

## "MODERATE" CHAMPION OF SOUTHERN RIGHTS

William Rufus King had not appeared in Washington when the first session of the Senate was held on December 3, 1849, but, since the House of Representatives wrangled for several weeks over the speakership, his presence was little needed.<sup>1</sup> The Senate did little business while the House took vote after vote. King had left Selma, Alabama, for Washington but had been detained in Montgomery by a severe cold. He, nevertheless, took a keen interest in what was going on in the capital. He found it hard to understand why Southern Whigs would support Robert Charles Winthrop, the Whig candidate, for the post of Speaker: "From the bottom of my heart do I curse them for abandoning the South to embrace the interest of a party which they must know is laboring to deprive it of its constitutional rights. Winthrop's election will give a death blow to settling the slavery question upon anything like a fair compromise."<sup>2</sup> Winthrop, however, was not elected, and the House choice for Speaker eventually fell upon Howell Cobb of Georgia.<sup>3</sup> King took his

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1 Congressional Globe, 108 volumes (Washington: Globe Office, 1834-1873), XXI, 1.

2 William R. King to A. Saltmarsh, December 12, 1849, Copy in William R. King Collection, Alabama Department of Archives and History. (Hereinafter cited as King Collection.)

3 Congressional Globe, XXI, 66.

seat in the Senate on December 27 where he had already been chosen Chairman of the Committee on Foreign Relations.<sup>4</sup> He was chosen for the post in recognition of his long and able service in the Senate and his experience as Minister to France. But the "all absorbing subject" of the session was to be, not foreign problems, but the slavery question.

Only one important measure came before the Foreign Relations Committee during the session, the Clayton-Bulwer Treaty. This treaty had been negotiated with England and provided that neither the United States nor England would attempt to gain full control over an isthmian canal or to fortify it and that neither country would colonize, occupy, or exercise dominion over any part of Central America.<sup>5</sup>

King led the administration forces in the fight for ratification of the treaty and Secretary of State John M.

Clayton gave him much credit for its success. He wrote King expressing gratitude and pointing out that the treaty had been necessary "to maintain amicable relations with Great Britain."<sup>6</sup>

Out of his support for the treaty grew one of King's

<sup>4</sup> Congressional Globe, XXI, 40, 85.

<sup>5</sup> William M. Malloy, comp., Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers, 1776-1909, 2 volumes (Washington, Government Printing Office, 1910), I, 659-663.

<sup>6</sup> John M. Clayton to King, May 23, 1850, in Legislative Records, National Archives.

few quarrels with his old friend James Buchanan. Their chief disagreement over the treaty stemmed from its territorial provisions. King found the self-denying provision acceptable, but Buchanan opposed it. King wrote Buchanan, "I am decidedly opposed to any further acquisition of Territory at this time in any quarter, and I never expect to live to see the day when I shall be willing to have any portion of Central America annexed to our Government." King thought Central America's remote situation and mongrel population would keep the United States in constant difficulties without bringing adequate remuneration. Already the United States was too large for a harmonious working of the system. After witnessing results produced by recent acquisitions in the West, King regretted "most sincerely that it was ever dismembered from Mexico." What were its gold mines and its commerce when "weighed in the balance against the embittered strife of section against section, consequent upon its acquisition?" He feared that the strife annexation had brought would sap the foundations upon which the union rested and might lead to a violent breaking of the union. Hence, he felt it hazardous to add any more territory. In agreeing to the treaty, he said, the United States was enforcing the Monroe Doctrine, for it secured the promise of Great Britain to abandon her protectorate over the Mosquito Indians and not to colonize other parts of Central America. "The treaty as I conceive," said King, "accomplishes all that we ought to desire, while it strengthens the position

we have heretofore taken, and avowed to the world." Most Democratic senators, he said, had much the same feeling.<sup>7</sup> Unlike King, Buchanan opposed any treaty which permitted Great Britain "to limit our progress on this continent throughout all future time."<sup>8</sup>

In December, 1849, Congress was faced with a variety of pressing problems growing out of the slavery question. California was demanding statehood under a constitution which forbade slavery, and the territorial status of New Mexico and Utah needed to be determined. Conflict threatened over the Texas-New Mexico boundary. Southerners, moreover, were demanding a more stringent fugitive slave law, and Northerners were demanding legislation against slavery and the slave trade in the District of Columbia. The sectional nature of these questions and the sectional alignment in regard to them were obvious. Southerners, quite naturally, opposed the admission of California as a free state, the organization of the two territories in such a way as to exclude slavery, and tampering with slavery in the District of Columbia; they favored a more adequate fugitive slave law. Northerners, on the other hand, favored the admission of

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<sup>7</sup> King to Buchanan, May 6, 1850, in John Bassett Moore, The Works of James Buchanan, 12 volumes (Philadelphia: Lippincott, 1908-1911), VIII, 381-382. (Hereinafter cited as Moore, Works of Buchanan.)

<sup>8</sup> Buchanan to King, May 13, 1850, in ibid., 383-384.

California with its free state constitution, the organization of Utah and New Mexico without slavery (or at least without guarantees for it), and abolition of slavery and the slave trade in the District; they vigorously opposed a new fugitive slave law. King advocated a policy of moderation and conciliation and sought to secure adoption of a program that could honorably be accepted by both sections.

In January 1850, the debate on sectional questions waxed, but King hoped a settlement could be reached that would maintain the honor and constitutional rights of the South. To accomplish this result, he proposed that the South unite as a body and force fanatics to allow the moderates to meet on grounds of compromise. He wrote:

I must say that I still cling to the hope of an adjustment, provided it is made apparent that the South, the whole South without division, stand together as one man. This alone will cause the Fanatics and unprincipled aspirants for political power to pause, and thus enable the patriotic men of every section to meet upon grounds of compromise, and thus settle this agitating question. God grant that such may be the result.<sup>9</sup>

Henry Clay, in the spirit of compromise, presented his famous resolutions on January 29, hoping that, taken together, they would permit an amicable settlement of all questions in controversy between the sections. His resolutions

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<sup>9</sup> King to George Washington Gayle, January 15, 1850, in Files of the Alabama Governors, Alabama Department of Archives and History.

called for admission of California with its free-state constitution, organization of territorial governments for the territories without adoption of any condition in regard to slavery, adjustment of the Texas boundary with compensation for Texas, abolition of the slave trade in the District of Columbia, and passage of a more effectual fugitive slave law. Slavery in the District of Columbia was not to be abolished, nor was Congress to interfere with the interstate slave trade.<sup>10</sup>

King soon joined the debates which grew out of the resolutions. Though he did not agree with Clay on all points, he said that the resolutions had been brought forward with good intent and deserved attention. In a speech that the Union called "calm, dignified, and statesmanlike," he deprecated the fact that so much feeling was being shown by some members of the Senate.<sup>11</sup> Such was unbecoming to the body. "I am disposed to yield," said King, "all I can, in honor -- all I can without the sacrifice of essential rights -- in order to settle this [the slavery] question." He hoped that the resolutions could be used as a basis for settlement, and that committees would be used to discuss the various problems and iron out differences. The resolutions would lead members on all sides to investigation and perhaps to a settlement that would preserve the rights of all and restore

<sup>10</sup> Congressional Globe, XXI, 244-246.

<sup>11</sup> Washington Daily Union, February 2, 1850.

harmony to the union. With wisdom growing out of long experience, he urged his fellow senators "to keep as far as possible within those temperate and calm limits which ought to be practicable to all, in the discussion of questions in the Senate of the United States which are of the utmost importance." "No good results," he said, "[came] from angry discussion upon any question."<sup>12</sup>

Throughout the following months the slavery question continued to occupy most of the attention of Congress and caused great excitement. In February King labored to induce the North "to open her eyes to the dangers" which faced the country. He began to hope that Northerners would cease their aggressions before it was too late and permit an agreement which the South could honorably accept.<sup>13</sup> King hoped that a united South would force the North to make concessions. By March, however, he was writing of divisions among the southern group. Leaders of that section, he said, generally favored an extension of the Missouri Compromise line to the Pacific; but, knowing that this concession could not be obtained, they were turning their attention to other modes of adjustment. These plans included the creation of a new state from Texas, the purchase of disputed lands from Texas, the creation of a territorial government in New

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<sup>12</sup> Congressional Globe, XXI, 250.

<sup>13</sup> King to A. Saltmarsh, February 27, 1850, Copy in King Collection, Alabama Department of Archives and History.

Mexico without the mention of slavery, and the separation of California into two parts, one below the compromise line and one above. King lauded Daniel Webster's famous Seventh of March speech, but criticized John C. Calhoun's March speech because it pushed things "to an extreme."<sup>14</sup>

King's April letters were characterized by deep despondency. He blamed divisions among the southern people for the failure to secure their constitutional rights. He charged that the "baneful spirit of party" had divided and distracted them and had encouraged the North to continue its aggressions. So long as the South seemed to be presenting an undivided front, northern meetings had been held to denounce the abolitionists and to call on Congress to respect southern rights. But union was lacking in the South now. Knowing this, northern fanatics had little to fear and continued to attack the South. They kept up the agitation because their only hope for political elevation was in keeping the slavery controversy alive; they did not want the question to be settled because it was their reason for existence. Calhoun's death had been a blow to the South, for there was "no man more devoted to its interests than he."<sup>15</sup>

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<sup>14</sup> King to James Buchanan, March 11, 1850, Buchanan Collection, Historical Society of Pennsylvania.

<sup>15</sup> King to M. P. Blue, April 11, 1850, in M. P. Blue Collection, Alabama Department of Archives and History; King to J. B. Clarke, April 29, 1850, quoted in Huntsville Democrat, May 23, 1850.

King's speech, made in opposition to the immediate admission of California, was characterized by both conciliation and firmness, a love of the South and a greater love of the union. He declared that California was still a territory and that it would remain one until the action of Congress made it a state. He wished the slavery question settled on a "reasonable basis" so as to restore "fraternal relations and harmony." He would yield anything consistent with his duty to his constituents and his country, but he would not be driven to adopt a course which he believed would neither be beneficial to the country nor put an end to agitation. If outsiders attempted to interfere with southern rights, King warned, there would be no division among the people of the wronged section. They would stand shoulder to shoulder in resistance to oppression. He hoped senators would not goad the South to desperation. People in that section were ready to sacrifice everything that could reasonably be expected of them, and even more, to preserve the nation. But if they were driven to extremities, they would be compelled "to calculate the value of the Union." Few men, he declared, had been more attached to the union than he. He had not taken part in wild schemes of past years because he considered them visionary and unnecessary. Now he trusted there would be "patriotism, good sense, and fraternal feeling enough" for the Senate to act upon the slavery question in such a way as to restore harmony and peace to the country. The country was destined to greatness, King said, if

internal dissension could be avoided. But peace must be preserved. Internal bickerings, got up in some cases by unprincipled politicians for their personal gain and carried on by fanatics, must be stopped. He urged the Senate to act in such a way that the union could be preserved and its destiny fulfilled.<sup>16</sup>

King was among the members of a select committee of thirteen appointed in April to investigate the various questions before the Senate.<sup>17</sup> His great desire was still to adjust the slavery question upon such terms as would "save the honor of the South, and protect her essential rights." He stood ready to yield all that could properly be surrendered "to restore harmony to the land, and preserve...free institutions."<sup>18</sup> King did not agree with the entire committee report, which included, in essence, the resolutions offered by Clay in January. King wrote Buchanan that he especially objected to the proposed admission of California with such extensive boundaries and without any restriction on her right to tax public lands. Nevertheless, he earnestly desired to support the proposed adjustment and pledged himself to do so if some of the more objectionable provisions were

<sup>16</sup> Congressional Globe, XXI, 706-707.

<sup>17</sup> Ibid., XXI, 780.

<sup>18</sup> King to Morgan Smith, April 23, 1850, quoted in Montgomery Advertiser, May 22, 1850.

removed.<sup>19</sup> The so-called Omnibus Bill which grew out of the report was discussed thoroughly during the late spring and summer of 1850. During the long debates, speakers representing all shades of opinion occupied the floor.

As he listened to the debates, King continued to fear that the vexing problems before Congress would not be solved until it was too late. In June he wrote that the slavery question was not likely to be settled during that session of Congress; there was too much fanaticism on the part of the North and too much ultraism on the part of the South. Moderate conservative men both North and South, he feared, would be in a "lean minority" on any reasonable mode of adjustment. Under the circumstances, he trembled for the "permanency of the Union." If a settlement could not be made before the session ended, King feared that none would be made because the excitement would become greater and greater and the feelings of sectional hostility would go on increasing until "nothing short of divine interposition" could prevent a dissolution of the union.<sup>20</sup> Had the South united at the beginning of the session and demanded an extension of the Missouri Compromise line instead of making other proposals, King thought the plan might have been

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<sup>19</sup> King to Buchanan, May 8, 1850, in Moore, Works of Buchanan, VIII, 282; King to Buchanan, June 8, 1850, Buchanan Collection, Historical Society of Pennsylvania.

<sup>20</sup> King to Neal Smith, June 13, 1850, in Gulf States Historical Magazine, I (July, 1902), 45.

accepted, but now it was too late.<sup>21</sup>

King took the floor several times during the debates and expressed his views on the various compromise issues. Making his longest speech on July 18, he declared that he would oppose the entire bill unless it could be modified so as to convince him that "the rights of the South, the honor of the South" were to be preserved. As the bill stood it did neither of these things. As he saw it, not one "solitary provision" in the bill was fully satisfactory to southern men. Still, there were portions of it which would be accepted by Southerners if other portions were amended so as to justify them in taking the whole bill collectively.<sup>22</sup> Pointing out that an explanation was necessary because he differed from many Southerners on the subject, King then enumerated the provisions of the bill and presented his views on each.

Speaking in January on the abolition of the slave trade in the District of Columbia, he had said:

With regard to what is called the slave trade, I have never seen the day -- and Senators are aware of it, I presume, from the course I have pursued heretofore -- when I was not willing to pass a law for the purpose of breaking up those miserable establishments that exist under the very eyes of Congress itself, and are so

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<sup>21</sup> King to James Buchanan, June 8, 1850, Buchanan Collection, Historical Society of Pennsylvania.

<sup>22</sup> Congressional Globe, XXI, 1411.

offensive to many gentlemen, who feel, perhaps, more sensitive on the subject than I do. I am free to say that I am the very last man who would be willing to encourage such establishments.<sup>23</sup>

He reiterated these views, and said he favored abolishing slave pens which had been established by speculators in the District, as the Committee of Thirteen proposed to do. "I have too high a confidence in the humanity and in the proper feeling of the southern people to believe for a moment that they will condemn me for having done what my conscience, and what I believed to be my duty, required of me."<sup>24</sup>

Admitting that the fugitive slave bill might be defective, King nevertheless favored this proposal of the Committee of Thirteen. Some Southerners objected to a provision of the bill requiring a slaveowner to apply to courts of his own state for a record of ownership of escaped slave property and to furnish a transcript of the record as evidence of ownership in the courts of the state to which his slave had escaped.<sup>25</sup> The opponents maintained that such a procedure gave the slave jury trial and endangered the effectiveness of the law, but King defended the provision because "record evidence" would be respected in the courts more than any other in courts outside the South. He believed it important

<sup>23</sup> Ibid., XXI, 250.

<sup>24</sup> Ibid., XXII, 1395.

<sup>25</sup> Ibid., XXI, 947-948.

that the sentiment of the country should not be shocked by the execution of the law; the provision requiring "record evidence" would make the bill less odious, hence more easily enforced outside the South.<sup>26</sup>

King considered the territorial provisions of the Omnibus Bill the sources of greatest difficulty. Here was the area where opinions were most diverse. Here he found himself differing from some of his close "political friends and personal associates" whose opinions he respected highly.

King declared that the claim of Texas to disputed territory in the Southwest was so good that the United States could not deprive her of it without a breach of faith. Her rights had been rendered perfect by conquest. Hence, he favored doing substantial justice to Texas by giving her a "reasonable compensation" for her claim. She had already shown a willingness to give up the territory on a reasonable basis. She preferred the land but would compromise for the sake of peace and harmony. Some Southerners objected to the purchase of the disputed territory because they feared that the Mexican law of New Mexico forbidding slavery would replace the existing Texas law legalizing slavery and that the territory would be converted from slave territory to free territory. King maintained that the United States would recognize the law of Texas over the area by paying for

<sup>26</sup> Ibid., XXII, 1395, p. 318.

the Texas territory. Texas law, therefore, would prevail until changed by positive enactment. And nothing in the Texas law would prevent Southerners from going to the area with their slaves. There they could remain safely until the people decided against slavery in a constitution.<sup>27</sup>

King approved the section of the bill that provided for the organization of Utah and New Mexico. It was framed, he said, so as to embody the principle of nonintervention contended for by the South for some years. It provided that the legislative power of the territories should extend to all rightful subjects of legislation, consistent with the constitution and the act, but that no law should be passed establishing or prohibiting African slavery. Did not this protect the South? "I hold that we are [protected]," King said, "and that the Territorial Legislature has no power whatever to pass any law which destroys that description of property in that territory. They are bound, on the other hand, to protect property of every description." Replying to those who feared that Mexican law would prevail in New Mexico and Utah, King said he would not fear to carry his slave property into the area. The Supreme Court, if a test case arose, would rule that American laws of property were

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<sup>27</sup> *Ibid.*, XXII, 1395-1396. In earlier debates, King had occupied similar ground in regard to the Texas question, in opposition to many southern senators. *Ibid.*, XXI, 867-868.

paramount over Mexican law.<sup>28</sup>

King's earlier speeches on slavery in the territories throw much light on his thinking. The demand of the South for the right to carry slaves into the territories was, said King, a fight for principle, "a principle lying at the very foundation" of her "constitutional rights," involving her property, her safety, her honor, and all that her people held dear. For that principle, the South would contend to the utmost. It asked no act of Congress to carry slavery anywhere. What the South wanted was not the establishment of slavery by law but security that slavery would not be prohibited.<sup>29</sup> King opposed the doctrine of popular sovereignty in the territories, but he was perfectly willing to let the people of a state decide for or against slavery when they adopted a constitution. On one occasion he declared:

The opinion I entertain is this: that in every territory acquired by the United States, either by conquest or by purchase, every citizen of every State in the Union is entitled to participate. With regard to taking slaves there, they can be protected under any government that may be formed for the territories by the United States.... When a territorial government is established, it is only for the protection of persons and property and the preservation of order, and it has no power whatever to legislate for the destruction of property.... I believe that whenever a territorial government is established, if

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28 Ibid., XXII, 1396.

29 Ibid., XXI, 250.

persons holding slaves think proper to go there with them, this Government is bound to protect them until the period arrives when the population is sufficient for the formation of a State constitution. Then, we of the South hold, I believe without exception, that the people thus forming a State constitution, have a right to prohibit slavery at their pleasure, and that Congress has no right to prevent the new State from coming into the Union on that ground, but can only look to its constitution to ascertain whether it is republican in character.<sup>30</sup>

He warned northern senators that the days of the republic would be numbered if the time ever came when a majority in Congress refused to admit a state into the union because its people chose to have slavery.<sup>31</sup>

King opposed the admission of California to the union because of the irregular means by which the territory had been organized.<sup>32</sup> He found, moreover, an "insuperable objection," namely the size of the state. No man in the Senate, said he, would consider its size proper, yet because it was to be a free state, many would admit it despite its size. Southerners, said King, had been prepared "to waive all objections on the score of the irregularities and informalities which characterized the formation of that State" if the boundaries had been within "properly restricted limits." King himself desired to give California a boundary

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30 Ibid., XXII, 479.

31 Ibid., XXII, 907.

32 Ibid., XXI, 250.

"natural in itself" and very extensive, yet so drawn that California would not be a virtual empire, capable of setting up a nation within itself. To set up a state with a sea-coast of over a thousand miles would be more dangerous to the retention of that area than any other step that could be taken.

As a solution, King proposed an amendment calling for the division of California along the parallel thirty-five degrees and thirty minutes. Such a plan might result in two free states but King maintained that the South would not object. If the area proved unfit for slavery and if those who favored a free state became dominant, they could make the second state free at the time they drew up a state constitution. But, warned King: "Let Congress determine to withhold from the South all participation in that whole country -- let them determine to do what is tantamount to the Wilmot Proviso, as far as that extensive country is concerned -- let them determine on that, and God only knows how long the peace of the Country is to be preserved." If California were not split, said King, he would vote against the entire Omnibus Bill. The blame for the bill's defeat would rest upon the heads of those who were unwilling to quiet dangerous passions by doing justice to all sections.<sup>33</sup> The Senate, nevertheless, voted down King's proposed amendment by a vote of 37-20. Subsequently, the Senate, by amendments,

<sup>33</sup> Ibid., XXII, 1396-1397.

rejected all provisions of the Omnibus Bill except the one providing for territorial government in Utah. The remnant of the emasculated bill was passed on August 1, 1850.<sup>34</sup>

In the meantime, a southern convention had been held at Nashville, Tennessee, in June, 1850. This convention adopted a series of resolutions and an address. The resolutions, framed largely by John A. Campbell of Alabama, embodied opinions current among most Southerners. They declared, among other things, that Congress had no right to exclude slavery from the territories but was obliged to protect the property right in slaves; that Mexican law did not prohibit slavery in the Mexican cession; that federal authority should not be employed to undermine the institution of slavery in the southern states. One resolution, an ultimatum, declared that "the territories should be treated as property, and divided between the sections of the Union" if the North persisted in denying the constitutional rights of the South. It suggested that the old Missouri Compromise line of thirty-six degrees and thirty minutes would be satisfactory. Generally speaking the resolutions were moderate in tone, but this was not true of the address drafted by Robert Barnwell Rhett of South Carolina. This manifesto repeated Calhoun's assertion that passage of the California bill would be equivalent to enactment of the Wilmot Proviso and

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34 Ibid., XXI, 1490-1491, 1504, XXII, 1404.

condemned the Clay compromise proposals then before Congress. Moderate Alabamians generally approved the convention resolutions, but some ardent advocates of southern rights, such as William Lowndes Yancey, contended that more drastic action was needed to combat the compromise measures.<sup>35</sup>

King's reaction to the action of the Nashville Convention was positive and forthright. He wrote:

The resolutions adopted by the convention met with my entire approval. They were temperate and dignified and such as become the body from which they emanated. The address is as I conceive quite the reverse, intended by exasperated statements to inflame the public mind and to induce the people to believe that they have no security from northern aggressors but by bursting asunder the bonds by which we are united....<sup>36</sup>

King especially favored the suggestion that the compromise line be extended to the Pacific, but he had already given up hope that such a plan would be accepted.<sup>37</sup> Southerners, he

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<sup>35</sup> Clarence Denman, The Secession Movement in Alabama (Montgomery: Alabama Department of Archives and History, 1933), pp. 31-33; Lewy Dorman, Party Politics in Alabama from 1850 Through 1860, Publication of the Alabama State Department of Archives and History Historical and Patriotic Series No. 13 (Wetumpka: Wetumpka Printing Company, 1935), pp. 43-46.

<sup>36</sup> King to A. Saltmarsh, August 25, 1850, Copy in King Collection, Alabama Department of Archives and History.

<sup>37</sup> King to James Buchanan, June 11, 1850, Buchanan Collection, Historical Society of Pennsylvania.

said, had good reason to complain against the North for agitating the slavery question and for trying to deprive them of their equal rights in the territories. But dissolution of the union was not the answer to the problem. Dissolution should come only if the majority set at naught the provisions of the constitution and deprived Southerners of their essential rights. Such a step had not yet been taken; should it be taken, then honor, interest, self-respect, and self preservation would all demand that the South "separate from the unprincipled aggressors."<sup>38</sup>

President Zachary Taylor died July 9, 1850, and Vice President Millard Fillmore succeeded to the presidency. Whereupon, King was chosen President pro tem of the Senate by the unanimous vote of both parties.<sup>39</sup> Such a choice at such a time was a real tribute to King's reputation for fairness, integrity, and ability as a presiding officer. In his speech of acceptance he promised to discharge the duties of his office "with faithfulness and impartiality."<sup>40</sup> Shortly before, in his eulogy of President Taylor, he had said: "I trust in God ... that we shall on this day vow on the altar of our country to discard all bickering and

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<sup>38</sup> King to Saltmarsh, August 25, 1850, Copy in King Collection, Alabama Department of Archives and History.

<sup>39</sup> Washington Daily National Intelligencer, July 12, 1850.

<sup>40</sup> Congressional Globe, XXI, 1370.

strife, all sectional dissensions, and live and die as Americans should, in support of the Union."<sup>41</sup> In announcing King's election, the National Intelligencer pointed out that he was "a gentleman of ripe experience" in the duties which he had been chosen to discharge and that he was distinguished by the personal qualities of uprightness, courtesy and dignity of manners.<sup>42</sup> As presiding officer, King sought to steer the Senate away from dangerous questions by strict application of rules concerning the reception of petitions likely to produce discord. In doing so, he undoubtedly helped to make Senate sessions more orderly than they had been previously.<sup>43</sup>

After the Omnibus Bill had been defeated by a combination of extremists from both sections who united to defeat the moderates, bills were presented dealing with the individual issues involved. Votes on these bills were taken in August and September. On August 9, King voted with the majority in approving the payment of up to \$10,000,000 to Texas for territory to be added to New Mexico; on August 13, he voted against the admission of California as a free state; on August 15, he voted for the organization of a

<sup>41</sup> Ibid., XXI, 1365.

<sup>42</sup> Washington Daily National Intelligencer, July 12, 1850.

<sup>43</sup> Congressional Globe, XXI, 1390, 1433, 2072.

territory in New Mexico,<sup>44</sup> and on September 16, he voted against the suppression of the slave trade in the District of Columbia. No record was taken of the final vote on the fugitive slave bill, but King voted for its engrossment.<sup>45</sup>

Several months after the compromise bills were passed, King wrote an open letter to one of his constituents explaining his votes and defending his views. He said that his self-respect prevented him from trimming his sails to "every popular breeze" and violating his obligation to the common country. He had opposed the admission of California because "the people of the slaveholding States were deprived of an equal participation in a territory which, of right, equally belonged to the citizens of all the States." He had attempted to secure a division of the California territory, but had failed. Like others, he was indignant that such partial legislation as the admission of California had been passed, but the step had been taken in a constitutional manner, and the South must acquiesce. He had voted against the bill to abolish the slave trade in the District of Columbia after having pledged himself earlier to support such a measure because it called for the emancipation of all slaves brought in contrary to the law. He would not vote for the

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44 The Senate had voted to provide a territorial government in Utah at the time most of the Omnibus Bill had been defeated. Ibid., XXI, 1504.

45 Ibid., XXI, 1540, 1555, 1573, 1589, 1647, 1660, 1830.

emancipation of any slave in the District regardless of the circumstances; nevertheless, he felt that a proper bill would not affect injuriously slavery in the District. Finally, he said that he had voted for revision of the Texas boundary, believing that he was "promoting the true interests of Texas and the whole South." Texas had not been treated unfairly; no slave territory had been surrendered to free soil, unless the people of New Mexico and Utah so decided when they drew up their constitutions. Southerners believed that states had this right. Distinguished jurists of the South believed that owners of slaves had perfect security in taking their property to the area.<sup>46</sup> In another letter King wrote that his course in 1850 had been shaped by three desires: to preserve unimpaired the honor of the South, to protect its constitutional rights, and to save the union.<sup>47</sup>

Alabamians split into two groups as a result of the compromise measures: the Southern Rights group, or disunionists, and the Unionists, or "submission" group. King's intentions had been honorable in voting as he did on the compromise measures, but he was denounced by those who belonged

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<sup>46</sup> King to A. B. Clitherall, June 16, 1851, quoted in Washington Daily National Intelligencer, July 15, 1851.

<sup>47</sup> King to Tuscaloosa Meeting, October 23, 1850, quoted in Washington Daily National Intelligencer, November 7, 1850.

to the Southern Rights group.<sup>48</sup> Attributing the denunciation to the excited state of the public mind, King, nevertheless, was deeply hurt. He wrote Buchanan as follows:

For myself I am in a fair way, in consequence of my vote on the Texas Boundary Bill, to be denounced in Alabama as a submissionist; a craven surrenderer of southern rights; and the disunionists... will exert every nerve to inflame the public mind, now so easily excited, against me, and all others who have manifested a disposition to settle if practicable this fearfull question.<sup>49</sup>

He pointed out, at the same time, that the outrageous conduct of the North was "well calculated to alarm the South" and that moderate southern men would be defeated if a more liberal spirit were not adopted by the North.

Attacks on King were especially virulent in public meetings held to protest the Compromise and in newspapers that favored disunion rather than submission. Meetings denounced his course and accused him and Jeremiah Clemens, Alabama's other senator, of having "their pockets...stuffed with Texas bonds" in exchange for their vote on the Texas boundary bill.<sup>50</sup> A Montgomery meeting declared that King and Clemens had voted against the wishes of ninety-five per

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48 King to A. Saltmarsh, August 25, 1850, Copy in King Collection, Alabama Department of Archives and History.

49 King to Buchanan, August 26, 1850, Buchanan Collection, Historical Society of Pennsylvania.

50 Montgomery Alabama Journal, October 3, 1850.

cent of the people of Alabama and in favor of the policies of New York and Massachusetts.<sup>51</sup> A Southern Rights group in Dallas County urged that both senators be requested to resign their seats because of their votes on the compromise measures in 1850.<sup>52</sup> Describing the cession of a portion of Texas to New Mexico as the "buying of slave territory to make it free," the Montgomery Advertiser and State Gazette declared: "Look at the vote, and sicken as we, at its contemplation."<sup>53</sup> The Dallas Gazette castigated King for his views on the slave trade and his vote for the dismemberment of Texas and pointed out that there was "much complaint against Col. King in every quarter, on the subject of his recent Congressional course."<sup>54</sup> The Wetumpka State Guard accused King of backing a program of "cowardly submission to every and any act Congress might think proper to perpetuate" and declared that "every county in the state should request him to resign his seat in Congress, for no man entertaining such views...should speak for Sunny Alabama, upon the floor of

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51 Mobile Daily Advertiser, October 30, 1850.

52 Montgomery Alabama Journal, November 16, 1850.

53 Montgomery Advertiser and State Gazette, August 21, 1850.

54 Quoted in Montgomery Alabama Journal, November 2, 30, 1850.

Congress."<sup>55</sup> Even the generally friendly Huntsville Democrat found it had to reconcile King's "loose declarations" about the Compromise with the old strict construction views he had always professed. There might as well be no constitution if it was to be interpreted as loosely as King proposed.<sup>56</sup>

On the other hand, newspapers with Unionist leanings came to King's defense. His old antagonist the Florence Gazette, when it found him under attack by the "bloodhounds of disunion," called his course during the recent session wise and patriotic and promised him support against the "disunion intriguers."<sup>57</sup> The Mobile Daily Advertiser said that none could ever suspect King of favoring disunion and expressed belief that he would repudiate "the little knot of secessionists" who congregated about Cahawba.<sup>58</sup> The Montgomery Alabama Journal declared that King had done his duty in true fealty to his section and urged him to defend himself against his attackers.<sup>59</sup>

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55 Quoted in Montgomery Advertiser and State Gazette, October 23, 1850.

56 Huntsville Democrat, November 28, 1850.

57 Florence Gazette, November 9, 1850.

58 Mobile Daily Advertiser, October 22, 1850.

59 Montgomery Alabama Journal, October 3, 1850.

In spite of the bitter attacks made upon him, King continued to support the compromise measures after he returned to Alabama at the end of the 1850 congressional session. Feeling, however, that nothing should be done to excite the public mind further by arraying one portion of the people against the other, he declined to attend public meetings in his honor at Selma and Tuscaloosa. His letters to these meetings were widely published and were especially lauded in that portion of the press favoring acceptance of the Compromise. In these letters he admitted that the South had reason to complain of the recent actions of the North but expressed regret that "passion and prejudice" had caused some to take extreme views. The admission of California with such extensive boundaries, he said, was an act of gross injustice to the South because it excluded slaveowners from a vast area. Still the act had been passed in a constitutional manner. Although an act of unjust legislation, the South must accept it. If the sections had claimed the right to resist every time they felt they had been treated unfairly, the union would have been broken up long ago -- at the time of the Embargo or the Tariff of Abominations in 1828. Actually, he said, the compromise measures had left the honor of the South "untarnished." The constitution had not been violated. Those who advocated secession were actuated by a fear of what might take place rather than of what had already occurred. He admitted, however, that under certain

circumstances disunion might be a proper course. There was reason to fear that the spirit of fanaticism and a thirst for power would prompt the North to continue her aggressions. If this should be the case, if the time should come when property rights in slaves were disregarded and emancipation were adopted in spite of constitutional guarantees, every southern man would "hurl defiance at the fanatical crew, and unitedly determine to defend their rights at every hazard and every sacrifice, even to the dissolution of the Union." He hoped, however, that the intelligence and patriotism of most Northerners would arrest the mad career of the fanatics and permit the restoration of harmony between the sections.<sup>60</sup>

In a letter declining an invitation to attend a Unionist mass meeting at Montgomery in November, 1850, King expressed doubt that the compromise measures would bring peace and quiet to the country. A sense of injury would continue to rankle in the minds of southern men, which could be eradicated only by time and the manifestation by the North of a

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<sup>60</sup> King to Tuscaloosa Meeting, October 23, 1850, quoted in Washington Daily National Intelligencer, November 7, 1850; King to Selma Committee, October 20, 1850, quoted in Mobile Daily Advertiser, October 30, 1850. One of the most controversial statements made by King was found in the Selma letter. He wrote: "Of the...measures adopted by Congress, I gave to most of them my support; and I presume there is no one so ignorant of the constitution as to contend that, by any of them, that instrument had been violated either in letter or spirit." His critics pointed out that he had adopted loose construction views in place of his old strict construction views. Huntsville Democrat, November 28, 1850.

willingness to respect southern constitutional rights. If southern property rights were invaded, it would "require no prophet to foretell the fall of this confederacy." In what had been done so far, all that could reasonably be expected of the South was acquiescence. He saw no grounds, however, for resorting to such revolutionary measures as some were proposing. He could not agree with those who were laboring to inflame the public mind and to convince the people that their only safety was to be found in the dissolution of the union, for he was no disunionist.<sup>61</sup>

King's object, throughout the fall of 1850, was to quiet agitation and to encourage acquiescence in the compromise measures. He told a November meeting in his home town of Cahawba that secession and disunion were not the solution to the problems of the South. Instead, they would magnify the evils; for a southern confederacy, he predicted, would dwindle into a third or fourth rate power. Neither the northern confederacy nor the southern confederacy that resulted from a split would attain the strength possessed by the old union. This speech, said the Selma Reporter, was

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<sup>61</sup> King to Montgomery Meeting, [November, 1850], quoted in Montgomery Advertiser and State Gazette, November 20, 1850.

made "in terms of fervent devotion to the Union."<sup>62</sup>

King's deepest feelings about the problems confronting Alabama in 1850 are revealed in a November letter to Bolling Hall. In it he expressed regret that an effort had been made to identify the Democratic Party with immediate secession. Such a policy if continued would place the state in the hands of the Whigs. Democrats recognized the injustice of what had happened, but most Alabama Democrats were unwilling to resort to such an extreme measure. Every attempt to force such a solution on them would only distract and divide the party and promote the interests of the Whigs. "We must free ourselves from the suspicion of being disunionists," warned King, "or this power will assuredly pass from our hands." His heart's desire was "to maintain the ascendancy of the Democratic Party, and to save the Union." No rash or hasty movement should be attempted that would endanger either. Alabama should go along with the other slaveholding states who were willing to accept the recent action of Congress despite its obvious injustices. "But,"

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<sup>62</sup> Mobile Daily Advertiser, November 20, 1850, quoting Selma Reporter. The Dallas Gazette refused to concede that King was honestly seeking to quiet the public mind and castigated him severely for the moderation he had displayed in his public letters. It called him a "trimmer" and accused him of trying to win the support of all parties. King, said the Gazette, should be told that he was no longer welcome in the Democratic Party and handed over to his enemies. Alabama no longer had a "National Democratic party." Quoted in Mobile Daily Advertiser, November 8, 1850.

said King, "the cup of forbearance is full, and any successful attempt in future to violate our rights must cause it to run over and unite every Southern State and every Southern man in their defence, with all the means which God and nature has placed in our hands." The North must be made to understand that another step to endanger southern safety would "snap the cord that binds us together." Meanwhile, Alabama Democrats must cease denouncing each other at home and, above all, avoid making secession part of the Democratic creed.<sup>63</sup>

Writing from Washington after the second session of the Thirty-first Congress had convened, King took a more optimistic view of conditions than he had taken earlier. He now believed that further agitation of the slavery question would not be countenanced "by any respectable portion of either House of Congress" and that all indications pointed to the fact that there was less danger of encroachments upon southern rights than at any time for the last twenty years. He felt that the fugitive slave law would be enforced despite the efforts of "fanatical wretches" in the North to prevent it. He hoped, therefore, that the southern people would not "suffer themselves to be hurried into revolutionary measures" by demagogues or political aspirants unless

63 *Monteville Democrat*, April 17, 1851.

63 King to Bolling Hall, November 19, 1850, Bolling Hall Collection, Alabama Department of Archives and History.

64 *Mobile Daily Advertiser*, June 4, 1851.

unexpected aggression should occur. He could see none of the advantages of dissolution that secession orators and newspapers proclaimed.<sup>64</sup> Denouncing "self styled States rights men," King said that disunion had been their object from the beginning. Certain unjust measures of the previous Congress had excited the southern people and furnished these agitators an opportunity to carry on their disunion project in the guise of defending southern rights against northern aggressions. Because of the feeling of the moment, many worthy citizens had joined the movement with no idea of breaking up the government. Now that the disunion designs of the extremists were known, the good and true would abandon them to the condemnation of every patriot in the land.<sup>65</sup>

In the summer of 1851 King professed to believe that the Compromise had placed southern rights on a better foundation than they had been for many years and that Congress would not disturb the existing situation.<sup>66</sup>

In the Alabama election of 1851 normal party lines were broken down, and a contest developed between the Unionists, a group favoring acceptance of the Compromise, and the Southern Rights group. As already noted, King was highly critical of some of the activities of the Southern Rights

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64 Huntsville Democrat, April 17, 1851.

65 King to Frank K. Beck, March 3, 1851, Copy in King Collection, Alabama Department of Archives and History.

66 Mobile Daily Advertiser, June 4, 1851.

group, although it included many of his Democratic friends; hence he was accused of being a Unionist. In a letter to A. B. Clitherall, however, he spiked the rumor and declared allegiance to the Democratic Party despite its part-way alliance with the Southern Rights group. Said he:

You say that I am claimed by the Union-submission party of your county. If the claim set up rests upon the supposition that I am an advocate for the formation of a third party, either State or Federal, it is most erroneous.... I have always considered the good old Democratic Party as the true Union party; and that nothing more is required to put down sectional divisions, and preserve peace and harmony, than to have the Government administered in strict conformity with Democratic principles. I have ever been a States-rights man of the Jefferson school, and can fearlessly appeal to my whole public life in proof of the assertion. I am not, however, prepared to admit that the States possess either the constitutional or the reserved right to secede from the Union. I consider it to be a paramount right, inherent in every people, to free themselves from oppressions when the action of government violates their essential rights, and becomes too grievous to be borne; and that, from the nature of our federative system, it would be the most effectual mode to accomplish that object.<sup>67</sup>

King's attitude toward the Unionist Party weakened the movement. The Montgomery Journal later declared that King had

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<sup>67</sup> King to Clitherall, June 16, 1851, quoted in Washington Daily National Intelligencer, July 15, 1851. The Unionist Party had coalesced from the group who favored the Compromise in the fall of 1850, and the Southern Rights Party included those who had opposed the Compromise and had been accused of disunion sentiments.

aided in breaking up the Unionist Party and reorganizing the Union Democrats. "It is believed," said the Journal, "that he is fully entitled to the chief credit of that operation, or at least has had that reputation."<sup>68</sup> The Montgomery Advertiser agreed that King had done his best to keep the Democratic Party from being misled by the Whigs with the cry "Union! Union!"<sup>69</sup> The Tuscaloosa Observer commended him for helping to save the Democratic Party "from the Charybdis of Federalism and the Scylla of Disunion."<sup>70</sup>

King's attitude toward the Compromise of 1850 is well summarized in a letter to a Virginia elector in May, 1852, after he had been mentioned as a possible candidate for the presidency. Robert G. Scott asked him, as he did other prospective candidates, if he favored enforcement of the Compromise, if he would use his influence to discourage change in the fugitive slave law, and if he would veto legislation changing it. Denying that he had any expectations of receiving the Democratic nomination, King wrote:

As respects the series of measures of the last Congress, commonly known as the Compromise, most of them are beyond the reach of legislation, and although I considered some of them as most unjust to the South, I was probably the first individual in the slaveholding States who publicly took

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68 Quoted in Montgomery Advertiser, June 17, 1852.

69 Ibid.

70 Quoted in Mobile Daily Advertiser, May 4, 1851.

ground in favor of acquiescence, and I am gratified to find that such is now the determination of all the southern States. The fugitive-slave law was enacted to carry out an express provision of the constitution, and therefore does not stand in the footing of ordinary legislation; and should it so happen that I should be placed in the presidential office, I should feel myself bound, by every obligation of duty, to negative any act for its repeal, or so to modify or change it as would destroy its efficiency.<sup>71</sup>

King favored strict adherence to the Compromise of 1850.<sup>72</sup> He had refused to be a disunionist, yet had refused formally to join the Unionist movement. Throughout the controversy he remained loyal to the Democratic Party and to the American union. Never had his moderation been more evident than at this time. He wrote a close friend in March, 1851: "Moderation on both sides and forbearing to denounce each other can alone produce harmony and concert of action. I trust the good sense of the country will see this and act accordingly."<sup>73</sup>

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<sup>71</sup> King to Scott, May 20, 1852, quoted in Washington Union, May 29, 1852. King wrote James Buchanan not to express approbation of the Compromise in his letter to Scott. Instead, he should point out that most of the measures were beyond the reach of legislation and should not be disturbed. King to Buchanan, May 24, 1852, Buchanan Collection.

<sup>72</sup> See comments in Washington Daily Union, May 11, June 20, 1851.

<sup>73</sup> King to Phillip Phillips, March 11, 1851, in Phillip Phillips Collection, Manuscripts Division, Library of Congress.