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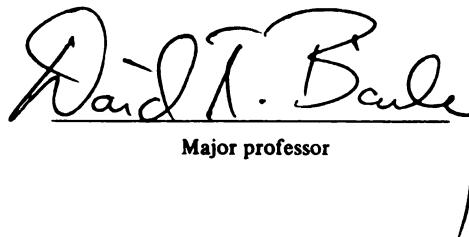


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**THE PLATTE EARTH CONTROVERSY:
WHAT DIDN'T HAPPEN IN 1836**

presented by
CHRISTOPHER MICHAEL PAINE

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M. A. degree in HISTORY


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**THE PLATTE EARTH CONTROVERSY:
WHAT DIDN'T HAPPEN IN 1836**

By

Christopher Michael Paine

A THESIS

**Submitted to
Michigan State University
in partial fulfillment of the requirements
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1993

ABSTRACT
THE PLATTE EARTH CONTROVERSY:
WHAT DIDN'T HAPPEN IN 1836

By
Christopher Michael Paine

When Missouri was admitted to the Union, it had a different western boundary than it does today. Left out of the state was a triangular-shaped tract known as the Platte Country, which lay between the state's western boundary and the Missouri River. During the 1830s the state's Congressional delegation worked to annex this area to Missouri. In 1836, Congress did so although the proposed addition was north of the Missouri Compromise line, in territory supposedly "forever" free. Despite the apparent problem in annexing free territory to a slave state, the annexation failed to receive much attention from contemporaries as well as later historians. In this thesis I discuss infrequent references to the annexation, describe the process of the annexation, as well as analyze how the Platte annexation affected the Missouri Compromise and the subsequent debates of 1850 and 1854 over slavery in the territories.

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TABLE OF CONTENTS

LIST OF FIGURES	vi
SECTION ONE: THE MYSTERY	1
SECTION TWO: ANNEXATION: 1831-1836	6
SECTION THREE: THE MISSOURI COMPROMISE DEBATE OF 1820	36
SECTION FOUR: THE MISSING DEBATE: 1836-1854	42
SECTION FIVE: CONCLUSION	48
BIBILOGRAPHY	53

LIST OF FIGURES

FIGURE ONE: THE PROPOSED ANNEXATIONS

7

SECTION ONE: THE MYSTERY

During the campaign of 1854, Abraham Lincoln took the stump in Illinois to denounce the recent repeal of the Missouri Compromise. Anticipating a key belief of the Republican Party, Lincoln argued that the Kansas-Nebraska Act would create new slave states out of territory where slavery had been banned since 1820. In two speeches in October, he referred to a change in the boundary of Missouri to support his claim that slavery would spread wherever it became legal.¹ Holding up a map of Missouri, Lincoln pointed out the original boundary of Missouri, asserting that slavery “lost no time going up to the last limits of that boundary.”² “To give the state a natural boundary,” Missouri’s limits were later enlarged to include the Platte Country, a strip of land to the west of its original borders.³ Shortly after annexation of this area, in which slavery had been illegal, Lincoln asserted that the institution extended right up to the new boundary; indeed, he claimed that “there are more slaves in that extreme north-west portion of Missouri . . . than in any other equal area of Missouri!”⁴ Lincoln repeated this assertion in shorter form in his second speech, referring to the Platte annexation as “when, rather recently, a part of that boundary, at the north-west was moved a little farther west.”⁵ Although he used the Platte Country to support his contention that slavery would spread wherever it was legal, Lincoln failed to notice that its annexation, by opening free territory open to slavery, served as a precedent for the Kansas-Nebraska Act. Indeed,

¹Account in *Illinois Journal* of speech at Springfield, October 4, 1854, in *The Collected Works of Abraham Lincoln*, Roy P. Basler, ed., 8 vols. (New Brunswick: Rutgers University Press, 1953), 2:244; also account in *Illinois Journal* of speech at Peoria, October 16, 1854, in *Works of Lincoln*, 2:262.

²*Ibid.*, 2:244.

³*Ibid.*

⁴*Ibid.*

⁵*Ibid.*, 2:262.

Lincoln was far from alone in failing to recognize the significance of the Platte annexation; most of his contemporaries did not even grasp the relevance of the annexation to the slavery debate.

Only once in the history of the United States has territory been added to an existing state. This unique event is even more unusual because the territory was supposed to remain free of slavery, yet was added to a slave state. The Platte Country, the area between the original western boundary of Missouri and the Missouri River, was attached to the state in 1836 without uproar despite its location north of the Missouri Compromise line. Because the Platte Country lay north of 36° 30' north latitude and west of the original boundaries of Missouri, slavery had been outlawed there by the eighth section of the act which enabled Missouri to frame a constitution, more commonly known as the Missouri Compromise of 1820.⁶ Although that section had stipulated that slavery was “forever prohibited” in the affected territories, Congress annexed the Platte Country to the slave state of Missouri in 1836, thus effectively legalizing slavery in territory that had been declared “forever” free.⁷ The Platte annexation marked the lone alteration of the Missouri Compromise line between the line’s inception in 1820 and the repeal of the line by the Kansas-Nebraska Act of 1854. Although it converted free soil to slave soil and violated a compromise of sixteen years’ standing, the Platte annexation passed through Congress without recorded dissent while the same session witnessed the beginning of the controversy over the reception of antislavery petitions. Despite the stark contrast between the struggle over petitions and the ease with which the compromise line was changed, the Platte annexation received little attention from contemporaries and historians. The latters’ failure to notice the annexation can be traced to the lack of notice which it received from leading men of the time. Contemporaries viewed the Platte annexation as a minor matter because they believed that it merely changed slightly, rather than repealed,

⁶Richard Peters, ed., *The Public Statutes at Large of the United States of America*, 8 vols. (Boston: Little Brown and Company, 1861), 3:548.

⁷*Ibid.*

the Missouri Compromise, affecting a relatively small frontier tract which should have been made part of Missouri before it was admitted into the Union. However, the Platte annexation deserves closer examination than it has received because it was the only time since the adoption of the Northwest Ordinance that Congress altered the line between the free and slave halves of the nation without provoking a significant confrontation.

The annexation of the Platte Country to Missouri aroused little excitement in Congress or in the nation. No mention can be found in the papers of Henry Clay or Daniel Webster; nor did prominent abolitionists notice that a sizable tract of land had been added to a slave state.⁸ Even John Quincy Adams, a dedicated diarist, member of the House of Representatives when Missouri obtained the Platte Country and an outspoken opponent of the spread of slavery, failed to comment upon the annexation in 1836.⁹ Recent historians have also largely ignored the Platte Country. References to the annexation can rarely be found and such allusions are brief at best. For example, Robert Remini omits the annexation entirely from his biography of Andrew Jackson while Charles Sellers, writing on the Jacksonian period, also fails to mention the event.¹⁰ Even William Freehling missed the Platte annexation in his detailed study of the increasing hostility between the northern and southern sections of the nation.¹¹

Three twentieth-century biographies of Missouri Senator Thomas Hart Benton, who played a minor part in pushing the annexation through Congress, also mention it in

⁸*The Papers of Henry Clay*, Robert Seager II, ed., vols. 8 and 9 (Lexington: The University Press of Kentucky, 1984 and 1988); *The Papers of Daniel Webster: Correspondence*, Charles M. Wiltse and Harold D. Moser, eds. (Hanover, NH: University Press of New England, 1980); *Letters of James Gillespie Birney, 1831-1857*, Dwight L. Dumond, ed. (New York: D. Appleton-Century Company, 1938); *The Letters of William Lloyd Garrison*, vol. 1, Walter M. Merrill, ed. (Cambridge: The Belknap Press of Harvard University, 1971); and *Letters of Theodore Dwight Weld, Angelina Grimké Weld and Sarah Grimké 1822-1844*, Gilbert H. Barnes and Dwight L. Dumond, eds. (New York: D. Appleton-Century Company, 1934).

⁹Charles Francis Adams, ed., *Memoirs of John Quincy Adams, Comprising Portions of His Diary from 1795 to 1848*, 12 vols. (Philadelphia: J. B. Lippincott & Co., 1875), vol. 11. His leading biographer also ignores the annexation. See Samuel Flagg Bemis, *John Quincy Adams and the Union* (New York: Alfred A. Knopf, 1965).

¹⁰Robert V. Remini, *Andrew Jackson and the Course of American Democracy, 1833-1845* (New York: Harper & Row, 1984); Charles Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York: Oxford University Press, 1991).

¹¹William W. Freehling, *The Road to Disunion*, vol. 1 (New York: Oxford University Press, 1990).

passing. The oldest, the 1905 work by Joseph M. Rogers, had the most information.¹² According to Rogers, Benton's ability to secure the Platte Country for his state with "only the feeblest objection" proved to him that the North had no "desire" to treat the South "unfairly."¹³ He used this example in later years to try to quell sectional tensions, although Rogers argues that "not enough enlightened men" existed to see the wisdom of Benton's views.¹⁴ The more recent biographers, Elbert Smith and William Nisbet Chambers, writing in the 1950s, only briefly noticed the annexation. The latter dismissed the whole episode in one sentence that refuted Rogers's claim that Benton pushed the annexation through Congress. "It was Lewis Linn's tact and wisdom that had secured the Platte area for the state in 1836, despite the fact that it would open previously free territory to slaves."¹⁵ Smith agreed with Rogers about the importance of the annexation to Benton's attitude toward the North. "[T]he Senate of 1836 . . . did much to strengthen Benton's faith in Northern tolerance for slavery" by granting Missouri "seven large new counties in direct contradiction of the Missouri Compromise."¹⁶ Benton's biographers mention annexation as an example of Benton's friendly attitude toward the free states while treating the addition of previously free territory to a slave state as nothing more than a curiosity.

In his memoirs, *Thirty Years' View*, Benton spent more than a page on the annexation.¹⁷ Admitting that he had at best an equal share with his colleague Lewis Linn in its passage, he asserted that annexation "was a measure of great moment to Missouri, and full of difficulties."¹⁸ Benton outlined the three major obstacles: adding territory to an already large state, removing Indians from the Platte Country, and converting free soil

¹²Joseph M. Rogers, *Thomas H. Benton* (Philadelphia: George W. Jacobs & Company, 1905), pp. 217-218.

¹³*Ibid.*

¹⁴*Ibid.*, p. 218.

¹⁵William Nisbet Chambers, *Old Bullion Benton: Senator from the New West* (Boston: Little, Brown and Company, 1956), p. 270. Lewis Linn was Missouri's other senator in 1836.

¹⁶Elbert B. Smith, *Magnificent Missourian: The Life of Thomas Hart Benton* (Philadelphia, J. B. Lippincott Company, 1958), pp. 160-161.

¹⁷Thomas Hart Benton, *Thirty Years' View*, 2 vols. (New York: D. Appleton and Company, 1854), 1:626-627.

¹⁸*Ibid.*, 1:626.

to slave soil.¹⁹ These difficulties were overcome by the “generous co-operation” of northern congressmen, who gave their votes for annexation despite the agitation in Congress over “abolition petitions.”²⁰ According to Benton, annexation passed the Senate “without material opposition” and the House without “serious opposition.” The measure, made possible by the “magnanimous assistance” of the North, proved “the willingness of the non-slaveholding part of the Union to be just and generous to their slaveholding brethren, even in disregard of cherished prejudices and offensive discriminations [sic].”²¹ Although they failed to provide much detail, therefore, Benton’s biographers accurately portrayed his feelings about annexation and its lessons.

Benton’s account of the annexation is mostly accurate. During the Kansas-Nebraska debates of 1854, he appealed to the spirit of harmony between the sections that it exemplified; since his memoirs were published in the same year, the debate might explain his emphasis on the cooperative aspect of annexation. He asserted that the annexation “alter[ed] a compromise line intended to be perpetual,” which is certainly true, but the act was just an “impairing” of the Missouri Compromise rather than an abrogation.²² On the other hand, Benton greatly truncated the history of the annexation by failing to mention that the subject had been before Congress since 1831. While accurate in describing the Platte Country as about the size of Rhode Island and Delaware combined, he mistakenly claimed that it yielded seven counties for Missouri rather than six.²³ Finally, he gave himself more credit than he deserved for the annexation’s passage. As Chambers claimed, Senator Linn provided the bulk of the effort required to push the measure through Congress during the five years that it languished there. Despite Benton’s errors, however, his history of the Platte annexation, though brief, is reasonably accurate.

¹⁹Ibid.

²⁰Ibid.

²¹Ibid., 1:627.

²²Ibid., 1:626-627.

²³Ibid.

SECTION TWO: ANNEXATION: 1831-1836

The Platte Country, also known as the Platte Purchase, was not included within the bounds of the state of Missouri when it was admitted to the Union in 1821. The enabling act which authorized Missouri Territory to frame a state constitution defined the state's western boundary as a "meridian line passing through the intersection of the Kansas and Missouri Rivers."¹ This north-south line coincides with the present boundary between Missouri and Kansas south of where these two rivers meet in Kansas City. Between the original boundary of Missouri and the Missouri River to the west lay a triangular wedge of land known as the Platte Country after one of the rivers which run through it to the Missouri.² This wedge of land is approximately 95 miles long on its eastern edge, 62 miles long on its northern boundary, and about 114 miles from its southern point to its northwestern corner.³ Because the Platte Country almost exactly corresponds to six present-day Missouri counties (Andrew, Atchison, Buchanan, Holt, Nodaway, and Platte), the area of these counties approximates the annexed area.⁴ (See Figure 1.) Using this estimate, the Platte Country covers 3,139 square miles, which is about 4.55% of the total area of the state.⁵ To put this into perspective, Missouri was able to annex an area which was larger than Delaware and Rhode Island combined, and about

¹*Public Statutes*, 3:545-6.

²This is not to be confused with the longer Platte River which flows into the Missouri south of Omaha.

³*1993 Rand McNally Road Atlas* (Chicago: Rand McNally & Company, 1992), p. 54.

⁴A very small part of the Platte Country now lies in Worth County, and a sliver of it appears to be part of Gentry County. *Road Atlas*, p. 54.

⁵*City and County Data Book*, 1988, Bureau of the Census (Washington: Government Printing Office, 1988), pp. 289, 302. Missouri's area is 68,945 square miles. *Road Atlas*, p. 55.

three-quarters the size of Connecticut.⁶ Since the Platte Country was larger than two states of the Union at the time, its annexation was no trivial boundary adjustment.

Western Missourians desired the annexation of the Platte Country because the area was important for water access to the Missouri River. Residents argued that using the Little Platte River, which flows southwest across the original western boundary of Missouri into the Platte Country, or the Platte River, which is a few miles west of the same line, would be much more convenient than hauling produce many miles southward to the Missouri River. However, as long as these lands lay outside Missouri, whites could not legally enter them, and thus were denied access to these river routes. By 1831 pressure from northwest Missourians had become great enough to cause the General Assembly to ask Congress to annex the Platte Country to Missouri.⁷

To annex the Platte Country, Missourians had to overcome one important obstacle. The United States acquired title to the Platte Country under the Treaty of Prairie du Chien of 1830. This treaty, signed by the Sacs and Foxes, Omahas, Ioways, Ottoes, and some bands of the Sioux, ceded title to a vast tract which included the Platte Country. However, the treaty stipulated that the "lands ceded and relinquished" were to be "assigned and allotted under the direction of the President . . . to the Tribes now living thereon."⁸ After the President assigned the land to tribes, they would then be able to "locate" upon it "for hunting, and other purposes."⁹ Therefore, although the United States, rather than Indians, owned the Platte Country, it was not at the government's disposal. The government merely held it "in trust. . . as a common hunting ground" for tribes.¹⁰ No whites were to be allowed in the ceded territory.¹¹ For Missouri to annex it,

⁶Delaware, 1,932 square miles; Rhode Island, 1,055 square miles; Connecticut, 4,182 square miles. *Road Atlas*, pp. 19-20 and 87.

⁷The memorial of the General Assembly can be found in House Committee on Indian Affairs, *Boundary Line Between Land of the United States and Missouri: To Accompany H.R. 416*, 23rd Cong., 2nd sess., H. Rept. 107. (Hereafter referred to as Report 107.)

⁸Treaty of Prairie Du Chien, 1830, quoted in Charles J. Kappler, ed., *Indian Affairs. Laws and Treaties*, 5 vols. (Washington: Government Printing Office, 1904, reprint ed., 1975-76), 2:305-6.

⁹*Ibid.*

¹⁰Martha Royce Blaine, *The Ioway Indians* (Norman: University of Oklahoma Press, 1979), p. 161.

¹¹*Ibid.*, p. 160.

the tribes that signed the Treaty of Prairie du Chien had to relinquish their rights to the use of the land.

Neither this legal issue nor the presence of Indians on the land, however, discouraged Missourians from requesting the Platte Country. Part of the region was occupied by Ioway Indians, who had been relocated there in 1824.¹² Although the Ioways had ceded their title to their lands to the government in the Treaty of Prairie du Chien, they continued to live on them.¹³ On February 4, 1831, the General Assembly sent a memorial to Congress, giving several reasons why the region should be added to the state.¹⁴ Because the area would add “two, or at most, three respectable counties” to the state, the legislature assured Congress that its annexation would not significantly increase Missouri’s size.¹⁵ The General Assembly regretted the “improvident manner” of determining the state’s original boundaries that denied the state a useful tract of land.¹⁶ An extension of the western boundary to the river would also place a natural barrier rather than an imaginary line between Missouri whites and Indians who lived west of Missouri; this arrangement not only would ease white anxiety but would benefit the Indians as well by separating them from unscrupulous white settlers. Finally, the legislature added that annexation would increase the revenue of the federal government through the sale of what would become valuable land. In addition to asking for the annexation of the Platte Country, the memorial requested clarification of the state’s uncertain northern boundary and the extension of this boundary to include the point of land between the Des Moines and Mississippi Rivers.¹⁷

¹²*Ibid.*, p. 161.

¹³*Ibid.*

¹⁴Report 107. The memorial passed the Senate on December 23, 1830 and the House on December 28. It was adopted over the governor’s veto on February 4, 1831. Thomas Hart Benton presented it to the U. S. Senate on February 28, the same day that Spencer Pettis presented it to the U. S. House.

¹⁵*Ibid.* Note that the Platte Country, which eventually formed six counties, was larger than the General Assembly realized.

¹⁶*Ibid.*

¹⁷Missouri’s northern boundary was defined in 1820 as “a parallel which passes through the rapids of the Des Moines River.” [*Public Statutes*, 3:545-6] Apparently confusion arose as to precisely which rapids should determine the line. The request to extend this line east to the Mississippi was not honored; today this land belongs to Iowa.

Although this memorial was presented to both houses of Congress on February 28, 1831, nothing came of it for some time. During the next session, the House Committee on Territories recommended ceding the land to Missouri. It reported House Bill 615, a bill “to extend and conform the limits of the State of Missouri.”¹⁸ Unfortunately for Missourians the session expired before the House could act on the bill. Despite this slow progress in Congress, Missourians could reasonably expect that the House report favorable to annexation would be acted upon in the near future.

Later that year, however, the federal government reaffirmed the rights of Indians to the Platte Country. The Treaty of Chicago, concluded on September 26, 1833, assigned part of the Platte area to the Potawatomi, Chippewa, and Ottawa tribes for use as hunting grounds.¹⁹ Not all of the Platte Country was included in these tribal hunting grounds. The boundary to the lands assigned to these tribes ran down the Missouri River to the mouth of the Nodaway. At that point, the boundary ran due eastward, cutting across the Platte Country, to the original western boundary of Missouri.²⁰ Although the government retained ownership of the land, it granted exclusive possession and use to the three tribes, effectively barring whites from entering approximately seven-tenths of the Platte Country. While the rights to the southern portion remained unassigned, the government could later follow the precedent made by the Treaty of Chicago and allot the land to other tribes. Rather than reversing the policy of the Treaty of Prairie du Chien, as Missouri wished, the government confirmed it, abruptly ending the favorable treatment which the proposed annexation had been receiving in Congress.

Despite the assignment of most of the Platte Country to Indians, “covetous whites were eying” the Platte lands.²¹ After white squatters began to encroach upon Indian lands, they were ordered removed despite their protests that the area would soon become

¹⁸The House Committee on Territories reported a bill on July 14, 1832. House Committee on Territories, *Report*, 22nd Cong., 1st sess., H. Rept. 512. The text of the bill does not appear in the House records.

¹⁹Treaty of Chicago, 1833, quoted in Kappler, p. 402.

²⁰*Ibid.*

²¹Blaine, p. 161.

part of Missouri.²² Because these forced removals had “no permanent effect” on the white presence in the Platte Country, the government urged the Ioway Indians residing there to move across the Missouri River.²³ However, the Ioways stayed put despite these warnings that their position would become “intolerable.”²⁴

Joining the Ioways in the Platte Country, members of the Potawatomi tribe relocated there from the Great Lakes region in 1833.²⁵ The tribe were technically “trespassers” on the Platte lands because they were not assigned to the area by the government.²⁶ Balking at their new home in what is now Iowa because of the lack of wood there, the tribe moved down the river to the Platte area instead.²⁷ According to one of the tribe’s historians, “demoralization and discouragement best characterize the era of Potawatomi residence at the Platte Purchase.”²⁸ Despite their unhappy situation, the tribe showed no inclination to move again. Although technically not authorized to live in the area, the Potawatomis, because they had signed the Treaty of Chicago, had more right to be on the land than white Missourians.

Missouri’s senators and representatives continued to press their state’s cause during the 1833-34 session of Congress. While working to amend the Treaty of Chicago so that it did not allow the Indians access to the Platte Country, they also referred the annexation to each chamber’s Committee on Indian Affairs. Senator Hugh L. White of Tennessee, chairman of the Senate committee, recommended adding the Platte Country to Missouri.²⁹ Since the Treaty of Chicago had not been ratified, the Platte area had not been “assigned to any Indians.”³⁰ The Indians who lived in the tract did so, not by right,

²²*Ibid.*

²³*Ibid.*, pp. 161-163.

²⁴*Ibid.*, p. 163.

²⁵Joseph Murphy, *Potawatomi of the West: Origins of the Citizen Band*, Patricia Sulcer Barrett, ed. (Shawnee, OK: Citizen Band Potawatomi Tribe, 1988), pp. 11-12.

²⁶*Ibid.*, pp. 12-13.

²⁷*Ibid.*, p. 15.

²⁸*Ibid.*, p. 16.

²⁹Committee on Indian Affairs Report, April 8, 1834, reprinted in Senate Committee on Indian Affairs, *Report*, 24th Cong., 1st sess., S. Doc. 251. (Hereafter referred to as Document 251.)

³⁰*Ibid.*

but “merely at the will or by the sufferance of the United States.”³¹ Attaching the Platte Country to Missouri would provide a safe, natural boundary between whites and Indians, reducing the risk of war. White added that Missouri’s other request, the extension of its northern boundary to the east, was unjustified because it replaced natural borders with a mere line and because the Indians clearly owned the desired tract. In contrast, the annexation of the Platte Country would benefit both Missouri and the Indians without requiring the latter to give up the title to more of their land. White concluded that a United States commissioner should conduct the first official survey of Missouri’s adjusted northern boundary in order to safeguard the interests of the state, the federal government, and the neighboring Indians. White’s report echoed all of the Missourians’ main arguments but one, the advantage of convenient transportation, which he did not address.³²

The House Committee on Indian Affairs briefly mentioned the Platte Country in its report on regulating the Indian Department.³³ While proposing the creation of the Western Territory for the residence of native and relocated Indians, the committee explicitly excluded the Platte tract from the new territory. The committee explained:

The lands between the west line of the State of Missouri and the Missouri are not included within the Western Territory. It will be obvious, from an inspection of the map that an outlet through those lands will be necessary to the people of Missouri: and that their convenience will require an extension of their western boundary to that river.³⁴

Interestingly, to justify their decision to exempt the Platte area from the Indian lands of the Western Territory, the House Committee relied on the argument of “convenience” to Missourians, which its Senate counterpart ignored. Because the committee explicitly recognized that it was “obvious” that Missouri would “require” the Platte Country, it deliberately excluded it from another jurisdiction.

³¹Ibid.

³²Ibid.

³³House Committee on Indian Affairs, *Report on Regulating the Indian Department*, 23rd Cong., 1st sess., H. Rept. 474. (Hereafter referred to as Report 474.)

³⁴Ibid.

Recognizing that Missouri considered annexation vital to its security from Indian attacks, the committee reported a bill which would authorize the President to cause the boundary between Missouri and United States territory to be marked.³⁵ Representative John Bull of Missouri then amended the bill by adding a provision to annex the Platte Country to the state's limits.³⁶ His amendment stipulated that Missouri's boundary should be run from the mouth of the Kansas River "up the Missouri river until it shall reach the parallel of latitude which passes through the rapids" of the Des Moines River, then along that parallel to the Mississippi.³⁷ This includes the Platte Country and the point of land between the Des Moines and Mississippi Rivers as well. The bill also contained this section attaching the Platte Country to the state:

And be it further enacted, That all that part of the territory of the United States embraced within the boundaries aforesaid, which was not originally included within the State of Missouri, be, and the same is hereby, attached to, and shall form a part of, the State of Missouri; and the sovereignty, jurisdiction, and laws of the said State shall extend over the said ceded territory, in the same manner, and under the same conditions, as if the same had originally, on the admission of Missouri into the Union, been included within its limits: *Provided*, That nothing in this act shall be construed to convey to the State of Missouri any right or title to any lands now belonging to the United States.³⁸

Because the Platte Country would be "attached" to Missouri "as if the same had originally . . . been included within its limits," the committee accepted the argument of Missourians that the Platte lands and the point of land between the Mississippi and the Des Moines should have been made a part of the state when it was authorized to frame a constitution. Rather than being a mere land grab on Missouri's part, annexation corrected an error made fourteen years earlier. This bill failed to pass the House before the session ended and Missouri once again became a victim of pressing business at the close of a session.

³⁵Bill, introduced on June 5, 1834, summarized in House Committee on Indian Affairs, *Report*, 24th Cong., 1st sess., H. Rept. 379. (Hereafter referred to as Report 379.)

³⁶John Bull's offering of the amendment was reported in the *Congressional Globe*, vol. 1 (23rd Cong., 1st sess., 1833-34), p. 429.

³⁷Quoted in Report 379.

³⁸Section of above bill, quoted in Report 379.

While Missouri's senators and congressmen were attempting to push annexation through Congress, they also worked to amend the Treaty of Chicago before it could be ratified. The Senate ratified the treaty conditionally in 1834, stipulating that the Platte Country must be excluded from any land assigned to the tribes.³⁹ This condition was, of course, a victory for Missouri because it removed the Treaty of Chicago as an obstacle to annexation. After the Indian signatories agreed on October 1, 1834, to make the northern border of Missouri the southern boundary of their land, the Senate ratified the treaty.⁴⁰ Although the Treaty of Chicago no longer blocked annexation, the Treaty of Prairie du Chien, which set aside the Platte Country and other lands for the use of Indians (as the President directed), remained in effect. The Senate and the Indians would have to agree to an alteration of the Treaty of Prairie du Chien for Missouri to gain the Platte lands.

During the next session of Congress, Senator Lewis F. Linn of Missouri worked for the annexation of the Platte Country. Linn, a physician who was an "authority on Asiatic cholera," served one term as a state senator from Sainte Genevieve before being appointed to fill a vacant seat in the U. S. Senate in 1833.⁴¹ As an "ardent admirer" of President Jackson, he and Missouri's senior senator, Thomas Hart Benton, "were a strangely mated but effective pair"; Linn's quiet, polite manner contrasted with the often overbearing Benton.⁴² During the first part of his career, until his reelection in 1837, Linn spent his time "primarily as a representative of his section," performing services for constituents and advocating Missouri issues, especially the Platte annexation.⁴³ Once elected to the Senate in his own right, Linn became a leader in the efforts to secure control of Oregon. After years of "persistent" effort, his bill creating a governmental, military, and land policy for Oregon passed the Senate in February 1843.⁴⁴ Linn died

³⁹Kappler, pp. 414-6.

⁴⁰*Ibid.*

⁴¹*Dictionary of American Biography*, Dumas Malone, ed. 18 vols. (New York: Charles Scribner's Sons, 1933), 11:282.

⁴²*Ibid.*

⁴³*Ibid.*

⁴⁴*Ibid.*

suddenly at home in October 1843, months after his second reelection to the Senate.

Upon his death, his political allies and opponents agreed that he had represented his state well and had made no enemies of either party during his stay in office.⁴⁵

Concerned about the Platte Country, Linn wrote to ask Henry L. Ellsworth, Indian agent, his opinion about placing Indians between the Missouri River and white settlements in Missouri.⁴⁶ Linn also posed several questions to Indian agent John Dougherty about the Platte Country and the nearby tribes.⁴⁷ Because Linn knew that his constituents coveted the Platte Country to improve transportation, he queried Dougherty about the inconvenience involved in hauling goods overland to the Missouri. He requested Dougherty to describe possible effects of Indian residence in the Platte area, as well as the possibility of injuring the Indians by locating them beyond the river or to the north. In addition, he wanted to know the dimensions of the Platte Country; strangely, Linn did not seem to have an accurate idea of the tract's size he was attempting to add to his state.⁴⁸

Linn promptly received encouraging replies from both Dougherty and Ellsworth. While failing to give the dimensions of the Platte area or to explain the difficulties which western Missourians faced in getting to the Missouri River, Dougherty assured Linn that annexation would benefit the Indians who lived in the region by separating them from white Missourians. Any "location of Indians upon this territory would be attended with the most ruinous effects," he asserted.⁴⁹ Indian occupation of the Platte "would be alike injurious to the Indians and whites."⁵⁰ Instead of the Platte lands, the Indians could settle on a fine tract of land to the north. He argued that this tract not only would remove them from close contact with whites but was of better quality.⁵¹

⁴⁵Ibid.

⁴⁶Linn to Ellsworth, January 23, 1835, in *Documents Relating to the Extension of the Northern Boundary of the State of Missouri*, 24th Cong., 1st sess., S. Doc. 206. (Hereafter referred to as Document 206.)

⁴⁷Linn to Dougherty, January 23, 1835, Document 206.

⁴⁸Ibid.

⁴⁹Dougherty to Linn, January 26, 1835, Document 206.

⁵⁰Ibid.

⁵¹Ibid.

Ellsworth agreed with Dougherty's assessment of the best home for the Indians. He argued that the Platte area, "compared with the country lying north of the State line" would be an "unfavorable location" for the tribes because it lacked abundant game.⁵² Because Indians already complained of white encroachment upon their hunting grounds in the Platte, Ellsworth reported, they were willing to exchange their rights in the area for rights to land north of Missouri. The growing white encroachment upon the Platte area stemmed partly from the "general expectation that the Chicago treaty will be modified."⁵³ This belief, Ellsworth informed Linn, "has emboldened many squatters to enter upon the lands in question, in hopes of fixing their future residence."⁵⁴ Because such illegal occupation could only inflame tensions between whites and Indians, he concluded that both sides would benefit from giving the Indians rights to use an alternate tract. The advice of Ellsworth and Dougherty convinced Linn that Indians and whites could not live in peace as long as Indians held such an important piece of land.

However, Dougherty and Ellsworth failed to provide Linn with an accurate description of Indian feeling. Some tribes living there doubted that they could receive lands of better quality in exchange for moving out of the Platte Country. The Potawatomis preferred to remain rather than relocate to a tract in what is now Iowa because they believed that wood was scarcer in that area.⁵⁵ Also, the Ioways had rejected previous offers to move across the Missouri River.⁵⁶ Removal of the tribes would prove to be far from the voluntary migration that Dougherty and Ellsworth predicted.⁵⁷ Therefore the annexation of the Platte area would disregard the rights of the tribes living therein and would violate their wishes.

⁵²Ellsworth to Linn, January 27, 1835, Document 206. This letter is also in Report 107.

⁵³Ibid.

⁵⁴Ibid.

⁵⁵Murphy, p. 15.

⁵⁶Blaine, pp. 161-163.

⁵⁷Ibid., pp. 163-164; Murphy, p. 118.

On the same day that Dougherty wrote Linn, he also sent a letter regarding the Platte Country to Representative William Ashley of Missouri.⁵⁸ Apparently Ashley had made similar inquiries about the land, although no record of his requests survives. Dougherty described the dimensions of the tract as one hundred miles from north to south, about one hundred fifty along the river, and an average of fifteen miles (thirty at its greatest extent) from east to west.⁵⁹ He assured Ashley that maps show it “wider than it really is.”⁶⁰ In fact, the maps Dougherty referred to were more accurate than he; the Platte Country is about twice as long east to west, both at the longest and on the average, as he believed.⁶¹ Thus, Ashley and the rest of Congress were misinformed as to the actual size of the land they proposed to add to Missouri. Dougherty also told Ashley, as he had Linn, that assigning other lands to the Indians would be in their best interests. Although the Platte area was “considered a common hunting ground for several different tribes,” wild game was scarce, most of it having been driven away by the livestock of the Missourians.⁶² Claiming that Indian residence in the region would threaten Indians as well as whites, he asserted that allowing them to remain would “ensure their destruction.”⁶³ Presumably Dougherty felt that Ashley needed more persuasion of the desirability of annexation than Linn did.

Senator Linn received another letter arguing that the Indian inhabitants of the Platte Country wanted to leave the land to Missourians. Pierre Menard and John L. Bean, Indian agents, asserted that the Ioway Indians who occupied the tract were “very willing, if not anxious” to settle elsewhere.⁶⁴ Leaving the Ioways in the Platte region would hem them into a small strip of land between the Missouri River and white settlements on Missouri’s western border. They also recommended exchanging the Platte lands for a

⁵⁸Dougherty to Ashley, January 26, 1835, Report 107.

⁵⁹*Ibid.*

⁶⁰*Ibid.*

⁶¹See the dimensions given on page 5.

⁶²Dougherty to Ashley, Report 107.

⁶³*Ibid.*

⁶⁴Letter from Menard and Bean to Linn, February 6, 1835, Document 206.

tract in the area to the northwest; such lands would make an excellent site for an Indian settlement.⁶⁵ This recommendation, which coincided with Ellsworth's and Dougherty's analyses, further convinced Linn that annexation of the Platte Country would actually aid, rather than harm, Indians. Such evidence would help to persuade Congress to change the policy inaugurated in the Treaty of Prairie du Chien, which would make annexation possible.

Shortly after Linn and Ashley received these recommendations, two amendments to the Missouri Constitution relating to boundaries arrived in Washington and were presented to Congress.⁶⁶ The first amendment extended the boundary of the state to include the Platte Country. It outlined the boundaries of the tract to be annexed, adding that the state's borders would be modified to include it or "so much of said tract of land as Congress shall assent."⁶⁷ The second amendment extended the boundary to include land between the Des Moines River and the Mississippi; however, this section, unlike the first, failed to account for the chance that Congress could award only part of the desired area to the state.⁶⁸ Interestingly, this discrepancy shows that the General Assembly was less confident that it would obtain the whole Platte Country than that it would get the point of land between the Des Moines and the Mississippi. Before the passage of these amendments, annexation of the Platte region had received nothing but favorable notice in Congress while only Missouri Representative John Bull had supported Missouri's desire for the Des Moines/Mississippi area; yet the General Assembly prepared for less than the whole of the former tract.

Shortly after Congress received these amendments, the session ended on March 3, leaving the issue for the new Twenty-Fourth Congress. However, Senator Linn did not drop the issue during the recess. In May he wrote to Secretary of War Lewis Cass, the

⁶⁵Ibid.

⁶⁶These amendments were read and laid on the table in the House on February 21, 1835. The Missouri Senate passed them, 28-0, on January 28; the Missouri House approved them on the same day, 69-2. The amendments were printed in House, *Documents*, 23rd Cong., 2nd sess., H. Doc. 162.

⁶⁷Ibid.

⁶⁸Ibid. This is today the southeasternmost part of Iowa.

Cabinet officer responsible for Indian affairs, presenting arguments for annexation.⁶⁹ Despite the amendments to the Treaty of Chicago, which were made “at some expense,” Linn informed Cass that the Treaty of Prairie du Chien still blocked annexation.⁷⁰ Because the latter treaty stipulated that most land between the Mississippi and Missouri Rivers, including the Platte Country, was “devoted to the exclusive purpose of locating such Indian tribes as the President in his judgment might think it proper to place on it,” President Jackson could settle Indians there, making a “permanent barrier” between whites and the Missouri River.⁷¹ Echoing the advice he had received, Linn asserted that settlement would give no “*practical advantage to any concerned.*”⁷²

To convince Cass that Missouri needed this addition, Linn turned to the state’s security. Annexation would serve as a needed defense against Indians who were recently relocated to the country west of Missouri; indeed, Linn warned, “*We have no lasting security that evils will not occur but in making this piece of territory an integral part of the State.*”⁷³ Not only did Missouri require this tract, but it deserved the land, which had been placed outside of the state’s original limits only due to ignorance of geography. Although Jackson believed that modifying the Treaty of Prairie du Chien was unnecessary to annex the land, Linn stated that the Senate would refuse to act without altering the treaty. As a final incentive, should Cass need another, Linn added that, if added to Missouri, the lands of the Platte area would provide the federal government with one to one-and-one-half million dollars in land sales.⁷⁴

Months later, Cass replied to Linn.⁷⁵ Although the President had ordered all white squatters to leave the Platte region, Cass believed he had acted too harshly. People

⁶⁹Letter from Linn to Cass, May 14, 1835, Document 206. Linn sent a copy of this letter to Secretary of State John Forsyth on August 10. This letter is also in Document 206.

⁷⁰*Ibid.*

⁷¹*Ibid.*

⁷²*Ibid.* Italics in the original.

⁷³*Ibid.* Italics in the original.

⁷⁴*Ibid.*

⁷⁵Letter from Cass to Linn, August 27, 1835, Document 206

had settled there because “it was considered as certain to belong to Missouri.”⁷⁶ Since these expectations were reasonable and since Missouri was likely to have the territory in the near future, Cass thought sending the military after squatters was unjustified. He also promised that the Administration would locate no more Indians on the Platte lands; instead, they would wait for Congress to determine whether the land should be added to Missouri.⁷⁷ This reply, although it omitted any mention of the Administration’s position on annexation, assured Linn that the disposition of the region was a matter for Congress to decide.

Annexation became a campaign issue in Missouri during the summer of 1835. In a letter “to the people of Missouri,” Congressman Ashley claimed that Missouri’s boundary extension had received “due attention” during the late session.⁷⁸ Contrary to the recommendations made by committees in each house, he asserted that the annexation of the Des Moines/Mississippi tract, in addition to the Platte region, would occur at the next session. Although the Treaty of Prairie du Chien “unfortunately arrested” the progress of the bill, a recent “arrangement with the Pottawatomie Indians” removed the restriction placed upon the Platte lands.⁷⁹ Because this area was no longer reserved for Indian use, Ashley foresaw “no further difficulty” in obtaining annexation of the Platte Country; he failed to explain why the Des Moines/Mississippi lands were not attached to Missouri at the recent session.⁸⁰

In the same newspaper in which Ashley’s letter appeared, Albert G. Harrison, a candidate for Congress, addressed the voters of the state.⁸¹ Harrison vowed that he would support the annexation of the Platte and Des Moines/Mississippi regions “with the utmost zeal and attention.”⁸² Although he mentioned both tracts, he discussed only the Platte

⁷⁶*Ibid.*

⁷⁷*Ibid.*

⁷⁸Letter from Ashley to People of Missouri, *Missouri Argus* (St. Louis), June 5, 1835, p. 1.

⁷⁹*Ibid.*

⁸⁰*Ibid.*

⁸¹Letter from Harrison to voters of Missouri, *Missouri Argus*, June 5, 1835, p. 3.

⁸²*Ibid.*

lands. Annexation was “not only important in many particulars, but absolutely necessary for the peace and harmony of our western frontier” because the Missouri River would form a “great barrier” to Indian invasion.⁸³ In addition to the increased security offered by a river border, the Platte lands would provide citizens of northwest Missouri the “immediate advantage” of “free and uninterrupted access to the Missouri.”⁸⁴ Although Harrison and Ashley each favored the enlargements of Missouri’s borders, neither did more than mention the eastern extension to the Mississippi and claim he favored it. Similarly, their reasons for adding the Platte Country to the state conformed to prior arguments for annexation. Although annexation drew each candidate’s attention, it was not much of a campaign issue because their positions coincided.

Annexation lay dormant until Congress convened in December. Shortly after the session began, Senator Linn introduced a bill to mark the line between Missouri and United States territory.⁸⁵ This bill contained no references to the annexation of any territory to the state; it merely provided for an official survey of Missouri’s uncertain northern boundary. After passing the Senate, the bill proceeded to the House, where it was read twice and committed on January 5, 1836.⁸⁶ Representative John M. Patton of Virginia, chairman of the House Committee on Territories, reported the bill and an unknown amendment to the House on January 28; the amended version was again read twice but never passed the House.⁸⁷ Possibly this amendment provided for the boundary to be run such that the Platte Country would be part of Missouri, as John Bull’s amendment did in 1834.⁸⁸ However, Linn’s attempt officially to determine Missouri’s

⁸³Ibid.

⁸⁴Ibid.

⁸⁵*Congressional Globe*, vol. 3 (24th Cong., 1st sess., 1835-36), p. 26. Linn introduced the bill on December 17, when it was read once. It received its second reading on the 22nd (p. 43) and was passed without a division on the 31st (p. 62).

⁸⁶Ibid., p. 69.

⁸⁷Ibid., p. 149. I have found no record of the exact text of the bill nor of the amendment to it in the House Committee Reports of that session.

⁸⁸See page 9.

uncertain northern boundary failed, as did any maneuver to annex the Platte lands to Missouri in this manner.

Shortly after the bill stalled in the House, Missouri's delegation resumed their efforts. Senators Linn and Thomas Hart Benton and Representative Harrison sent a letter to Secretary Cass detailing their state's desire for the Platte Country.⁸⁹ Although Harrison had claimed during the campaign in 1835 that no impediment to annexation remained because Indian tribes had agreed to give up their claims to the region, this letter clearly proved that he had misled the voters. The "numerous" movements Congress had made toward annexation showed that it would have "unquestionably" been accomplished but for the treaty stipulations.⁹⁰ While the three had no desire to undermine Jackson's policy of leaving relocated Indians alone, they argued that the Platte lands were "utterly valueless" to the Indians.⁹¹ To impress Cass with the matter's importance to them and their constituents, they asserted, "Missouri has no *lasting security*" until the Platte lands should belong to the state.⁹² Although this letter essentially repeated the same arguments that Linn had made to Cass the previous May, Benton's co-authorship added considerable influence to Missouri's efforts. Because the latter was a stalwart defender of Jackson and his policies, the Administration would be more likely to grant Missouri's request with his support thrown behind it.

Cass's reply was more favorable than he had been in his August answer to Linn. He related that Jackson wanted to do "all he can properly do" to aid Missouri; however, he was unwilling to break faith with the Indians.⁹³ The United States would not force tribes to accept an exchange because the government had already pledged not to disturb them after having driven them into the unorganized territory. Because of this pledge and his desire to help staunch supporters such as Benton and Linn, Jackson felt "considerable

⁸⁹Letter from Benton, Linn, and Harrison to Cass, February 8, 1836, Document 251.

⁹⁰*Ibid.*

⁹¹*Ibid.*

⁹²*Ibid.* Italics in the original.

⁹³Cass to Benton, Linn, and Harrison, February 13, 1836, Document 251.

difficulty in acting upon this matter,” Cass admitted.⁹⁴ Although he gave no promise of support, this letter, unlike Cass’s first, revealed that the Administration’s position on annexation was favorable as long as it could be accomplished with Indian consent.

Annexation was also progressing through the House of Representatives. Horace Everett, Representative from Vermont and chair of the House Committee on Indian Affairs, asked Cass whether the Indian title to the Platte area had been already extinguished.⁹⁵ If the land still belonged to Indians, Everett wanted to know which tribes owned the land and whether they could be easily persuaded to give it up. Additionally, Everett asked for a map of the area, indicating that, despite the committee’s previous examinations of this subject, the committee lacked an adequate understanding of the exact territory which Missouri was requesting. Cass replied that the Platte country was ceded to the United States under the Treaty of Prairie du Chien and was specifically exempted from the Treaty of Chicago, which would have assigned it to a particular tribe.⁹⁶ Thus, the land was “wholly at the disposition of the Government for any purposes contemplated in the treaty of cession, and, if the assent of the Indians can be procured, for any other purposes.”⁹⁷ With this information, Everett realized that the Senate must first reach an agreement with the tribes which had signed the Treaty of Prairie du Chien. Only after both sides consented to modify the treaty could the House approve the Platte Country’s annexation to Missouri.

While annexation stalled in Congress, the issue surfaced again in Missouri. Despite Senator Linn’s efforts in Congress, Representative Ashley, a Whig, accused Senator Linn, a Democrat, of deceiving the people of Missouri on the issue. According to the Boon’s Lick *Democrat*, Ashley claimed that Linn only pretended to favor annexation since his bill only provided for marking Missouri’s northern border rather than extending

⁹⁴*Ibid.*

⁹⁵Everett to Cass, February 18, 1836, Document 251.

⁹⁶Cass to Everett, February 19, 1836, Document 251.

⁹⁷*Ibid.*

the state's limits to cover the Platte area.⁹⁸ Although Ashley asserted he had proposed amendments in the House to annex the Platte region, the *Democrat* argued that Linn truly understood the situation. Because the lands could not be annexed without the consent of the tribes involved, Linn was working to secure this approval rather than to pass measures which could not be implemented. In fact, Linn's bill helped carry out Missouri's own law requiring a survey of the northern boundary. The writer dismissed Ashley's claims as attempts to gain partisan advantage. Similarly, he said, the *Western Monitor*, which raised the question of the legality of slavery in the Platte tract was also merely trying to gain at the expense of Democrats.⁹⁹ This brief mention of an article in a Whig paper was the only reference to the slavery aspect of annexation in discussion of the issue.¹⁰⁰ Apparently no one else stopped to think about the slavery restriction in the territory west and north of Missouri, which included the Platte Country. Because even raising the question was dismissed as a partisan maneuver, almost everyone involved with annexation must have assumed that slavery would automatically be extended to the Platte Country as soon as it became part of Missouri. This lack of concern with slavery would become more apparent as annexation neared approval in Congress.

After Ashley's charge against him (whether he knew of it or not), Linn introduced two resolutions in the Senate on February 23 to refer annexation to the appropriate committees. These two resolutions, which were approved two days later, read as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of extending the northern boundary line of the State of Missouri westward to the Missouri river, and eastward from the Rapids of the Des Moines to the Mississippi, and whether such extension of the line would conflict with the fourth article in the treaty of Prairie du Chien, made in the year 1830, between the United States and the Sioux, Ioways, Ottoes, Omahas, Missouries, and confederated tribes of Sacs and Foxes. *Resolved*, That the Committee on Indian Affairs inquire into the expediency of making an appropriation to extinguish the Indian title to that portion of country situated between the western boundary line of the State of Missouri and the Arkansas river, and that the said

⁹⁸Boon's Lick *Democrat*, reprinted in the Jefferson City *Jeffersonian Republican*, February 20, 1836, p. 2.

⁹⁹*Ibid.*

¹⁰⁰At least that I could find. Unfortunately, I could not find the original article. The *Western Monitor* has not been microfilmed; whether copies of this issue exist, I do not know. The issue of slavery of course surfaced years later.

committee call on the Secretary of War for all the information in his possession touching this subject, and also for his opinion of the policy of the measure as connected with the permanent peace and tranquillity of the white and red men in that quarter of the country.¹⁰¹

Linn's resolutions directed committees to ask questions to which he already knew the answers. Cass, the Secretary of War, had told him that he felt that annexation was desirable and that it would promote peace between Indians and whites.¹⁰² Linn himself had earlier admitted that the Platte lands fell under the stipulations of the Treaty of Prairie du Chien, eliminating the need for the Judiciary Committee to inquire into that issue.¹⁰³ Indeed, Linn's second resolution assumed that the tribes still retained rights to the Platte lands since it directed the Committee on Indian Affairs to examine whether an appropriation should be made to extinguish all Indian titles. Interestingly, this second resolution, by referring to all lands between Missouri and the Arkansas River, rather than the Missouri River, refers to a much larger tract of the land than the Platte Country. Perhaps someone made an error, causing "Arkansas" to appear instead of "Missouri," in which case Linn was asking only to eliminate the Indian title to the Platte region. If, however, Linn meant "Arkansas" when he wrote the resolution, he should have known that the Administration would not favor obtaining title to Indian lands west of the Missouri. Cass had made it clear that, having forced many tribes that far west, the government did not wish to disturb them any further.¹⁰⁴ Because Linn already knew the answers to the questions which his resolutions directed the two committees to investigate, his purpose in moving these resolutions must have been to collect information for his fellow senators rather than for himself. Naturally, since annexation would be much more likely to pass the Senate if two committees recommended it, Linn probably believed that these resolutions would result in favorable reports. Also, by attaching the eastward extension of the boundary (to cover the Des Moines/ Mississippi tract) to the western

¹⁰¹*Congressional Globe*, 3:200.

¹⁰²Cass to Benton, Linn, and Harrison, February 13, 1836, Document 251.

¹⁰³Linn to Cass, May 14, 1835, Document 206.

¹⁰⁴Cass to Benton, Linn, and Harrison, February 13, 1836, Document 251.

extension (Platte area), he may have hoped to encourage the Judiciary Committee to recommend the former as he knew they would the latter.

One day after the Senate adopted Linn's resolutions, the House Committee on Indian Affairs reported on annexation.¹⁰⁵ According to the committee, the Treaty of Prairie du Chien modified, rather than eliminated, the Indian title to the Platte Country. Although the government at present could not use the land for other things, it could negotiate to extinguish the title "without violating the guaranty of the treaty."¹⁰⁶ Since the "spirit" of the treaty provided for "contiguous residence" of the Indians--that is, with no whites among them or nearby--eliminating Indian title to the Platte lands, which bordered upon white settlements in Missouri, would better satisfy the treaty than allowing the Indians to remain there.¹⁰⁷ The committee added that the consent of the tribes which signed the Treaty of Prairie du Chien would be necessary. Although some tribes had consented when they had agreed to the 1834 modification of the Treaty of Chicago, not all had given their approval. To carry out this object, the committee reported an amendment to the Indian appropriation bill that would earmark \$2000 to make the necessary treaties to gain title to the Platte lands.¹⁰⁸

After exploring its own 1834 report on the same issue, the committee, as it had done two years earlier, recommended the annexation of the Platte Country to Missouri. When Missouri's boundaries were adopted in 1820, the "expectation was that other States would be formed on its west"; however, the recent policy of locating Indians to the west changed the situation.¹⁰⁹ Annexation would give the state a "most convenient" river boundary between whites and Indians.¹¹⁰ Also, the committee believed that the Indians would not give the people of northwest Missouri the access to the Missouri River that they needed to send their produce to market. The recommendation concluded, "It is not

¹⁰⁵*House Reports*, 24th Cong., 1st sess. (February 26, 1836), Report 379.

¹⁰⁶*Ibid.*

¹⁰⁷*Ibid.*

¹⁰⁸*Ibid.*

¹⁰⁹*Ibid.*

¹¹⁰*Ibid.*

perceived that any well founded objection against the proposed change of boundary can be made.”¹¹¹

Finally, the committee reported “a bill to extend the western boundary of the State of Missouri to the Missouri river”:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when the Indian title to all the lands lying between the State of Missouri and the Missouri river shall be extinguished, the jurisdiction over said lands shall be hereby ceded to the State of Missouri, and the western boundary of said State shall then be extended to the Missouri river: reserving to the United States the original right of soil in said lands, and of disposing of the same. Provided, That this act shall not take effect until the President shall, by proclamation, declare that the Indian title to said lands has been extinguished.*¹¹²

This bill differed from the committee’s version of two years before in two important ways. First, it provided only for the annexation of the Platte Country, where the 1834 version had included the Des Moines/Mississippi point of land.¹¹³ Second, the 1834 bill had provided that the annexed territory would be considered as if it had “originally” been included within the limits of Missouri when it had been admitted into the Union in 1821.¹¹⁴ The 1836 bill merely extends Missouri’s boundary without declaring that the Platte Country should be considered as having always been a part of the state and without acknowledging the error of not including it within the state’s first boundaries. In addition, while the 1834 version had settled the question of slavery in the Platte area by considering it as part of Missouri in 1821, thus exempting it from the restriction on slavery north of 36° 30' north latitude, the 1836 bill did not recognize the problem of the slavery restriction on the Platte Country. If the House had added the 1834 provision to its later bill, the question of the restriction on slavery would never have come up, since the state of Missouri in 1821 was exempt from the prohibition on slavery north of 36° 30'. However, by failing to offer a solution to the dilemma of annexing free territory to a slave

¹¹¹*Ibid.*

¹¹²*Ibid.*

¹¹³Bill of June 5, 1834, *ibid.*

¹¹⁴*Ibid.*

state, the House bill--which became law--left the slavery restriction of 1820 open to question.

While the House Committee on Indian Affairs reported a bill for annexation, the issue continued to move forward in the Senate. On February 29, 1836, Secretary of State Cass informed Senator White, chairman of the Senate Committee on Indian Affairs, that he favored annexation. Because Indians and whites needed to be kept apart, Cass told White, it “would not be expedient, under any circumstances, to people it [the Platte Country] with Indians.”¹¹⁵ White’s committee, in a report issued on March 16, agreed with Cass and its House counterpart that the Platte area should be added to Missouri.¹¹⁶ Because this land was a “very unfit place on which to permanently locate” Indians, the government should use its Indian agents to convince the interested tribes to give up the tract.¹¹⁷ Although the report failed to specify how the Indians were to be convinced, presumably the tribes would receive another tract of land in exchange, as had been previously proposed. With White’s report, annexation, having once again received the approval of the Indian Affairs committees of each house, had to overcome only one more obstacle--it had to be acted upon before the session expired.

As annexation slowly moved through the congressional machinery, the issue again surfaced in Missouri. The March 4 *Missouri Argus* contained a long article, including several documents, on the progress of annexation. In reviewing the issue, the author asserted that the difficulty in getting annexation through Congress was the provision of the Treaty of Prairie du Chien reserving the land for the use of Indians. Because of this treaty, Congress required the consent of the Indians before it would annex the Platte area to Missouri. According to the article, Senator Linn believed that the consent of the Indians had already been obtained. Since use of the Platte area was assigned to specific tribes and those tribes had yielded their rights in the subsequent Treaty of Chicago,

¹¹⁵Cass to White, Document 251.

¹¹⁶Document 251.

¹¹⁷*Ibid.*

Indians held no claim to the Platte Country.¹¹⁸ President Jackson agreed with Linn's view, arguing that the tribes which signed the Treaty of Prairie du Chien agreed to give the land up for the use of whichever tribes the President saw fit to assign to it. Because of this agreement, the tribes which did not receive the land had already consented to relinquish it, Jackson maintained; when the tribes which had the rights to the land yielded their claim, no Indian had any valid claim to the area.¹¹⁹ However, Linn realized that most of the Senate did not share his and Jackson's views. Therefore, he "is taking active measures to procure the additional territory."¹²⁰ The author concluded Linn "*will certainly obtain a cession of the territory.*"¹²¹

Linn did little to dispel the assertion of the *Argus* that he was the driving force behind annexation. On May 7, the *Jeffersonian Republican* printed an "Address of L. F. Linn to the People of Missouri."¹²² Linn claimed that he had prevailed upon the Senate Judiciary Committee to exclude the Platte Country from the new territory of Wisconsin.¹²³ The act creating this territory, passed on April 20, had defined the western boundary of Wisconsin as the Missouri River until "a point due west from the northwest corner of the State of Missouri; and on the south, from said point due east to the northwest corner" of Missouri, then along the northern boundary of the state.¹²⁴ This act effectively destroyed Missouri's hopes of annexing the point of land between the Des Moines and Mississippi Rivers because this area was included within the boundaries of Wisconsin. On the other hand, Congress kept the Platte Country outside any organized territory, leaving it free for Missouri to annex. Linn's claim that he caused this exclusion is probably exaggerated. Since committees of each chamber had recommended annexation of the Platte lands to Missouri, assigning the area to Wisconsin would prevent

¹¹⁸*Missouri Argues*, March 4, 1836, p. 3.

¹¹⁹*ibid.*

¹²⁰*ibid.*

¹²¹*ibid.* Italics in the original.

¹²²*Jeffersonian Republican*, May 7, 1836, pp. 1-2.

¹²³*ibid.*

¹²⁴*Public Statutes*, 5:10-11.

Missouri from acquiring it, thwarting the committees' advice. Linn could not have been the only one to have recognized the importance of excluding the Platte area from Wisconsin. While his claims to have been solely responsible seem improbable, however, he certainly played an important role because of his status as the leading proponent of annexation.

After the creation of the Wisconsin Territory, the annexation of the Platte Country moved through Congress. On May 9, the Senate Judiciary Committee reported a bill which would extend Missouri's boundaries; this was read once and ordered read again.¹²⁵ Three days later, the bill was "taken up, and considered as in Committee of the whole, and ordered to be engrossed for a third reading."¹²⁶ The bill was "read the third time and passed" on May 14.¹²⁷ Two days later, the Senate bill was read twice in the House and committed to the whole House, where it was "taken up, read a third time, and passed" on June 3.¹²⁸ According to Representative Ashley, the bill "passed both houses of congress without a dissenting voice."¹²⁹ Indeed, since a mere one-fifth of each house could force a vote to be entered into the record, the lack of such a recorded vote implies that less than one-fifth of each house opposed the bill. President Jackson signed the bill into law on June 7, 1836.¹³⁰ The new law attached the Platte region to the State of Missouri upon the fulfillment of two conditions.¹³¹ First, the state had to consent to its new boundaries, which was far from a problem. Second, annexation would occur when "the President shall by proclamation declare that the Indian title to said lands had been extinguished."¹³² When these conditions were satisfied, Missouri would gain jurisdiction over the land.

¹²⁵*Congressional Globe*, 3:436.

¹²⁶*Ibid.*, 3:449.

¹²⁷*Ibid.*, 3:458.

¹²⁸*Ibid.*, 3:463 and 3:528.

¹²⁹*Commercial Bulletin and Missouri Literary Register* (St. Louis), June 15, 1836, p. 2.

¹³⁰*House Journal*, 24th Cong., 1st sess., p. 978.

¹³¹*Public Statutes*, 5:34.

¹³²*Ibid.*

Approval of the affected tribes came quickly. The Ioways, Sacs, and Foxes ceded their claims to the Platte Country on September 17, 1836.¹³³ In exchange, they were given land on the west side of the Missouri River, were awarded \$7500 each, and received other favors from the government.¹³⁴ On October 15, 1836, the Otoes, Missourias, Omahas, and the Yankton and Santee bands of Sioux agreed to cede their claims to the Platte area.¹³⁵ These tribes did so because they “were satisfied” that they would never get to use the Platte lands, that their use of them would provoke “collisions” with whites, and that a natural boundary between themselves and whites was best for them.¹³⁶ Apparently the Potawatomis consented although one of their tribal historians fails to mention that they signed an agreement.¹³⁷ Annexation split the tribe irrevocably; one band moved north to their assigned lands in what is now Iowa while the other preferred to relocate to the Osage River, southwest of their Platte home.¹³⁸ Because the former group were moved north “under a certain degree of duress,” the Potawatomi removal probably came without their consent although annexation could not have become legal without their agreement. Except for the confusion surrounding the Potawatomi relocation, the affected tribes consented to annexation quickly and without a struggle.

At the next session of the Missouri General Assembly, the state gave its consent to the boundary extension.¹³⁹ In addition to accepting the conditions set by Congress, the assembly in a separate act attached “certain territory” to the counties of Clay and Clinton for governmental and military purposes.¹⁴⁰ The territory mentioned in this act is most likely the Platte Country, which bordered upon Clay and Clinton counties. Following Missouri’s assent to annexation, given on December 16, 1836, the remaining claims to

¹³³Blaine, p. 163.

¹³⁴*Ibid.*

¹³⁵Berlin Basil Chapman, *The Otoes and Missourias: A Study of Indian Removal and the Legal Aftermath* (N. p.: Times Journal Publishing Company, 1965), p. 31.

¹³⁶*Ibid.*

¹³⁷Murphy, pp. 11-16.

¹³⁸*Ibid.*, p. 15.

¹³⁹The act is reprinted in Howard I. McKee, “The Platte Purchase,” *Missouri Historical Review*, 32 (Jan. 1938), p. 146.

¹⁴⁰*Jeffersonian Republican*, January 7, 1837, p. 2.

the land had to be settled. On March 28, 1837, President Martin Van Buren issued a proclamation declaring that the act's conditions had been met and that the boundary extension would "take effect from the date thereof."¹⁴¹ Missouri had at last succeeded in gaining the Platte Country.

Although it had taken Missourians several years to get Congress to annex the Platte area to their state, the eventual act passed with little struggle. The major obstacles to the measure were Indian rights to the land and the unimportance which most members of Congress accorded the issue. Although the act enabling Missouri to frame a constitution had specified that slavery in the remainder of the Louisiana Purchase north of 36° 30' (including the Platte Country) was "forever prohibited," the issue of slavery did not become a factor in the annexation process. Indeed, as Senator Linn asserted, most senators (and presumably congressmen) were concerned with the annexation's impact on the Indians rather than on slaves or the institution of slavery.¹⁴² Such lack of concern over slavery is surprising. Slavery had become an issue twice in the same congressional session during which the Platte annexation was passed. The admission of Arkansas was opposed by fifty members of the House despite the state's location south of the 36° 30' line.¹⁴³ In addition, antislavery petitions sparked a controversy in both chambers over a rule rejecting, or "gagging," such petitions.¹⁴⁴ Although in the gag rule debate of the 1835-36 session "the slavery issue momentarily showed its potential to wrench everything national out of shape," the sectional divisiveness which antislavery petitions engendered failed to effect the annexation of the free Platte Country to the slave state of Missouri.¹⁴⁵ Neither the fact that annexation involved attaching a free territory to a slave

¹⁴¹James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents, 1789-1897*, 11 vols. (Washington: U. S. Congress, 1901), 3:321.

¹⁴²*Public Statutes*, 3:548. For Linn's statement on senators' concern for Indian rights, see note 139.

¹⁴³*Congressional Globe*, 3:551.

¹⁴⁴William W. Freehling, *The Road to Disunion*, vol. 1 (New York: Oxford University Press, 1990), pp. 289-352.

¹⁴⁵*ibid.*, p. 334.

state nor the prominence of slavery in other issues before the Twenty-Fourth Congress altered the course of the Platte legislation.

Presumably annexation would have caused some outcry among Northern members of Congress because it added territory where slavery was excluded “forever” to a slave state, apparently violating the restriction on slavery contained in Missouri’s enabling act of 1820. The eighth section of this act read as follows:

And be it further enacted, That in all that territory ceded by France to the United States under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes of north latitude, not included within the limits of the state, contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided always*, That any person escaping into the same, from whom labour or service is lawfully claimed, in any state or territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labour or service as aforesaid.¹⁴⁶

Since the Platte Country definitely lies within the “territory ceded by France . . . north of thirty-six degrees and thirty minutes of north latitude,” the ban on slavery in it was in effect before it was added to Missouri. However, after its annexation, the question of whether the prohibition continued to apply to the area is more complicated. The word “forever” implies that slavery could never be established in any area where the restriction applied. However, this section was part of an act of Congress; like all laws, it was subject to alteration or repeal at any time that Congress chose to do so. Since Congress obviously realized that attaching the Platte Country to Missouri gave a slave state jurisdiction over previously free territory, it could be considered to have exercised its right to alter one of its own laws. The act of 1820, a mere law, could not prevent future Congresses from altering the status of slavery in the territory purchased from France.

Did this change, caused by annexation, alter the Missouri Compromise? Surely if it had, it would not have received the overwhelming support that it did. A case can be made that the addition of the Platte Country to Missouri did not change the Compromise in any way. The slavery restriction of the Missouri Compromise was part of the 1820 act

¹⁴⁶*Public Statutes*, 3:548. Punctuation is as it appears in the original.

enabling Missouri to frame a constitution. The act specified that slavery was banned in all territory acquired from France north of 36° 30' that was “not included within the limits of the state, contemplated by this act.” The state “contemplated” by the act was Missouri; the Platte Country, upon its annexation to Missouri, could be considered “within the limits of the state.” The question is whether the “limits of the state” are those defined in the enabling act, or any boundaries that Missouri might assume after its admission. If the “limits of the state” are defined as Missouri’s boundaries at any point in time, annexation failed to disturb the Missouri Compromise. Any territory added to Missouri would automatically fall under the exception to the slavery ban provided in the act. Although slavery would not be “forever” prohibited in the Platte Country, slavery would become legal there because it became part of Missouri and thus exempt from the restriction.

However, the narrower interpretation of the clause is more accurate. The “state, contemplated by this act” was geographically defined elsewhere in the act, showing that its authors had a precise idea of the territory in which the slavery restriction would not operate. The act providing for the Platte annexation treated the area as an addition which was clearly not part of Missouri in 1820. The 1834 House bill to annex the Platte area, which stipulated that the territory would become part of Missouri “as if the same had been originally . . . included within its limits,” implies that the Platte area should have been an original part of the state and was omitted out of ignorance of geography rather than deliberate choice.¹⁴⁷ Thus, slavery would be legal in the Platte area; indeed, it would be considered to have always been legal there. However, the act which Congress passed in 1836 was not similarly worded; by omitting the stipulation, Congress treated the Platte area as an addition to Missouri rather than territory which should have been in the state from its inception. Therefore the Platte Country, being outside the boundaries of Missouri in 1820, did not fall “within the limits of the state, contemplated within this act.” Annexation altered the slavery restriction of 1820; although Congress clearly had

¹⁴⁷Report 379.

the power to change the restriction, which formed part of the Missouri Compromise, doing so was a technical violation of the compromise.

SECTION THREE: THE MISSOURI COMPROMISE DEBATE OF 1820

Annexation technically violated the Missouri Compromise but neither broke the spirit of the compromise nor invalidated it. The debates over the Missouri enabling act and the issue of slavery in the territories in 1819-20 show that, while slavery was “forever prohibited” in the territory covered by the restriction, almost all of Congress believed that a state formed within this free territory could still elect to enter the Union as a slave state. “Forever” only lasted until statehood, in the majority opinion of the Sixteenth Congress. Because it was understood that the restriction would operate only in the territorial stage, when the Platte Country became part of Missouri, slavery could become legal there. In addition, the motivation behind northern insistence on banning slavery in the Louisiana Purchase was political as well as moral. Many northern congressmen resented the additional political power of slave states which the Constitution’s three-fifths rule (that slaves, although they had no political rights, counted as three-fifths of a person in determining representation) awarded them. The Platte Country’s addition to Missouri added no slave-state senators, nor would any gain in Missouri’s House delegation be sufficient to imperil the free states’ advantage there. Annexation did not violate the spirit of the Missouri Compromise, as it appeared in the debates on its passage in the Sixteenth Congress.

Congressional debate on the bill enabling Missouri to frame a state constitution centered around two major issues: first, whether Congress could refuse admission to a territory simply because of slavery and, second, whether Congress could ban slavery in the territory of the United States. Generally, southerners maintained that the federal government could abolish slavery neither in new states nor in territories because the

Constitution had not granted such power. On the opposite side, most northerners believed that Congress could refuse to admit a state unless it had first outlawed slavery; in addition, because Congress had the power to govern the territories, it could ban slavery from them. After months of debate, Congress narrowly but clearly decided both issues. The Missouri Compromise of 1820 resulted, in which Congress enabled Missouri to frame a constitution allowing slavery, denying that a prospective state should be denied admission because it tolerated the institution. In return, by outlawing slavery in most of the remaining territory acquired from France, the compromise acknowledged the power of Congress to determine the fate of slavery in the territories. Although the positions Congress established on these issues did not survive unchallenged, they were accepted by the majority of politicians at the time of the Platte annexation and can be considered the consensus on the meaning of the Missouri Compromise.

Senator Nathaniel Macon of North Carolina best summed up the southern position during the Missouri controversy of 1819-20 by denying that Congress had the power to affect slavery anywhere.¹ Congress could neither make abolition a condition of a new state's admission nor ban slavery in any territory. Senators John Elliot and Freeman Walker of Georgia insisted that Missouri had a right to admission because Congress could not attach conditions to admission.² Restrictions would upset the equal footing on which all states were placed, charged Richard M. Johnson of Kentucky.³ Because states had sovereignty over their affairs except where the Constitution prohibited it or delegated it to the federal government, Walter Leake of Mississippi concluded that any state could enter the Union with slavery if it chose.⁴ Since "slaves are not territory," William Smith of South Carolina argued that the Constitution gave Congress no authority in the territories other than over the land itself.⁵ Representative Robert W. Reid of Georgia agreed, adding

¹*Annals of the Congress of the United States*, vol. 35 (16th Cong., 1st sess., 1819-20), pp. 228-230.

²*Ibid.*, pp. 129-133 and 168-169.

³*Ibid.*, p. 352.

⁴*Ibid.*, pp. 196-197.

⁵*Ibid.*, pp. 262-263.

that slavery was illegal in Ohio, Indiana, and Illinois not because of the Northwest Ordinance but due to the “moral sentiment of its inhabitants.”⁶

Some northern members agreed with the latter half of the southern position. Senator Ninian Edwards of Illinois advocated Missouri’s admission because he believed in state rights, not slavery.⁷ Representative John Holmes of Massachusetts could find no point in restricting Missouri’s admission. Since the Tenth Amendment gave states control over slavery, Missouri could re-establish the institution after it was admitted.⁸ Representative Samuel A. Foot of Connecticut offered two resolutions which showed that he recognized the right of a state to be admitted with or without slavery, as it chose; his second resolution “recommended to the inhabitants of the several territories” that they prohibit slavery “when authorized by Congress to form a Constitution and State government.”⁹ Although his first resolution outlawed the further introduction of slavery into the territories, by recommending the same action to the people of the territories the second implies that Congress cannot force them to abolish slavery as a condition of admission.¹⁰ Although southerners failed to gain northern support for their beliefs on the power of Congress over the territories, therefore, some free-state members supported their contention that Missouri could not be denied admission.

However, most northerners argued that Congress had the power to abolish slavery in the territories and could deny a state admission because it allowed slavery. Representative John W. Taylor of New York claimed to know of no Congressman “who doubted the Constitutional power of Congress to impose such a restriction on the Territories.”¹¹ Many, such as Senator Harrison Gray Otis of Massachusetts, pointed to the example of the Northwest Ordinance to support their position on slavery in the

⁶*Ibid.*, pp. 1029-1030.

⁷*Ibid.*, pp. 194-195.

⁸*Ibid.*, pp. 969-970.

⁹*Ibid.*, p. 1171.

¹⁰*Ibid.*

¹¹*Ibid.*, p. 802.

territories.¹² Since the Constitution gave Congress a “clear and express” power to admit new states, it could use such power as its members saw fit.¹³ Indeed, David L. Morril of New Hampshire asserted that Congress could ban slavery in every territory and every state formed of territory acquired after the adoption of the Constitution.¹⁴ Since Missouri was free to reject conditions set on admission, William Plumer asserted that Congress was not forcing Missourians to abolish slavery because they were free to retain it while remaining a territory for the time being.¹⁵ Even those free-state legislators who differed with their northern colleagues on the power to refuse the admission of Missouri concurred with their views of the right of Congress to govern the territories. The amendment which banned slavery north of 36° 30' was the work of Senator Jesse Thomas of Illinois, who favored admitting Missouri with slavery. While most northerners agreed on the power of Congress to turn Missouri away if it did not abolish slavery, all concurred in the power of Congress to outlaw slavery in the territories.

After much debate, Congress arrived at a compromise by accepting one argument from each side. Because Missouri was admitted with slavery, the compromise followed the southern position that each state should be admitted without reference to slavery. On the other hand, the northern stance that Congress could ban slavery in the territories was validated by just such a prohibition. The Senate and House voted overwhelmingly that slavery should be outlawed throughout most of the remaining territory.¹⁶ The restriction on slavery in Missouri was struck down by a convincing majority in the Senate but by a mere three votes in the lower chamber.¹⁷ Despite the narrow margin in the House, the Missouri Compromise of 1820 clearly showed that Congress had accepted the argument that it could outlaw slavery in the territories while each prospective state could decide the

¹²*Ibid.*, pp. 242-246.

¹³*Ibid.*, p. 250.

¹⁴*Ibid.*, p. 137.

¹⁵*Ibid.*, vol. 36 (16th Cong., 1st sess., 1820), p. 1413.

¹⁶Vote in the Senate was 34-10; in the House, 134-42. *Ibid.*, 35:428 and 36:1587-1588.

¹⁷Vote in Senate, 27-15; in House, 90-87. *Ibid.*, 35:468 and 36:1586-1587.

issue for itself. Sixteen years later, Congress had not altered these positions; indeed, the compromise was viewed by many as a compact which could not be broken.

President Monroe's Cabinet for the most part agreed with the congressional interpretation of the Compromise. According to Secretary of State John Quincy Adams, Monroe asked his department heads to advise him whether the slavery restriction in the Missouri enabling act applied "only to the Territorial State, or could extend to it after it should become a State."¹⁸ Adams believed that the word "forever" in the bill would bind any states formed out of the territory where the restriction applied; no state would have the power to introduce slavery because it was not "a sovereign power, but a wrongful and despotic" one.¹⁹ Monroe was "inclined" to agree with his secretary of state based on the precedent of the Northwest Ordinance and the view that the slavery restriction extended to the inhabitants of the territory rather than the territory as an entity.²⁰

However, Adams admitted that, he was alone among his colleagues, aside from the President, who was essentially undecided. Secretary of the Treasury William Crawford asserted that a state could establish slavery if it so chose, arguing that the restriction placed on the states formed from the Northwest Territory was "a nullity, and not binding upon the Legislatures."²¹ Attorney General William Wirt straddled the question, claiming that a state formed out of free territory could not establish slavery; on the other hand, no act of Congress could bind a state to that principle.²² Smith Thompson, Secretary of the Navy, held firm to the southern position that any slavery restriction "applied only to the time and condition of the Territorial Government."²³ The fifth Cabinet member, John C. Calhoun, surprisingly avoided answering the question, giving only the opinion that the restriction was constitutional (which the other four

¹⁸*Memoirs of John Quincy Adams*, 5:5.

¹⁹*Ibid.*, 5:6.

²⁰*Ibid.*, 5:8-9.

²¹*Ibid.*, 5:7.

²²*Ibid.*, 5:8.

²³*Ibid.*, 5:9.

shared, with qualifications).²⁴ From Adams's testimony about the Cabinet deliberation on the compromise bill, the majority of that body agreed with the southern position that the slavery restriction in the Missouri enabling act, despite the word "forever," applied only until a prospective state framed its constitution, whereupon it would be free to legalize slavery.

Thus, although the Platte annexation allowed slavery in a territory which was designated as "forever" free, it did not violate the spirit of the Missouri Compromise. The debates leading to the Missouri enabling act of 1820 show that the act would allow a state to come into the Union with slavery even if slavery was banned there during the territorial stage. Although the Platte Country was not admitted as a state in itself, it became part of an existing state, ceasing to be a territory. Because Missouri had control over the institution of slavery within its limits, as Congress in 1820 recognized, it could legalize slavery in the new domain. Congress in 1836 must have realized this. Indeed, it would have made no sense to have attached a territory where slavery could not exist to a state where it was permitted. By giving Missouri "jurisdiction" over the Platte Country, Congress gave the state authority to extend its laws to that area.²⁵ Because the Missouri Compromise, in refusing to bar slavery in Missouri as a condition of admission, recognized each state's sovereign right to determine whether it would allow slavery, the Platte annexation did not violate the spirit of that compromise: the State of Missouri was free to decide the status of slavery in its new territory.

²⁴*Ibid.*

²⁵*Public Statutes*, 5:34.

SECTION FOUR: THE MISSING DEBATE: 1836-1854

Obviously, if the Platte annexation had annulled the Missouri Compromise, it would never have passed Congress. Not one senator or representative at any time claimed that annexation would nullify the compromise. Any attempt to repeal the compromise would have drawn as much, if not more, opposition in 1836 as it did in 1854. Since no votes on the act of annexation were recorded, less than one-fifth of each house can have opposed the measure; Representative Ashley of Missouri asserted that both chambers passed the law unanimously.¹ Undoubtedly any northern congressman who thought that annexation nullified the Missouri Compromise would have objected vigorously enough to have his views placed in the *Congressional Globe*. Any southern member who felt that same would have trumpeted his defense of slavery to his constituents. The annexation was clearly viewed as a minor boundary adjustment rather than an alteration of the federal government's policy on slavery in the territories. Events in 1819-20, 1848-50, and 1854 show that any change in that policy would provoke prolonged, heated debate, which the Platte annexation certainly failed to do.

The Platte annexation surfaced only rarely in subsequent congressional debates on the extension of slavery. During the Wilmot Proviso controversy of 1848-49, no member of Congress, regardless of his position, mentioned the Platte annexation to support his argument. Annexation came up only once during the lengthy debates on the compromise measures of 1850. In a speech supporting the right of California to admission, Senator Benton of Missouri used the annexation to prove that antislavery agitation was not as great a threat to the South as many supposed. Since some southern senators had asserted

¹*Commercial Bulletin and Missouri Literary Register* (St. Louis), June 15, 1836, p. 2.

that the abolition movement threatened the South as early as 1835, Benton used northern support of the Platte annexation to refute their contention. Just one year after “the leading papers in the South had made it a question of *time* only for a . . . southern confederacy,” the North helped to extend the area of slavery.² Indeed, the Platte Country was attached to “one of the largest of the slave States,” converting “a large extent of free soil into slave soil.”³ Obviously, Benton charged, this change in the Missouri Compromise would not have occurred without northern votes, for the North had half the senators and two-thirds of the representatives. Indeed, much northern support was necessary in the Senate because modification of Indian treaties was “indispensable to the annexation.”⁴

Benton went on to claim that such widespread northern backing of the annexation, which “carved out” a sizable portion of free territory, proved that southern fears of a powerful abolitionist movement were groundless. Annexation had been accomplished “in the very time laid as the period of northern designs for the abolition of slavery in the States!”⁵ On the contrary, Benton claimed that the reputedly potent abolitionists were “so powerless . . . at home, that, so far as I am informed, they were not able to turn a single member out of Congress for the vote he gave in favor of the extension of slavery under such extraordinary circumstances.”⁶ The sectional amity which the North had shown in 1836 should prevail in the current debates, Benton concluded. Since annexation had been accomplished “without even any array of North and South,” California should be granted admission by a similar harmonious concession on the part of the South.⁷ Benton used the annexation to illustrate the essential goodwill between the sections that was crucial to resolve the divisive issues of the expansion of slavery. Despite this reference to the Platte Country, the annexation was not mentioned again in the debates although it might have

²*Congressional Globe*, vol. 19 (31st Cong., 1st sess.), p. 658.

³*Ibid.*

⁴*Ibid.*

⁵*Ibid.*

⁶*Ibid.*

⁷*Ibid.*

been used to justify the abandonment of the principle of the Missouri Compromise for the Mexican Cession.

During the next great debate over slavery in the territories, the deliberations over the Kansas-Nebraska Act in 1854, the Platte annexation played a more prominent, although still minor, role. Curiously, defenders of the Missouri Compromise, denying that the annexation formed a precedent for repealing the slavery restriction, first mentioned the subject in Congress. Representative James Meacham of Vermont, attacking the Kansas-Nebraska measure, repudiated the idea that attaching the Platte Country to Missouri invalidated the compromise. Although the Platte region was “a portion of land worth mentioning taken from freedom to slavery,” he asserted that no one had ever considered that the “*spirit* of that act made void the Missouri compromise.”⁸ Rather than nullifying the slavery restriction throughout the whole territory north of 36° 30', the annexation reversed the ban only for the Platte Country.⁹ “No man thought of violating” the compromise by attaching the Platte Country to a slave state, affirmed Representative Rufus W. Peckham of New York.¹⁰ Not only was the compromise intact, claimed Ohio Senator Salmon P. Chase, but by giving a portion of free territory to a slave state, it “has been more than literally carried out.”¹¹ The North, by refusing “to interfere with any portion of the territory” south of 36° 30', had strictly observed its end of the bargain, even going so far as “unadvisedly” yielding a bit of free territory to the South.¹² Indeed, Peckham charged, “It comes with a poor grace from the South--a very poor grace--for any southern man, or friend of the South, to say ‘ you violated our compact in your kindness and generosity in giving the South what she had no right to demand.’”¹³ According to defenders of the compromise, the annexation, rather than annulling the

⁸*Congressional Globe*, appendix to vol. 23 (33rd Cong., 1st sess.), p. 189.

⁹*Ibid.*

¹⁰*Ibid.*, p. 870.

¹¹*Ibid.*, p. 283.

¹²*Ibid.*

¹³*Ibid.*, p. 870.

compromise, proved that the North deserved its share of the agreement, the future free states to be formed from the restricted territory.

Thomas Hart Benton, former Senator turned freshman Representative in 1854, agreed with Chase's claim that the free states had treated the slave states fairly. He outlined the North's "generous conduct" over the previous thirty years.¹⁴ Northern votes in Congress had helped to remove the Indians from large sections of land in the slave states; thanks to northern assistance, the "area of slave population" had expanded.¹⁵ His own state had benefited from northern generosity in removing Indians from its southwestern region and in gaining the Platte Country despite the compromise line. The important lesson to be learned from these examples, declared Benton, was the "fraternal" manner, rather than "belching abolitionism against the North," in which the South had obtained these concessions.¹⁶ Since he had personally asked for northern votes on several occasions, including annexation, he refused to "return them evil for good by attempting to deprive them of their share of a compromise."¹⁷ Thus, in Benton's view, annexation was merely one of many examples that proved northern goodwill toward their slave-state brethren. Rather than serving as a precedent for repealing the slavery restriction, it warned the South of its obligations to the North.

Proponents of the Kansas-Nebraska Act, especially Representative William A. Richardson of Illinois, the bill's floor manager in the House, used the Platte annexation to justify their claim that the Missouri Compromise could be repealed. Tennessee Representative Charles Ready argued that annexation "was an instance of altering the alleged contract" of the compromise.¹⁸ Since mutually consenting parties could change or annul a contract, which was done in 1836, Ready concluded that the annexation proved that the Missouri Compromise was hardly the "sacred," unrepeatable agreement its

¹⁴*Ibid.*, p. 561.

¹⁵*Ibid.*

¹⁶*Ibid.*

¹⁷*Ibid.*

¹⁸*Ibid.*, p. 744.

friends claimed.¹⁹ Using Benton's support of the Platte annexation, Richardson pressed Benton on the issue, charging that the former senator did not stand by the compromise "from the first," as he had claimed.²⁰ When Benton asserted that the situation in 1836 differed from 1854 because "we obtained that compromise [annexation] by solicitation, not by force," Richardson pointed out that the compromise would be repealed by law in 1854, just as it had been altered in 1836.²¹ For Ready and Richardson, the bill's supporters who used the annexation in their arguments, annexation of the Platte Country provided a precedent for tampering with the slavery restriction of the Missouri Compromise.

Richardson used the annexation to show that converting a portion of the restricted territory to slave soil was equivalent to allowing slavery to enter the whole region. "The impairing of the line showed that Congress did not regard it as one of those compacts and those compromises which were to be held sacred."²² Since no one had objected to the annexation as a violation of a perpetual agreement, the compromise could be altered once more. Richardson wondered what was the difference between taking the Platte Country from the restricted territory and "tak[ing] the whole."²³ "At most," he asserted, "it can only be the difference between petty and grand larceny."²⁴ Since any change, however minor, was a change, the annexation proved that the compromise could be repealed entirely if Congress so desired. Benton's (and others') argument that the annexation "impaired it [the compromise] a little," but not enough to justify repeal, simply could not stand.²⁵ The annexation's easy passage indicated that Congress in 1836 considered the Missouri Compromise as something less than "sacred."

¹⁹Representative Peckham used "sacred" to refer to the compromise. See *ibid.*, p. 870.

²⁰*Congressional Globe*, vol. 23 (33rd Cong., 1st sess.), p. 795.

²¹*Ibid.*

²²*Ibid.*, p. 796.

²³*Ibid.*

²⁴*Ibid.*

²⁵*Ibid.*

Whose side, Benton's or Richardson's, was correct in its interpretation of the annexation? Because the compromise was repealed in 1854, the majority of Congress seemed at the time to have believed Richardson that the annexation was a precedent that supported repeal. However, he was incorrect in claiming that the annexation proved that Congress in 1836 considered the compromise to be a temporary measure. The very nature of the compromise, because the advantage to the South was mostly immediate while the North's benefits were deferred for an indeterminate period, implies that no one expected it to be altered, much less abolished, for such action would affect one side more than the other. Obviously, if the annexation had opened the compromise restriction to repeal or substantial alteration in the future, it could not have passed Congress so easily. At the same session where the annexation passed in 1836, fifty representatives voted against the admission of Arkansas on the grounds that Arkansas allowed slavery.²⁶ Also at that session, antislavery petitions caused a storm of controversy; the newly-imposed gag against such petitions brought dissent from many northern congressmen, especially John Quincy Adams, yet Adams had not thought annexation important enough to warrant mention in his diary.²⁷ Clearly, if any congressman had believed that the annexation changed the character of the sixteen-year-old Missouri Compromise (beyond its effect on the Platte Country), he would have made his opinion known. Richardson's claim that the annexation showed that Congress had believed as early as 1836 that the Missouri Compromise was a temporary agreement seems logical but cannot explain why the annexation was essentially an obscure measure in a Congress where sectional feelings nevertheless ran high. Therefore, Benton's view that the annexation failed to alter the compromise outside the Platte Country is valid because it explains the lack of controversy over the annexation during a session of many sectional conflicts.

²⁶See pages 29-30 above.

²⁷No reference can be found in vol. 11 of his *Memoirs*. For a discussion of the gag rule during this session of Congress, see Freehling, pp. 289-352.

SECTION FIVE: CONCLUSION

The annexation of the Platte Country to the state of Missouri remained an obscure measure throughout its slow passage through Congress partially because the Platte Country was on the edge of the nation. Although enough people lived along the western border of Missouri to have committed the state to agitate for annexation, in the 1830s the Platte area was just beyond the line between the organized states and territories and the country's unorganized land, which was mostly divided among Indian tribes. The geography of the region, a narrow strip of land between Missouri and the natural border provided by the Missouri River, influenced many Congressmen to see the merit of Missouri's claim that the Platte Country should have been included in its original borders. Attaching it to the state thus seemed to be an appropriate, uncontroversial measure. In addition to its isolated location, the Platte Country, although comparable in size to several northeastern states, was a small area by western standards; it comprised less than 5% of the area of Missouri in 1835. The location and size of the Platte Country served to strengthen Missouri's claim to the area and to diminish the importance of the slavery issue.

A second factor in congressional lack of interest in the annexation was the absence of political implications. Since the area was attached to an existing state rather than being admitted as one in its own right, the annexation did not disrupt the balance of power in the Senate. While Missouri could potentially gain representatives in the House after annexation, such a small area was unlikely to increase the state's population significantly, especially since no whites were legally living there prior to annexation. One or two additional slave-state representatives also would have failed to counteract the

North's growing advantage in the House. Since the Senate, where sectional balance was critical, would be unaffected, free-state congressmen were not likely to object to a measure with such little political importance to their section. Moreover, the complete lack of concern, or even notice, over the annexation in the North meant that free-state members were not pressured to resist a measure that they were inclined to view as unimportant.¹ The annexation remained an obscure subject in Congress because it lacked significant impact on the sectional balance of power and because it failed to arouse attention in the North that could have turned free-state congressmen against it.

By failing to notice the annexation, abolitionists were unable to pressure northern congressmen against the measure.² The abolitionists overlooked the annexation because it occurred simultaneously with the controversy over antislavery petitions in Congress. Since congressional refusal to receive such petitions directly infringed upon the rights of northerners, the abolitionists understandably concentrated on the gag rule while failing to notice that Congress was actually enlarging the area where slavery was legal. Asserting that the gag rule violated the fundamental right of citizens to petition their government, the abolitionists convinced many northerners of the pernicious effects that slavery had on the federal government and their own lives. This strategy, which gained them a degree of respectability, certainly helped their movement more than a protest against attaching a small frontier area to a far-off slave state would have done. Ironically, while concentrating on the gag rule and its weakening of the rights of the free, the abolitionists failed to notice that Congress legalized slavery in previously free territory. The lack of abolitionist attention to the annexation allowed the issue to remain obscure; if the antislavery movement had objected to the measure, it would, like the gag rule, have

¹I could find no reference to annexation in any northern papers which I examined.

²No reference to annexation can be found among the letters of James G. Birney, William Lloyd Garrison, Theodore Dwight Weld, and the Grimké sisters. See *Letters of James Gillespie Birney, 1831-1857*; *The Letters of William Lloyd Garrison*, vol. 1; and *Letters of Theodore Dwight Weld, Angelina Grimké Weld and Sarah Grimké 1822-1844*.

become another showdown between North and South rather than an instance of sectional cooperation.

Finally, the annexation failed to become a significant issue because Congress believed that it did not affect the Missouri Compromise. The debates in the Sixteenth Congress show that the majority considered the slavery restriction applicable for the territorial stage only. If the Platte Country had sought admission as a separate state, many congressmen, including some from the North, would have supported its right to choose whether it would allow slavery as a state. By attaching the Platte Country to a slave state, Congress knew that slavery would become legal there. While annexation technically violated the condition that the territory west of Missouri was to remain “forever” free, it surely did not overturn or even impair the compromise restriction elsewhere. Because it converted the Platte Country from part of free territory to part of a slave state, rather than slave territory, the annexation did not violate the understanding that the restriction could not be revoked during the territorial stage. The clear understanding that the annexation in no way affected the Missouri Compromise gave the measure little importance outside Missouri.

Despite the obscurity of the Platte annexation, it should be given more attention than it has had in the history of sectional conflict. Although the annexation did not invalidate the Missouri Compromise, it represented the first attempt in Congress to change it. The annexation undermined future claims by northerners that the slavery restriction should indeed be in force “forever,” even after statehood. While no prospective state formed out of the restricted territory attempted to come into the Union with slavery (the ban on slavery applied only to Iowa before 1854), the annexation weakened the argument against the Kansas-Nebraska Act. Representative William A. Richardson used it to argue that the Missouri Compromise could and should be altered; repeal of the compromise restriction was no different from excepting a piece of territory from its operation. Although Richardson’s assertion that the annexation proved that

Congress in 1836 recognized the temporary character of the compromise is not supported by the lack of controversy over the annexation, he effectively weakened claims that the compromise was "sacred" by showing that it had not remained untouched since 1820. While it certainly played only a minor part in the debates of 1854, annexation became important for its effect on the repeal of the Missouri Compromise.

Most important, the annexation exemplified the spirit of sectional harmony that was still possible in 1836. Although the controversy during the same session over gagging antislavery petitions increased sectional tensions, northern lawmakers agreed, apparently unanimously, to attach the Platte Country to Missouri, thus adding to the area where slavery was allowed. The annexation proved that cooperation between the sections in Congress was possible, although difficult, at the end of the Age of Jackson. It failed to arouse sectional tensions because it occurred between the Missouri Compromise and the Mexican War, when the status of slavery was fixed throughout the country. Neither side had to worry about how the annexation would affect slavery in the remaining territory because everyone regarded that as fixed. When the acquisition of the Mexican Cession reopened the question of slavery, conflict between North and South became as great as it had been in the prolonged debate over slavery in the Louisiana Purchase. Thus, in 1850, when Thomas Hart Benton used the annexation of the Platte Country to appeal to fraternal feelings, he realized that some of the cords binding the Union together had snapped. Marking the line between slave and free territory could not be done without vehement dissent; in such an atmosphere, actually changing that line without a struggle, as the Platte annexation had fourteen years before, would have been impossible. The ease with which annexation occurred shows that sectional harmony was possible while the issue of slavery in the territories was settled. Indeed, the annexation of the Platte Country stands out as the only instance after the adoption of the Constitution where Congress adjusted the boundary between free and slave sections without controversy. For this

reason, the Platte annexation should be regarded as more than an interesting historical footnote.

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