whether they will or will not have the institution of slavery.

"As to California and New Mexico, it presents another question. I was willing, originally, to abide by the principles of the Missouri Compromise, and to extend the line of that compromise to the Pacific Ocean, and that, from Territory hereafter to be acquired, slavery should be excluded. I was willing, for one, that the joint property of all
the states should be devoted to the use of one half the states. I was then, and am now, unwilling that territory acquired by the joint treasure and blood of the citizens of this Union should be devoted exclusively to the benefit of one portion of the Union. And suppose we do nothing in relation to the question! suppose the bill should be rejected; is not the question still open to agitation? I do not mean to say you cannot decide it; but suppose slaves were taken to California, and the case is brought before the Supreme Court and decided against the south, it places in the hands of the North a great political weapon, and if decided the other way, it places the weapon in the hands of the South. If the bill would pass, then, I cannot see that the agitation would cease, it would still be an open question — . I hold, therefore, that it would be wise policy in case we cannot harmoniously unite upon some proposition for disposing of the slave question definitely, to pass the bill for the establishment of governments in the territories without reference to that question at all — . Apart from the subject of slavery, I believe there is nothing contained in it (the bill) that is antagonistic to the opinions of either party. We may as well then, I think, pass the bill, and leave the question of slavery to be settled hereafter; for in so doing, we shall only be performing an act of sheer justice to the people of those territories."

The Clayton Compromise bill was finally passed about a.m. on July 27th, after a continuous session of twenty one hours. The vote on engrossment was 33 to 22. Atchison and Benton voted for. §§ The House rejected it.

In the absence of the Vice President, Benton, moved that Atchison be appointed president pro tem and it was agreed to. §§

§ Appendix Cong.Globe.30 Cong. 1 SessionPP 1201 - 2
§§ Cong.Globe 30 Cong. 1 Session P. 1002
§§§ Ibid P. 1010.
The House passed a bill for the organization of Oregon on August 2nd. It was referred in the Senate to the Committee on Territories and Douglas reported it August 5th with amendments, the most important of which was onethat provided, "That in so much as the said territory is north of the parallel of 36° 31' etc.", that slavery be prohibited in the territory. This amendment was rejected 2 to 52. Bright and Douglas alone voted for it. A vote was then taken on Douglas's own amendment extending the Missouri Compromise line and it was adopted 33 to 21. Atchison, Benton, Calhoun and Douglas for. The bill was then engrossed, read and passed. § The House refused to concur in the amendment and August 12th, the Senate receded 29 to 25. Atchison and Calhoun against and Benton and Douglas for. The vote was taken just before ten o'clock on the morning of August 13th, after a twenty four hour session. §§

§ Cong. Globe. 30 Cong. 1 Session P. 1061.
§§ Ibid PP. 1078 - 1880
Atchison, as president pro tem called the Senate to order on December 4, 1848. He was elected to the chairmanship of the Committee on Indian affairs and to membership on the Committee on Pensions. There was little of importance done at this session and Atchison did very little of that. On December 26th, on motion of Allen, he was for a sixth time elected President pro tem and by a unanimous vote. §

He took his first definite steps in Congress for the promotion of railroad building on January 5, 1849. At that time he introduced a bill providing for the grant of a right of way and public lands for a railroad from Lexington to Ohio City (Mo). §§ Referred to the Committee on Public lands and not reported.

Benton, on February 7th, introduced a bill which provided for the location and construction of a National Central Highway from the Mississippi to San Francisco Bay on the Pacific. He prepared the introduction of the bill with a long speech in which he reviewed his interest in a route to the Pacific by way

§ Cong. Globe 30 Cong. 2 Session P. 96.
§§ Ibid P. 162
Missouri and Columbia rivers, which began in 1819, before railroads were known. Numerous other bills were introduced during the session providing for grants of land for the building of railroads in the south and west.

Benton, on February 9th, presented the credentials of Mr. Atchison, who was reelected by the General Assembly of Missouri for another term to begin the 4th of March.

Near the close of the session, March 2nd, the Vice President retired from the chair and on motion of Benton, Atchison was chosen President pro tem. At the close of the session on the 3rd of March, Mangum offered a resolution for a unanimous vote of thanks to Mr. Atchison for the manner in which he had presided. Agreed.

There is a story current that Atchison, as president pro tem of the Senate, was in fact President of the United States from Saturday, March 3rd, to Monday, March 5th, at noon, when Taylor took the oath of office, as he did not arrive in Washington in time to take the oath on the 4th. In the first place, both

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Ibid P. 438.
Ibid P. 646.
Ibid P. 692.
Polk and Congress did not consider their terms of office as expiring until Sunday noon, March 4th, and Congress remained in session and passed bills on Sunday morning. One of these bills was the Civil and Diplomatic appropriation bill passed just before 6 A.M. and signed between 6 and 6:30; another provided for an Independent Diplomatic Mission to Prussia. Polk nominated Hannegan (Ind) for the post and he was confirmed. § Previous to this time it had been the practice to consider the term of the President to end at midnight of the 3rd of March, and this was the first instance of the new practice of holding over till noon of the 4th. The period of time between the expiration of Polk's term and the inauguration of Taylor was only twenty four hours, and there seems to be no adequate basis for the statement that Atchison could be considered as actual President for this day. His first term had also expired and although reelected, had not qualified. There is no rule of the Senate that would authorize him to hold over as president pro tem of the session just ended, although he was commonly considered as such. It is also a mistake that President elect Taylor did not arrive in Washington in time to take the oath on March 4th, § Polk's Diary IV.236 - 71. March 3, 1849.
for he was there on and after February 26th, and the inauguration was not planned to take place until the fifth because the fourth was Sunday. §

The National Intelligence for March 15th dismissed the whole story in the following manner:

"We copied in our last, from one of our contemporaries, without giving due credit for it, a paragraph to the effect that the Honorable David R. Atchison, President pro tem of the Senate was, in fact, President of the United States from the end of Saturday, the 3rd day of March, until the actual inauguration of the President and Vice President of the United States on March 5th.

"This was, of course, intended for a jest by its original proprietor; but having been regarded by some readers as a grave statement of fact, we take leave to say that General Taylor possessed all the powers of President of the United States at any time after the legal expiration of the 3rd of March. The President is required, it is true, by the Constitution to take the prescribed oath before he enters upon the execution of his office; but he is the President of the United States from the moment of the expiration of the term of the preceding President and no man but he can under the circumstances, discharge any function of the President of the United States. It is only in case of removal of the President from office, or his death, resignation or inability to discharge the powers and duties of the said office, that the same shall devolve upon the Vice President, and next after him in case of his removal, death, etc., upon the President pro tem of the Senate, should there be one, and if not, then on the Speaker of the House of Representatives 'for the time being.' "

The editor might have added that, as the Constitution provides that the President before entering upon his office shall take the prescribed oath.

§ Polk's Diary Mar. 3 IV. P. 362-71.
oath, Mr. Atchison would have had to take that oath before he could be considered President; § also he had not taken his oath as Senator for his second term. Choosing between a President elect and a doubtful President pro tem of the Senate, both of whom had not taken the oath, it is not difficult to decide which should be president.

The above question may be viewed from another standpoint and one which is probably more strictly legal, viz: that President Polk, under these circumstances, would hold over until his successor was duly qualified. The story we have been considering probably owes its widespread acceptance to some extent to an inconsistent application of this principle. It presumes that the president's term would end and that of the President pro tem of the Senate, whose term of office expired at the same time, would hold over. The general legal rule respecting the duration of office is stated thus:

"Although there is authority for the proposition that an officer's functions cease

§ The general rule is that where a specified oath is prescribed by the Constitution or by law the oath must be administered before the officer can discharge the duties of the office. In Maine it has been held that a legally elected President pro tem of the Senate may become acting Governor without taking an additional oath. Opinion of Justices 70 Me. 570; quoted in Merrill Cyc. of Law XIX P. 443."
immediately upon the expiration of his term of office, the doctrine supported by the preponderance of opinion is, that in the absence of the express or implied prohibition an officer holds over after expiration of his term until a successor is duly chosen and qualified. To this general rule some of the authorities make an exception in cases of judicial officers, and possibly also of members of the legislature and executive."

The Constitution of the United States contains no express or implied prohibition against holding over so, according to this rule, Polk was the legal President till noon of the fifth of March when Taylor was inaugurated, and Atchison, as President pro tem of the Senate would not even need to be considered.

The whole story is just another example of a joke that has been taken seriously and has come to be accepted as historical fact. On March 5th the Senate met to organize before the inauguration of the new President. Atchison was not recognized as President pro tem of the body, but the Secretary called the Senate to order. Davis (Mass) offered a resolution that Mr. Atchison be appointed President pro tem and that Mr. Benton administer to him the oath of office as Senator. The resolution was unanimously adopted. Afterwards the other newly elected Senators were sworn in, Atchison administered the oath to the new Vice President, Millard Fillmore. §§

§ American & English Cyc. of Law. J.W.Merrill ed XIX P. 650
§§ National Intelligence March 6, 1849.
CHAPTER IV.

THIRTY FIRST CONGRESS 1849-51.

FIRST SESSION 1849-50.

Congress met on December 3, 1849. In the House a battle was on for the election of a Speaker, which lasted till December 22nd when Howell Cobb was declared elected by a plurality vote. The question at issue was the organization of the new territory, admission of California and slavery. The protracted contest only tended to embitter the struggle that was to follow. In the Senate, nothing was done until the organization of the House, except the appointment of committees. December 18th, the chairman were elected by ballot. Mangum nominated Atchison to that post on the Committee on Indian Affairs, and he was elected, the vote being 40 for him and one for Hale (N.H). §

On the next day the remainder of the committees were appointed by a peculiar method. Mangum informed the Senate that it had been decided that members of the Committees be appointed on motion consurred on by the Senate, except three. He accordingly made all the

§ Cong. Globe. 31 Cong. 1 Session P. 41.
motions including all the members of each committee in a single motion which was agreed to by the Senate. Atchison received a place on the Committee on Roads and Canals.  

The President, in his message, recommended action on the questions of organization of territory and the admission of California and to his recommendation added a solemn warning respecting slavery agitation.

On January 3, 1859, Atchison presented a series of eleven memorials from the General Assembly of Missouri. The most important of these were the first and tenth. The former was in favor of a Central Pacific railroad from the Mississippi River to the ocean, and the latter asked for a donation of alternate sections of land to the Mississippi and Missouri Railroad Company. Two others were for river improvements, one for reclamation of New Madrid lands, one for school lands, two respecting preemption.

Later in the day he presented the famous "Jackson Resolutions" passed by the General Assembly of Missouri, and which he asked to have read and printed. These resolutions were the work of the radical Democrats in Missouri. They derived their name from Clarborne F. Jackson, Chairman Committee of the Senate on Federal

§ Cong. Globe. 31 Cong. 1 Session. P. 45.
Relations, whose committee reported them and secured their passage. The resolutions are as follows:

Resolved by the General Assembly of the State of Missouri,

"First, That the Federal Constitution was the result of a compromise between the conflicting interests of the states which formed it, and in no part of that instrument is to be found any delegation of power to Congress to legislate on the subject of Slavery, excepting on some special provisions having in view the prospective abolition of the African slave trade, and for the recovery of fugitive slaves. Any attempt therefore on the part of Congress, to legislate on the subject as to effect the institution of slavery in the States, in the District of Columbia, or in the Territories, is, to say the least, a violation of the principle upon which that instrument was founded.

"Second, That the Territories acquired by the blood and treasure of the whole nation ought to be governed for the common benefit of the citizens of all the States: and any organization of the territorial governments excluding the citizens of any part of the Union from removing to such territories with their property would be an exercise of powers by Congress inconsistent with the spirit upon which our federal compact was based, insulting to the sovereignty and dignity of the States thus effected, calculated to alienate one portion of the Union from another, and tending ultimately to disunion.

"Third, That the General Assembly regard the conduct of the Northern States on the subject of slavery as releasing the slaveholding States from all further adherence to the basis of compromise fixed by the Act of Congress of the 6th of March, 1820, even if such an act ever did impose any obligation upon the slave-holding states, and authorize them to insist on their rights under the constitution; but for the sake of harmony, and for the preservation of our Federal Union, they will sanction the application of the principle of the Missouri Compromise in the recent territorial acquisitions,
if by such concessions future aggressions upon the equal rights of the States may be arrested, and the spirit of anti-slavery fanaticism be extinguished.

"Fourth, The right to prohibit slavery in any territory belongs exclusively to the people thereof, and can only be exercised by them in forming their constitutions for a State Government, or in their capacity as an independent state.

"Fifth, That in the event of the passage of any act conflicting with the principles herein expressed, Missouri will be found in hearty cooperation with the slave-holding states in such measures as may be deemed necessary to our mutual protection against the enroachments of northern fanaticism.

"Sixth, That our Senators in Congress be instructed, and our Representatives requested, to act in conformity with the foregoing resolution.

"Resolved, by the House of Representatives (the Senate concurring therein) That the Secretary of the State be required to transmit a copy of the resolutions passed at this session of the General Assembly on the subject of Slavery to the Executive of each of the States of the Union, with the request that the same be laid before each of their respective legislatures and also a copy to each of our Senators and Representatives in Congress." § (Approved March 10, 1849.)

Immediately after the reading of the resolutions Benton said that they did not represent the sentiments of the people of Missouri; that many "members who had voted for them and the Governor who had signed them had since disavowed and repudiated them." The people of Missouri would obey the law whatever it might be. The

§ Cong. Globe. 1 Session. 31 C. P. 97-98.
General Assembly had "mistook" the sentiments of the people and "mistook their own powers" in passing the resolutions. Atchison then expressed his opinion, "that the people of Missouri, when the times arrives, will prove to all mankind that every sentiment contained in these resolutions, from the first to the last will be sustained by them." On May 9th Benton published his "Appeal" from the instructions. The Resolutions mark the beginning of the break between Atchison and Benton in the Senate. As Atchison had been elected by the same Assembly that passed the "Jackson Resolutions" it is only to be expected that his opinions on the all important question of slavery should coincide pretty much with that of the Assembly. We shall see later in the debate on the Compromise measures that he did not go quite to the extremes of the Resolutions. Benton's term would expire in 1851 and it has been said that the purpose of the resolutions was to instruct him out of the Senate. It seems more probable that their purpose was what the resolutions themselves show, and Benton's defeat at the next election was only the incidental result of the public opinion that gave rise to the resolutions. §§

§ Cong. Globe, 31 Cong. 1 Session P. 98.
§§ Ray. Repeal of the Missouri Compromise PP. 36 - 8.
Atchison's next move was to introduce, on the same day, January 3rd, a bill for the grant of a right of way and public lands to the state of Missouri for the building of a railroad from Hannibal to St. Joseph. 

Atchison meant this to be a link in the Pacific Railroad. It passed the Senate June 19th, but was defeated in the House.

June 27th he introduced another bill providing for a grant of right of way and public lands for a railroad from St. Louis to the western limits of the state and an eastern branch thru Illinois, Indiana and Ohio to Cincinnati and Louisville.

On May 6th, on motion of Atchison, W. R. King was elected President pro tem and escorted to the chair by Mangum and Atchison. June 10th, Fillmore announced to the Senate, by letter the death of the President and on June 11th, on motion of Dickinson, W. R. King was again elected President pro tem and escorted to the chair by Dickinson and Berrien. Since 1846 Atchison had been regularly appointed President.
pro tem when such an officer was necessary, the motion usually being made by Benton. At this session it was on his own initiative that King was appointed to the position which he himself was accustomed to hold. whether the break between Benton and Atchison on the subject of the Jackson Resolutions had any influence cannot be determined.

Immediately after the settlement of the contest in the House over the Speakership, Congress set to work on the big problem of the session; the organization of western territory and slavery. Mason (Va), on January 4th, in the Senate, introduced a fugitive slave bill and Benton, on the 16th, a Texas boundary bill. Clay, on January 29th, presented his compromise measures. The next month and a half was taken up in the great battle of words between the great leaders; Clay, February 5th and 6th; Calhoun, March 4th; Webster, March 7th, and Seward, March 11th. Douglas, on March 25th, introduced separate bills for admission of California as a free state, for organization of Utah and New Mexico Territories. No headway was being made and on April 18 and 19th the committee was chosen with Clay as chairman. May 8th he reported a bill providing for the five points in dispute, viz, admission of
California, organization of Utah and New Mexico, Texas boundary, prohibition of slave trade in the District of Columbia and return of fugitive slaves.

During this time Atchison had said nothing on the question and did not speak until June 15th. At that time Clay presented resolutions of a meeting in St. Louis which declared for the bill as reported by the Committee of Thirteen, denounced the Northern agitators and the Southern radicals and expressed their unreserved loyalty to the Union. Benton said that the meeting did not strike him very forcibly and it did not follow that the resolutions expressed the opinion of the majority of the people of Missouri. Atchison said,

"What is public opinion, which party will triumph in August, we cannot tell; — —. But of one thing I feel very certain, that the party in favor of adjustment of this question in the manner proposed by the Committee of Thirteen will triumph. I will now take occasion, as this is the first time I have publicly expressed myself on this great question, to say that I shall vote for this compromise bill as it was introduced.

"I will take this occasion to say that I would not vote for but one measure separate and apart from this compromise union; and that is the measure for the organization of a territorial government. I would not vote for the admission of California as a separate measure. I have one good reason, and that is, I do not believe we should have any adjustment of this question if California was admitted into the Union as a separate measure. I believe this question would be open to agitation and the agitation would be of
a worse description than any we have seen. I do not pretend to know what the result would be, and I will not pretend to speak of it, but one thing I do say, as I said at the beginning of the session, that I do not believe the people of Missouri would ever submit to the Wilmot Proviso; never, sir, never! Nor do I believe that any southern or slave state in this Union would submit to it." §

Underwood (Ky) on June 19th proposed an amendment to the compromise bill providing that the dispute between the United States and Texas over the boundary be settled in a suit before the Supreme Court. The next day, in the Committee of the Whole, Atchison opposed that method of settlement as it was equivalent to one party settling a dispute for himself. His proposal was that the President appoint one or more commissioners and the Texas Legislature the same number and they choose an umpire to decide between them on points of dispute. This method had worked well in Missouri-Iowa disputes. He did not raise the constitutional question as to the power of the Supreme Court, but merely questioned the equity and fairness of it.§§ (The Underwood amendment was rejected 16 to 24.)

July 31st, Atchison moved to strike out the part of the compromise bill relating to California. That relating to New Mexico and the Texas boundary had

already been struck out. The motion was ruled out of order. Atchison stated his position in relation to California again in plain terms. "Unless she is admitted under this bill (the whole bill of the Committee of Thirteen) or a similar measure, I trust she will remain out forever." §

The Senate passed the Utah bill on August 1st. As passed, it was one of the Douglas bills of March 25th. The next day, in answer to criticism from the north, Atchison made another speech on the compromise measures. He said,

"I have voted for and sustained the bill for the admission of California and the organization of territorial governments, etc; but, sir, during all that time it never entered my mind for a moment to censure or denounce any Southern man for voting against that bill. Sir, I felt as if I were conceding all, as if I were surrendering everything except the honor of the South and the slave states of this Union, and I was willing to make that concession and surrender for the sake of tranquillity and peace once more. That was the impression on my mind, and it is upon northern men that the responsibility (if any there is) of the defeat of this measure should rest, and upon them alone. It is nothing more than a surrender on our part, with the forms of that surrender prescribed by ourselves. We see men willing to act on one hypothesis, which was suggested by one of the resolutions of the Senator from Kentucky in the early period of the session. That great truth is, that the Mexican laws have abolished slavery in all the territories which we have acquired from Mexico, and that they still remain, and will remain in force, until repealed by positive enactment. Well, if this

§Appendix Cong. Globe 31 Cong. 1 Session P. 1420.
hypothesis be true, was not this bill a complete and unconditional surrender on the part of the slave states, of every foot of territory acquired by us from Mexico? — — I do not believe in this so called great truth in law — — I believe with southern statesmen and lawyers that it is a most preposterous proposition, and hence I voted for the bill, leaving it to be decided by the Supreme Court of the United States whether this was or was not a truth in law — — Every northern man who opened his mouth on the question, asserted this great truth in law, and the additional truth that no legislation here could overcome the law of nature excluding slavery from the Territories. Well, if they believed what they said, had they not everything in the contest which they claimed, except positive legislation in the shape of the "Wilmot" proviso or some other proposition? Yes, sir, the responsibility rests on them. It was a stretch of patriotism on the part of a southern man to vote for that bill, and I felt the responsibility which I incurred in doing it; but I was willing to meet it for the sake of peace and tranquillity."

Later in the day he said,

"Now, there is one way to avoid forever the dissolution of this Union, and that is, to let the Federal Government and Congress exercise no power which is doubtful. Let them pay due regard to the rights and interests of every section of this Union, whether it be North or South, and let them bow even to the prejudices of any section of this Union. — — If our Northern friends had but come to the rescue—if they had voted for this bill as they could according to their own theory, if they believed a word of what they said, and if they were not the veriest hypocrites that ever crawled upon the face of the earth—if they had come to the rescue and passed the bill, the whole question would have been settled. I doubt their sincerity, sir, whether in or out of the Senate Chamber, and I thing their votes justify the language I have used, wrong and unsenatorial as it may be in itself." §§

§ Appendix Cong.Globe 31 Cong. 1 Session P. 1449-1500
§§ Appendix Cong.Globe 31 Cong. 1 Session P. 1500
He soon apologized for using the terms "hypocrite" and "doubted their sincerity." This is the only time in his twelve years in the senate that he let his tongue get away with him, and compared with some of the other Senators, it was mild.

August 9th the Texas bill passed the Senate, 30 to 20. (Authors, Pearce (Md) and Douglas.) Atchison and Benton both voted against the bill. On the 10th Atchison favored granting a double amount of public land to California provided she made 36° 31' her southern boundary. (The Foot amendment was defeated.) On the same day he presented instructions from the Missouri Assembly.

"Resolved, That the peace, harmony and well-being of our National Union depends upon a strict adherence to the letter and spirit of the Missouri Compromise and all new territories acquired or which shall be acquired, be organized on that basis."

August 13th the California bill passed the Senate by a vote of 34 to 18. Benton voted for the bill and Atchison against. The next day Hunter (Va) presented a protest against the California bill, saying that every effort made for a fair division of the territory had been rejected. He asked that the protest be spread upon the Journal. It was signed by Hunter (Va), Mason (Va), Butler (S.C.), Barnwell (S.C), Turney (Tenn), Soule (La),
Jefferson Davis (Miss), Atchison (Mo) and Morton and Yules (Fla). During the debate of the California bill Atchison openly opposed the reconsideration of the bill, "by every means possible under the constitution and parliamentary law."

August 15th the New Mexico bill passed the Senate 27 to 10. Atchison and Benton voted for. These two bills were Douglas bills of March 25th.

The Fugitive Slave bill was ordered to be engrossed August 23rd by a vote of 27 to 12. Atchison voted for, and on the 26th it passed without division. This was the Mason bill of January 4th.

On September 16th the last bill of the compromise measures passed the Senate, namely the bill for prohibition of slave trade in the District of Columbia. Vote 33 to 19. Atchison against and Benton for. The bill had been draughted by Clay.

The great compromise was thus completed. We do not have the votes on the Utah bill, but in the other five bills as they passed the Senate Atchison voted against three, the Texas, California and the District of Columbia bills. He voted for the New Mexico and Fugitive slave bills. Benton voted for all but the Texas bill. Atchison's course was in strict accordance
with the opinion he expressed in the Senate when he spoke on the bill reported by the Committee of thirteen. He would vote for them if passed as one bill but would not vote for them separately. His attitude was not radical, but merely the average southern view.

There is one more incident in this session that throws some light on Atchison's attitude toward international improvements. When the civil and diplomatic appropriation bill was under consideration Dickenson (N.Y.) opposed indiscriminate amendment of such a bill. In regard to the particular amendment under consideration, that of a $20,000.00 appropriation for surveying the Ohio river in view of improvements, he argued that the case should be investigated by a select committee before such an amendment was added. Atchison asked for the yeas and nays so that he might record his vote against this amendment and all such "humbugs". The amendment was carried 31 to 16 in spite of their opposition. § This incident is characteristic of his attitude on nearly all similar cases.

§ Appendix Cong. Globe 31 Cong. 1 Session. P 1280.
SECOND SESSION.

This session is of little interest in relation to Atchison except for one thing, his urgent activity in trying to put thru bills for railroad land grants. Congress met December 4th. Atchison was appointed by the chair to chairmanship of the committee on Indian affairs and to membership in Committee on Roads and Canals. He did not appear in Congress until December 16th. On the next day he gave notice and December 18th introduced a bill providing for a grant of right of way and public lands for a railroad from St. Louis to the west line of Missouri. Shields gave notice on December 10th and introduced on December 12th a bill for grant of right or way and public lands for the Hannibal-St. Joseph railroad. This bill Atchison pushed harder than the former. January 19, 1851, he moved the postponement of previous orders in order to consider the bill for a land grant to the Hannibal-St. Joseph Railroad. February 6th, on his motion it was considered. At that time he stated that it had

§ Cong Globe. 31 Cong. 2 Session P. 3

§§ Ibid P. 66
been passed almost unanimously at the two preceding sessions. Action on the bill was slow but it was passed February 5th. § The former bill was passed February 22nd. Neither bill was successfully in the House.

On the subject of pensions Atchison had very decided convictions. He had been on the Committee on pensions for some time and knew something of the subject. On February 10th he said that private bills for pensions was wrong in itself. Whenever a bill is presented for private relief, its consideration should be based on some principle upon which all similar cases should be decided. Under the general law a common soldier received $5.00 per month. Now, if it is right for one soldier to receive $20.00 per month, it is equally right to give all other soldiers, similarly situated, a like sum. The principle of bills for private relief (thru congressional or other special influence) is wrong. §§

Atchison again on March 3rd opposed the river and harbor appropriation bill because of the indefiniteness regarding the different places for which money was to be expended. Then he sarcastically adds

§ Cong Globe. 31 Cong. 2 Session P. 474.
§§ Cong. Globe. 31 Cong. 2 Session P. 547.
that if he sustained the bill he considered that
Missouri ought to "receive their share of the public
plunder." §

On March 12th in the new Congress he gave
vent to some more sarcasm at the expense of Congress
by remarking that "the Senate has become, instead of a
deliberative body, a debating society." §§

The thirty first Congress marked the close
of the senatorial career of the Old Statesman (Benton);
his retirement from the Chamber which, as Atchison
said "he had so beautifully adorned for thirty years."

§ Appendix Cong Globe 31 Cong 2 Session. P 380
§§ Ibid P. 425.
Again we find that Atchison's chief activity was in the matter of land grants for railroads. He was chairman of the Committee on Indian Affairs, and a member of the Committee on Agriculture. His new colleague, Henry S. Geyer, was appointed to the committees on Judiciary and Pensions. Douglas was chairman of the Committee on Territories and a member of the Committees on Foreign Affairs and Roads and Canals. Atchison had served on the latter committee during the previous Congress.

His first movement on December 2nd, the day after the organization of Congress, was to give notice of a bill, which he introduced the next day, for a grant to the State of Missouri of a right of way and public lands for the Hannibal-St. Joseph railroad. This was the fifth railroad bill he had introduced in three years. The next day Geyer (Mo) introduced a similar bill for the railroad from St. Louis to the west line of the state. Geyer's bill was not considered.
but Atchison's bill was passed on March 15 without division and practically without debate. § The title was changed to read "To aid in the construction of certain railroads in that state," instead of specifying a particular road. The bill itself, as passed provided for both the Hannibal-St. Joseph railroad and the St. Louis railroad of Geyer's bill. It was approved June 10, 1852. §§ In connection with this bill there were four proposals before Congress for the construction of a Pacific railroad. Two of these proposed roads were to pass thru Missouri and would have connected with the above roads. The others were to be built by way of the Northern and southern routes.

The discipline in the navy at that time was considered extremely rigid. A bill was before Congress during this session which provided for more humane treatment of the sailors. On February 3rd an amendment was adopted which prohibited flogging. Atchison said, "You protect the sailors' back and now I am disposed to protect his stomach. I consider the one about as respectable as the other and I think the punishment of putting a sailor on bread and water, although it may

§ Cong. Globe 32 Cong. 1 Session P. 782.
§§ U. S. Statutes at Large X P. 8
not be infamous, is far more severe than flogging. If I had my choice, I would take the flogging." §§ As the Senate had adopted the amendment providing for the "bread and water punishment" Atchison's motion was ruled out of order, and the Senate refused to reconsider the amendment. § This is only one more instance showing his moderation and humanity.

Oregon Territory was still of interest to Atchison, for on March 1st he offered a resolution that the committee on Territories inquire into the expediency of reorganizing the territorial government, so as to allow the election of the Governor and Judges, but nothing was accomplished. §§

A meeting at Parkville, Missouri, in the spring of 1852 declared in favor of the organization of the Territory of Nebraska. On July 7th Atchison presented the proceedings of the meeting and they were referred to the Committee on Territories. §§§

On July 8th Atchison called the Senate to order in accordance with a letter from W. R. King, President

§ Cong. Globe 32 Cong. 1 Session P. 449.
§§ Ibid P. 657.
§§§ Ibid P. 1666.
pro tem, asking him to preside for the day. In the absence of Mr. King on the following day he presided again. §

Atchison's characteristic sense of fairness is again shown in his attitude toward a proposal to refund to the Seneca Indiana, $2,500.00 of which they had been defrauded by an agent of the government. He said,

"The great father sent them this man, giving him a letter of credit, fully indorsed; and I hold that the United States is responsible for all frauds perpetrated by him; and not only on the tribe, but on individuals of the tribe, just as if I gave a letter which was fraudulent or calculated to deceive a friend to whom it was addressed. I hold that this doctrine as applied to Indian agents has a peculiar force."

There was strong opposition but the proposal carried. §§

Before the close of the session Atchison took advantage of another opportunity to take a punch at the appropriations bill; this time the rivers and harbors bill. On August 20th, he said,

"I am willing to vote for many appropriations in this bill, and shall vote for the bill if you strike out of it such items as are not of a national character. That would remove the great objections to it."

§ Cong. Globe 32 Cong.; 1 Session P. 1680, 1700. It will be remembered that it was Atchison who made the motion to appoint King President pro tem in 1849.

§§ Ibid. P. 1133.
Three days later Brooks offered a substitute bill providing for the expenditure of $100,000.00 under the direction of the Secretary of the Treasury for survey and examination of the harbors on the Atlantic and Pacific coasts, the Great Lakes and the Gulf of Mexico, also a survey of the Mississippi, Ohio and Missouri Rivers. Atchison immediately moved to strike out the part of the substitute relating to survey of the Missouri River, as there was no necessity of spending money on it. "I do not desire that the General Government shall spend one dollar unnecessarily on the State of Missouri." The whole Brook's substitute was defeated, so Atchison won his point. §

§ Appendix Cong. Globe 32 Cong. 1 Session. P. 1153.
During this session Atchison held the same Committee positions as in the preceding session. On December 13th, 1852, the President pro tem being absent, asked Atchison to preside, which was agreed to. He held the chair thus, being elected from day to day at King's request for the next three days. On December 20th, King resigned and on motion of Mr. Bright (Ind) Atchison was unanimously chosen President pro tem, and presided during the remainder of the session.

For the reason that he was presiding officer he kept almost absolute silence on all matters under discussion, speaking on only two bills during the session: the first an Indian appropriation bill in which, as Chairman of the Committee on Indian Affairs, he had special information and interest; the other the Richardson bill for the organization of Nebraska which came up to the Senate late in the session. (Feb.11) On March 3, 1853, Atchison spoke twice on the bill. The first time he spoke with considerable reservation.

§ Cong. Globe 32 Cong. 2 Session PP. 39, 52, 58, 67 and 89. W. R. King had been elected Vice President of the United States in November, took the oath of office March 4, 1853. He died April 18, 1853. National Intelligence, December 10, 1853.
"Perhaps," he said, "there is no state so much interested in the organization of Nebraska Territory as Missouri. If not the largest, I will say, the best portion of that territory, perhaps the only portion of it that in half a century will become a state, lies immediately west of the State of Missouri. It is only a question of time whether we will organize the territory at this session of Congress, or whether we will do it at the next session; and for my own part I acknowledge now, as the Senator from Illinois (Douglas) well knows, when I came to this city at the beginning of the last session, I was perhaps as much opposed to the proposition as the Senator from Texas now is. The Senator from Iowa (Jones or Dodge) knows it; and it was for reasons which I will not mention or suggest. But, sir, I have upon reflection and investigation in my own mind and from the opinions of others—my constituents whose opinions I am bound to respect,—come to the conclusion that now is the time for the organization of this Territory. It is the most propitious time." 

It was the last day of the session; the last hope of passing the bill. It needed the support of every friend. The opposition to consideration of the bill continued and Atchison spoke again, this time with less reserve. Before, he had refused to give his reasons for his earlier opposition; now, he gave them. "One was, that the Indian title had not been extinguished, or at least any small portion of it had been. Another was the Missouri Compromise, or, as it is commonly called, the slavery restriction. ——— Whether that law was in accordance with the Constitution of the United States or not, it would do its work, and that work would be to preclude slaveholders from going into that territory. But when I came to look into the question, I found that there was no prospect, no hope of a repeal of the Missouri Compromise, excluding slavery from that territory. Now, sir, I am free to admit at this moment, at this hour and for all time to come, I should oppose

§ See proceedings of the Parkville meeting favoring organization, presented at the last session July 7, 1852, Ante P. 94, and probably other information not made public. Local sentiment in the west, independent of political considerations, was beginning to demand the organization of Neb.

§§ Cong. Globe. 32 Cong. 2 Session P. 1111. (Italics are mine.)
the organization and settlement of that territory unless my constituents and the constituents of the whole South, of the slave states of the Union, could go into it on the same footing, with equal rights and equal privileges, carrying their species of property with them as other people of the Union. Yes, sir, I acknowledge that that would have governed me, but I have no hope that the restriction will ever be repealed.

"I have always been of the opinion that the first great error committed in the political history of this country was the Ordinance of 1787, rendering the Northwest Territory free. The next great error was the Missouri Compromise. But they are both irremediable. We must submit to them. I am prepared to do it. It is evident that the Missouri Compromise cannot be repealed. So far as that great question is concerned, we ought as well agree to the admission of this Territory now as next year or five or ten years hence." 

The objection based on Indian titles was obviated by a bill passed to negotiate for their extinguishment, and the Nebraska bill would not go into effect until that was accomplished. His speech explained why he had objected to the organization earlier, but it did not explain fully what influence had brought about this change in opinion. There was a purpose behind this bill important enough to out-weigh his objections based on slavery opinions. He admitted that the Senator from Illinois and the Senator from Iowa knew well his reasons for earlier opposition and implied that they also knew his reasons for a

§ Cong. Globe. 32 Cong. 2 Session P. 1113.
change of opinion. The opposition to the bill did not give way and Bell (Tenn) said,

"I know the Senator from Illinois sufficiently well to know that when he makes a proposition of this description, it has a meaning in it, a pregnant meaning; and he does not merely mean to fill up space, and pass the time until the present session of Congress has passed away. What he does is pregnant with significance; and if the honorable Senator from Illinois is disposed to tell us his meaning, I am perfectly willing to hear him." §

Douglas took up the challenge. He confessed,

"It is an act that is very dear to my heart one that I should have been glad to discuss in all its bearings. It is one of immense magnitude and grave importance to the country." After a two hour recess of the Senate he resumed. "The object of the bill is to create a territorial government extending from the western boundary of the Missouri and Iowa to Utah and Oregon. In other words, it is to form a line of territorial governments extending from the Mississippi Valley to the Pacific Ocean, so that we can have continuous settlements from the one to the other. We cannot expect or hope even, to maintain our Pacific possessions unless they can be connected in feeling and interest and communication with the Atlantic states. This can only be done by continuous lines of settlements, and those settlements can only be formed where the laws will furnish to those who settle upon and cultivate the soil. The proposed Territory of Nebraska embraces quite a number of the many emigrant routes extending to our Pacific possessions. It embraces the route from Missouri to Santa Fe; and also to Utah, Oregon and California. --- Sir, what have we done for these Pacific possessions? What have we done to bind them to us? When a proposition was brought forward here to establish a railroad connection, it met with determined resistance. The project was crushed and destroyed." §§

§ 1 Cong. Globe. 32 Cong. 2 Session P. 1115.
§§ Cong. Globe. 32 Cong. 2 Session P. 1116.
In mentioning railroads he gave the real reason for the bill; to organize and open to settlement the intervening country and thus pave the way for completion of the Pacific railroad project. In regard to organization he said, "I have tried to get it thru for eight long years." Douglas's first bill for that purpose was introduced in December of 1844 and at the same time Atchison had introduced a bill for the organization of Oregon which included Nebraska, so Atchison's interest in Nebraska had been of as long standing as that of Douglas. At that time the slavery question was not so large a factor in territorial organization. His attitude was more national than sectional, as it came to be later. Atchison gives further evidence of the purpose of this bill in a series of speeches beginning at Weston, Missouri, June 6, 1853, just three months after the above discussion in Congress, in answer to Benton's charges that he was opposed to both the organization of Nebraska and the construction of the Pacific railroad. He mentioned the land grants for railroads secured in the preceding session.

"The land obtained by these measures will assist in the construction of two roads from the Mississippi, both pointing to the Pacific, either of them long links in the chain of railroads yet to be constructed. Who will not admit that the grant of lands thus obtained will
facilitate, expedite and certainly insure, the speedy completion of the Hannibal-St. Joseph railroad, the Pacific railroad from St. Louis to Kansas, as well as the southwestern branch of the same, terminating in a section of the state rich in resources hitherto undeveloped. Missouri will occupy the enviable position of being able to offer to the United States three frontier starting points for the Pacific railroad, which offer cannot be made by any other state in the Union.------

In obtaining these grants of land, the first link toward connecting by railroad the valley of the Mississippi with the Pacific, was heated, formed and welded, and if ever the connection is made (and I doubt not it will be) and either of the points upon our western border be made the startingpoint, it will be because this link has been made.—— I am in favor of the construction of such a railroad by the General Government for that purpose. I will vote to appropriate land and money. I believe it absolutely necessary for the integrity of the Union. As to where it shall commence or where it shall end, that is a matter to be determined when the surveys and operations now in progress shall be completed, and the route which must take between the terminal is absolutely dependent on these surveys. —— My opinion is that the matter of terminal and the route of the road will of necessity be left to the discretion of the President."

§

He stated further that both the North and South routes had been voted down by overwhelming majorities. He was also in favor of the organization of Nebraska territory. In the Atchison-Benton campaign in Missouri for the senatorship, it was recognized by both principals that the organization of the territory was necessary before a railroad could be built thru to the Pacific, in order to secure protection to the road

§ Quoted in Ray, repeal of the Missouri Compromise. PP. 78—80.
to the road and settlement of the country along the route upon which such a road must depend largely for its support. The Pacific railroad then, it is safe to say, was the prime reason which led Atchison to favor organization of Nebraska at this time and outweighed the slavery arguments against it.

§ Richardson (Ill) and Hall (Mo) in the House both charged that the opposition to the Nebraska bill was based on the opposition to the Pacific railroad by the central route.

CHAPTER VI.

THE TWENTY THIRD CONGRESS, 1853 - 55.
FIRST SESSION 1853 - 4.

When Congress met on December 5, 1853, Atchison, as president pro temp of the last session, called the Senate to order, and presided during the entire session. As his time was taken up with the duties of presiding officer he was not assigned committee duties.

The history of this session is essentially the legislative history of the Kansas-Nebraska bill. Atchison's part in the passage of the bill is small indeed so far as active support in the Senate is concerned, because of the fact that he was presiding officer.

During the interval between the close of the last session and the beginning of this one, his attitude toward the slavery question, as related to the organization of the Nebraska Territory, had undergone a complete change. His term was drawing to a close and Benton was determined to secure his seat. The legislature elected in the fall of 1854 would select his successor. Benton began his campaign in
May, 1853, making the central Pacific railroad and the organization of Nebraska territory the keynotes of the campaign, charging Atchison with opposition to both of those measures. Atchison made his first speech in answer at Weston, Missouri on June 6, 1853. In this speech he avowed his support of both measures and cited his record in Congress, but he said a bill for the organization of Nebraska must not contain any "restriction upon the subject of slavery." "I will vote for a bill that leaves the slaveholder and the non-slaveholder upon terms of equality. I am willing that the people who may settle there and who have the deepest interest in this question should decide it for themselves."§ To carry this policy into effect would be to repeal the Missouri Compromise. As to his reasons for this change of attitude on the slavery question in this relation in three months time, we know nothing, but must accept the change and recognize that this was his attitude during the following session of Congress, and whatever efforts he made in favor of organization outside the Senate were in this direction. With this preliminary explanation we will proceed to the history of the Kansas-Nebraska Bill.

Dodge of Iowa, on December 14, 1853,

§ Quoted in Ray, Repeal of the Missouri Compromise P. 135.
introduced a bill in the Senate for the organization of Nebraska Territory, which was referred to the Committee on Territories of which Douglas was chairman. The bill was identical with the Richardson House bill of the preceding session. On January 4, 1854, Douglas reported the bill and accompanied it with a report in which he summarized the principles of the Compromise of 1850 which he applied to this territory; (1) Slavery must be left to the people of the territory to decide on becoming states, (2) questions of legality of slavery and title to slave property during the territorial period should be left to judicial decision, (3) the fugitive slave law should be enforced. The bill itself, contained a clause on this subject which provided that the states formed from the territory "shall be received into the Union with or without slavery as their constitutions may prescribe at the time of their admission." This provision was copied verbatim from Douglas's New Mexico and Utah bills which became a part of the Compromise of 1850. The bill was printed in this form on January 7th, but on the 10th another section was added to the reprinted bill. This additional section was a summary of the report of the 4th. The bill in this form did not repeal the Missouri Compromise, but left the question of its legality to judicial
decision in the United States courts during the territorial period. Dixon insisted on going full length and January 16th gave notice that at the proper time he would offer an amendment to the bill specifically repealing the Missouri Compromise. Douglas determined to redraft his bill. After conference among the leaders, the President was consulted on Sunday, January 22nd. The accounts of the consultation do not agree as to the persons involved, or as to the method, but they all agree on one thing; namely; that the substitute bill which Douglas offered on Monday January 23rd was drafted after consultation with President Pierce and with his approval. As to Atchison's share in the proceeding we can conclude nothing more than that whatever consultation there may have been, he had a share and probably a leading share. § Senator Butler (S.C), who was his intimate friend said in the Senate on February 26, 1856, that "General Atchison — had perhaps more to do with the bill than any other senator." §§ Francis P. Blair also considered Atchison in connection with Butler, Mason and Hunter (Va.)

§ McMaster, History of the People of the United States, VIII PP. 195-6 and note gives the Davis and Phillips accounts. The latter is probably the more nearly correct.

§§ Appendix Cong. Globe 34 Cong. 1 Session. P 103. The Congressional Directory for the
as the originator of the bill. §

The next day Dixon announced that he was satisfied with the substitute bill and would not offer his amendment. The Washington Union, the administrative organ, pledged the Democratic party to the bill and made adherence to it a test of political orthodoxy. On the same day the Independent Democrats published an Appeal in the National Era denouncing the bill. Douglas replied to the Appeal in a speech January 30th in which he defended the bill in toto. In its new form the bill differed in two important respects from the former bill; first it divided the Nebraska country into two territories this session shows that Atchison, Butler and Mason and Hunter (Va) lived at the same house. Note. Atchison at no time claimed to be the actual author of the bill, but did claim to be the originator.

For a further discussion of the authorship of the Kansas-Nebraska bill see Ray. Repeal of the Missouri Compromise, PP. 232 and note, and Appendix E. PP 276 - 288.

Mr. Ray takes the viewpoint that Atchison was the author and originator of the Repeal.

§ Ray. Repeal of the Missouri Compromise PP. 230 ff.
divided by the 40° of north latitude. §, second, it stated that the Missouri Compromise was "superceded by the principles of the legislation of 1850." and thus was no longer operative. On February 6th, Douglas offered an amendment to the phraseology of the repeal clause, substituting "inconsistent with" in place of "superceded by" and on the next day after a conference with the friends of the bill he added an explanatory section ending with the clause "subject only to the Constitution of the United States." The whole of the amendment was adopted February 15th by a vote of 35 to 10. Atchison voting for. In order to expose the evasion of the point at issue in the clause "subject only to the Constitution of the United States," Chase proposed to amend it by adding, "under which the people of the territory, thru their appropriate representatives, may, if they see fit, prohibit the existence of slavery therein." This amendment was rejected March 2nd, by a vote of 36 to 10. Atchison opposed. Clayton then proposed; "That the right of suffrage and holding office shall be exercised only by citizens of the United States." The amendment was adopted by a vote of 23 to 21. Atchison voted for. The final struggle on the bill came on the night of March 3-4. Douglas made

§ See Hodder, F.H. Genesis of the Kansas-Nebraska bill. Wisconsin History Soc. 1912.
his final defence of the bill and the vote was taken about daybreak on the 4th and the result was 37 votes for and 14 against. Atchison voted for. Alexander H. Stephens wrote on May 7th,

"The Clayton amendment will be dropped. This will be the ground upon which Southern deflectionists will attempt to justify their alliance with the free soilers. It will however only be a pretext, and as such they should not be permitted to escape on it. — — I think it of great importance for the South to have the kind feelings of the foreign population. Come that population will, and why should we make them our enemies upon the small question of whether they should vote in a Territory only within one year or five?" §

The House struck out the Clayton amendment and the bill came back to the Senate for concurrence on May 23rd.

On the next day Atchison made his only direct remarks on the bill. On the question of receding from the Clayton amendment, he said,

"I voted for the amendment to the Senate bill proposed by the Senator from Delaware. — — I still entertain the opinions which I entertained then, that none but American citizens, native born or naturalized, should be entitled to the right of suffrage, or to hold office either in the

§ Alex H. Stephens to W. W. Burwell, editor of the Baltimore Patriot, May 7, 1854. Toombs, Stephens, Cobb Corres, American History Ass'n. Report 1911, II PP. 343 - 4. Stephens also wrote Burnwell, "If you concur, a leader on that point will help much."
States or Territories of this country. But, sir, there is a higher principle than that involved in this measure. There is no constitutional question in my opinion involved, -- -- It is a mere question of policy; and that question of policy, I am willing to yield for the sake of a higher principle contained in this bill. Sir, I would vote for this bill, although there might be, not only one, but one thousand obnoxious principles contained in it. I would vote for it because it blots out that infamous---yes sir, I think it is the proper term to be used---that infamous restriction passed by Congress in 1820, commonly called the Missouri Compromise.-- -- Yes, if this bill contained one thousand obnoxious principles, with the repeal of that "infamous" compromise as it is called, I should vote for it. When this is done we will have achieved, what after thirty years of struggle, has only been consummated at this session." §

He then denied the newspaper charge that he was the author of the amendment. May 25th the Senate ordered the bill as passed by the House to a third reading by a vote of 35 to 13. Atchison for. It was then read and passed.

Here again we find that the interests behind the bill were railroads for Atchison wrote from Washington June 5, 1854 to the Missouri Republican,

"The Douglas Bill was a Western measure. It was designed to add to the power and wealth of the West."

"Well might St. Louis declare Benton as hostile to her best interests; for no portion of the country is to be so largely benefited by opening Kansas and Nebraska to settlement, All of the railroad interests are largely interested, for a terminus on the western frontier, blocked

§Cong. Globe. 1 Session 33 O. P. 1303.
by an Indian wall, is very different from an indefinite extension west through new, rapidly opening settlements." §

§ Ray Repeal of the Missouri Compromise
  P. 261
SECOND SESSION 1854 - 5.

When Congress met on the fourth of December, 1854 the Secretary read a letter from Atchison announcing his inability to arrive in Washington until the second or third week in December, that they might proceed to the election of a President pro tem. §

The next day Bright of Indiana was elected, receiving 24 out of 36 votes. §§ Atchison appeared in his seat for the first time on December 22nd, and left Washington early in February. During his stay he did nothing of any importance, and did not have a place on any committee because those of the preceding session were continued.

The reason for Atchison's absence at the beginning and end of the Session was the local political situation in Missouri. The Atchison/Benton campaign for the Senatorship continued thru the years of 1854 and 55 and the longer it continued the more bitter it became. Combined with the campaign was the beginning of the settlement of Kansas. Atchison, as one of the pro-slavery leaders of Missouri, was determined to make Kansas a free state.

§ Cong. Globe. 1 Session 35 C. P. 1.
§§ During the preceding session Atchison had on one occasion appointed Bright to preside in his absence, and in 1852 Bright had made the motion that Atchison be appointed President pro tem.
On January 5, 1855 the Missouri General Assembly met in joint session to elect a successor to Atchison whose term expired March 4th. There were three candidates, Atchison and Benton representing the radical and conservative Democratic factions respectively and Doniphan, a Whig. The early ballots stood about 55, 40 and 59 votes for the candidates in the order named above. After the fifth ballot Atchison was withdrawn and William Scott of the State Supreme Court was substituted; later Gov. Sterling Price was substituted for Scott, all with about the same result. Atchison was again placed on the ballot. On the forty first ballot the vote stood 59, 37 and 57 respectively.

The joint session then adjourned by a vote of 38 to 63 until called together again by a joint resolution. March 5 the Assembly adjourned to meet again in November and in December adjourned sine die without electing a Senator. Thus Davy Atchison left the Senate. Although a man only forty eight years old his political career was over.

§ National Intelligence Feb. 20, 1855.
§§ F. W. Switzer History of Missouri PP. 277 - 78
"I and my friends wish to make Kansas in all respects like Missouri." — Atchison.

Immediately after the passage of the Kansas-Nebraska bill the movement began for settlement of Kansas territory. In New England the anti-slavery element set about to form immigrant aid societies and to organize immigration to Kansas from the free states. Their purpose was to make Kansas free at all hazards. These organizations were not perfected in 1854 but immigration was started under the direction of some of the leaders. A party of about 200 men, under the leadership of S. C. Pomeroy and Charles Robinson arrived in Kansas in the early part of September, 1854. Other parties had been arriving during the summer.

The organized movement in far off New England brought on a counter movement in Missouri. The people of Missouri were more directly interested in making Kansas a slave state than any one else. The passage of organized free state parties through Missouri on the way to Kansas was not likely to develop sentiments of cordial friendship between the parties. §§

§ Paxton's Annals of Platte County, P. 186.
§§ Testimony before the Special House Committee On Kansas H. Report #200.
On July 25, 1854, a meeting was called in Platte City by a number of prominent citizens of whom Atchison was one. The meeting discussed the situation and organized the Platte County Self Defensive Association for the purpose of holding public meetings to urge pro-slavery men to settle in Kansas, and to guard against frauds in elections there. They also resolved that settlers sent by the immigrant aid companies should be turned back. § The more radical faction formed various secret societies with the purpose of using violent methods of gaining these ends and many citizens of Missouri prostrated against the use of such methods. On November 6th Atchison spoke at Platte City and urged voters to move to Kansas and vote the pro-slavery ticket. §§ The above accounts, although recorded by a political opponent, do not indicate that Atchison advocated violence or illegal voting in Kansas.

The first Kansas election for congressional delegate took place on November 29th and the committee of the House, after investigation, decided that there were 1729 illegal votes cast. There is considerable doubt as to the accuracy of their decision because there was no census or registration of voters previous to the election. The testimony before the committee

§ Paxton's Annals of Platte County, P. 184, Mr. Paxton was a Whig and radically opposed to Atchison.

§§ Ibid. P. 189.
indicated that Atchison was the leader of one of the bands of illegal voters although there was one man who testified that, "I did not see General Atchison that day, or if I did, I did not know him." § I heard no threats used or saw no resistance."

During the summer the principal early Kansas towns were founded. Along the Missouri river there were two fords on the Missouri border. Fort Leavenworth was built on one of these and a town grew up near the Fort and at the other one a pro-slavery town was established and named Atchison in honor of the Missouri Senator. Lawrence, was the free state headquarters, and just above it on the Kansas river, Lecompton, the inland pro-slavery headquarters was begun.

Atchison went to Washington in December and remained until about the first of February, when he returned to Missouri to take a leading part in the further settlement of Kansas. During the winter the census was taken in the territory in preparation for the election of the first territorial legislature. The testimony taken by the committee on this point indicates that the census was not in all respects a fair count of the population. Many men had gone to Kansas in the summer and fall of 1854 and returned to

§ House report #200 P. 432.
Missouri for the winter to settle up their business with the intention of returning the spring. These men were not included in the census and were considered as Missouri invaders and their votes were considered illegal. It is of course impossible to tell how many were included in this class. They probably constituted only a small part of the number of illegal voters as recorded by the investigating committee.

The election of a territorial legislature took place March 30th and Atchison is charged with leading a band of "Border ruffians" into the territory. Hale, of New Hampshire, in making an attack on Atchison in the Senate on February 28, 1856, quoted a speech made by Atchison in regard to the elections as reported in the New York Times. Atchison said,

"I saw it with my own eyes. These men came with the avowed purpose of driving or expelling you from the territory. What did I advise you to do? Why, meet them at their own game. When the first election came off I told you to go over and vote. You did so and beat them. We, our party in Kansas, nominated General Whitfield. They, the abolitionists, nominated Flenniken -- the next day after the election, the same Flenniken, with 300 of his voters left the territory, and never returned, -- no never returned.

"Well, what next? Why, an election for members of the Legislature to organize a territory must be held. What did I advise you to do them?"

§ House Report #200 P. 526
Why, meet them at their own ground and beat them at their own game; and cold and inclement as the weather was, I went over with a company of men. My object in going was not to vote; I had no right to vote, unless I disfranchised myself in Missouri. I was not within two miles of a voting place. My object in going was not to vote but to settle a difficulty between two of our candidates."

The Missourians carried the election in nearly every district, but their vote was not the only illegal vote cast. The testimony before the House investigating committee shows that in one district the anti-slavery leaders persuaded the deck hands of a river boat to go up and vote the free state ticket. It had been reported that a large band of free state men would arrive on the day of the election to vote. The man who testified that it always seemed to him that it was about an even break between the two parties in regard to illegal voting seemed to have had good grounds for his opinion, in some districts at least.

Atchison fully understood the situation and what the effect would be in Missouri if Kansas should become "free territory". Even before the passage of the Kansas-Nebraska bill he stated the case clearly in a speech at Parkville, Missouri, on August 6, 1853.

§ Appendix Cong. Globe. 34 Cong. 1 Session. P. 104
§§§ Ibid P. 330.
"The State of Missouri is now bounded on two sides by free states; organize this territory as free territory, then we are bounded on three sides by Free States and Territories. What would be the effect upon slave property in Missouri and in the neighborhood it requires no prophet to tell," §

We may appreciate the full significance of this plain statement by a considering of how much of the property of Missouri was in the form of slaves. In 1850 the total value of the taxable property in the state was $79,512,391. Of this amount $17,772,180. was in the form of slaves. §§ In other words almost one-fourth of the total wealth of Missouri was slaves. It was therefore not only a question of making Kansas a free territory that so seriously concerned Missouri leaders, but the fact that a free Kansas meant the death knell of slavery in Missouri.

During the spring and summer of 1855 the work of immigration was renewed with greater zeal. Atchison and other Missouri leaders appealed to the south for settlers for Kansas. The Northern immigrant aid companies were thoroughly organized. The most important of these was the New England Immigrant Aid Company of which Amos A. Lawrence was one of the leading spirits. The parties of immigrants were organized under the authority of the company and arrangements made for

§ Quoted in Ray Repeal of the Missouri Compromise PP. 136 ff.
§§ National Intelligence January 18, 1851.
transportation and accommodations along the route. The officers of the company and others in their private capacity furnished these immigrants with Sharps rifles and consignments of rifles were sent to settlers already in the territory. The company never furnished rifles and in that way technically avoided the responsibility. This was in effect a distinction without a difference. The company was financed by its members, these same members furnished arms to the immigrants that the company sent out. To a frontier Missourian there was no difference whether a company officer gave the immigrants rifles in his capacity as an officer of the company or as a private individual. They therefore laid the responsibility for the border trouble on the New England Immigrant Aid Company.

The natural antipathies between the parties were increased by disputes over land claims in the new territory. If the contestants happened to be of opposite parties the land dispute became a party quarrel, free state versus slave state. On November 21st, F. M. Coleman, killed Charles W. Dow at Hickory Point as a result of just such a dispute. Dow was a free state man and his party took up the case. Bronson, one of Dow's friends, was arrested on a peace
warrant by Sheriff Jones, and was rescued by the free state party. Jones called for militia to enforce the law, laying the blame for Branson's rescue on the free state town of Lawrence. The militia responded and with them a large number of Missouri "border ruffians." Paxton records that on November 25th several hundred riflemen from Platte County responded to the call made by Jones and took Senator Atchison as their counsel. The militia and border ruffians assembled at Franklin and a fight seemed imminent. Governor Shannon attempted to make peace between the parties and largely thru Atchison's influence the peace of Lawrence was concluded (December 9) which closed the Wakarusa War. He made the point clear to them that the law had not been violated, service of warrants had not been resisted and to attack the town under such conditions would be to attack it as a mere mob. There is no evidence to show whether Atchison knew the real situation before the conference of the leaders with Governor Shannon or not, but the fact that he used his influence to prevent bloodshed is sustained by competent authority. Shannon in his testimony before the investigating committee on June 9, 1856, is as follows as recorded in the Report of

§ Paxton's Annals of Platte County,
Committee:

"The deponent states that he was greatly aided in settling the difficulties last fall by the active exertion of prominent men from Missouri, who did everything in their power to prevent effusion of blood. He would name General Atchison and General Boone as having exercised a great deal of influence in preventing a conflict of arms between the two parties on that occasion." §

There is also the testimony of a Topeka merchant, Asaph Allen, who was held as a prisoner at this time. He says the men showed a disposition to hang prisoners.

"A number of officers gathered around the tents and succeeded in quieting them. About an hour afterwards David R. Atchison and Colonel Boone of Westport very quietly came into the tent and requested General Pomeroy to get ready as quietly as possible and follow them, as they were afraid of his life from the soldiers who they were afraid would collect there and hang him." §§

Following the treaty of Lawrence the armed bands of "Border Ruffians" returned to Missouri. During the winter months the leaders were preparing for another campaign. Appeals were again made to the South for immigrants. In Congress the Topeka Constitution, which had been formed by the free state party, was being considered. Senator Andrew P. Butler, of South Carolina, on March 5, 1856, made a long speech on the Kansas question and made a defence of Atchison who had been attacked by Hale (N.H) and Wilson (Mass).

§ House Report #200 P. 1103
§§ Ibid PP. 1115 - 16.
He said:

"I came now to another personage in this affair, a distinguished friend of mine, General Atchison, — —. I have known General Atchison long and well. They (Hale and Wilson) have attributed to him a ferocity and vulgar indifference and recklessness in the affairs of Kansas, which is refuted by every confidential letter which he has written to me, and which is not in conformity with the truth. I will not say that General Atchison is the enemy of any one. I will not say that he is the enemy of the immigrants in Kansas who have been sent there by the aid of societies; but I say that I know of no man within the range of my acquaintance, who could be invested more effectually with the attributes of the conqueror of that class of people. And how do you suppose he would exercise that high power? Let those who now asperse him settle round him as neighbors, and if their houses were burned down and assistance were required, he would be the first man to render them assistance and he would conquer them by his kindness, by his justice, by his good sense, and by his generosity. There never was a better illustration of his character than the conduct he displayed in the expected tragedy at Lawrence. I know the fact, and I state it on my authority as a truth not to be disputed (Because I have his letters in my drawer) that, when that controversy arose, General Atchison was absolutely called upon to attend General Robinson's command, and he went with a positive pledge on the part of those with whom he was associated that he should rather be the Mentor than the leader; and he has written me that but for his predatorial office, the houses of the people of Lawrence would have been burnt and the streets drenched in blood. An appeal was made to him under circumstances which his magnanimous nature could not resist. He had the courage to do a duty which in its performance might offend his comrades and associates—a courage much higher than meeting the enemy in open field. He effectually exerted his influence, under the appeal made to him, to save from fire and sword the village of Lawrence, the stronghold of the aid society immigrants. But for the
gentle advice and perhaps the controlling influence, the houses of the settlement would have been burnt and its highways drenched in blood.

"When these people were suppliants, how different they felt than from what their calamities have evinced since! The generous person who saved them is to be converted into their ferocious persecutor. Atchison is to be immolated on the altar of fanatical vengeance, and that, too, through the medium of anonymous writers in newspapers, under the sanction of speeches made in this Chamber. Well, sir, is this to be his requittal?"

Senator Geyer of Missouri, Atchison's previous colleague in the Senate had spoken in the defence of Atchison February 18th. He said:

"At that time it was apprehended there would be a serious collision and much destruction of life between those who had collected at Wakarusa and the citizens of Lawrence. At that time General Atchison, together with some two or three other gentlemen—his neighbors—went over for the purpose of persuading those at Wakarusa to forbearance. He counselled peace. That was his errand at that time. So much was he opposed to any collision between the citizens of Missouri, or those who are represented to have been citizens of Missouri, and the inhabitants of Lawrence, that he left his home for the purpose of interposing as a peacemaker."

Sumner, in his speech on the crime against Kansas, compared Atchison to Cataline and Geyer and Butler to his fellow conspirators, and applied to them all the invective at his command.

In Kansas during this time the Grand Jury indicted several of the Free state leaders for treason

§ Appendix Cong. Globe 34 Cong. 1 Session P. 585.
§§ Appendix Middle Period. P. 438.
without hearing evidence and recommended the abatement as nuisances of the two Lawrence newspapers "The Herald of Freedom" and "The Kansas Free State" and the destruction of the "Free State Hotel" which they claimed had been built with a view to using it as a fort. United States Marshall Donaldson was charged with the duty of serving the writs. It was said that the service of the write was resisted and a posse consisting partly of Missourians was called. May 21st the writs were served without resistance, in fact with the aid of the Lawrence people. The posse was then dismissed, but County Sheriff Jones called it together again to carry out the recommendation of the Grand Jury respecting the newspapers and the Hotel. Atchison, who was present, did all within his power to prevent this destruction but without success. He was again in Kansas in September but no definite data is available for his activity, except that he was one of the commanders of the pro-slavery forces at the time of the third attack on Lawrence.

It is probably best not to try to come to any definite conclusion on the question of Atchison's part in the Kansas troubles. There is no evidence to explain his motives adequately in leading in these

§ Spring, Kansas. P. 124. Burgess. Middle Period. P. 43§.
invasions, but in all cases where any radical or unnecessary action seemed imminent, Atchison always counseled moderation.

We have no further record of Atchison taking part in the struggle for Kansas after the September of 1856. On January 17, 1857 he moved from Platte City to his farm in Clinton County, where he lived with his brother, Allen. At the outbreak of the Civil War he entered the Confederate service, but soon became dissatisfied with the management of the army and resigned. § During his last days he lived with his nephew, John C. Atchison. He died January 26, 1886. §§

§§ Information received from John C. Atchison, Gower, Mo.
CONCLUSION.

After considering Atchison's career in detail it will be profitable to attempt to give a general summary of his work and interests. We may well ask why this young western senator became a man of such prominence and influence. He cannot be called a statesman in the better sense of the term, neither does he seem to have been a mere politician. Within a few days of his first appearance in the Senate he assumed the role of leader in one of the most important questions of the day. His first Oregon bill was not a new idea, he was only following in the footsteps of his predecessor but the second bill, which he introduced a few days later, was the first serious attempt to organize the territory of Oregon. During the first three sessions of his term he pushed this question. When his own bill failed to receive consideration he adopted a different mode of procedure; that of resolutions of inquiry directed to various committees, probably thereby hoping that bills reported by committees would be more seriously considered than his own. His friends in the House cooperated with him by introducing bills and resolutions there. In 1852 he
again offered resolutions of inquiry for the reorganization of Oregon to give the people a larger share in the government. A very significant fact is that his interest in organization of western territory was not confined to far off Oregon, but extended to the intervening territory called Nebraska which he included in his Oregon bill of 1844. Douglas's interest in Nebraska began at the same time and continued until its organization in 1854. He introduced bills for the organization of Nebraska in 1844, 1845 and 1848 and during the same time was securing railroad land grants east of the Mississippi River. Atchison, in the session of 1848-49, presented a bill for land grants for railroads in Missouri and during the next three years presented five bills for that purpose. In 1853 he came out openly for the organization of Nebraska and the construction of the Pacific railroad, claiming the honor of securing the land grants for the roads thru Missouri which would be links in that great Pacific road.

On the questions of Texas annexation and the Mexican war he was willing to let others lead. He was always found supporting the Democratic policy on these questions, without compromise, as in the Oregon
question he had stood for all of Oregon.

When it came to organizing the newly gained territory after the Mexican War, he advocated the extension of the Missouri compromise line to the Pacific and on the question of slavery showed himself in favor of a moderate policy and a spirit of conciliation. It is plain that his position on the slavery question was not fixed through his career. When he introduced his first bill for organization of Oregon in 1845 he included the slavery restriction of the Ordinance of 1787. He seems to have taken it as a matter of course and in his second bill made no mention of slavery. When it finally came to the actual organization of that territory in 1848 he voted for the extension of the Missouri compromise line and when the House refused to adopt that line, he voted against concurring in the action of the House. This continued to be his attitude till it became evident that such a proposal would not be accepted at all in the organization of the Mexican cession. He was then willing to adopt the theory that the people of the state should decide the question when they applied for admission into the union. The principles of the Compromise of 1850, he accepted fully and when it came to the question of Nebraska in 1853 he, with very great reluctance, agreed to the continuance o
of the Missouri Compromise in that territory. As has been pointed out the reason for this sacrifice to antislavery was his interest in a Pacific railroad. However, this position was only temporary and within three months he again advocated the principles of the Compromise of 1850 and the repeal of the Missouri Compromise. From this position it was only one more step to the full fledged "squatter sovereignty" theory which left the question of slavery to be determined during the territorial period by the settler in the territory. This was the same series of changes that many others passed thru during the same period. The greater the slavery agitation the more radical they became.

Closely connected with the slavery question was that of "State Rights". During his early career Atchison said nothing to indicate his exact position on that question but his Oregon speeches were quit nationalistic in spirit. The first direct evidence of it was in the army bills during the Mexican war. He opposed a regular standing army and considered volunteer regiments in the service of the United States as militia, whose officers should be appointed in the way provided by the state from which they came, instead of by the President. The next statement on this subject
came during the later Oregon debates when he declared that when the Federal governments refused to give that territory a government and protection in their rights, that they would be justified in setting up an independent government for themselves. This was probably the most radical statement he made in congress but as Oregon was not at this time a state in the Union it did not mean nearly so much. Later in 1850 when discussing the Jackson Resolutions he avowed all the principles of secession:party and on this ground he stood until the civil war and then he joined the Confederacy, although his state did not.

It is rather exceptional to find a man so consistently in accord with the administration on the various subjects in which he is interested as was Atchison. There seems to have been but one point in which he openly opposed an administration measure and that was in the case of the Oregon boundary treaty. A careful comparison of the President's message with Atchison's measures brings this out conspicuously, most especially the early Oregon measures. His course was also in accord with the Democratic party policy. It may be that it was this that made him sufficiently conspicuous to be considered as President pro tem of the Senate
within three years after his first entrance into the field of national affairs. As has been pointed out he was evidently the second choice of the radical wing of the party, but nevertheless it was a considerable honor for a young senator from the far west. From this time on he was re-elected to this position when there was occasion for such an officer until in 1850 and usually on motion of his colleague, Benton. In 1850 he nominated King for that position, and King, in return appointed him as his substitute at one time in 1852. On King's resignation at the beginning of the second session of the thirty second congress in 1852, Atchison was again elected President pro tem and served during the remainder of that session and all of the next resigning at the beginning of the second session of the thirty third Congress.

Atchison served on many different committees and was active in the work of his committees. He was a member of the committee on Indian affairs during the twenty ninth congress and its chairman during the next three Congresses. This was his most important committee. He was a member of the committee on pensions during the twenty ninth and thirtieth congress and as a result became radically opposed to the system of special pension bills supported by special influence, and
favored strict adherence to a general law which provided a proper pension to all according to their deserts.

On the subject of federal appropriations he consistently opposed unnecessary expenditure insisting that all provisions in the appropriations bills should first be carefully investigated by the proper committee and struck out unless they were necessary and national in character. This was certainly an exceptional and commendable position to take, at that time or any other time in the more recent history of the United States.

Atchison personally is very difficult to get at, but what little can be gleaned from various sources shows that he was a big man, rather rough in appearance, but always generous whether it be to friend or foe.

Paxton said of him, "He was large, commanding, dictatorial, and sometimes profane; an uncompromising Democrat, a plu-perfect pro-slavery man, and often boisterous, but always generous. I was a Whig, and he had no patience with a political opponent. He possessed superior judgment and native mind, with but little culture. He had slight respect for women, and never married. Beneath the rough exterior lay a kind and indulgent heart." §

§ Paxton Annals of Platte County P.
Much of his popularity was probably due to the fact that he was a good mixer. At first he was associated with the members from the west and northwest and was a member of a mess with them. Later he became quite intimate with Senators Mason and Hunter of Virginia and Butler of Georgia, and also seemed quite friendly with Senators from Illinois and Iowa.

As was said in the beginning, the keynotes of Atchison's career seem to have been organization and development of the West, and in that great work he took a leading part. He cannot be called a great man but he was very evidently a man of influence who did much to further the development of the United States.

Note, Photographs of Atchison may be found in Nicholay and Hay, "Abraham Lincoln" I p. 40, also in the National Cyclopedia of American Biography X p. 223. The former is the better picture.
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