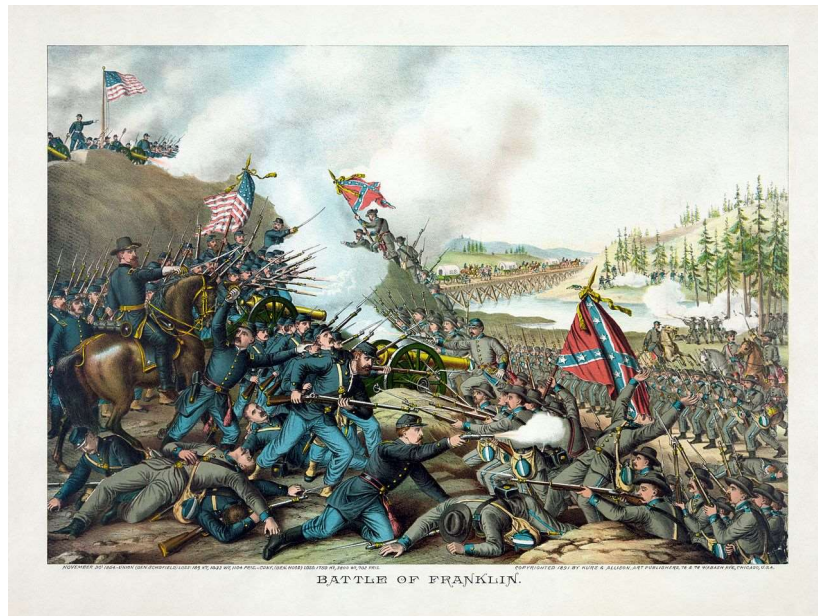


THE BUSHWHACKER



(Kurz & Allison – Library of Congress)

I want to thank each of you for renewing your membership in the Roundtable, even though the COVID-19 pandemic has hampered our usual operations. Your continued support is appreciated.

I think our Zoom meetings have worked reasonably well, and I hope you think so too. It is impossible to predict when they may end or what a return to a “normal” campaign will look like.

Above is a lithograph from Kurz & Allison of the Battle of Franklin, which occurred 156 years ago this month (November 30, 1864). Missouri troops fought on both sides. One hundred thirty Missourians from the Confederate Army are buried in the McGavock Cemetery near that city. And you may recall that in May 2019 – it’s only been about 18 months ago but it seems like an eternity now – we had David Fraley to speak about the battle.

I will try not to bombard you with emails about current developments. You can find information about what’s going on from Facebook and our website, <https://civilwarstlmo.org/>. I will try to keep those sites up to date. The National Civil War Roundtable Congress continues to make available excellent speakers on a variety of topics that you can access through Zoom, Facebook Live, and YouTube. You can find further information about the lecture series and general Roundtable information of interest at: <http://www.cwrtcongress.org/>.

Once again, my thanks to John Harris and Curt Wittbracht for providing articles, the concluding parts which appear here. I also want to thank Drew

Klein for answering the call to submit items for The Bushwhacker. His book review also appears below.

The next issue will have a special treat. Bob Shultz will share with us an excerpt from his forthcoming work on Missouri's Civil War in 1861 – this will be the story of the capture of the Liberty Arsenal in April 1861. I'm sure you will enjoy it.

If you have a family history, Civil War-related article, family photographs (I think we can reproduce those here) that you would be willing to share, please send it to stlcwrt@gmail.com. Thanks.

— Jim Erwin —

My Civil War Ancestors Part II

By John Harris

Private, Company B 4th Cavalry Regiment, 7th Division, Missouri State Guard (March 1, 1862 – May 19, 1862)

After his original enlistment in the Missouri State Guard was up, William Henry Baker enlisted in Colonel William O. Coleman's 4th Cavalry Regiment, 7th Division, Missouri State Guard. Its officers were Colonel Coleman, Lieutenant Colonel Stephen Darden (of Phelps County), and Major Silas Headrick (of Dent County). Silas Headrick was elected Major on April 15, 1862. One company was largely from Dent County. Its officers were Captain Henry Pace, 1st Lieutenant William Pace, and 2nd Lieutenant John Organ. Coleman's Regiment fought battles at Spring River, Arkansas (March 13, 1862); Batesville, Arkansas (May 3, 1862); and "near Rolla," Missouri (May 20, 1862).

Baker was sworn into service as a private in Company B of Coleman's Regiment by Captain Henry Pace on March 1, 1862, for a term of 12 months. In the confession taken when he was captured on May 19, 1862, he says that when he was recruited at home by Captains Pace and Organ, he could not go with them because his family was sick. He was granted a furlough. Baker tried to join the command around May 1st but was unable to get through. On Saturday (presumably May 3rd) Hiram Masters came in and on Sunday (presumably May 4th) they met Coleman and one of his men on the Little Piney at William Arthur's (his father-in-law). The next morning there were nine men in all. Baker and Coleman stayed at W. D. Melton's (his brother-in-law) where they were joined by Bob and Bill Dodson (Dotson). The next morning they went down to the Rolla-Houston road. A supply train passed and shot at Coleman but missed. On Monday morning (May 19th) they attacked the train. He was stationed with another man at a house where they waited until their patience wore out. When they went to the train, they found Coleman gone. They rode on

but ran into cavalry and were captured. They were taken to Rolla. [According to the *Daily Missouri Republican*, May 20 and 21, 1862, the 1st Illinois and 6th Missouri Cavalry, commanded by Lt. Col. Samuel Wood were sent after Coleman when his men captured the wagon train, burned it and took 86 mules - ed.]

Confession of William Baker, Guerrilla

Confession of William Baker of DeWitt
County, Aged 35 years. (of Tennessee) originally
I entered the Service on the 20th day of June
1861 under McWhorter, (Capt & amplet) after
wards a Lieut. I was discharged on the 20th
day of Sept. I stayed in Nashville until 29th
day of Dec. arrived home on 5th day of Jan'y
(Col Hings) I remained at home awhile.
I have no more work at home. I have
a wife & 4 child. I recently Home Office
Capt Ogden, & Pace, came in. I must
in visit them again. - My family
was sick and I told them I would not
go. They give me a forebode of my
pleasure. About the 1st of May I
tried to go to the army, I did not know
that Coleman had been out of
On Saturday Vivian & Mothers came in
and on Sunday I & He got out Cole
man. at night on Little Pine, Coleman
& one of his men. This was at Mrs. A. W. H. H. H.
The next morning we all got together. There
was just 9 of us with the Col. They said
there was just 80 of them.
Coleman did not tell me what his inten-
tions were.

Coleman & I stayed at H.D. Muttons. We were
joined that night by Bob Dodson & Bill Ford
"Our lot of Shells coming". We all got together
next morning
and we went down on to the Road from
Halla to Hoorobon. We stayed there and saw
some Lewis pass. They shot at Coleman
but did not hit him. On Monday morning we
attacked the train. I and another man
were stationed at a house. We waited until we
were entirely out of patience. We went to the
train and we found Coleman going to for
ride on, and we were finally run into by
this Cavalry and I was taken prisoner.
I took the equipments of the Major Martin from
him.

[illegible]

Coleman told me that he expected this
man would be up here in the course of a
week or two.

In his confession, Baker admitted that they raided a supply train along the Rolla-Houston road on Monday, May 19, 1862, when he was captured. He stated that he did not know of Coleman's "guerilla authority." He was subsequently taken from Rolla and ultimately to Alton Prison.

While at Alton Prison, Baker wrote two letters home to his wife, Keziah. The first letter dated July 20, 1862, states that he had been unwell awhile but now was in good health and that he had been taken prisoner on the 20th of May but was now at Alton Prison. He also said that he had written one letter home since he left but had not received a reply. He said that M. W. Province arrived at the prison last night and had a letter he got from home stating that you were all well.

The second letter dated August 10, 1862, Baker said that he was still alive and well and in as good health at this time as he ever was, for which blessing he feels thankful to the "great donor of all good." He also said that he received a letter from Keziah the day before, giving him much delight to hear that she and the children were all well. Keziah wrote that she would come to see him at Alton in 6 weeks but he advised her against that since he expected to be in Dixie before then. She also said that she would bring him clothing but he said that he has plenty of clothing and is being well treated as a prisoner. Keziah asked in her letter about the wheat sowing. He advised that she sow all she could on the "old place" and not trouble raising corn. He also said that MW Province was not well today.

On September 23, 1862, he was sent from Alton Prison to Vicksburg, Mississippi for exchange.

**1st Lieutenant, Company B
8th Battalion, Missouri Infantry (Musser's)
(November 17, 1862 – August 22, 1863)**

On November 17, 1862, Baker enlisted for 3 years, or for the duration of the war, at Camp Horsehead on Horsehead Creek in Johnson County, Arkansas in Company B of the 8th (Musser's) Battalion Missouri Infantry. He was appointed Lieutenant the same day. Musser's Battalion arrived in Little Rock on January 18, 1863. On February 18, 1863, the unit landed at White's Bluff, Arkansas aboard the steamer GRANITE STATE. After a brief stay, the battalion again boarded the GRANITE STATE and on February 21, 1863, landed and camped at Fort Pleasant, located atop Day's Bluff (near Pine Bluff), Arkansas. William Henry Baker was at Fort Pleasant on March 20, 1863, according to a requisition for camp equipage included in his compiled service record. On June 12, 1863 Musser's Battalion joined a mixed command under Colonel John B. Clark, Jr. that moved to Desha County, Arkansas for operations against federal shipping on the Mississippi River. This mixed command attacked a convoy of three transports and a tin-clad gunboat on June 22, 1863, severely damaging the gunboat and disabling two transports. A similar attack was launched on June 28, 1863 from Gaines Landing with unknown results. Hearing that a large federal column had landed nearby to engage them the command returned to Fort Pleasant.

While at Fort Pleasant, Lt. Baker and about 30 men were temporarily attached to Captain Eathan Allen Pinnell, Company D, 8th Missouri Infantry Regiment, from July 4-13, 1863. The unit returned to Little Rock on July 27, 1863, to oppose the advance of Major General Frederick Steele's troops toward

the capital city. They assisted in building entrenchments north of the Arkansas River, which the troops occupied until the Confederates abandoned the city on September 10th with little fighting and marched to Arkadelphia, Arkansas.

Lt. Baker was reported as deceased in the appointment of his successor in Special Order 66 dated August 22, 1863.

The Matson Slave Case

By Curt Wittbracht

Perhaps no single incident better illustrates the ambivalence of Lincoln's position on the slavery question than his efforts in 1847 to recover five runaway slaves from free Illinois on behalf of their Kentucky owner, Robert Matson.

In the past, Lincoln's biographers, when they have noted the Matson case at all, have called it "strange" or "controversial." Yet few have attached genuine significance to this court room battle for the freedom of one woman and four of her children. The Illinois historian Charles Coleman thought that Lincoln took the case "as a matter of professional obligation only," and argued it solely on the legal technicalities involved, avoiding any question of "equity or justice." It is likely that the Matson case will now be the subject of a renewed interest. This is partly because of the polemical assaults on Lincoln's reputation as a champion of liberty that have recently been published.

Viewed in this light, the Matson case takes on a new significance. The runaways and local abolitionists quickly made common cause and their fate swiftly became the talk of homes, meeting places and taverns across the state of Illinois. The publicity afforded to the affair is evidence enough of its importance as one battle in the struggle against the South's 'Peculiar Institution'. Lincoln's willingness to act for the slave-owner only adds to the fascination of events.

In 1843, Robert Matson, a native of, Kentucky, purchased a tract of land he named Black Grove farm in Coles County, Illinois. Although Illinois was a free state, its law was rather indulgent of Southern farmers like Matson. They were allowed to bring their slaves into the state to work their land, so long as it was on a temporary basis. Since permanent residence would automatically confer freedom, Matson was usually careful that there should be no question about the status of the slaves who helped bring in the harvest on Black Grove farm. Every year, he made a formal declaration in the presence of his hired hand Joseph Dean that the slaves were in Illinois temporarily and would be returned shortly to his Kentucky plantation.

Yet one was allowed to stay at Black Grove permanently; Anthony Bryant, who served Matson as a foreman or overseer, thus became a free man. For months he took no advantage of his status. He attended diligently to his duties, taught himself to read and write by studying the Bible and, during their seasonal stays at the farm, enjoyed the company of his wife, Jane, and their children, who remained Matson's slaves. Unfortunately for the Bryants, their

master had a rather volatile domestic life. He had installed his mistress, Mary Corbin, as housekeeper at Black Grove. She was living there in 1847, when Jane Bryant and four of her children arrived in the spring. Jane was then forty years old, of striking appearance and fair-skinned enough to pass for white, (she was, in all probability, Robert Matson's biological niece). It seems likely that she enjoyed something of a privileged status within the Matson household and perhaps this is why she fell afoul of a jealous Mary Corbin.

For whatever reason, the tensions between the two women grew steadily worse, until Corbin finally exploded in temper, screaming at Jane, "you're going back to Kentucky and you're going to be sold way down South in the cotton fields." It was, by then, autumn; Bryant knew that he would soon be separated from his family and if Corbin made good her threat, the separation would be forever. He determined to act and led his terrified family from the farm as fast as he could, and made for the town of Oakland, two miles away. There he sought the help of local abolitionists. There were just thirty-three active abolitionists in Coles County in 1847. Later generations would celebrate them as "men of pluck and of the Cromwellian mold; sober, quiet, industrious citizens." At the time, however, most of their compatriots scoffed at their agitation. Just ten years earlier a mob had murdered the abolitionist editor Elijah P. Lovejoy in Alton, Illinois. The law was no friend either; harboring a fugitive slave was a criminal offense. Yet the Bryant family found shelter with a Tennessee-born tavern proprietor, Gideon Ashmore, and Pennsylvanian physician Dr. Hiram Rutherford. Around them they gathered a small band of anti-slavery men, ready to resist any attempt to seize the runaways by force.

In the first instance, Matson tried to persuade the Bryants to return to Black Grove. He met only defiance from the family. Matson's next recourse was to the law. He retained Usher F. Linder, of Charleston, the county seat of Coles County, as his lawyer. Linder was known for his strong prejudices: pro-slavery and anti-abolitionist. Citing the provisions of Illinois' tough fugitive slave laws, Linder demanded that the local Justice of the Peace, William Gilmore, provide a writ to deliver up Jane and the children. Gilmore, fearful of the potential for violence should the band of anti-slavery men clash with Matson's henchmen, declared that his court lacked jurisdiction to adjudicate on the status of the Bryants. Since they lacked the "letters of freedom" required of free blacks by the state of Illinois, Gilmore had them placed into the custody of the local sheriff, who lodged them in the county jail. The legal situation rapidly became more complex; the sheriff billed Matson for \$107.30, for his charges' upkeep. The abolitionist Gideon Ashmore, meanwhile, instructed his attorney, Orlando Ficklin, to seek to obtain the release of the Bryants on a writ of *habeas corpus*. The exasperated Matson then sued Ashmore and Rutherford for \$2,500, for stealing his slaves.

There were two key aspects to the Bryants' situation which ensured that their case was the center of widespread attention and generated a good deal of popular sympathy for their cause. First, a family appeared to be in peril and, in mid-nineteenth century America, family life was accorded a special status as the very foundation of society. Abolitionists felt this particularly strongly and,

as Harriet Beecher Stowe reminded her compatriots, “the worst abuse of the system of slavery is its outrage upon the family.” Wives could be torn away from their husbands, children from their parents, at the whim of masters who accorded no legal status to the slave family. The second factor that ensured support for the Bryants was an odd reflection of the racial prejudices of the day. Jane and her children – Mary Catherine, 14; Sally Ann, 12; Mary Jane, 5 and toddler Robert Noah – were light-skinned. Mary Catherine was described in one account as having long red hair and blue eyes. Her presumed fate, should she be returned south, was to be paraded on the auction block before a lecherous crowd as a “fancy piece,” before being sold into a life of sexual exploitation. The very thought that a girl of fair complexion should be subject to such treatment provoked outrage on the hearths of countless Illinois homesteads.

The Bryants would thus have their champions; the puzzle is that Abraham Lincoln would not be among them. He was doubtless swiftly made aware of the facts of the affair, which, from a professional point of view, grew ever more interesting (Matson’s private life had become a public scandal and, as a consequence of his relationship with Mary Corbin, he faced charges himself, of “criminal fornication”). Lincoln now made a difficult journey of eighty miles over poor, backwoods roads to get to Charleston, passing up the opportunity of work on his own local judicial circuit. He enjoyed a reputation as a formidable trial lawyer and the imminent proceedings in Charleston would be a fine platform for his professional skills. It seems wholly likely, therefore, that he traveled to Charleston in the hope of being retained in the Matson case. In all probability it was Usher Linder who formally requested Lincoln to assist him as Matson’s co-counsel.

He was soon, however, to find himself in a thoroughly awkward situation. Dr Rutherford had heard that Lincoln was in town. Believing him to be sympathetic to abolitionism, Rutherford wished to engage Lincoln both as his own counsel and to ensure that the Bryants had an able representative. He found the lawyer in a characteristic pose: holding court at the center of a convivial crowd on the veranda of a local tavern. Lincoln leaned back in his chair, tilting it against a wooden pillar, while he drawled his way through some humorous yarns to the amusement of his audience.

Rutherford grew impatient and finally interrupted Lincoln before he began yet another anecdote. As Rutherford spoke, he noticed that Lincoln did not meet his gaze, fixing his eyes on some point in the far distance and slowly shaking his head. Reluctantly, he explained to Rutherford that he could not represent him as he was now under obligation to Matson. Angry and disappointed, Rutherford secured the services of one Charles Constable, “a classical scholar, fluent and ready in debate, and of commanding physical presence.” Stung by Rutherford’s temper, Lincoln then tried to free himself from Matson so he could offer his services to the physician. Rutherford would have none of it. “I plainly indicated a disinclination to avail myself of his offer.” Rutherford said.

The hearing on the writ of *habeas corpus*, on the outcome of which all the related issues would ultimately hinge, was held on 16 October 1847, Chief

Justice William Wilson, of the State Supreme Court, presiding. It would have been a devastating move on the part of the abolitionists' counsels, Ficklin and Constable, to cite the precedent of *Bailey v. Cromwell*, an earlier case slavery case Lincoln had won, and turn the force of Lincoln's own words against him. Strangely they did not do so, a failure that a later Professor of Law would describe as "ineptitude bordering on professional incompetence." In fairness, though, Ficklin made a sound case based, as the earlier Lincoln case had been, on the idea that both the state constitution and the Northwest Ordinance outlawed slavery in Illinois, and thus the Bryants should be free.

Constable's approach was less direct. He quoted, at some length, from an earlier English legal case, which had established that it was impossible to stand on British ground and be a slave; "I speak in the spirit of British law, which makes liberty commensurate with and inseparable from British soil." This seems, at first glance, an odd tactic but it is interesting to note Lincoln's reaction to the declamation. According to Ficklin, he physically winced at talk of earth "consecrated by the genius of universal emancipation." If it was Constable's intention to unsettle Lincoln with allusions to free soil, his tactic seems to have worked.

Making the case for Matson, Usher Linder condemned abolitionism in general before denouncing Ashmore and Rutherford in particular, for harboring the runaways. He insisted that slave property was protected wherever the Constitution held sway. As Ficklin noted, it was an argument that would have been cheered to the rafters in South Carolina, but it was not calculated to play so well before a Northern court. It is, however, Lincoln's performance that has inevitably attracted the most attention. There has been much suggestion that his heart was not in the case and that he concentrated wholly on the technicalities of the *habeas corpus* proceedings. His presentation was "spiritless, half-hearted, and devoid of his usual wit, logic and invective." Some have gone so far as to hint that he deliberately set out to lose his client's case. This hint, coming mostly from sympathetic biographers anxious to protect the reputation of the "Great Emancipator," is an unwitting slur on a man whose professional integrity had won him the nickname "Honest Abe." We need not take such allegations seriously. Both contemporary witnesses and later judgments by lawyers who analyzed the case agreed that Lincoln's performance was formidable.

Ficklin recalled Lincoln's argument as comprising "trenchant blows and cold logic" combined with a "subtle knitting together and presenting of facts favorable to his side of the case." He advanced the only argument that had a realistic possibility of success: that the slave Jane Bryant and her children were seasonal workers, who had been in Illinois only temporarily and thus were not permanent residents of the state and hence could not be granted their freedom. Anton-Hermann Chroust would later judge that Lincoln gave "by far the best forensic performance of all the lawyers connected with the case ... his arguments from a legal point of view were forceful, not to say convincing." There can be little doubt that Lincoln did his very best to win the case for Matson.

Happily for the Bryants, he was unsuccessful. The court's decision was in their favor; that "they be and remain free and discharged from all servitude whatever to any person or persons from henceforth and forever." Rutherford, still smarting at what he saw as Lincoln's betrayal, watched the lawyer leave town; "as he threw across the animal's back his saddlebags, filled with soiled linen and crumpled court papers, and struck out across the prairie, he gave no sign of any regret because, as a lawyer, he had upheld the cause of the strong against the weak." The other main actors in the drama also quickly left the stage. Matson dodged his creditors and bolted for Kentucky. It is likely that Lincoln was never paid for his services. The Bryants found that sympathy for runaways did not transform into hospitality for "free Negroes." The state of Illinois discouraged their settlement. So-called "well-wishers" raised enough money to pay for their passage to Liberia, as part of a scheme organized by the American Colonization Society.

In the final analysis, Lincoln's behavior in 1847 is not so difficult to explain. He was a successful lawyer with a reputation to maintain and an aspiring politician anxious to raise his profile both at state and national level. He was a man driven by the fear of failure and a corollary determination to achieve greatness. Early in his political career he had once told an audience "towering genius thirsts and burns for distinction; and if possible it will have it." The controversial Matson case, with all its attendant publicity, was exactly the sort of stage on which a "towering genius" could achieve distinction. In all likelihood, it was, thus, professional ambition rather than obligation that compelled Lincoln to represent Matson in the autumn of 1847. Lincoln's personal qualms regarding slavery, evident in his attempts at conciliation with Rutherford, and his squirming during Constable's declamation, were genuine enough, but were constantly weighed against his mental calculation of what was politically and professionally expedient.

**"The False Cause Fraud, Fabrication and
White Supremacy in Confederate Memory"
by Adam H. Domby**

Reviewed by Drew Klein

I bought Adam Domby's book after reading a condensed version of the book in *The Civil War Monitor* quarterly magazine. The author began the research for the book as a doctoral candidate at the University of North Carolina. He was at the University when the controversy over removing a bronze statue of a Confederate enlisted man recruited from the UNC campus and colloquially known as "Silent Sam."

Professor Domby (now at the University of Charleston) found a copy of the speech given by a prominent 19th century North Carolina business and political magnate Julian Carr. The speech was given at the dedication of the statue and Carr makes clear that the purpose of the statue was to recognize

the Confederate army's important role in preserving white supremacy in the American south.

The book is a devastating indictment of the role "Lost Cause" advocates had in perpetuating the myth that white southerners were unanimous in their support of the Confederacy. Through arduous research of original sources, Domby destroys the argument of neo-Confederates that the Civil War was not about slavery. I was surprised to learn that North Carolina had a bipartisan and biracial government through Reconstruction until the turn of the last century. For North Carolina at least, he makes a strong case that Confederate monuments erected from the 1890s to 1920s were less about recognizing military valor and more about reinforcing white supremacy to justify disenfranchising black men and establishing Jim Crow policies.

The book is a bit ponderous to read and can be repetitive. Domby tries to make the point that Confederate leaders should not be held up as American heroes and makes the analogy that American Indian leaders are not considered American heroes, but what about Crazy Horse, Red Cloud, Cochise, *et cetera*?

[The Winter 2020 issue of *The Civil War Monitor* has several essays on Civil War monuments – *ed.*]

**Excerpt from President Lincoln's First Thanksgiving Proclamation
(Issued October 30, 1863)**

"I do therefore invite my fellow-citizens in every part of the United States . . . to set apart and observe the last Thursday of November next as a day of thanksgiving and praise to our beneficent Father who dwelleth in the heavens. And I recommend to them that while offering up the ascriptions justly due to Him for such singular deliverances and blessings they do also, with humble penitence for our national perverseness and disobedience, commend to His tender care all those who have become widows, orphans, mourners, or sufferers in the lamentable civil strife in which we are unavoidably engaged, and fervently implore the interposition of the Almighty hand to heal the wounds of the nation and to restore it, as soon as may be consistent with the divine purposes, to the full enjoyment of peace, harmony, tranquillity, and union."