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← Mo Valley Room

GEN. DONIPHAN

BRITTON



Gen. Alexander
W. Doniphan

Speech of Rollin J. Britton at the
15th Annual Banquet of the
Latin Commercial Club,
February 20th, 1914



Doniphan, the Lawyer

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Gen. Alexander W. Doniphan

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I have listened with silent approbation to the very appropriate remarks just made by our able toastmaster — and I was not surprised thereby. In fact I had expected, yea, even anticipated the personal allusions. Having a fair working knowledge of the subject matter, I had, earlier in the evening, made some very helpful suggestions to the most excellent gentleman who said that he was determined to do what was right, regardless of the truth.

He said that he thought it was always best to inspire a speaker with the notion that he (the speaker) amounted to something.

I remember trying to make good under this theory once at a time when I was junior partner in the house of Cruzen & Britton, whose office on the west side of the public square may be remembered by the older citizens of this historic city. At the time in question I was waited upon by seventeen Mormon elders, who were seeking out the spots sacred to Mormon history. These elders flattered me—yes, flattered me—by telling me of my fame

as a local historian. And so prompted by this glory, I led the seventeen forth to Adam-on-di-Ahmon. I remember Junior Brosius acted as chief aide, and prevented the escape of a single Mormon.

When we reached the beautiful spot, I told them the story of Adam's blessing as we understand the revelation made to the prophet Joseph Smith, and they held a beautiful service, and Missouri's greatest photographer, W. F. Schultz, arrived and made a picture of the sacred spot, the altar place, and of the pilgrims gathered there.

A little later I was blazoned forth in a Great Salt Lake journal as a gentile interested in Mormon story. That article was read by a good old man, who chanced to bear my very name, whose life was largely devoted to temple service in Salt Lake City.

He wrote me a long letter, telling me somewhat of his work and also of his desire to reciprocate the kindness manifested by one of his own name, to his co-workers in the faith. He suggested that if I would only send him the names of all my ancestors, perhaps his relatives as well, who had died without baptism he would himself be baptized for each and everyone of the whole bunch—which would be a mighty good thing for them. You yourselves can see just how that would fix them.

But, as I never had any acquaintance with my ancestors, and not having attended their funerals I never became informed as to which of them

were in need of baptism. But my wife said that my ignorance was a good thing. She often speaks about my ignorance that way. She insisted that if that good old man undertook to be baptized for each and every one of my delinquent ancestors, according to what little she knew about the tribe, he (the good old man) would find the job mighty debilitating. Might as well send the good old man in swimming for a month. So in ultimate results I failed. If I do so tonight you will now understand that the failure will not be due to any fault of the toastmaster, but merely to my ignorance—a very trifling matter.

With these few brief, yet exquisitely beautiful introductory remarks, I shall now proceed to tell you somewhat of the things of verity and somewhat of the things traditional, that go to make up a part of the life story of one of Missouri's greatest characters.

Alexander William Doniphan,
Who first saw the light of day in Mason county Kentucky, on July 9, 1808. His father, Joseph Doniphan, was the first school teacher in Kentucky. He and his wife, whose maiden name was Anne Smith, came from Virginia. Simon Kenton was a long time friend of this family. Joseph Doniphan died in 1813, leaving his widow and several children, of whom Alexander W., aged six, was the youngest. Their home was a farm in the forests of Kentucky. The mother later went to live with a married daughter and Alexander W.,

at the age of nine, was placed under the guardianship of his elder brother, George Doniphan, of Augusta, Ken. Here he went to school to Richard Keene, an eccentric Irishman, who, after graduating from Trinity College, Dublin, drifted into the wilds of the then New World.

At the age of fourteen, Alexander W. Doniphan entered Augusta College, a Methodist school, from which he graduated when he was eighteen or nineteen years old.

It had been his boyish ambition to become a lawyer. This was his mother's desire for him, as well. And so when he left school he entered the office of Martin P. Marshall of Augusta. No family was ever more famous for lawyers than the Marshall family of Kentucky. Martin P. Marshall knew how to make men into lawyers. First he presented a course in literature to give language to the student, who must become an advocate, next he took him through English and American history that the student might learn that the law is but the growth of civilization, fitted to the needs of man.

Then he taught him common law, and out of it all came in a remarkably short time a man equipped with the basic things for success in the practice of the law.

So he taught Alexander W. Doniphan, who was licensed to practice in Kentucky and Ohio in 1829, and who immigrated to Missouri in March 1830—going to Fayette where the supreme court was in session. he was admitted to the bar in Mis-

souri in April 1830, and was enrolled as a member of the Lexington bar on July 26, 1830. He was twenty-two years old at this time and remained in the practice in Lexington till 1833, when he moved to Liberty, Missouri, and immediately became a great lawyer among great lawyers. The names of David R. Atchison, Amos Rees and Jas. M. Hughes are as old in the story of Clay county as is the name of Doniphan.

Doniphan became specially great as a criminal lawyer for the defense. He never prosecuted. For thirty years he figured in almost every criminal case of importance in Northwest Missouri — his special duty being to make the closing argument for the defense. There are no greater speeches made by men, than those made by truly great lawyers, who fight a trained fight—with soul on fire for the client whose liberty or life is at stake. Yet few such speeches are ever preserved — not one of the great speeches of Alexander W. Doniphan made in civil or criminal trial has been preserved. The greatness of his oratory is entirely lost.

In politics Doniphan was a Whig, a follower of Henry Clay. Clay county sent him to the legislature in 1836, 1840 and 1854. In this last year he received the vote of the Whites for United States Senator, but the party was in the minority.

On December 31, 1837, he married Elizabeth Jane Thornton of Clay county—two children were born to

them, one died of accidental poisoning, the other was drowned while a student in a West Virginia school.

On October 18, 1838, Capt. Patton at the head of 100 armed Mormons captured Gallatin. This Mormon force came from Far West in Caldwell county. There were seventeen men all told in Gallatin when the Mormon force arrived. These were speedily dispersed, after which the Mormons took possession of Jacob Stallig's store, the only one in town, and removed all of the goods—amounting to several thousands of dollars, to their wagons. After this they burned the log store building and some other buildings, amongst them the tailor shop of our lamented citizen, Maj. Jos. H. McGee. A state of civil war existed, and Governor Boggs called out the state militia—about 3,500 of whom, under command of Major General Samuel D. Lucas, with Brigadier General Alexander W. Doniphan in command of a brigade rushed to Far West. The Mormon leaders, Joseph Smith, Hiram Smith, Sidney Rigdon, Parley P. Pratt, Geo. W. Robinson and Lyman Wight were delivered up as hostages to General Lucas and the Mormon army of 700 at Far West and 400 at some other nearby point surrendered their arms.

This was Doniphan's first campaign. He was a Brigadier General in the state militia for many years. After the Mormons surrendered General Doniphan took charge of the defense of the Mormon leaders in the

criminal actions that were instituted against them.

Mexico declared war against the United States in April 1846, which was met by our congress announcing that "a state of war exists between Mexico and the United States." Immediate preparations were made on the part of our government to invade Mexican territory. This meant California and New Mexico as well as Old Mexico and the formation of the Army of the West must devolve on Missouri, the border state, whose men alone knew the great Southwest, by reason of their contact with the Santa Fe trail. Col. Stephen W. Kearney of the regular army was at Ft. Leavenworth with the 1st Dragoons, 300 strong, which was to form the nucleus of the army that was to march to Santa Fe.

Gov. Edwards of Missouri made a requisition on the state for volunteers. Alexander W. Doniphan was asked to assist in getting men to enlist. He visited several counties and created much enthusiasm. After which he enlisted as a private in Co. "C" raised in Clay county. This company became a part of the famous 1st Regiment of Mo. Mounted Volunteers — which consisted of eight companies lettered from "A" to "H," inclusive — the companies coming from the counties of Jackson, Lafayette, Clay, Saline, Franklin, Cole, Howard and Callaway.

The regiment contained 856 men, and elected its officers from the ranks. Alexander W. Doniphan was elected colonel; C. F. Ruff, lieutenant.

ant colonel; and Wm. Gilpin, major. These men all became famous soldiers.

Ruff had had much military experience prior to the Mexican war. Gilpin was from Jackson county.

The Army of the West was put into shape in twenty days' drilling at Ft. Leavenworth. It consisted of the above described 1st Regiment of Mounted Volunteers, under command of Col. Doniphan, a battalion of light artillery, consisting of two companies from St. Louis under Captains Weightman and Fischer, numbering 250 men, with Major Clark as field officer, a battalion of infantry from the counties of Cole and Platte, commanded by Capts. Augrey and Murphy, numbering 145 men. The LaCade Rangers from St. Louis, under Capt. Hudson, 107 strong, which was attached to the 1st Dragoons, 300 strong, making a total army of 1658 men, with 12 six - pounders and 4 twelve pound howitzers. With this army Col. Stephen W. Kearney started out to conquer the great Southwest. On the eve of the departure of that wonderful expedition — perhaps the most remarkable in the world's history, the women of Liberty, Missouri, assembled at Ft. Leavenworth, Kans., and presented Captain Oliver Perry Moss and his Co. "C" with a beautiful flag they had made. Doniphan's regiment rode on ahead, the infantry followed and Col. Kearney with his Dragoons closed up the rear.

I have met one man who told me that he accompanied Col. Doniphan

on the trip. He is old but sturdy and wiry still—old Benj. Rice of Jackson county. He still owns the land located on in 1845. It is near Swope Park, and Uncle Ben is a real humorist. He says, describing the famous 1st Regiment: "We was fine cavalry. Some of the boys was mounted on jacks, some on jennies, and some on ponies. But old Doniphan (mind you he was 38) had a real horse, but he wasn't a very good one. We didn't have any uniforms, every man wore his buckskin. We could always tell Old Doniphan, because he wore a broad white hat. We carried our own guns, too! We was fine cavalry! We didn't need a commissary and when we had fought all our fights, we went into a review before Genl. Wool. Before our turn came to go before the stand, Genl. Wool sent for Doniphan and told him that he must make that bunch of his go by in an orderly, soldier like manner, but O'd Doniphan shook his head and said as all hell couldn't make 'em do that. And when we got in front of the stand we pulled off our hats and yelled like heathen. We was fine cavalry."

I really thought Uncle Ben was telling history, but I soon discovered my error.

No expedition ever went forth to conquer with quite so perfect an arrangement for accurate publicity as did Col. Doniphan's.

Jno. T. Hughes recorded daily everything that happened and at the close of the campaign wrote the story in its fullness and in a lofty lit-

erary style that exhibits much learning.

The first thing we learn from that record is that as the mounted troops were mustered into service their horses were appraised and turned over to the government and every man was properly equipped along with his horse by the government. Also we learn that a wagon train of one hundred wagons laden with supplies preceded them along with a drove of eight hundred cattle to supply them with meat, till they should reach the buffalo country. But the way was long—a thousand miles to Santa Fe, through a wild country in the hottest of weather. The start was made on June 29, 1846. Many hardships were endured, many were taken sick, some died of disease, some were drowned. The infantry traveled about as fast as the cavalry. On August 1, 1846—just fifty days from the start, Genl. Kearney, for the government had made him a Brigadier General on the way, with his whole army entered Santa Fe. No resistance was made, although we are told that Genl. Armijo, the Mexican governor, had seven thousand troops, with which he retreated from the little army of Missourians. General Kearney at once pushed on toward California with four hundred troops, leaving Col. Doniphan as acting governor of New Mexico, and busy preparing the Code Kearney, which was the body of laws that governed New Mexico for the ensuing five years and was speedily prepared by Col. Doniphan; aided by a private soldier,

one Williard P. Hall. It is interesting to note that W. P. Hall was elected to congress from Missouri as a Democrat, at that very time, while he was in New Mexico serving as a private soldier. Some historians say that Col. Doniphan was the Whig candidate for congress against Hall, but I doubt this. However, it was Col. Doniphan who informed Hall of the latter's election to congress. That same soldier congressman afterwards served as governor of Missouri.

Genl. Kearney had not yet reached the Pacific coast, when he was intercepted by Missouri's famous Kit Carson, who bore the tidings that California had already been captured by another Missourian, Col. Jno. C. Fremont. Immediately Gen. Kearney started three hundred of his soldiers back to Santa Fe while with Kit Carson as guide, he pushed on to Fremont's assistance with one hundred Dragoons.

In November 1846 Col. Doniphan was ordered to cross the mountains and subdue the Navajos—who had been continuously at war with the Mexicans. He was also directed to enter into treaty relations with the Indians.

To cross over the mountains, through three feet of snow proved a trying ordeal. Some of the men must die. Many acts of heroism were performed. The mission was accomplished and a treaty entered into with the Navajos.

It was hard for the Indians to understand, however, that the white

men should be there making war on the Mexicans, but that they, the Navajos, must be at peace with both whites and Mexicans.

The soldiers were well nigh out of clothing, with no opportunity to obtain any more, nor had the soldiers been paid a dollar, as yet. Many of the men were sick. Santa Fe was rife with disease, and the men were a reckless crew.

With the Indian campaign disposed of, Col. Doniphan turned his regiment toward Old Mexico. It was then mid-winter. They reached an arm of the Rio Grande known as Bracito, a point of the river about 35 miles north of El Paso on Christmas day, 1846. They had little more than reached this point with five hundred men immediately available, when Gen. Ponce de Leon with 1300 Mexican troops dashed into sight. One of his lieutenants, carrying a black flag, approached the Americans and demanded immediate surrender. Col. Doniphan declined. Then the haughty lieutenant advised the Americans to prepare to receive a charge, assuring Col. Doniphan that no quarter would be asked and that none would be given. The charge came on schedule time all right, the battle lasted for thirty minutes. 71 Mexicans were killed, 151 were wounded, including General Ponce de Leon. Five prisoners were taken along with all of the Mexicans' baggage and supplies, including a lot of wines. Col. Doniphan had eight men wounded—none killed.

The Americans pushed on to El

Paso, which city was entered by the famous regiment on December 27, 1846, without opposition.

A delegation of citizens appointed to make terms of capitulation called upon Doniphan, but he told them to publish to the inhabitants that his troops had not come to plunder and ravage, but to offer liberty and protection — except where they found Mexicans taking up arms against Americans, in which event punishment would be meted out.

An artillery battalion arrived from Santa Fe on January 18, 1847, Col. Doniphan was making things move fast. His forces were now in good order, about 1200 men in his command, including his armed teamsters.

With this force he started south toward Chihuahua where he expected to form a juncture with Gen. Wool. When within twenty miles of Chihuahua, Col. Doniphan learned that Gen. Wool was not in that vicinity and that a large force of Mexicans were awaiting him. Men have since said that it looked as though that little band of brave men had been deserted by their government and left to die in a hostile land, but such a fact seems never to have occurred to Doniphan or to his command.

They had not been paid and they had foraged for a livelihood but they were ready right then to fight what has often been referred to as the greatest fight that ever was fought — the fight at Sacramento.

It took place on February 28, 1847 — the Mexicans, 4000 strong, were

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on an elevation behind earthworks, and were under command of Governor Trias, aided by a number of generals, one being a major general. The Americans charged the hill. That charge makes wonderful reading. The battle lasted three and a half hours. 304 of the Mexicans were killed, a large number wounded, over 500 prisoners were taken, including a brigadier general.

The American losses were Major Owens killed and eleven men wounded, of whom three died. We know those were valorous men who stormed Sacramento's fortifications — but we cannot help concluding that those Mexicans must have been all-fired poor soldiers.

Col. Doniphan found Chihuahua, with its 40,000 people ready to surrender to his single regiment, which marched to the public square March 2, 1847, with the band playing "Yankee Doodle."

The national salute was fired, the Stars and Stripes run up and the inhabitants told the same things previously told to the citizens of El Paso.

Gen. Wool never reached Chihuahua, and after some correspondence had passed with his command, Col. Doniphan gave the Mexicans to understand that the Americans residing in Chihuahua must not be molested, and then he evacuated the city.

Marching his little force via Durango, Saltillo and Monterey he reached the Rio Grande, near Matamorás, with his whole regiment, all

the horses, seventeen pieces of artillery, eleven of which had been taken at Bracito and Sacramento.

The ship Republic conveyed seven hundred of the troops to New Orleans, the remainder went overland with the horses. The time of enlistment had expired and the regiment was paid off—their first pay—at New Orleans in June 1847.

The men were honorably discharged and were allowed to seek their own methods of getting home. A grand reception was held for the regiment at St. Louis on July 4, 1847, after they had traveled four thousand miles by land and two thousand five hundred miles by water and had lost not to exceed one hundred of their men. All their trophies were there, including their cannon, captured flags and the black flag of Ponce de Leon. The speech of welcome that day was made by Senator Thos. H. Benton. Missouri has had but few such celebrations as that one.

That same summer Col. Doniphan came to Gallatin in response to the invitation of the men who had gone to Mexico from Daviess county. They held a barbecue on the hill, in the east part of town, on what is now Block "E" of McGee's addition. A part of Col. Doniphan's speech, and some of the incidents of that occasion are set out in Major McGee's Memoirs.

This county furnished ten men to the Mexican service: Capts. Benjamin Salmon, Merridith Morris and John W. Sheets; Major S. P. Cox;

Thos. J. Lartuen, Jack Edwards, Nathaniel Blakeley, Jno. B. Comer; Messrs. Stokes and English. Capt. Benj. Salmon and Mr. Sokes died in the service.

Col. Alexander W. Doniphan was a warrior for thirteen months, then he became once more the great lawyer.

He became the first commissioner of common schools for Clay county in 1853, and he held the first teacher's institute ever held in Missouri.

In 1861 he was a member of the Peace Conference that assembled in Washington in an effort to prevent the Civil War. While at this conference, he was elected to the state convention that assembled on January 21, 1861, in which convention he made the fight as a conservative Union man. He moved to St. Louis in 1863, and from there to Richmond, Mo., in 1868. For twenty-eight years he was a member of the Christian church, in which faith he died in Richmond on August 8, 1887. He sleeps by the side of his wife and boys in the graveyard at Liberty, Missouri.