

THE CATHOLIC UNIVERSITY OF AMERICA

The Career of Joseph Lane, Frontier
Politician.

A DISSERTATION

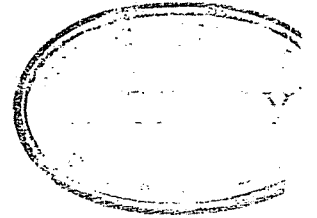
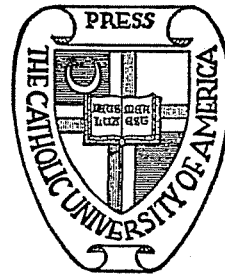
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BY

SISTER M. MARGARET JEAN KELLY, M. A.

Sisters of the Holy Names
Marylhurst, Oregon

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To My
MOTHER AND FATHER

PREFACE

The political career of Joseph Lane was chosen for study not because he was a leader who changed the course of American history or who made any dynamic contribution to national life. He would have been the last to make such a claim for himself though not without his own little vanities in other respects. The history of a period is traced in its social, economic and political trends and in its outstanding events. There is merit, however, in viewing a period in cross section, with the events strung together by the thread of a human life. Such a retrospect may be truly illuminating to the student of history. When the subject of such a study represents an American type, the investigation may be additionally valuable.

Furthermore, even in local history, the place of Oregon's first territorial governor and Senator seems to have been unduly obscured, probably on account of his adhesion to the defeated side in the War of the Rebellion. Without attempting to place him in a niche reserved for the immortals, it would seem justifiable to accord him at least the attention already bestowed upon some of the early religious leaders, fur-traders, or pathfinders, whose stories have been chronicled.

The boast that America rewarded merit and ability even when unattended by family prestige finds corroboration in the eminence attained by sons of the modestly endowed or even poor, the native-born and the immigrant. Nowhere was this more true than on the frontier where ability counted for everything. Popular testing grounds there were not the salon or the banking house but rather the battlefield or the political arena, in both of which Lane was to achieve success. In all respects Lane may be regarded as a typical frontier politician, whose long life span enabled him to see the passing of the old political parties and the birth of new, and the success or failure of the causes bound up with them. But while he did live to see a changed and retreating frontier, along with a transformed political scene, he did not witness its passing. To the end he was a frontiersman.

If Lane had few pretensions to heraldry, he could claim a family

whose fortunes had been bound up with the young nation almost from its founding. Immediate members of the family had defended it in the Revolutionary War. Yet this meant little to the family of a younger son in log-cabined Kentucky and Indiana. The advantages of a broad education, which Lane ever held in esteem, were denied him by the limited means of the family and the dearth of schools near his childhood home. But surmounting these difficulties, Joseph Lane early made a name for himself in local politics, twice had the honor of having his name presented as a possible presidential nominee, and finally in 1860 actually did share the Democratic ticket with a scion of one of the nation's proudest families. His rise from humble beginnings was but one of the qualities that mark Lane as a typical frontier politician. Like his admired fellow Democrat, Andrew Jackson, he fought both Indian hordes and the regular forces of a civilized nation, showing in both encounters a courage and sagacity born of the frontier. Typically, too, in addition to his military and political activities, he was at various times court clerk, justice of the peace, mercantile salesman, flatboatman, guide, miner, and farmer.

A perusal of the correspondence of Oregon and Indiana political leaders of the 1850's as well as an examination of the legislative records, both State and federal, reveal Lane as a real power in local councils and not without influence in national circles as well. At a time when the gold discoveries in California tended to turn the greatest attention to that State to the ignoring of its nearby sisters, Oregon was better than adequately served by Joseph Lane, by whom her needs were represented in the national capital.

To the reasons already suggested for the choice of this subject may be added that of personal interest in the history of the formative period of my native State, a period in which Lane's greatest influence was exerted. The topic was suggested and its development directed by Dr. Richard J. Purcell, head of the Department of History at the Catholic University of America, to whom I owe a debt of thanks for his help and encouragement. I wish to express my appreciation to the Right Reverend Monsignor Francis J. Haas, Ph. D., Dean of the School of Social Science, and to the Reverend Joseph B. Code, Ph. D., Instructor in History, who read the manuscript. Thanks is due, too, to the late Dr. Joseph Schafer, Secretary

of the Wisconsin Historical Society, and one-time member of the history faculty of the University of Oregon, who gave his encouragement at the beginning of the study. I wish also to express my gratitude to Mrs. Nina Lane Faubian and Miss Winifred Mosher, who supplied certain information concerning their distinguished relative. My thanks is accorded, too, to Mr. Asahel Bush of Salem, Oregon, who generously lent transcripts of numerous letters in his father's collection. Miss Nellie Pipes, Secretary of the Oregon Historical Society, gave liberally of her time and help. Finally, the staffs of the Library of Congress, Federal Archives, Mullin Library of the Catholic University of America, the North Carolina Historical Commission, Pennsylvania Historical Society, Indiana State Library, Society of Fine Arts and History, Evansville, Indiana; University of Washington Library, and other institutions and individuals were most helpful in the collection of material. It was not possible to see a collection of Lane letters now in the possession of Mr. Robert S. Ellison, which might have contributed some new facts concerning Lane's career.

To the Congregation of the Sisters of the Holy Name, I extend my sincere appreciation for the opportunity to pursue graduate studies at the Catholic University of America. Finally, I owe a profound debt of gratitude to my parents whose generosity and interest in Christian education have made these studies possible.

SISTER MARGARET JEAN, H. N.

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CHAPTER I

ANCESTRY AND EARLY YEARS

It was fitting that a life which was to be devoted to the frontier and its interests should begin in the western mountains of North Carolina, the scene in colonial times of the Regulator rebellion against the domination of the older tidewater section. There, in Buncombe County, at his father's farm some three miles north of the present city of Asheville, Joseph Lane was born, December 14, 1801, the son of John Lane and Elizabeth Street Lane. In the same humble dwelling earlier that same year was born David L. Swain, a first cousin of Joseph Lane, who was to take a prominent part in the affairs of North Carolina, as State legislator, governor, and finally president of the University of North Carolina.¹ The parents of young Lane were in very modest circumstances, though the paternal side, at least, could claim a wealth of family tradition and history into early colonial times.

Indeed, family tradition maintained a relationship with Sir Ralph Lane, governor of the ill-fated plantation on the Roanoke, sponsored by Sir Walter Raleigh, in 1585, just twenty-two years before the foundation of Jamestown. Lane, as governor of the colony, erected houses and built a post, called Fort Raleigh, on Roanoke Island and otherwise made plans for a permanent settlement. However, after a nine-month's residence the colony was abandoned, and all the settlers sailed back to England with Drake.² Raleigh was much disappointed at the failure of his project; but, although another attempted plantation was soon made, Lane was not concerned and ended his days in England. Yet, according to the testimony of one of the family "this hypothetical descent from Sir Ralph rests on very slender evidence."³

¹ Letter of J. E. Swain, Clerk of the Superior Court of North Carolina, to the writer, October 25, 1940.

² Samuel D. Ashe, *History of North Carolina* (2 vols., Greensboro, N. C., 1908), I, 37.

³ David L. Swain to Joseph Lane, February 5, 1852, *Lane Papers*.

The founders of the family in America set sail from England for Virginia:

License to go beyond the seas, April 16th, 1635: these parties hereafter expressed are to be transported to the Island Providence, embarked in ye "Expectation" Cornelius Bellinger, master, having taken the oath of Allegiance and Supremacie as likewise being conformable to the Church of England whereof they brought their testimonie from the minister and the justices of the Peace of their abodes: Alice Lane, aged 30; Jo Lane, aged 4; Samuel Lane, aged 7; Oziel Lane, aged 3; Richard Lane, aged 38.⁴

The family settled in or near Jamestown, where the name Joseph was passed on to the third generation (Joseph, Sr., b. 1665 in Jamestown, father of Joseph, b. 1710, also at Jamestown).⁵ This third bearer of the name Joseph moved from Virginia and established himself in Halifax, North Carolina, serving for some time as sheriff of the county. His wife, Patience McKinne, was the daughter of Major McKinne, who was respected in the colony as holder of several important local offices. Joseph Lane was a worthy member of the Church of England, and as such served as vestryman in his parish church at Bertie, North Carolina.⁶

Three of five sons of this couple, Joel, Jesse, and Joseph, left the paternal home on the banks of the Roanoke for the comparative wilderness of Johnston County. There all became substantial landholders, though Joel became wealthiest and best known. In the pre-Revolutionary days, he took part in the first provisional convention at Hillsboro, August 21, 1775, in defiance of the proclamation of Governor Josiah Martin forbidding this traitorous assembly of colonial malcontents.⁷ This Tory proclamation was greeted contemptuously by the assembly, which passed a resolution that it should be burned by the common hangman as a "false, scandalous, scurrilous, mischievous and seditious libel."⁸

⁴ John C. Hotten, *List of Emigrants to America, 1600-1700* (London, 1874), 68.

⁵ "Some Descendants of Patience McKinne and Joseph Lane, Jr., of Halifax, N. C.," *Tyler's Quarterly Historical and Geneological Magazine* (Richmond, 1922), III, 166.

⁶ *Ibid.*, 166.

⁷ Ashe, *op. cit.*, I, 421.

⁸ David Swain, *Early Times in Raleigh* (Raleigh, 1867), 4.

In the dark days of the Revolution, when reverses had cast a deep gloom over the people, the sessions of the General Assembly of the Province were held at Colonel Lane's home, which still stands in the suburbs of Raleigh.⁹ At the time of its construction this house was considered "a rare specimen of architectural elegance." Lane was a member of the body in the capacity of Senator from Wake County and continued in that office except for one session until his death in 1795. During the time that the Assembly met in the Lane home, the members elected as governor Thomas Burke, one of the most eminent men of Revolutionary renown.

In April, 1792, when a committee was appointed to choose a site for the county seat of Wake County, Joel Lane was member of the committee. After extensive surveys had been made it was finally decided that the most fitting location was Lane's own plantation of Bloomsbury, which was accordingly purchased by the State. Part of the tract of some 1000 acres is the present site of the city of Raleigh.¹⁰ Soon after this transaction had been made, Lane offered to donate a tract near White Plains to the Trustees of the University, in order that this institution of higher learning might be established near the capital.¹¹

During the Revolution, Joel, and his brother, Jesse, saw active service in the fighting ranks of the rebel army. The latter was an officer in the Third North Carolina Continentals.¹² Jesse fought in the Battle of King's Mountain, in which he is said to have been accompanied by his son, John, who was at that time a youth of tender age.¹³

Jesse married Winifred Aycock, daughter of a prosperous citizen of Wake County, and they became the parents of sixteen children, eight boys and eight girls, all of whom reached maturity and reared families of their own. John, father of Joseph, was the eighth child and fourth son of this couple. Sometime near the close of the Revolution, Jesse in company with some of his rela-

⁹ Ashe, *op. cit.*, I, 677.

¹⁰ Moses N. Amis, *Historical Raleigh* (Raleigh, 1902), 31-35.

¹¹ Swain, *op. cit.*, 4.

¹² *Army Accounts, North Carolina State Records XIII*, Section A. A. 50; 782 also 175, 11-6, 1783.

¹³ Marshall D. Haywood, *Joel Lane* (Raleigh, 1926). See also Tyler, *loc. cit.*, 168.

tives moved to Wilkes, now Oglethorpe County, Georgia. Wilkes was a frontier county and subject to all the usual deprivations on the part of the savage Creek and Cherokee nations. No member of the family able to bear arms failed to help in the protection of the frontier settlement and all were only too familiar with the horrors of war. Winifred Lane died as a result of pneumonia contracted when driven from her home by the Indians. Her husband remained in Georgia until the opening of the century, when after a brief visit to North Carolina, he departed for St. Louis, Missouri, where he died in 1804.¹⁴ Some of the relatives remained in Georgia, a prominent member of this branch being George W. Lane, one time Judge of the United States District Court of Alabama.¹⁵ General Lane speaking of the Georgia period of his father's life said:

My father John Lane, and Uncle John Hart and Uncle Lowery were all good Indian fighters. In pursuit of the Indians who had been robbing the settlements, they ventured too far, were attacked by the warriors and Uncle Lowery was killed.¹⁶

The early Lanes had been adherents of the Church of England, but the missionary activities of the Methodists seem to have changed the persuasion of some members of the family. The first Methodist Church built in Raleigh was constructed of hewn logs and stood in Joel Lane's woods, on what was then Halifax Road. This foundation is attributed to Bishop Francis Asbury, famous Methodist missionary, but whether or not the donor of the property became an adherent of the church to which he contributed is not clear.¹⁷ Lane's brother, Jesse, had been a member of the Anglican Church as was his wife, but they were converted to Methodism by a Rev. Humphries and a Rev. Majors. After his conversion, Jesse, with his son Jonathan and his son-in-law, David Lowry, built the first Methodist Church in that part of Georgia in 1787.¹⁸

John Lane returned to his native state from Georgia to claim as

¹⁴ Haywood, *op. cit.*, 7.

¹⁵ John H. Wheeler, *Reminiscences and Memoirs of North Carolina* (Columbus, O., 1884), 436.

¹⁶ Tyler's, *loc. cit.*, III, 169.

¹⁷ Amis, *op. cit.*, 84.

¹⁸ Tyler's, *loc. cit.*, III, 168.

his bride Elizabeth Street, daughter of the sheriff of Buncombe County.¹⁹ The young couple settled in the wife's native county and John became a proprietor of considerable acreage there.²⁰ Lane was a popular man with the frontier population, among whom he had a reputation for bravery, enterprise and generosity.²¹ The farmers of this mountainous section had a rude but self-sufficient economy that afforded frugal comfort but few educational or social advantages, and the Lanes were undoubtedly in no better circumstances in this respect than their neighbors.²² Elizabeth Street Lane had received a common school education²³ but whether her husband had had like advantage is not apparent but seems unlikely as his deeds were signed by mark, in that day the usual sign of those unable to write.²⁴

The Lanes were a fertile and vigorous race and by the opening of the century, they appeared with their favorite Christian names in many of the records of the State of North Carolina. An enthusiastic, almost reckless spirit, combined with habits of industry urged the various members of the family to follow the ever retreating frontier in order that they might better their condition and pass on a greater heritage to their children. By mid-century so widely were they dispersed that one descendant²⁵ said, "The scions of the original stock are springing up in every hamlet from the Potomac to the Willamette."²⁶

Joseph Lane was but three years old when one of these family

¹⁹ David Swain to J. Lane, Jan. 10, 1855, *Lane Papers*.

²⁰ George Digges, *Buncombe County Deed Index, II*, 1949 L., shows that John Lane deeded 100 acres on Newfound Creek to Levi Swain, 10-8, 1805; and 200 acres on Turkey Creek to James Lowry, 11-1, 1804.

²¹ Haywood, *op. cit.*, 8, quoting letter of Swain to *Standard*, Raleigh, October 23, 1859.

²² Joseph C. Sitterson, *The Secession Movement in North Carolina*, in *The James Sprunt Studies in History and Political Science* (Chapel Hill, 1939), XXIII, 18-20.

²³ Swain to Lane, Jan. 10, 1855, *Lane Papers*.

²⁴ Digges, *op. cit.*

²⁵ Swain successively State legislator, judge, governor, and President of the University of North Carolina, was the son of Caroline Lane Swain and a first cousin of Joseph Lane. R. D. W. Connor, *Anti-Bellum Builders of North Carolina* (Greensboro, 1914), 68.

²⁶ Swain to Lane, Feb. 7, 1852, *Lane Papers*.

migrations took place. The Senior Lane disposed of his Buncombe County property and took his young family to Henderson County, Kentucky, where he began anew with a claim staked out on the banks of the Ohio. Henderson had been peopled in good measure with North Carolinians, who had taken the Wilderness Road to the new West. The county had been named for Robert Henderson, one time judge of North Carolina, who had turned to the more lucrative business of land speculation, at first with the Henderson and Transylvania Company and later as the owner of a 200,000 acre tract on the Ohio.²⁷

When the Lanes arrived in Kentucky and for some years thereafter, the frontiersmen were still threatened by the Indians, who, from the beginning of white settlements had naturally opposed the usurpation of their country. In 1811, the war-fever, induced in the East by the congressional "War-Hawks," flared up in Kentucky because of the real dangers which the frontier was experiencing. Opposition to Great Britain, suspected of furnishing the Indians with ammunition; as well as hatred of the Indians themselves aroused the westerners to add their voices to the clamor for war. Action soon succeeded oratory and volunteers were assembled to drive the Indians forever beyond reach of the settlements. With William Henry Harrison as leader the Kentuckians dramatically opened the struggle for the West on November 7, 1811, at the Battle of Tippecanoe. John Lane, who had already seen the savage warfare of the redman on the Georgia frontier, now joined as a volunteer in the forces assembled under Harrison. Supplying his own ammunition and other necessities of border warfare, the young husband and father left his family in the comparative safety of the settlement and took part in the battle in which the brave but treacherous Tecumseh was finally overcome. The adventures of that fight and of others quite as dangerous though less well known were the subject of many breathtaking tales told by their father to the young Lanes.²⁸

Indian fighting was but one of the elements that made the "dark and bloody ground" of Kentucky a typical frontier. The homes of the pioneers were sturdy but primitive log structures of the type later made famous by Lincoln's birthplace. Social life, which of

²⁷ Thomas D. Clark, *A History of Kentucky* (New York, 1937), 503 f.

²⁸ *Congressional Globe*, 36th Cong., 1st Sess., May 30, 1860, p. 2468.

necessity centered around these simple homes, was correspondingly crude, especially when judged by the standards of the Eastern seaboard. Such educational instruction as was available was of a rudimentary sort, dispensed too often by school masters whose chief qualifications seem to have been profound ignorance coupled with the ability to wield the rod effectively.²⁹

The frontier left a permanent impress both for good and for bad on the character of the future politician, Joseph Lane. His education was deficient, obtained, as it was, at irregular intervals, in some log schoolhouse, where a rustic pedagogue held forth. It was supplemented by his mother but daily tasks left her little time for the instruction of the family. Though Lane was not as unlettered as some of his political opponents of later years were to charge, yet much of what he did learn was gleaned from experience and through acquaintance with men prominent in the political life of Kentucky and Indiana, rather than through formal instruction.³⁰ To the end of his life, though he made serious efforts to repair the consequences of this early neglect, his orthography was faulty, his grammar at times inadequate, and his speeches innocent of the classic quotations in which those of his more pedantic colleagues abounded. On the other hand, such traits as the bravery and sharp-witted strategy, which he was to exhibit as a soldier, as well as the pleasant manner, democratic bearing, generosity and other characteristics that rendered him successful as a politician were deepened in the school of frontier experience.

The Lane farm was on the Kentucky banks of the Ohio, opposite the mouth of Cypress Creek. The soil was rich bottom land, which yielded fine crops with a minimum of effort on the part of its tillers, this despite the fact that methods of agriculture were essentially rude. The first year a small acreage was cleared of cane and small timber, the trees being first deadened by cutting the bark around them. The rich new fields afforded a staple crop of corn and other garden products as well as a fair stand of cotton.³¹

²⁹ Clark, *op. cit.*, 503 f. See R. J. Purcell, "Education and Irish Teacher in Kentucky," *Catholic Educ. Rev.*, 34 (1936), 360-69.

³⁰ Edward White, *Evansville and Its Men of Mark* (Evansville, 1873).

³¹ Lane to A. T. Whittlesley, Sept. 17, 1880, *Society of Fine Arts and History*, Evansville, Indiana.

As was the case with neighboring households, the Lane home was of necessity a manufacturing center, in which all the handicrafts were practiced. Here, the women of the family carded, spun, and wove cotton and flax into cloth for the various articles of clothing. The products of their spinning and weaving were coarse linsey-woolseys and linens which were later fashioned into garments for both sexes or into goods needed for the household. To supplement cloth, the male members prepared buffalo or sheep skin to be used in making shoes and coats. Joseph, like his frontier companions, early learned to handle a gun and took great delight in the chase.³² Easy transportation, afforded by the river which flowed by the Lane homestead, enabled them to have their cotton cleaned and carded at one of the early mills, which had been erected by one McBride at Henderson, then called Red Banks.³³ In 1815, young Joseph made the trip with a neighbor, the youth rowing the small boat to their destination. Darkness came before they reached Henderson, so beaching the canoe, the two struck camp on the Indiana shore. The boy, interested in the new surroundings, took a ramble over what was in due time to be the site of the city of Evansville. In later years, Lane, recalling the incident, wrote:

Then how little did I think of the great future of the site, where then alone I rambled, could I then have foreseen it with my uniform good health and energy, what a fortune would be mine.³⁴

Though Lane was not to gain financially by the building of Evansville, it was here that he made his beginnings in the political field.

Responsibility and participation in family industry brought self-reliance and early maturity to the children of the frontier. While still in their early teens, many left the paternal roof to go "on their own" or to marry and establish homes. In 1815, when just fourteen years of age, Lane obtained his father's consent to leave home and seek employment in Indiana. His search took him to Darlington, then the county seat of Warrick, where he was to remain until 1820 working alternately in a dry-goods store and as clerk of the County Court, in the employ of Nathaniel Hart. Darlington, a rough border settlement, disappeared during the panic

³² White, *op. cit.*, 86.

³³ Lane to Whittlesley.

³⁴ *Ibid.*

years of 1819 and 1820 and became in time merely an ambush for ruffians who preyed on the river traffic of the Ohio.³⁵ The young clerk was not impressed with the town even in its more prosperous days.

It was located one mile from the Ohio river, between Pigeon and Cypress Creek, bordering on a long pond, that in winter afforded fine duck shooting, and in summer plenty of mosquitoes, ague and bilious fevers, quite as sickly as any place between Louisville and New Orleans.³⁶

As the clerkship did not afford full-time employment, Lane took whatever other work was obtainable. At one time, he, in company with several other young men of the district, contracted to cut and deliver poplar logs to the mill of John James Audubon, whose various fortunes included a venture in the sawmill business at Henderson. The mill remained in operation only two years though the mill, itself, stood for ninety-five years, its peculiar belting shaft and wooden cog wheels objects of interest to later generations. The inexperience of the builders, the financial distress of the day, and the small demand for lumber contributed to the early failure of the enterprise.³⁷ Long years later, Lane recalled incidents of his meeting with the world famous ornithologist, whom he characterized as a "very just man." To his failure as a business man, Lane ascribed his cultivation of the field that made him famous.³⁸

For Lane, these excursions on the river were ultimately to prove of more than merely financial value. At the various stops along the way, he met and became friendly with many men of local prominence.³⁹ So far, his career might be summed up in the words of an Indiana historian:

He was a very popular young man and made friends with every one. He had a very kind, genial disposition, and understood the rules of business very well for that day.⁴⁰

³⁵ *Oregon Journal*, April 17, 1938, "Memorial of Monte Katterjohn from the Warrick County Historical Society."

³⁶ Lane to Whittlesley.

³⁷ Francis Herrick, *Audubon, the Naturalist* (2 vols., New York, 1917), I, 257.

³⁸ William Cockrum, *Pioneer History of Indiana* (Oakland City, Ind., 1907), 516.

³⁹ Lane to Whittlesley.

⁴⁰ Cockrum, *op. cit.*, 511.

The friendships that he made along the river or over the counter of the mercantile house were the chief factors that promoted his political fortunes at an age phenomenal even in a society where the young were influential.

Another incident important for his political future was his employment as the clerk of Warrick County. The county seat is said to have owed its very existence to Ratliff Boon, lieutenant governor of Indiana, who here provided himself with a setting for his political advancement.⁴¹ As an apprentice to the county clerk, young Lane, "did recording and everything a person can do to make out complete records."⁴² Neither at this time nor at any time in his life did he make any pretense of turning to the law as a profession, yet he did acquire a certain familiarity with legal forms by the frequent reading of territorial and state statutes, which long afterwards, as a member of Congress, he was able to cite in substantiation of his opinions.⁴³

One of the tasks that fell to Lane was that of securing a school master to open a subscription school in Warrick County. He wrote to Azel Dorsey, a Kentuckian, offering him the opportunity.⁴⁴ Dorsey accepted the invitation but on his way to take up his residence in Darlington stopped to visit at the home of a former Hardin County acquaintance, Tom Lincoln, who lived in the eastern section of Warrick. At the latter's solicitation, the teacher abandoned his original project and remained to become the teacher of the young Lincolns, Hanks, and Halls.⁴⁴ Thus indirectly Lane had an influence on the education of the young Lincoln, whom he would oppose many years later in the political arena.

Lane, young as he was, did not lack influence in other matters. One incident illustrates the confidence reposed in him by Ratliff Boon, the seasoned and none too docile politician. It happened that Colonel Hugh McGary, who was at that time promoting the development of his town site, the future Evansville, complained to Lane that Boon was injuring his prospects by refusing to make the new site the central point of a new county. Lane, eager to

⁴¹ *Oregon Journal*, April 17, 1938.

⁴² *Joseph Lane Autobiography*, Bancroft Ms.

⁴³ *Congressional Globe*, 36th Cong., 1st Sess., May 21, 1860, 2215.

⁴⁴ *Oregon Journal*, April 17, 1938.

prevent discord between the two men, worked out a plan to satisfy both parties. At an opportune time he suggested to Boon that a new county might be formed from territory shorn from Warrick, Posey, and Gibson. Boon thought so well of the suggestion that he acted upon it and Vanderburgh was formed with Evansville as the county seat. The re-located county seat of Warrick perpetuated the name of Boon. Each political aspirant in this way was provided with a setting for his future political activity.⁴⁵ Boon may have foreseen that the growing popularity and political sagacity of the young clerk might in future prove a boomerang, for, at any rate, he gerrymandered Lane's property out of Warrick and into Vanderburgh County, despite the fact that this gave a peculiar, irregular contour to the latter county's eastern boundary.⁴⁶

The mercantile store in which young Lane was employed belonged to his uncle, Nathaniel Hart, who had at first settled in Henderson County near the Lane homestead. In fact, so close were the family ties of the Harts and Lanes that they practically formed one household. In 1820, Joseph Lane married Mary Hart,⁴⁷ the ward and daughter-in-law of his uncle. The nuptials took place before Lane's departure from Warrick County.⁴⁸

The account of Mary Hart Lane's early years and adoption by the Hart family is a strange and tragic story of the frontier. She was said to have been of French and Irish extraction⁴⁹ though at the time of her coming to the Hart family was called Polly Pierre, the surname being that of her step-father. When the Shawnee Indians attacked the Pierre home on the banks of the Ohio, murdering the family and burning the home, the little girl was the sole survivor of the holocaust. Escaping to the Ohio, she jumped into a canoe and drifted until the current lodged the oarless boat near the banks of the Hart homestead. The Harts took the child into

⁴⁵ Lane to Whittlesley. See John E. Iglehart, "The Environment of Abraham Lincoln in Indiana," in *Indiana Historical Society Publications*, Vol. VIII, No. 1.

⁴⁶ *Ibid.*

⁴⁷ Mary Hart was born March 16, 1802. *Morning Oregonian*, June 10, 1906, p. 38.

⁴⁸ Monte Katterjohn, *Warrick and Its Prominent People* (Boonville, Ind., 1912), 47.

⁴⁹ North Carolina University Magazine (Chapel Hill, 1860), X, 118.

their home and upon discovering the tragedy that had overtaken her family made her a member of their own. In time she married one of the sons of the foster family, presumably Nathaniel, though the name Matthew is likewise given. Their married life was brief and before she was out of her teens, Mary Hart was left a widow with one child. Subsequently she became the bride of Joseph Lane, her first husband's cousin.

During this early period of his life, the exact date is not apparent, young Lane spent some time in the employment of Judge Daniel Grass, who kept a store at Rockport. However, soon after his marriage, the youthful husband settled on a farm in Vanderburgh County, a section of the property owned by his father⁵⁰ on the banks of the Ohio. Here he made his home, except for the time spent in the capital as legislator, until he was called to service in the Mexican War.

The Lane homestead was well known for its hospitality. Nearby the river formed a bar which at low-water often detained a small fleet of boats. The rivermen were often guests of the Lane's, and felt free to take, for temporary use, even such property as the boats tied at the wharf. Lane sold cord-wood, too, to the steamers that plied the waters of the Ohio.

In addition to farming, stock-raising, and wood-selling, Lane followed the flatboat business. An historian of Evansville has said,

Many of the best men we had such as General Joseph Lane, Barney Cody, William Elliott, and others were experienced flatboatmen. And they were the pioneer pilots and knew the river as well as the men made famous by the late Mark Twain.⁵¹

Lane traded most extensively on the lower Mississippi as far south at New Orleans.⁵²

Often the boats or "arks" traveled in great fleets for the sake both of sociability and security since river gangs often waylaid the unprotected. Usually the boat was of poplar, made in rectangular shape, measuring some sixty by eighty feet. The bottom was calked

⁵⁰ Lane to Whittlesley.

⁵¹ Frank M. Gilbert, *History of the City of Evansville and Vanderburgh County, Indiana* (2 vols., Evansville, 1910), I, 39.

⁵² Cockrum, *op. cit.*, 511.

with hemp and covered with a thin floor. A canopy afforded protection from the weather, and, in fact, travellers could make themselves very comfortable. The voyage of from forty to fifty days was interrupted while the boatman hunted game on shore, or perhaps displayed his wares at settlements along the shore. Many boats had counters over which merchandise was sold. The approach of these floating emporiums was announced by the shrill note of a tin trumpet.⁵³

Lane enjoyed the life of the river and in later life liked to recall these experiences. He wrote to the son of one of his friends of river days giving an account of their voyages together:

Many times we have run side by side with our flat boats lashed together in the lower Mississippi, for days at a time, having a real old-fashioned social visit. We were not of the same political faith, but I don't know that politics were ever mentioned when we were together.⁵⁴

One of the plantations visited by Colonel Cockrum and Joseph Lane was that of Joseph and Jefferson Davis. Lane was to serve with Jefferson in the Army of Mexico and in the halls of Congress, a possibility of which he could not have dreamed as he dickered with the Davis's foreman over the price of cordwood. Very often the flatboats were sold in Louisiana bringing more than the sum that it cost to build them originally.⁵⁵

Joseph Lane was ever industrious and by his many enterprises earned a substantial livelihood for his ever-increasing family. Ten children who lived to maturity were born at the homestead on the Ohio.⁵⁶

⁵³ Gilbert, *op. cit.*, I, 39.

⁵⁴ Herrick, *op. cit.*, I, 234.

⁵⁵ Gilbert, *op. cit.*, I, 39.

⁵⁶ The children were Ratliffe B. Lane, d. Dec. 20, 1848; Malissa Lane Barlow, d. Jacksonville, Oregon; Nathaniel Lane, d. Portland, Oregon; Joseph Lane; Simeon R. Lane; John Lane; Lafayette, d. 1896, Roseburg; Mary Lane Shelby; Emily Lane Floed; Winifred Lane Mosher. *Memo-randum* in Indiana State Historical Society Library submitted by Mrs. S. F. Walls, Greencastle, Indiana.

CHAPTER II

STATE LEGISLATOR

Joseph Lane's first election to public office was in 1822 when he was just over 21 years of age. Even on the frontier he was unusually young for a state legislator. What motive impelled him to seek office is not apparent though it may be surmised that he had developed a taste for politics during his service as clerk in Darlington. In any case mention was first made of his candidacy for the position of representative for Vanderburgh and part of Warrick County, in the July 20, 1822, issue of *The Gazette*, an Evansville newspaper.¹ The same journal on August 10, 1822, announced that he had received the election with 222 votes as against 208 for William Foster and 101 for Robert M. Evans, the other candidates.

Evans, a man of local renown and the founder of Evansville, was stung by this evident repudiation at the hands of the local voters and gave an unintentionally amusing account of his defeat. In a letter to the *Gazette*, he reported that he had been ill at the time of the election, and some of his friends, fearing that his illness would stand in the way of his election importuned him to permit his votes to be given to young Lane. This proposal he repudiated. "His friends," however, seem to have continued to be of the same mind, and assisted by the young candidate passed word around to the effect that Evans's friends should vote for Lane. The result was Lane's substantial lead.² Many years later, Lane remarked that either of the other candidates would have been more capable than he of representing the district.³

The capital of the State was at that time in Corydon, to which hamlet it had been moved from Vincennes in 1813, while Indiana was still a territory. The site of the town was a pleasant one, a valley surrounded by high rolling ground at the junction of the

¹ *The Gazette*, July 20, 1822.

² *Ibid.*, August 17, 1822.

³ Lane to Whittlesly, *loc. cit.*

Big and Little Indian Creeks. It is approximately 120 miles due south of Indianapolis.⁴

The capital building still stands though it was built in 1811 and saw years of use even after it was no longer occupied by the legislature. The contractor, one Dennis Pennington,⁵ built for durability rather than beauty, the building being a forty foot square, two story structure of blue Indiana limestone. The lower floor was occupied by the members of the Lower House and a room in the upper story accommodated the Senate.⁶ Most of the legislators resided during the session at the hotel kept by a former Pennsylvanian, Jacob Conrad, about one mile from the capitol. This structure, likewise of limestone, withstood the ravages of a century.⁷

When the seventh session of the General Assembly convened in Corydon, Monday, December 2, 1822, Lane was among those to present his credentials. His appearance as he entered into public life has been interestingly chronicled by one who was a member of that assembly. This gentleman, Honorable Oliver H. Smith, later United States Senator, described the juvenile legislator:

The roll calling progressed as I stood by the side of the clerk, 'The country of Vanderburg and Warrick' said the clerk, I saw advancing a slender freckled faced boy, in appearance 18 or 20 yrs. of age. I marked his step as he came up to my side and have often noticed his air since. It was General Lane, of Mexican and Oregon fame in after years.⁸

Lane's former sponsor, Ratliffe Boon, was president of the senate at this session.

Early in June, 1822, Lane gave notice that he would not run to succeed himself. In declining the honor he declared that private concerns necessitated the decision. He spoke of a trip to Natchez, presumably in the interest of his flat-boat enterprise. In thanking his friends for his first election, he added that his refusal was not

⁴ D. F. Lemmon, *The Ancient Capital—Corydon* (New Albany, Ind., 1891), 6.

⁵ Pennington was Speaker of the House in the State legislature, 1815. Logan Esarey, *History of Indiana* (2 vols., Indianapolis, 1918), II, 244.

⁶ Lemmon, *op. cit.*, 7.

⁷ *Ibid.*, 33.

⁸ John H. Wheeler, *Reminiscences of North Carolina* (Columbus, O., 1884), 436.

from any unwillingness to serve the public in any capacity to which I might be called by the suffrage of the people. . . .⁹

Perhaps it is significant that his successor was Robert M. Evans.¹⁰

Lane was a great admirer of Andrew Jackson and frequently canvassed in behalf of the Democratic party.¹¹ He did not, however, enter public office again until 1830, when Indianapolis was already the capital for five years.

The capital was still but a small frontier town, showing little promise of its further expansion. Its hope was in the promised system of internal improvements, which would connect it with the outside world. It would benefit from the National Pike and Michigan Road, the Madison and Lawrenceburg Railways, and the Central Canal.¹² For ten years after the removal to Indianapolis, in 1825, the assembly was held in temporary quarters in the new Marion County Courthouse. The courthouse, completed in time for the session of 1835, was semi-Doric in style but with the traditional dome rising over the center. Like much of the legislation formed within its walls this building was not too substantially constructed so that the need of a new building was evident in 1865.¹³

In the sixteenth session, Lane was a member of the standing committee on the state prison and the city of Indianapolis.¹⁴ No legislation of major importance was passed during the session though much consideration was given to internal improvements. The Governor had pointed out in his message that the State was bound "by most solemn pledge" to complete the Wabash and Erie canals, though as between the railway and the canal the former was "altogether the cheapest and best."¹⁵

Governor Noah Noble in his address to the seventeenth session, December 4, 1832, called attention among other things to the question pending before Congress with respect to the revenue derived

⁹ *The Gazette*, June 11, 1823.

¹⁰ Lemmon, *op. cit.*, 30.

¹¹ Wheeler, *op. cit.*, 430.

¹² Richard Leopold, *Robert Dale Owen* (Cambridge, 1940), 146.

¹³ The Indiana Historical Bureau, *The Indiana Capital* (Indianapolis, 1938).

¹⁴ *Indiana House Journal*, 1831-32, 16th Session, 22.

¹⁵ *Ibid.*, 17.

from the sale of the public domain. One method of apportionment had proposed

to divide the money arising from the sale among the several states, to be applied to the purposes of education, internal improvements, etc.¹⁶

The bill had passed the Senate, but was lost in the Lower House where the Indiana representatives had voted against it. The Governor named various works to which the revenue, if obtained, could be applied by Indiana, and suggested that the Senators and Representatives be advised to use their influence to secure the passage of the bill.

This section of the Governor's message was referred to a select committee of which Lane was one of the members and for which he made the report. After deliberation the committee declared itself reluctant to disagree with the chief executive but believed that such a policy as he proposed, "if adopted, would be destructive of the best interests, and checking the growing prosperity of the State." The committee disapproved the Governor's recommendation since the State of Indiana had not any substantial right to lands in other States, and more especially because such a plan would tend needlessly to raise land prices, and thus discourage emigration. Here was a sharp rebuke to the Governor:

His Excellency, in his message, says: 'but for our members in Congress voting with the enemies of this measure, the State would have had nearly 200,000 dollars.'

To this argument the committee made answer:

. . . it is not money Indiana wants. It is human souls, filled with patriotism . . . endeavoring to excel each other, in agriculture, commerce, virtue, religion, in the arts and sciences.

Money in the hands of the Government, or that of a State, beyond its immediate demands, leads to extravagance and ends in folly and corruption.

The wealth of a State depends upon the improvements of the country, the wealth and independence of its citizens, their virtue and their intelligence.

The Committee will readily agree with his Excellency, and

¹⁶ *Indiana House Journal, 1832-33, 16th Session, 19.*

enter into all his views upon the subject of his message, when the immediate use of money shall be preferred by the patriot and statesman, to the blessings of civil and religious liberty. When a scattered population shall produce a greater sum of human happiness, than a dense, virtuous and enlightened community. When the forest shall be preferred to cultivated fields. When 23 masters shall be preferred to one. . . .¹⁷

Lane throughout his career was an advocate of economy in government and had the typical frontier suspicion of anything that savored of extravagance. In his later years, too, as governor of Oregon and as her representative in Congress, he was to re-state his belief that a moderately circumstanced, agricultural and industrial society was productive of greater benefits for a state and nation than one which received sudden wealth as California had in her gold mines.

Lane was not again a member of the General Assembly at Indiana until the twenty-third session of 1838-39. By that time the political picture had altered considerably, chiefly as a result of the passage of various measures promoting internal improvement and protective tariffs or the "American System" as it was loosely called.

The demand for internal improvements that arose to a clamor in all sections of the United States in the 1820's was nowhere more vehement than in Indiana where such demand was supported by all parties. Far from markets, the people of Indiana needed canals and roads, for which they expected appropriations from the federal government. A federal donation offered in 1824 was declined on the grounds that it was "illiberal" and another memorial by the state legislature demanded a larger grant.¹⁸ With the acceptance of a federal grant, on January 5, 1828, the State committed itself to the project of connecting the lakes with the Ohio. The grant was but the beginning of a struggle in both houses of the Assembly, which finally culminated in the "Mammoth Bill" of 1836. The bill

carried appropriations aggregating \$13,000,000, or one-sixth of the wealth of the State at that time, fixing the policy and mortgaging the resources of the State for half a century.¹⁹

¹⁷ *Ibid.*, 108 f.

¹⁸ Esarey, *op. cit.*, I, 401.

¹⁹ *Ibid.*, I, 412.

Eight major public works were to be built with the funds realized. The Whitewater canal was to connect Lawrenceburg and Cambridge city, if not the entire way by canal then supplemented by railroad. A railroad was to connect Madison and Lafayette via Columbus and Indianapolis; and a macadamized road was to run between New Albany and Vincennes. From Jeffersonville to Crawfordville either a railroad or a macadam road was to be built as found feasible. Improvements were provided for navigation of the Wabash, while a survey was arranged for a future canal or railway from Fort Wayne to Michigan City. The most elaborate project of all was the Central canal, commencing on the Wabash "between Fort Wayne and Logansport, via Muncietown, to Indianapolis, down White river to the forks; thence by the best route to Evansville."²⁰

The people of Indiana greeted the passage of the bill with great enthusiasm, marked by speeches, bonfires and other demonstrations. There could be no doubt that the public approved the actions of the legislators. Residents in other sections of the nation joined in lauding the progressive action. Towns were laid out and lots sold in sections destined never to see their completion. Such a boom was the immediate result of the measure but the aftermath was not long in coming.

The address of Governor David Wallace at the twenty-third session, when Lane once more took his seat in the House, fittingly summarized the past and current situation,²¹ with which the legislators had to deal. There was more than empty verbiage in the governor's remarks when he said,

. . . never before, I speak it advisedly, never before have you witnessed a period in our local history, that, more urgently calls for the exercise of all the soundest and best attributes of grave and patriotic legislators, than the present. Extreme prudence and foresight, frugality and economy, decision and energy, promptness and perseverance, should unquestionably mark the whole tenor of your future conduct and legislation: for it is by these only that success can be insured to our splendid enterprises. . . . The truth is, and it would be folly to conceal it, we have our hands full, full to overflowing; and

²⁰ *Ibid.*, I, 413.

²¹ *Indiana House Journal*, 1838-39, 23d Session, 14 f.

therefore to sustain ourselves, to preserve the credit and character of the state unimpaired, and to continue her hitherto unexampled march to wealth and distinction, we have not an hour of time, nor a dollar of money, nor a hand employed in labor, to squander and dissipate upon mere objects of idleness, or taste, or amusement.²²

The Governor then proceeded to fill in the details of the picture. Despite the rapid sale of canal lands and the donation of surplus revenue from the federal government, the State was paying \$192,350 in interest while the income realized from taxation was but \$100,000. Though the prospect was "gloomy," the executive was confident that the mistakes of the past and the crisis of the moment might terminate successfully, if the remaining resources of the State were husbanded. In the work of completing the public projects then in process of construction, he pointed out the absolute necessity of "classification," that is, deciding upon the most important works and completing those first instead of having a multitude started in various sections and all half finished because of lack of funds and laborers.²³

Thus instructed the legislature looked for a solution of the problem of proceeding with the program of internal improvement already decided upon and at the same time maintaining the credit of the State. In the course of the session bills were passed providing for classification, for formation of a State Board of Internal Improvements to supervise the program and for the limitation of annual expenditures to correspond with funds appropriated by the legislature. One of the chief proponents of fiscal and work reform was Lane's friend, Robert Dale Owen.²⁴ In general Lane supported the same measures as did Owen but not with any slavish adhesion.

The reforms of the legislature were not capable of averting the inevitable collapse which came in the summer of 1839 when all work and public projects came to a standstill. The task of the new legislature was to be even more difficult than that of its predecessor.

In the elections of 1839 Lane procured a seat in the Upper House, but for some undeterminable reason did not appear until January 6, 1840, over a month after the opening of the 34th

²² *Ibid.*, 14.

²³ *Ibid.*, 14-35.

²⁴ *Ibid.*, 335.

session.²⁵ He was named to serve on the committees on Military Affairs, Canals and Internal Improvements and the State Library.²⁶

At the end of the session in which both houses proved impotent to solve the problem which were paralyzing the State, Lane addressed a circular to his constituents outlining his attitude on affairs. He declared that the failure of public works, owing to radical defects in the system of improvements, had caused many men to change their view of the whole subject. The banks had advanced more than half a million dollars to the State and this burden had been oppressive on the business men of the country. The plight of the workers was even more extreme. Lane described their lot, saying:

We found the lobbies of our Legislative Halls crowded with contractors, demanding a remuneration for their hard earned tasks, and we heard from them that hundreds of suffering laborers were dependent upon them for the recompense of their toil on our Public Works. With others I feel great anxiety that some measure should be adopted for their immediate relief.²⁷

Lane did not, however, approve the issuance of small bills as a remedy believing that this policy would injure the credit of the banks. The issuance of treasury notes for which state lands were pledged as a guarantee of redemption he regarded with some favor. However, there was little to be hoped for in the existing condition of affairs. He considered the Wabash and Erie canal system "as the only bright spot in our career of improvement," though even this he termed an "experiment."

Lane had favored a system of taxation high enough "to sustain the honor and credit of the State." Differences in the Senate and House proposals had not been satisfactorily adjusted, with the result that instead of a new, adequate tax bill, the unsatisfactory one of 1837 was re-enacted. Lane blamed the Senate for the failure to pass the new bill for the "House of Representatives had yielded everything which an independent branch of the Legislature should be required to yield. . . ." In concluding, Lane asked that even if

²⁵ *Indiana Senate Journal*, 1840, 24th Session, 129.

²⁶ *Ibid.*, 20.

²⁷ *Southwestern Sentinel*, March 13, 148.

his constituents disagreed with his policy they would believe in his "honest intention of faithfully performing his duty." The session lasted eighty-five days and accomplished little, as it was largely given to petty politics and at a time when the State was facing a real crisis. The *Indiana Journal* on its adjournment ejaculated, "... may heaven for all time save us from such another."²⁸

In 1844, Lane once more represented the counties of Vanderburgh and Posey in the State Senate. The financial situation of the State was no better than it had been in 1840 and the problems to be met were much the same. Governor Whitcomb outlined the difficulties facing the State with respect to her debt. Several solutions were proposed to the consideration of the legislature. The question was not one of inclination to pay the just debts of the State but rather of ability to do so.²⁹

It was suggested that action instead of protestations of honesty and intention to pay "would be fortunate for the reputation of the State as well as gratifying to her creditors."³⁰ Lane became a leader in this movement to stave off repudiation. Among other bills proposed was one of issuing State scrip to care for the debt. Lane was a member of the select committee appointed to consider the proposed remedy. The majority of the committee members approved the issue and reported to that effect. Lane, consistently opposed to easy money schemes, dissented from the majority report.

The eastern bond holders engaged an attorney, Charles Butler, to look after their interests and to adjust their claims. Butler arrived in Indiana in the summer of 1845 and in a series of addresses attempted to rally public opinion in favor of a settlement.³¹ Since the resources of the State were so low and the currency so demoralized by floods of depreciated paper money, he proposed a long-term plan by which the State would be enabled to met its obligations.³²

Two plans were submitted by Butler to the joint committee named to confer with him and the second one was tentatively

²⁸ Esarey, *op. cit.*, I, 361.

²⁹ *Indiana Senate Journal*, 1844-45, 29th Session, 14 f.

³⁰ Esarey, *op. cit.*, II, 431.

³¹ *Senate Journal*, 1844-45, 590.

³² Logan Esarey, "Internal Improvements in Early Indiana," *Indiana Historical Society Publications* (Indianapolis, 1912), V, no. 2, 78-116.

accepted. Butler made it clear that the State could pay if the currency could be stabilized and the manipulations of corrupt politicians resisted. A bill drawn upon the lines of Butler's proposal was submitted to the Senate by Lane. He had previously made a plea for payment of the debt declaring with forensic ardor that he would cut cordwood to pay his share of it. After a severe struggle the bill finally passed and was signed by Governor Whitcomb, January 19, 1846. It was a matter of life-long pride to Lane that he had championed the honor of the State in this bill. Subsequently it was amended, and in 1847 virtual repudiation did take place but by that time Lane was in a different field of action—on the battlefields of Mexico.

During both the twenty-ninth and thirtieth sessions Lane was a member of the important standing committees of Canals and Internal Improvement, Claims and the State Bank. In the latter session he was nominated for the presidency of the Senate but as a deadlock ensued between the Whigs and the Democrats another candidate was finally elected. As member of the committee on State banks, Lane was called upon to consider the advisability of withdrawing from circulation notes of a denomination less than five dollars. In reporting, he recommended that the measure be indefinitely postponed. In this he differed from many of his Democratic friends but once more pleaded honesty of purpose and conviction. Opposed at the outset to the measure, that is to the issuance of small denominations, nevertheless, since the privilege had been granted and exercised, he was convinced that repeal would bring calamity since the vacancy that would occur upon the withdrawal of Indiana notes would be quickly filled by bank notes from nearby States. He appealed to party pride by saying that,

. . . the bank is now in the safe custody of the Democrats who will curb and tame the monster so that no danger need be apprehended.³³

The bill reappeared shortly in another guise. In this instance it was suggested that a bonus of 10% per annum be required on all bills in denomination of less than five dollars, the revenue thus obtained to be given to State schools. A penalty clause provided

³³ *Indiana State Sentinel*, January 3, 1846.

for the withdrawal of notes of banks refusing such bonus. For the same reason that he had opposed the first measure, Lane rejected the new. Admitting that it sounded "reasonable and imposing as it appears at first" yet he foresaw that it would have a ruinous effect upon the bank, by drawing the small notes of the bank from circulation, it would only make a vacuum for the millions of small notes of the Ohio banks to flow in and occupy their place." He made clear that "he was as much a friend of education as any person could be" but feared such a measure would not promote it in the long run.³⁴

³⁴ *Ibid.*, January 14, 1846.

CHAPTER III

HOOSIER GENERAL

Mexican War Career

The pattern of Lane's life might have continued to have been shaped by his struggle for a livelihood on the banks of the Ohio and by his participation in State politics, had not a new force changed his career and that of many other American citizens. On April 24, 1847, the long standing hostility between Mexico and the United States entered armed conflict with the capture of some of General Taylor's troops by the Mexicans under General Arista. Congress answered the message of President Polk, which declared the existence of war as a result of the attack, by immediately appropriating ten million dollars and authorizing the President to call out fifty thousand volunteers.¹ It was as a member of this citizen army that Lane was to see service in the south.

The border provinces had long been the object of controversy between the countries, and succeeding administrations had failed to solve the difficulty. The boundary between the United States and the then Spanish colony had been defined by the Florida Treaty of 1819, as extending from the Mexican Gulf to the Pacific Ocean with the Sabine River as part of the line of demarcation. The year following the signing of this treaty with Spain by the United States, Mexico established her independence from the mother country, an act which won approbation from the United States, in spite of the declarations of the Holy Alliance opposing it. In 1825, our first minister to the new republic was appointed, the able if somewhat meddlesome South Carolinian, Joel Poinsett, and was received by the Mexican President, Victoria.²

These friendly overtures did not promote good feeling between the two countries, however, and there came an inevitable clash of arms. Even today the Mexican War, its justification and necessity,

¹ Claude Fuess, *Caleb Cushing* (2 vols., New York, 1923), II, 28.

² J. Fred Rippy, *Joel Poinsett* (Durham, N. C., 1935).

are disputed by American historians. Those who write in the traditional abolitionist and Republican vein lay the guilt of exciting the conflict at the door of the Southern politicians, whom they charge with conspiring to secure more slave territory for the United States at the expense of Mexico.³ Adherents of the spread-eagle cult, on the other hand, picture the advance of American institutions and civilization through the efforts of the pioneers of the southwest, as a veritable crusade on the part of the highminded Anglo-Saxon against the enslavement of the territory under the feeble but still autocratic rule of a decadent government. Still others, inclined to champion the cause of the loser, regard the whole conflict as an unparalleled example of American greed and the consequent abuse of a nation unable to protect its rights.⁴ To the statesmen who guided the destinies of the country during the period concerned, the issues apparently never appeared as clear as later historians defined them.

Any claims to Texas, however nebulous, had been renounced by the American government in the treaty of 1819. Yet, many Americans felt that Texas should be secured as a part of the American nation, and interpreting this desire President Adams and President Jackson had asked to purchase the territory, a proposal which was regarded as an insult by the Mexican authorities.

Nevertheless, Mexico shortsightedly encouraged the settlement by Americans of the very territory that she refused to sell. The unstable domestic conditions of Mexico in herself and in her relations to her northern province did not tend to satisfy the new colonists, who, though they might have been sincere in their pledges of loyalty to the Mexican government, were, at the same time alien in race, religion, and political ideals to the Mexicans. Furthermore, when Mexico rejected slavery in 1829, the slave-holding portion of the population became even less disposed to fall in line with rulings emanating from Mexico City. American slave-holders, too, regarded the new law as unfavorable to their interests, for a free Texas would prove a refuge for runaway slaves from southern States. The seemingly inevitable result of the whole situation was the formal

³ Samuel E. Morison and Henry S. Commanger, *The Growth of the American Republic* (2 vols., New York, 1937), I, 476.

⁴ Justin H. Smith, *War With Mexico* (2 vols., New York, 1919), I, 75.

declaration of independence by the Texans at a convention held in 1836, presided over by General Houston.⁵

In the nine years following this act, powers other than the United States accorded recognition to the Lone Star republic. In 1843, the Mexican government sounded a warning to the United States in reference to Texas by announcing to our minister in Mexico City that it would

consider equivalent to a declaration of war against the Mexican Republic, the passage of an act for the incorporation of Texas with the territory of the United States; certainty of the fact being sufficient for the immediate declaration of war.⁶

It was this statement of enmity that ultimately persuaded the newly inaugurated President, James K. Polk, to send Taylor with troops to the border and to place naval forces at strategic points in the Gulf of Mexico and off the coast of California.

President Polk, however, though he had supported the party platform which had declared for "the reoccupation of Oregon and the re-annexation of Texas," was disposed to accomplish both of these objectives by peaceful and diplomatic means. At the close of his administration, Tyler had acquired Texas but left it to his successor to secure the much-coveted California. Since the New England States, largely Whig in sentiment, did not favor annexation at all, there was even greater reason for the President to proceed cautiously. Neither had the election given him a mandate for he had barely defeated his opponent, Henry Clay. All these considerations made interference by force unwise from the political standpoint.

Besides, the Oregon question was a troublesome one and as long as it was unsettled, even to make threatening gestures to the republic to the south seemed inadvisable. There was a popular impression in both the United States and Mexico that Great Britain might aid the latter in the event of war between the two American republics, especially since British feelings were none too friendly toward the United States at the time. It was no little relief, then, when the boundary line between the western possessions of the United

⁵ Fuess, *op. cit.*, II, 5.

⁶ Smith, *op. cit.*, I, 84.

States and Great Britain was peaceably determined, for the country was left free to turn attention to trouble in the south.

In order that no peaceful means of finally settling the controversy might be overlooked, Polk determined to send one more representative to Mexico with his proposals. On November 10, 1845, accordingly, he appointed John Slidell minister plenipotentiary with instructions to endeavor to conclude a treaty by which the United States, in return for the recognition of the Rio Grande as the southern boundary of Texas and the United States, would assume the outstanding debts of Mexico to American nationals, which was a considerable amount particularly to a country virtually bankrupt. Further instructions permitted Slidell to offer a tempting purchase price for the cession of New Mexico and California. The Mexican government under Herrera refused to recognize Slidell because of a technical irregularity in his status. Herrera himself soon fell from power in one of the mercurial changes of government in the republic and was succeeded by an even more anti-American faction.

The rejection of Slidell helped fan the flames of resentment which many Americans felt against Mexico and which was encouraged generally by the American press. During all this period Polk remained admirably calm, and there seems to be little foundation to the accusation that he had long desired to precipitate war with Mexico in order that he might seize California. The President's utterances and writings, both public and private, as well as the pacific orders of the government to its agents belie a premeditated war intent on the part of the administration, unless as a last resort.

When war finally came it was brought on by act of Mexico, and the President announcing the fact found the American people, in general, ready to go along the path of war. Different sections of the country naturally responded with varying degrees of enthusiasm, but the general attitude was in agreement with the President's policy.

The war fever rose high and spread rapidly in Indiana, though it was a free State and therefore not motivated by the economic factors that influenced the South. By 1845 in Indiana there was a definite conviction on the part of both the Whigs and the Demo-

crats that war with Mexico over Texas was not only inevitable but justifiable. Many feared that unless the United States did take some steps toward acquiring the territory, it might drift into alliance with one of the European powers, an eventuality that was not regarded with favor, particularly in the West.

Since the country had engaged in no major conflict later than the War of 1812, there was a general lack of military preparedness both in trained men and ready equipment. There was no system of conscription nor would there be until the time of the Civil War, and the ranks were filled by volunteer recruits according to the quota assigned to each State. In most instances these citizen soldiers had seen little, if any, military drill, for the militia, which was to form the backbone of the army, had received but passing attention during the long years of peace. This was as true in Indiana as elsewhere. At best, little could be accomplished in the one or two drill days appointed to be held each year, for often the greater part of the day was taken up by clerical work, such as registering recruits, calling roll, and other matters of a like nature.⁷

The preparations for war in Indiana were largely in the hands of the Democrats, who had achieved marked success in the elections of 1843 and 1844. The incumbent governor, James Whitcomb, was of that party as were eight of the ten Congressmen.⁸ The State had also returned a majority for the election of Polk to the Presidency. However, as far as enlistment for the war was concerned, the recruits were fairly evenly divided between members of the two parties. The Whigs, still active and vocal in the State, might refer to "Polk's little war" but when it came to enlistment for service, patriotism cut across party lines, so that Whigs and Democrats fought shoulder to shoulder on the battlefield.

The new-born enthusiasm could not make up for the apathy of the preceding years and it was a very sorry military organization to which the governor of Indiana had to turn for the nucleus of the new army. Though an act of the legislature in 1843 had provided for voluntary associations of citizens liable for military duty, by

⁷ Paul T. Smith, "Militia of the United States from 1846 to 1860," *Indiana Magazine of History* (Indianapolis, 1919), XV, 261.

⁸ R. C. Buley, "Indiana in the Mexican War," *Indiana Magazine of History* (Indianapolis, 1919), XV, 261.

1846 this law had practically been forgotten. Not only was there no organized militia, but the State had but little military equipment. The "corn-stalk" militia, called "corn-stalk" because stalks were sometimes substituted for guns in drill, was an object of ridicule.⁹ The adjutant-general was usually ignorant of the nature of his duties and had become a mere title holder.

Indiana was one of the first States called upon for volunteers. Governor Whitcomb, having received the request for troops from the Secretary of State, issued a proclamation on May 26, 1846. After referring to the provocation of war by the act of the Mexican government, and announcing the congressional action for the prosecution of war, the governor, stated that he had been

requested on the part of the President to cause to be organized at the earliest possible period, for the aforesaid service, three regiments of volunteers, to be infantry men or riflemen, and to designate some convenient place for rendezvous for moving toward Mexico, for the several companies, as fast as they could be organized into regiments preparatory to moving to Mexico; said companies and regiments to be clothed, armed, organized, officered, inspected and mustered into the service, according to the regulations contained in the subjoined memoranda, as gathered from the aforesaid requisition and act of Congress.¹⁰

A patriotic solicitation to the citizens concluded the proclamation.

The response was immediate and enthusiastic. Having been prepared by the press to expect conflict, the people readily acquiesced once war was actually declared. Mass meetings assembled in towns and cities were addressed by local leaders in patriotic vein. In Indianapolis, such a meeting was held at the Court House on the 22nd of May, with an enthusiastic crowd in attendance. It soon became clear that the problem would not be one of securing troops but of organizing and equipping them.

This task fell to the Adjutant-General, David Reynolds. Though he was entirely innocent of knowledge on matters military and freely admitted the fact, yet he did possess some executive ability, energy, and courage. There were manifold clerical duties to be done, such as the preparation of blanks, registers, offices for enlistment of recruits, to mention but the more obvious demands.

⁹ Buley, *loc. cit.*, XV, 263.

¹⁰ Buley, *loc. cit.*, XV, 262.

The Governor, likewise a non-military man, could offer but little assistance in the matter. James Whitcomb was a student of some distinction and possessed considerable ability as a statesman, but was totally at a loss in the emergency of assembling an army. Like his adjutant he accommodated himself as well as he could to the situation and met the demands of the occasion to the best of his ability.¹¹

The few private companies, which had been formed during peace time, filled up their ranks with new volunteers and enlisted as groups. Not to be outdone, others hastily banded together in order that they might secure a place before the quota was filled.¹² Men with natural ability for leadership assumed the task of mustering their fellow citizens into companies. Within nineteen days after the first call was given, thirty companies had been accepted and commissioned.

Lane was swept along in the tide of enthusiasm and early decided to leave his place in the State Senate and enter the ranks of the volunteers. That he may have hoped to further his political career by military service may have been a motivating factor in his enlistment, but there seems to be no evidence that he was impelled by any motive other than that of patriotism which called his fellow volunteers. When the second regiment was being raised he enrolled as a private and became active in securing other recruits.¹³ The company with which Lane cast his fortunes was one of those which had been formed in accordance with the legislative act of 1844. This company, the Indiana Riflemen of Vanderburgh County, had kept up a certain amount of activity and when the call for duty came simply filled up its ranks and reported for service.¹⁴ It had the distinction of being the first to arrive at the place of rendezvous, journeying there on the steamer "Thomas Metcalfe."¹⁵

¹¹ *Ibid.*, 265.

¹² Lew Wallace, for example, opened a recruiting office on his own initiative. He hung a flag and a transparency bearing the inscription, "For Mexico, Fall in," from his quarters on Washington Street and soon had a company. Lewis Wallace, *Autobiography* (2 vols., New York, 1906), I, 114.

¹³ Cockrum, *op. cit.*, 511.

¹⁴ *Indiana State Sentinel*, June 16, 1846.

¹⁵ Oran Perry, *Indiana in the Mexican War* (Indianapolis, 1912), 33.

The mustering ground for the Indiana troops was Camp Clark or Camp Whitcomb as it was re-named in honor of the Governor. By June 10, the ranks of the volunteers were complete, in fact several companies had to be turned away.¹⁶ The company organization was the same as that of the regular army, but the volunteers were to furnish their own uniforms.¹⁷ Colonel S. Churchill, inspector general of the United States army, was on hand at the camp to muster the troops into service. At the same time the camp was visited by Governor Whitcomb and Lieutenant Governor Paris C. Dunning, who were on hand to see that the patronage, in shape of troop offices, went to their favorites or party men.

To make sure that party men would be elected, those conducting the elections prepared a slate. Some volunteers, as was the case with young Lew Wallace, may have wondered at the absence of contest, but the ticket seems to have been accepted without much complaint.¹⁸ Colonelcies of the three regiments were given respectively to James P. Drake, Joseph Lane, and James H. Lane. The latter was a Whig and no relation to Joseph. Joseph Lane was not to fill the regimental position very long before being raised to brigadier-generalship, and, when that was done, he was succeeded as colonel by William H. Bowles. Lane, however, remained interested in the Second regiment and this fact, together with the unfitness of Bowles for his task, led to some disastrous complications later. The account of Lane's elevation to the position of Brigadier General furnishes an interesting side-light on the policies of the day and shows by what means a frontier politician, without military training, was taken from his lowly place to lead armies against the enemy.

The appointment which Lane received was one much sought after by the members of various districts for their constituents. The President had received nearly fifty such requests.¹⁹ It is of official record that the Indiana delegation offered a petition on June 29, 1846, requesting that Lane be given the position.

To the President of the United States. The undersigned Senators and Representatives in Congress for the State of Indiana

¹⁶ Buley, *loc. cit.*, XV, 267.

¹⁸ Wallace, *op. cit.*

¹⁷ *Indiana State Sentinel*, May 30, 1846.

¹⁹ Buley, *loc. cit.*, 270.

take the liberty of recommending Col. Joseph Lane of said State, as a suitable and competent person for the appointment of Brigadier General. Jesse D. Bright, J. W. Davis Cathcart, Robert Dale Owen, Thomas Smithe, Andrew Kennedy, W. W. Wick.²⁰

The choice of Lane seems to have been that of Robert Dale Owen, social reformer turned politician, who was an old friend and neighbor of Lane on the banks of the Ohio.²⁰

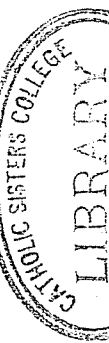
The behind-the-scenes story of the appointment, which later appeared in the Indiana newspapers, showed Owen's part in the appointment:

When it became the duty of the President to make the appointment of Brigadier General, it was felt by every western member of Congress to be a prize for his constituents. Probably some fifty names had been handed to the President accordingly. Robert Dale Owen, in whose district Lane resides, would probably not have furnished any name, but for a suggestion to that effect from one of the Indiana Senators 'Who do you intend recommending?' 'Why' said Mr. Owen, 'I had not thought of offering a name. There are no applications to me from my own district, but if you think it due to it to offer a name, I shall hand in that of Jo Lane.

The Senator approved of the choice, and it was accordingly suggested. The President, as usual said that he would give it his favorable consideration. A few days later, Mr. Owens was transacting some private business at the White House. After it was through 'By the Bye, Mr. Owen,' observed the President, 'I shall have to appoint your friend Lane to the Brigadier Generalship. I hope that you have well considered your recommendation, for the office is a very responsible one.' 'I know nothing' replied Mr. Owen, 'of Lane's military talents, but there are about him those elements of character which in all time of difficulty prompts each one to rally instinctively around him as a leader. This has been the case in early days, when lawless men infested the river border. Whether on shore or among boatmen on the river, Lane was the man relied on to keep such men in order, and I have always found him equal to every emergency. I would select him for the office before any other man, I know, if I had the appointment to make.'²¹

²⁰ Mss. *Adjutant General's Office*, Federal Archives, 238 L, June 29, 1846.

²¹ *Indiana State Sentinel*, May 17, 1848.



The President acted upon the recommendation and before the regiments left for Mexico, Lane had been notified of his new position. That Owen had not been mistaken in his estimate of Lane's ability to lead was to be proven by subsequent events.

When the news of the appointments reached Indiana, the newspapers of Democratic leaning quietly approved Lane's appointment. For instance, the *Indiana Democrat* of July 10, 1846 observed:

Joseph Lane of Vanderburgh County has been appointed brigadier general of the Indiana Brigade. General Lane is a firm, energetic, and courageous man, composing all the requisites to make a useful and popular commander, and his appointment appeared to be received by the troops with the most perfect satisfaction.²²

The troops waiting at Camp Clark for the signal to depart had their first taste of military life. Some cases of sickness had already developed, brought on by the change of water, diet, and routine. On the other hand, there was some lively amusement afforded as the youths related anecdotes, played pranks on one another, or vied in contests of skill.²³ Some began to think seriously of the hardships that would await them in the year of their enlistment.²⁴

Word came on the third of July that the troops were to depart for New Orleans within the following week. The jubilation in camp at this announcement testified to the impatience of the young volunteers to enter active duty, where they might meet death, but where each hoped to win fame.²⁵

General Lane was put in charge of the companies sailing July 7, on the steamers *Homer* and *James Hewitt*,²⁶ which after a pleasant voyage down the Mississippi arrived in New Orleans July 14, 1846.²⁷ To this point the journey under Lane's command had been without sickness or accident though both misfortunes had struck other groups.²⁸ From the steamers, the troops were taken to an

²² Perry, *op. cit.*, 72.

²³ *Indiana Democrat*, letter written from New Albany, June 30, 1846, by an unnamed correspondent.

²⁴ Buley, *loc. cit.*, 272.

²⁵ *Indiana State Sentinel*, July 11, 1846.

²⁶ *Ibid.*

²⁷ *New Orleans Picayune*, July 15, 1846, quoted in Perry, *op. cit.*, 75.

²⁸ *Ibid.*, 80.

encampment on the historic battlefield of New Orleans, which proved as inconvenient for a camp as it had been glorious as a battlefield.²⁹

On July 17, final embarkation was made for Mexico. Whatever romance had excited the imagination of the troops at the thoughts of a campaign in the land of Cortez and Montezuma, faded on the sea voyage. The food was inferior, the quarters dirty and crowded, and the crossing rough, so that even the most buoyant became depressed and many desperately ill.³⁰ However, except for one which was driven out of its course by the storm, the boats made the crossing in three days and were soon on Brazos Island, near the mouth of the Rio Grande some five miles from Point Isabel.³¹ The island, sandy and with but little verdure, was formed of low hills toward the mainland side, had a swamp in the center, and was bounded to seaward by a wreck-strewn beach.³² The camp site was so ill-chosen that sickness became very prevalent and death began to take a heavy toll. One Indiana volunteer wrote home, "My quarters are near the burial ground and the dead march is constantly ringing in my ears."³³ One of the few redeeming features of the locality was the breeze that night and day kept the temperature comfortable.³⁴

Better sites were not far distant, and in order to secure the removal of the troops to a more suitable locality, General Lane, in company with Colonel Drake and Major Lane, paid a visit to Matamoras to present the case to General Taylor.³⁵ The general at this time was in a state of great indecision and declined to make any radical change in the set-up. He did consent to the troops being taken to Burrita on the mainland,³⁶ and though the new camp, situated a mile from the river in a thicket of mesquite bushes was not entirely to their liking, the general would not consent to any move farther up the river.³⁷ The new site was named Camp Belnap

²⁹ Wallace, *op. cit.*, I.

³⁰ Benjamin F. Scribner, *Campaign in Mexico* (Philadelphia, 1847), 14.

³¹ Perry, *op. cit.*, 85.

³² Smith, *op. cit.*, I, 205.

³³ Perry, *op. cit.*, 86, quoting letter of Captain J. McDougall from *Indiana Democrat*, August 28, 1846.

³⁴ *Ibid.*, 86.

³⁵ *Ibid.*, 86.

³⁶ Smith, *op. cit.*, I, 206.

³⁷ Perry, *op. cit.*, 86, quoting letter of Col. J. P. Drake, in *Indiana Democrat*, August 28, 1846.

and has been described as a "spot fit only for snakes, tarantulas, centipedes, fleas, scorpions, and ants that infested it."³⁸ In this unpleasant place General Lane made his new headquarters to await instructions, which were a long time in coming.³⁹

As the year advanced the troops still remained inactive, much to the annoyance of all. The horrors of war were being witnessed, but in the hospital and the camp, and not on the battlefield.⁴⁰ By mid-October at least a hundred of the Indiana volunteers had died, and hundreds from various companies filled the hospitals. To make matters worse, medical supplies were inadequate for the ever-increasing needs.⁴¹

Quite naturally, the men, preferring to be on the march, tended to blame their officers for the delay on the sand dunes. A member of the First Regiment denied the truth of the accusation which he termed "unjust" and added,

General Joseph Lane has used every exertion in his power to have the Indiana brigade ordered to take up their line of march to the scene of action . . .⁴²

Much of the time was spent idly, a circumstance which was not without its harmful effects on the men, many only too prone to take up evil ways. In fact, so demoralizing was camp life that many men who were of unblemished reputations began to slip into careless habits.⁴³ The day began with morning drill for the officers at 5 o'clock followed at 7 by a two hour company drill; in the afternoon at five there was a regimental drill of two hours. General Lane personally drilled the regiments during the illness of Col. James H. Lane and in the absence of Col. William Bowles, who had returned to Indiana on leave.⁴⁴ To General Lane went full credit for the drill of the Second for even when Bowles was present he was hopelessly inefficient, not having mastered even the manual of arms.

³⁸ Smith, *op. cit.*, I, 206.

³⁹ Buley, *loc. cit.*, XV, 279.

⁴⁰ Perry, *op. cit.*, 103.

⁴¹ Perry, *op. cit.*, 103, *Madison Banner*, Nov. 11, 1846, quoting letter of unnamed volunteer, written from Matamoras.

⁴² *Indiana State Sentinel*, Dec. 29, 1846. Letter of a member of the First Regiment from the Rio Grande, November 15, 1846.

⁴³ Smith, *op. cit.*, II, 211; Scribner, *op. cit.*, 34.

⁴⁴ Scribner, *op. cit.*, 33.

Practically General Lane remained colonel to the suppression of Colonel Bowles. He looked after the discipline and personal welfare of the men. He drilled them and they were beautifully drilled.⁴⁵

Colonel Bowles apparently did not resent the criticism and spent his time in occupations more congenial to his nature such as the collection of botanical specimens of the region.⁴⁶

Early in November word reached Lane that the regiments were soon to be called for service. From then on he drilled them twice a day.⁴⁷ His diligence was rewarded by the fine showing made by the companies on the parade ground and in target firing. Lane was reported to have said in a burst of enthusiasm, "I would rather command a regiment of such boys than be president."⁴⁸

Rumors persisted that the regiments were soon to move but it was not until early in December that General Lane received unconditional marching orders directing him to proceed to Monterey with the Second and Third Regiments. The First was to remain behind, a command that was received with gloom by that regiment. An appeal made by Major Henry S. Lane reversed this order and all three regiments made ready for departure. The night of December 5 was marked by a celebration in honor of the event.

The first stop was at Comargo where the men had to remain several days breaking in wild mules for the train. As soon as this was done they departed for Monterey.

The troops had not gone far when General Lane received orders for a countermarch to the camp just left on the banks of the Rio Grande. The command was given by Brigadier General Marshall but as the original marching orders had come from Major General Patterson, Lane refused to heed the repeated order of the under officer. Leaving the First and Second Regiments to continue the march, Lane hurried to Monterey to report his brigade to General Taylor.⁴⁹

Lane found General Taylor ready to depart for Victoria. The commanding General on hearing of the approach of the Indiana troops confirmed the fears of the First by instructing that that

⁴⁵ Wallace, *op. cit.*, I, 183.

⁴⁶ *Ibid.*, 183.

⁴⁷ Scribner, *op. cit.*, 36.

⁴⁸ *Ibid.*, 37.

⁴⁹ Perry, *op. cit.*, 105.

regiment be returned, eight companies to garrison Matamoras and two to take up duty at the mouth of the Rio Grande.⁵⁰ The troops, worn by the unaccustomed march on which they had endured not only fatigue, but hunger and thirst and manifold other inconveniences, were cruelly disappointed by the new command, which reached them on the 24th December. Many wept as they departed from their friends, who were to continue on the way.⁵¹ The Indiana troops, wittingly or unwittingly on the part of the commanders, had received very poor treatment and were further stung by the new order. It was taken as a rebuke either for Col. Drake, who had made the unofficerlike petition in behalf of his soldiers at Matamoras, or for General Patterson, who had ordered the troops forward on his own authority.⁵²

Report had come that Santa Anna, leader of the Mexican forces, was within two days march of Saltillo and so the Second and Third Regiments, in obedience to the order of General Lane, hurried on to occupy that city since Lane had been commanded by Major General Butler to succeed General Worth in the occupation of the city. The men were delighted with the beauty of the countryside through which they were now passing. As provisions had not yet arrived, a day's respite was declared on December 28, a day which many spent in visiting points of interest in the vicinity. The troops had already marched one-hundred and fifty miles and still had sixty-five to cover, carrying packs that were above the average in weight.⁵³

On New Year's day, 1847, camp was pitched six miles from Saltillo. Persistent rumors kept coming of an imminent attack by the enemy so that discipline became more rigid and the troops were held in momentary readiness for what might ensue.

Generals W. J. Worth and William O. Butler were at Saltillo with the troops left behind by Taylor, a force of about 3,500, some 1,460 of whom were from Indiana. When Worth's divisions finally departed for the South to join Scott in his projected march on the Mexican capital, Lane moved his troops up to take their place; the Second regiment entered the city on the 11th and the Third on the

⁵⁰ Perry, *op. cit.*, 106.

⁵² Wallace, *op. cit.*, I, 144.

⁵¹ Scribner, *op. cit.*, 50.

⁵³ Scribner, *op. cit.*, 51.

12th.⁵⁴ There they were joined by the Kentucky cavalry and the Second Kentucky Regiment.⁵⁵

Saltillo had once been the capital of a large district comprising all of Coahuila, and parts of Nuevo Leon and Durango.⁵⁶ Now it was on the decline, but still preserved many tokens of its former prosperity. The city, situated on a hillside, had narrow cobbled streets, bordered by ancient buildings, some almost in ruins. They were of typical Spanish style, built of brick, whitened with plaster. Fountains were numerous in the plazas and furnished good mountain water. Two of the city's five churches were of cathedral proportions and were much admired by the soldiers, who had occasion to inspect them minutely as they searched for arms.

Such was the city which the troops under Lane now garrisoned. Many of the native population had fled at the approach of the army, with the exception of the Tlascan Indians, who as a group stolidly remained in the part of the city assigned to them.⁵⁷ As was to be expected, there was in the beginning some disagreement between the Mexicans and the Americans and some of each group spent time in the guard house. Lane, on the alert to prevent such conflict, inquired into the circumstances of any outrages and punished the offenders in accordance with army regulations. Offenses on both sides were often those of petty thieving and pilfering.⁵⁸

The troops now found themselves in the most comfortable quarters that they had occupied since they had departed from Indiana. Enough duties were found to keep all employed a good part of the time. Some were put to work strengthening the fortifications of the city, while others were assigned to patrol duty. In general, discipline was well kept, for an attack was expected at any time. The townspeople who had at first remained at a distance, when they saw the good behaviour of the volunteers became increasingly friendly.⁵⁹ False alarms on several occasions routed the men from their beds only to retire once more when no enemy was discovered near.⁶⁰

⁵⁴ Perry, *op. cit.*, 125.

⁵⁶ Perry, *op. cit.*, 141.

⁵⁵ *Ibid.*, 125.

⁵⁷ *Ibid.*, 141.

⁵⁸ *Indiana Sentinel*, January 31, 1847.

⁵⁹ Buley, *loc. cit.*, 292, quoting a letter of Major A. F. Morrison to the *State Journal*, March 15, 1847.

⁶⁰ Scribner, *op. cit.*, 57.

When not on guard duty, the soldiers attended drill, which was once more conducted by General Lane. Again the regiments won praise for their manoeuvres.⁶¹

Rumors of the nearness of the enemy had been so long current that it was decided to send out a thorough scouting party to discover the truth. On January 19, General Butler dispatched some thirty or forty men under Major Gaines to make the search. The troops encountered some inoffensive Mexicans who could help them little, but no soldiery until they chanced upon a party of Arkansas cavalry under Major Borland. Gaines determined to unite the two forces and pursue a group of the enemy supposedly in the vicinity. Instead, however, the scouting group was taken by surprise and had to surrender to General Miñon.

When the party did not return, General Lane sent Captain Heady of the Kentucky cavalry to search for the missing. The efforts of the second group ended at a ranch house, where they found, not the missing men, but liquor to deaden their qualms. Such an incident as this helped strengthen the all too prevalent opinion that the volunteer could not easily be disciplined to the life of a soldier.⁶²

On February first or second, General Taylor returned to Saltillo with a force of some 700 men. Instructions from the government and from General Scott had directed Taylor not to take any position farther south than Monterey. For political reasons, he was not disposed to heed either command, and therefore had proceeded first to Saltillo and then to Aqua Nueva, accompanied by General Wool and the troops under his command. General Lane's command was soon moved up to Aqua Nueva to prepare for the impending attack. The valley of Aqua Nueva was high in the mountains and the soldiers experienced no little discomfort from the cold while awaiting the approaching enemy forces. Snowtopped mountains encircled the plain which in turn was white with myriads of tents.⁶³

The relations between General Lane and Colonel James H. Lane had not been cordial for some time, and on the eve of the battle of Buena Vista, the hostility became active. A certain jealousy seems to have been the cause of the dispute, for the two men, General and Colonel, each had a favorite regiment and resented favors be-

⁶¹ *Indiana Sentinel*, March 17, 1847.

⁶² Smith, *op. cit.*, II, 371.

⁶³ Scribner, *op. cit.*, 58.

stowed on the other. At Matamoras, Comargo, and Monterey, little differences had arisen but had been dispelled, though the feeling between the two remained bad.⁶⁴

On the Saturday before Buena Vista, a dispute arose between several of the officers, including the General and the Colonel. At one point in the argument the latter seemed to question the veracity of his superior with the result that blows were exchanged, until the two were separated by the other officers. The General told his assailant to prepare himself and thereupon left the field. The Colonel was in the act of telling his men that the quarrel was a personal one when the General returned carrying a rifle. Grasping a loaded musket from one of his men, the colonel turned to meet the challenge. Before harm could be done the guard surrounded the General and led him away. The members of the Third were greatly aroused by the affair and had the General succeeded in killing their officer, it is said that they would in turn have taken his life. Both officers were put under arrest and remained there until just before the battle of Buena Vista. The incident was a disgrace to both the officers, and unfortunate all the more in that the Third was one of the reserve forces in General Lane's command during the battle of Buena Vista.⁶⁵

While his officers were quarrelling among themselves, Taylor with rash unconcern awaited the approach of Santa Anna, who had started north from San Luis Potosi in the hope of overwhelming the Americans by one crushing blow. In numbers, the Mexican army was easily the superior being composed of some 15,142 officers and men, and the Americans had good cause to fear.⁶⁶ Taylor, now that the enemy was almost at the gates, decided that he should take a more retired position lest Santa Anna encircle the American army and pour down upon them from one of the passes to the rear.⁶⁷

The plateau on which the Americans decided to take their stand favored the defense, a fact of which Santa Anna was well aware.⁶⁸ The plain was cut by eight or ten ravines, which crossing the road

⁶⁴ Buley, *loc. cit.*, XVI, 66.

⁶⁵ Perry, *op. cit.*, 133.

⁶⁶ Smith, *op. cit.*, I, 381.

⁶⁷ Robert McElroy, *Jefferson Davis* (2 vols., New York, 1937), I, 91.

⁶⁸ Smith, *op. cit.*, I, 385.

to the west became deep gorges, extremely difficult of access, yet easy to defend. The enemy's best chance of gaining the plateau, would be by control of one of these deep paths. Three of the ravines farthest south led to the very center of Taylor's position. General Wool, to whom Taylor had given the disposition of the troops, felt certain that the first attack would fall there. The Second Indiana under Colonel Bowles, which had remained so long inactive, was now advanced to this first line position near the end of the southern and longest of the ravines. Lieutenant J. P. O'Brien with three guns was posted there to support the regiment. General Lane was put in command of the entire unit. Supporting troops were arranged behind them; the Kentucky cavalry, under Col. Humphry Marshall, and a squadron of the Second United States dragoons were placed at the rear left on the mountains to outflank the enemy. A short distance to the rear and right of the Second were the Second Illinois Regiment and the First of Bragg's Battery, to support Bowles when needed and to watch the second and third ravines. Farthest to the rear in this formation was the Second Kentucky Regiment and Sherman's battery. Other divisions were placed strategically but at greater distance.

At three o'clock on the afternoon of February 22, the Mexicans gave signal for combat with a shot from a howitzer placed on the road.⁶⁹ There ensued a vigorous but short encounter, which ended shortly with the fall of darkness. While the American forces suffered little injury and the Mexirans lost a number of men, yet the early encounter was favorable to the Mexican forces, who had forced their way to the crest of the mountains in spite of American resistance.⁷⁰

After a night during which the soldiers reclined on their arms on the field, and made doubly trying by cold and rain, the troops took up their position at an early hour to continue the combat. At the sight of the great and brilliant army opposing them, many Americans began to feel uneasy.

The enemy force, numbering some 2500 to 3000 men under the command of Colonel Ampudia, opened a severe fire upon Lane's troops. Despite the numerical superiority of the Mexicans, the

⁶⁹ *Ibid.*, I, 396.

⁷⁰ *Ibid.*, I, 390.

Americans held them in check and killed some fifty or sixty of their number. Reinforced by Kentucky riflemen and dismounted cavalry, the force held its position until about nine o'clock in the morning, when word came that a heavy column of some 4000 infantry and lancers under Pacheco and Lambardini was approaching.⁷¹ The new charge was met with great spirit and amid the cheers of the troops⁷² O'Brien's pieces "which were admirably served swept down whole platoons of the enemy at every discharge."⁷³ Great disorder ensued in the Mexican columns, and as they fell back, Lane sent word to O'Brien to move forward. This he did placing his pieces some fifty or sixty yards nearer the enemy.⁷⁴

The wisdom of Lane in placing his vastly outnumbered forces in the line of the "raking fire and grape shot" of the Mexican battery has been acclaimed by some and challenged by others.

It is but justice to state, that, among officers of long experience, the belief is entertained, that the prime fault was one of rashness, and want of judgment, in placing this force in a position, which, they contend, neither this nor any other regiment could have maintained—a position, moreover, which they assert, it was not necessary to hold as one on which they depended; and that General Lane should be made to bear part of the odium which the regiment could not escape. Other officers of equal experience express the contrary opinion, as set forth in the text.⁷⁵

One of the soldiers who had at first condemned the action of Lane, after reviewing the battlefield at a later time was "convinced that a more judicious spot could not have been chosen." He added that the official report of Santa Anna showed that the Mexican forces were about to retreat, when the stubborn resistance of the Americans gave way to flight.⁷⁶

Notwithstanding the firmness with which Lane's forces had withstood the shock of the enemy's first advance, Col. Bowles, who had previously confided so much of his command to General Lane, now gave an ill-fated order to, "Cease firing and retreat." The

⁷¹ *Ibid.*, I, 389.

⁷² James H. Carleton, *The Battle of Buena Vista* (New York, 1848).

⁷³ Henry B. Dawson, *Battle of the United States* (2 vols., New York, 1858), II, 493.

⁷⁴ *Ibid.*, II, 493.

⁷⁵ Carleton, *op. cit.*, 61.

⁷⁶ Scribner, *op. cit.*, 62.

retreat of the Indiana troops became precipitate flight in which four companies of Arkansas mounted riflemen joined.⁷⁷ General Lane and his staff tried to rally the fleeing men, but to no avail. The battery which under O'Brien had been so effective now had to be drawn back, and one piece—the four pounder—left to the enemy. Other troops now exposed by the desertion of General Lane's men, had to retire from their forward position.⁷⁸

The enemy now finding no resistance poured down the mountain-side thousands of their infantry and lancers and formed themselves in good order for further attack. At this critical juncture the Mississippi regiment, under Colonel Jefferson Davis, moved into the breach. They were joined by the hapless Bowles and a part of the Second Indiana, whom he had rallied. Aided by the Third Indiana under James Lane, which had not been in the ranks that had fled, the Mississippians forced the Mexicans up the hill under a withering fire.⁷⁹

Some disparity has been shown in the estimate of those of the Second Indiana who rallied and fought through the remainder of the day. Perhaps none was better qualified to judge of this number than Major Dix of the Pay Department. Seizing the standard of the company, he called upon the men not to desert their colors. Many, who were within the sound of his voice, fell in and joined Col. Davis and Col. Lane's divisions. Some who continued their flight sought refuge at the hacienda of Buena Vista and a few even fled to Saltillo. Major Dix estimated that "about two thirds of those who had broken and fallen back were rallied and returned to the field."⁸⁰

In his official report to General Wool, Lane, still unaware of Bowles' part in the retreat, deplored the action of the Second Indiana:

Some excuse may be found for those who retired for a few minutes, and then immediately rallied and fought during the day, but unless they hasten to retrieve their reputation, disgrace

⁷⁷ Smith, *op. cit.*, I, 390.

⁷⁸ Smith, *op. cit.*, I, 390. See also Carleton, *op. cit.*, 70.

⁷⁹ Smith, *op. cit.*, I, 391. See also *Indiana State Sentinel*, May 12, 1847, General Lane's official report of the battle of Buena Vista, February 25, 1847.

⁸⁰ Carleton, *op. cit.*, 188. Letter of Roger S. (Major) Dix to James H. Carleton, Boston, June 27, 1848.

must forever hang around the names of those who refused to return and I regret to say that there were a few of those from nearly every volunteer corps engaged.⁸¹

Lane himself had acted with great bravery during the entire engagement. A shot pierced his arm in the fleshy part, but he ignored the injury and remained on the field, not retiring to have medical attention. Instead, he rode about the field cheering and encouraging the men.⁸² At the end of the day,

exhausted by fatigue and loss of blood, he fainted into the arms of his aide and was borne away to the hospital where he received surgical treatment, which he so greatly needed.⁸³

It was some days before the true cause of his regiment's retreat became known to General Lane. Then, in order that the guilt might be correctly assigned, he preferred charges against Colonel Bowles and sent them to General Taylor, who had gone to Monterey. The commander refused to order a court martial but stated that Col. Bowles could have a Court of Inquiry, *if he desired it*. While this was a rather unusual attitude for a military commander to take, all expected that Bowles would adopt this line of action but it became apparent that he had no intention of doing so.⁸⁴ Lane then resolved to ask that a court of inquiry be convened to examine his own conduct.⁸⁵

The Court was convened under the Presidency of Brigadier General Marshall and the findings confirmed,

that Brigadier General Lane conducted himself as a brave and gallant officer, and that no censure attaches to him for the retreat of the Second Indiana volunteers.⁸⁶

⁸¹ *Indiana State Sentinel*, May 12, 1847, official report of Lane to Wool on battle of Buena Vista.

⁸² Scribner, *op. cit.*, 65.

⁸³ *Indiana State Sentinel*, May 29, 1847, quoting *N. O. Delta*.

⁸⁴ *Ibid.*

⁸⁵ The Court of Inquiry bears the same relation to the court-martial in military procedure as the civil grand jury does to a court of criminal jurisdiction.

⁸⁶ *Indiana State Sentinel*, June 9, 1847. "Facts and Opinions of the Court of Inquiry Convened to Examine the Conduct of General Lane."

Bowles was in turn forced to seek a court of inquiry and as a result it was fully established that he had issued the order, "Cease firing and retreat," and was ignorant as well of the duties of colonel.⁸⁷

The Indiana troops rested easily at first, convinced that the decision of the courts would redeem their reputation. General Taylor when called upon to do so refused to correct his first report, for he wrote, "nothing has developed subsequently to the date of the report to cause me to change it."⁸⁸ The charge was to echo and re-echo in the papers of Indiana for the next two years, the Democrats making use of it in the presidential campaign to show that General Taylor had dealt unfairly with the troops from that State, while the Whigs used it against Lane. In this, as in many aspects of the war, politics were mingled with purely military matters. Undoubtedly, the troops were not to blame for the seeming cowardice and as individuals were perhaps as brave as the average volunteer in other divisions. This is attested by the large number who lost their lives in the battle, 107 of the 2nd Regiment, and 65 of the 3d.⁸⁹ The slander against the troops was not easily forgotten, however, and the full reputation of Indiana's soldiers was not vindicated until the Civil War.⁹⁰ Speaking of Taylor's whole attitude toward the incident, Justin Smith, authority on the Mexican War, said he

exhibited a peculiar resentment toward the regiment, opposed having the affair investigated and endeavored to hush it up.

Buena Vista was the first and final battle for the first Indiana volunteers. On May 14, word was received that the regiments would leave in ten days for the Rio Grande to embark for the States. Among other duties of the last days was the sad one of preparing the bodies of four volunteers from New Albany for shipment home in accord with the requests of family and friends.⁹¹ A volunteer observed, "General Lane, with his characteristic nobleness of heart, lends a helping hand."⁹²

A letter written at the injunction of General Wool commended the conduct of the departing regiments and praised Lane,

⁸⁷ *Ibid.*, June 9, 1847, "Sketches in the Camp," May 3, 1847, by an ex-reporter.

⁸⁸ Perry, *op. cit.*, 276. Quote *New Albany Democrat*, April 6, 1848.

⁸⁹ Buley, *loc. cit.*, XV, 305.

⁹¹ Scribner, *op. cit.*, 72.

⁹⁰ *Ibid.*, 75.

⁹² *Ibid.*, 75.

whose integrity and zeal and close attention to all the requisitions of the service have been so much aid to him in the discharge of his duties and whose gallant conduct in the field has gained for him the confidence and esteem of everyone.⁹³

The returning volunteers were paid and discharged in New Orleans, receiving a bounty of government land for their services. Immediately "a full quota of Jews and land-sharks" began preying upon the men, offering to purchase the newly acquired land at a speculator's price. General Lane warned the soldiers not to dispose of their lands which they could sell at a better price in their home State.⁹⁴

While still in New Orleans, Lane received word from Secretary Marcy that the President desired him to remain in the service. In reply, he expressed himself willing to undertake further service "for the purpose of vindicating the honor and interest of our country."⁹⁵

The volunteers were received in their various communities with great enthusiasm and display. None was received with greater acclaim than General Lane. At a dinner given in his honor at Evansville, July 3, the chairman offered a toast to

Brigadier General Joseph Lane, the farmer, statesman and soldier; a worthy and valuable citizen; a brave and successful general and an honor to every station in which fortune has placed him.⁹⁶

The return was not all jubilation, however; Col. Humphrey Marshall of the Kentucky cavalry wrote in the *Louisville Journal* criticizing Lane's "Supplemental Report" in which the general had attempted to lay the true story of the retreat of the Indiana troops before the country. At the solicitation of a group of citizens at Evansville, Lane undertook to refute the attack through the columns of the *Indiana State Sentinel*.⁹⁷

Another principal of the Buena Vista episode, Col. Bowles, re-

⁹³ Buley, *loc. cit.*, XV, 308.

⁹⁴ *Indiana State Sentinel*, June 30, 1847.

⁹⁵ *Adjutant General's Office Report*, Federal Archives 274 L 47, Lane to Marcy, N. O., June 14, 1847.

⁹⁶ Perry, *op. cit.*, 207. *New Albany Democrat*, July 13, 1847.

⁹⁷ *Indiana State Sentinel*, July 25, 1847.

turned at almost the same time to his home in Paoli, Indiana. He informed the newspapers that a statement of his actions and those of General Lane would be published at a future date.⁹⁸ This explanation was apparently never forthcoming.

General Lane arrived in New Orleans on his return to Mexico, July 20, 1847.⁹⁹ Lane was once more assigned to service under General Taylor though doubtless his personal preference would have been otherwise. His division was composed,

of the first regiment of foot, and one company of horse from Illinois; one regiment Indiana foot, one company of horse from Florida; five companies of foot from New Jersey; and five companies of Texas horse . . .¹⁰⁰

Leaving his command at Fort Mier, General Lane went to Taylor's headquarters for further instructions. Soon "Old Rough and Ready, No. 2," as he was affectionately called, returned with his new assignment. From Camp Mier he was to return to the mouth of the Rio Grande and from there proceed by water to Vera Cruz, where he would be under command of General Scott.¹⁰¹ Lane's brigade embarked for Vera Cruz on the 8th. The brigade was to include the Fourth Indiana, Col. W. A. Corwin; one regiment Illinois volunteers, and the Texas Rangers under the famous Jack Hays.¹⁰² The trip from Brazos to Vera Cruz was accomplished in three days sailing and was one of great enjoyment for the troops, to whom the picturesque beauty of the mountain region contrasted very favorably with the arid wastes left behind. During the sojourn of Lane's command at Vera Cruz, the baggage wagons were repaired, the artillery carriages put in condition, and all possible preparations made for a march toward Mexico City, to open communications between the seaboard and General Scott's army.¹⁰³

When all was in readiness Lane's forces departed from Vera Cruz on the afternoon of Sunday, September 19, 1847. Brigadier

⁹⁸ *Ibid.*, August 11, 1847, from *Wabash Express*.

⁹⁹ *Adjutant General's Office*, letter of Brig. Gen. Geo. W. Boothe.

¹⁰⁰ *Indiana State Sentinel*, August 11, 1847.

¹⁰¹ *New Albany Democrat*, September 21, 1847.

¹⁰² *Ibid.*, September 23, 1847.

¹⁰³ Albert G. Brackett, *General Lane's Brigade in Central Mexico* (Cincinnati, 1854), 45.

General Lane and his staff stayed with the troops as they took their way up the steep ascents before them. The route lay first through sand ridges where deep ruts made progress slow and painful. Here and there they beheld the desolation wrought by war, as when they stopped at the village of Santa Fe, of which but a few blackened and charred ruins remained.¹⁰⁴ Knowing the rigors of the trip that lay ahead, the General commanded that none but essential supplies should be taken. Even at that, the soldiers, exhausted by the intense heat, ridded themselves of more and more articles from their packs.

Near the American Bridge, the troops had a first encounter with a guerilla band. Firing from a hill, the Mexicans dropped two of the Americans, before they were in turn dispersed by an artillery charge.¹⁰⁵ Learning of the attack, a detachment came from the National Bridge to re-inforce Lane's command, but were too late to be of any aid, had they been needed, which they were not.¹⁰⁶ A supply train from Vera Cruz now caught up with the regiment, and Lane immediately pushed on toward Jalapa, by way of the pass of Cerro Gordo. Before starting, he reviewed the troops, an impressive and warlike group.¹⁰⁷

On Sept. 30, the "Barbarians of the North" entered the beautiful town of Jalapa, which numbered some 10,000 inhabitants. No resistance was met as the troops filed solemnly into the city. Here, as elsewhere, the general tried to treat the non-military population with consideration and justice, and won thereby the admiration of his men, even when they had to suffer punishment for wrongdoing.¹⁰⁸

The soldiers were happy to reach a settlement, for the last lap of the trip had been unpleasant. Deluges of rain had poured down, making the roads all but impassible and causing great discomfort to the men.¹⁰⁹ Their lot was unpleasant at best; the food was stale bread and beef and at times even that was scarce. Lane, vigorous by nature and hardened by frontier life, shared uncomplainingly the lot of the most humble. In his old blue overcoat and black slouch hat, he often easily went unrecognized among the men and learned at first hand of their needs.

¹⁰⁴ *Ibid.*, 53.¹⁰⁶ *Ibid.*, 59.¹⁰⁸ *Ibid.*, 75.¹⁰⁵ *Ibid.*, 58.¹⁰⁷ *Ibid.*, 62.¹⁰⁹ *Ibid.*, 73-74.

Through his Mexican spies ¹¹⁰ Lane now learned that Santa Anna was concentrating a large force between Perote and Puebla.¹¹¹ The Mexican general had some 4,000 men and six pieces of artillery. The opposing American force, numbered over 3,300 men with seven guns.¹¹²

Early in the morning of October 9, the soldiers encamped at the hacienda of San Antonio Tamaris, were ordered to prepare for a forward march. Arising from their beds on the damp grass, they fell into ranks and answered roll. The day was beautiful and the surrounding scene one of grandeur. When the troops heard that they were to meet the Mexican chieftain, all seemed delighted and regarded the whole setting as propitious for their arms.¹¹³ With banners flying the command moved steadily forward for about ten miles through burning sands and clouds of dust. Near the town, the cavalry, under their leader Captain Walker, were commanded to take the lead but within supporting distance of the infantry to the entrance of the city. Lane rode at the head of the infantry columns, urging the tired men to press forward without delay.¹¹⁴ As he passed along, the tired troops found voice to raise a cheer for "Old Jo of Buena Vista."¹¹⁵

Soon the sound of firing informed the approaching forces that Captain Walker had begun the attack. At almost the same time, a large force of Mexican lancers was seen approaching from the left. With their red and green uniforms and the glint from their lances, they would have presented a heartening sight had they not been of the enemy.

Lane knew that success now depended on getting to the town and relieving Walker, and is said to have cried, "Take it cool my boys but run like the devil."¹¹⁶ Such were the efforts that the men put forth, that blood gushed from the nostrils of many, as on foot they tried to out-distance the mounted troops of the enemy. In the city the little band under Walker was experiencing great difficulties

¹¹⁰ *Ibid.*, 75.

¹¹¹ *Senate Executive Document*, 20th Con., 1st Sess., p. 477, letter of Lane from Puebla, October 13, 1847.

¹¹² Smith, *op. cit.*, II, 176.

¹¹³ *Ibid.*, II, 176-177. See also Brackett, *op. cit.*, 89.

¹¹⁴ Brackett, *op. cit.*, 89. ¹¹⁵ *Ibid.*, 115. ¹¹⁶ Smith, *op. cit.*, II, 177.

against the greatly superior numbers of the Mexicans. Walker himself was shot, but his dying words were instructions for his men to hold out for the infantry which would soon be there. With their arrival the Mexican troops quickly abandoned the city.

Before the Mexicans were fairly out of range, the Indiana troops had placed their regimental colors on the arsenal.¹¹⁷ The struggle at Huamantla was the last active fight of the war for Santa Anna and he retired to Tehuacan, his military glory and uncertain popularity dissipated. Of his troops over one hundred and fifty were killed or wounded while the American loss was forty-five. Among the prisoners taken by Lane were Major Augustin de Iturbide, son of the first emperor of Mexico, and Colonel La Vega, brother of the general of the same name.¹¹⁸ This campaign won for Lane the rank of brevet major general. The other officers were also brevetted for their brave conduct. After burying the dead and relieving the wounded, the Americans took possession of the town of Napoloucan, barricading all the streets which led to the plaza. Here Lane allowed his fatigued troops to enjoy such comforts as the place afforded.

While all this was taking place the situation at the besieged city of Puebla was becoming more critical. From September 13, the American garrison there under the command of Colonel Thomas Childs had been trapped, guerilla troops constantly tried to break down the defense of the town by harrying, and worst of all supplies were cut off.

At Amosque, Lane heard once more that the garrison of Puebla was in a dangerous condition, and unless relief arrived soon, the commander had determined to abandon it, and try to force his way through to join General Scott at Mexico City.¹¹⁹ The character of the siege can be clearly understood from Child's report to the Secretary of War:

Never did troops endure more fatigue by watching night after night, for more than thirty successive nights, nor exhibit more patience, spirit, and gallantry. Not a post of danger

¹¹⁷ Brackett, *op. cit.*, 91. See also *Sen. Exec. Doc.*, 30th Cong., 1st Sess., p. 477.

¹¹⁸ Brackett, *op. cit.*, 99.

¹¹⁹ *Sen. Exec. Document*, 30th Cong., 1st Sess., p. 476. See also Brackett, *op. cit.*, 108.

could present itself, but the gallant fellows were ready to fill it; not a sentinel could be shot, but another was anxious to take his place. Officers and soldiers vied with each other to be honored martyrs in their country's cause.¹²⁰

As Lane's troops neared their destination, their commander decided to allow an over-night respite that they might be in condition for the fierce conflict which they anticipated. On the morning of the 12th, the troops sighted Puebla in the distance, a magnificent city with its numerous towers and steeples, imposing cathedral and in the background volcanic peaks hiding their summits in the clouds.¹²¹

Lane has well described the entrance into the city in his official report which reads in part:

As my command neared the city, firing was distinctly heard; and feeling confident that my force was sufficient to enter the city at once, I directed Colonel Brough, with the Ohio regiment and Captain Heinzleman's battalion to enter on the main road. I further ordered Gorman with the Indiana regiment to proceed by a street farther to the east and left. Upon our approach, I found an enemy upon the housetops and in the streets firing occasional shots. The troops moved up toward the main plaza, driving the scattered forces of the enemy before them and completely clearing the streets and the city and killing a few of the enemy.¹²²

The engagement had taken about two hours; at last the two American commanders met and exchanged greetings, while the soldiers loudly welcomed their deliverers. A mounted bugler entered the plaza and struck up the Star Spangled Banner while with one accord the men joined in the chorus.¹²³ A volunteer gave this account of the entry of the victors:

. . . by 2 o'clock on the afternoon of the 12th the advance guard of General Lane's command reached the Grand Plaza in the city of Puebla, and was received with the thunder of artillery, the ringing of bells, and the long and loud shouts of

¹²⁰ Brackett, *op. cit.*, 117.

¹²¹ *Ibid.*, 110. See also Smith, *op. cit.*, II, 178.

¹²² *Sen. Exec. Doc.*, 30th Cong., 1st Sess., Report of Lane from Puebla, p. 476.

¹²³ Smith, *op. cit.*, II. See also Brackett, *op. cit.*, 119.

the almost frantic garrison, who hailed them as messengers of mercy, sent by a kind of Providence in answer to ten thousand prayers . . .¹²⁴

The guerillas under General Rea had fled to Atlixco after their departure from Puebla, and on the 18th Lane announced that the troops should be in readiness to pursue them the next day.¹²⁵ The new goal was some twenty-five miles from Puebla, in a region fertile in grains, flocks and herds.¹²⁶

The march on the 19th was more than usually trying for the day was hot and the route steep. The troops had covered about twenty-one miles when the advance guard of the enemy was discovered. Pausing until joined by the cavalry, Lane then pushed his lines forward. The enemy, as usual, displayed more bravado than effectiveness and soon took to flight, pursued by the American troops. Near the town, a brief but bloody hand to hand encounter took place with great loss to the Mexicans.¹²⁷

Atlixco was now in sight, but the commander judiciously decided to assault the city from without, rather than to run the risk of a street fight in an unknown town. After about an hour of shelling, the troops advanced to the town, which surrendered at once. In his official report to the Secretary of War, Lane after comparing the slight losses of the Americans with the heavy ones of the enemy, said,

Scarcely ever has a more rapid forced march been made than this, and productive of better results. Atlixco has been the headquarters of guerillas in this section of the country, and of late the seat of government in this State.¹²⁸

After a night spent in Atlixco, the American forces turned back toward Puebla, this time making the journey in more leisurely fashion. Lane took time to destroy some artillery pieces at Guexacingo, while the men were given a chance to explore the ancient Pyramid of Cholula, which was nearby. On the 21st they were once

¹²⁴ H. Judge Moore, *Scott's Campaign in Mexico* (Charleston, 1849), 228.

¹²⁵ *House Exec. Doc.*, 30th Cong., 1st Sess., Report of Lane from Perote, October 22, 1847.

¹²⁶ Smith, *op. cit.*, II, 78.

¹²⁷ *House Exec. Doc.*, 30th Cong., 1st Sess., 479.

¹²⁸ *Ibid.*, 479.

more in Puebla.¹²⁹ The returned troops brought the number stationed at Puebla to about 4000 of whom about 1000 were sick. General Lane acted as commander of the troops, while Colonel Childs was civil and military governor.¹³⁰ Several forays were made against the guerrillas from there; on the 29th a descent was made on Tlascalala, and again on November 9 when it was reported that Rea was in the vicinity with a train of goods stolen from merchants.

Lane seemed indefatigable and earned the reputation of being one of the most "energetic, pushing, indomitable generals that ever led a column through a hostile country."¹³¹ One who had accompanied him on a forced march said that the general never slept himself and seemed to forget that others were not "so happily constituted in that respect as he."¹³²

A typical march was that taken on November 22 against Matamoros from which point numerous attacks had been made on the Americans. With a select group of 160 mounted soldiers, Lane set out for his destination. Though rain fell during the night, the entire distance of fifty-four miles was covered and by morning they were in front of the enemy.¹³³ A sudden assault upon the town proved victorious, the defenders of the town capitulating after a brief struggle.

Returning to Puebla on the 24th, the train was attacked by General Rea and 560 lancers in the Pass of Galaxara. Lane's forces were able to keep them at bay though the mounts were too jaded to permit of pursuing the scattered bands. The general took equal share with his men in the dangers and fatigue of the repulse.

Within a period of sixty hours, General Lane had traveled 120 miles, engaged and overwhelmed the enemy forces twice, destroyed much of their stores and drove them from Matamoros. His re-entry of Puebla was a triumphant one, the soldiers from the garrison forming an escort with drums beating and colors flying to honor their chief.¹³⁴

¹²⁹ Brackett, *op. cit.*, 161.

¹³⁰ Brackett, *op. cit.*, 174.

¹³¹ *Indiana State Sentinel*, December 25, 1847, quoting *New Orleans Delta*, December 9.

¹³² *Ibid.*, December 25, 1847.

¹³³ Brackett, *op. cit.*, 189.

¹³⁴ *Ibid.*, 193.

The two rulers of the city, Lane and Childs, did not always agree. Accusations were made by the bishop and officials of the city that Lane did not prevent his men from pillaging and otherwise injuring Mexican property. Childs sent a report to Scott at Mexico City concerning these charges. Incidents undoubtedly did occur but a resolution signed by forty-six officers declared that Lane had restrained violence as well as anyone in charge of many men could.¹³⁵ No amends were ever demanded and no investigation made so the violations were probably not serious.¹³⁶

Lane made numerous other excursions of a minor nature in pursuit of the guerillas and each time he was successful in taking some of them. Finally on December 14, he departed for Mexico City, summoned there to report to General Scott. He had been a popular leader, one who knew all his men personally, and they were loath to see him depart.¹³⁷ In token of their admiration, the soldiers presented Lane with a medal, especially designed to honor his victories.¹³⁸

In the States, newspaper readers were kept well informed of the progress of the war.¹³⁹ Newspapers published in centers along the Ohio River gave a particularly good coverage and were copied by others farther inland. Lane's name appeared in great frequency, and while organs of both parties spoke highly of his bravery, the Whig journals printed stories of an uncomplimentary nature in other respects, in fact, as was common in frontier newspapers of the time, no accusation from drunkenness to stealing was considered too harsh or libelous to publish.¹⁴⁰

The State legislature took cognizance of the service of their former associate by voting him a sword.¹⁴¹ At another session, a resolution was offered complimentary to General Taylor by a member of the Senate. Other members objected to the proposed resolution on the ground that the General had slurred the Indiana troops, and "Indiana's noblest son—General Lane."¹⁴²

¹³⁵ *Ibid.*, 214-216.

¹³⁷ Brackett, *op. cit.*, 218.

¹³⁶ Smith, *op. cit.*, II, 225.

¹³⁸ *Ibid.*, 231.

¹³⁹ *Indianapolis Star*, June 20, 1915, Logan Esarey "History of the Press in Indiana."

¹⁴⁰ *Indiana State Sentinel*, March 15, 1848, *re* charges of *Louisville Journal*; also March 21, 1848, *re Indianapolis Journal*.

¹⁴¹ *Indiana State Sentinel*, January 25, 1848.

¹⁴² *Ibid.*, February 10, 1848.

From Mexico City, Scott dispatched Lane on still another excursion against the guerillas. Few expeditions of American history have been as arduous. On the morning of January 18, Lane left the capital with a body of only 350 mounted men and no artillery, with the commission "to scour the country and drive the guerillas from the roads."¹⁴³ The enemy was not encountered between Mexico City and Puebla, though a force under General Marshall reported having been molested. A day was spent in the second city, and on the evening of the 21st, the troops again set out in a chilling rain in the direction of Vera Cruz.

At Amazoque, the General took a new route to deceive the Mexicans. The road was a hard one, at times compelling the riders to dismount and lead their horses. In spite of these difficulties a distance of forty-five miles was covered, until at daybreak a hacienda was reached. The men were allowed to rest here until the evening, keeping in custody all the Mexicans who knew of their location. Lane now informed the officers that Santa Anna was but a short distance away. Even a night march was not too difficult with such a prize in reach, and the men went forward eagerly a distance of forty miles. By 4 o'clock they had reached Tehuacan.

Leaving Major Polk's command surrounding the city, Lane at the head of Col. Hay's troops charged the plaza. Evidences that troops had recently occupied the city were to be seen, but the whole force had departed and with it Santa Anna. He had been apprised of the approach of the troops just in time to make his escape.

The horses of the troopers were too exhausted to be pushed farther and a hasty search disclosed that fresh mounts would not be readily obtainable. A thorough survey was made of Santa Anna's quarters, and articles belonging to the military costume of the Mexican chief were appropriated, though the wardrobe of his wife was turned over to the alcalde.¹⁴⁴ A military coat was discovered, and so lavish was its gold braid, that the soldiers weighed the garment, which proved to weigh fifteen pounds. Another trophy which dazzled the frontiersmen was an elaborate eagle-tipped cane studded with diamonds, sapphires, and emeralds. This had just been presented to Col. Hays

¹⁴³ *California and New Mexico*, L. C. Mss., Report of Brigadier General Lane, City of Mexico, February 10, 1848.

¹⁴⁴ *Indiana State Sentinel*, March 8, 1848, took exception to stand of the *Indianapolis State Journal*.

of the Texas rangers, when Major Polk, brother of the President, entered the room. Showing little of the tact which one would expect to find in a late envoy of the United States to Naples, he indicated that he would like the stick for his brother. Hays responded gallantly and made the presentation in the name of Texas. The men were in wonder at the large number of trunks containing the elaborate gowns of the first lady of Mexico, which were in marked contrast with the calicos that the frontier wife was accustomed to wear.¹⁴⁵ When the news of the taking of Santa Anna's military garb reached the States, the Whig papers made great capital of the story, calling the incident a case of robbery. The cudgels were taken up equally vigorously by the opposing party and again the battle raged between the papers. After this encounter, the Mexican general, at last

realizing that nothing could be gained through intrigue or conspiracy and fearing that the Americans would make him a prisoner . . . asked for permission to leave the country, Both his own government and our authorities consented.¹⁴⁶

Before resuming the march, Lane gave his troops a twenty-four hour rest at Tehuacan. The citizens, who had never supported Santa Anna because they feared the reprisals that his presence would bring upon the city, now tendered a formal surrender to General Lane, and were treated with consideration by the conquerors. No further opposition was met as the march progressed; leaders in other places hastened to surrender their cities or towns after the American commander assured them that their rights would be respected. Submission was received in turn from Acalcingo, Orizaba, and Cordova. Lane, in his report, said:

Along the whole route from Puebla to Tehuacan and from Cordova to Puebla—a route hitherto untrodden by the American forces, and heretofore notoriously hostile—no resistance was offered to a body of only 350 mounted men, without artillery and with but a very limited supply of ammunition. Every town sent out its deputies to assure us of a peaceable reception and every necessity for the command was promptly furnished.¹⁴⁷

¹⁴⁵ Frank C. Hanighen, *Santa Anna—The Napoleon of the West* (New York, 1934), 247.

¹⁴⁶ Smith, *op. cit.*, II, 181. ¹⁴⁷ *California and New Mexico*, L. C. Mss.

On February 17, the General again took the road, this time in pursuit of General Paredes and the guerilla chiefs, Almonte and Jarauta. The search took them first to Tulancingo, which the Mexicans had already deserted. Provided with fresh mounts, the American force hurried on as it had been ascertained from reliable sources that Jarauta had sought Sequalteplan, some seventy-five miles distant in the mountains. By forced march, Lane arrived in the vicinity of Sequalteplan at day-break on the 25th.

Accompanied by the sure-firing Texas rangers, Lane led a rapid charge upon the town. When the enemy became aware of their approach, they opened a heavy fire upon the Americans. Nothing daunted, the General and Colonel Hays moved on the main plaza. The Mexicans poured their fire from the barracks upon the invading host while others engaged them in hand to hand conflict in the streets. The superiority of the American arms soon broke all resistance, the barracks was overwhelmed and the force surrendered. One American soldier was mortally wounded, while the enemy lost some one hundred fifty killed and others wounded.¹⁴⁸

General William O. Butler, the commanding officer, spoke highly of Lane's prowess:

The enterprise seems to have been conducted by Brigadier General Lane with his usual energy and promptness of character, and attended with the most happy result. The severe lesson taught the guerillas on this occasion will go a long way to prevent the future assemblage of these lawless robbers for the purpose of attacking our trains.¹⁴⁹

Misfortunes at home directed Lane shortly after this last expedition to ask for a leave of absence. He received permission for two months and no doubt expected not to return as peace rumors were loud on all sides. Accordingly, he addressed himself to his brigade, praising their "courage, obedience, and promptness" and assuring them of his appreciation of the "strong attachment evinced toward him by the officers and men on all occasions."¹⁵⁰ On March 26, he arrived in New Orleans, enroute home.¹⁵¹

¹⁴⁸ *Ibid.*

¹⁴⁹ Scribner, *op. cit.*

¹⁵⁰ *Indiana State Sentinel*, April 15, 1848. Letter of Lane, Mexico City, March 5, 1848.

¹⁵¹ *Adjutant General's Office*, 396 B. 1848. Gen. G. M. Brooke from headquarters, New Orleans, March 27, 1848.

Lane's home coming was a sad one in spite of his recently won honors. One of his sons, Ratliffe Boon's namesake, had been stricken with cholera and had died in New Orleans in December.¹⁵² Likewise, the family plantation on the Ohio had suffered greatly in the winter floods, which had swept away stock and other property.¹⁵³ In April, he applied for a further extension of leave but signified his willingness to return to the line of action if needed.¹⁵⁴

Lane's return to his home State was the inspiration for several celebrations in his honor. He declined to attend any but that of his immediate community, pleading the shortness of his leave and the state of his private affairs as an excuse.¹⁵⁵ Late in April, Lane left home once more for Mexico. Peace negotiations were being carried on, but there remained the exchange of ratifications, which did not take place until May 30.¹⁵⁶ While there seemed to be little prospect of active service in the field, Lane was to aid in the task of returning the troops to the States and mustering them out of the service.¹⁵⁷

He departed from home with grave misgivings. His never too great competence had been swallowed up by his late expenses and it seemed as if even his property would be taken to meet his obligations.¹⁵⁸ Added to this anxiety was the fear that his children would be deprived of educational advantages because of his poverty. Though he was loath to sell the fertile homestead on the Ohio yet,

the happiness and respectability of family makes it necessary—
our property is a fortune but we must pay our debts and
educate our children.¹⁵⁹

Lane remained in service long enough to aid in mustering the troops from service and arranging for their departure to the States. This done he returned to Indiana to resume civil life. His homecoming took place late in July.¹⁶⁰

¹⁵² *Indiana State Sentinel*, January 6, 1848, from *Cincinnati Commercial*.

¹⁵³ *Ibid.*, April 15, 1848.

¹⁵⁴ *Adjutant General's Office*, 120 L. 1848. From Lane to R. Jones, from Evansville, April 7, 1848.

¹⁵⁵ *Indiana State Sentinel*, April 26, 1848, from *Evansville Commercial*.

¹⁵⁶ Smith, *op. cit.*, II, 251.

¹⁵⁷ *Indiana State Sentinel*, May 6, 1848.

¹⁵⁸ Letter of Lane to Doctor (*unnamed*), New Orleans, April 12, 1848, *Lane Papers*.

¹⁵⁹ *Ibid.*

¹⁶⁰ *Indiana State Sentinel*, July 26, 1848.

Naturally, the returned hero was sought after by various groups anxious to do him honor. Indianapolis was the scene of a "large and enthusiastic meeting" of Democrats, July 24, 1848. This meeting passed resolutions to honor Lane and other returned soldiers as soon as a date could be fixed. Lane was acclaimed

not alone on account of his daring and brilliant military achievement but because he is identified with the character and fame of Indiana, as one of her early pioneer settlers, as one whose name and fortunes are identified with the history of the State.¹⁶¹

With his friend, Robert D. Owen, General Lane addressed a gathering at Princeton in Gibson County. The interest of those attending was attested by the fact that the meeting was a large one despite the torrential downpour that marked the day. Both gentlemen spoke on political topics, Lane pointing out the injustice done Indiana troops by Taylor, Owen treating of the relations of the two major parties.¹⁶²

It would seem that the General had turned from his military experiences with no other idea than that of settling down to a career similar to that he had followed in pre-war days, combining the industry of the farm with occasional participation in political affairs.¹⁶³ His sentiments may well have been those attributed to him in a biographical sketch written in 1852:

I left my plow to take the sword with a thrill of pleasure, for my country called me. I now go home to resume the plow with as sincere joy.¹⁶⁴

Lane was not long to enjoy the peace of home for on August 26 a telegraphic dispatch carried the announcement of his appointment as first territorial governor of Oregon.¹⁶⁵ That event marked the definite close of one period of his life for never again was he to remain in Indiana except for brief and infrequent visits. In accord with family tradition he struck out for the new frontier.

¹⁶¹ *Indiana State Sentinel*, July 26, 1848.

¹⁶² *Ibid.*, August 11, 1848.

¹⁶³ *Autobiography of Joseph Lane*, Bancroft Mss., 154.

¹⁶⁴ "Western," *Biography of Joseph Lane* (Washington, 1852), front-piece.

¹⁶⁵ *Indiana State Sentinel*, August 26, 1848.

CHAPTER IV

TERRITORIAL GOVERNOR

The influx of settlers to the Oregon country in the early 1840's made imperative the solution of the boundary question. The United States and Great Britain had temporarily shelved this question when the two countries concluded the Treaty of 1818, which gave equal rights to the nationals of both in the disputed territory.¹ This agreement was indefinitely extended by a convention ratified in 1827 and remained dormant until the Webster-Ashburton negotiations in 1842.² President Tyler had hoped to push through the question of settlement but it was left to his successor, the even more ardent expansionist, James K. Polk, to carry out the negotiations.

Polk's campaign slogan bearing on the Oregon settlement had been "54-40 or fight" but neither he nor his advisors had intentions of fighting if an honorable compromise could be reached. On the British side of the question, the Peel government was not disposed to be driven out of Oregon by words, but neither did it consider a fight for the remote outpost a prudent policy. In both countries, the public was made ready through the press to accept a compromise.

On April 26, 1846, Polk transmitted the required year's notice announcing the termination of the agreement, in compliance with a joint resolution of Congress to that effect.³ The Peel ministry recognizing that the United States would stand firm for its demands to the 49° limit, prepared a treaty which would be acceptable both at home and in the United States. When the document was transmitted to Washington, terms were accepted exactly as they had been drafted by the British and the treaty was signed by Buchanan and Pakenham on June 15, 1846. By a vote of 41-174, the Senate ratified it. The war with Mexico had undoubtedly added speed to the negotiations.⁴

¹ Samuel F. Bemis, *A Diplomatic History of the United States* (New York, 1936), 273.

² *Ibid.*, 275.

³ *Ibid.*, 279.

⁴ *Ibid.*, 280.

While these diplomatic negotiations were being carried on, the Oregon pioneers had taken matters into their own hands and had set up that unique body, known in local history as the Provisional Government of Oregon. The first emigrant had found no government in the Oregon country, except that exercised by the Hudson Bay officers over British subjects. The Methodist Mission party chafed under the control and sent frequent petitions asking Congress to extend the laws and jurisdictions of the United States over them. On the other hand, the French settlers were perfectly satisfied to have conditions remain as they were, since the company rule adequately cared for their simple needs.

Several abortive attempts at forming a temporary government were made in successive years, but on May 2, 1843, at a famous meeting at Champoeg, a provisional government was actually created. The new government was drawn up in the typically American "compact" form, the preamble of the first organic law reading:

We the people of Oregon Territory, for purposes of mutual protection, and to secure peace and prosperity among ourselves, agree to adopt the following laws and regulations until such time as the United States of America extend their jurisdiction over us.⁵

The pioneers found that their government worked well enough during times of peace though they still hoped for the speedy establishment of federal control over the region. Such protection became imperative, however, after the Whitman massacre and the consequent Cayuse War. A ringing appeal was dispatched in care of "Joe" Meek, famous mountaineer, pleading for government protection for the menaced frontier. Public opinion was aroused for speedy action when the details of the tragedy at Waiilatpu became known through the columns of the newspapers. President Polk advised Congress to act speedily, but that body was too torn by slavery agitation to do so. However, before adjournment Congress did pass the measure creating the territory, August 13, 1848, after a session of twenty-one hours. President Polk promptly signed the bill and made immediate plans for its execution.⁶

⁵ Joseph Schafer, *History of the Pacific Northwest* (New York, 1918), 162.

⁶ *Ibid.*, 195-6.

Not only was the protection of Oregon a matter of concern, but the President was also anxious that the territorial government be formed before the termination of his administration the following March, for he had pledged himself to accept but one term. Naturally, it was rather difficult to find a qualified man who would be willing to go to the distant post. It was offered to General James Shields of Illinois, but he refused, and Lane was appointed in his stead, his commission being signed August 17, 1848. Since the overland journey would require months of travel, Lane's commission as Governor was intrusted to Joseph L. ("Joe") Meek, newly appointed Marshall of the territory, who was thus able to effect the cause he had come so far to promote. Meek was to be given a military escort and the Secretary of State in his letter to Lane informing him of his appointment as governor, added:

The President is exceedingly anxious that you should accompany him, if this be possible. The present condition of Oregon demands your presence and he well knows that you are willing to make any sacrifice of personal convenience and comfort for the good of your country.⁷

Lane decided to accept the commission and as was his wont acted promptly, taking the steamer for St. Louis on August 29, just two days after he had been informed of the President's wish.⁸

When rumors of Lane's appointment were confirmed, the Democratic papers, which had been loud in praises of his war career, expressed regret at his parting from the Hoosier State.⁹ In their pages was expressed the hope that he would decline the appointment in order to accept some Indiana post or one within her gift, for he had attained eminent stature in the opinion of his fellow citizens.¹⁰ At the same time that his departure was regretted, his qualifications for the frontier post were admitted and the choice hailed as a good one for the people of the far-off district.¹¹

⁷ Ed. John B. Moore, *Works of James Buchanan* (12 vols., Philadelphia and London, 1908-1911), VIII, 174; also in Domestic letters, *Dept. of State Mss.*, Vol. 37, 1848-50.

⁸ *Lane Autobiography*, Bancroft Mss., 2.

⁹ *Indiana State Sentinel*, August 30, 1848, quoting *Louisville Democrat* and *I. State Sent.*, August 26, 1848.

¹⁰ *Courier*, Lafayette, Indiana, September 8, 1848.

¹¹ *Ibid.*, also *Vanderburg Democrat*, October 5, 1848.

On the 31st, General Lane with Colonel Meek reached St. Louis.¹² The Oregon-bound travelers paused for a brief time at Jefferson Barracks at St. Louis, whose commander, General Kearney, advised against the winter trip; but Lane having gotten that far would not hear of delay and pushing on five hundred miles to Fort Leavenworth accepted there a lieutenant and twenty-five men as his escort across the plains, firmly assuring all would-be advisers that he intended to follow his own counsel.¹³

Since the season was late he asked the advice of old plainsmen as to the most suitable route and acting on it determined to take the southern route through New Mexico and Arizona.¹⁴ There were about fifty persons in the company, including Lane, his son, Nathaniel, Colonel Meek, Dr. Hayden, surgeon of the troops under Lieutenant Hawkins, twenty-five soldiers, besides teamsters and other servants.¹⁵

General Ethan A. Hitchcock, who had known Lane during their service in Mexico, recorded in his journal with interesting detail the departure of the little company from Fort Leavenworth on Sunday, September 10.

General Jo. Lane left here this morning with an escort of 25 men. He is the first governor appointed to the Oregon territory. He thinks there may be twenty thousand in the Hudson Bay company. He is a pushing man and made some remarkable expeditions in Mexico. Fair sample of a Western man, 46 or 47 years old. Has a pleasant smile on rather hard features. Has been a successful working man. Has slight education but talks sensibly about common things. Is good-hearted and ambitious.¹⁶

On the Santa Fe trail the expedition met the army under Price returning from Mexico. This force had subsisted its animals on the overland trip leaving a rather denuded pasture ground for Lane's horses. On this account, at Santa Fe, it was decided to

¹² *New Albany Democrat*, September 7, 1848.

¹³ *Lane Autobiography*, 3.

¹⁴ Ethan A. Hitchcock, *Fifty Years in Camp and Field* (New York, 1909), 347.

¹⁵ William G. Ledbetter, *Military History of the Oregon Country, 1804-59*, Univ. of Oregon: Thesis Series No. 21, Typescript (Eugene, Oregon, 1935).

¹⁶ Hitchcock, *op. cit.*, 347.

abandon the wagons and the necessary supplies were transferred to the mules. Even for these animals the food was scanty and their condition became pitiful. The escort gave additional trouble for the men showed a tendency to desert. Several of them deserted near Tucson, Arizona, and in pursuing them two more men were killed. General Lane did not always accept the decision of his guide as to the best route to be followed and at last he was left to direct his own course, the guide refusing to go farther. Leaving the traveled highway, the General led his party southward to Vera Cruz in Sonora, where they once more found the beaten path. Had he done otherwise disaster such as overtook Fremont's party might well have befallen his.

In California the already depleted force became still smaller and desertions more frequent until the company was greatly reduced. It was a great temptation to all when they saw the affluence of the hundreds of men crowding San Francisco, not to desert and go in search of the precious metal, which in that year of 1849 was causing one of the greatest migrations of all times. Neither Lane nor Meek was willing to abandon their trust, however, but they did outfit a group of men under Nathaniel Lane, who were to go to the gold fields and share on a partnership basis with Meek and Lane whatever profit they secured.¹⁷

The two territorial officers boarded the *Janet* in San Francisco for the last lap of the trip, having still an escort of some eight men under their lieutenant, G. W. Hawkins. Small as was this force it was the first party of regular troops to reach Oregon, and to Oregon's first governor goes the honor of having brought them.¹⁸

This steamer had on board many Oregonians returning home after successful months spent in mining in California. The crowded vessel reached the mouth of the Columbia after an eighteen day trip. Since the steamer did not ascend the river, the journey from the river mouth to the capital at Oregon City was made by canoe. Lane, long accustomed to the river, took his hand with the others in paddling up the stream. In this way and in such a conveyance, the first territorial governor reached Oregon City on March 2, two days before the expiration of Polk's term of office. The

¹⁷ Frances Victor, *River of the West* (Hartford, 1870), 480.

¹⁸ Ledbetter, *op. cit.*, 49.

party arrived late in the evening where they were "very kindly received" though no public welcome seems to have been extended. The journey had been made without cost to the Government for Lane exacted no travelling expenses and aided besides in subsisting the rest of the party by hunting along the way. The fact that his successor came in a chartered steamer, while not in itself an extraordinary thing, was later used for the purpose of contrast by politicians who worked to promote the first governor's fortunes.¹⁹

Oregon City, the territorial capital, was the largest settlement in Oregon at the time, and before the exodus of the gold-seekers had boasted a population of between seven and eight hundred souls. It had been incorporated as a town by the legislature of 1844, the only town thus far having that distinction. Portland, as yet, had only two or three dwellings and gave slight promise of its future growth.

On the morning after his arrival, Governor Lane issued the proclamation establishing the new government in Oregon. The proclamation, printed on the little press used by G. L. Curry for his paper, the *Free Press*,²⁰ was as follows:

In pursuance of an act of Congress, approved the 14th of August, in the year of our Lord 1848, establishing a territorial government in the territory of Oregon; I, Joseph Lane, was on the 18th day of August in the year 1848 appointed governor in and for the territory of Oregon. I have therefore thought it proper to issue this my proclamation, making known that I have this day entered upon the discharge of the duties of my office, and by virtue thereof do disclose the laws of the United States extended over and declared to be in force in said territory, so far as the same or any portion thereof may be applicable. Given under my hand at Oregon City, in the territory of Oregon, this 3rd day of March, Anno Domino, 1849. Joseph Lane.²¹

Thanks to the energy of the new governor, Oregon thus became a territory under the administration which had taken such an interest in the settlement of the boundary disputes and the establishment of the laws of the United States in that remotest land.

¹⁹ *Lane Mss.* 134.

²⁰ *Ibid.*, 5.

²¹ *Miscellaneous Papers*, State Dept., Oregon, Executive Journal to date, April 25, 1850.

The Governor took the oath of office under Gabriel Walling, a justice of the peace. Then, in order to be sure of the legality of his position, Lane repeated the oath before S. M. Holderness, who had been secretary of the Provisional government. This was done March 24.²²

Though aside from the ever present fear of Indian depredations, the existing provisional government had afforded the people a fair measure of protection and advancement, yet the citizens were pleased to have the laws of the United States in effect over them. Later as a member of Congress, Lane described his reception as governor:

When I arrived there, in the winter of 1848, I found the provisional government working beautifully. Peace and plenty blessed the hills and vales, and harmony and quiet, under the benign influence of that government, reigned supreme throughout her borders. I thought it was almost a pity to disturb the existing relations, to put that government down and another up. Yet they came out to meet me, their first Governor, under the laws of the United States. They told me how proud they were to be under the laws of the United States, and how glad they were to welcome me as holding the commission of the general government.²³

With accustomed energy, the governor took up his duties at once. First, a census had to be taken of the ten counties under his jurisdiction. Governor Lane consulted some of the early settlers regarding suitable and willing persons to carry out this service and appointed census-takers accordingly. With Marshall Meek directing the task it was soon completed. The result showed a population of 8,903 of whom 287 were foreigners.²⁴ The number of possible voters was 2,509. This data was needed before an election could be called. On the second of April, Lane issued a proclamation of election to be held on the first Monday of June.

In a letter to the Secretary of State, written shortly after his arrival, Governor Lane gave an account of conditions as he found them. The male population had largely left Oregon for the gold fields of California, abandoning the farms and even unharvested

²² *Ibid.*

²³ *Oregon Historical Society Quarterly* (Portland, 1900), I, 52.

²⁴ *Lane Mss.*, 135.

crops to do so. Building was at a stand-still, and formerly flourishing flour and grist mills were idle while all available work animals were being taken to the mines. The people had benefited in that some million dollars of gold dust had been brought into Oregon, but Lane was not sure that the harm resulting from the abandonment of production was not offset by the apposite gain.

Prices of all commodities had risen greatly, and the governor feared that in event of heavy immigration real want would be felt, as supplies were rapidly being exhausted. Oregon, which he regarded as capable of producing enough food-stuff for the entire coast, would have to turn to the States for provisions of all kinds. Commodities were so high that the salaries of the territorial officers were far from adequate.

He reported the Indians encountered as friendly and well disposed. Some, however, complained that the white man's coming had brought sickness among them that threatened the tribes with extinction.²⁵ They reminded him of promises that had been made but never fulfilled to the effect that the United States would send commissioners to purchase their lands and bring them presents. The white population on the other hand was sensitive on the same subject and inclined to blame the Government for neglect in not sooner treating with the Indians, particularly as the departure of the men for the gold-fields left the settlements exposed to possible depredations.

Studying the Indian question from both points of view, Lane thought that "the necessity for locating them entirely out of the settlements is obviously very great." From the beginning, he advocated the reservation system and could it have been adopted earlier, much trouble might have been avoided.

The white settlers he described as "most orderly, intelligent (sic), industrious and good citizens." Their chief anxiety, aside from the Indian menace, was that the Government would speedily provide for the confirmation of their land grants and,

they believe that the faith of the Government is virtually pledged to a grant of 640 acres to each settler who has located, made improvement and occupied the same.²⁶

²⁵ Mis. Letters, *Dept. of State*, March-April, 1849.

²⁶ Mis. Letters, *Dept. of State*, April, 1849.

In addition to his duties as governor, Lane had ex-officio those of Indian Agent, for which position he received \$1,500 yearly in addition to his salary as governor.²⁷ Col. Meek had told him much concerning Indian affairs in general and the Whitman massacre in particular as they made their way across the plains. Lane was thus enabled to form plans for treating with the natives even before he arrived in Oregon.²⁸

The new governor did not have to wait long to meet his red wards, for

as soon as it was known among the numerous tribes of Indians bordering the settlements that the Governor had arrived they flocked in, chiefs, head men, warriors, and in many instances entire bands, expecting presents, making known to me that the whites had promised, from time to time, that when the laws of the United States were extended over Oregon, the Governor would bring them blankets, shirts, etc.²⁹

Since the instructions and funds intended to reach Lane at St. Louis on the overland journey had failed to do so, he was unable to give them anything.³⁰ Though disappointed, the Indians "evinced a feeling of friendship toward us."

In April the sum of \$10,000 was received for current expenses and part of this Lane used for Indian needs. Without assistants, he found it necessary to visit in person some of the tribes in their own country. Soon after procuring the funds, he journeyed to The Dalles,

called together the tribes and bands of the vicinity, including the De Chutes river and Yackamaw (sic) Indians; held a talk with them, made them some presents to the amount of nearly \$200, and had the gratification at the request of the Chief of the Yackamaws to bring about a peace between that tribe and the Walla Wallas, who were at that time engaged in war.³¹

These tribes he found also to be well disposed and anxious to sell their lands even as those nearer the settlements.

²⁷ Alban Hoopes, *Administration of Indian Affairs* (Philadelphia, 1932), 71.

²⁸ *Morning Oregonian*, December 3, 1879, "Letters of Lane to Editor."

²⁹ *Office Indian Affairs* (Oregon), Federal Archives, Letter A, Lane from Oregon City, October, 1849.

³⁰ *Ibid.*, October 6, 1848.

³¹ *Ibid.*, October, 1849.

Little could be done to apprehend the Whitman murderers until troops arrived for the only force available to Lane were the eight under Lieut. Hawkins who had not deserted.³² However, when word reached him early in May of an uprising of the Snoqualmish and the Skeywhomich Indians at Fort Nisqually in the Puget Sound territory, during which an American, Leander C. Wallace, was killed, two others wounded, and the lives of all the settlers of the vicinity threatened, Lane took his miniature force and departed for the Sound. He took additional ammunition to arm the frontiersmen to defend themselves.³³ There were but ten families in the district, and they had already blockaded themselves in stockades at Tumwater and Cowlitz Prairie.³⁴

Before Lane reached the Sound, an express overtook him bearing news of the arrival of two companies of artillery at Fort Vancouver on the *U. S. S. Massachusetts*. He thought it better to turn back and meet them before proceeding and wrote to that effect to Tolmie, the Hudson Bay agent at Fort Nisqually. He asked him not to furnish the Indians with ammunition, to use his influence in taking the murderers of Wallace, and enclosed a letter addressed to the chiefs of the nearby tribes informing them that troops had arrived.³⁵

It was about the middle of June when Lane returned to Fort Vancouver, where he met Major Hathaway who had under his command two companies totalling a hundred sixty-one men. It was decided that the company of Captain B. H. Hill, which had been left at Astoria, was to be sent to Nisqually to establish a post there, in order that the Indian troubles might be speedily terminated. This company departed from Astoria in the British vessel *Harpooner* late in July. In the meantime, the Indian disturbances had subsided, though the murderers had not yet been apprehended.

Mention has been made of but two of the territorial officers, Lane and Meek, for they were the first to arrive. Subsequently, they were joined by John Adair, Collector of Customs; Honorable Orville C. Pratt, William Bryant and Cyrus Olney, judges for the district.³⁶

³² *House Executive Documents*, 31st Cong., 2nd Sess., Vol. 1, 156.

³³ Hoopes, *op. cit.*, 71.

³⁴ Bancroft, *op. cit.*, II, 68.

³⁵ *Office Indian Affairs*, Federal Archives, Letter Book A, Lane to W. S. Tolmie, New Market, May 17, 1849.

³⁶ *Lane Mss.*, 129.

For the administration of justice the territory was divided into three districts and a Judge of the Supreme Court of the Territory assigned to each. Vancouver county and adjacent counties south of the Columbia formed the first district and was assigned to Honorable William P. Bryant, Chief Justice: the second, composed of all other counties south of the Columbia river, to Honorable O. C. Pratt, Associate Justice. All of Oregon north of the Columbia except Vancouver County became the third district, but as Hon. Peter H. Burnett, had been appointed but had not accepted, there was no judge to hold court in the third district.³⁷

Shortly after his return from the Sound, Lane received a communication from the War Department naming J. Quinn Thornton, George C. Preston and Robert Newell as Indian sub-agents.³⁸ This message had been intended to reach Lane at St. Louis but had not arrived in time and was only later brought by Lieutenant Beale by way of California. Funds were to be sent later.³⁹

Instructions were also enclosed for information desired by the Department—the number and locality of tribes; disposition in general and toward the whites of Oregon and the Hudson Bay Company; number of agents and sub-agents required; tribes to be embraced in each agency; estimate of amount needed for maintenance and gifts; necessary modifications of the Intercourse Law, if any. There followed the usual caution regarding the disbursement of funds, especially since there had been no appropriation for the purpose.⁴⁰ The careful report which Lane sent to Washington describing the tribes of the country was valuable, as it gave data on between fifty and sixty tribes.⁴¹ Lane was to receive but little aid from the newly appointed sub-agents. First of all, Preston was not in Oregon at the time so Lane divided the territory into north and south districts with the Columbia as the line of division, assigning the north to Thornton and the south to Newell. Thornton went to Nisqually in the latter part of July, where he gathered

³⁷ Elwood Evans, *History of Pacific Northwest* (2 vols., Portland, Ore., 1889), I, 307.

³⁸ *O. I. A.*, Federal Archives, Medill to Lane, August 31, 1848, Letter Book 41, 207.

³⁹ *H. E. D.*, 31st Cong., 2nd Sess., 156.

⁴⁰ *O. I. A.*, Medill to Lane, August 31, 1848.

⁴¹ "Western," *Biography of Lane* (Washington, 1852), 27.

much of the information desired for the War Department report, in collecting which he was helped by Tolmie, chief-trader of the Hudson Bay Company at that place. He likewise offered a reward of blankets for the surrender of the murderers of Wallace. The latter move met with Lane's immediate disapproval for several reasons. He believed that Thornton had exceeded his powers in making the offer, which amounted to "nearly five hundred dollars" since his instructions had not mentioned the apprehending of the Wallace murderers, a matter Lane proposed to settle himself. He further stated in his report to the War Department that,

It is bad policy, under any consideration, to hire them to make reparation, for the reason, to wit: First. It holds out inducement to the Indian for the commission of murder, by way of speculation; for instance, they would murder some American, await the offering of a large reward for the apprehension of the murderers; this done, they would deliver up some of their slaves as the guilty, for whom they would get ten times the amount that they would otherwise get for them. Second. It has a tendency to make them underrate our ability and inclination to chastise by force, or make war upon them for such conduct, which in my opinion, is the only proper method for such offenses.⁴²

This dispute between the Governor and the agent and the refusal of the latter to take up his residence in the northern district led to Thornton's resignation, which Lane forwarded to the War Department with the recommendation that it be accepted. Newell had already departed for the gold fields, so Lane was once more in full charge of Indian affairs.

On the 12th of September, Lane received word from Major Hathaway that the murderers of Wallace had been taken into custody. The officer recommended that their trial be in the presence of their tribes as it would be a salutary lesson to all. The Governor agreed to this proposal and made plans for a trial at Nisqually.

Since there was no judge to hold court in Lewis county, the district in which Nisqually was located, the legislature in session at Oregon City, at the request of the Governor Lane, passed a

⁴² Evans, *op. cit.*, 308.

special act providing for a court session at Fort Steilacoom to be held on the first Monday of October.⁴³ Chief Justice Bryant travelled to the Sound to hold this special session accompanied by the marshal, and a grand and petit jury, the latter being necessary since the American population of the Sound was so small.⁴⁴ Because of this, the expenses of the trial were well over two thousand dollars, an item which Lane considered necessary in order to impress the Indian with the white man's law. Two of the six Indians brought to trial were found guilty and subsequently hanged; the others were declared not guilty.⁴⁵

After the apportionment based on the census had been made, Lane had issued a proclamation of election to be held on the first Monday of June, for the purpose of choosing a Territorial Delegate and members for the Territorial Legislature.⁴⁶ So great was the attraction of the gold fields that he expressed fear lest there should not be electors or candidates.⁴⁷

Samuel R. Thurston, representative of the mission group so powerful in early Oregon affairs, was elected first Territorial Delegate, receiving 470 of the 943 votes cast for the office. The territorial act had provided for an upper house of nine councilmen and a house of representatives of eighteen members and these too were duly elected, a worthy group in spite of the absence of so many men from the territory. They convened at Oregon City, July 16, to make necessary laws.⁴⁸ Though Governor Lane had been in the territory but four months, he had been unceasingly active and in his first message to the legislature demonstrated that he had a practical appreciation of the needs of Oregon. This proved his interest and early won for him the good will of the people.

After the usual greetings, the Governor devoted some time to the Indian situation, expressing hope that relations between the races would remain harmonious and promising that the Cayuse nation would be held accountable for the Whitman murders, as soon as the arrival of the regiment justified a display of force.

⁴³ *Ibid.*, 308.

⁴⁴ Bancroft, *op. cit.*, II, 79.

⁴⁵ Hoopes, *op. cit.*, 73.

⁴⁶ *Mis. Papers*, State Dept., March April, 1850.

⁴⁷ *Mis. Papers*, State Dept., March 10, 1849.

⁴⁸ *Evans*, *op. cit.*

The Governor, contrary to the later imputations of Bancroft that he was an Indian butcher,⁴⁹ showed a real understanding of the position of the two races, and suggested a possible remedy for the situation. He said:

Surrounded as many of the tribes and bands now are, by the whites, whose arts of civilization, by destroying the resources of the Indians doom them to poverty, want and crime, the extinguishment of their title by purchase, and the locating them in a district removed from the settlements is a measure of the most vital importance to them. Indeed, the cause of humanity, calls loudly for their removal from causes and influences so fatal to their existence. This measure is one of equal interest to our own people. I would therefore call your attention to the propriety of memorializing Congress upon this interesting subject.⁵⁰

He advised the revision of the law concerning the sale of fire-arms to Indians modifying it so as "to discriminate between friends and enemies." Depriving the Indian of all arms rendered his means of subsistence more precarious than it would otherwise be. "Humanity requires that we should afford them every facility, that we can safely do, to ameliorate their condition."

In a paragraph he gave an accurate estimate of the sources of wealth in the future State,

We can recognize in Oregon, the material of her future greatness. A climate and soil extraordinarily productive, eminently characterizes it, the prolific growth of grain, vegetables, and grasses the natural meadows untouched by the hand of cultivation—sufficiently extensive to furnish subsistence to innumerable herds of cattle, during the entire year—inexhaustible forests, of the finest fir and cedar in the world, never failing streams, which furnish water power of unlimited capacity, show how lavishly nature has bestowed her blessings upon this favored land.

With the proper development of her agricultural resources, and the improvement of her immense water power, she can supply the entire Pacific coast, with the most important of the necessaries of life, and many of the staple articles of commerce.

The Columbia he envisioned as a great commercial highway

⁴⁹ Bancroft, *op. cit.*, II.

⁵⁰ *The First Printed Message of the First Governor of Oregon*, Historical Record Survey, W. P. A. (Springfield, Ill., 1938).

reaching one hundred fifty miles into the interior, once government aid had constructed canals and locks where needed. He also recommended that the federal government be petitioned for funds for the construction of a system of military roads.

The immediate effect of the California gold rush had not been beneficial to Oregon inasmuch as farming and other occupations had been abandoned. However, many were returning and it could be expected that new residents would come to Oregon as a result of the tide of immigration.

Materially, the territory had benefited from the estimated two million dollars of gold dust brought into Oregon since the discovery of the mines.

This new element of prosperity, invested in agriculture and other branches of industry, must have a most cheering effect upon the prosperity of the country. It should however always be borne in mind, that the wealth of a country, does not consist so much in dollars and cents, as in the numbers, virtue, intelligence, and patriotism of her population, in cultivated fields, flocks and herds, and those facilities, natural and artificial, which afford an easy and certain market for its surplus productions.

He urgently recommended the establishment of a judicious system to raise revenue. The territory would receive aid from the federal government but would be expected to meet local expenses itself.

Concerning the law code, the speaker was more frank than flattering:

Your immediate attention is most respectfully urged to the examination and remedy of the loose and defective condition of the statute laws declared by the organic act to be operative in the Territory. No others prevail here, except such as were the offspring of the late Provisional Government which are coupled with an old and imperfect edition of the laws of Iowa, which were adapted by it, only one or two copies of which are to be found in the Territory. Most of these laws are unsuited to our present condition. Besides, they are to a great extent utterly beyond the reach of the body of the people, whose lives and property are to be controlled by authority and rules for their guidance, not to be obtained, or if found, not adapted to the new order of things. Certainly, simplicity and fitness in the

statute regulations of any people, united to education and the general diffusion of the laws, constitute the most reliable safeguard against the commission of crime, and the surer pledge of general prosperity. No duty is more arduous or more imperatively demanded by the public interest, than that which devolves upon you, in furnishing the people of the Territory with good and wholesome laws. The public good, as well as a just pride in your legislative reputation, call for the application of your best energies and most careful deliberations, to this difficult and laborious task.⁵¹

The legislature went faithfully to work, first memorializing Congress on various subjects such as the payment of the Cayuse War debt, a new donation land law, and the need of improvements such as military roads, and public buildings.⁵² In the session, which lasted seventy-six out of a possible one hundred days, other measures were adopted which proved the high caliber of the first legislature, but do not concern the present subject.⁵³

The Governor once more had occasion to address the legislature, the second instance being on September 21, to convey intelligence of the death of the friend of Oregon, ex-President Polk. The legislative chambers were draped in mourning as a token of respect and the legislature adjourned for a week. At public commemoration services, Lane highly extolled the character and career of the man by whose appointment he had become governor.⁵⁴

The territorial act reserved to Congress the power of veto of legislative enactments and so the governor had little to do in Oregon City during the legislative session.⁵⁵ As previously indicated he spent much of his time settling the Indian difficulties and visiting the tribes to secure information.

One of his first acts had been to open negotiations for the surrender of the Cayuse murderers. He realized that they could not be forced to surrender until more troops arrived but thought they might be induced to do so of their own will. In order to get further helpful information concerning the upper Columbia Indians and especially the Cayuses, Lane visited Mr. James Douglas and Governor Peter Skene Ogden at Fort Vancouver. The Hudson

⁵¹ *Ibid.*, 4.

⁵² Baneroft, *op. cit.*, II, 75.

⁵³ *Ibid.*, 73.

⁵⁴ *Ibid.*, 78.

⁵⁵ *Ibid.*, 79.

Bay Company representatives with their customary courtesy agreed to furnish any goods necessary for presents to the savages, and a boat and guide to take the Governor to the interior whenever he might wish to go. When these arrangements had been completed, Lane returned to Oregon City, where he was advised by friends to consult also with the retired factor of the honorable company, Dr. John McLoughlin, and Bishop Blanchet "who they said could do more to aid me than any other persons could."⁵⁶

Through the good offices of Dr. McLoughlin, the Governor sent a letter to the Nez Perces asking their aid in apprehending the murderers.⁵⁷ He, at the same time, addressed a second letter to the Young Chief of the Cayuse Nation and gave both to William McBean, Hudson Bay agent at Fort Walla Walla, who was to interpret for the tribes. In January, 1850, he once more addressed the Indians, this time through the offices of one Raymond.⁵⁸ The Indians at first replied that they needed time to agree and consider among themselves but after the second communication promised to meet the Governor in the Spring and deliver up the guilty members. The executive had threatened war upon the whole tribe unless they gave up the murderers before June, 1850.⁵⁹

An Act of Congress had been passed May 19, 1846, to raise a regiment of mounted riflemen, for the purpose of establishing posts along the road to Oregon for the protection of immigrants. The regiment was raised in Missouri in 1847 but sent to Mexico instead of Oregon. It was greatly reduced in numbers on its return and had to be recruited anew at Fort Leavenworth in the spring of 1849. On the westward trip Fort Laramie was established and two companies left to garrison it. Another company was placed at Cantonment Loring, about three miles above Fort Hall on the Snake River. The remaining companies greatly reduced by hardship having lost seventy men, three hundred horses, and forty-five wagons, arrived at Fort Vancouver only to find that post inadequate to care for them. Quarters were sought and established at Oregon City to the dismay

⁵⁶ *Morning Oregonian*, December 3, 1879, "Letter of Lane to Editor."

⁵⁷ *O. I. A.*, Letter Book A., Letter of Lane to Nez Perces, November 8, 1848.

⁵⁸ *Ibid.*, 74.

⁵⁹ *Morning Oregonian*, December 3, 1873.

of the townsfolk.⁶⁰ The troops remained there until suitable barracks were ready at Fort Vancouver in the summer of 1850. Col. W. W. Loring, the commander stationed some of the troops at Astoria and some at Steilacoom.

A number of the soldiers seem to have enlisted simply to secure passage to the coast with the intention of deserting upon their arrival to seek the gold fields of California.⁶¹ In the spring of 1850, before the new buildings were ready, one hundred twenty of the riflemen deserted and fled toward California.⁶² The true character of their march was not manifest to the settlers, to whom they posed as a government expedition, thus obtaining needed supplies for their march. Col. Loring, powerless to send necessary parties to overtake them, asked Governor Lane for a group of volunteers.⁶³ With the volunteers Governor Lane and Colonel Loring apprehended one division of seventy men in the Umpqua Valley, and these were returned to Oregon City by the Governor while Loring continued in pursuit of the others. After much searching he came upon seven miserable soldiers; some seem to have perished in the deep snow of the Cascades for of the others nothing was ever again heard. By the time that all was settled, it was the middle of April 1850.

Still the Whitman murderers were not punished and this fact was extremely annoying to Lane, who was above all a man of action. Loring's troubles with his deserting troops he could understand but was no less pleased because of it. The Governor had heard unofficially that he was to be replaced by the Whig administration in Washington, and resolved to push forward the settlement of the Wailatpu affair with all possible speed. He had earlier received word that the Cayuse nation, apprehensive of renewed hostilities with the whites with their strengthened military force, had resolved to surrender the Indians who had led the attack upon the Wailatpu Mission.⁶⁴ Lane proceeded immediately to Van-

⁶⁰ Bancroft, *op. cit.*, II, 83.

⁶¹ Evans, *op. cit.*, 308.

⁶² Frances F. Victor, *Early Indian Wars in Oregon* (Salem, Ore., 1894), 247.

⁶³ Evans, *op. cit.*, 248.

⁶⁴ C. F. Coan, "The First Stage of the Federal Indian Policy in the Pacific Northwest, 1849-52," *O. H. S. Q.* (Portland, 1921), XXII, 46.

couver where he obtained a boat, and then accompanied by Lieut. J. M. Addison and an escort of ten men went to receive the prisoners at The Dalles.⁶⁵ They were met there by the principal chiefs and of the warriors of the nation who delivered to them Tiloukaikt, Tomaha, Klokomas, Isaiachalakis, and Kiamusumpkin as the murderers, claiming that others had perished since the massacre.

The accused, who had been promised a fair trial, took an affecting leave of their companions, a fact which could not but impress their captors. They were taken by boat to Oregon City and there lodged on the island near the falls and guarded until the time of the trial, which occurred on May 22, 1850.

As the Judge of the first Judicial district was absent from the territory, Lane asked the Territorial Legislature assembled May 7, to pass a law authorizing the Judge of the Second Judicial district to hold a special term at Oregon City. He deemed an early trial expedient in view of his promise to that effect to the Cayuse tribe, as well as because of the inadequacy of the jail in which the prisoners were confined.⁶⁶ The prisoners were housed on Mill Island at Oregon City, which Lane had purchased some time before. The district attorney, Amory Holbrook, conducted the prosecution, while Kintzing Pritchett, Secretary of the territory, R. B. Reynolds of Tennessee, paymaster of the rifle regiment, and Capt. Claiborne were named for the defense.

The trial was probably as fair as could have been expected considering the state of public opinion at the time, but Bancroft admits that the result was a foregone conclusion.⁶⁷ The Indians were found guilty and sentenced to execution on June 3. A new trial was asked for and denied, and the Governor duly signed the death warrant.

Governor Lane's successor had not yet arrived in the territory, but anticipating his displacement, he sent his resignation to the Secretary of State in May to become effective June 18.⁶⁸ He stated that he would have done so before

⁶⁵ *Morning Oregonian*, December 3, 1879.

⁶⁶ Message of Lane to Legislature," May 7, 1850, *Lane Papers*.

⁶⁷ Bancroft, *op. cit.*, II, 97.

⁶⁸ *O. I. A.*, Lane to J. M. Clayton, May, 1850.

but for the reason that I found many things to do absolutely necessary and important, all of which have been accomplished with the exception of making a trip to the Rogue River Country for the purpose of placing the relations with the Indians in that quarter, upon a proper and friendly footing, which I shall be able to do within the time specified in my resignation.⁶⁹

The Secretary of the territory, Kintzing Pritchett, was left as acting Governor. After Lane's departure Pritchett declared his intention of granting a reprieve to the condemned Indians until an appeal could be made to the United States Supreme Court. This greatly excited the people but nothing came of it for when Judge Pratt refused to accept Pritchett's interpretation, the latter withdrew his opposition and the execution took place as ordered.⁷⁰

The settlement of Indian troubles overshadowed the civil phases of Lane's administration, however, the picture would not be complete without reference to his other executive acts. While many of the problems were of simple nature, yet their solution was of importance to those who lived in the territory.

The Governor was called upon on his arrival in March 1849, to pass upon an act of the Provisional Government, which had authorized the establishment of a mint. As the government had seemed unmindful of the settlers in Oregon, who were experiencing hardship and inconvenience on account of lack of coin and the necessity of using gold dust in exchange, the Legislature had passed the coinage act. Before the mint could be established the Provisional Government was supplanted by the Territorial Government and Governor Lane disapproved of the law as a "contravention of Federal control of coinage."⁷¹ The Oregon Exchange Company then issued privately what came to be known as the "beaver" coin but as it was of greater value than like denominations of United States currency it quickly disappeared from circulation when national specie became more common and abundant.

The matter of public education was always a subject of vital concern to Joseph Lane, probably all the more so because he realized his own deficiencies in this respect. The federal government had

⁶⁹ *Ibid.*

⁷⁰ Victor, *Wars*, 261.

⁷¹ Leslie M. Scott, "Pioneer Gold Money, 1849," *O. H. S. Q.* (Portland, 1932), XXXIII, 27.

wisely provided for the setting aside of sections sixteen and thirty-six of each township for school purposes.⁷² In Lane's inaugural message of July 17, 1849, he had called attention to this most important topic. He had asked the assistance of Reverend George H. Atkinson, who had been sent by the American Home Missionary Society of the Congregationalist Church, in preparing the part of his address touching on education.

The law of Congress provides that when the lands of the territory shall be surveyed . . . sections numbered sixteen and thirty-six shall be reserved for the purpose of being applied to the schools. The magnificent spirit displayed by Congress, in making so liberal a donation for this purpose, is a ground for grateful acknowledgment and indicates an enlightened policy, which looks to the diffusion of knowledge as the surest guarantee for the continuance of good government and the substantial happiness of our people. In this grant we shall have the means of providing a system of common schools for the education of all the children of the territory. Your attention is invited to the importance of adopting a system of common schools and providing the means of putting them into operation and when the lands become available, the system may, under wise legislation, be maintained and continued, without bearing onerously upon the people, and ultimately be productive of the end in view when the gift was made. With a system of education, sustained by such resources, there is no reason to doubt that in the course of a few years the rising generation of Oregon will proudly vie, in respect to useful knowledge and moral culture, with that of the older settled portions of our common country.⁷³

But few communities were ready to take advantage of the opportunity thus offered because of the pioneer character of the territory with its scattered population. Governor Lane, however, had already taken the first step in securing teachers for the frontier schools. Soon after his inauguration, he and Atkinson had addressed Governor Slade of Vermont, asking his aid in obtaining young women to teach in Oregon. Governor Slade expressed his desire to aid in the worthy project but pointed out the difficulty

⁷² Charles M. Reynolds, "Portland Public Schools, 1845-71," *O. H. S. Q.* (Portland, 1932), XXXIII, 336.

⁷³ Carey, *op. cit.*, 714-15.

that would no doubt be experienced in securing teachers willing to go to such a distant place. He promised to

make the effort to find the ladies of the proper qualifications who will be willing to go and take the proper measures to have them gathered at Hartford or some other place and carried through a short course with special reference to their very important mission.⁷⁴

He paid tribute to Lane's foresight saying,

Allow me . . . to express the very great gratification that I have felt in the interest you are taking in supplying the educational wants of the Territory over which you have been called to preside—thus laying broad and deep the foundations of its future prosperity and glory.⁷⁵

Though the public school system was not begun as yet, a non-sectarian school, the Clackamas County Female Seminary, was begun through subscription of donors such as ex-Governor Abernathy and Dr. McLoughlin, and five teachers who came as a result of Lane's correspondence with Slade taught in this school. It won a high reputation particularly during the fifties.

Improved means of transportation in Oregon were to be of prime interest to Lane as long as he remained in public life. During the year of his governorship he had the satisfaction of seeing a survey made of the south channel at the bar of the Columbia by Captain White, a New York pilot. With accurate knowledge of the route the seaman had

for several months past . . . successfully conducted through it, without a single day's delay, all vessels wishing to cross the bar. Through his instrumentality, it is now demonstrated beyond a doubt, that with a good pilot, neither danger, nor detention need be apprehended, but on the contrary, crafts of all kinds may cross in and out with ease and safety.⁷⁶

The governor observed that White's services had not been adequately compensated, but despite Lane's plea White was left to bear his own losses and proceed on his way. It was not, however, until

⁷⁴ Letter of Wm. Slade to Lane, October 21, 1849, *Lane Papers*.

⁷⁵ *Ibid.*

⁷⁶ Speech of Lane, May 7, 1850, *Lane Papers*.

the pay of bar pilots was made remunerative that the dangers of the crossing were minimized.⁷⁷

A short two week session to take care of unfinished business was assembled in May, 1850. Lane, already planning his departure, once more addressed the members, this time in farewell.⁷⁸ In this last address to the legislature the resigning governor asked "that whatever errors I may have committed will be attributed to no want of zeal in the discharge of my official duties."⁷⁹ The people of the territory were genuinely sorry to lose their popular governor and at Lafayette, February 3, 1850, an indignation meeting protesting his removal was held under the leadership of a young Democrat, Matthew P. Deady,⁸⁰ who was to become one of Oregon's most honored judges.

In May of that year, the same gentleman headed a meeting called to abjure certain anonymous letter writers, who were attempting to injure Lane's reputation through the columns of the *New York Tribune*.⁸¹ A similar public meeting was held May 4, in Oregon City, and a resolution passed clearing Lane of the charges. The resolution was sent to the *New York World Tribune* and the *Washington Union*.⁸² The letters, which accused the governor of intemperance and improper associations, were apparently the work of J. Q. Thornton, who had reasons of personal spite against Lane because of their differences over Indian affairs.⁸³

As early as September, 1849, the question of Lane's removal from the Governorship of Oregon and the naming of his successor was discussed in the papers of Indiana. Opinion was partisan as might have been expected. Mr. Marshall of Indiana had been offered the place but declined. The same notice added that,

Abraham Lincoln, Esq., of Illinois, another whole-souled Whig, is spoken of in connection with that place, he having been

⁷⁷ Bancroft, *op. cit.*, II, 191.

⁷⁸ *Ibid.*, 141.

⁷⁹ Lane, May 7, 1850.

⁸⁰ Philip H. Overmeyer, *The Oregon Justinian, A Life of M. P. Deady*, Mss. dissertation, U. of Oregon, 1935; later enlarged as doctoral dissertation at University of Minnesota.

⁸¹ *Ibid.*, see also Bancroft, *op. cit.*, II, 153.

⁸² *Spectator*, May 10, 1850.

⁸³ Bancroft, *op. cit.*, II, 153.

previously offered the secretaryship of the territory under Mr. Marshall. Should he decline it, the office will be given to one of the Western States.⁸⁴

On October 15, 1849, the *Indiana State Sentinel* carried the brief note:

Hon. A. Lincoln of Illinois declines the appointment of Governor of Oregon. The reason assigned is, the objection of his family to remove there.

Lincoln is said to have considered accepting the nomination, being assured that Oregon would soon enter the Union as a State and he could no doubt secure a senatorship. Mrs. Lincoln reminded her husband when he was President of her part in preventing him from throwing himself away on the Oregon frontier.⁸⁵

The position was finally accepted by John P. Gaines, a Whig, who was appointed by the Fillmore administration. He did not reach his post until August 15, by which time Lane had completed the Rogue River negotiations and departed for the gold mines of California.

The Rogue River Indians occupied the valley of that name, which was traversed by the miners going and returning to the California gold fields. Incidents of violence were inevitable for each race regarded the other with hostility and suspicion. The Indians of the district seem to have been rightly regarded as "rogues," while some of the whites did not represent the highest types of their race. In the Spring of 1850 a group of returning miners was surprised and robbed by the Indians of a considerable amount of gold dust. When the victims reached their homes in the Willamette Valley, they visited and presented the case to Governor Lane. At the time he was still occupied with his official duties but promised to try to recover their property as soon as possible.⁸⁶ Now, accompanied by fifteen white men and as many Klickitat Indians under their chief Quatley, Lane left to settle the account with the Rogues. The Klickitat chief cautioned against a surprise attack on their small though well armed band.⁸⁷ The party

⁸⁴ *Indiana State Journal*, September 24, 1849.

⁸⁵ Arthur B. Lapsley, *Life of A. Lincoln* (8 vols., London, 1905-6), VIII, 114-5.

⁸⁶ *Lane Autobiography*, 93.

⁸⁷ *Ibid.*, 89.

had to secure provisions on the way so it was about the middle of June when they reached the Indian villages and met the chief, who agreed to bring his warriors to a peace council two days later. Then followed one of those seemingly rash but successful encounters by which Lane seems to have established his great influence over the Indians.⁸⁸

The chief appeared, as he had promised, bringing with him some seventy-five of his warriors. These settled themselves in Indian fashion, the two chiefs being near Lane, and the parley was about to begin when seventy-five more armed warriors appeared on the scene. In this grim circle the Governor addressed the tribe through an interpreter, touching on every topic of mutual concern. He warned them against molesting any white travellers who passed through their country, insisted that all goods previously stolen must be returned, and in turn promised the Indians protection if they kept faith with the government.

The warriors were enraged at the message and springing to their feet would soon have ended the parley in bloodshed had not Quatley prudently covered their chief and held a knife at his throat. The latter ordered his men to lay down their arms and return to their lodges for two days while he would remain as the white men's prisoner. Sullenly the warriors obeyed. The old chief was treated with particular kindness but made to understand the annihilation that would overtake his people if they failed to meet terms.⁸⁹ Lane promised, in turn, that an agent would settle among them to care for their needs and give them annual presents.

The favorite wife of the imprisoned chief at her own request was allowed to join him in captivity. Perhaps this and other acts of kindness as much as the threat of force moved the chief to promise peace. The gold which had originally inspired the conference was not recovered, however, for the Indians not valuing it had thrown it into the creek, and a little goods of no value was delivered up in token of peace. The peace proved to be rather a truce which lasted a year, when trouble once more broke out. In token of the terms agreed upon, the General gave each member of the tribe a slip of paper bearing the name "Jo Lane." The name became talismanic throughout the region; the Indians would ap-

⁸⁸ Hoopes, *op. cit.*, 87.

⁸⁹ *Lane Autobiography*, 94.

proach the whites holding out the paper and saying "Jo Lane, Jo Lane," the only English words they knew. Though peace was not permanent Lane retained his personal influence over members of the tribe and in a later encounter used it to good effect.⁹⁰

The tribe came to be known as Jo's tribe in a manner best related in Lane's own words in his autobiography:

Soon after the wife of the old chief had voluntarily joined him in captivity, he asked our interpreter the name of the white chief, and requested me to come to him as he wanted to talk. As I walked up to him he said in Chinook, which I understood "Mika name Jo Lane?" I told him "Nawitka," meaning, "Yes," and he said "I want you to give me your name, for" said he, "I have seen no man like you." The interpreter made known this request. I told him to say to the Chief that I would give him half my name but not all, that he should be named 'Jo.' He was much pleased and from that day till the day of his death he was known by that name. At his request I named his wife, gave her the name of Sally. . . . They had a son and daughter, a lad of 14 and girl of about 16. She was quite a young queen in her manner and bearing and for an Indian very pretty. The boy was by me at the chief's request named 'Ben' and the girl was named 'Mary.'⁹¹

Their task concluded Lane sent Chief Quatley and his warriors back to their home and made ready to try his fortune in the gold fields. As a parting gift, Chief Jo gave General Lane a captive Modoc boy to act as his servant. In his autobiography Lane gives an interesting account of the fidelity of this youth, and his spectacular heroism on at least two occasions, when by quick perception and action he saved Lane's life. When Lane returned to Washington as delegate he wished to take his faithful servant with him, but the boy could not overcome his great fear of the ocean so he was left with Nathaniel Lane, who was caring for his father's personal interests in Oregon City.⁹² White man's life did not agree with John, as he was named, and he contracted tuberculosis of which he soon died, despite the care given him. Nathaniel Lane, who had become attached to him, regretted the loss of one of whom he said, "I am sure I never saw a better or more honest boy in my

⁹⁰ Bancroft, *op. cit.*, II, 222.

⁹¹ *Lane Autobiography*, 95-96.

⁹² *Ibid.*, 111-112.

life, either black or white."⁹³ In such incidents as these may be found proofs of the true kindly character of Lane, whose affability was sometimes attributed purely to policy.⁹⁴

Lane and his party first prospected near what later was the town of Yreka. The gold was mined in paying quantities, but the Indians of the district were too treacherous for a small party and the miners decided to move to Shasta, which was attracting many others. John Kelley, later collector of customs in Portland, Martin Angell, who in 1855 fell victim of an Indian attack, and Thomas Brown, who became a farmer in Douglas County, were Lane's companions. The Pitt River Indians gave them much trouble, harassing the camps and stealing anything in sight. Lane shared the lot of the others, narrowly escaping Indian arrows on several occasions.⁹⁵

The ex-governor was still looked to as the leader among the miners and controlled the relations between the white men and the Indians. One of the miners of that day, who later as Indian Superintendent of California,⁹⁶ played an important rôle in Indian affairs, in a letter to C. S. Drew, quartermaster general of militia, gave an account of Lane's activities as miner and law enforcer.

General Lane, being quite a favorite with our frontier men, was early informed of the prospects of Scott's river, and vicinity, and as early in the season of 1851 as the weather would permit set out for the new diggings and invited me to accompany him, which I did. We arrived on Scott's river, in the last of February of that year. Upon our arrival on the upper waters of Scott's river the Indians, who had heard of General Lane, came into camp, and expressed a wish that all hostilities between them and the whites should cease, and that General Lane should be "Tyee" or Chief, over both parties. Up to this time, during our journey, which had been protracted to 18 days, we had been under the necessity of standing guard both over animals and camp, night and day. This proposition of the Indians was a great relief to us. . . .

In March of that year,⁹⁷ diggings were struck on what is now called the Yreka Flats and on Greenhorn. In company with General Lane, I then moved from Scott's river to those dig-

⁹³ Nat. Lane to J. Lane, June 20, 1852, *Lane Papers*.

⁹⁴ Bancroft, *op. cit.*, II, 93.

⁹⁵ *Lane Autobiography*, 108.

⁹⁶ Bancroft, *op. cit.*, II, 556.

⁹⁷ Lane says February in his *Autobiography*, 106.

gings where a little town was established called Shasta Butte City. . . .

As a consequence of the inattention of the miners to their horses and mules, they frequently strayed off a long distance, and when wanted could not be found by their owners and but for the influence of General Lane much irritation and difficulty would have grown out of that source, which would have involved us in a fatal Indian war. General Lane commanded the respect of the whites and had won the confidence and affection of the Indians, and at a word from him old Tolo would send out his young men to look up any lost animals desired upon bringing the which in, he would award the Indians a shirt, a pair of pants, or drawers, or some little trinket, according to the value of the animal and the trouble in finding. This duty, which by common consent was awarded to him, was a heavy drawback upon his time and his means, but was performed with a cheerfulness which had endeared him to all the old settlers here. Many times the owner of the animal had nothing with which to reimburse the General, and his horse was his only means of exit, in which cases he never allowed the owner to go out on foot, but bid him take his animal and ride.

After the General left for his home, in Oregon, the Indians, from having seen me frequently in his company and at his tent, came to me with their troubles and I had to take his place with them, then styling me, for some time Vice Jo. Lane's Codawa meaning General Lane's brother.⁹⁸

Lane enjoyed the carefree life of the mines and by industry was making a profitable living if not a fortune. Like many another he each day expected to find an Eldorado. He claimed to have averaged \$6 to \$12 daily in the Northern California mines.⁹⁹ When news came by special courier announcing the death of the delegate to Congress and proposing that Lane take the place, he was loath to go but finally agreed thinking that thus he would be able to visit his family, which he had not seen for three years.¹⁰⁰

The Delegateship brought new responsibilities and different associations so that year, 1850, marked very definitely the close of one phase of his life and the beginning of another. The frontier politician was once more to turn eastward, though always to exert his influence for the interest of the West.

⁹⁸ *Correspondence, Resolutions and Memorials Indians, 1854, Oregon* (Salem, Oregon, 1858), 42.

⁹⁹ *Spectator*, May 8, 1851.

¹⁰⁰ *Lane Autobiography*, 57-58.

CHAPTER V

FAVORITE OF OREGON DEMOCRACY

Early Oregon intent upon its own development and separated by hundreds of miles of unoccupied territory from the States had not shaped its political life upon the party alignments of the nation at large. Rather, whatever divisions that did exist were produced by local conditions. With territorial status came a re-awakened consciousness of political affiliations which had been known in the States. The fortunes of party would in the future determine the office-holders who would preside over Oregon affairs, executive and judicial, while party favor would determine the amount of consideration the territory would receive in Congress.

Lane's gubernatorial term was a period of transition from the time in which local issues predominated to that in which the Democratic Party emerged and became the controlling force in Oregon's political life. It was known from the beginning that Lane and his co-officers were of the Democratic faith, but the governor so adapted himself to local conditions that he was popular with all regardless of party distinction, though it so happened that the majority of Oregonians had been Democrats.

The wheels of territorial government had scarcely started moving when rumor appeared that Lane was to be supplanted by a Whig office holder. The Legislative Assembly expressed the regret of the people at this change, at the same time passing resolutions commendatory of Lane's actions as Governor and Superintendent of Indian Affairs.¹

Had the incoming governor possessed different personal qualities affairs might have progressed tranquilly but John P. Gaines was the antithesis of Joseph Lane. The latter has been called the "typical successful politician of his day"² energetic, debonair, a man of the people and one who demonstrated personal interest in their affairs, while his Whig successor has been characterized as

¹ "Western," *Biography of Joseph Lane* (Washington, 1852), 12-13.

² Walter C. Woodward, *Political Parties in Oregon* (Portland, Ore., 1913), 39.

“phlegmatic in temperament, fastidious as to his personal surroundings, pretentious, pompous, and jealous of his dignity.”³ Both had served in the Mexican War, but while Lane had built up a reputation and had earned the sobriquet of “Marion of the War,” Gaines had had the misfortune of a surrender at Encarnacion.⁴ The new governor’s personal unpopularity, together with his lack of tact in dealing with the legislature, became the rallying force of the opposition under the leadership of Asahel Bush, editor of the newly founded paper, the *Statesman*, who created the Democratic organization he was to dominate for the next decade.

The struggle with the new governor began over the so-called “Location” question—a legislative bill which provided for the location and erection of the public buildings of Oregon, the capitol at Salem, penitentiary at Portland, and university at Marysville (later Corvallis). The provisions were all contained in one act, and the governor, not wishing to move to Salem, questioned the constitutionality of this “omnibus” bill since the organic act had prescribed single item acts. The majority of the legislators were not disposed to accept calmly the executive interference of an “outsider” and a Whig and as a result a fierce quarrel broke out. The line of cleavage was not absolutely along party lines for certain Whigs favored Salem as the seat of government and a few Democrats preferred Oregon City, but in general the Democrats held for Salem and the Whigs for Oregon City. Of Lane’s concern with the question more will be said later.

Oregon’s first territorial delegate, Samuel R. Thurston, had been elected on a non-partisan ticket, though largely supported by the Protestant Mission group. He had declared himself positively against partisanship, pledged himself to be influenced by local needs alone, and had so conducted Oregon affairs in Congress. The *Oregonian* and the *Spectator*, whose editors privately favored the Whig minority, likewise opposed the establishment of political parties in Oregon.⁵ Thurston had been instrumental in bringing Bush to Oregon to edit an organ that would promote the delegate’s re-

³ Hubert H. Bancroft, *History of Oregon* (2 vols., San Francisco, 1888), II, 141.

⁴ *Ibid.*, II, 141.

⁵ Jenette E. Roberts, *Asahel Bush, Pioneer Editor, Politician and Banker*, unpublished M. S., dissertation Univ. of Oregon (1939).

election. Such was the reason for the establishment of the *Statesman* which through accidental circumstances was not long to serve its founding purpose.⁶

In the Spring of 1851, the second election of Delegates was to take place. Thurston had given a fairly good account of himself in getting measures for the benefit of his constituents, but in the Donation Land Bill he had inserted an unbelievably unfair clause depriving the venerable ex-factor of the Hudson Bay Company, Dr. John McLoughlin, of his property at Oregon City.⁷ So flagrant a violation of justice stirred all who held principle above party, and Thurston would have had to answer for his conduct had he returned to Oregon. He was not destined to return, however, for death cut short his career as he was homeward bound.⁸ He died April 9, 1851, and was buried at Acapulco, Mexico.

As early as February Lane was spoken of for Delegate when a notice to that effect appeared in the *Spectator*.⁹ He was nominated, March 6, at a meeting at La Fayette presided over by his friend General Joel Palmer.¹⁰ At the time, Lane was still in the gold fields and did not return until late in April; however, he had signified his willingness to be drafted in a statement published in the *Spectator*, March 6, 1851:

As to the Delegateship I will leave the matter entirely to my friends. Oregon is and shall be my home. Should I be elected, I will try to be useful to the Territory. I am not ambitious for office. If it is agreed that I am to run, I will perform my part promptly.

The editor of the *Statesman* was at first embarrassed by the appearance of two Democratic candidates, Lane and Thurston, and decided to take a neutral stand, upholding party rather than persons. When the news of Thurston's death was received, Bush came out for Lane, now the only Democrat in the race. The *Oregonian* preferred taking a non-partisan attitude and asked only that the candidate be a man of ability.¹¹ Another candidate, W. H. Willson, later was put forth by the Mission party. There were no

⁶ George S. Turnbull, *History of Oregon Newspapers* (Portland, 1939).

⁷ Bancroft, *op. cit.*, II, 117 f.

⁸ *Ibid.*, II, 137.

⁹ *Ibid.*, II, 206.

¹⁰ Woodward, *op. cit.*, 41.

¹¹ *Ibid.*, 42.

real issues in the campaign, and Lane easily outdistanced his opponent, receiving 1,832 of the 2,917 votes cast.¹² Lane, never cogent as a stump speaker, won votes by "domestic electioneering," a house to house canvass in which he ingratiated himself with the household.¹³

Both privately and publicly, Lane denied the need of party organization, and made a bid for Whig votes. The *Milwaukee Star* seconded his plea for non-partisan support. Since Lane disclaimed partisanship¹⁴ his candidacy was more or less actively favored by the *Oregonian* and *Spectator*, Whig; and the *Statesman* and *Star*, Democratic.

Jesse Applegate, one of the staunchest Whigs of the territory, wrote a letter to the *Spectator* in which he heartily endorsed Lane's candidacy. He characterized him not only as a military hero, but as a man of "truth, probity, and honor." The candidate's tolerance in politics and religion gave him a further claim to support. Applegate even rebuked the Whig administration, which had removed the faithful public servant:

And lastly the people of the southern frontier (of which I am one) owe to Governor Lane a debt of gratitude too strong for party prejudices to cancel and too great for time to erase. When we cease to do honor to the man, who, . . . casting aside the dignity of his station and the exemptions from excessive fatigue and exposure he might claim from his age—rifle in hand, gallantly braved the floods and storms of winter to save our property, wives and daughters from the rapine of a lawless soldiery—may the finger of scorn point us out and the curses of all good men follow us.¹⁵

Applegate had been suggested as a possible candidate but the "sage of Yoncalla" in declining, "pointed out the man whose claims infinitely exceed my own, both in services rendered and in ability to render more."

Before departing for Washington, Lane decided to go once more to look after his mining property in southern Oregon. Preceding him down the valley were the remnants of the Oregon regiments,

¹² *Ibid.*, 43. See also Bancroft, *op. cit.*, II, 206.

¹³ Bancroft, *op. cit.*, II, 206.

¹⁴ *Spectator*, May 8, 1851.

¹⁵ *Ibid.*

under Major Kearney, which, in accord with a measure procured by the late Delegate Thurston, were to be removed from Oregon. Thurston, acting on complaints from Oregon against the troops, had asked that they be removed, claiming the expense of maintaining them was great and equally effective protection could be secured by providing arms for the citizens to protect themselves.¹⁶ As Kearney left for the new encampment he proceeded slowly, exploring southern Oregon for military and road sites.¹⁷

Trouble had been breeding for some time among the Indians of the Rogue River and Umpqua valleys because of the increased activity of miners in nearby Klamath area. The Indians, as an uncivilized race, had ample reason for their hostilities to the whites. This was the view of Jesse Applegate, whose opinions concerning the relations of the two races were most judicious. In a letter to the Superintendent Anson Dart, he pointed out the cause of the trouble:

. . . as a great thoroughfare lies through their country, the kindness they have received at the hands of one party has sometimes caused them to trust themselves in the power of another, where the existence of an ancient grudge, or a reckless spirit has made them repent their confidence.

Consequently as fear and interest are their governing principles they continue to gratify their cupidity by robbing and stealing on all favorable opportunities, and for the ill treatment they received from the strong, they retaliate on the weak."¹⁸

The people of the southern valleys, alarmed by the show of hostility sent a petition bearing the name of twenty-five citizens to Governor Gaines, stating

. . . that the Indians on the road through the Rogue River are at this time very hostile, having recently committed several murders and robberies on the citizens of Oregon, passing to and from the mines.

We the undersigned, respectfully represent, that we deem it highly important that some military force should be kept in the county, in order to protect those that are passing through.

¹⁶ Bancroft, *op. cit.*, II, 225.

¹⁷ *Ibid.*, II, 227.

¹⁸ Applegate to Dart, August 19, 1851, *O. I. A.*, A 57 to W 177, Oregon Mss.

To this end they asked that Captain Long be placed in command of "such number of men he may think sufficient" in the Rogue River Valley.¹⁹

On June 13 further evidence of Indian unrest came to Gaines from ex-Governor Lane, writing from Nesmith's Mills:

I have met here a number of persons just in from the mines, all of whom concur in saying that the Rogue River Indians have commenced war on our people, that they have in open daylight attacked several parties, one of them thirty-five strong and handled them roughly for four hours, and succeeded in carrying off considerable property. One other smaller party was attacked next morning and robbed of their all, and that the Indians are collecting and organizing their forces for the purpose of prosecuting a destructive war upon all persons who may travel in the direction of the mines.²⁰

Governor Gaines tried to get troops of the regular army, but the Federal government refused saying that none were available since at the request of the Delegate those stationed in Oregon had been sent to new positions.

While the Governor was debating his course Kearney took over the situation and hastening toward Table Rock²¹ where the warriors were gathered gave battle on June 17. During the brief but savage struggle Captain James S. Stuart was wounded mortally.²²

After this skirmish both sides fell back, the Indians to a stronger position; Kearney, to await regular and volunteer reinforcements.²³ Having received them, he gave battle on the 23d engaging the Indians in a four-hour encounter on the afternoon of that day. The Indians sustained heavy losses and at last fled leaving women and children behind them.²⁴

Meantime Governor Gaines and ex-Governor Lane were on their way to the scene of the struggle. Lane reached there first having made a forced ride when he received the news. When Chief Jo learned of his presence at the head of the troops, he asked for a conference with his former benefactor. Since Lane had no commission, he did not enter into negotiations with the tribe but tried

¹⁹ Hoopes, *op. cit.*, 88.

²⁰ *Ibid.*, 88.

²¹ Bancroft, *op. cit.*, II, 226.

²² *Ibid.*, II, 227.

²³ *Ibid.*, II, 229.

²⁴ *Ibid.*, II, 229.

to pacify them and prepare them for making a treaty with Gaines when he should arrive. Thinking that his duty was now done, Lane went on to his destination at the mines, leaving Kearney in full charge.

Governor Gaines reached Rogue River with his men June 29, to find that Kearney had just departed, taking with him thirty Indian prisoners, women and children. The officer proposed taking them to San Francisco and returning them to Portland by steamer. The Indians were highly exasperated at this turn of events and would no doubt have considered the act a fresh injury done them by the white man.

Again General Lane was able to offer his good advice to placate the Indians.

Gaines later wrote:

Most fortunately General Lane, who was about returning to this place from the mine, meeting with Major Kearney, tendered his services to conduct the prisoners back to Rogue River and arrived with them at my camp on the 8th day of July.

Up to this time, the Indians had evinced no disposition, whatever, to come to terms. Indeed, I was informed that they rejected with scorn, Major Kearney's tender of peace. But when they saw their women and children returning and received an assurance from General Lane that they would be kindly received at my camp; and that peace, would be granted them, if they would come in, and give assurance of a friendly disposition, they promised to do so, and acknowledged their conditions to be wretched; and their inability to prosecute a war with the whites.

The result of the ensuing conference was an informal treaty of peace by which the Indians placed themselves under the jurisdiction of the United States.²⁵

Bancroft in commenting on Lane's part in this excursion said,

to do, to do quickly, and generally to do the thing pleasing to the people, of whom he always seemed to be thinking, was natural and easy for him, and in this lay the secret of his popularity.²⁶

On his return to Oregon City, the Delegate-elect was honored at a mass meeting of friends of both parties. Resolutions testified to

²⁵ Hoopes, *op. cit.*, 88.

²⁶ Bancroft, II, 231.

the appreciation of his constituents for past labors in their behalf.²⁷ On July 23 he departed for the States intending to visit his former home in Indiana enroute.²⁸

On September 5, Lane reached New Orleans; the *True Delta*, which had spoken often and favorably of his Mexican War career, took note of his arrival to speak of his chances for the Presidency. Men who remembered with favor the administration of Andrew Jackson came to regard Lane as a potential candidate for the Presidential office as he was seen to possess many of the Jacksonian characteristics. Especially was Indiana anxious to offer him as a favorite son in the coming Democratic convention. The political leaders of Indiana did not propose to disrupt the party to advance their candidate, yet they were hopeful that in case of a deadlock his name might be the one chosen to unite the various interests.

As early as January 12, 1850, the Democrats meeting in Indianapolis to revise the State constitution nominated Lane for the Presidency.²⁹ His friend and former fellow-legislator, Robert Dale Owen, was requested to write a biography which might be used for campaign purposes. The social reformer agreed to do so.³⁰ In 1852 a slender volume did appear written under the pseudonym "Western." This, no doubt, was the life written by Owen and so thinks Owen's most recent biographer, who claims

Early in May, 1852 . . . there appeared in Washington a forty-page anonymous *Biography of Joseph Lane 'Not Inappropriately Styled by His Brother Officers and Soldiers, the Marion of the War.'* It was designed to give without offense to any other candidate, an account of the man who was the first choice of the Hoosiers, in the hope that if the convention was unable to decide upon another, it might unite behind this new Cincinnatus fresh from the people. Lane's early life was compressed into two pages, and even the glorious exploits of his Mexican campaigns were subordinated to the constructive achievements of Oregon's first territorial governor. Both from its clear, terse style and its wealth of anecdote, this slight volume ranks among the most readable of campaign biographies. Although the name of the author, who called himself 'Western,' was carefully concealed at the time and although it

²⁷ "Western," *op. cit.*, 13.

²⁸ *Spectator*, July 22, 1851.

²⁹ "Western," *op. cit.*, 33.

³⁰ *Spectator*, April 18, 1850.

has not been discovered by the leading libraries today, there can be little doubt that it was Robert Dale Owen.³¹

The reception with which the returning favorite was greeted on his arrival in Indianapolis was a stirring one, well calculated to revive interest among the voters. Senator Bright and Governor Wright headed the delegation which met Lane at the station and conducted him to the State House square under an escort of militia. Governor Wright's laudatory speech brought forth from the guest of the day a like effusion in which he dwelt upon the glories of Indiana particularly with regard to her war record in the Mexican War, a topic that still remained provocative. Of the slavery question, he expressed the view that it would be better for the preservation of the Union if it were not agitated and hoped that Indiana would refrain from such strife. However, he approved of the compromises reached by Congress in 1850, including the fugitive slave law.³²

Lane was also invited to Cincinnati in the interests of his own candidacy and to aid the Democratic ticket generally. The Democrats had succeeded in revising the Ohio State constitution and were anxious that the first election under it would be decisive since the Whigs had opposed its adoption.³³ Whatever influence Lane had cannot be determined, but it is a matter of record that he was enthusiastically received, and the Democrats did increase their previous majority by some two thousand votes.³⁴ This and other honors to the ex-governor were taken favorable notice of by the papers of Oregon.³⁵ Like many another American, Lane was not loath to think of himself in the highest office in the land, yet there is no expression in his writings that would show that he ever entertained any very decided hope in that respect.

The State Convention held in Indianapolis, Feb. 24, 1852, passed resolutions indorsing Lane's candidacy for presidential nomination. The delegates were not instructed but advised to seek his nomination, though the convention pledged itself to support the

³¹ Richard Leopold, *Robert Dale Owen* (Cambridge, 1940), 295-6.

³² "Western," *op. cit.*, 36-38.

³³ Committee to Lane, September 22, 1851, *Lane Papers*.

³⁴ "Western," *op. cit.*, 39.

³⁵ *Oregon Weekly Times*, January 31, 1852.

choice of the party whoever he might be. Lane himself had requested that the delegates should go to the convention uninstructed.³⁶

The temperate almost lukewarm expression of the State convention for its nominee was reflected in the newspapers, for while the Democratic organs spoke well of Indiana's choice their support was half-hearted.³⁷ As might be expected, the Whig papers denounced him in the forthright manner characteristic of the times.³⁸

The nominating convention was held in Baltimore on June 1. Since no one of the well-known candidates such as Douglas, Cass, or Marcy seemed to have a sufficient following to secure the necessary 2/3 majority much interest was displayed in the lesser lights, among whom Lane should be included. Political leaders had anticipated a struggle as a correspondent confided to Howell Cobb as early as February of that year. He said:

An idea prevails here that neither of the prominent aspirants for the presidency will be nominated. Douglas's stock particularly is very low just now, Buchanan in the dark, Cass and Butler in front, but yet a long way off. Some of the Western men begin to suggest the name of General Lane as a fitting man to rally upon as a compromise in the event of failing to unite upon another. Lane himself is a true Union man, and he and his friends are in *good faith* the friends of Cass. This idea, or something like it, may grow more important as things are developed. Stone, a member from Kentucky, thinks Butler may not unite his own delegates in convention. He himself who is a delegate, prefers Lane or Bright.³⁹

The last named gentleman, long a power in Indiana politics, seems to have entertained hopes for Lane. He wrote from Washington to one of Indiana's delegates requesting, that if the latter were not able to attend the Baltimore convention, the delegate would name the Senator to take his place. He concluded,

We have strong hopes for Lane (Joe). Gen. Cass however is greatly stronger than any other man. Can he ever get 2/3.⁴⁰

³⁶ Dumont to Lane, February 26, 1852, *Lane Papers*.

³⁷ *Daily State Sentinel*, February 3, 1852. *Ibid.*, July 19, 1851.

³⁸ *Weekly State Journal*, July 19, 1851.

³⁹ *Annual Report of the American Historical Association, 1911*, "The Correspondence of Robert Toombs, Alexander Stephens and Howell Cobb" (ed. Ulrich B. Phillips), 278.

⁴⁰ "Letters of Jesse D. Bright," *Indiana Magazine of History* (Indianapolis, 1934), XXX, 377.

Even as early as 1852, the South seems to have manifested an interest in Lane, as a Washington correspondent wrote:

Many Southern Democrats have recently indicated a strong leaning toward Lane: it is generally of that class who do not go for Cass. It will require but little management to get many of the Southern States to go for Lane in convention in the event, which, I think is most certain to occur, to wit: a repeated and protracted balloting.⁴¹

Robert D. Owen continued his interest in Lane's candidacy to the end. He had presumably written the campaign biography, had prepared the resolutions of the State Convention and hoped to be one of the Delegates at Baltimore. In his opinion, Douglas would be the early favorite of the convention but would lose votes which then might be thrown to Lane. Pre-convention forecasts came true when the session opened at Baltimore in June. In the first balloting Cass led with 119 votes: Buchanan had 95, while Douglas and Marcy trailed with some twenty a piece. Lane in the meantime carried only the Indiana delegation but the thirteen Indiana votes were cast for the favorite son through 29 ballots. From Thursday to Saturday the balloting went on, at various times Cass, Douglas, and Buchanan leading. Perhaps if Lane's backers had been more aggressive from the beginning there might have been a chance. As it was, the deadlock was made use of in just such a way by the friends of Franklin Pierce, New Hampshire lawyer and Mexican War general, who finally secured the nomination.⁴²

The nomination over, the various contenders set about electing the choice of the party by making political speeches and refuting the attacks of the opposition. This did not call for much renunciation of personal feelings on Lane's part; hope never having been strong, died easily. Besides, Pierce had been a friend of Mexican War days and his candidacy was not damaged by the fact that he had a war record, especially where his fellow soldiers was concerned. Wednesday evening following the nomination, the Oregon Delegate joined with Stephen Douglas in addressing a mass meeting from the portico of the City Hall in Washington, D. C. His address was a

⁴¹ William W. Woolen, *Biographical and Historical Sketches of Early Indiana* (Indianapolis, 1883), 414.

⁴² Roy Nichols, *Franklin Pierce* (Philadelphia, 1931), 203.

typical Lane effusion, dwelling on the merit and virtues of Democracy in general and Pierce in particular. He confessed that he had had a predilection for Cass but since the party had spoken, he was satisfied. He paid tribute, too, to Sam Houston, who also had had pretensions for the nomination. To the issues of the campaign he drew but little attention though pointing out the spirit of neutrality that the party hoped to preserve concerning the sectional questions then agitating the North and the South. Lane was never more the frontier politician than when on the campaign platform. Despite the bombast of his oratory and the general lack of depth displayed in this and other of his speeches, there was always enough flattery and good fellowship in them to win for the speaker a good deal of applause from his audience.⁴³

This was but the beginning of Lane's support of Pierce. He took the stump and made some eighty speeches in the candidate's behalf. In Lane's own words "every one told."⁴⁴ What their political influence was is not now determinable but that they "told" so far as the friendship between Lane and Pierce was concerned was demonstrated on several occasions in succeeding years. Even Lane's early efforts, the speech in Washington previously mentioned and a letter to the *Pennsylvania Gazette* elicited a letter of thanks from the nominee.⁴⁵

Though Oregonians had no vote, they hoped for Pierce's election if for no other reason than that the unpopular Whig officers might be removed. The news reaching Portland forty days after the election was the occasion of a Democratic celebration in that city; a hastily fashioned flag bearing the names "Pierce and King" was raised and a hundred volleys of cannon proclaimed the good news to all.⁴⁶

Though Lane had found time to help the cause of his friend to its victorious conclusion, it must not be lost sight of that he was at this time Delegate from Oregon and congressional labors claimed much of his time and attention. The task of Delegate was no sinecure for Congress was not disposed to be very enthusiastic over

⁴³ *The Campaign*, June 29, 1852.

⁴⁴ Lane to Deady, December 1, 1852, *Lane Papers*.

⁴⁵ Pierce to Lane, June 22, 1852, *Lane Papers*.

⁴⁶ Backenstoe to Lane, December 10, 1852, *Lane Papers*.

the remote region under its control. A study of the congressional records of the period reveal the diligence of Delegate Lane in promoting Oregon legislation. A formidable list of requests had been submitted by the Oregon legislature in its resolutions of instruction, but the delegate proved equal to the task.⁴⁷

It will be recalled that one of Lane's last acts before leaving Oregon had been its participation in the difficulties with the Rogue River Indians, in which he aided the troops under Major Kearney. These troops were the remainder of the regiment that had been stationed in Oregon for a short time and which was being moved to the Texan boundary for service there. Owing to the unsettled condition of affairs in Oregon, the citizens of the territory were much disturbed at their removal. Early in February, 1852, Lane presented a resolution in the House that the President be requested to post portions of the regiment

upon the main emigrant road from St. Joseph on the Missouri, between Fort Hall and the Dalles of the Columbia river, and the remainder thereof to be posted in the Rogue river Valley, on the road from Oregon to California.⁴⁸

Many petitions and memorials had been sent by the Legislative Assembly of Oregon making known the need for protection for the emigrant. Lane pointed out that delay caused by sending the petition to the Committee on Military Affairs might seriously imperil the emigration for that year. He drew attention to the inconsistency of the government in offering land grants as an inducement for settlers while at the same time failing to provide adequate protection for the journey. The regiment had been raised specifically for Oregon, and he questioned the propriety of its service being diverted. Several members of the House objected to the resolution as they deemed it improper to direct the President in this manner. In reply, Lane protested that it was not his intention to command the President; he had stated merely that the troops were needed only on the two great highways named lest forces might be wasted in garrison duty. He added that by personal request as well as in a letter he had already explained the situation to the chief executive as well as to the Secretary of

⁴⁷ Bancroft, *op. cit.*, II, 299-300.

⁴⁸ *Congressional Globe*, 32nd Cong., 1st Sess., Vol. XXIV, 506.

War but had received on reply. Texas, to which the troops had been removed, had more civilians ready and able to defend her than had Oregon, especially since the great roads to the latter region began seven hundred miles from the settlements. It would be possible for the settlers to protect themselves if the government were to give them adequate compensation for leaving their businesses but the project would be a most costly one, more so than providing regulars would be.

To the assertion that the Secretary of War had decided that mounted troops were not necessary in Oregon but that infantry would more properly be used, Lane replied by showing how impossible it would be for that class of troops to penetrate the Indian country let alone apprehend evil-doers. Since Thurston, the first Oregon Delegate, had denied the need of troops in Oregon, Lane had to explain that his predecessor had erred from lack of knowledge of the situation, since he had been in the territory but a short time before assuming office. The removal of the troops had been an error, which he hoped would not be repeated since the transport of troops was an expensive project.

He dwelt at some length on the horrors of Indian massacre and in particular on that which took place in the Shasta Country during the season of 1851. While the government continued to offer lands, settlers would always be found who would seek the new frontier, but the blood cost would be high as long as the overland road was unprotected.⁴⁹

The Indian question was one on which Lane was fully informed and his command of the facts from first hand observation could not but impress his colleagues. However, the resolution was tabled though some aid was given when the Secretary of War promised to send troops to protect the travel of 1852.⁵⁰ Seeing that his own plan was not likely to pass, Lane prepared re-consideration of the bill advocated by his predecessor providing arms for the settlers to defend themselves. Senator Douglas, too, reported a bill for the protection of the route but neither measure passed.⁵¹ In another measure, Lane sought \$12,000 for negotiations with the tribes west

⁴⁹ *Cong. Globe*, 32nd Cong., 1st Sess., 507 f.

⁵⁰ Bancroft, *op. cit.*, II, 304.

⁵¹ *Ibid.*, II, 304.

of the Cascades. In the debate, he pointed out the necessity of dealing with the tribes separately as each was an independent unit. He stated that he was not in favor of reserving part of the territory of a given locality for the Indians after the land titles were extinguished rather, he thought the Indians should be moved to some new section, outside the settlements.⁵²

The Cayuse War had been carried on by the volunteers of the Territory who expected to be reimbursed from the national treasury. A commission had appraised the amount due the claimants, but the certificates issued were later re-audited by Governor Gaines. Lane secured the passage of a bill making up the difference caused by the alteration of the certificates. This act, one of the first of his term, further strengthened his popularity with the people of Oregon.⁵³ A later Congress completed payment of the expenses incident to the war, and likewise granted bounty land to the soldiers who had fought in this conflict.⁵⁴

The Oregon Legislature had asked Congress for an appropriation for military roads for the territory and the measure was urged by Lane during the first session of the 32d Congress. It met opposition because no government survey had as yet been made of the routes. Lane pointed out that such a survey would take three years while the need was immediate. He demonstrated that a road was needed from Fort Steilacoom to Walla Walla and from the Columbia to Fort Steilacoom both for military defense and the convenience of immigrants. The second session did pass a measure appropriating \$40,000 for a road from Steilacoom to Walla Walla and one in the Rogue river valley. It was Lane's boast that he had secured more funds for Oregon than any other delegate had obtained for a territory.⁵⁵ While interested in procuring funds for public use, Lane was not ambitious for personal aggrandizement. He did, however, introduce a measure asking Congress to amend the organic act giving \$2500 for mileage to the Delegate from Oregon so as to allow him the same amount as the Congressmen from California. In view of the substantially identical positions of the two sections, the bill was passed without much question.⁵⁶

⁵² *Cong. Globe*, 32nd Cong., 1st Sess., 891.

⁵³ Bancroft, *op. cit.*, II, 302. ⁵⁵ *Ibid.*, II, 306.

⁵⁴ *Ibid.*, II, 303.

⁵⁶ *Cong. Globe*, 32nd Cong., 1st Sess., 580.

A certain amount of agitation was current in the south of Oregon near Yreka and Jacksonville to create a new territory from southern Oregon and northern California. L. F. Mosher, Lane's son-in-law, was one of the movers of the plan, which received encouragement in the Yreka (Cal.) *Mountain Herald*. Lane did not approve of the scheme but complied with the wishes of the organizers and presented a resolution to the Committee on Territories to look into the advisability of forming this new territory, which was to be called "Columbia."⁵⁷ He discerned that the admission of Oregon to Statehood would be delayed by the division if it were consummated and for this reason discouraged the move in a communication to the initiators. The project thus disapproved of by Oregon's political leaders soon lapsed.⁵⁸

One of the important bills which the active representative steered through Congress with great speed during this session was that forming the Washington Territory. The economic interests of the people north of the Columbia river were not linked with those of the Willamette Valley settlers; in fact, since their industries and agriculture were similar, there could be little trade between them. Rather both looked to the California markets for sale for their produce. Added to this, the remoteness of Puget Sound from the capital worked hardships on people and legislators alike. A convention held at Cowlitz in 1851 and a latter one at Monticello in 1852 prepared the way for a congressional action. The Oregon Legislature, November 4, 1852, passed a memorial asking Congress to give favorable consideration to the request. From the beginning and by all parties, the division was looked upon with favor, but Lane's hand is seen in the speed with which the desired objective was obtained.⁵⁹ The memorials proposed that the new State be called "Columbia."

On the floor of the House, Lane presented a very clear and cogent argument in favor the new territory. He drew attention to the enormous size of the district, greater than the combined area of seven States, the divergence of interests of the sections north and

⁵⁷ *Cong. Globe*, 32nd Cong., 2nd Sess., 6.

⁵⁸ Bancroft, II, 254. See also Charles Carey, *History of Oregon* (Portland, 1923), 519-20.

⁵⁹ Carey, *op. cit.*, 518-19.

south, the possibility that its growth in population would be great and rapid. The cost of territorial government, he predicted, would be offset by the customs revenue of the Sound. Of the Monticello convention, Lane approved its sentiments except insofar as it criticized the Oregon legislature for favoritism to the south Oregon Territory.

At the suggestion of Mr. Stanton of Kentucky the name "Columbia" in the bill was changed to "Washington," to avoid confusion with the District. Another suggested that an Indian title would be appropriate but that proposal being rejected the bill passed February 10, 1853, by a vote of 128 to 29. The Senate, too, acted speedily and the bill was signed by President Fillmore, March 2, 1853.⁶⁰

The first delegate from the new territory was Columbia Lancaster, whose relations with Lane were not of a cordial nature. The latter confided his enmity to Bush and suggested that Lancaster be killed politically, a move which he added was approved by Governor Isaac I. Stevens.⁶¹ Lane continued to be held in popular esteem north of the Columbia even after the separation of the Territory. His course as congressman and Democratic leader generally received approbation from both the *Pioneer and Democrat* and the *Washington Standard*, leading newspapers of the territory.

Inasmuch as delegates do not have the privilege of voting, Lane's principal attention in the House was given to local measures for some of which he spoke at length. During his first term, however, he did make known his views on at least two matters not incident to Oregon affairs, one was the question of Cuba, the other, the proposed creation of a new office for General Winfield Scott.

The Cuba question arose through the desire of southerners that the "Pearl of the Antilles" be acquired as a new slave territory to counterbalance the loss of California. Several abortive attempts to seize the island had been made by the adventurer Lopez, who with fifty fellow conspirators and others were executed when their third attempt failed.⁶² In Congress and out the annexation of Cuba was

⁶⁰ *Ibid.*, 519.

⁶¹ Lane to Bush, August 12, 1854, *Bush Papers*.

⁶² Thomas A. Bailey, *A Diplomatic History of the American People* (New York, 1940), 306 f.

the topic of the day. The Pierce administration, anxious to cultivate any public interest that would divert attention from the growing sectional unrest, encouraged a vigorous policy toward the island. It was on this subject that Lane first put himself upon the record of Congress as being in sympathy with the southern aspirations. However, his attitude was probably known already as he had publicly stated his ideas regarding Cuba in an address which he had delivered at the Jackson Day dinner held in Washington, January 8, 1852. The Hungarian, Louis Kossuth, was a guest of honor that evening and Lane, like the other speakers, rhapsodized on the glories of liberty and democracy.⁶³ In his speech in Congress, he referred to the execution of Lopez and his fellow-conspirators by the Cuban authorities as "the massacre of American citizens." He repeated the popular cry for seizure of the coveted territory and went even further, declaring that the Mexican States, too, would become part of the United States. Speaking of territories seeking admission as States, he declared that Congress should "admit them without reference to their domestic institutions." Unless such freedom were guaranteed he would, "reprobate" the acquisition of any new territory.⁶⁴

With this statement of his attitude on the acquisition of new territory, the speaker also gave his views on the creation of a military rank to honor General Winfield Scott, then occupying the highest post in the army, that of major general commanding.⁶⁵ Professing himself a warm admirer of his ex-commander, Lane insisted, nevertheless, that he was much opposed to the conferring on him of the title of "Lieutenant General." The title would either be an empty honor or else it would have to derive dignity by a reorganization of the whole army system. In either case the act would be undemocratic and characteristic rather of monarchical than of republican government.⁶⁶ When another member of the House pointed to the brevet honor that had been conferred on Lane and others, the delegate answered that the brevet rank was known to the army and even it smacked "a little of aristocracy."

⁶³ *Washington Union*, January 13, 1852.

⁶⁴ *Cong. Globe*, 32nd Cong., 2nd Sess., p. 211.

⁶⁵ Charles Elliott, *Winfield Scott, The Soldier and the Men* (New York, 1937), 647-648.

⁶⁶ *Cong. Globe*, 32nd Cong., 2nd Sess., 217 f.

Lane did not confine his criticism to the House but wrote to the General himself giving his views. He said:

At this moment, my dear sir, you occupy the highest position known to our law in the organization of our Army. At the top of the ladder; it is a high and proud position, one that you are eminently qualified to fill; none should be placed above you, but I am opposed to raising the ladder one round higher . . . this is only a beginning in wrongdoing, once gone into no one can tell when and where it is to stop . . . I know you to be a good soldier and a great General . . . no man respects you more than I do. You occupy a high position and have a strong hold upon the hearts of the American people, and I am only sorry that you are not content.⁶⁷

Though the two Mexican War generals differed in politics, Lane had a real admiration for Scott, who embodied so many of the qualities the Oregon delegate admired. At the time of Scott's visit to the Pacific coast in 1852, the two met in San Francisco. Lane's greeting to his former chief was typical,

General, my career as a soldier was a brief one, but I had the honor of serving under the greatest captain of the age.⁶⁸

Though separated by a continent from his constituency, Lane kept in close touch with political matters there and wrote often to the political chiefs such as Bush, Deady, and Nesmith. Soon after his election on a non-partisan ticket, the Democratic party had begun to show signs of life. If the Whigs had hoped that Lane would maintain his neutral position, they were doomed shortly to disappointment. In a letter to Bush from Washington, March 21, 1852, he encouraged Bush in his undertaking of forming a Democratic organization:

Now, Sir, as to the Organization of the Democratic party in Oregon. I am in favor of such an Organization, Party is but another term of principles. It is certainly the desire of every good citizen to see his Government administered in just and correct principles that will conduce to the happiness and prosperity of his country. But as our minds are differently constituted we cannot see alike, and though aiming at the same

⁶⁷ Lane to Scott, January 17, 1853, *Lane Papers*.

⁶⁸ Deady to Nesmith, October 18, 1852, *Lane Papers*.

object—the honor, the greatness, and the prosperity of our common country—we travel different roads to obtain that object.⁶⁹

The "Location" question was clearly a territorial one but Bush chose to make it a party issue on the grounds that the greater number of those who favored Oregon City were Whigs. It was difficult for Democrats in the neighborhood of the existing capital to join with their fellow Democrats in approving of its removal to Salem. Despite protests to this effect, Bush re-opened the question in the *Statesman*.⁷⁰ In the contest that followed bitter feelings were aroused and the struggle was one of the most vehement of early Oregon politics.

When the legislature convened on December 1, 1851, the Democrats, greatly in the majority, gathered at Salem: the Whigs, declaring the location act void, held a session at Oregon City, though there were but four house members and one member of the council in attendance. The strife even entered into the judiciary, the two Whig judges, William Strong and Thomas Nelson, presiding at Oregon City, while O. C. Pratt held session in Salem. It so happened that the group favoring Oregon City were mainly imported Whig appointees while the elected representatives of the people were on the other side. Naturally, the majority of the citizens approved the decision of their representatives who chose to sit at Salem. The *Oregonian* championed the Oregon City side of the issue and engaged in one of the acrid debates which was to characterize its journalistic style and that of most of the other Oregon papers of the period.

As a matter of course the Oregon Delegate was asked for his opinion in the controversy. Representatives of both sides wrote soliciting his support. By Judge Nelson he was assured that the question was neither a party matter nor was there a single principle involved. The justice went further to declare that it was simply the scheme of some "ambitious men" who "wish an exalted position in the 'rank' and resort to this expedient to obtain it."⁷¹

⁶⁹ Lane to Bush, March 21, 1852, *Bush Papers*.

⁷⁰ Woodward, *op. cit.*, 45.

⁷¹ Nelson to Lane, January 20, 1852, *Lane Papers*. Edward Hamilton, Robert Newell, D. Lownsdale and others wrote in the same vein.

By his son, Lane was cautioned to be wary of letters from Whigs and against favoring Oregon City.⁷² Lane's reply did not leave any hope for that party. He said:

I consider it quite unfortunate that there has been any difference of opinion between the Governor and Legislative Assembly in reference to the location of the seat of Government. The Representatives of the people are the only law making known to the people of Oregon so far as municipal enactments are concerned, the acts of the Assembly therefore should be respected and sustained, not only by every citizen, but by every civil and military officer of the Territory and especially by one whose duty it is to see that the laws are faithfully executed, and who has no right or power to decide upon the validity or constitutionality of laws passed by the Assembly. I hate technical quibbles and evasions to me it would have been enough to know that the Assembly had located by enactment the seat of Govt. and so it should have been to any man, Governor or other—The Assembly have in my judgement (sic) acted correctly in holding their session at Salem.

The legality of the acts passed at Salem are in my opinion as unquestionable as the acts of any former session and so Congress I have no doubt will consider them.⁷³

By a Joint Resolution of Congress the acts of the Salem legislature were declared valid and that chapter of the struggle was finished.⁷⁴ By the time it had closed, however, the Democratic party had consolidated its ranks and built up its party organization. A Democratic caucus held during the last legislative session had unanimously declared the organization of the Democratic party in the Territory of Oregon.⁷⁵ Plans were made for a Democratic county convention to be held during the year. In Douglas county one of Lane's sons aided in the organization of the party in that new county.⁷⁶

Another movement that demonstrated the independent spirit of the people of the Territory and which elicited the approval of their Delegate was the request for popular election of the territorial officers. By this means it was hoped to avoid in future the presence

⁷² Nathaniel Lane to J. Lane, January 4, 1852, *Lane Papers*.

⁷³ Lane to Deady, February 19, 1852, *Lane Papers*.

⁷⁴ Lane to Bush, June 10, 1852, *Lane Papers*.

⁷⁵ Woodward, *op. cit.*, 50.

⁷⁶ Drew to Lane, May 1, 1852, *Lane Papers*.

of "outsiders" to whom an administration paid party debts with this patronage. A bill to amend the organic act did pass the House but the Senate failed to act upon it, but the fact of his having sponsored it increased the popularity of the delegate.⁷⁷

Personally, Lane appears to have stood in well at the White House and to have visited there socially on a number of occasions. He was one of the guests at the dinner given by President Fillmore in honor of his successor. The *New York Herald* carried a description of the affair:

Secretary Everett was seated opposite to Governor Marcy and Attorney-General Crittenden opposite to General Cushing, with the rest of the old and new cabinet intermixed, together with General Cass, General Joe Lane, Pierre Soulé and other members of both Houses. Young Fillmore and Sidney Webster sat side by side, and such a homogenous spectacle of diverse political element was never known in the White House before. General Scott and General Marcy were especially fraternizing and agreeable.⁷⁸

Naturally, the partiality shown Lane by the President led many to ask the Oregon Delegate to secure favors of one kind and another for them. A typical case was that of Robert Dale Owen, who solicited his former fellow-legislator to secure for him a chargéship, preferably in Naples, that he might educate his children abroad.⁷⁹ In a letter of March 11, 1853, Owen wrote,

Whether I get that chargéship or not, it will always be a true pleasure to me to remember that in the heartless world of politics, I met so true a friend as you.⁸⁰

One of the charges made by Lane's enemies was that he, like those executives who drew down the scorn of the Democrats, was not a resident of the territory since his family still resided in Indiana, though two sons were in Oregon. Lane had always insisted that it was his intention to establish residence in Oregon when personal

⁷⁷ Bancroft, *op. cit.*, II, 171.

⁷⁸ *Oregon Weekly Times*, May 7, 1853.

⁷⁹ "Letters from Robert Dale Owen to General Joseph Lane," *Indiana Magazine of History* (Indianapolis, 1940), XXXVI, N. 2, 141.

⁸⁰ Owen to Lane, March 11, 1853, *Lane Papers*.

business would permit. He had taken a land claim in the Umpqua Valley, his choice being influenced by "the scenery, the grass, and the water." In his old age Lane said,

It just suited my taste. Instead of investing in Portland and making my fortune I wanted to please my fancy.⁸¹

On his return from Washington after his first term as delegate, Lane was accompanied by his wife, children, and members of his family to the number of twenty-nine. They were given a warm reception by the people of Portland on their arrival, and a "jollification," marked by the firing of guns, brought the day to a close.⁸²

There was special jubilation in Democratic ranks for Lane returned as Governor to oust Gaines and other Whig officeholders. The appointments had been made by Lane's friend, President Pierce, and all the appointees were residents of the territory. Lane had no intention of holding the position of governor as he had previously declared his intention of running for delegate; but, as he said at a later time, "I took care to have Gaines removed as a kind of compliment to me."⁸³ At least one member of his family, his son Nathaniel, would have preferred that he retain the governorship, but Lane for his own personal reasons sought the national scene.⁸⁴ Possibly it was the adulation of the capital that attracted him for, as Bancroft wrote, he had

a happy self confidence mingled with a flattering deference to some and an air of dignity toward others, which made him the hero of certain circles in Washington as well as the pride of his constituency.⁸⁵

A few days after his arrival, Lane resigned the governorship, which then went to George L. Curry, territorial secretary, who was willing to work at the bidding of the "Salem Clique," the dominant De-

⁸¹ *Lane Autobiography*, Bancroft Mss., 63.

⁸² "Letters of Charles Stevens," *Oregon Historical Quarterly* (Portland, 1937), 241.

⁸³ Bancroft, *op. cit.*, II, 308.

⁸⁴ Nathaniel Lane to J. Lane, October 1, 1852, *Lane Papers*.

⁸⁵ Bancroft, *op. cit.*, II, 309.

mocratic group. The personnel of the "Cli-que" differed from time to time, but Asabel Bush, Matthew P. Deady, Benjamin F. Harding, Lafayette Grover and Reuben P. Boise were possibly the most powerful members. Shippee describes the group as

a dictatorial, political ring, the moving spirit of which was Asabel Bush. . . . He made and unmade fortunes; his approbation must be secured before future political life might be dreamed of; his opposition hounded a man to civil oblivion.⁸⁶

John McBride, an Oregon pioneer, gave an interesting estimate of the "Clique" in addressing the Oregon Pioneer Association in 1897:

The darkest period in the history of Oregon was in the days of the territorial government. As Jackson and Van Buren had their Kitchen Cabinets so Oregon had its 'Salem Ring.' There measures were originated, party policy ordained and political honors decided upon and distributed. It seemed a sort of ideal being in politics, something like a corporation in business affairs. It was a sort of electrical force; it was never seen but it made its presence known by its effects. No rule was more strict or exacting. It forced its edicts with cruel and unflinching punishments; it demanded obedience that tolerated no hesitation and it was a stranger to all mercy . . . To be fair . . . I say now in looking back upon the years of political rule in Oregon under the Salem Clique, I believe it to have been a good one for the masses of the people. Taxes were low, economy was practiced in public expenditure and no reproach of corruption ever tainted its administration. If it exacted political obedience it equally required the most rigid integrity. It demanded unhesitating service to itself but it allowed no lapse from equally faithful duty to the people. It rewarded its friends and was merciless to traitors, whether to itself or masses.⁸⁷

The Whigs were not yet organized and still frowned upon such organization, so did not put any candidate into the field for delegate. However, a candidate did appear in the person of Alonzo A. Skinner, who represented himself as a no-party candidate. Skinner was a competent man⁸⁸ but he had no chance against Lane, who was

⁸⁶ L. B. Shippee, "An Echo of Campaign of Sixty," *Oregon Historical Society Quarterly* (Portland, 1911), 352.

⁸⁷ *Oregon Pioneer Transactions* (Portland, 1897), 39-43.

⁸⁸ Bancroft, *op. cit.*, II, 309.

throughly popular particularly in the southern part of the territory. The canvass was a warm one and in accord with contemporary custom the candidates "stumped" the territory together, debating in various centers. Campaign methods were rough, the debate often being "a violent personal and political harangue." The audience was usually masculine, but it is recounted that at Lafayette several women braved censure and attended. Lane, who had not noticed their presence until the conclusion of the meeting, gallantly apologized for "any word unsuited to ears polite that might have escaped his lips when in ignorance of the presence of the ladies."⁸⁹

The Lane supporters were termed the "Durham" faction by their opponents and charged with having "misgoverned the territory, [and] misrepresented the people in Congress."⁹⁰ Lane was accused of having used deception to win the first election by counseling non-partisanship and then favoring party growth soon afterward. The Democrats were not at a loss to attack Skinner, who argued along Whig lines while claiming non-partisanship, but the contest hinged not on measures but on personalities. The result of the election was decisive; Lane received 4529 votes to 2959 cast for his opponent. This was a substantial majority in any case but the more so since Lane would have previously commanded the votes in the now Washington Territory.

Once the election was over, Lane repaired to his land claim near Roseburg in southern Oregon to build a residence for his family. Before the residence was completed,⁹¹ he was called upon once more to lead troops against the Indians, this time in a fight called the Rogue River War.

It is necessary to say a word of the conditions of these Indians during the time since Lane had joined Kearney in subduing them. Nothing but pity can be felt for the Indian, who, seeing his land being taken from him, retaliated by the only method he understood—violence. On the other hand many even upright men felt that the Indians was a legitimate object of extermination because

⁸⁹ Harvey Scott, *History of the Oregon Country* (6 vols., Cambridge, Mass., 1924), I, 316-317.

⁹⁰ George Williams, "Political History of Oregon," *O. H. S. Q.* (1901), 3.

⁹¹ Bancroft Ms., 58.

of these same acts of violence. Among the rougher mining element, there was simply no scruple against Indian slaughter. Bancroft says of this class that "they often outdid the savage in savagery."⁹²

On the 17th of August, news of the extensive depredations reached Lane. The Rogue River Indians with bands of the Klamaths, Shastas, and Applegate and Grave Creek groups, had united the report said, and killed white settlers in the vicinity of Jacksonville, killed or driven off the cattle, and caused widespread desolation by burning houses and grain. The uprising was the outcome of re-criminations visited upon the Indians during previous weeks by settlers, who had acted on slight evidence.⁹³ Companies of volunteers were quickly formed to patrol the district, gather isolated families into the settlement and make ready for a general war upon the Indians.

Lane notified the citizens of his neighborhood of the emergency and having taken counsel with Major Alvord, then engaged in surveying a road from Myrtle creek to Camp Stewart, proceeded to the scene of hostilities accompanied by Captain Armstrong, Messrs. Cluggage, Nickal and some ten others. Upon his arrival at Stewart creek, Lane met Captain Alden, who with ten men had hastened from Fort Jones on Scott's river, on receiving news of the outbreak. The captain had already made plans for energetic measures to prosecute the campaign. He had appointed four military commissioners and mustered into service all volunteers who could be armed. Under Alden's command was a force consisting of companies under Captains Goodall, Miller, Lamerick, and Rhodes. By their effort these troops had already driven the main body of the Indians into their mountain stronghold. To pursue them there, packs of supplies and other necessary material had to be obtained.

By request of Colonel Alden and the troops, Lane assumed command of the forces. Governor Curry had dispatched an unsolicited brigadier-general's commission to Lane on hearing of hostilities, but it had not arrived; neither Alden nor Lane knew of its existence. Alden was later criticized for yielding the command to a volunteer, but Lane was no doubt more experienced in the type of warfare that was to follow. To better scour the countryside, the commanding officer divided the forces into two battalions.

⁹² Bancroft, *History*, II, 311.

⁹³ *Ibid.*, II, 312.

One battalion, comprising the companies of Captain Miller and Lamerick under Ross's command were directed to proceed up Evans creek to its juncture with the Rogue river, and continue on if no enemy was encountered, to an appointed rendezvous. However, if they found traces of the Indians, they were to give fight. Lane took personal command of the other battalion composed of Captains Goodall and Rhodes, Colonel Alden commanding, and proceeded to the point designated, by way of Table Rock. Fifteen miles beyond this point the trail of the Indians was discovered and here the troops paused. The Indians had skillfully covered their path and this circumstance, together with the mountainous character of the locality, made the going hard. Added to that, the countryside had been fired by the Indians as they went along and the falling timbers, oppressive heat and enshrouding smoke, made progress slow. For three days the troops moved tortuously forward, uncertain of the position of the enemy and hindered by the steep hills, impenetrable thickets or flaming woods.

A detail of scouts brought word on the fourth day that the signs of a recent camp had been found nearby. Lane, riding in advance along the trail, heard the crack of a rifle and the sound of voices emanating from a camp in the underbrush about four hundred yards in advance—the enemy was at hand. As the troops approached, he commanded them to dismount, tie their horses and prepare for the encounter. Colonel Alden, at the head of Captain Goodall's company was directed to take up a position facing the enemy, while Rhodes was to try to turn the enemy's flank. Lane himself delayed for about fifteen minutes awaiting the approach of the rear guard, which he intended to lead into action.

The first knowledge the Indians had of the approach of the troops was when Alden's command fired into their midst. Taken off guard at first, they quickly recovered and in their well fortified camp offered a vigorous resistance. Alden fell, severely wounded at the first onslaught. Lane found him lying in the arms of a Sergeant when he approached some few minutes after the engagement had begun. Lane took a quick reconnaissance of the situation, while the Indians with hideous yells and warwhoops poured their fire into the lines. Since the Indians, fighting in native style, behind trees and other obstructions were not easily dislodged from a distance, Lane

determined to charge them. Leading in the forward movement, Lane was stopped when some thirty yards from their position by a rifle ball which struck his right arm, causing a painful flesh wound. Once again the men covered themselves behind trees and thus situated held the enemy for three or four hours. Lane stayed with his men until, weakened by loss of blood, he was forced to seek medical aid.

Hearing that their former friend was with the troops, the Indians made known that they were willing to negotiate, and since Lane knew that their offer presented an opportunity for a more speedy conclusion of hostilities than continued fighting would, he determined to go among them to arrange for a council. Entering their camp, Lane met principal chief Joe, and the subordinate chiefs, Jim and Sam. They averred that their hearts were sick of war and promised to meet negotiators at Table Rock in seven days, at which time they would give up their arms, make a treaty and place themselves under the protection of the government. With Jo's son as hostage,⁹⁴ Lane returned to his forces, who were caring for the wounded and burying the dead.

At this juncture, Colonel Ross with the other battalion arrived, anxious to do battle after their long march. Since the negotiations had been started Lane restrained them. The warriors of both races then camped within four hundred yards of one another, and good faith was observed by both parties.

At dawn the Indians were seen breaking camp for departure. Lane once more went among them and satisfied that they would honor their pledge allowed them to depart. At the surgeon's advice the troops remained a day and a night upon the battle-ground, and then returned to Table Rock.⁹⁵ The Indians demonstrated their good-will by allowing the women to bring water for the wounded men and furnishing bearers for their litters.⁹⁶ Of this Bancroft observed, "I find no mention made of any such humane or christian conduct on the part of the superior race."

⁹⁴ Bancroft, *op. cit.*, II, 316.

⁹⁵ Senate Executive Doc., No. 1, part 2, pp. 37-43, 33rd Cong., 1st Sess., Report of Lane from Camp Alden, Rogue River, to Brig. Gen. Hitchcock. See also Bancroft, *op. cit.*, II, Chap. 12, Hooper, *op. cit.*, p. 95 f.; Robert Hendricks, *Innnnnnng Haaaaaaa* (Salem, Oregon), 1937.

⁹⁶ Bancroft, *op. cit.*, II, 317.

The two hosts moved down into the valley on the twenty-ninth, each carefully watching the other; Lane with his forces camped about a mile from Table Rock, where Fort Lane was later established. General Lane had meantime sent a messenger to Governor George L. Curry asking for aid. In response James Nesmith, later Senator from Oregon, raised a volunteer corps of seventy-five men and joined by Lieutenant August V. Kautz of the regular army with an army howitzer went to the scene of battle. About the same time Superintendent Palmer and Agent Culver arrived to conclude the treaty.

The council had been set for September 10, and on that day Lane informed Nesmith and the others that he was going into the enemy camp as had been agreed. Nesmith, who was to go as interpreter, protested against the seeming temerity of this step and cited the treacherous habits of the "Rogues." When Lane challenged his bravery, however, he set aside prudence and agreed to go. The scene as Nesmith painted it was picturesque. The treaty-makers had to ascend to Table Rock on foot where waiting to meet them were:

. . . 700 fierce and well-armed hostile savages, in all their gorgeous war paint and feathers. It was a bright, beautiful morning, and the Rogue River Valley lay like a panorama at our feet; the exact line of dragoons, sitting statue-like upon their horses, with their white belts and burnished scabards and carbines, looked like they were engraven upon a picture, while a few paces in our rear the huge perpendicular wall of Table Rock towered, frowningly, many hundred feet above us. The business of the treaty commenced at once.⁹⁷

The council party was composed of Lane, Superintendent Palmer, Agent Samuel Sulver, Captain A. J. Smith; Captain L. F. Mosher, Lane's son-in-law and aid, Colonel Ross, Captain Nesmith; R. B. Metcalf, interpreter; J. D. Mason and T. T. Tierney.⁹⁸

Long speeches were made by Lane and Palmer, which then had to be translated into Chinook by Nesmith and then into the Rogue

⁹⁷ James Nesmith, "A Reminiscence of the Indian War, 1853," *O. H. S. Q.* (Portland, 1906), VII, 217.

⁹⁸ *U. S. Statutes-at-Large*, X, 1020, shows these names signed to the treaty.

dialect by an Indian. The Indian speeches were likewise translated. It was late afternoon before the treaty was completed and signed.⁹⁹ Joe, Jim and Sam representing the Rogue River tribe, and Limpy, and George, the Applegate Creek families, sat inside a wall of armed warriors. At the preliminary council of September 4th, the Rogue River chief had spoken temperately, but Limpy had poured forth his account of Indian wrongs in a "torrid burst of savage eloquence."¹⁰⁰ The white men had ample cause for uneasiness.

The proceedings were almost disrupted by an untoward incident. A runner brought news of the killing of an Indian by the company under Captain Owens. Lane promised redress for this killing and succeeding in averting a disaster such as that which under similar circumstances overtook General Canby as he was negotiating with the Modocs. The result of the day's parley was a treaty containing the terms which had been proposed by General Lane on the battlefield of August 24th and 25th.

The treaty was military in character, leaving the question of land cession for further negotiations. By its terms

the Indians promised to maintain the peace (Art. I), to live upon land later to be set apart for them (2) and to surrender all firearms to General Lane or the Indian agent, except a few guns allowed for hunting (Art 3). In the event of an outbreak of war, the Indians 'shall forfeit all right to the annuities or money to be paid for the right to their lands.'

The formal treaty of cession, known as Table Rock Treaty, was made two days later.¹⁰¹

Copy of Table Rock Treaty

Stipulations

Of a treaty a peace made and entered into by Joseph Lane commanding forces of Oregon Territory and Jo principal chief of the Rogue River tribes of Indians, Sam, Subordinate Chief, and Jim subordinate chief of the part of the tribes under their jurisdiction.

⁹⁹ Robert Hendricks, *Immung Haaaaa* (Salem, Ore., 1937).

¹⁰⁰ Frances F. Victor, *Early Indian Wars in Oregon* (Salem., Ore., 1894).

¹⁰¹ Hoopes, *op. cit.*, 98.

Article 1st A treaty of peace, having this day been entered into between the above named parties whereby it is agreed that all the bands of Indians living within the boundaries, to wit, commencing just below the mouth of Applegate Creek on Rogue River thence to the highlands which divide Applegate from Athouse creek thence with said highlands southeasterly to the summit of the Siskiyou mountains, thence easterly along said range to the Pilot Rock, thence northeasterly following the range of mountains to Mount Pitt, thence northerly to Rogue River, thence northwesterly to the head waters of Jump-off, Jo, thence down this stream to a point due north from the mouth of Applegate creek, thence to the mouth of Applegate creek, shall cease hostilities, and that all the property taken by them from the whites in battle or otherwise shall be given up to General Lane or the Indian Agent, the chiefs further stipulate to maintain peace, and promptly deliver up to the Indian Agent for trial and punishment any one of their people who may in any way disturb the friendly relations this day entered into, by stealing property of any description or in any way interfering with the persons or property of the whites, and also should be responsible for the amount of the property so destroyed.

Article 2d It is stipulated by the chiefs that all the different bands of Indians now residing in the Territory above described shall hereafter reside in the place to be set apart for them.

Article 3d It is further stipulated that all firearms belonging to the Indians of the above named bands shall be delivered to General Lane or to the agent for fair consideration to be paid in blankets clothing etc. except Joe, principal chief, seven guns, for hunting purposes, Sam, subordinate chief, 5 guns,

Article 4th It is further stipulated that when their right to the above described country is purchased from the Indians by the U. S. a portion of the purchase money shall be reserved to pay for the property of the whites destroyed by them during the war not exceeding 15000 dollars.

Article 5th It is further stipulated that in case the above named Indians shall hereafter make war upon the white they shall forfeit all right to the annuities or money to be paid for the right to their land.

Article 6th It is further stipulated that whenever any Indians shall enter the Territory above described for the purpose of committing hostilities against the whites, the chiefs

above named shall immediately give information to the agent and shall render such other assistance as may be in their power.

Article 7th Another agent shall reside near the above named Indians to enforce the above stipulations, to whom all complaints of injuries to the Indians shall be made through their chiefs.

Signed this 8th day of September 1853.

Joseph Lane

Principal Chief	Joe	X	his	Aps-ai-ka-hai
Subordinate	"	Sam	X	his Yo-qua-he-ai
"	"	Jim	X	his Ana-chak-a roh

Witnesses

C. B. Gray Interpreters

R. B. Metcalf

Y. Y. Yarney *Sec.*¹⁰²

Of Lane's part in the negotiations Superintendent Palmer gave the following report, which fairly described Lane's technique in dealing with the savages:

Much credit is due General Lane for the explicit and fair dealings which have always characterized his intercourse with the Indians (sic). He has ever scrupulously avoided making them promises beyond his confidence of being able to perform.

His statements are consequently regarded with confidence by the Indians. The beneficial influence of this sentiment was manifest in the late treaty with the Rogue River tribe. The chiefs more readily acceding (sic) to terms which they regarded as having his approbation and sanction.¹⁰³

Over one hundred white persons and several hundred Indians were killed in the disturbances of 1853 which Lane thus brought to a close.¹⁰⁴ The expense of carrying on the hostilities was estimated at \$7,000 a day although the number of men engaged was only from two to five hundred. The loss of the settlers in property damages as estimated by a commission was around \$46,000.¹⁰⁵

¹⁰² C. J. Kappler, *Indian Affairs*, II, 447-49.

See also *Sen. Ex. Doc.* 452, 57th Cong. 1st Sess.

¹⁰³ *O. I. A. Oregon*, 1853, Annual Report of Joel Palmer, October 8, 1853, p. 6.

¹⁰⁴ *U. S. House of Executive Documents*, 33rd Cong., 1st Sess., 43.

¹⁰⁵ Bancroft, *op. cit.*, II, 320-21.

In no respect was Lane more the frontier politician than in his aid against the Indians. Even in the 1850's it was scarcely the ordinary thing for an elected representative of the people to spend the time between sessions in such engagements. While it did increase Lane's popularity it exposed him to real dangers as witness the shot received in the Rogue River War, which caused him to carry his arm in a sling until after his return to Washington.¹⁰⁶

Upon his return to the capital in December, 1853,¹⁰⁷ Lane began immediately making the rounds of the Departments trying to secure favors for his territory.¹⁰⁸ One of the first matters claiming his attention was the question of the removal of Matthew Deady from the position of associate justice after a term of only a few months, to make way for O. B. McFadden, of Pennsylvania. Previously O. C. Pratt had been rejected as chief-justice because of Senate opposition and George H. Williams of Iowa named in his place but this did not ruffle Oregon Democracy as did Deady's removal, for the latter was popular and influential in Democratic ranks as well as being very deserving of the position.

When McFadden arrived to assume his post, his reception was marked by indignation. Deady's friends hastened to his defense and took necessary measures to have him re-instated. Among others, the Oregon delegate was besieged by letters. Lane has been accused of having played false in the matter but the charge is unproven by evidence.

It was maintained that Lane had secured the Deady appointment in the first place to put the latter out of possible competition for his own office. Later when it was discovered that Deady's commission had been issued under the name "Mordecai" instead of correctly "Matthew," the commission was revoked to make way for McFadden, for whom the Pennsylvania delegation was demanding a place. The true cause of the change seems rather to lie in the character of President Pierce. His biographer has put it this way,

A troublesome administrative problem which cursed him [Pierce] continually was the patronage. He never seemed to find the ability or the ruthlessness necessary to deal with it

¹⁰⁶ Bancroft Mss.

¹⁰⁷ Lane to Bush, December 2, 1853, *Bush Papers*.

¹⁰⁸ *Ibid.*

firmly and satisfactorily. He had such difficulty in making up his mind that often when he had made it up he sought to unmake it. The Oregon situation was a case in point.¹⁰⁹

When it is considered that Deady was so well entrenched in Oregon politics, it seems doubtful if Lane would have planned his removal if for no other reason than that it would seriously have injured his own standing with the Clique.

Writing to his political friends in Oregon, Lane expressed his regret at Deady's removal. To Nesmith, he said:

It is not necessary for me to say that I am, and have been from the first greatly pained at the removal of Deady and if it had been possible (sic), would have had him put right before now, it must shall be done, but my dear friend, you and others must have patience.¹¹⁰

In the same letter he added, "Deady shall be put right, or I shall have a row." The following June, Lane wrote to Deady, expressing satisfaction that the wrong had at last been righted.¹¹¹ Referring to the cause for the removal, Lane gave substantially the reason mentioned above, which from available evidence, there seems no reason to doubt.¹¹²

Lane's congressional career in the thirty-third Congress was as profitable for Oregon as his earlier terms had been. The territorial assembly was not loath to call upon the government for funds, and, in fact, so numerous had the demands become that the *Statesman*, faithful political mentor, admonished against extravagance.¹¹³ A subject of regular mention, however, in the letters between Lane and Editor Bush was the latter's payment for work done as territorial printer. Congress voted \$75,000 to pay for the expenses of the Cayuse War, as well as a sum to cover those of the Rogue River War. On the plea of the higher cost of living in Oregon, Lane succeeded in having the salaries of the Judges and Secretary of the territory raised.¹¹⁴

¹⁰⁹ Nichols, *op. cit.*, 381.

¹¹⁰ Lane to Nesmith, December 13, 1853, *Lane Papers*.

¹¹¹ Lane to Deady, June, 1854, *Lane Papers*.

¹¹² Bancroft, *op. cit.*, II, 308, mentions the charge against Lane.

¹¹³ *Ibid.*, II, 327.

¹¹⁴ Lane to Bush, May 22, 1854, *Bush Papers*.

The land law was one of the troublesome questions of the time, and Lane exerted his zeal in having some of its clauses modified. The donation act of 1850 had allowed an individual 320 acres of land upon fulfilling the customary conditions of residence, cultivation and the like. Scarcity of clerks prevented the patents from being issued, sometimes for several years after the requirements had been met, and this prevented sale of any portion of the claim. Lane pointed out the inconvenience this caused the settlers, since a grant of 640 acres to a man and wife necessarily isolated them from their neighbors. He admitted that he considered the grants too large but believed the bill would remedy this circumstance. The land was a bounty held out to any who wished to take advantage of it but the cost of an overland trip was so high as to render the seeming liberality of the government no more than just. His fair statement of the case was challenged by several members chiefly on the grounds that the provision for sale without patent might lead to speculation, but the bill became law during the session.

While the debate on the land bill¹¹⁵ was going on a brisk exchange took place between Lane and Columbia Lancaster, delegate from Washington Territory, on the question of the special legislation that had deprived Dr. John McLoughlin of his property. Lancaster warmly defended the former Hudson Bay factor, while Lane minimized both McLoughlin's reputation for generosity toward new settlers and his losses as a result of Thurston's land act. Since Lane had purchased the island property taken from the doctor by the act, it was understandable that he should resent any question as to the validity of his title. The debate is one of the instances in which Lane's natural affability deserted him and he indulged in unkind criticism of one not present to defend himself.¹¹⁶

At the end of the session, Lane was stricken with a serious fever. For some days physicians were in constant attendance at his bedside, but at last he began a slow recovery. It was the first dangerous illness that he had experienced despite the many dangers to which he had been exposed in his active life on the Ohio, the fields of Mexico, or the wilds of Oregon. President Pierce mani-

¹¹⁵ *Cong. Globe*, 33rd Cong., 1st Sess., Vol. 34, 1075 f.

¹¹⁶ *Ibid.*, 1078 f.

fested the regard he felt for his fellow officer and friend by visiting him each day during the crisis. When he had recovered sufficiently to be moved, the President sent his own carriage and had Lane brought to the White House where he remained during his convalescence.¹¹⁷ The White House was said to be the coolest residence in Washington.¹¹⁸

Lane appreciated the personal friendship of President Pierce but at the same time he took issue at times with some of his policies. In December, 1853, he wrote:

Allow me to say to you, in *confidence* that the Administration, has made some awful blunders. They will I greatly hope right up ere long, if they do not your humble svt. (sic), has much to repent of and for, but in this I can say thank God I am not alone.¹¹⁹

Many of the Democrats were not in accord with the Administration as was proven early in the 33rd Congress when a number of disgruntled "Hards" in the Senate united with Whigs and free-soilers to defeat the Administration's candidate for printer. Lane said of the insurgents:

. . . the Democratic senators who brought about this result are true men, sound national Democrats who have on all occasions supported democratic principles, and always will, but who are unwilling to see the democratic party, *abolitionized*, and they will support the administration in all sound democratic national measures, but will not go for the confirmation of unsound men.¹²⁰

To Bush he confided that the Administration had made bad blunders and predicted disaster ahead for the party unless efforts to conciliate extremes were abandoned. The year 1860 was indeed to see the forecast fulfilled¹²¹ with Lane as one of the actors in the drama.

Oregon was more closely affected by another Administration

¹¹⁷ Lane to Bush, August 12, 1854, *Bush Papers*.

¹¹⁸ Nichols, *op. cit.*, 358.

¹¹⁹ Lane to Nesmith, December 13, 1853, *Lane Papers*.

¹²⁰ *Ibid.*; also quoted in Nichols, *op. cit.*, 316.

¹²¹ Lane to Bush, December 2, 1853, *Bush Papers*.

move, namely, the appointment of John W. Davis as Governor of the Territory, taking the position which George L. Curry had occupied since Lane's resignation in the Spring of 1853. Davis's coming was not at all acceptable to the "Clique," although he was a Democrat of long standing in his home State, Indiana.¹²²

After nine months in the office, Davis resigned in August, 1854. In departing he addressed some pertinent statements to the local party leaders, reminding them that members of other parties were entitled to their opinions and suggesting that principle, rather than personal prejudice, was the safest guide to action.¹²³ Davis's sin was that he was a "foreigner" to Oregon, and as such unacceptable to pioneers who had come to Oregon the hard way across the plains. In November of the same year George Curry was named to fill the governorship thus vacated and continued in the office during the remainder of the territorial period. He followed the path pointed out by the *Statesman* faithfully, and consequently was able to continue in office. Industrious and capable, he fulfilled the duties of the office well even if not brilliantly.¹²⁴

At the behest of the "Clique," Lane secured the removal of Gardiner as surveyor-general and Culver as Indian Agent. In the case of the former, he presented the complaint directly to the President. The political rulers of Oregon were not unmindful of Lane's influence in Washington, while he, in turn, was constrained to curry their favor. Naturally with such dependence there was bound to be suspicion. In the fall of 1854 it became evident that there was some lack of harmony between Lane and certain members of the "Clique." He had already announced that he desired the delegateship once again. Notwithstanding, he had reason to believe that some of his former friends would no longer support him. He mentioned these reports in writing to Bush:

I have been informed by friends in Rogue River valley that my very especial friends, Pratt and Deady, have been on an electionairing (sic) tour through that portion of Oregon. One urging his claims and the other, carelessly saying that he did not care who should be selected, so that it was not *Lane*. If

¹²² James Foree, October 21, 1854, *Bush Papers*.

¹²³ Woodward, *op. cit.*, 81.

¹²⁴ Bancroft, *op. cit.*, II, 348-49.

this is so is it not queer? What have I done to bring down upon my head, the wrath of those I have loved and served.¹²⁵

In a subsequent letter,¹²⁶ Lane begged that he receive the nomination once more. There seems little doubt that the "Democratic Junto" of Oregon would have been willing to drop Lane whom they characterized among themselves as a "thick skulled old humbug" but wholesome regard for his influence over the voters deferred them. The "Marion of the Mexican War," the "Cincinnatus of Indiana" and the Indian fighter of Oregon had a political value that the leaders considered an asset to their party control.¹²⁷

Lane's truest counsellor was his son Nathaniel Lane, who at this time was residing in Corvallis operating a general store. In his opinion Bush was "all right so far" but likely to be won over before the nominating convention met; Nesmith seemed to favor Lane and "Palmer and Curry are for you."¹²⁸

All was not well, however, for a new element had entered into the political situation in Oregon. The son gave an account of it to his father:

The Know Nothings have organized in Portland and in Oregon City and I am inclined to think that they will all over the Territory and I fear will exert a strong influence in our next election. I should not be surprised if they carry the entire territory Delegate and all. I am satisfied that they will be strong enough to beat all such Democratic nominees as O. C. Pratt therefore if I were you I would lay back and look at the race. You may say that is not very democratic of me but I do assure you I am tired of all such party organizations as those that have to use so much intrigue, lying and rascality as our would be leaders and rulers out here to secure their own aggrandizement. I do think the Democratic party in Oregon is made of the poorest, hacknied, rotten-hearted set of office seekers I ever knew. You know that I do not seek nor would I have an office and therefore these intrigues look worse to me perhaps than they do to office-seekers. . . . I wish you were in a condition to retire from Public life. I would then

¹²⁵ Lane to Bush, December 17, 1854, *Bush Papers*.

¹²⁶ Lane to Bush, January 23, 1855, *Bush Papers*.

¹²⁷ Woodward, *op. cit.*, 83.

¹²⁸ N. Lane to T. Lane, September 28, 1854, *Lane Papers*.

suggest that we emigrated to some quiet little valley in a pleasant part of California where we might cultivate the soil and have our little herd of cattle, horses and sheep and live a quiet happy life and be free and far away from this Oregon Democracy.¹²⁹

Whatever might have been his own desires, Lane had already committed himself and returned to Oregon to campaign for reelection. He remained the favorite of the democrats at large, but a new relationship arose between him and the leaders of the party in Oregon.

¹²⁹ *Ibid.*

CHAPTER VI

WANING POPULARITY

The closing days of the thirty-third Congress were not as productive of results for Oregon as previous sessions had been. Lane's acknowledged Southern sympathies without doubt had an influence in this reversal. Where formerly favors for the territory had been readily obtained, opposition began to be felt. In fact, the uneasy role played by Lane in Congress during the early months of 1855 was prophetic of harder days ahead both in Washington and the home territory.

On one occasion Lane rose to request that attention be given to territorial business. Representative Farley of New York interposed and attempted to cut short Lane's remarks. There ensued a fiery verbal exchange between the two and Lane advanced toward Farley with threatening gestures. A scene of great confusion followed with all the members leaving their places and crowding around the two excited men. The incident trifling in itself, was well publicized by the Oregon newspapers.¹ Later Lane apologized on the floor for his part in the undignified scene, and Farley replied in like manner. Despite this and other efforts of a more temperate kind, Lane, was able to accomplish little during the remainder of the session.²

Lane was further stung by a report of some remarks concerning the extinction of Indian titles in Western Oregon and the Ward massacre, which had recently taken place near Fort Boise. Carried away by his subject, Lane had spoken harshly of Indian conduct and his speech was caricatured in some newspapers. He castigated the reporter who had spread the ridicule and defended himself:

The author of this criticism attributes to me cant phrases which self respect, habit, and due sense of the proprieties of debate, with a tolerable knowledge of correct English acquired by some application to books and long personal intercourse with gentlemen of education and refinement, forbid me to use. Some gentlemen may afford to indulge in such phrases for

¹ *Congressional Globe*, 33d Cong., 2nd Sess. p. 474 f.

² *Ibid.*, Mar. 3, 1855.

the amusement of themselves and others of an equally vitiated prurient taste. Respect for myself and my position forbid me to attempt it.³

Further he asserted that his feelings toward the Indians were kindly and humane, but the rights of the white settlers called for consideration, too.⁴

Once again the question of regiments was discussed with Lane demanding protection for the emigrant route. Not only did he make the situation known in Congress,⁵ but as early as November had brought the state of affairs to the attention of the War Department. The Secretary, Jefferson Davis, in a letter to Governor Curry promised a force to capture the Snake murderers in the Spring of 1855, to consist of at least eight companies—2 dragoons, 1 artillery and four infantry drawn from Oregon, Washington, and California.⁶

From Washington, Lane had assured Bush that he desired the nomination in '56. Already rumor had reached him that certain elements wished his removal from the Delegateship. The Umpqua Valley was the principal seat of discontent, a fact Lane considered all the more strange since he had obtained numerous favors for that section, such as roads and additional mail service. In particular he felt the criticism of O. C. Pratt, whom he suspected of wishing for his seat in Congress.⁷

The political scene in far-away Oregon was a minor reflection of that in the States, colored in the 1850's by three principal questions—prohibition, nativism, and slavery, though the last named did not cause much stir in Oregon until the end of the decade.

In Oregon the Maine Law had its advocates as well as its opponents and considerable space was given to its discussion in the territorial newspapers. Bush opposed this movement for personal as well as political reasons.⁸ However, it was not the anti-liquor agitation but rather the Know-Nothing movement that he con-

³ *Ibid.*, 415, f.

⁴ *Ibid.*

⁵ *Ibid.*, 1028.

⁶ *Territorial Papers, Oregon*, Vol. I, *Federal Archives*, J. Davis to G. Curry, Jan. 2, 1855.

⁷ Lane to Bush, Jan. 17, 1855, *Bush Papers*.

⁸ Jenette E. Roberts, *Asahel Bush*, M. A. Dissertation (unpublished) 1939 University of Oregon.

sidered of real danger to the party and against which he undertook to lead a vigorous campaign. In fact, the question of nativism became the chief matter of contention in the campaign of 1855.

Lane returned to Oregon early in April to take the stump for reelection.⁹ The territorial convention of the Democratic party was held in the unfinished State House in Salem, April 11. Lane was present to pledge himself for the future and outline his past achievements. Congressional experience had improved his manner of speaking, commented the *Democratic Standard* in writing of his appearance at the convention.¹⁰ The latter paper had at first supported its proprietor, Orville C. Pratt, for the nomination but turned to Lane and regular party usage when he was all but unanimously nominated for the office.

The Whigs, with whom were leagued the majority of the nativists, put Gen. John P. Gaines into the contest. The platforms of both parties were made up of the usual platitudes, but the canvass was an exciting one. As a campaign slogan the Whigs chose the not very illuminating, "John P. Gaines against the world."¹¹

The development of Know-Nothingism in Oregon previous to the campaign is deserving of notice. Lane had received an account of its introduction into Oregon from Nesmith. The correspondent reported that Amory Holbrook had introduced it into the Territory and that the Whigs were using it with success against the Democratic party. At first it was thought that its influence would be confined to the towns but that hope proved delusive, though naturally the most numerous groups were to be found in urban centers. Nesmith estimated the members at about 300 in Portland, 150 in Oregon City, 100 in Lafayette and 90 in Salem. Whigs and disaffected Democrats were the principal candidates, but some Democrats in good party standing joined the ranks. Of this number was General Joel Palmer, who immediately fell under the ban of the Clique.¹² The Clique demanded Palmer's removal from the Indian Superintendency charging that,

⁹ *Oregon Weekly Times*, April 14, 1855.

¹⁰ *Democratic Standard*, April 19, 1855.

¹¹ T. W. Davenport, "Slavery Question in Oregon" *O. H. S. Q.*, IX, 219.

¹² Nesmith to Lane, Jan. 1, 1855, *Lane Papers*.

While representing himself as a sound national Democrat, he had perfidiously joined the Know-Nothings, binding himself with oaths to that dark and hellish secret political order.¹³

Lane, long a friend of Palmer, hesitated to execute this command of the local rulers but finally capitulated. Nesmith was appointed to succeed Palmer, but at first he was rejected in the Senate where Senator Jesse D. Bright championed Palmer saying that "he had been forced wrongfully and wickedly to resign. . ." Nesmith was later confirmed.¹⁴

The historian Bancroft later recorded that:

the Native Americans . . . were largely drawn from the missionary and anti-Hudson's Bay Company voters, who took the opportunity furnished by the rise of the new party to give utterance to their long cherished antipathies toward the foreign element in the settlement of Oregon.¹⁵

Bush lashed out vigorously at the organization, which as early as 1852 he had condemned for its "narrow-minded, illiberal" principles. In 1854, while on a trip East he had opportunity to see nativist influence and returned home to open warfare on the group in Oregon.

Exposure was the weapon employed by the editor of the *Statesman*. A member of the order played into Bush's hands and enabled him to publish "a complete exposé of the rites of initiation, meetings, secret notices for meetings, etc.," Further the editor threatened to publish names of members of the organization. His methods were ruthless but effective and drew much antipathy upon him. Some accused him of being a Catholic, which Bush denied saying,

We are no adherent of the Roman Catholic faith, were educated in the midst of strong prejudices against that Church, where "Fox book of martyrs" and kindred works furnish all the knowledge the youth have of Catholicism: but we cannot permit this oft-reputed misrepresentation of the *Advocate*, (*Christian Advocate* of Salem), to longer go uncontradicted.¹⁶

¹³ Bancroft, *op. cit.*, II, 399.

¹⁴ Lane to Bush, Mar. 4, 1857, *Bush Papers*.

¹⁵ Bancroft *op. cit.*, II, 357

¹⁶ *Statesman*, July 21, 1857.

Though some displeasure with Lane had been expressed by members of the "Clique," they were too astute to risk their election when such a movement as nativism had to be met. The Democratic papers of the territory rallied to Lane's support and the leaders lent their aid in promoting his election. Favorable notice of Lane's candidacy was also taken by the *Washington Standard* and the *Pioneer and Democrat*, journals of Washington Territory.

The Oregon delegate was acclaimed as

the fast friend of Washington territory, both before and since its separation from Oregon . . . as the delegate for Oregon he can and will accomplish more for the people of this (Washington) territory, than any other person who could be sent from that territory.¹⁷

The *Oregonian* and *Statesman* "exhausted the vocabulary of invective and abuse in speaking of their respective opponents."¹⁸ In the *Statesman* Gaines was accused of being a Know-Nothing. "a sworn member of a little lodge in his neighborhood in Marion County."¹⁹ Lane, on the other hand, was said to be a drunkard, an accusation which no less a personage than Senator Gwin of California was to deny in the press.²⁰ The old charge of Gaines' surrender at Encarnacion was again paraded for public edification.

As was customary the rival candidates stumped the territory together often speaking from the same platform in debate fashion. Delazon Smith and Judge O. C. Pratt lent their efforts for Lane, while Thomas Dryer, editor of the *Oregonian*, spoke in Gaines' behalf. So bitter was the campaign that at one meeting the contestants began to punctuate their arguments with blows until spectators checked them.²¹ On another occasion Lane took the platform before his opponent and delivered Gaines' prepared speech. When the latter rose to speak he was at a complete loss as to what to say.

Among those who opposed Lane was Rev. H. H. Spaulding, who had suffered much mentally and physically as a result of the Whit-

¹⁷ *Pioneer and Democrat*, April 28, 1855.

¹⁸ George H. Williams, "Political History of Oregon." *O. H. S. Q.*, (1901, Portland) II, 10.

¹⁹ *Statesman*, May 12, 1855.

²⁰ *Ibid.*

²¹ *Oregon Weekly Times*, May 26, 1855.

man massacre.²² Though this fact was generally known, the *Times* and the *Statesman*, both took sarcastic notice of his opposition to Lane.²³

The tumultuous campaign which furnished interest and amusement if not edification to the voters came to a close on June 9th when the election was held. Lane justified the expectations of the "Clique" by securing 6178 votes to Gaines' 3943.²⁴ By way of reward the *Statesman* and the *Times* carried banners proposing Lane for the Presidency in 1856.²⁵ Bush must have been less than wholehearted in doing so if the letters of such men as Deady and Nesmith reflected his own feelings as they doubtless did. Deady, after ridiculing Lane and his part in the canvass, asserted

I never felt so sick at heart about politics since I've been in the Territory. Of course I shall do my duty to Old Joe in the canvas . . .²⁶

On September 27, 1855, Lane once more departed for the national capital to take up his labors in behalf of Oregon.²⁷ Despite the displeasure of the Clique and his own shortcomings, Lane still commanded the admiration of the majority of his constituents to whom he typified frontier bravery and success.

Scarcely had Lane reached Washington when a letter from Governor Curry brought news that an Indian war had broken out on both the southern and northern frontiers. It was the beginning of the hostilities of 1855 which were to bring such widespread destruction in Oregon and later such a prolonged contest for indemnity on the floor of the House.²⁸

In the newly assembled Congress, Lane found a powerful Know-Nothing bloc, strong enough to delay the election of Speaker for an indefinite period.²⁹ Combined with the minority party, they

²² Bancroft, *op. cit.*, II, 682.

²³ *Oregon Weekly Times*, June 1, 1855 and *Statesman*, May 26, 1855.

²⁴ *Oregon Weekly Times*, Sept. 1, 1855.

²⁵ *Statesman*, June 9, 1855.

²⁶ Deady to Bush, April 24, 1855, *Deady Papers*.

²⁷ *Democratic Standard*, Sept. 27, 1855.

²⁸ *Territorial Papers*, Oregon, Federal Archives, Curry to Lane, Oct. 25, 1855.

²⁹ Lane to Bush, December 5, 1855, *Bush Papers*.

were a force to be feared, though he was confident the Democrats would eventually succeed and carry the election of 1856. On February 2, Nathaniel P. Banks, of Massachusetts characterized by Lane as a "know-nothing" finally obtained the speakership.³⁰

Lane's congressional labors were interrupted for a brief trip to Concord, New Hampshire, where he, together with Howell Cobb of Georgia, John Weller of California, and James Orr of South Carolina, had been invited to address members of the Democratic party holding their State Convention. Some 5,000 persons filled Phoenix Hall on the occasion. The *New Hampshire Patriot*³¹ praised the speakers while the *Reporter*³² and the *Statesman*³³ characterized the efforts of these friends of the Administration as "intensely pro-slavery." Lane's speech characteristically contained some phrases of empty flattery of his hearers but developed, too, his views on some of the important questions then agitating the country. On the whole Lane rose to new heights on this occasion setting forth his beliefs in a straightforward manner.

The rise of a spirit of controversy he considered most singular during a time of universal peace, when the citizens of the United States were enjoying as never before the benefits of good government honestly and ably administered, and unparalleled prosperity in commerce at home and abroad. The source of the unrest was the passage of the Kansas-Nebraska bill, a legitimate exercise of congressional power. Lane compared the right of a territory to decide concerning slavery to that demanded by the American Colonists in the Declaration of Rights of 1774.

The Know-Nothing movement was roundly denounced by the speaker, who said he believed that America should be ruled by Americans but that no distinction should be made between those native-born and those by adoption. He drew attention to the valor of both groups in the Mexican War:

I have witnessed the daring and gallant bearing of the native-born soldier, in front of an enemy's fire, bearing forward the stars and stripes to glorious victory, and by his side,

³⁰ Lane to Bush, Feb. 2, 1856.

³¹ *New Hampshire Patriot*, Feb. 3, 1856.

³² *Reporter*, Feb. 15, 1856.

³³ *Statesman* (Concord, N. H.) Feb. 9, 1856.

shoulder to shoulder, I have seen the adopted citizen moving forward in front of the most deadly fire, laying down their lives and shedding their blood just as cheerfully and as gallantly as did the native-born in defense of our country's honor, and *that against a Catholic Country*. Do you wish better evidence of their devotion to the country?

There followed an appeal to all Democrats to renounce this "secret political midnight organization." Reverting to the question of abolition, Lane agreed with Orr of South Carolina that the Union would not exist a year if a presidential candidate were elected on a sectional ticket. He charged Greeley, who had counseled emigrants to carry rifles to the new territory, with inciting citizens to murder fellow-citizens.³⁴

On his return to Washington, Lane still confronted great difficulty in securing a hearing much less the passage of legislation for his constituency. In fact, he wrote that, "The House is the hardest one that any man has ever saw (sic) and ever will see." The struggle between the various warring elements in Congress was partially responsible, but in addition to that, the Oregon War Debt bill stirred up controversy, and Lane himself obtained dubious attention for his part in the Brooks-Sumner affair.

On March 28th Lane obtained the floor and declared that although Congress had been in session five months, no time had been allowed for territorial business. Meantime each mail brought further accounts of Indian depredations in both Oregon and Washington territories. He had received ready attention in previous instances but not so in this most serious conflict of all.

The war of 1855 was a concerted effort on the part of various tribes as remote from one another as Rogue River Indians of southern Oregon and the Klickitats of Washington Territory, to drive the usurping white man from their land. Several discontented chieftains had laid the plans and fomented the various tribes to undertake a war of extermination. Though the tribes east of the Cascades had but recently entered into treaties with the whites at the Walla Walla council, they apparently had not relinquished the idea of making one last attempt to save the country for themselves.

³⁴ *Oregon Statesman*, April 29, 1856.

³⁵ *Lane to Bush*, Feb. 2, 1856.

The reasons for the trouble were fundamental, a weak race trying desperately to withstand the encroachments of an ambitious, grasping people too intent on their own good to consider the rights of the Indian. While the white settlers as a whole were law-abiding and anxious to avoid war, there were just enough reckless individuals to antagonize the Indians by their misdeeds. Besides, the policy of the government toward the Oregon Indian was a dilatory and feeble one and such as to cause discontent rather than allay it. The Hudson's Bay Company during its ascendancy in the region had preserved order by meting out a stern, impartial justice; the American authorities threatened and promised much but did little and that grudgingly. The savage mind grasped the difference readily and tended to attribute American failure to weakness.

Those who best knew the Indians had the fullest sympathy with them, at the same time that they appreciated the anger of families whose kin or property had been attacked. Joel Palmer, Superintendent of Indian Affairs, tried to protect inoffensive tribes by gathering them on reservations when the war broke out. He was accused of being unfair to the whites in attributing the inciting of the troubles to them. In response to a letter of Governor Curry deploring Palmer's accusations, the latter replied that he had not sought to indict the law-abiding, peaceful residents but only the "vagabonds and ruffians" who slaughtered Indians without any provocation.³⁶

Jesse Applegate was of the number who deplored the often wanton shedding of Indian blood, a crime which usually went unpunished. In speaking of a brutal murder that was being investigated, Applegate said that it was fear rather than a sense of justice that prompted the action. For, he ironically added,

There are many persons in the United States who hold the doctrine that the "inferior races" are human and entitled to live if they behave themselves. Some entertaining these absurdities may hold seats in Congress and though "manifest destiny" points to the extinction of the aborigines of this Continent, they may think we become too willingly interested or charge too much for our assistance in this work of the fates.³⁷

³⁶ Palmer to Curry, August 8, 1856. *O. I. A.*

³⁷ Applegate to Nesmith, Dec. 3, 1858, *O. I. A.*

The war became a subject of political controversy. The *Statesman* from the beginning tended to minimize the dangers of the uprising and this stand won Bush numerous enemies, particularly in communities suffering depredations. Palmer received his share of criticism since he was accused of joining the Know-Nothing party. The "Clique" was incensed when Governor Curry gave offices in the volunteer regiments to individuals not approved by them. The question of war scrip also became a matter of contention between the *Statesman* and the *Oregonian*, the former maintaining that cash should be paid for war supplies, the latter advocating the use of the scrip.³⁸

The evidence of dissension in local ranks would have made the task of getting an appropriation bill passed a more difficult one than would otherwise have been the case, but in addition other troubles arose that brought the Oregon war controversy to national attention. In April, Lane had to confess

. . . I am quite uneasy about my pay bill, the opposition is to be terrible. You know that I will work, and if necessary fight for the rights of the people of Oregon, but Wool's reports, *Oregonian* articles against the Democrats and other papers and letters to the opposition are hurting.³⁹

General Wool had been advised by Palmer of the part of the whites in stirring the Indians to revolt. This was not a very favorable introduction to the situation and the General continued to harbor prejudices against the governor and people of Oregon and further aggravated the feeling against himself by his own undiplomatic actions.⁴⁰ He had the traditional contempt of the regular army for volunteers of whom great numbers had been enlisted by Governor Curry. He regarded their service as unnecessary and costly and criticized the campaign methods of the volunteer officers. It is needless to recount all the particulars of the controversy, the official report of which filled volumes, but since the repercussions were heard in Washington, it was a matter of concern to Lane. In Congress Lane argued that the war aimed at wholesale slaughter of

³⁸ Roberts, *op. cit.*

³⁹ Lane to Bush, April 19, 1856, *Bush Papers*.

⁴⁰ Bancroft, *op. cit.*, II, 401.

the whites, who were acting only to defend themselves. Naturally, Lane defended the territorials against the accusations of General Wool. The delegate declared he had no intention of minimizing Wool's ability, but asserted that the latter did not understand the technique of Indian fighting. Above all he denied that the citizens of the territory were responsible for the disturbances as charged. In proof he argued that a society based primarily on agriculture had all to lose and nothing to gain in a war against savages. This was perfectly true for the territory suffered both socially and economically as a result of the war.⁴¹

Wool's report received considerable publicity in such journals as the *National Intelligencer*.⁴² Another writer who spread the charges unfavorable to Oregon citizens was a certain John Beeson. He published his observations in the *True Californian* as well as in the *New York Tribune*. So incensed were the Oregonians at his criticism that at one time he had to seek protection of a military fort and was escorted by the regular soldiers beyond the place of danger.⁴³ With such opponents as these, Lane was unable to get his bill passed.

Lane's role in the Brooks-Summer affair had a decidedly adverse effect on his career. It will be remembered that Representative Brooks of South Carolina assaulted and seriously wounded Senator Sumner of Massachusetts while the latter was seated at his place in the Senate. The attack was the answer to certain charges which had been made by the Massachusetts Senator against Senator Butler of South Carolina, Brooks uncle. Lane, a friend of Brooks, acted as second when Brooks challenged first Senator Henry Wilson and then Anson Burlingame to a duel.⁴⁴ Wilson had denounced the act as "brutal, murderous, and cowardly." In neither case did a contest result but news of the trouble did not sound well to Oregonians, who thought that territorial interests might be injured by their delegate taking part in such an affair. Lane minimized the injury done to Sumner, charging that the opposition was trying to make political capital of the incident.⁴⁵ Dryer of the *Oregonian* scored Lane for his

⁴¹ Carey, *op. cit.*

⁴² *Congressional Globe*, 34th Congress, 2nd Sess., 1144 f.

⁴³ Beeson to Manypenny, 1856, *O. I. A.*

⁴⁴ Bancroft, *op. cit.*, II, 404.

⁴⁵ Lane to Bush, May 29, 1856, *Bush Papers*.

activity and soon after came out definitely against slavery, though up to that time he had avoided treating of it.⁴⁶ As to the assault, public opinion was divided, some thought it deserved, others regarded it as unjustified as to time and place, though practically all were willing to admit that Sumner's language had been intemperate even in an age marked by pyrotechnics in debate.

The November election gave James Buchanan, the presidency, and though a northerner by birth the Pennsylvania statesman was agreeable to the southern wing of the democratic party. On the 11th of November, Lane wrote congratulating the President-elect on his victory at the same time reminding him of the difficulties ahead. Lane expressed the fear that was felt by many when he wrote:

All sensible men must see that there is danger ahead and tho' abolition, fanaticism, and sectionalism of the most dangerous character have been rebuked they are not dead but will live to fight again and again; they must be watched and headed off, or they will disturb the peace and quiet of this country, if not break down the Union and destroy the constitution.⁴⁷

As a closing request Lane asked that no change be made in territorial officers until Oregon's needs could be represented, ostensibly by the political rulers. The favor of choosing Oregon's territorial officials extended by Pierce was to be continued under Buchanan.

Lane joined with John B. Wells of California, J. Patton Anderson, delegate from Washington, J. W. Denver and several other petitioners in suggesting that the President-elect choose a cabinet member from the Pacific Coast, since problems of that distant section were such that a resident could best represent them. Particular attention was drawn to the fact that the Pacific Railroad would probably be started during the new administration.⁴⁸

With the adjournment of Congress, Lane was forced at last to report that opposition had been too great for him to secure more than a few of the proposed territorial grants. He obtained \$370,000 for Indian purposes; \$70,000 for roads; \$125,000 for additional mail service to Port Oxford, Umpqua, Astoria, and Olympia. In

⁴⁶ Woodward, *op. cit.*, 98. See also Edward Channing, *History of the United States* (6 Vols., New York, 1936), VI, 173.

⁴⁷ Lane to Buchanan, Nov. 11, 1856.

⁴⁸ Weller, Lane, and others to Buchanan, Dec. 18, 1856, *Buchanan Papers*.

addition a mileage grant was made to Mrs. Thurston, wife of the first Oregon delegate.⁴⁹ The war debt of 1855-56 was not settled but the Secretary of War was authorized to appoint a commission to estimate the expenses of the war. This was a promise for the future payment, Lane pointed out, and was all that could be accomplished with a Congress distinguished for "devotion to negroes and Indians, and stubborn, unyielding opposition to our frontier citizens."⁵⁰

At the close of Congress, the Oregon delegate left for his territory arriving in Portland April 22, where he was "welcomed by cannon salute."⁵¹ He appeared "hale and hearty," ready once more to make a bid for the gift of the people, the delegateship.

All was not well with the party in Oregon and the leaders were a bit uneasy. The rank and file had submitted long to the rule of the few but at last independent Democrats decided to tolerate the dominance of the small self-constituted ring no longer. The *Democratic Standard* became the organ of revolt and was formally read out of the party. Those who followed the lead of the Administration Democrats and the Salem Clique came to be known as "hards"; the independents were dubbed "softs." In the greater number of counties the "softs" were condemned as being of the opposition by the regular party group.⁵²

The Democratic territorial convention met in Salem on April 13, with the "regular" party members in full control of proceedings. As was typical of the group headed by the redoubtable Bush, they went immediately to the core of the trouble. Resolutions were passed reading out of the party those who refused complete allegiance to party decisions. A famous fifth and sixth resolution fully defined the duties of regular members in the matter of candidates. The "hards" thus answered the charge of caucus rule by openly outlining the rules of the game as they played it. Anticipation of early Statehood was no longer of doubt in the minds of the vast majority of both parties, but the antecedent duty of forming a constitution posed the vexed problem of slavery in the new State. The convention denied the right of the federal government to inter-

⁴⁹ Lane to Bush, March 4, 1857, *Bush Papers*.

⁵⁰ *Pioneer and Democrat*, March 20, 1857, Lane to Leland.

⁵¹ *Democratic Standard*, March 12, 1857.

⁵² Woodward, *op. cit.*, 102-3.

ferred in this domestic matter and at the same time side-stepped the issue by declaring in favor of the doctrine of popular sovereignty. Oregon Democracy and its perpetuity was of greater importance to the leaders than the preservation of the "peculiar institution." Unintentionally humorous was another resolution stating

that each member of the Democratic party may freely speak and act according to his individual conviction of right and policy upon the question of slavery in Oregon, his standing in the Democratic party on that account provided that nothing in these resolutions shall be construed in toleration of black Republicanism, abolitionism or any other factor or organization arrayed in opposition to the Democratic party.⁵³

Another duty of the convention was the choice of a candidate for delegate. Considering the disgust the leaders had felt for Lane for several years it might readily have been expected that at last they would reject him. The will to do so was not wanting but weightier considerations prevailed; Lane had normally complied with their wishes and he had such a hold upon the people that his rejection by the convention might further divide the ranks. Doubtless there was little illusion either on his side or on theirs regarding their mutual respect, but the "Clique" was forced to give and Lane was not loath to receive. By a viva voce vote Lane received the nomination 55 to 2.⁵⁴

The nominee was addressed by Editor Leland of the proscribed *Democratic Standard*, who complained of the treatment meted out to him by the party. Lane had no choice but to place his seal of approval on the action of the leaders. In his reply he said,

While I deeply regret the existence of any cause of discord within the ranks of the Democracy in Oregon, I cannot sympathize either with the movement which creates it or with the object of its authors. The preservation of the best interests of the party, its exemption from the corrupting influence of the isms and factions which it has recently so fiercely contended, requires unyielding adherence to the principles, measures and usages of the Democratic party our past experience has taught us to regard as essential to success, and whatever menaces the harmony ought to be condemned and discarded.⁵⁵

⁵³ *Ibid.*, 105-6.

⁵⁴ *Statesman*, April 21, 1857.

⁵⁵ *Statesman*, May 5, 1857.

Incidentally, the convention marked the appearance on the scene of Ethelbert Hibben, formerly of Indiana, who more recently had been Lane's secretary in Washington. His arrival had been announced to Bush in a letter of introduction from Lane, who at the time was still in Washington. Hibben became editor of the *Oregon Weekly Times* and in due course the champion of Lane's career to the people of Oregon.⁵⁶

The moribund Whig party did not nominate a candidate against Lane; the young Republican group did not feel prepared to enter the arena so the contest was left to the incumbent and an independent Democrat of Yamhill, G. T. Lawson. The latter was a rather eccentric person but possessed some ability as a speaker and campaigned vigorously. The odds were all in favor of the "old war horse of the democracy" and Lane piled up his greatest majority, the vote being 5,662 to 3,472.⁵⁷ The campaign did not present any clear-cut issues for the Democratic party straddled the slavery question, and the State constitutional convention was taken as a matter of course. *The Argus* supported Lawson but the *Oregonian* took little interest in the election, a significant fact in view of its past history.

The elections in the contiguous Washington Territory brought to the capital a delegate with whom Lane was in great accord, Governor Isaac I. Stevens. Stevens had opposed Wool in the Indian War controversy and Lane in congratulating him on his election pointed out that his election completely vindicated his management of the war as far as the people of the territory were concerned.⁵⁸ In Stevens' biography, his son remarked that

. . . the delegate from Oregon received him with open arms, delighted to have so able a coadjutor to fight the battles of the far-distant and neglected Northwestern Territories. General Lane was highly esteemed by all parties, and had much influence with the Democratic leaders.⁵⁹

⁵⁶ Lane to Bush, Mar. 4, 1857, *Bush Papers*.

⁵⁷ George W. Williams, "Political History of Oregon," *O. H. S. Q.*, (Portland, 1901) II, 14.

⁵⁸ Lane to Stevens, Aug. 16, 1857, *Stevens Papers*.

⁵⁹ Hazard Stevens, *Life of Isaac I. Stevens* (2 vols., New York, 1900), II, 273.

Lane joined Stevens in the capital in November⁶⁰ and the two prepared to storm the Indian Office and War Departments and members of the administration to secure action on the Indian war debt. Stevens wrote to Nesmith, "Lane is a tower of strength here and his course is very steady, very positive and prudent. . . ." ⁶¹ He added, "Oregon is fortunate in her delegate and . . . make him one of your Senators." ⁶² Lane was able to report some progress in the presentation of the Oregon claims with the Secretary of War. The Secretary approved the findings of the commission of three which had ascertained the sum allowable for the settlement of the war claims. Though it was a large one, he agreed it was fair and should be paid.⁶³

The stand of Lane and others who maintained that the war of 1855-56 had been one of defense on the part of the Oregon settlers was given additional support by the findings of a special investigator for the Treasury Department, Mr. J. Ross Browne, whose testimony was cited by Lane to substantiate his own contentions. Browne said in part:

I will undertake to follow up the history of the war to a later period. Its peculiar features have been represented officially on both sides and its progress and termination are matters of public record.

Upon a careful perusal of all the dispatches I find nothing to sustain the charge of speculation. No person can visit the Territories of Oregon and Washington, converse with the people, see them on their farms and at their daily labors, and consider their true interests without coming to the conclusion that such a charge is absurd and monstrous. What could they hope to gain? Few of them had anything to spare upon which to base a speculation. A farmer is well off who has his fields fenced in, a few head of oxen and three or four cows. If he got treble price for his stock, the sale, upon an unlimited credit would have been a sacrifice to him. His farm must go to ruin. The interest of the settlers of nearly every pursuit are nearly identical. Their future prospects depend chiefly upon the prosperity of the country, the increase of emigration, etc. All this was diametrically opposed to war. No compensation

⁶⁰ Lane to Bush, Nov. 16, 1857, *Bush Papers*.

⁶¹ Stevens to Nesmith, Dec. 18, 1857, *Stevens Papers*.

⁶² *Ibid.* ⁶³ Lane to Bush, Nov. 28, 1857; also Dec. 18, 1856.

that Government could make would atone for the murder of families, shortage of labor everywhere, the loss of time, . . . and the numerous evils resulting from this dangerous conflict.⁶⁴

The investigator characterized the quarrel between General Wool and the territorials as "a mere personal and political quarrel," which should not affect the settlement of the issue as far as the government was concerned.

The war might possibly have been averted if a letter of Father Pandozy of the Yakima Mission, in which he reported the hostility of the Indians, had been accepted. The warning addressed to Father Mesplie of the Dalles Mission had been

promptly communicated to Major Alvord, who reported it to General Hichcock, the then commanding officer of the military department on the coast. Major Alvord was censured as an alarmist and Father Pandozy was treated in the same manner by his superior.

Father Pandozy later had to leave his mission, which was subsequently sacked and burned by some of the irresponsible Oregon volunteers, who seem to have harbored anti-Catholic prejudices.

Both Lane and Stevens of Washington Territory had previously taken up the claim of James Douglas, Governor of Vancouver Island, for the payment of \$7,000 due him for supplies he had advanced during the conflict. This had been allowed, a settlement with which Lane was in full accord. However, he argued that if men like Douglas and the regular army men were paid for their services, then certainly the claims of American volunteers should be paid too.

Of paramount interest to Lane and to the people of Oregon during this session was the proposed admission of Oregon to the Union. Possibly no more tumultuous period for seeking Statehood could have been found. Once again, even as at the time of the settlement of the "Oregon Question" the territory was to come to the fore in national affairs. Because of his position Lane would have a leading role in the drama.

⁶⁴ *Congressional Globe*, 35th Cong., 1st Sess., 2199-2200.

CHAPTER VII

STATEHOOD AND AFTER

Hardly had Oregon become a territory when politicians began demanding Statehood. The proximity of California, which had full representation in Congress and which made its influence felt in national councils probably heightened the natural desire for full participation in the sisterhood of States. The legislature of 1854 passed an act providing for a popular vote on the question in June of that year. The measure was defeated by 869 votes, the majority believing that the move was premature and the cost of State government too great to be justified.¹

At this time, too, Lane introduced a bill in the House to enable the people of Oregon to frame a constitution. The bill was modeled on the enabling act of Wisconsin with the necessary modifications. When pressed as to the population, Lane replied evasively that it was greater than that of Illinois or Florida at the time of their admittance. He drew attention to the phenomenal growth in certain sections; the district near his claim had increased by 1800 in twenty months. In all, he judged Oregon to have some 60,000 inhabitants. As a matter of fact Lane must have known that this was an exaggeration. Congress may have suspected the same for the bill was rejected.² Again in the elections of 1855 and 1856 the people of the territory decided against framing a constitution.³

Once more on February 18, 1856, Lane introduced his bill in the House of Representatives. It was debated on June 23, and a motion was made in the committee of the whole that it be passed. Objection was raised by a member who insisted that the population should be large enough to represent the number assigned for representation for other States. The Oregon delegate opposed this amendment, the absence of which he said had not prevented passage of the act in the lower house during the previous year. By the

¹ Bancroft, *op. cit.*, II, 325.

² *Congressional Globe*, 33rd Cong., 1st session, vol. 28, 1116 f.

³ Charles H. Carey, *The Oregon Constitution* (Salem, Ore., 1926) 20.

time that a State constitution could be formed he assured the House that the population would be great enough. Another amendment setting the limits of the State at the Cascade Mountains, he likewise successfully opposed. This matter he regarded as one best left to the people of the territory. When Lane saw that his bill was headed for defeat or a crippling amendment he gave up attempting its passage. The question of population was undeniably a barrier to its enactment, in addition to which Whig opposition told against the admission of a known Democratic State. By 1857, however, the tide had turned and opposition and apathy in the territory gave way to an uncompromising demand for Statehood which would scarce brook a negative answer.

Several factors effected this change. The difficulties over the payment of the Indian War debt had exasperated the Oregonians; ⁴ postal service was unsatisfactory, and the land question a source of annoyance. Under these circumstances it would be better to seek statehood. Above all, the agitated Kansas-Nebraska act made many anxious to put Oregon beyond the reach of such interference. At once the formerly indifferent topic of slavery became of the utmost importance to the people of Oregon. Before the doctrine of "squatter sovereignty" had been advanced, Oregonians had felt secure since the Missouri Compromise placed them beyond the possible slave area.

For several years unquiet had been felt in Oregon political circle. In the election of 1857 an artificial harmony had been manifested by the "Clique" toward Lane for the purpose of expediency, but even that was to disappear as Oregon neared Statehood. The Republican party was slowly emerging as a force to be reckoned with in future elections. The *Argus*, former Whig journal, now became the mouthpiece of the new party and between it and the *Statesman* the old bitterness was sustained. Dryer of the *Oregonian*, a die-hard Whig, was not yet converted to the Republican cause.

The state conventions of both "hards" and "softs" passed substantially the same resolutions on national questions. The issues between the two camps was in reality that of ascertaining which group would control the offices, the "Clique" or the opponents of that select circle. Even the "softs" or National Democrats, as they

⁴ Bancroft, *op. cit.*, II, 413.

called themselves, endorsed Lane's record as delegate, a proof of his hold upon popular favor. In fact, Lane tried to stem the rising tide of dissension and mend the break between the two wings of the party but with little success. He wrote from Washington in a last-minute attempt to avert the overthrow of the party. Dilating at length on the certain party disaster disunion would bring, he concluded with a plea addressed to the people of Oregon:

. . . I appeal to them to stand in the organization of the party. It is indispensable to success, indispensable to the peace, welfare, and happiness of the country. I therefore beg of them to bury all ill feeling and personal animosities, and sacrifice all personal wrongs and prejudices on the altar of public good and put an end at once to all dissensions among us; present a united front and all will be well.⁵

Any hope of reconciliation was delusive as Lane was soon to discover. Soon the National Democrats would combine forces with the Republicans.

The Constitutional Convention met at the Salem courthouse, August 17, 1857. The constitution was completed and the assembly adjourned on September 18, after having provided for a special election on November 9, at which time the document was to be submitted to the people. Cautiously the convention delegates decided to put the question of slavery to the voters in accord with their acclaimed doctrine of "squatter Sovereignty." It was adopted by a popular majority of 3,980 votes of the 10,410 cast. The vote on slavery was 7,727 for and 2,645 against, a majority of 5,082 against the institution. By a vote of 8,640 to 1,081 the voters decided against admitting free negroes to the State.⁶ Whether free or in bond the negro was not welcome in the proposed State.

Provision was made for the election of United States Senators at the first meeting of the legislature, called for the first Monday in July. On July 7, the balloting took place with the result that Lane was elected by a vote of 45 to 4 blank votes and Delazon Smith running against David Logan, by a vote of 39 to 8.⁷ Lane received the combined votes of the "National" Democrats and the "hards."

⁵ Lane to an Oregon voter, April 4, 1858, *Bush Papers*.

⁶ Carey, *Constitution*, 27.

⁷ G. W. Williams, "Political History of Oregon," *O. H. S. Q.*, II, 21.

Meantime, in Washington, Lane had received the proclamation of Governor George Curry announcing the acceptance of the constitution by the people, which was duly presented in the Senate on February 1, and referred to the Committee on Territories.⁸

Lane was interested in becoming one of Oregon's first two Senators and had not been deterred by motives of false modesty in making his availability known to Oregon's political czar:

I am anxious to be one of the first senators and I believe that I could be useful to the people of Oregon and also to the whole country and knowing as I do that our Democratic friends in Congress and throughout the country desire and expect it, and also knowing well that my defeat would not advance the interests of the people of Oregon. I could not, would not, seek or desire a seat in the Senate at the expense of the party. I must be permitted, however, to say, that I have not a particle of doubt about the feeling of the Democrats of Oregon in regard to myself, nine out of every ten of them go for me for the Senate and the fears of many are that some unfair means is to be or will be resorted to for the purpose of defeating me.⁹

As much as Lane coveted the Senatorship he could not refrain from entering into the current strife over the Kansas bill. While the Oregon constitution was still in the hands of the Senate Committee Lane "actively and zealously" participated in the debate over Kansas. It will be recalled that a territorial delegate is allowed to present the needs of his constituency on the floor of the house but not permitted to vote. At a time when the feeling between the parties was so tense, when the Democratic party itself was divided into Lecompton and anti-Lecompton ranks, Lane

needlessly, not to say unwisely, antagonized the Republican and anti-Lecompton Democratic vote . . . by the avowal of sentiments which it is not denied he had the fullest right to entertain; but at the critical junction, when sympathy was needed from all quarters, the policy of his then utterance of them must be gravely questioned. Oregon had the right to claim that he should be exclusively for Oregon's admission, untrammelled by the Kansas-Lecompton imbroglio, or any extraneous issue. Duty to his constituency would seem to have

⁸ *Congressional Globe*, 35th Cong. 1st Sess. Feb. 1, 1858.

⁹ Lane to Bush, April 2, 1858, *Bush Papers*.

dictated conciliation rather than offensive partisanship with a particular party.¹⁰

This opinion is confirmed by a perusal of Lane's remarks during the session. After a none-too-convincing explanation of his inaction on the Oregon admission bill, he launched into a lengthy defence of the Lecompton constitution assailing both Republicans and Democrats who refused to admit Kansas under that document. That he could have expected anything but heightened antagonism as a result of his intemperate remarks is hard to believe.¹¹

Weeks passed and still the bill had not been confirmed. Action was first taken in the Senate on April 5, 1858, when Stephen Douglas, Chairman of the Committee on Territories, reported the bill from his committee. In May, the bill passed the Senate by a vote of 35 to 17. The division was not strictly along party lines for five Republicans voted for passage.

Naturally it was expected that the Lower House would act promptly to insure passage before the end of the session. In particular was it to the interest of the Democratic Party to do so in view of the approaching Presidential election. Lane wrote of admission as an accomplished fact to Oregon voters, who looked for no other result. When the bill had passed the Senate, Lane informed Bush,

The bill for the admission of Oregon has this moment passed the Senate, 35 to 17. All right in the house.¹²

A month later he was forced to repent his optimism and convey the news that the bill had not passed. The excuse advanced was that of pressure of business in the House, which had prevented action on the measure. He assured the editor of the *Statesman* that the act would pass early in the next session. Prudently he decided to remain in Washington until that time, for it is doubtful if he would have received the accustomed ovations had he returned to Oregon as delegate. Notwithstanding that the bill for statehood

¹⁰ Elwood Evans, *History of the Pacific Northwest* (2 vols., Portland, 1889) II, 363.

¹¹ *Cong. Globe*. 35th Cong., 1st Sess., 1394.

¹² Bancroft, *op. cit.*, II, 432.

had not passed, he added the following bit of advice in his communication to Bush:

I must be allowed, however, to say, that in my Judgment, the State organization ought to be gone into as provided by the Constitution, and no back step should be taken.¹³

Lane's "Judgment" in this matter was discreetly overlooked, and, instead of a State legislature, the territorial assembly met to carry on the lawmaking function.

As soon as news of Lane's failure on both the State and war debt bills was broadcast a noticeable reaction set in against the long honored idol. There were not wanting those to point out ulterior motives to account for the result. Just how far Lane was responsible for the non-passage is impossible to determine; certainly he seems to have done little to positively promote success of the bill. On the other hand, several other causes such as the doubt concerning population and the prejudice stirred by the Indian War debt may have really delayed action.

The Republican animus was probably reflected in the statement of Schuyler Colfax who said:

The President in his message demanded that the offensive restriction against Kansas should be maintained, prohibiting her admission bill she had 93,000 inhabitants, because she rejected a slave constitution, while Oregon, with her Lecompton delegation, should be admitted forthwith. And the chief of your delegation, General Lane, was one of the men who had used all his personal influence in favor of that political iniquity, the Lecompton constitution, and its equally worthy successor, the English bill. He, of course, refused now to say whether he would vote in the United States Senate, if admitted there, to repeal the English prohibition which he had so earnestly labored to impose on Kansas: and its political friends in the House refused also to assent to its repeal in any manner or form whatever. This, of course, impelled many Republicans to insist that Oregon, with her Lecompton delegation, should wait for admission, till Kansas with her Republican delegation, was ready to come in with her. With a less obnoxious delegation, from Oregon, the votes of many Republicans would have been different. As it turned out, however, the very men

¹³ Lane to Bush, June 18, 1858, *Bush Papers*.

for whose interest General Lane had labored so earnestly—I mean the ultra Southern leaders refused to vote for the Admission Bill, although they had the whole delegation-elect of their own kidney. And it would have been defeated but for the vote of 15 of us Republicans who thought it better to disenfranchise Oregon from presidential sovereignty, and from the sphere of the Dred Scott decisions; and even in spite of your obnoxious delegation, to admit the new State into the Union, rather than remand it to the condition of a slave-holding territory, as our Supreme Court declares all our territories to be. Hence, if there is any question raised about which party admitted Oregon, you can truthfully say that she would not have been admitted but for Republican aid and support—Republicans, too, who voted for it, not through the influence of General Lane and Company, but in spite of the disfavor with which they regarded them.¹⁴

The failure of the Admission Bill tore away whatever shreds of harmony that still existed between Lane and Bush and the inevitable break came. The latter had long desired to rid himself of Lane, and on the national scene his sympathies were with the Douglas forces rather than with the Administration which Lane favored. The paper which had of old lashed the enemies of Lane was now turned upon the former favorite. In an editorial of December 21, 1858, Bush pointed to Lane's inaction, which he suggested was caused by the delegate's fear that he might not receive the Senatorship and that he preferred to serve out his time as delegate.

The *Democratic Crisis* in turn assailed Bush attributing his attack on Lane to the failure of a bill allowing Bush \$6,000 for printing the statutes of Oregon. The *Oregon Sentinel* made still another charge in series of articles printed in 1859. Bush was said to have approached Smith and Grover before their departure for Washington asking them to obtain evidence to support Bush's surmise that Oregon's non-admission was chargeable to the delegate. A letter written by Bush to Smith reveals that the *Statesman* editor had done precisely that though he no doubt realized there was danger of his action being made known:

I would like to have you see Cox about his speech in Ohio respecting Lane and his request to have the state bill postponed.

¹⁴ Evans, *op. cit.*, 365.

I presume Lane will endeavor to get him to plaster it up. I do not wish to compromise you or Grover, but should like to have you furnish me with any evidence you can get of what I believe to be a fact that Lane prevented the passage of the bill. I have taken issue with him on that as you will see, and I should like all the proofs I can get. Since the break has been made you would be surprised at the number of men who have thought for several years that he was an old humbug.¹⁵

When Smith replied that he could not find evidence to support the accusation, Bush rejected him as well as Lane. Writing to James Nesmith, Smith complained of this treatment and turned the tables on Bush:

But for Bush's manufactured "census returns" I would have been in my seat in the Senate . . . I will do what I can as an humble outsider, but it hard to be stricken down by professed friends in order that they may reach General Lane! . . . Whilst our friend Bush is arraying assumed facts and arguments to convince General Lane of infidelity to the interests of Oregon, by neglecting or failing, to secure our admission at the last session of congress, may he not be suspected of designedly adopting a course which is calculated and intended to produce the very result this session, which he charges to have been brought about by the negligence or design of General Lane at the last session? And this, too, for the purpose of punishing the general for his sins of omission and commission?

If General Lane cannot be crushed without crushing others and keeping Oregon out of the Union, and dismembering and breaking up the Democratic party, he had better be suffered to live.¹⁶

Naturally with the opening of the new Congress, Lane determined to press his bill. Once again the familiar arguments were advanced. By the opponents of the bill, it was urged that the same population qualification, that is, 93,000 inhabitants, be required of Oregon as well as Kansas. Referring to the Republican attitude, a correspondent to the *New York Tribune* facetiously remarked,

They [the Republicans] propose that J. Lane and Delazon Smith shall tarry in territorial Jericho till their senatorial

¹⁵ Charles H. Carey, "The Creation of Oregon as a State," *O. H. S. Q.*, XXVII (1926) 30.

¹⁶ *Ibid.* 31.

beards acquire as ample dimensions as those prescribed for the prospective conscript fathers of Kansas.

Other members of the house objected to her admission since her electoral vote might be a deciding factor in the important election of 1860 as well as in the organization of the House in that year.

During the debate, Lane took occasion to draw attention to the accusation made in the *Statesman* that his reason for not pushing admission was in order to collect double mileage as Delegate and Senator. This Lane hotly denied, calling up instances in the past to prove his disregard of monetary compensation. Bush had profited by the printing of the territorial documents, and Lane intimated that the editor might have reasons for opposing Statehood. All this crimination and recrimination served no useful purpose except to hopelessly estrange the former Democratic leaders.¹⁷

Despite the unpropitious circumstances of its introduction, the Oregon bill passed the House, February 12, 1859. The Republicans had been unable to muster full strength against the bill as a group of fifteen, led by Eli Thayer of Massachusetts, refused to consider it a party measure. Instead they chose to consider the bill on its own merits, and since the people of Oregon had acted in good faith and in accord with past precedent, they were entitled to fair treatment untinged by party prejudice. The bill became law, February 12, 1859, when the President affixed his signature. That evening witnessed an enthusiastic celebration in the capital. A large number of citizens preceded by the Marine Band sought Lane at Brown's Hotel and there serenaded him. The new Senator appeared on the balcony, where after being introduced by Governor Isaac I. Stevens, he spoke briefly to the crowd. In turn the other speakers commemorated in brief eulogies the admission of the new State. These included among others D. W. Voorhees, of Indiana, John Letcher of Virginia, and Senator Green of Missouri. The concourse next sought the white House, where President Buchanan greeted the serenaders and called for the rendition of "Yankee Doodle." The procession visited several other residences including that of Eli Thayer of Massachusetts, who had led the Republican bloc which set aside partisanship to admit a new State.¹⁸

¹⁷ *Congressional Globe*, 35th Cong., 2nd Sess., Vol. 49, 945.

¹⁸ *Washington Union*, February 13, 1859.

On February 14, the credentials of the two Oregon senators-elect were presented by Senator Pugh of Ohio. Lane with his customary good fortune drew the longer term, that ending March 3, 1861. Delazon Smith served only until March 3, 1859, a term of less than a month.

General satisfaction was felt in Oregon on the reception of the news. Lane's stock began advancing somewhat though not as in the days when Democracy had presented a united front against all opposition. Several county conventions held in the spring of 1859 passed resolutions praising Lane, though the Polk county resolution qualified its statement by declaring that it would support no personal party. The *Statesman* was censured for its attitude toward Democratic leaders.¹⁹

The meeting of the Democratic State Convention in Salem, April 20, 1859, was the occasion of a showdown between the old organization members and the insurgent Lane supporters. The "Clique" was to experience a reversal in the choice of a Congressman to succeed Grover. Since the latter was a member of the Clique, the Lane men rejected him in favor of Lansing Stout, a recent arrival from California. His nomination was carried by a vote of 40 to 33. The angered "Clique" members charged that Grover had been sacrificed because he refused to build a personal party for Lane, while Stout was condemned as a former Know-Nothing. On their side, the Nationals made much of the rejection of the old 5th and 6th resolutions, which had sanctioned caucus sovereignty. Great claims were made for freedom of the press and individuals under the new party organization.

The State Convention had given its approval to the Dred Scott decision, though taking care not to assert which of the three popular interpretations of that famous case it favored. Bush headed those who followed Douglas in his non-intervention doctrine. He condemned Lane for not upholding a Democratic interpretation, though the latter sided with the Administration men, who contended, as indeed Lane always had contended, that slavery was in the territory by virtue of the Constitution and that no exclusion could be effected while a territory remained such.

The congressional nominee, Lansing Stout, supported the Ad-

¹⁹ Woodward, *op. cit.*, 151.

ministration doctrine on the stump and even seemed to favor part of the interventionist claim that slavery should be protected in the territories by positive legislation. Lane and Smith took the stump for their candidate, at the same time defending themselves and casting wrath and scorn upon their former cohorts. The newspapers of the time reached a new low in the type of language employed. Small wonder that "Oregon style" became synonymous with vituperation in journalism, even in a period when the press was comparatively untrammelled in all sections of the country. By contrast, the papers of Washington Territory, the *Pioneer and Democrat* and the *Standard* seem very moderate indeed.

In the election that followed, the contest was a surprisingly close one, with Stout emerging as victor by a mere 16 vote. Some Democrats were alienated by Stout's past Know-Nothing affiliation, while the rival candidate, David Logan, espoused doctrines so mild that Douglas Democrats felt justified in voting for him.

The Lane forces controlled the state central committee of the Democratic party and were thus able to decide the method of electing delegates to the forth-coming Democratic National Convention. In conformity with precedent, which in this case favored their cause, they based the apportionment on the results of Stout's election, which polled heaviest in the southern counties, which were likewise favorable toward Lane.

Lane's view of the troubles in Oregon was summarized in a letter written from his farm home in the Umpqua Valley to Hon. H. M. Phillips from Pennsylvania:

In regard to trouble in the Democratic party in our young state and between Smith and myself, I have to say that there is no antagonism between Smith and myself, on the contrary the most friendly relations exist between us. I believe also, that I have no enemies in the State outside the Republican Party, except some few aspirants for the senatorship (each having some friends), who follow the lead of Mr. Bush, the editor of the Oregon Statesman—This man who is from Massachusetts, has for some years edited a Democratic paper until grown rich by the favors of the party, he came to consider it as his individual property and under his exclusive control—For some time he has been dissatisfied, disapproving the Kansas policy of the President, sustaining Douglas; and last year, in

my absence commenced a violent attack upon my political and personal integrity, with the view of destroying my influence, and tried to induce the party to adopt his own squatter sovereignty platform. He failed in both objects—The party in Convention stood fairly up to the Administration, and passed a resolution endorsing my course,—Finding that he could not control the party, he determined to destroy it—he did all he could to elect the candidate of the Republicans—he asserted that their platform was soundly democratic and in fact he pursued the tactics of Forney, who seems to be his model, and of whom he is a miserable caricature—He made a bargain with the black Republicans, by which they were to elect Logan the Republican to Congress. Prevent the election of a Senator by the Legislature then assembled for that purpose, so that there should be two Senators to be chosen in 1860, and divide between them. He did succeed in preventing the reelection of Smith who was nominated by a caucus of all the democrats, by inducing four members who had been in the caucus and the one Republican to leave the Senate without a quorum, and thus prevent a joint convention.—He was not so successful before the people. Mr. Stout is elected, the contest was a warm one—I stumped the whole State accompanied by Mr. Smith. We denounced Bush every where, and in his town in such fashion as no gentleman ever submits to, and we succeeded thanks to the true democracy of Oregon. The majority is small, but this is in part owing to other causes than those I have stated. Mr. Stout, although a young man of talent, a good lawyer and a sound democrat, was not a strong candidate—he came here from California, and in 1855 he joined the Know-Nothings there—this fact was not known until after his nomination, when he stated on being called out that he had taken a look at Sam, did not like him, repudiated the concern, and its doctrines, and had worked faithfully in the democratic harness ever since. These things of course were used by Bush, and the Republicans with effect especially upon the foreign vote, and besides this influence, Bush was able to carry off his own county heretofore democratic by 400, cast a majority against us of 766.

Having succeeded under all these disadvantages we are certainly safe to carry the State in 1860. Bush is now known as a black Republican, it was only as a professed democrat that he could betray.

Now my Dear Sir, a word in regard to the nomination in 1860, of which you have had the kindness to speak of your humble

servant in connection with,—I shall not cease to thank you for your suggestion, and I hope and trust that by a faithful discharge of duty to the country, and to the principles of the democratic party in the future, as in the past to merit your confidence and esteem, but My Dear Sir, how can I aspire to the high office of President when there are so many who desire that high position, and who are better qualified to discharge its duties, I yield to no man in patriotism, or love of country, but to many, in point of qualification. I have been in public life from early manhood, and now have a strong desire to retire to my farm where I can enjoy quiet during the remainder of my days.—I cannot, therefore, seek a position that I should approach with great fear and doubt, of ability to discharge its high duties. The people, however, have a right to command and any requisition that they may choose to make on me shall be promptly complied with, while I shall not seek, I will not decline.²⁰

While petty local storms were brewing at home, those of greater magnitude were fast gathering on the national scene. None the less Lane did not abandon the cause with which he had demonstrated such marked sympathy during his years as delegate, but was to be found on the Southern side on all occasions in vote as well as in debate. In the days of the delegateship, Lane's principal endeavors had been for appropriation for various territorial purposes; as Senator his attention was naturally given more to national issues and to participation in the bitter affrays between the representatives of the North and South.

The War Debt of 1855-56 for which Lane had argued so often in the Lower House was the first measure to receive his attention in the Senate. The claims of the Oregon volunteers were supported by Jefferson Davis, who had now come from the War Department to the Senate, though he recommended frontier defence by regulars in the future. At the same time he praised the action displayed by

my friend, general Lane, with whom it was my good fortune to serve during the war with Mexico, in the volunteer services in defense of his own State.²¹

At a later date the bill was once more broached and on this occasion

²⁰ Lane to H. M. Phillips, July 20, 1859, *Historical Society of Pennsylvania MSS.*

²¹ *Congressional Globe*. 35th Congress. 2nd Sess. p. 1403.

Senator Slidell took up the cudgels in his own and Lane's behalf, protesting that they had been outrageously accused of speculation in the war debt by a "libelous sheet in New York." Lane recounted the familiar history of the various Indian outbreaks in the most eloquent of his numerous appeals but it was not enough to secure favorable action for the benefit of anxious creditors.

Lane had another struggle to prevent Congress from economizing, this time on the judges of Oregon, whose salaries were to be reduced from \$3,500 to \$3,000 while California judges received \$6,000. The salary was finally allowed at the previous level.

On one occasion during this session, Lane disagreed emphatically with Jefferson Davis, Chairman of the Military Affairs Committee of which the Oregon Senator was a member. The issue concerned the introduction of a new army signal system and the employing of its inventor to teach the method to regular army officers. Lane's amendment was lost but he went on to suggest another amendment equally displeasing to Davis, that is, the shortening of the five year term at West Point to four years. Lane finally withdrew his amendment but only after he and Davis had disagreed rather sharply.²²

It was a very different matter when Davis introduced his famous resolution on February 2, 1860, setting forth in dogmatic style the southern doctrine of congressional protection for slavery in the territories.²³ When the resolutions came up for debate, Lane gave them hearty approval, deploring only that such a stand had not been taken years earlier. On no question was the national break of the Democratic party more clearly defined. It was a doctrine that Stephen A. Douglas could never accept, but one to which Lane had long adhered.²⁴

While Lane entertained no doubt as to the justice of the southern cause he put himself on record as against disunion if it could be honorably avoided. It was this attitude that prompted him to present the resolutions of a Union Meeting which had been held in Troy, New York. He scorned those who belittled efforts of the kind in which he saw the attempt of farmers, industrial workers, and of the

²² *Ibid.*, 2167.

²³ *Ibid.*, 2268.

²⁴ Robert M. McElroy, *Jefferson Davis* (2 vols. N. Y. 1937) I, 204 f for text of resolutions.

conservative element of the North to put a stop to our unhappy and worse than unprofitable political agitation.²⁵

In Oregon meantime the stage was being set for an important election which was to provide a new colleague for Lane. The Republicans, determined to elect a candidate, had imported from California a capable politician and orator, Edward D. Baker. The Democrats were now divided by national issues, Bush leading the Douglas Democrats who upheld popular sovereignty; Lane, the Administration Democrats, who maintained that slavery was protected in the Territories by the Constitution. In the campaign the two Democratic factions attacked one another, giving but scant opposition to the Republicans. In fact, both groups were accused of leaguings with the new party, which undoubtedly would hold the balance of power in the new legislature. It was the Douglas group who finally did so, electing the Republican champion, Edward D. Baker, a newcomer from California in return for the election of their own candidate and former "Clique" member, James Nesmith. Baker was elected for the short term and took his seat for the opening of the 36th Congress. Lane would not extend the accustomed courtesy of presenting his colleague's credentials and the new Senator was accompanied by Senator Latham of California.²⁶

The thirty-sixth Congress to which the new Senator came was a memorable one, not for its legislation but for the warmth of its debates and the fact that it witnessed the departure of the Southern members and the breaking up of the Union. Each side in the cause was to have a protagonist from the State of Oregon. Their quarrels on the floor of the Senate were typical of the bitterness of feeling the whole controversy had evoked. Addressing his friend, Matthew Deady, one of the few of his former associates who still supported him, Lane predicted the dissolution of the Union at no remote date.

Tomorrow Congress will assemble for the last time that a National Congress will ever assemble under the Constitution as it now is, and it is by no mean certain that such an amendment can be made as will justify the south in remaining in the

²⁵ *Congressional Globe*, 36th Cong., 1st Sess. p. 2323.

²⁶ *Ibid.*, 567.

Union. I don't believe there is any chance for a satisfactory settlement of the trouble or difficulty, consequently look upon the Union as broken up. It is virtually broken up now. You will not regard me as an alarmist . . . for you will find that all I say will be verified.²⁷

Lane has been branded as a "fire-eater" and it is true that he ultimately associated with leaders that might be properly so called. However, there is nothing in either his letters or speeches to indicate that he favored the destruction of the Union if it could be avoided and still guarantee southern rights. On the contrary, numerous instances might be cited to prove that he had abhorred disunion, though he considered it as inevitable, brought on by the uncompromising spirit of northern leaders. December 18, 1860, he introduced a series of resolutions proposing a constitutional convention to plan another form of Union between the States so that the impending crisis might be averted. Like other similar proposals this one was rejected but it demonstrates that Lane, together with others of Southern sympathy such as Jefferson Davis, did not consider the break either desirable or advantageous.

However, as the session progressed the hopelessness of the situation became ever more apparent. In response to a query of Deady as to the probable result of the struggle, Senator Lane wrote:

I can say that in my opinion final dissolution will be the result, already six states have dissolved their connection with the government and in a few days one more will have gone out, and before three weeks from this day these seven states will organize a confederacy, establish a government and put it in operation, with a President to serve until an election can be had. To say the least they will then have a de facto government in operation, one that will be recognized by all the governments with which we have commercial relations. I am fully justified in saying that recognition will promptly take place by the declarations of foreign agents at and near this government—Now with these facts before their eyes will the Republicans undertake coercion—if they do it would at once bring the other slave states into the southern confederacy, that would render coercion quite out of the question. But mark ye, I do not by any means doubt of the action of old Virginia, she will secede . . . and gain the southern confederacy, in fact, the slave states will

²⁷ Lane to Deady, Dec. 2, 1860. *Deady Papers*.

not long be separated one from the other consequently will before long be united in one confederacy all hope of reconciliation will then be at an end. I am of the opinion that a reconstruction will never take place, if I am right in this there will be a southern confederacy composed of fifteen states, one that will command the respect and confidence of all the nations of Europe. But what will be the fate of the Northern states, I will not undertake to predict but will leave for time to develop.²⁸

During the last weeks of his Senate term Lane became ever more vocal and vehement in his defense of the South. When, for example, the question of a Pacific Railroad was under consideration, he opposed the bill as untimely in view of the faltering credit of the federal government and the imminent disruption of the government. Further, the bill proposed a line that would terminate in Sacramento, while Lane thought that any such project should be extended to include the Willamette Valley and the Sound. In the course of his argument on the Pacific Railroad bill Lane said that he deplored the possibility of civil strife but if the South was not given its constitutional rights, he would go with it.²⁹

On several other important measures Lane voted with the South, such as on the Morrill Tariff and the Homestead Act. The division on the first was along party as well as sectional lines.

Douglas of Illinois, Rice of Minnesota, Latham of California and Lane were the only Northern Senators who united with the compact south against the bill.³⁰

At the time senators from Virginia, North Carolina, Tennessee and Arkansas were still in attendance. The Homestead bill was one of particular interest to the West, but the South generally was too inflamed to agree to the distribution of free land even though it could share equally with other sections. Lane in previous times had favored a liberal land policy but feigned to oppose this bill because of certain amendments. So obscure was Lane's argument against the bill that it would appear that he was simply endeavoring

²⁸ Lane to Deady, Jan. 27, 1861, *Deady Papers*.

²⁹ *Congressional Globe*, 36 Cong. 1st Sess., 294.

³⁰ James G. Blaine, *Twenty Years in Congress* (2 vols., Norwich, Conn. 1884-86) I, 277.

to build up an excuse, that he might more easily support the southern stand on the bill.³¹

One of the bitter disputes of the closing days of Lane's career was that with Andrew Johnson of Tennessee. Lane's remarks were elicited by Johnson's speech on the right of federal intervention in seceded States.³² The Oregonian declared that force should not bind States to a Union that was unfair to their interests. Once more he pledged his support to the South in the event that civil war did come. Johnson made answer that he had supported the Breckenridge-Lane ticket and had traveled the state of Tennessee in its behalf. He had denied the charge that they designed to overthrow the Union or were the "embodiment of disunion and secession." The Senator went on to declare that Lane now proved himself a secessionist from his statements on the floor of the Senate. In defense of Lane the fiery Wigfall of Texas, one of the few southern Senators still in attendance, bitterly assailed Johnson whom his own constituents had shot, hanged and burned in effigy on hearing of his pronouncements on secession. Wigfall insinuated that Johnson was spokesman for Seward of New York and Wilson of Massachusetts, of whose abolitionist tendencies there could be no doubt.³³ One of Johnson's biographers commenting on the Lane-Johnson says:

During the fevered days the Senate was in continual debate. The Southerners were either delivering their Union swan-song or hurling maledictions at the federal compact. In this last, they were aided by several dough-faces—"Northern men with Southern principles," and by none more efficiently than by Senator Joe Lane of Oregon—the same Lane whom Andrew Johnson had supported for vice president a few weeks before.³⁴

Johnson was applauded from the galleries and lauded by the Union press for his stand, which was a strong one considering his southern residence. With all to lose and nothing to gain by their respective allegiances it would seem but fair to accord sincerity and unselfishness both to Johnson and to Lane.

³¹ *Congressional Globe*, 35th Cong., 2nd Sess., 2034.

³² *Congressional Globe*, 36th Cong., 1st Sess., 143.

³³ *Ibid.*, 781.

³⁴ George F. Milton, *The Age of Hate* (New York, 1930), 98. Elsewhere the author speaks of "vindictive Joe Lane." *Ibid.*, 101.

At a time when extravagant expression marked the language even of the most meek, it was not to be expected that Lane would be more moderate than was his fellows, nor was he. Much of the bitterness was expended against Baker, whose ephemeral career in Oregon the retiring Senator took good care to outline—in an aside remark of his speech on the Report of the Peace Conference.³⁵ With equal vehemence, he repelled the charge that he himself was a traitor as he had been termed by Senator Johnson. To the end he held that his principles of justice for the South were the only ones not incompatible with the Constitution. Lane said nothing in this farewell speech that he had not said often before in the course of his career but the hour gave a new urgency to his tongue and imparted new power to his delivery.

³⁵ *Report of the Peace Conference* pub. Lemuel Towers. (Washington, 1861.)

CHAPTER VIII

PRESIDENTIAL CAMPAIGN OF 1860

The Presidential aspirations that Lane had long been encouraged to cherish at last saw hopes of fulfillment in the critical election of 1860. Political enemies might cry "humbug" and poke fun at the unpolished oratory of the westerner but there were many influential men in public life who seriously saw in his candidacy a chance to save the threatened disruption of the Union. Lane's availability was premised on several considerations. First of all, he was a Northerner but devoted to what he regarded as the rights of the South. His Mexican War career added that touch of the military so popular for campaign purposes. During his years of service as Oregon's delegate and then Senator, he had succeeded in building up a considerable personal following among members of Congress. Lastly, his humble origin was another quality of appeal to the public that was not overlooked by the political jugglers of the ultra-Southern wing of the Democratic party.

The astute Georgian, Howell Cobb, made this observation respecting Lane:

Whilst my individual choice is still for Hunter yet I believe that old Joe Lane is the best man to make the fight on, both in the convention and before the people. He is as true as steel and then he has 'fought, bled, and died for his country.' I believe that the best chance now is to take a northern man—any of them will be acceptable after we get clear of Douglas. . . .¹

Lane was now fifty-nine years old, still retaining much of the vigor that had marked his earlier years. The Irish patriot, John Mitchell, with whom Lane sailed from San Francisco on one of his return trips to the capital, described him as a "thin, wiry man . . . in height about five foot eight, with well bronzed face and grizzle head."² A southern reporter wrote:

¹ "The Correspondence of Howell Cobb," *Annual Report of the American Historical Society* (Washington, 1911), 479. Cobb to John B. Lamar, May 22, 1860.

² *Democratic Standard*, May 11, 1859.

General Lane is nearer what our imagination has ever conceived General Jackson to have been than any man that we ever have or ever expect to see. He is a tall, muscular, bony man of sixty, possessed of all the vigor of thirty, with a high full forehead and well developed organization; very plain and very agreeable.³

Time which had spared his physical vigor had also left undimmed his ambition for national prominence as either presidential or vice-presidential candidate.

It has been noted that the rapport that had so long prevailed among the Oregon political leaders was hopelessly blasted by their differences over matters relating to slavery and legislation bearing on that institution. The split had resulted in the formation of the two groups of Democrats, who might be termed respectively, Douglas and Administration. The latter group had Lane as leader and was able to secure the favor of a large section of the Oregon press, an important force in building up a political machine, as they hurriedly proceeded to do. Lane's failure to secure the senatorship for his candidate has already been mentioned. He had not sought the position for himself again, in all probability because he already hoped for greater things or perhaps because he was unwilling to taste defeat where he had so often won.⁴ While Lane's forces had failed in the election against the Douglas-Republican coalition, they were still able to control party proceedings.

The Democratic State control committee, in the main consisting of Lane supporters, met in Eugene, September 24, 1859, to arrange for the approaching state convention. In accord with precedent the committee announced that the basis of election for delegates would be the result of the June election, in which Lane's candidate, Stout, had been elected congressman. This arrangement decidedly favored the Lane forces since Stout had received greatest support in the southern counties, known for devotion to Lane's interests. The anti-Lane group demanded that the basis of representation be rather the vote cast for Governor Whiteaker as this would give

³ *Standard* (Raleigh), July 25, 1860.

⁴ Lane to Deady, July 13, 1860. *Deady Papers*. Lane wrote Deady expressing hope for two Democratic Senators but explicitly stating: "I am out of the ring."

more equitable voice to the Willamette Valley section. When this was refused, the dissenters withdrew and issued their own call for delegates.

When the convention assembled the inevitable occurred. The committee on credentials reduced the size of anti-Lane delegations based on the Whiteaker returns. The delegations thus treated, including those from Marion, Polk, Wasco, Clatsop, Washington, Umpqua, Coos and Curry, withdrew to another room of the convention hall where they pledged their support to the National Democratic nominee, though they did not name delegates to Charleston.⁵

The delegates remaining in the regular convention named Lane, Deady, and Stout as delegates to the national convention. Only Douglas, Lane, and Jackson counties had instructions for Senator Lane but the committee on resolutions of which Lafayette Mosher, Lane's son-in-law, was a member, obviated the difficulty by couching their resolution in indefinite terms. It read:

Resolved:— that we recommend to the consideration of the Charleston Convention as a candidate for the office of chief magistrate, our distinguished fellow-citizen, the Hon. Gen. Joseph Lane, and our delegates are instructed to use their best effort to secure his nomination for the office of President or Vice-President, and that we pledge the Democracy of the State to support cordially the nominee of the Charleston Convention, whoever he may be.⁶

The *Statesman* reporting on the convention ridiculed this resolution, terming it a "humbug to catch gulls with." The *Oregon Weekly Union*, anti-clique journal, charged the convention bolters with having either an open or secret alliance with the Republicans and praised those who had thrown off the yoke of coercion that had so long rested on Oregon Democracy.

On the national scene Lane appears to have been early considered for a place on the ticket. As early as August 5, 1859, President Buchanan wrote to the Secretary of War John Floyd:

Speculations still continue as to who will be the next candidate for the Presidency. I had not a very good opportunity of ascertaining the public sentiment of Pennsylvania on this sub-

⁵ Woodward, *op. cit.*, 164.

⁶ *Ibid.*, 164.

ject whilst at Bedford nor has this been formed; but there is considerable talk both of Lane and Breckenridge.⁷

The Secretary replied from a Virginia resort:

Here as you found in Pennsylvania, the chief prominence is given to Breckenridge and Lane in the public conversation for the presidency. If Lane's friends make no mistake his prospects will be better than those of any other man I know. There is a feeling of great kindness expressed for him by everyone, and those to whom the idea of his candidacy is new are strongly impressed with his availability.⁸

Within the week the President had occasion once more to address his Secretary. Evidently the news of the senatorial elections of Oregon in which the Administration favorites had suffered defeat had reached the President. He wrote, "Your military candidate, General Lane, has sustained a sad blow in losing his State. I am sorry for it; but it may not prostrate him."⁹

There was actually no great measure before the country in 1860 that should have produced the excitement and contention that marked the congressional halls and the country at large in that year. The approaching presidential campaign, however, served to bring to a culminating point antipathies that had been but shallowly buried in the Great Compromise, but which had been disinterred in the Kansas-Nebraska struggle. The John Brown raid had but confirmed the growing conviction of many southern leaders that the slavery question must be decided once for all if their section was to have security.

The test came at the Democratic National Convention which assembled in Charleston, April 23. The foremost candidate was Stephen A. Douglas, whose name was on all lips. To be sure he was not a general favorite. On the contrary, as an observant reporter said, "Every delegate was for or against him. Every motion meant to nominate or not nominate him."¹⁰ No other candidate had a chance unless through compromise.

⁷ Philip G. Auchampaugh, *James Buchanan and His Cabinet on the Eve of Secession* (Privately printed, 1926), 57.

⁸ *Ibid.*, 58.

⁹ *Ibid.*, 58.

¹⁰ Murat Halstead, *Caucuses of 1860* (Columbus, Ohio, 1860), 1.

The choice of Charleston as a convention city was an unfortunate one since it was in the very center of southern influence and secession agitation. The champions of the South were there in numbers with the redoubtable William L. Yancey of Alabama as their unofficial standard-bearer. The very atmosphere of the city seemed surcharged with intrigue and unrest as the delegates swarmed into the city and the wire pullers began their work of trying to win over wavering representatives. The Douglas adherents took headquarters at the Mills House, the southern sympathizers at the Charleston. A group of Administration Senators occupied a private dwelling in the city, ready to use pressure on recalcitrant delegates. In this political cauldron Oregon was represented by Isaac I. Stevens of Washington Territory; A. P. Dennison, an Indian agent in Oregon; R. B. Metcalf, another one-time Oregon Indian agent; Julius Steinberger, agent of the Pacific Mail Steamship Company, J. R. Lamerick of Jacksonville, Oregon; and Lansing Stout, recently elected congressman. Lane remained in Washington but kept in touch with his lieutenants by telegraph. The Convention courted the Far Western representatives, cheering loudly when Caleb Cushing referred to them as "from the golden shores of the distant Oregon and California."¹¹ From the Oregon delegation, Stout served on the Committee on Credentials and Lamerick on that of Organization.

As the session dragged on through a stormy week, it became ever more apparent that a stalemate had been reached. If there had lingered the slightest doubt as to the extent of the Southern demands they were laid to rest by the speech of W. L. Yancey, who informed the Northern Democrats that the South would acquiesce to no half-way measure on the slavery question. Douglas' expectations which had fluctuated between hope and despair, were darkened as the silver-tongued Alabaman delivered the ultimatum.

On the seventh day the convention was disrupted by the departure of the delegation from the cotton States. Other delegations, though in full sympathy with southern demands, in which number Oregon was included, remained in the convention. From his Washington observation post, Lane, solicited by Stout for instructions, telegraphed:

¹¹ *Ibid.*, 27.

Hon. Lansing Stout: Your dispatch is received. Stand by the equality of the states and stand by the states that stand by the constitutional rights of all. By all means go with them—go out and stand by them.

Joe Lane.

The frequent repetition of "stand" made this message a welcome bit to those who delighted in ridiculing Lane.¹² The delegates did not actually withdraw though they had no intention of deserting the southern cause, but remained to take part in the nominations which began on the day after the secessionists had departed.

When nominations were in order Stevens presented a motion for Lane, who received Oregon's three votes and three from Pennsylvania on the first ballot. Through fifty-seven ballots the voting dragged on, Lane polling at the maximum twenty and one-half votes. But all was to no purpose, even without the seceders no candidate could secure the necessary two-thirds, and at last the weary delegates agreed to disband and meet later in Baltimore. The grand old edifice of the Democratic party of Jackson was left in ruins as the sectional groups left the city.

The Democrats re-convened in the Front Street Theater in Baltimore, June 18, 1860. The Charleston delegates again were recognized as accredited, including the delegations which had seceded from the original convention, except in cases where the States had named new delegations. The Charleston seceders were outwardly chastened though inwardly committed to the disruption of the new assembly. Caleb Cushing once more presided as chairman, an office for which his knowledge of parliamentary procedure admirably fitted him. Several States were represented by two sets of delegates whose claims had to be weighed by Cushing. Naturally, a heated debate ensued on the question of delegates. The Douglas forces framed a majority report, which would seat their own favorites; the minority report advocated the re-admission of delegates accredited by anti-Douglas State conventions in Georgia, Louisiana and elsewhere.¹³

When a motion to reconsider the exclusion of southern delegations was finally rejected, the second bolt began. Announcing their dissatisfaction with the convention, the southern delegations began to

¹² Woodward, *op. cit.*, 176.

¹³ Halstead, *op. cit.*, 183.

depart followed by California and Oregon. The remaining delegates hastened to the confirmation of Douglas.

Once severed from the Douglasites, the seceders came together in harmony in Institute Hall. Caleb Cushing once more took up the gavel amid deafening applause of the Southerners, who tossed hats in the air, or waved handkerchiefs in a hilarious demonstration of approval.¹⁴ There were two hundred thirty-one delegates in all, each possessing bona fida credentials. No proxy vote was recognized and the States were allowed only the vote to which actual representation entitled them.¹⁵

The Convention moved swiftly to its purpose; in fact, "the pressure to transact business, was overpowering."¹⁶ When John C. Breckenridge's name was moved, the spontaneous applause of the audience foretold the outcome; however, motions were made for R. M. T. Hunter, "Virginia's representative man"; D. S. Dickinson of New York; Jefferson Davis, "orator, warrior, statesman and lawyer;" and Joseph Lane, "Marion of the Mexican War." Breckenridge easily obtained the nomination.

Mr. Green of North Carolina then rose and proposed Hon. Joseph Lane of Oregon, as Vice Presidential candidate, a motion which was seconded by the California delegation and carried unanimously in a roll-call of the States.¹⁷ A long-standing ambition had seen fulfillment.

In Washington, the vice-presidential candidate was visited on the night of his nomination by a group of well-wishers to whom he addressed himself briefly. He prefaced his remarks by stating that "the fate of the country . . . depends upon the result of the approaching election." He paid tribute to his running-mate, John C. Breckenridge, with whom he had served in Mexico as well as in Congress. The occasion called for the reiteration of the southern doctrine of protection for slave property in the territories, and this Lane pledged. The charge of disunion he emphatically denied though at the same time he insisted on justice for all sections.

¹⁴ Halstead, *op. cit.*, 219.

¹⁵ Dwight L. Dumond, *The Secession Movement, 1860-61* (New York, 1931), 91.

¹⁶ Halstead, *op. cit.* 223.

¹⁷ *Ibid.*, 225.

His remarks were interrupted by long and vociferous demonstrations of applause.¹⁸

In his formal letter of acceptance addressed to Caleb Cushing, President of the Democratic National Convention, he expressed much the same view. On the all-absorbing question, he wrote:

Non-intervention, on the subject of Slavery, I may emphatically say, is that cardinal maxim of the Democracy—non-intervention by Congress and non-intervention by Territorial Legislatures, as is fully stated in the first resolution of the adopted platform.

In vain should we declare the former without insisting upon the latter; because, to permit Territorial legislatures to prohibit or establish Slavery, or by unfriendly legislation to invalidate property, would be granting powers to the creature or agent, which, it is admitted, do not appertain to the principal, or the power that creates; besides which, it would be fostering an element of agitation in the Territory that must necessarily extend to Congress and the people of all the States.

If the Constitution establishes the right of every citizen to enter the common territory with whatever property he legally possesses, it necessarily devolves on the Federal Government the duty to protect this right of the citizen whenever and wherever assailed or infringed. The Democracy party honestly meets this agitating question which is threatening to sever and destroy this brotherhood of States. It does not propose to legislate for the extension of Slavery, nor for its restriction, but to give to each State and to every citizen all that our forefathers proposed to give—namely, perfect equality of rights, and then to commit to the people, to climate and to soil, the determination as to the kind of institution best fitted to their requirements in their constitutional limits, and declaring as a fundamental maxim, that the people of a Territory can establish or prohibit Slavery when they come to form a constitution, preparatory to their admission as a State into the Union.¹⁹

The ticket naturally met with the full approbation and support of the Administration by which it was sponsored. The President used the patronage wherever and whenever effective, but aside from one address, delivered from the portico of the White House shortly

¹⁸ *The North Carolina Standard*, July 4, 1860.

¹⁹ *Horace Greeley, Political Textbook for 1860* (New York, 1860), 212.

after the nominations had been made, did not speak publicly in behalf of the ticket or candidates. Even in the White House speech of July 9, Buchanan did not claim that Breckenridge and Lane were the "true" Democratic candidates and admitted that neither convention was "regular." He dwelt rather on the reasons which led him to prefer the Breckenridge to the Douglas ticket. The Breckenridge platform he favored because

it sanctions and sustains the perfect equality of all the States within their common Territory, and the opinion of the Supreme Court of the United States, establishing this equality.²⁰

Buchanan denied that he had ever assented to the doctrine of squatter sovereignty or held that slavery could be excluded during the territorial period. For this reason he approved of the Breckenridge-Lane ticket which upheld this principle of non-intervention. He concluded his remarks with a vindication of the southern position, which could not be abandoned by that section without self-degradation. An appreciative audience loudly approved the sentiments expressed by the chief executive, and a New York group pleased him by commending the speech as as a "clear, paternal, and statesmanlike . . . remonstrance against the spirit of disunion."²¹ As the storm thickened, he was to hear fewer and fewer words of praise such as these, while critics assailed his wavering, uncertain conduct of the executive office.

Though the President did not lend his voice to the campaign, he was nevertheless in close touch with the campaign directors. In fact the White House has been called the "unofficial headquarters" of the Breckenridge forces.²² Lane's good friend and neighbor, Governor Isaac I. Stevens, was National Chairman.²³ His biographer speaking of his activities in this capacity said:

In a single night he wrote the party address to the country,—an address covering a whole page of a large metropolitan newspaper, a feat for which General Lane years afterwards

²⁰ John B. Moore, *op. cit.*, X, 457-464.

²¹ *Ibid.*, 465.

²² George F. Milton, *The Eve of Conflict* (Boston and New York, 1934), 485.

²³ Hazard Stevens, *The Life of Isaac I. Stevens* (2 vols., New York, 1900), II, 304.

expressed unbounded admiration and astonishment both for its ability and for the ease and rapidity with which it was dashed off.²⁴

Stevens threw himself with great energy into organizing the canvass. Campaign headquarters were established in New York, funds were collected, literature distributed, and manifold other campaign activities promoted. The national chairman entertained Lane, Secretaries Howell Cobb and Jacob Thompson, of the Cabinet, and others at dinner in Washington on September 5. The clouds were lowering, but the situation did not appear hopeless.²⁵

The custom of presidential candidates "swinging around the circle" had not been established in 1860, though of course they presented their views to the public on various occasions. The second on the ticket naturally was expected to do even less by way of direct campaigning. Nevertheless, Lane did "take the stump" on several occasions, in behalf of the ticket.

One of his first stops was at Philadelphia where he tasted the bitterness of open ridicule and opposition. The occasion was a Breckenridge-Lane ratification meeting which was more than well attended by Douglas supporters. As the speaker came forward "an indescribable scene of confusion ensued. Cheers and hisses alternated and intermingled for some moments." Each sentence of the speaker was punctuated in this manner with now and again a shout for Douglas and popular sovereignty. The police intervened, arrested some twenty to thirty individuals and then some quiet was restored. Lane's first address had been a miserable failure.²⁶

²⁴ Other members of the National Committee included George N. Hughes of Maryland, John W. Stephenson of Kentucky; William Flinn, Jos. A. Berrett, Walter Lennox, Geo. W. Riggs of D. C., Jefferson Davis of Mississippi; Thomas B. Florence of Pennsylvania; J. Thomson of New Jersey; Augustus Schell of New York; A. B. Meek of Alabama; J. D. Bright of Indiana; Robert Johnson of Arkansas; *The Standard* (Raleigh), July 4, 1860.

²⁵ Stevens like many another Democrat was convinced that the rights of the South had been and were being violated and thus espoused the southern rights cause. However, when danger of disunion became an accomplished fact, Stevens loyally supported the Federal government and fell fighting for the Union cause. Stevens, *op. cit.*, II, 305.

²⁶ *The Standard* (Raleigh), July 18, 1860.

His next excursion was into more friendly territory, the State of his nativity, North Carolina. The news of his coming was announced by *The Raleigh Standard*, which after some hesitancy had run up a banner of the Breckenridge-Lane ticket. The North Carolina trip occupied some days during which Lane interviewed informally many citizens. He was guest for a time with his cousin, ex-Governor Swain, then President of the University of North Carolina at Chapel Hill, and visited other relatives in Buncombe county.²⁷

In New York Lane addressed an assembly of National Democratic Volunteers. His principal theme was denial of the accusations that he and Breckenridge were secessionists in proof of which he cited their records of service on the battlefield and in Congress.²⁸

As election day neared, candidate Lane returned to his first political stamping ground in the valley of the Ohio. First he addressed a gathering at Covington, Kentucky, combining praise of Kentucky's favorite son with denunciation of Douglas, and "squatter sovereignty." Some one from the crowd challenged Lane's stand on slavery in the territories, hinting that in a speech in Concord, New Hampshire, in 1855, he had subscribed to the very theory which he now denounced as "heresy." This Lane said was simply misconstruing a sentence in which he had declared that the people of a territory should be allowed to make the decision respecting slavery. He insisted that he had accorded that right only at the time of entrance into Statehood.²⁹

In Indianapolis, the former Hoosier was introduced to an audience of his personal and political friends by Indiana's Senator, J. D. Bright. As on previous occasions, the candidate refuted disunion charges and set forth the belief of the party he represented. It is noticeable in Lane's speeches that all other questions such as tariff, the land issue, foreign policy and other contemporary problems were unmentioned while full attention was given to slavery.³⁰ In company with Bright, he paid a visit to Terre Haute and spoke there.

Despite Lane's cordial reception in Indiana, the Douglas forces were easily ahead in the State. The political machine had been

²⁷ *Standard*, July 28, 1860; also July 21 and July 25.

²⁸ *Ibid.*, Sept. 8, 1860.

²⁹ *Ibid.*

³⁰ *Ibid.*, October 31, 1860.

controlled for years by Bright and Fitch but was now about to be repudiated. The Indiana delegation to Charleston had been instructed to vote for Douglas after a resolution by Bright for Lane had been derisively rejected in the State convention.³¹ After the nominations had been made, Bright led those opposed to Douglas in perfecting a Breckenridge organization. It has been said that,

Bright was too shrewd a politician to believe that Breckenridge would carry the State; his paramount object was to impair Douglas' chances to the full extent of his ability.³²

Bright seems to have combined personal spleen with politics in this assault. To more efficiently carry out his purpose the Indiana Senator established a campaign paper which he named the *Old Line Guard*. Other regular news organs that supported the Southern rights ticket included the *Bainbridge Argus*, *Porter County Democrat*, *Vevay News*, *Boone County Pioneer*, *Richmond Enquirer* and *Jackson Union*.³³ The *Old Line Guard* printed chiefly items bearing upon the candidates and their platform, many quoted from journals in other parts of the country. All this was to no avail. Lane's former popularity in Indiana, the feverish efforts of Douglas' opponents could not stem the tide, and Indiana gave her electoral votes for Lincoln.

It was to be expected that the Breckenridge ticket would find its chief support in the deep South, though it does not follow that these States or rather the people at large were anxious for secession. Neither was it true of all the southern leaders, even of the future president of the Confederacy, Jefferson Davis, who even after Lincoln had been elected was said to have been "opposed to secession as long as the hope of a peaceably remedy remained," though he agreed to abide by the decision of the majority in his State.³⁴

In Mississippi, Davis's home state, there was none of the uncertainty of political conviction in the 1860 campaign that marked some of the border States. Generally speaking, Mississippi Demo-

³¹ Milton, *Eve*, 406.

³² Charles B. Murphy, "Political Career of Jesse D. Bright," *Indiana Historical Society Publications* (Indianapolis, 1931), X, no. 3, 134.

³³ *Old Line Guard*, July 17, 1860.

³⁴ *McElroy*, *op. cit.*, I, 226.

crats favored first of all the election of Breckenridge, or that failing, the election of Lincoln. This attitude was expressed in the *Woodville Republican* when it stated:

The election of Breckenridge will save the South and the Union; the election of Lincoln may save the South; but the election of Bell or Douglas will surrender the South to the fanaticism of the North.³⁵

The Democrats in Mississippi had in past elections piled up an ever growing majority in both state and Presidential elections. In the to them all-important election of 1860 it was essential that an even more united front would be shown. Many party favorites were active in the campaign, among others, Reuben Davis, Ethelbert and William Barksdale, D. C. Glenn, John J. McRea, A. G. Brown, Ex-Governor McWillie, L. Q. C. Lamar, Governor John J. Pettus, O. R. Singleton and Jefferson Davis. The latter made a tour of the State during the last six weeks of the campaign. Apparently even in this crusade, Davis did not counsel secession, rather dwelling affirmatively on the necessity of supporting Breckenridge and Lane for the sake of the South. To his very reticence on the subject of secession, a student of the period attributes the fact that no complete text of any one of his campaign speeches has survived, though he toured the State from "Corinth and Holly Springs in the North to Enterprise and Woodville in the South." Campaign utterances of A. G. Brown, Governor John J. Pettus and others of more "fire-eating" caliber have been preserved.³⁶ Henry Foote upheld the Douglas ticket and canvassed the State for his favorite. His success was not great for Douglas received but 3,283 of the 60,020 votes cast in Mississippi.³⁷

It has been asserted that the Breckenridge-Lane ticket was that of secession. It will be shown, however, that many sincere Democrats who were staunch Union men preferred them as candidates. In Mississippi, "storm center of secession," the charge was more nearly true. In the *Mississippian*, the editor, Ethelbert Barksdale, asserted that, "99 out of every 100 men who are supporting

³⁵ Quoted from Percy L. Rainwater, *Mississippi, Storm Center of Secession* (Baton Rouge, 1938), 137.

³⁶ *Ibid.*, 151.

³⁷ *Ibid.*, 139.

Breckenridge and Lane would be for secession in the event of Lincoln's election."³⁸

As election day neared the canvassers displayed crusade fervor, attending barbecues and mass meetings. A final rally in Vicksburg brought together J. Davis, A. G. Brown, L. Q. C. Lamar and J. W. Matthews, as speakers.

Each southern State presented its own local drama in the hotly contested election. In Louisiana, the Breckenridge-Lane candidacy was slow in starting. However, once it got under way it appealed strongly to men who were thoroughly aroused against abolitionism. Their sentiments were that:

If the States of the South were invaded, its citizens murdered, its property destroyed, and its cities delivered over to the merciless torch of the incendiary, while the government was still administered by a friendly Democratic party, what might not be expected in case an avowedly hostile party should secure the reins of government.³⁹

Especially enthusiastic were the younger men who formed Young Men's Breckenridge-Lane clubs. Typical campaign activities, meetings, rallies, processions and oratorical programs were given under their sponsorship. John Slidell, veteran Democratic leader, was pressed into service. He could not support either Bell or Douglas so turned to Breckenridge, though he repudiated all anti-Union sentiments. With vigor he supported the party of his choice. Addressing the Young Men's Breckenridge and Lane Club in front of the St. Charles Hotel in New Orleans

Slidell paid his respects to Douglas as no true leader, but a betrayer of his party who meant to aid Lincoln and to succeed him four years hence as the Black Republican candidate. Bell, while a man of honor, was not the man of the hour. "If you want skillful pilots at the helm, and brave captains on the deck, my friends, choose Breckenridge and Lane."⁴⁰

Slidell's speeches were enthusiastically received but as they were

³⁸ *Mississippian*, Oct. 31, 1860 quoted in Rainwater, *op. cit.*, 141.

³⁹ Willie M. Caskey, *Secession and Restoration of Louisiana* (Menosha, Wis., 1938), 8.

⁴⁰ Louis M. Sears, *John Slidell* (Durham, N. C., 1925), 171.

conservative in tone, it was thought advisable to import William L. Yancey to sound more clearly the secession note in case of the success of the Republicans. The Louisiana conservative, on the other hand, was invited to Selma, Alabama, where on October 18th and 19th, he spoke from the platform with Jefferson Davis.⁴¹

The real struggle in Louisiana was between the Bell-Everett and Breckenridge-Lane forces. There was, of course, no Lincoln ticket and Douglas drew but few and those ultra-conservatives. Breckenridge carried thirty-six, Bell, nine, and Douglas, three of the parishes. The popular vote was much closer, however, the three tickets polling, Breckenridge 22,681; Bell, 20,204; and Douglas, 7,625. Here, as elsewhere many Unionists voted for Breckenridge but the majority of disunionists *per se* voted for Breckenridge.⁴²

The stormy petrel of secession was the State of South Carolina, where the unfortunate Charleston convention had rent the Democratic party. Some there were who accepted the dictum of Barnwell Rhett's *Mercury* that the Democratic party in itself was not worth saving. This was not the case with James L. Orr, long-time defender of Southern rights, who still hoped to see them preserved in the Union. For this reason he urged a united Democracy against the threat of Republicanism. Of the campaign of 1860 he declared, "Not only is the maintenance of our principles involved but the fate of the Government itself."⁴³ Like others he was willing that the Union be maintained, but held secession the only course for the South in case of a Republican victory.

Numerous public meetings were held endorsing the candidacy of Breckenridge and Lane, whose nomination had been received with general satisfaction in South Carolina. At a meeting in Charleston, at which Rhett was one of the speakers, the election was hailed as one which would show whether the Union was a

free government under the restraints of a living Constitution, or a sectional despotism under the control of sectional ambition, avarice, and fanaticism.⁴⁴

⁴¹ *Ibid.*, 171.

⁴² Caskey, *op. cit.*, 15.

⁴³ Charles E. Cauthen, *Secession and Civil War in South Carolina*, unpublished Ph. D. dissertation, Univ. of North Carolina, Chapel Hill, 27.

⁴⁴ *Ibid.*, 35.

South Carolina chose her electors by vote of the legislature. Having cast its vote for Breckenridge that body remained in session afterwards to bring about secession in case of a Republican victory.⁴⁵

The Democratic party disunion was nowhere more apparent than in North Carolina. In the early summer of 1860 there were frequent disagreements in the press as to whether Breckenridge or Douglas should be supported. Among the rank and file the odds were greatly in favor of Breckenridge and in view of this fact, Holden of the important *Raleigh Standard* finally acceded to the wish of the majority to support his candidacy.

The Breckenridge followers used all inducements to bring the Douglas Democrats into their ranks, since, as they pointed out, the Illinoian had no chance of carrying the State. The Douglas men in turn charged that the Breckenridge ticket was that of secession, not the Democratic party, but a "new-born" party designed by William L. Yancey to dissolve the Union.

The Breckenridge cause was supported on the stump by ex-Governor Thomas Bragg, Governor Ellis, Senator Clingman and William T. Dortch of Wayne. The speakers denied that their candidate promoted disunion, though Clingman did advocate resistance if Lincoln were elected. Many were uncertain as to what course should be pursued under the circumstances, but the Whigs as a body loudly condemned any proposed secession and in general it might be said that North Carolina was in favor of sustaining the Union. The election in the State went to Breckenridge by the slim margin of 848, his total being 48,539 to 44,990 for Bell and 2,701 for Douglas. His greatest lead was in the counties where slavery was prevalent.⁴⁶

The Douglas forces made a desperate bid for Georgia. Douglas himself spoke there with the approbation of Georgia's favorite son, Alexander Stephens. The latter likewise campaigned for Douglas on his own. In a typical speech delivered in Augusta, he warned of the gravity of the hour and pleaded for support of Douglas on the grounds that he was the regular candidate of the party. At the

⁴⁵ Dwight L. Dumond, *The Secession Movement 1860-1861* (New York, 1931).

⁴⁶ Joseph C. Sitterson, *The Secession Movement in North Carolina* (Chapel Hill, 1939), 169 f.

same time he denied that Breckenridge and Lane were disunionists, adding, "I know both these gentlemen well, and doubt not their patriotism." The speaker further disclaimed that Breckenridge and Lane followers were disunionists, however,

I do mean to say that the movement, whatever may have been the motives in which it originated, and by which it is countenanced and supported, whether by good men or bad—tends to disunion—to civil strife—may lead to it—and most probably will, unless arrested by the virtues, intelligence and patriotism of the people.⁴⁷

Stephens was denounced as mentally unbalanced for this statement, but time vindicated his judgement when

. . . many of the leading men and presses supporting the ticket headed by Mr. Breckenridge, not only in Georgia, but in the States of the South generally, declared openly for Secession . . .⁴⁸

His efforts in the cause of Union were of no avail since Georgia gave her electoral votes to Breckenridge.

Alabama was decidedly in favor of Breckenridge from the outset. Though Douglas made a personal appearance in the State, it was already committed. Practically all the political leaders of the State were for Breckenridge, including the Governor, all but one ex-Governor, the two Senators and all but one of the Congressmen.⁴⁹

While the contest waxed warm in the Atlantic States, the situation was by no means calm in Oregon. The interest in politics in the young State had ever been great, in fact, it was "one of the first products of the fertile soil of Willamette Valley." The dissension that had prevailed during the senatorial election became even greater as that for president drew near.

The *Statesman* early committed itself to the support of Douglas and denounced Breckenridge. Lincoln was condemned, but in no wise as harshly as Breckenridge. However, the majority of the Democratic papers of the State rallied to the support of the latter.⁵⁰

⁴⁷ Alexander Stephens, *A Constitutional View of the Late War between the States* (2 vols. Chicago, 1870), II, 691.

⁴⁸ *Ibid.*, I, 277.

⁴⁹ Milton, *op. cit.*, 499.

⁵⁰ *The Union* (Corvallis), *Oregon Democrat*, *Jacksonville Sentinel*, *Eugene*

The Republican press went down the line for their candidate, at the same time lashing vigorously at both Democratic groups.

Of Lane's former political friends in Oregon the most prominent who remained true to his cause in the dark hour of strife was Matthew P. Deady. His fidelity seems attributable to his real conviction concerning southern rights rather than to any personal tie with Lane for he had not spared the Senator in his correspondence with Clique members in previous years. Early in that eventful year Deady had visited Washington and reported to Nesmith:

Washington is a great place for flunkeyism and etiquette. Lane's room is full from morning till night with accomplished knee-benders who look upon him as a sure card for the Presidency. He has a kind and acceptable word for them all and they go away thinking him the greatest man in the nation.⁵¹

To Deady the dogma of squatter sovereignty was "the essence of anarchy, lawlessness and mob rule."⁵²

Despite the use of patronage, the support of the press, and the personal loyalty of many Oregonians to Lane, the electoral vote of Oregon went to Lincoln. The votes were respectively: Lincoln, 5344; Breckenridge, 5074; Douglas, 212. Oregon was the one northern State to give Breckenridge a lead over Douglas.⁵³

The backing given by the Administration to the Breckenridge candidacy has been noted. Other northern leaders of prominence also gave their support to the southern wing of the Democratic party. Lane's friend and former patron, ex-President Franklin Pierce, wrote from his retirement supporting the Breckenridge-Lane ticket. He publicly testified his preference for them in a letter to Benjamin F. Halleck, though he acknowledged that there was nothing in either convention to bind party fealty.⁵⁴ Pierce's advice was sought by Isaac Stevens, Democratic National Chairman, respecting certain removals of postmasters in New Hampshire. The

Herald, Roseburg Express and Portland Daily News supported Breckenridge; the *Statesman, Portland Times, Portland Advertiser* and *The Dalles Mountaineer* supported Douglas; Woodward, *op. cit.*, 186, footnote.

⁵¹ Deady to Nesmith, Jan. 4, 1860, *Deady papers*.

⁵² Deady to Cole, July 31, 1868, *Deady papers*.

⁵³ Woodward, *op. cit.*, 188.

⁵⁴ *The Standard*, July 25, 1860—from *Boston Post*.

former chief executive wisely counseled against such action which he said would create "a furor of dissatisfaction" even among Breckenridge's friends.⁵⁵ As the inevitable results of the election became certain, Pierce was addressed by Postmaster James Campbell, who after giving Pierce his opinion of the outcome of the November election, asked him to use his influence in the South, for,

I know how all potential is your voice in that section of our country. Could you not speak out on some opportune occasion and save us from the awful perils into which folly and madness have plunged us?⁵⁶

The issues of the campaign were clear-cut, perhaps never more so, but the average voter was uncertain as to the result as was the distinguished New York statesman, John Adams Dix, who in later years confessed:

Great numbers of us were terribly perplexed in those days. Doubtless there was a glamour about the Southern cause which influenced men in spite of themselves, a certain sophistry of logic which gave to their demands a color of justice. It should be remembered also that many of us never thought it possible that a violent separation from the Union would be attempted; we conceded the right to a peaceful and orderly departure, if our Southern brethren should insist on having it so. It is a matter of little or no importance what were the feelings of the writer at a particular time excepting as a specimen of those of a considerable number of persons, who loved at once the old Union and their kinsmen in the South. As for myself, I never dreamed of the coming war, I detested abolitionism; I deemed the course of the Republican party one of unjustifiable and mischievous aggression; my sympathies were with the South, and I had no doubt of their right, if they chose to free themselves gently from those bonds which held us together. Under these impressions I voted for Breckenridge and Lane, leaving my bed while suffering from severe illness, and taking the risk involved by standing in the cold air on an inclement day, waiting my turn to vote, because I felt it a sacred duty to do whatever my one ballot could to prevent the election of Mr. Lincoln. . .⁵⁷

⁵⁵ Stevens to Pierce, July 25, 1860, *Pierce Papers*, Vol. VI, Item 1289. Pierce to Stevens, July 30, 1860, *Pierce Papers*, Vol. VI, Item 1290.

⁵⁶ Campbell to Pierce, October 22, 1860, *Pierce Papers*.

⁵⁷ Morgan Dix, *Memoirs of John Adams Dix* (2 vols. New York, 1883), I, 342.

Instances of other patriotic Northern leaders who thought and voted as Dix might be multiplied, suffice it to name but a few such as Edwin M. Stanton (Lincoln's War Secretary); Joseph Holt, Attorney General; D. L. Dickenson of New York; Generals Grant, Sherman, Halleck and Sheridan; B. F. Butler of Massachusetts, and John Logan of Illinois.⁵⁸

As the election neared a new possibility became apparent, the accession of Lane to the Presidency in case the election were thrown into the Senate. That this seemed a very possible outcome is revealed in the letters of a number of well-known contemporaries.⁵⁹ The Republicans, too, feared that it might happen and "Lincoln or Lane" was used as a slogan. Alexander Stephens wrote that the candidates of the South really hoped and expected to win the election:

They thought he [Breckenridge] would carry the entire South and might get enough Electoral votes at the North to secure this end, through the Electoral College. But failing in that, they felt assured that he would receive enough Electoral votes of the North and South together, to carry his name in the House of Representatives, where, in case no one of the four candidates should receive a majority of the votes cast by the Electoral College, the election, under the Constitution, was to be determined by the States. And as the majority of the Representatives in the House from a majority of the States, was Democratic, but opposed to Mr. Douglas, they considered Mr. Breckenridge's elections as certain if it should in the end have to be determined by that body.

But again, even failing of Mr. Breckenridge in this way, by any factious movement on the part of the House of Representatives in staving off the election (as the *per capita* majority in that body was against him) then they looked with confidence to the election of Mr. Lane as Vice-President, either by the Electoral College, or by the Senate (which was Democratic) in case of the College failing to make a choice of Vice-President, upon whom, after being so elected Vice-President by the Senate, would devolve the office of President, under the Constitution, if no choice for President should be made

⁵⁸ Hazard Stevens, *op. cit.*, II, 303.

⁵⁹ Eg. see Steward Mitchell, *Horatio Seymour* (New York, 1938), 217; also J. Henley Smith to A. Stephens, June 26, 1860, and October 25, 1860, *Stephens MSS.*

by the Electoral College, nor by the House of Representatives before the 4th of March, 1861.⁶⁰

The results of the November election which brought Lincoln to the Presidency, dispelled all illusory hopes and gave the dreaded signal for secession. The popular vote for the candidates was Lincoln, 1,866,452; Douglas, 1,376,957; Breckenridge, 849,781 and Bell 588,879. By that queer turn of the American electoral system, the electoral votes were Lincoln, 180; Breckenridge, 72; Douglas, 12; Bell, 39.

There is an unexplained gap in Lane's correspondence for the period preceding and immediately following the election so that his exact opinion and feeling as to the result of the election are not easily determinable. However, from the diary of Buchanan's Secretary of War, John B. Floyd, an interesting extract told of a visit paid him by the defeated candidate on November 8.

. . . I had a long conversation today with General Lane, the candidate for Vice President on the ticket with Mr. Breckenridge. He was grave and extremely earnest; said that resistance to the antislavery feeling of the North was hopeless and nothing was left to the South but resistance or dishonor, that if the South failed to act with promptness and decision in vindication of her rights, she would have to make up her mind to give up first her honor and then her slaves. He thought disunion inevitable, and said when the hour came that if his services could be useful, he would offer them unhesitatingly to the South.⁶¹

Lane was requested by the Breckenridge-Lane Club of New York to make any suggestions which he judged helpful for the preservation of the Union. The answer was not encouraging. The equality which had existed among the States had been menaced if not entirely destroyed by the Republican victory. The South, Lane concluded, was perfectly justified in declining to remain in a position of inequality. Since the Union had been a voluntary one, he declared that the Federal Government had no right under the Constitution to maintain it by force. The abrogation of anti-

⁶⁰ Stephens, *op. cit.*, II, 274.

⁶¹ John G. Nicolay, John Hay, *Abraham Lincoln, a History* (10 vols., New York, 1886), II, 316.

fugitive slave laws and the protection of slavery in the territories were the minimum guarantees that should be offered to placate the South.⁶²

When news of Major Anderson's abandonment of Fort Moultrie for Fort Sumter, a stronger and more easily defended position, reached the capital great excitement ensued. The act was regarded as a hostile one by the people of South Carolina and as Anderson had acted without specific orders, Buchanan was counseled to rebuke the commander and to command the restoration of the forts to their previous status, in order to restore confidence in the insurgent State. The President at first agreed, then declined to adopt such a measure though he was urged to do so by such Senators as Lane, Bigler, Yulee and Mallory.⁶³ Even the advice of his intimates was not enough to steel the President to a decisive stand. But Lane was not long to offer counsel in the nation's affairs, for he was shortly to leave forever the capital where he had enjoyed the extremes of fortune's favor and rejection.

With the closing of his senatorial career, the defeated candidate left Washington to return to Oregon and the retirement which had lured him in the past only to be rejected when another political position was available. This time he had no choice.

⁶² *The Oregon Democrat*, Jan. 1, 1861.

⁶³ "Narrative and Letter of W. H. Trescot," *American Historical Review* (1913), XIII, 544.

CHAPTER IX

DENOUEMENT AND LAST YEARS

With the expiration of his term as Senator, Joseph Lane left the scene of his strenuous political activities to return home to Oregon, never again to enter public life as an office-holder. He had staked his political future on the success of the cause in which he believed; its defeat spelled his likewise. He reached Oregon on the same steamer that brought word of the fall of Fort Sumter. By now many citizens of Oregon were convinced that their idol was a secessionist and rumor flew fast as to his probable role in Oregon on his return.

The reception tendered the politician varied in the different valley communities through which he passed enroute to his Douglas County farm. In Corvallis, the home of his son Nathaniel, the *Oregon Weekly Union* reported an enthusiastic welcome by the town-folk. A public reception held at the Court House was well attended. Lane spoke briefly to the assembly, reviewing his congressional labors and counseling against excitement in the current national crisis. That evening the good will of Corvallis residents was again manifested in a serenade at his son's home. At his arrival in Dallas, on the other hand, the citizens raised the Stars and Stripes, fired a national salute of thirty-four volleys—"and at night hung the old secessionist in effigy."³

An excited rumor circulated that Lane had come home to help establish an independent state to be called the Pacific Republic. Though Lane has been accused of being one of the principal plotters in this fantastic scheme, no evidence has appeared that would confirm the accusation. In fact, in his Corvallis speech, he expressed himself as being unequivocally opposed to any move toward the separate independence of the Pacific.⁴ Naturally enough had he

¹ Robert T. Platt, "Oregon and its Share in the Civil War," *O. H. S. Q.* (1903), IV, 95.

² *Oregon Weekly Union*, May 11, 1861.

³ *Oregon Argus*, May 11, 1861.

⁴ *Oregon Weekly Union*, May 11, 1861.

been a plotter, he would not have revealed the design at a public gathering, but on the other hand positive evidence identifying him with such a move is lacking.

The Pacific Republic plan was not a new one. In the early 1850's, Californians had played with the idea when irked by federal neglect.⁵ An article carried in the *Democratic Standard* of July, 1855, proposed the plan for the consideration of Oregonians. No sinister aspect was given the proposal which was treated entirely from the standpoint of policy and expediency. It was suggested that the Rocky Mountains formed the natural boundary of a separate state. In this way, too, the editor suggested that Oregon might be removed from the sectional strife that was beginning to rend the nation. The *Oregonian* attacked the proposals as treasonable and laid the onus upon Oregon's Democratic leaders.

More specific was the San Francisco correspondent of the *Statesman* in a communication published in September of the same year. Ten States were to be formed in the new nation, three within the limits of California, three in Oregon Territory, two in Washington Territory, and two from western portions of Utah and New Mexico. The federal form of government was to be preserved in the new nation.

When the news of the activity of Lane and the Oregon delegates in favor of the South at the Democratic Convention became known, the Douglas Democrats revived the rumor of the supposed republic and linked the name of Lane and Senator Gwin of California with it. Even before the election of 1860, Bush in the *Statesman* carried an editorial headed "The Lane and Gwin Conspiracy" charging the two Senators with fostering this "dream." At a later date the same journal described in detail the supposed government of the state, a fantastic one modeled on the Venetian republic.⁶

Evidence that Lane encouraged any such scheme does not appear in his public utterances nor in private writings surveyed in this study. It would not be difficult to conceive of his hoping for a rapprochement between the Pacific Coast and his beloved South, but

⁵ "Designs for a Pacific Republic, 1843-62," *O. H. S. Q.* (1930), XXXI, 327 f.

⁶ Dorothy Hull, "Establishment of a Pacific Republic," *O. H. S. Q.* (1916), XVII, 183.

that he strove to achieve this end after his retirement to private life, any more than did countless other southern sympathizers in Oregon seems doubtful. The *Oregon Weekly Union*, so-called "Lane organ" of Corvallis, scorned the charges of the *Statesman* on the Pacific Republic and positively stated that neither Lane nor his admirers contemplated any such foolish schemes, ". . . however much they may sympathize with the South and oppose the principles of coercion."⁷ Senator Gwin, Lane's reputed co-conspirator when accused by his colleague, Latham, of being a secessionist, denied that he cherished any but Union sentiments, adding however, that, ". . . if it is ever broken up, the eastern boundary of the Pacific Republic will be, in my opinion, the Sierra Madre and the Rocky Mountains."⁸

To add substance to the report, Lane met with an untoward accident as he journeyed homeward. By mischance a rifle went off and inflicted a painful wound on his arm, the third time he had sustained such an injury. This happening led to the charge that the ex-Senator was bringing a miniature arsenal to arm his fellow conspirators. That Lane would have undertaken the risk involved to introduce a few petty firearms into Oregon is ridiculous on the face of it. Of more credibility is the explanation offered years later by his son, who said that the "arsenal" supposedly smuggled into the State for nefarious purposes was in reality three or four rifles ordered by the homecoming politician from his favorite gun maker in Cincinnati. He had previously brought guns from the same source to Oregon purchasers and may well have done so on this occasion.⁹

When the news of the fall of Sumter reached Oregon, Union clubs were hastily formed. Noisily patriotic meetings were held in various parts of the State. It is significant that the principal leadership of these clubs was Republican. Governor Whiteaker, whose southern sympathies were well known, denounced them as unnecessary, while the Democratic press assailed them as Republican fronts. Many of the same Democratic sheets were openly in

⁷ *Oregon Weekly Union*, April 27, 1861.

⁸ *W. L. Gwin MSS.* Bancroft collection, p. 174.

⁹ Account given by Simon Lane to the late Joseph Schafer, Superintendent of the State Historical Society of Wisconsin.

sympathy with the South and inclined to condemn the war as Lincoln's war." So outspoken were the *Albany Democrat*, *Albany Inquirer*, *Jacksonville Gazette*, *Portland Advertiser*, *Corvallis Union* and others that they were suppressed during the progress of the war. It will be seen that had he planned or wished to do so, Lane could have agitated against the Union, despite the fact that his once great popularity had gone forever.

He had pledged the support of his family to the Confederate cause and one son, John, did serve as artillery officer on that side. The young man, a West Point Cadet at the outbreak of the struggle, had resigned to offer his services to the South. He received promotion to the rank of major during the progress of the war, during which he took part in several notable engagements as commander of an artillery unit in the army of Northern Virginia. The young officer was among those who surrendered to General U. S. Grant. Another son, Lafayette Lane, was a member of the Knights of the Golden Circle, an organization of Confederate sympathizers, whose role in Oregon seems to have been chiefly that of bugaboo to the ardent Unionists.

The Republican press did not cease to hound the retired leader even though he lived quietly enough on his homestead near Roseburg. In turn the Democratic papers pointed out that some of his defamers had in times past been among the most obsequious of his flatterers.¹¹ The Republican editor, Samuel Bowles of Springfield, Massachusetts, who accompanied Speaker Colfax on his western tour in 1864, characterized the fallen Democratic leader as "an able but low, coarse and groveling politician."¹²

The Democrats hoped to re-capture some of their former influence in the elections of 1864. In the Democratic convention held in Albany, April 13, 1864, there was noticeable secession sentiment expressed. The ensuing campaign was a lively one in which Lane took an active part in behalf of the candidacy of his son, Lafayette, who was one of the five Democratic members elected to the lower house of the State legislature. The Democratic ambitions to elect

¹⁰ *Oregonian*, May 6, 1865.

¹¹ Charles Carey, *History of Oregon* (Chicago—Portland, 1922), 666.

¹² Samuel Bowles, *Across the Continent* (New York, 1865), 176.

a United States Senator were not realized however, though they did elect two State Senators.

Once again in 1866 the aging politician campaigned for the Democratic ticket. Personal abuse from the press and threat of punishment had not dampened his ardor for the southern cause, which he championed when he could. During the campaign he declared that if Jefferson Davis were elected to Congress by the people of Mississippi, that body would have no choice but to admit him.¹³ The *Oregonian* retorted by condemning him in editorials such as that reading, "Give the old Traitor Jo Lane Another Kick."¹⁴ Lane was paying in full measure for the adulation of former years. Candidates who had supported Lane or subscribed to his opinions in times past came in for their share of censure as, for example, J. S. Smith, who in 1868 aspired to Congress.¹⁵ However, Smith won the seat in spite of Republican condemnation.

The year 1867 witnessed Lane's entrance into the Catholic Church. The step was taken after some years of study and investigation of Catholic doctrine.¹⁶ Archbishop Blanchet, the venerable leader of the Church in Oregon from 1838, received him into the faith in the presence of Mrs. Lane, Mrs. Winifred Lane Mosher, and Simon and Lafayette Lane. The ceremonies of abjuration, baptism and confirmation were administered at the Lane home in Douglas County. Rev. Alphonsus Glorieux acted as godfather.¹⁷ Though Lane had always displayed tolerance toward various creeds, he apparently had not been a very active member of any sect. However, a brother, Jesse, had been a Methodist minister in Indiana. Even this act of Lane's private life did not escape the notice of his critics, and one paper carried a vulgar and sarcastic comment on the ceremony.¹⁸

Although the political scene never ceased to intrigue Oregon's first senator, he was content, too, with the management and culti-

¹³ *The Oregon Sentinel*, Mar. 2, 1861.

¹⁴ *Daily Oregonian*, May 16, 1866.

¹⁵ *Daily Oregonian*, May 29, 1868.

¹⁶ F. N. Blanchet to Lane, Mar. 31, 1881, *Blanchet Papers*.

¹⁷ *Register of St. Stephen's Church, Roseburg, Douglas County, Oregon*, The Chancery Office, Portland, Oregon.

¹⁸ *Oregon Sentinel*, Oct. 3, 1868.

vation of his farm. He did the farm work himself, alone or with the assistance of Pete, a negro boy given him by Mrs. Waldo.¹⁹

When Lafayette Lane ran a successful race for Congressman in 1875, to fill the vacancy caused by the death of George LaDour, his father once more took the stump in a wide canvass for his son. The old days of "Oregon style," at least in campaign speaking, had by that date been succeeded by a more polished oratory. In fact, the *Oregonian* commenting on a debate by the candidates spoke of the gentlemanly attitude preserved by both nominees.

Once more did the elder Lane emerge from his retirement, to run for the State Senate in 1880, being then seventy-nine years old. Time had dulled the bitterness of the '60's and though the old man was defeated, he received three hundred dollars for his campaign fund from former editor Asahel Bush, since *Statesman* days a prosperous banker in the Oregon capital.

In 1878 at the solicitation of his children, the old man had moved to Roseburg. His wife had died, August 16, 1870, and he was grateful to leave the solitude of the farm for the town where he was shortly to round out his life's span. In this same year, the historian, Hubert H. Bancroft, interviewed the old pioneer at the Clarendon Hotel in Portland for the purpose of securing material for his monumental history. At seventy-seven, the witness still possessed a "wiry constitution." The Bancroft scribe completed the description:

Hair turned gray, and thinned a very little over his forehead. Chin beard gray; upper and lower lips and cheeks shaven. Complexion "sanguine;" cheeks rounded and of healthy color. A clear-cut firm looking countenance, with pleasing expression and a bright and twinkling eye.²⁰

In addition to the reminiscences given in the interview Lane overcame the strain of rheumatic fingers crippled by his old wounds to chronicle still more details of early Oregon history for the avid collector. Lane's account, at times rambling, nevertheless contains valuable supplementary notes to Oregon history as well as to his personal career, aside from those facts recorded in public docu-

¹⁹ *Lane Autobiography, Bancroft MSS.*, 66.

²⁰ *Morning Oregonian*, October 17, 1876.

ments. In all, dictated notes, a magazine article and Lane's own notes form a manuscript of one hundred thirty-four pages now housed with the Bancroft collection in Berkeley. His own interest in history and literature had become more marked as the years wore on, and he devoted much time in his retirement to supplementing some of his early educational deficiencies.²¹

The declining years of Lane's life were cheered by the kindnesses of friends and the devoted care of members of his large family. He received great pleasure, for instance, when Matthew Deady, addressing the graduating class of Willamette University had pointed to the fickleness of "popular applause" which men like Alcibiades, Marius, and Oregon's long-time idol had felt turn to gall upon their lips. In thanking the speaker, Lane went on to characterize his own reaction to misfortune:

One thing can truly be said, that is, that one of the trio (Lane) met his fate without a murmur or complaint and has been a quiet, industrious, moral citizen making his bread by the sweat of his brow, only wishing the prosperity and happiness of the whole country.²²

The infirmities of age warned the old man that his life cycle was about complete. Characteristically, he rallied his dimming forces to write farewells to some of his friends, among them the able Deady. To the end he retained those qualities of kindliness of which another prominent Oregon politician had spoken in the tribute:

I have never known a man in Oregon to whom the Latin maxim 'Suaviter in modo, fortiter in re' (gentle in manner, brave in deed) could with more propriety be applied. He had all the essential qualifications of a successful politician, and if had not been so imbued with a desire to extend slavery, might, in all human probability, have represented Oregon in the senate as long as he lived. He was intensely southern in all his feelings and sympathies, and opposed to coercive measures to preserve the union. I sincerely believe he was wrong and opposed him

²¹ *Ibid.*, 85 f. E. Evans in his *History of Oregon*, 434, quotes L. Mosher as denying that Lane had ever given Bancroft autobiographical material. An examination of the manuscript in question would seem to contradict this, as much of the material is undoubtedly in Lane's handwriting while the stenographic notes are likewise at his dictation.

²² Lane to Deady, Aug. 27, 1877, *Deady Papers*.

upon that ground, but it is due to his memory to say that he had what many shifty politicians have not, the courage of his convictions and he stood by them to the bitter end.²³

Death came April 19, 1881, when he was in his eighty-first year. Most of those who had been fellow officers in the Mexican War were long since dead. Even the bitterness of the sixties was slowly being tempered if not obliterated. With the passage of the years, old friends who had been estranged in Civil War days, had renewed the ties of friendship and death brought many to pay their last respects. Among the better known who attended the funeral were ex-Governor Whiteaker, Asahel Bush and ex-Senator J. W. Nesmith. No religious ceremony marked the burial but in accord with Lane's dying request, Nesmith delivered the panegyric for his departed friend, dwelling on the varied phases of his long career. Briefly the speaker referred to the differences that had estranged them in earlier years:

Whatever of enmity has ever existed between him and others, on account of ephemeral political difference, are silenced forever in the solemn presence of death. How sorry and contemptible would those transient asperities appear if paraded at the portals of the tomb, and for my own part I contemplate their past existence with emotions of sorrow and regret . . .²⁴

The largest escort ever seen in Douglas County accompanied the warrior-politician to his final resting place in the Masonic Cemetery in Roseburg, where his mortal remains were placed near those of his wife. It seems fitting to conclude with the words of an early Oregon historian:

He was a product of a pioneer civilization. Nature had been more lavish to him in her bounties than had the schools. He had gained great distinction in the military service of the country, yet simplicity of character, honesty and directness of purpose, sympathy with the people, were his great characteristics. He was a brave, unselfish patriot, whose chief, nay, whose only desire was the welfare of his fellow citizens.²⁵

²³ George W. Williams, "The Political History of Oregon," *Oregon Historical Society Quarterly* (Portland, 1901), II, 27. Williams, "Grand Old Man of Oregon," was Attorney-General under President Grant.

²⁴ *Morning Oregonian*, April 28, 1881.

²⁵ Elwood Evans, *History of Pacific Northwest* (2 vols., Portland, 1889), 323.

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