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Forging with Embers: The Life and Pre-gubernatorial Career of Isaac Murphy, 1799-1864

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Forging with Embers:
The Life and Pre-gubernatorial Career of Isaac Murphy, 1799-1864

A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Arts in History

by

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Missouri Southern State University
Bachelor of Science in Education, 2008

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Abstract

The gubernatorial administration of Isaac Murphy from 1864-1868, as Arkansas began emerging from the Civil War into Reconstruction, has had a thorough, if dated, examination in Arkansas historiography. However, Murphy's life and pre-gubernatorial career, including his early political activities—being the first treasurer of Washington County, Arkansas (1836-1838), serving three terms in the Arkansas General Assembly (two in the House, 1846-1849, and one in the Senate, 1856-1857), and the totality of his action during both sessions of Arkansas's Secession Convention (1861)—have been largely neglected. This thesis will additionally provide a biographical interpretation of Murphy necessary to fully understand his political actions—his life, personality, his much-vaunted sense of morality, and how his experiences informed his politics and decisions.

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Note on Citation

At the time of my research at the Arkansas History Commission (now the Arkansas State Archives), it was discovered that the organization as described in the finding aid for the Murphy/Berry Family Collection: 1845-1930 did not match its actual physical organization. After several conversations with the archival staff, it was decided that future researchers would also rely on the finding aid as their starting point, as there was no plan to construct a new one for the collection or to reorganize its physical organization. As such, the finding aid citations are given over those found in the actual boxes and folders of the collection.

Abbreviations

ACSL	Arkansas Commissioner of State Lands
AHC	Arkansas History Commission/Arkansas State Archives
ALP	Abraham Lincoln Papers
CALOC	Chronicling America: Historic American Newspapers, Library of Congress, https://chroniclingamerica.loc.gov/
FS	Family Search, www.familysearch.com
GB	Genealogy Bank, www.genealogybank.com
GNCN	Gale Nineteenth Century U.S. Newspapers, www.gale.com/c/19th-century-us-newspapers
JISP	John I. Smith Papers, Special Collections, University of Arkansas Libraries, Fayetteville
KOP	Kie Oldham Papers, Arkansas History Commission and State Archives
MFBC	Murphy/Berry Family Collection: 1845-1930, Arkansas History Commission and State Archives
NA	newspapers.com by Ancestry, www.newspapers.com
SCUAF	Special Collections, University of Arkansas Libraries, Fayetteville
VF	Isaac Murphy Vertical File, Arkansas History Commission and State Archives
WCAA	Washington County, Arkansas Archives, Fayetteville, Arkansas
WR	The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies

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Historiographic Introduction

With the words, "I have cast my vote after mature reflection, and have duly considered the consequences, and I cannot conscientiously change it. I therefore vote 'no'," at the second session of Arkansas's Secession Convention, Isaac Murphy set himself a place in the drama of Arkansas's secession, and it is perhaps for his refusal to vote for secession that he is best known.¹ A lawyer, teacher, farmer, and politician, then residing in the county seat of Madison County in Northwest Arkansas, Murphy would become Arkansas's restoration governor in 1864, as a devastated and rebellious state was led and driven back toward the Union it spurned three years earlier.

The initial Reconstruction years between 1864 and 1868 have been frequently studied, but the analysis of Murphy and his administration have often been considered in a vacuum with little analysis of his earlier life or political career. Given his life's history, it is certain that he would never have become governor without his participation in Arkansas's Secession Convention. Exactly what might have inspired his Unionism and his refusal to back away from his "no" vote has also not been earnestly considered. Rather, the scene is usually used to add drama to a narrative, and then moved on from without much further consideration. Such a consideration is admittedly difficult due to how little of Murphy's voice has survived. He did not leave behind a diary or memoir and his letters are few, making Murphy the governor, much less Murphy the man, difficult to discover. A smattering of remembrances, a handful of letters and speeches, and the journals of the Arkansas General Assembly and of the Secession Convention are all that remain, as many of the papers

¹ Jesse N. Cypert, "Secession Convention, Part II," in *Publications of the Arkansas Historical Association*, ed. John Hugh Reynolds (Fayetteville, AR: Arkansas Historical Association, 1906), 315, accessed February 12, 2016, <http://archive.org/details/publications01arka>.

pertaining to his administration and earlier political career have been lost, and most of what was kept by him privately was likely burned in a fire sometime around 1912.²

Still, as Murphy was sixty-one when entering into the secession convention on March 1, 1861, and sixty-five when he was inaugurated governor on April 15, 1864, he had a lifetime of experiences and political evolution that led him to his positions. As such, considering him in the vacuum of secession and Reconstruction is inadequate, but a thorough examination of his life before Reconstruction and of his pre-gubernatorial political career has not yet been undertaken.

The first substantial scholarly study of Murphy—and what is still the most comprehensive examination of his governorship—came with *Reconstruction in Arkansas, 1862-1874*, written by Thomas Starling Staples (1879-1957) and published in 1923. Staples was a graduate student at Columbia University and studied under William A. Dunning (1857–1922). Dunning and his students began scholarly work on Reconstruction and established what reigned as the dominant view until the 1960s. Staples focused primarily on political events that transpired in the state.

In Staples's narrative, Unionists did not present a united front. Some, having come primarily from the northwest and western Arkansas River Valley, he considered to be political outsiders that advocated schemes to return Arkansas immediately to the Union in order to exact permanent change in the government of the state, deposing the old ruling elites. Others, from Little Rock and the southwest planting regions resisted such efforts, seeking instead to return the state to the politicians and principles that had always led it. To Staples, the outsiders' push for an immediate return to the Union suggested corruption or ambition. Many of the men who pushed for such a policy were men

² To Flora; from Mary R. Lowe of Huntsville, AR, March 12, 1912, Box I, Section V, Item 3, Murphy/Berry Family Collection:1845-1930, Arkansas History Commission and State Archives, Little Rock, AR. [hereinafter cited as MBFC].

of doubtful loyalties who were out for positions of influence and were willing to manipulate the vote to gain it.³

Staples's use of newspapers displayed a clear bias. He generally treated the papers of the Unionist and later Republican elements as propaganda and the Democratic papers as true and accurate. He cited the *Washington Telegraph* (Washington, AR), for example, in suggesting that though many Union meetings were genuine, those that "engaged in promoting them were few in number and not citizens of the state, but had come with the 'invaders,'" indicating that the corrupting influence of the carpetbaggers had already begun.⁴

Chief among the Unionists that helped to implement Lincoln's plan of Reconstruction, whom Staples derided as a group, was Isaac Murphy. While the sincerity of other emerging Unionist leaders could be doubted, Murphy's could not. Staples described him as "the best known Union man in the state" who was elected governor "solely because of his record since the secession movement came to its climax in 1861."⁵ He further portrayed Murphy as a "non-slaveholding school teacher and fledgling lawyer," and "a man of delicate moral sense and tenacity of purpose." As a man, he was "frail in stature, not above the average in intellect, insignificant in appearance, but firm of conviction," as well as "honest and unpretentious, industrious, but perhaps too credulous, and certainly weak in personality." He supported emancipation and earnestly desired the people of the state to return to their various vocations to return prosperity to the state and end the senseless violence. Ultimately, Staples considered him to be a good man—not venal, but also not intelligent enough to understand the magnitude of ill-feelings between the state's various factions, especially

³ Thomas Starling Staples, *Reconstruction in Arkansas, 1862-1874* (New York: Longmans, Green and Company, 1923), 12-14.

⁴ *Ibid*, 17.

⁵ *Ibid*, 28, 45.

feelings directed at those who betrayed the South and traitorously returned to the Union. He judged that Murphy was “not such a man as the situation required if the restoration movement was to make substantial progress.” Nor did he comprehend, or was he capable of controlling, “the elements which created the situation in which the new state government had to make its beginning.”⁶

It is a testament to how little was known of Murphy that several of Staples’s conclusions were entirely mistaken. Murphy’s remaining family at the time of its publication certainly took umbrage with his depiction of Murphy. Writing to Staples and to the Arkansas History Commission in 1924, one of Murphy’s granddaughters, Louisa Berry Fairchild, complained that Staples’s portrayal was in some cases untrue and in others was a misrepresentation. She requested a correction, and held up Fay Hempstead’s 1889 book, *A History of the State of Arkansas for the Use of Schools*, and Dallas T. Herndon’s 1922 book, *The High Lights of Arkansas History*, as being more fair and accurate. Specifically, she sought to correct that Murphy was “six feet in height” and she insisted Murphy was “a man of great dignity of bearing and strong force of character,” as Lincoln chose him not only because of his secession record, but also because of his “enlightenment, courage, honesty, patriotism, and absolute unselfishness,” insisting that he “served no selfish aims.” Instead, he “refused to discriminate against any man for partisan reasons” and was certainly not “weak in personality.” Lastly, she considered “spectacular” and “opprobrious” Staples’s quoting period sources that called Murphy a “Lump of Stupidity and Imbecility,” ‘Old Stupidity,’ and ‘Old Murphy,’” protesting that such language showed “great disrespect, and wound the feelings of the family.”⁷

⁶ Ibid, 45-47.

⁷ Louisa Berry Fairchild to Dallas Herndon, April 23, 1924, Louisa Berry Fairchild Letters, Small Manuscript Collection Box 122, Folder XVIII, Items 1-2, Arkansas History Commission and State Archives, Little Rock, AR [hereinafter AHC].

It appears that Staples considered Murphy to be a native of Arkansas, as he did not seem to have considered him a carpetbagger. He also did not make accusations of his being a scalawag. At worst, he was considered a fellow traveler with the Republican Party under circumstances that would not have allowed him to do much else. Nevertheless, the ax falls on the head, not the body, and Staples held Murphy responsible for being unable to quell the guerrillas and regular Confederates who ravaged the state after he took power, despite not having a home guard or militia with which to carry out the task. In Staples's view, even if Murphy had had possession of such a force, it would have "created little but evil," so what exactly Staples would have considered to be more appropriate remains a mystery.⁸ Overall, Staples attempted to balance his criticisms with praise, though his criticisms of Unionists and Republicans tended to be sharp and his praise dull, and his understanding of Murphy's background, and thus his motivations, lacking.

Staples's narrative of Reconstruction in Arkansas, and Murphy's role in it, remained dominant for quite some time. As Revisionists re-evaluated Reconstruction in the nation and in individual states in the 1960s, and Post-Revisionists further altered the narrative through the late '60s into the 1970s, Arkansas historiography was mostly silent.

But, Arkansas's move toward secession and its experiences during the Civil War were explored in Michael B. Dougan's 1976 book, *Confederate Arkansas: The People and Politics of a Frontier State in Wartime*, and were later re-examined in James M. Woods's 1987 book, *Rebellion and Realignment: Arkansas's Road to Secession*. Both authors had little to say about Murphy, primarily noting his prior experience in the Arkansas legislature, his future governorship, and making use of his "no" vote as a moment of high drama. However, both authors did much to expand our

⁸ Staples, *Reconstruction in Arkansas*, 65.

understanding of Arkansas before the war and the economic, political, and social forces that influenced Arkansas Unionism and Secessionism. To Dougan, Arkansans were driven by two primary forces. The first were motivations rooted in four different occupational classes within Arkansas: 1) subsistence-farming mountaineers, 2) yeoman farmers in the uplands and river valleys, 3) planters and other lesser slaveholders, and 4) those deemed to be of low class “living on the periphery of the plantation economy.” The second was their identification or opposition to the state’s ruling political elite, known as the Dynasty or the Family. As Arkansas’s prospects improved throughout the 1850s, sectionalism between the groups and opposition toward the Dynasty increased as some experienced upward mobility into different classes and immigrants entered the state who were not bound to the established political systems of control, inaction, and patronage. In general, those that opposed secession were those whose native state was outside of the deep South and who had the least economic interest in the continuance of slavery.⁹

Admirably describing and categorizing the political and sectional rivalries in the state that resulted in a “crazy-quilt of subtle and diffuse patterns,” Dougan’s analysis neglects those, like Murphy, that occupied and navigated a liminal space between his categories. Though never of the planter/slaveholder class or beholden to it, he could also not be counted among the “crude, illiterate, violent, hard-fisted yeomanry.” Neither does he entirely fit within the mountaineering subsistence farmers. Though he did sometimes engage in that sort of farming, his professional endeavors were in law and education. The lack of an easy categorization makes establishing the roots of Murphy’s transition to operating as a dissenting or independent Democrat in opposition to the “family” equally difficult. Opposition had perpetually existed, with most serious uprisings being defeated.

⁹ Michael B. Dougan, *Confederate Arkansas: The People and Policies of a Frontier State in Wartime* (Tuscaloosa, AL: University of Alabama Press, 1976), 1, 5, 7-9, 12-14, 17-22, 63.

However, the opposition suddenly burgeoned in the mid-to-late 1850s as immigration brought into the political arena men ignorant of and unconcerned with the state's previous political machinations. Newer leaders like Thomas Hindman and Henry Rector appealed to both with their messages and rhetoric that crafted an impressive amalgamation of differing opinions into a more and more united front to challenge the "family." But Murphy's evolving politics and relationships to the newcomers are missing from consideration. Murphy does fit squarely within Dougan's assessments, however, that those most likely to oppose secession came from outside the Deep South and lacked any economic interest in slavery's continuance.¹⁰

Woods built on much of Dougan's work and came to many of the same conclusions, agreeing about the state being controlled by the Dynasty and that its struggling economy was finally developing through the 1850s. He differed with Dougan over immigration, however. While admitting recent settlers may have been a factor in the struggles between the Dynasty and the Hindman factions of the Democratic party, he did not find immigration to be a significant factor in shaping those alliances, or later Unionism vs. Secession. Rather, Woods placed more emphasis on the growing class divide that a decade of economic growth had begun to create in the state across a geographical divide between uplands and lowlands. The divide was based on the economic necessity of slavery to the elites' livelihoods. Their need to maintain white hegemony came to have far more meaning than old political identifications, both nationally and locally.¹¹ Examining Murphy's positions from the perspective of these two interpretations will provide insight not only into his antebellum political allegiances, but also the motivating factors behind his Unionism during the

¹⁰ Dougan, *Confederate Arkansas*, 1, 10, 17-22.

¹¹ James M. Woods, *Rebellion and Realignment: Arkansas's Road to Secession* (Fayetteville, AR: University of Arkansas Press, 1987), 70-71, 86-89, 123-126, 185-187.

secession crisis, though both Woods's and Dougan's focus on planters and yeoman leave out the educated professionals who led northwest Arkansas's politics, such as Murphy.

Emerging between Dougan and Woods's texts was the 1979 work of amateur historian, John I. Smith, *The Courage of a Southern Unionist: A Biography of Isaac Murphy, Governor of Arkansas 1864-1868*. Smith's volume is the only published attempt at a full treatment of Murphy's life. He sought to counter Staples's interpretation of Murphy and his government, claiming to avoid "some of the passions and prejudices of former years" by having looked for "all the facts, not just the facts that prove one or the other side to have been in the right." He also set about correcting what he saw as the omissions of previous writers that "narrated only the works of the Confederates" and ignored the Unionist story. To do so, Smith relied heavily on the memoirs of Murphy's son-in-law, James R. Berry, who provided the bulk of the available information on Murphy's early life and career. More than a son-in-law, Berry was a frequent partner, serving in Murphy's administration as state auditor from 1864-1866, afterward as Murphy's private secretary, and later briefly as his law partner in Huntsville.¹²

Like Staples, Smith also made extensive use of period newspapers and his use of papers was nearly the opposite of Staples's, in that he dubiously claimed them to be "as factual and accurate as those of the present," though he made nearly exclusive use of Unionist papers, only occasionally using a conservative paper to display its vitriol or errors. Smith was somewhat obsessive in delivering what he believed to be a truthful account, seeking to build his work on "raw facts and human reason" rather than on viewpoints, for "such is not history." Rather, only "the whole truth" could be considered "true history." Despite this stance, clearly the "facts" Smith found were primarily within

¹² John I. Smith, *The Courage of a Southern Unionist: A Biography of Isaac Murphy, Governor of Arkansas, 1864-68* (Little Rock, Arkansas: Rose Publishing Company, 1979), 1-2.

the Unionist narrative and laudatory of Murphy. This historiography will focus most heavily on Smith's biography, as it is the only volume that has focused primarily on Murphy.¹³

Smith was clearly enamored of Murphy, casting him as a paragon of virtue and nearly a tragic hero. To him, Murphy was a man who “placed personal honesty and the rightness of his political decision above all other facets of life, even above his financial position, his personal safety or the members of his family.” Within Murphy's life lay lessons of “true principles” and “uncompromising integrity” that should be reviewed and are valuable to “any American, young or old.” This attitude is clearly carried throughout Smith's narrative. Murphy never performed a tarnishing act, and every action that fell out of line with this interpretation of Murphy was carefully explained away or omitted. For instance, Smith portrayed Murphy as not just opposed to secession, but as having a preternatural awareness of the evils and strife war would bring, in a similar way to how Lincoln is frequently credited with a “superhuman prescience” for seeing the dangers and horrors of the Civil War. He opposed the war because he was a peaceful man opposed to violence as much as for his steadfastness in holding forever to the Union.¹⁴ Yet on the first morning after Arkansas's secession, Murphy introduced a measure that instructed the Committee on Military Affairs to create a bill to arm and complete the military organization of the state. Smith carefully explained away this apparent contradiction by asserting that the “people of northwest Arkansas feared an attack from the five Indian tribes” then residing a few short miles to the west in Indian Territory. He did not see the need to explore any other possible motive for such contradictory actions on Murphy's part or explain why an attack in the northwest would necessitate arming and

¹³ Ibid.

¹⁴ David M. Potter, *The Impending Crisis: America Before the Civil War, 1848-1861* (New York: Harper Perennial, 1976), 336.

preparing the whole state when other previous attacks had not necessitated so drastic a measure and were handled locally.¹⁵

In addition to personal sentiment, Smith's biography also suffered from its limited scope. He devoted only nine pages to Murphy's sixty years of life prior to the Secession Convention—quickly surveying Murphy's family and tragic childhood in Pennsylvania, his marriage in Tennessee in the early 1830s, and his move to Fayetteville, Arkansas, in 1834. Once in Fayetteville, Murphy began a foray into local politics and then the Arkansas legislature beginning in 1846. Nearly all of Smith's analysis of Murphy's two terms in the Arkansas House primarily came from *Loyalty on the Frontier, or Sketches of Union Men of the South-West: With Incidents and Adventures in Rebellion on the Border*, which was published in 1863 by a Union colonel who befriended Murphy at Elkhorn Tavern, Albert Webb Bishop. It contained little personal analysis of Murphy's work or how successful he may have been in achieving his goals. Rather, Bishop was most interested in presenting Murphy as a beacon of Unionism and morality that stood in the right, for the right, against the evil hordes of secession. Depending nearly exclusively on that information, Smith's telling similarly tried to make Murphy a symbol, and thus lacked analysis of his legislative career, citing his various committee appointments only as feathers in his cap. The only conclusions that either Bishop or Smith drew about this time is that he emerged as a largely unsuccessful opponent of the Dynasty—Arkansas's ruling political faction since its days as a territory.¹⁶

In three pages, Smith briefly surveyed Murphy's accumulation of debts via mortgages, his involvement with Far West Seminary near Fayetteville, Arkansas, and an eventual attempt to salvage himself by joining the Gold Rush, which was unsuccessful. While away, Murphy's mortgages were

¹⁵ Smith, *Southern Unionist*, 1-2, 32.

¹⁶ *Ibid.*, 9-11.

foreclosed, and upon his return, embarrassed in the community, he moved to nearby Huntsville, Arkansas, in Madison County, where he resumed teaching, practicing law, and served one term in the Arkansas Senate. Again, Smith's brief filling in of details leaves us with no sense of how these developments contributed to the shaping of Murphy and his politics.¹⁷

Smith's narrative expanded greatly as Arkansas entered the secession crisis, but his lack of consideration of how Murphy arrived at his positions regarding secession makes the events appear to have been at worst predestined, and at best, to have occurred in a vacuum. While he did attempt to situate Arkansas and Murphy in the larger political machinations of the nation—the expansion of slavery and the position of the various political parties and their pre-eminent spokesmen—and surveyed the revolt against the Dynasty led by Thomas C. Hindman, none of the information presented was framed to provide insight into Murphy's Unionism. Smith also attempted to identify the cause of the geographic divide in the state between Unionists and Secessionists, but attributed the west and north's Unionism to their tradition of Jacksonian Democracy, rather than their social or economic positions or the region's lesser dependence on slavery.¹⁸

Smith identified two sub-groups emerging from the Unionist camp at the secession convention, conditional and unconditional Unionists. Conditional Unionists, he says, were for the Union, so long as force was not used to coerce seceded states back into the Union. Unconditional Unionists like Murphy patriotically—and rightly—desired to remain in the Union no matter the circumstances. The division that Smith proposed is too simplistic. Many delegates that he identified as Unionists opposed immediate secession, but not every delegate did so for the same reason, even among the “unconditional Unionists.” Smith also made another distinction within the Unionist

¹⁷ Ibid, 11-13.

¹⁸ Ibid, 15-21.

camp: Unionists versus southern Unionists, whom he felt were distinct in accepting the “principle that national citizenship was superior to state citizenship.” No recorded debate occurred during the secession convention regarding state versus national citizenship to substantiate that distinction.¹⁹

By the time the convention assembled for the second time on May 6, 1861, Arkansas’s secession was apparently a foregone conclusion. Smith’s analysis of Murphy’s continued opposition to secession did not go beyond claiming that Murphy was opposed to both “violence and revolution.”²⁰ Smith then hurried through all subsequent action taken at the secession convention and returned Murphy to Huntsville.

Afterward, Smith filled in some detail as to Murphy’s war-time movements that included secessionists forcing him from his home and separating him from his daughters. At that point, Smith committed a critical error by omitting important and possibly incriminating information surrounding Murphy and what Smith had earlier dubbed the Huntsville Massacre.²¹ Left out of his book was that a survivor of the massacre implicated Murphy and other Unionist residents of Huntsville—stating that they “had it done.”²² This plainly undermined the portrait that Smith otherwise presented of Murphy. Smith had access to this information via the memoir of J. R. Berry and had thoroughly researched the event, publishing his findings in the *Northwest Arkansas Times* on September 8 and 15, 1974—five years before his biography appeared. That he left it out suggests that in the account Smith was trying to convey only the positive aspects of Murphy’s life, which casts doubt upon his biography as a whole.

¹⁹ Ibid, 23-24, 26-27, 40.

²⁰ Ibid, 31-39.

²¹ Ibid, 31-43.

²²John I. Smith, “The Huntsville Massacre,” *Northwest Arkansas Times*, September 8, 1974; John I. Smith, “To A Civil War Atrocity: The Gravestones Bear Witness,” *Northwest Arkansas Times* (Fayetteville, AR), September 15, 1974.

Smith did not explore what motivated Murphy to join General Frederick Steele's army as he pushed from Helena to Little Rock during the summer of 1863. However, it potentially gave him a role in the state's reorganization. In Smith's telling, Murphy became governor even though he "never made any grandstand play for leadership," and his assumption of it was gradual. Such leadership was apparently greatly needed. Smith suggests there were "several politically reformed Confederates, who were ambitious to grab leadership and an office," which meshes well with Staples's account. Lincoln's Amnesty and Reconstruction Proclamation of December 8, 1863, paved the way for the efforts toward the resumption of a loyal civilian government in Arkansas. According to Smith, a few short days later, on December 17, Murphy was made the sole nominee for governor. Even so, according to Smith, the "radicals of the north opposed him," though he does not say who they were and why they might have opposed him.²³

About half the state that was still under Confederate control paid little attention to the convention assembled to write a loyal state constitution. Many of the counties ostensibly under Union control that might have sent representatives under better circumstances did not due to their reduced populations and ravaged states. Nevertheless, some such counties were represented. Staples made much of the irregularity of such representatives. Smith, by contrast, made no allusions to the irregularities Staples mentioned, but rather blessed the representatives from counties that did not hold elections by saying, "they were accepted by a proper vote of the convention." Clearly, Smith believed that the convention, being run by Union men for the purpose of creating a loyalist government, was perfectly justified in proceeding this way.²⁴

²³ Smith, *Southern Unionist*, 45-47.

²⁴ *Ibid*, 51.

On the whole, Smith's account of Murphy, even once expanded upon, suffers from his desire to cast him as the hero rather than tell the "true story" he spent so much of his introduction insisting he would provide. This political biography will attempt to address Smith's deficiencies and the original Staples interpretations of Murphy by examining Murphy's life before 1860 to better understand how those sixty-one years helped to form his character and politics leading into that tumultuous time.

After the works of Dougan, Woods, and Smith, the next significant contribution came with historian Carl H. Moneyhon's 1994 book, *The Impact of the Civil War and Reconstruction on Arkansas: Persistence in the Midst of Ruin*. Instead of defining Murphy's Unionist efforts as the product of individual heroism, Moneyhon detailed them emerging from his identification with an attempted revolution of yeoman and subsistence farmers against the slaveholding elites. While planters and those who aspired to be planters enjoyed significant, if often tenuous, economic success through the 1850s, Murphy and many others had little to do with cotton and were instead focused on their trades, crafts, and/or a subsistence level of general farming to make their way. Such might explain their tempered or lack-luster zeal in defending slavery in the years to come. Moneyhon says the residents of areas not well-suited for cotton growing, particularly those in the mountainous north where Murphy dwelled, experienced reduced access to social mobility, economic prosperity, political clout, and all the advantages they could bring, which might have been a prime source of resentment toward the planter class and their political allies. Yet Moneyhon contends that Arkansas, being a new state, was populated with non-native peoples from diverse regions who shared a common ideology of egalitarianism and an ambition for upward mobility. Rather than class differences causing friction or clashes, as envisioned by Woods, Arkansas saw a remarkable social cohesion, especially in a society in

which most bought into the idea that their efforts to advance themselves could and would meet with fruition. For most Arkansans, “social distinctions reflected the rewards of accomplishment rather than of birth or preexisting position.”²⁵ Rather than resent it, those in the lower classes zealously protected the system that provided so much perceived and actual opportunity for advancement while the elite sought to solidify their position. Here, too, Murphy occupied a unique position in that his opposition to the political elite, once it developed, held fast for the remainder of his life and he had largely receded from the pursuit of social advancement by 1854.

Though there was political dissent from some and struggles from within, such as the Dynasty opposition that Smith identified Murphy with, those disagreements were typically over how to “allocate the state’s limited resources” rather than deeper ideological differences. Curiously, Moneyhon asserted that class was not a major issue in antebellum politics, while also stating that the political struggles that occurred often “reflected basic class differences,” and “parties used different appeals to attract voters, but ultimately they represented the interests of the propertied elite in the state.” Moneyhon also countered typical Arkansas narratives when he claimed that no set of individuals dominated Arkansas politics, discounting accusations concerning the Dynasty or the Family as rhetoric and propaganda of their antagonists. He provided little other than assertions to support this position, however.²⁶

Moneyhon’s examination of the political conflicts before the war and during secession was also unique in that it did not focus on the geographic division between the uplands and lowlands. Murphy’s experience seems to stand starkly against this narrative and that of social cohesion. Perhaps

²⁵Carl H. Moneyhon, *The Impact of the Civil War and Reconstruction on Arkansas: Persistence in the Midst of Ruin* (Fayetteville, AR: University of Arkansas Press, 2002), 56. (Originally published by, Baton Rouge, Louisiana: Louisiana State University Press, c1994.)

²⁶ *Ibid*, 75, 78.

it was because Murphy's attempts at obtaining wealth while in Fayetteville resulted in debts and loss rather than success. His subsequent foray into the golden lands of California bore him no better fruit, and this may have jaded him against the ethos that Moneyhon said created cohesion among most of the populace that eventually gave way to the more common foe of abolition. In the General Assembly, and later during his governorship, Murphy was remarkably concerned with matters of economics, government spending, taxation, and debt. Rather than being conciliatory in approaching these topics, Murphy rather seemed to be seeking to right what he saw as deep-seated wrongs, and to revolutionize Arkansas's society in such a way as to make the first, last.

But Moneyhon helps put Murphy's actions at the convention in proper perspective by suggesting that there were many different sorts of Unionists. They ranged from men who were anti-secessionists and Unionists because they anticipated the war and that the military would otherwise confiscate their property, to those that were Unionists for the sake of standing as close to the principles of the fallen Whig party as possible. Still others sought only to be left alone to maintain their Jacksonian independence. There were also Cooperationists hoping that the old order could yet be saved, Unionists who supported the Union because that is what they truly felt was right, and others that sought to supplant and punish the secessionists and old elites. Though it is true that Murphy's Unionism was inspired by what he believed to be right, and his messages were often reconciliatory, their subtext, Moneyhon argues, tended more toward revolution than reconciliation, such that he expected the old elite would accept their new lower position as a proper penance for the devastation their avarice and abuses had caused. As the old cohesions had broken down, a class-based system of power redistribution was attempted.²⁷

²⁷ Ibid, 158-171.

Rather than arguing for a pure class basis for Murphy's actions, however, his position in choosing to ally against the secessionist elite should be viewed within the context of his wartime experiences. The harassment and threats of murder that Murphy endured, combined with the injustices committed against his daughters and their subsequent suffering in his absence, the attempt at justice that resulted in the Huntsville Massacre, and the later loss of two of his daughters and a grandson when safety seemed sure, along with Murphy's early Jacksonian politics that sought to have power reside with the masses over the pure aristocratic elites, did much to color his attitudes.

Because he supported a vigorous Reconstruction, Murphy has also been evaluated as a scalawag—a southern white supporter of Reconstruction. Traditionally, scalawags, as well as Republicans and carpetbaggers, have been strongly associated with a corrupting influence on the Southern way of life, mostly via the early scholarship of the Lost Cause that portrayed them as opportunists, scoundrels, and Judas Iscariots. James Lewis Baggett, in *The Scalawags: Southern Dissenters in the Civil War and Reconstruction*, sought to study the much-maligned scalawags to “rescue those early white southern Republican leaders from the shadows, to see their origins in the light of circumstances surrounding them.” He accomplished this via a collective biography approach that compared 742 scalawag Republicans to the 666 redeemer Democrats that replaced them—an unfortunate number of Democrats that would perhaps have been better altered, given the connotation it carries for many.²⁸

Baggett succeeded in establishing certain commonalities among scalawags throughout the South, such as being in the political minority locally and nationally through the 1850s and 1860s, and in their unenthusiastic support of, or resistance to, the Confederacy and opposition to

²⁸ James Alex Baggett, *The Scalawags: Southern Dissenters in the Civil War and Reconstruction* (Baton Rouge: Louisiana State University Press, 2003), xi-xii, 2, 7.

secession—whether active or passive. In addition, scalawags tended to be former Whigs, converts to the Know-Nothing Party and its antecedents, “a nationalist faction in the Democratic Party, or an anti-Democratic Party faction composed of both.” Other commonalities included their unlikelihood to identify with abolitionist sentiments before the war, and that they were less affluent and had less formal education when compared with Redeemer Democrats. Murphy fit this model with his lack of a college degree, opposition to the Dynasty, his support of Douglas in the presidential race of 1860, and his opposition to secession.²⁹

Murphy also embodied what Baggett lists as identifying factors that predicted how likely a scalawag was to become a Republican based on how far along the continuum they could be identified, as not all scalawags became Republicans, despite the close association between the two. The continuum was “an 1860 anti-secessionist Breckinridge supporter / 1860 Bell or Douglas supporter / 1860 anti-secessionist / passive wartime Unionist / peace party advocate / active wartime Unionist / postwar Union party supporter.” From 1860 onward, Murphy walked continually down this continuum from 1860 Douglas supporter through to at least active wartime Unionist, and he did begin to identify as a Republican after Lincoln’s election according to his son-in-law James Russell Berry, but would often still vote Democrat, especially in Arkansas politics.³⁰

Baggett’s citations for Arkansas show a worryingly heavy use of Thomas Staples’s book from the 1920s. He does not cite later works, such as Carl Moneyhon’s *The Impact of the Civil War and Reconstruction on Arkansas* or James M. Woods’s *Rebellion and Realignment: Arkansas’s Road to Secession*, though Moneyhon did make it into the bibliography. Baggett also confused Huntsville, Arkansas, where Murphy made his home with the more well known Huntsville, Alabama, and

²⁹ Ibid, 261-262.

³⁰ Ibid, 271; J. R. Berry, Article: “Ex-Governor Isaac Murphy,” n.d. [c. 1882], Box 1, Section VIII, Item 3, MBFC.

identified Murphy as hailing from the Yellowhammer state. In other respects, he did portray Murphy in the traditional light other authors, such as Smith, have—as a man of impeccable moral character, and as a governor that sought to institute a program of education, reconciliation, and goodwill with which to heal his state. Interestingly, Baggett also included an account of Murphy’s behavior that he described as inexplicable: “one minute he would exclaim that secessionists ‘ought to be hung’ for rebelling against the ‘best government the world ever saw’; the next minute he would endorse an application for pardon.” Curiously, Baggett abridged Arkansas’s secession crisis into a single event, rather than the multi-part event it actually was.³¹

Baggett surely brought the emergence and motives of scalawags, and their divergent experiences in different regions, as much into the light as he could have hoped. For Murphy in particular, he helped to identify how unique his particular stances were, and in what ways he shared commonalities with other scalawags. For instance, “settlers from outside the South represented one-third of the scalawags in the Southwest,” including three of the other governors, Michael Hahn and Benjamin F. Flanders of Louisiana, and Elisha M. Pease of Texas. Clearly, this did not make Murphy unique, and even his being in the South for a considerable portion of his life was not unusual, as “almost all non-native scalawags had settled in the Southwest more than a decade” before 1860, while they were still “young men seeking opportunities.” Murphy shared other similarities, also, in that he settled in a small north Arkansas town—non-plantation, less affluent area—practiced law, and taught school, and while many scalawags came from the ranks of the less affluent, they were not poor. He does stand out somewhat, however, as by some accounts he was opposed to slavery before he moved to Arkansas, a trait that, in the Southwest, was nearly unique to German-Americans. Murphy was also somewhat unique because Scalawags in the Southwest were more likely

³¹ Baggett, *Scalawags*, 30, 147.

to have been Whigs before the war, though a small faction of Douglas Democrats did emerge, of which Murphy was one. Another rarity was that the “more unwavering” a man’s Unionism, “the more likely these Unionists were to become Republicans,” as Murphy did. Baggett also pointed out an important distinction of being an unconditional Unionist, as Murphy was identified: after a given point, it meant “resisting southern solidarity, subjecting oneself to ridicule as a “coward and submissionist,” to intimidation and, possibly, violence.” Murphy did not experience those things immediately. He was at first respected in many circles for the stand he took, but, eventually, the threats of violence and insults did come.³²

Despite all the scholarship, the man that was Isaac Murphy is mostly gone and will remain so. However, what is known can be fleshed out further, and these studies do point the way. Addressing his early history and politics will enable us to trace his motivations. The young Murphy emerged in Pittsburgh an enthusiastic Jacksonian Democrat, but one who also participated in the Anti-Masonic Movement. Yet unlike many of its members who joined the Whigs after the movement’s dissolution, he returned to his Democratic Party, suggesting that Murphy resided on the fringes and was willing to alter his politics when he felt strongly about a particular issue. Similarly, when Murphy first arrived in Arkansas in 1834, he supported the Dynasty and was awarded for his support with a patronage position as a deputy federal surveyor in 1837. Identifying what caused the break between him and the Dynasty, and how that was reflected through his later time in the Arkansas House and Senate will better situate Murphy in Arkansas politics. It will also more clearly reveal the evolution of his reasoning and reactions during the rising slavery expansion debate in the 1850s, ending in his participation in the Secession Convention when he had desired to retire from politics, his refusal to vote for secession, and his contradictory resolution to arm the state.

³² Ibid, 17- 19, 24, 27, 40-41, 43, 80; Berry, Article: “Ex-Governor Isaac Murphy.”

Examining his role in the Secession Convention outside of his famous vote, in addition to the motivations of other notable Unionists, will also better situate Murphy's particular brand of Unionism and how he differed with those of his section who voted for secession. Furthermore, identifying the friendships that Murphy may have developed during the war, such as with General Samuel Curtis and Colonel Bishop, and the effect of the war on him and his family personally will clarify Murphy's motivations in seeking the governorship when he had never before made a run for an executive office.

Chapter 1: Birth to Arrival in Arkansas, 1799-1834

Isaac Murphy was born on a large and rich farm in Elizabeth Township near Pittsburgh, Pennsylvania, on October 16, in or around the year 1799.¹ Murphy was not certain what year he was born, and he used 1802, 1803, and 1799 throughout his life. He wrote his birth year in the family's Bible as 1803, but later asked his second oldest daughter, Mary Romea—most frequently called Roma by the family—to change it to 1799.² Though unsure, his family used that year on his gravestone. Murphy was probably correct, as the 1800 census lists one male white child under the age of ten in the household, which was most likely his enumeration.³

Not much information exists about Murphy's childhood and adolescence. Though his daughters in later years were curious and tried to get him to talk about his past, he would not. His eldest, Malilla, remembered that, "Father never would talk to me about his family. But always looked like he had been wounded if anyone mentioned or seem to want him to talk about that subject." What is known is that his mother, Elizabeth Jane Stein Murphy, was a redhead and "a very pious praying woman."⁴ He could remember that his mother held strong to her belief in the exhortation to patience and trust contained in Psalm 37:25: "I have been young and now I am old but I have never seen the righteous forsaken or his seed beging [sic] bread."⁵

¹ [Angeline Lockhart [Murphy] Thorpe of Huntsville, AR., to 'Dear Brother,' June 25, 1906, Box VII, Section XXII, Item 3, Murphy/Berry Family Collection: 1845-1930, Arkansas History Commission and State Archives, Little Rock, AR [hereinafter cited as MBFC].

² Malilla E. J. [Murphy] Berry, "Historical Sketch: Isaac Murphy Family," no date, Box I, Section VII, Item 6, *ibid.*

³ 1800 U.S. Census, Allegheny County, Pennsylvania, population schedule, p. 55, Hugh Murphy, digital image 79, FamilySearch, accessed February 8, 2016, <https://familysearch.org/ark:/61903/1:1:XHRW-64R> [hereinafter cited as FS].

⁴ Malilla E.J.[Murphy] Berry, "Diary and Notes on Family History of Malilla E. J. Berry née Murphy, 1866-1870," Box VII, Section XXIII, Item 2, MBFC.

⁵ Malilla Berry, "Diary and Notes," *ibid.*

Isaac Murphy's father, Hugh, was one of the early settlers of the area, carving out his farm there as early as 1793.⁶ Pittsburgh was still a small town in those years, with a population of 1,565 in 1800, but it experienced continued growth and had a rapidly rising manufacturing sector that was worth \$358,903 by 1803.⁷ It was in the booming manufacturing sector that Hugh Murphy established himself and achieved a measure of success as the owner of a paper manufactory, which, according to family lore, made him wealthy.⁸ Young Isaac grew up in the company of "a great many servants" and several other children, including Martha, John, Samuel, Daniel, and later, Alexander, along with Isaac's maternal grandmother, Mary Parks.⁹

Emphasizing the role of the family's Presbyterianism in later life, Murphy said that his earliest memories were of the "Westminster Confession of Faith and the Solemn League and Covenant." His parents instilled in their son typical Presbyterian values, such as the importance of education as a perpetual pursuit, generosity, and an interest in the establishment of social justice. One biographer claimed that this was the source of the "lofty resolution and loyalty" that he demonstrated throughout his life.¹⁰ However, he did not find everything pleasing about his religion,

⁶ Thomas Cushing, *History of Allegheny county, Pennsylvania including its early settlement and progress to the present time a description of its historic and interesting localities its cities, towns and villages; religious, educational, social and military history mining, manufacturing and commercial interests, improvements, resources, statistics, etc. also, biographies of many of its representative citizens* (Chicago: A. Warner & co., 1889), 84-85, accessed December 12, 2015, <http://digital.library.pitt.edu/cgi-bin/t/text/text-idx?idno=00afq9167m;view=toc;c=pitttext>.

⁷ University of Pittsburgh, "Chronology," Historic Pittsburgh, <http://exhibit.library.pitt.edu/chronology/> (accessed on February 28, 2011).

⁸ Malilla Berry, "Diary and Notes," MBFC.

⁹ Ibid; Samuel Jones, Regt., "Will of Hugh Murphy," images, in *Pennsylvania Probate Records, 1683-1994*, Allegheny, Wills 1789-1823 vol. 1-2, image 284, FS, accessed 13 December 2015, <https://familysearch.org/pal:/MM9.3.1/TH-1961-28781-2424-39?cc=1999196> [hereinafter cited as *PBR*].

¹⁰ Samuel R. Wells, ed., "Isaac Murphy, Governor of Arkansas," *American Phrenological Journal and Life Illustrated* 47, no. 6, whole number 354, in Samuel R. Wells, ed., *American Phrenological Journal and Life Illustrated: A Repository of Science, [...]*, Vol. 47 and 48 (New York: Samuel R. Wells, 1868), 217-218, accessed March 24, 2009, <https://books.google.com/books?id=cpw3AQAAMAAJ>.

and by the time he grew to adulthood he found the "old strict Presbyterian discipline" had given him a "permanent distaste to stiff rules and manners in religion and society."¹¹

Hugh Murphy was a civic-minded man. As Allegheny County began to rapidly grow and develop, he sought and obtained the Democratic-Republican nomination to be a county commissioner in July of 1810 and won the election.¹² As commissioner, he worked to obtain full payment on the county's unseated—or unsettled—land taxes and executed sales or partial sales of the land to meet the delinquent taxes owed when necessary. Excess funds from such sales were directed toward the county's roads.¹³ Toward the end of his known service in May of 1812, he and the other commissioners also solicited proposals to build bridges in the county.¹⁴

By the end of 1813, it is likely that some malady began to afflict Murphy's father, and he began to plan for the earthly disposition of his wealth. The will of Hugh Murphy, written on January 21, 1814, and recorded February 17, 1814, in Pittsburgh, made specific provisions for his wife and mother-in-law and left a share of the estate to each child. The older brothers, who were already adults, received a greater proportion of the estate. To his minor children, including Isaac, he left three hundred dollars, which they were to receive when they turned twenty-one. Their food, clothing, and educational expenses were all to be provided for from his general estate until they turned twenty-one. In addition, all of the brothers were to receive an equal share of the remnant of his estate. Lastly, he named as the executors of his estate his neighbor and "trusty friend John Robinson" and his son, Samuel.¹⁵

¹¹ Malilla Berry, "Historical Sketch," Box I, Section VII, Item 6, MBFC.

¹² *Democratic Press* (Philadelphia), July 11, 1810, accessed April 13, 2016, Genealogy Bank [hereinafter cited as GB]; "Democratic Republican Ticket of Allegheny County," *Washington Reporter* (Washington, PA), September 24, 1810, accessed April 13, 2016, GB.

¹³ "Notice," *Commonwealth* (Pittsburgh), July 8, 1811, accessed April 13, 2016, GB.

¹⁴ "Commissioner's Office," *Pittsburgh Gazette*, June 5, 1812, accessed April 13, 2016, GB.

¹⁵ Jones, "Will of Hugh Murphy," *PBR*, FS, image 284-285.

While Isaac's childhood was apparently relatively pleasant and peaceful, his teenage years were rife with tragedy and hardship. When he was around thirteen or fourteen, his father died. Two of his married sisters perished later that same week.¹⁶ The deaths, particularly his father's, were hard for the entire family, the community, and especially his mother, Jane. After Hugh's funeral services, which included "a procession about a mile long," Isaac went with his mother to Ohio to visit a brother and some friends.¹⁷ It was hoped that the trip and company would provide her with some succor and relief from her grief, but she, too, died soon after, the family said from a broken heart.¹⁸

Samuel and John, according to Hugh Murphy's will, were adults and able to take care of themselves. After their parents' deaths, what happened to the remaining children is not clear. Young Isaac had a guardian appointed to him who had access to the provisions from the estate to ensure that his food, clothing, and education were provided for, but the guardian is never named in family records. There are scattered references to Murphy having spent time near Lancaster, Pennsylvania, as well as in Maryland and Mississippi.¹⁹

Sometime in his early adulthood, Murphy enrolled in college. His biographer and son-in-law, James R. Berry, stated that he attended and graduated from Washington College in Chestertown, Maryland, in 1825, and other family remembrances state the same. His matriculation there would account for the remembrances of time in Maryland, but his enrollment cannot be verified due to a fire at the institution in 1915.²⁰ Murphy himself stated that he attended Jefferson College in Washington, Pennsylvania—present-day Washington and Jefferson College. Though that

¹⁶ Malilla Berry, "Historical Sketch," MBFC; Thorpe to 'Dear Brother,' MBFC.

¹⁷ Malilla Berry, "Diary and Notes," MBFC.

¹⁸ Ibid; Malilla Berry, "Historical Sketch," MBFC.

¹⁹ Thorpe to 'Dear Brother,' MBFC; To "Children"; from "Moma" [Malilla E. J. Berry]; of Huntsville, AR., September 24, 1884, Box I, Section VI, Item 1, MBFC; Malilla Berry, "Historical Sketch," MBFC.

²⁰ Ermon N. Foster to John I. Smith, September 19, 1972, Box 1, Folder 5, MC 1097 John I. Smith Papers, Special Collections, University of Arkansas Libraries, Fayetteville, AR [hereinafter cited as SCUAF].

school also has no record of his attendance there, the choice of the institution is probable, given its Presbyterian origins, prevailing social climate, and Murphy's religious upbringing.²¹ His oldest daughter, Malilla, later remembered that he did not graduate, and Murphy's own recollection was that he had attended for two terms but dropped out due to ill health. Instead of returning, he continued his education via private and personal instruction.²² Murphy's son-in-law, James R. Berry, said Murphy received a "classical education," and was an expert in Greek and Latin.²³

Some indications exist that Murphy did not complete his college education for a very different reason. Around 1825, he found his guardian had hanged himself in a barn on the family property, and discovered that his father's estate had been dissipated into insolvency. Presumably, the suicide was a result of guilt on the guardian's part.²⁴ The particulars of how the estate was lost are not known. Some family members blamed the unnamed guardian, a "rascal," they said, who embezzled and squandered the estate's earning.²⁵ It is possible that the executor squandered the funds in dubious investments. However it happened, the loss of his portion of the estate may have been Murphy's real reason for leaving college after only a year. The loss of the family estate may also have been the point that Murphy became estranged from his siblings and whatever other family may have been in the area as the will named his brother Samuel as an executor, and it may have been him who ruined the estate and killed himself as a result.²⁶ Malilla recalled in her diary that, "if father had any relations, he has never corresponded with them," indicating that Murphy did not keep in contact

²¹ John Henderson, e-mail message to author, March 23, 2016.

²² James R. Berry, "Isaac Murphy Family History," Ledger Book, 1906, Box I, Section VII, Item 8, MBFC; Malilla Berry, "Historical Sketch," MBFC; Wells, "Isaac Murphy," *American Phrenological Journal*, 217.

²³ James R. Berry, "Facts and Reminiscences," MBFC.

²⁴ Thorpe to 'Dear Brother,' MBFC; John I. Smith, *The Courage of a Southern Unionist: A Biography of Isaac Murphy Governor of Arkansas 1864-68* (Little Rock, Arkansas: Rose Publishing, 1979), 7.

²⁵ Angeline Lockharat [Murphy] Thorpe, "Gentleman Governor Despised Money Says Daughter of Murphy," Article, *Fayetteville Democrat*, clipping, 1929, Box I, Section VIII, Item 5, MBFC.

²⁶ Jones, "Will of Hugh Murphy," *PBR*, FS, image 284-285.

with his remaining siblings in later life.²⁷

Despite the financial and familial loss, Murphy pushed on with his ambitions and attempted to forge a career for himself. He turned to school teaching as a way to fund his private studies. At first, he contemplated a career as a doctor and began to study medicine, but "found it such a fraud, his conscience would not permit him to practice."²⁸ Turning afterward to the study of law, Murphy found it agreeable, pursued its study, and was admitted to the bar in Pennsylvania on April 29, 1825.²⁹ By 1826, he had set up an office on Union Street and advertised his services with other lawyers in the city.³⁰

Whether from want of work or a diversity of interests, he also undertook an assistant editorship at a local newspaper, which was likely the *Commonwealth and Pittsburgh Manufacturing and Commercial Advertiser*. The new paper began in 1827 under Rev. John C. Andrews and aligned with Andrew Jackson's Democrats. Unusually, as Jackson himself was a prominent Freemason having served as Grand Master—the head of the fraternity—in his home state of Tennessee from 1822 to 1823, the paper took the side of the anti-Mason movement during and after the Morgan Affair that began in the latter part of 1826.³¹ An obscure stonemason, William Morgan, a member of the quasi-secret society of Freemasonry, threatened to publish an exposé of their ritual.³² Morgan was

²⁷ Malilla Berry, "Diary and Notes," MBFC.

²⁸ Thorpe to 'Dear Brother,' MBFC.

²⁹ Jeremiah S. Black, *The Twentieth Century Bench and Bar of Pennsylvania*, vol. II (Chicago: H.C. Cooper, Jr., Bro & Co., 1903), 823, accessed March 2, 2011, https://books.google.com/books?id=m_4rAQAAAMAJ.

³⁰ Samuel Jones, *Pittsburgh in the Year Eighteen Hundred and Twenty Six, Containing Sketches, Topographical, Historical, and Statistical; Together with a Directory of the City, and a View of its Various Manufactures, Population, Improvements, &c. Embellished with an Engraving of the Episcopal Church* (Pittsburgh: Johnston and Stockton, 1826), 97 and 132, accessed March 2, 2011 <http://historicpittsburgh.org/islandora/object/pitt%3A31735056290285>.

³¹ "Making Good Men Better," Grand Lodge of Tennessee: Free and Accepted Masons, accessed January 7, 2016, <http://www.grandlodge-tn.org/main/GLTN-Home.asp?p=1>.

³² Thorpe to 'Dear Brother, MBFC; Ronald P. Formisano and Kathleen Smith Kutolowski, "Antimasonry and Masonry: The Genesis of Protest, 1826-1827," *American Quarterly* 29 (2): 140, accessed April 13, 2016, <http://www.jstor.org/stable/2712356>.

subsequently kidnapped and believed murdered, and local Freemasons were blamed and accused of doing so to prevent his publication of their rituals, which were meant to be kept a secret on pain of death. In response to this event, and other acts that were perceived as Freemasons holding themselves above the law, a new political party, the Anti-Masonic Party gained ascendance. Murphy, through the paper, appears to have joined in the swell of anti-Masonry that followed, though no mention is made of him actually joining the Anti-Masonic Party. Rather, he sided with the Jacksonian Democrats.

Murphy, though only in his mid-to-late twenties, had already developed a reputation as a "young man of unimpeachable moral character, unbending integrity, and possessing a peculiarly high sense of honor."³³ On November 22, 1828, he was appointed secretary of a large meeting of the Friends of General Andrew Jackson in Pittsburgh. The meeting served to congratulate Jackson on his election to the presidency, sought to promote Pittsburgh and its industry, and aimed to solicit a visit to the city by Jackson. The Friends appointed a large committee to escort Jackson from Nashville, Tennessee, and provided for his comfort in the city.³⁴ Murphy's support of Jackson and his anti-Masonic sentiments are at first paradoxical as many Anti-Masons, as well as some Democrats, eventually joined the Whig Party to support internal improvements, protectionist tariffs, and the Bank of the United States.³⁵ According to family sources, Murphy was a lifelong Democrat until Lincoln's election, but largely broke with the party locally after his term as governor.³⁶ Rather than opposing Freemasons in general, Murphy's opposition likely centered around the corruption,

³³ "Isaac Murphy, Esq.," *Chautauque Phenix* (Westfield, NY), March 11, 1829, accessed April 13, 2016, GB.

³⁴ "Invitation to Gen. Jackson," *Louisville Public Advertiser* (Louisville, KY), December 6, 1828, accessed April 9, 2011, Gale Nineteenth Century U.S. Newspapers [hereinafter cited as GNCN].

³⁵ Harry L. Watson, *Liberty and Power: The Politics of Jacksonian America*, rev. ed. (New York: Hill and Wang, 2006), 159.

³⁶ J. R. Berry, Article: "Ex-Governor Isaac Murphy," n.d. [c. 1882], Box 1, Section VIII, Item 3, MBFC; Thorpe, "Gentleman Governor Despised Money Says Daughter of Murphy"; Malilla Berry, "Historical Sketch: Isaac Murphy Family."

elitism, presumption of offices, cronyism, “recalcitrance[,] and their apparent continued corruption of law and justice” by “systematically violating the republican norm of equality before the law and due process of justice” rather than the broader party platforms that evolved as the movement gained in popularity and cohesion.³⁷ Murphy, it was later noted, often displayed the ability to “think for himself” and always felt “buoyed” by “taking counsel of his judgment.”³⁸ He demonstrated a capacity to develop unique and complex political positions within the Democratic Party, even if his position might seem contradictory, or mean that he was operating on the fringes of the party as an opposition force within it.

Murphy continued his law practice, but increasingly focused on his journalistic endeavors. In January of 1829, with the aid of another anti-Mason, he purchased the *Commonwealth and Pittsburg Manufacturing and Commercial Advertiser*, investing nearly everything he had to buy the paper. Murphy’s opposition to Masonry was reportedly passionate, and he could not stand the “outrages committed by the masonick [sic] fraternity.” He openly stated that he would “risk his life to accomplish the subversion of the order.”³⁹ Despite the fire and fervor with which he began, after just a few issues, he closed the paper.⁴⁰ His daughter gathered that he had become “disgusted with all the proceedings,” and he determined to move to a new place to begin anew.⁴¹

His disgust may have been partly due to insufficient readership in an oversaturated market. Around that time, other publishers were coming to the same conclusion and similarly closing their

³⁷ Formisano and Kutolowski, “Antimasonry and Masonry,” 140, 142.

³⁸ Albert Webb Bishop, *Loyalty on the Frontier, or, Sketches of Union Men of the South-West: With Incidents and Adventures in Rebellion on the Border* (St. Louis: R. P. Studley and Co., 1863), 15, accessed March 13, 2009, <https://books.google.com/books?id=melHAQAAMAAJ>.

³⁹ *Chautauque Phenix* (Westfield, NY), March 11, 1829, accessed April 13, 2016, GB.

⁴⁰ George T. Flemming, *History of Pittsburgh and environs: from prehistoric days to the beginning of the American revolution*, vol. 2 (New York: The American Historical Society, Inc., 1922), 329, accessed December 13, 2015, <http://digital.library.pitt.edu/cgi-bin/t/text/text-idx?idno=02ace9405m;view=toc;c=pitttext>.

⁴¹ Thorpe to 'Dear Brother,' MBFC.

papers.⁴² His move was precipitous. The *North Star* of Danville, Vermont, reported that Murphy had suddenly disappeared, was insolvent, and was nearly 2,000 miles down the Mississippi River on April 7, 1829, via the *Somerset Herald*. Moving after a case of particularly hard luck to begin anew became a pattern for Murphy. Going west provided Murphy with a fresh start away from the embarrassment of failure and may also have allowed him to avoid his creditors. Land was cheaper than it had been in Pennsylvania, and it may have been easier for a young lawyer to establish himself away from the already established practices that existed in Pittsburgh.

The anti-Masonic press, though, also suggested that Murphy's exit had to do with backlash against his anti-Masonic stance. The *North Star* reported that he had been followed by Freemasons, who afterward encouraged surrounding citizens to be on the watch for him. The editor supposed that a sequel to the Morgan Affair might have been playing out in western Pennsylvania. An anti-Masonry paper, the *Chatauque Phenix* of Westfield, New York, picked up the story on March 11, 1829, and reported that he fled Pittsburgh, was seen briefly in the village of Canonsburg, eighteen miles to the west, and had not been seen since. So precipitous was his flight, they reported, that he took with him only what he had on his person, leaving behind all his clothing, "his pocket book containing notes, due-bills, &c., and all his private papers."⁴³ How dire the threats against Murphy from local masons may actually have been cannot be determined, but it is likely that there is at least some exaggeration in the story, perhaps to sell papers. It would have been particularly rash of local masons to repeat the mistake of their brethren in New York.

⁴² Flemming, *History of Pittsburgh and environs*, 330.

⁴³ *Chatauque Phenix* (Westfield, NY), March 11, 1829, accessed April 13, 2016, GB.

After a brief sojourn in Mississippi, the thirty-year-old Murphy moved to Montgomery County, Tennessee, in the latter part of 1829 or early 1830.⁴⁴ Once there, he boarded with Jesse Bailey, and quietly resumed teaching at a school near the county seat of Clarksville.⁴⁵ Whether because Murphy arrived too late, or because he was enumerated namelessly under the Bailey household, he does not appear in the 1830 census. Murphy may have been attempting to keep a low profile in his new home, as he did not seek to resume his law practice, to take part in any kind of civic or political organization, or to take part in newspaper publishing ever again.

Doubtless greatly reduced in his ambitions for a career and advancement, his life was soon to improve along another avenue. Shortly after settling in the community, Murphy began courting Angelina Arminica Lockert. The oldest of the seven children of William and Mary Elizabeth McFaddin Lockert, Angelina was born October 18, 1813.⁴⁶ Originally from South Carolina, Angelina's family lived about six miles outside of Clarksville. They were a relatively well-off, slave-holding, farming family that, according to Malilla Murphy, raised rice and tobacco for the market in New Orleans.⁴⁷ The 1830 census recorded that the family owned three slaves. The average number of slaves owned in the county was four, but forty-six percent of all households owned no slaves, and just twenty-six percent of households had one to four slaves, indicating the family's relative status in their community.⁴⁸

Though reduced in prospects, and making his way on a schoolmaster's pay, Murphy's third daughter, Angelina Lockhart Murphy, recalled that he was "handsome, healthy, strong, well-

⁴⁴ Malilla Berry, "Historical Sketch," MBFC.

⁴⁵ Thorpe to 'Dear Brother,' MBFC; Malilla Berry, "Diary and Notes," MBFC.

⁴⁶ Biographical sketch: Angelina Lockhart Murphy (four copies), no date, Box I, Section VII, Item 2, MBFC; Malilla Berry, "Historical Sketch," MBFC.

⁴⁷ Malilla Berry, "Diary and Notes," MBFC.

⁴⁸ 1830 U.S. Census, Montgomery County, Tennessee, schedule of the whole number of persons, p. 32 (stamped), William Lockert, digital image 57-58, FS, accessed February 19, 2016, <https://familysearch.org/ark:/61903/3:1:33SQ-GYBQ-9XQS>.

educated, and very active." Through letters, walks, and Murphy doing his best to impress the sixteen-year-old Angelina with his physical prowess by jumping over "a ten rail fence without touching it," the two grew closer and, eventually, fell fully in love.⁴⁹ Angelina's father did not approve of their marrying, however, and their relationship became a serious point of contention between Angelina and her father. Murphy, though well-educated and with a lawyer's credentials, was over thirty, still only a poor school-teacher, and was a boarder without any place to call home or raise a family. Angelina's father had higher hopes for his daughter than the poor, peripatetic Murphy. In later life, Murphy's daughters recalled that Murphy was strongly opposed to slavery, and it is possible that his position exacerbated William's dislike of him. To make matters worse, Angelina's father had a drinking problem, and he was prone to violence. William beat her such that the evidence of the abuse was present on her back for two months afterward.⁵⁰

Word of her abuse reached Murphy, and the two of them secretly determined to take the extraordinary step of removing Angelina from her father's home. On July 30, 1830, Murphy met his bride-to-be after she had set her family's table for supper, took one last turn around her home, and snuck out to the gate. She returned with him to his residence, and an awaiting minister married them. In one account of the incident, William had essentially imprisoned his daughter in their home, and Murphy, "on a moon bright night," with an "escort of thirty armed men," rescued Angelina from her plight before their marriage. Though this particular version is likely romanticized, it certainly highlights how high feelings must have been running.⁵¹

When William learned of their marriage, he disinherited Angelina. The new couple soon moved to neighboring Robertson County and made their home there. Despite their estrangement

⁴⁹ Thorpe to 'Dear Brother,' MBFC.

⁵⁰ Malilla Berry, "Diary and Notes," MBFC.

⁵¹ Ibid.

from Angelina's family, other relations and their neighbors thought that the two were a good pairing, and Murphy was well respected.⁵² Murphy resumed teaching at a new school, and the two set about making a family. Their first two children—both boys—died in their infancy. The couple persevered, and their first child who lived, a daughter named Malilla Elizabeth Jane, was born on January 21, 1833.⁵³ During Murphy's travels from Pittsburgh, he met some Native Americans, one of whom was named Malilla. Charmed by the name, he used it for his daughter.⁵⁴

The Murphy family remained in Robertson County for about four years until Murphy was badly injured in an accident. His family said he never fully recovered, but none of the details surrounding the incident or its exact impact on Murphy survive. After the accident, the family determined to move to Arkansas Territory "for his health."⁵⁵ Angelina's father softened toward her marriage and offered Angelina her choice of two of his best young slaves as a parting gift. The Murphys refused the offer, and Angelina said that, "from what she saw at her father's house she thought slavery was a sin."⁵⁶

What health benefit northwest Arkansas offered is not clear. That Murphy moved for his health is routinely offered as a rationale for nearly every move the family made afterward, such as his later move to the goldfield of California and flight from Huntsville, Arkansas, during the Civil War. It is possible that this is also a polite cover for some embarrassment that precipitated the move. Something was likely pressing in this instance, as they moved while Angelina was pregnant with their

⁵² Thorpe to 'Dear Brother,' MBFC.

⁵³ Berry, "Isaac Murphy Family History," MBFC.

⁵⁴ Thorpe to 'Dear Brother,' MBFC.

⁵⁵ [Angeline Lockhart [Murphy] Thorpe], "Narrative: From Cousin Sam Williamson, no date, Box VII, Section XXIII, Item 4, MBFC.

⁵⁶ Angeline Thorpe to 'Dear Brother,' MBFC.

second daughter, Mary Romea. Roma was born in Arkansas on November 12, 1834.⁵⁷ What exactly attracted the Murphys to the relatively remote area of northwest Arkansas is not known, but it was most likely a desire to start anew in a growing frontier location.

Through the 1830s and 1840s, Northwest Arkansas developed a reputation as an educational center, and Murphy helped to create that culture. Throughout his early difficulties, education had sustained him. He was an ardent proponent of education and sought to advance it whenever it was within his power to do so. He had taught in various schools and from time to time, he served as a school administrator. In northwest Arkansas, the Fayetteville Female Academy, established on October 26, 1836, was only the second such academy established by the Arkansas Legislature. Nearby Cane Hill, the oldest settlement in Washington County, founded in 1827, had established Cane Hill School in 1834.⁵⁸ The new schools were greatly to Murphy's liking, providing him with employment opportunities and implying a general acceptance and thirst for education in the area.

The family settled in Mt. Comfort, Washington County, a few miles west of what is now Fayetteville.⁵⁹ There, Murphy eventually purchased a 120-acre farm, engaged in some speculation, founded a mixed school, resumed his legal career, and became an active part of the community as he had previously been in Pittsburgh. He no longer needed to maintain the low-profile existence he had lived in Tennessee.⁶⁰

⁵⁷ Berry, "Isaac Murphy Family History," MBFC; 1850 U.S. Census, Washington County, Arkansas, population schedule, Prairie Township, p. 398 (stamped), dwelling 214, family 214, Isaac Murphy; digital image 33, FS, accessed February 8, 2016, <https://familysearch.org/pal:/MM9.1.1/M674-WJ4>.

⁵⁸ W. J. Lemke, ed., *Early Colleges and Academies of Washington County, Arkansas* (Fayetteville, AR: Washington County Historical Society, 1954), 9-10.

⁵⁹ Berry, "Isaac Murphy Family History," MBFC.

⁶⁰ Malilla Berry, "Historical Sketch," MBFC; Goodspeed Publishing Company, *History of Benton, Washington, Carroll, Madison, Crawford, Franklin, and Sebastian Counties, Arkansas. From the earliest time to the present, including a department devoted to the preservation of sundry personal, business, professional, and private records ...* (Chicago: Goodspeed Publishing Company, 1889), 270-271.

Chapter 2: Speculation, Education, and Politics, 1834-1849

Arkansas became a territory on March 2, 1819, and the question of statehood was debated through most of the early 1830s. By the time of Murphy's move in 1834, Michigan Territory had already applied for statehood. To take advantage of the Missouri Compromise, which sought to preserve the balance of slave and non-slave states in Congress, Arkansas set aside its debates on the advantages and disadvantages of statehood, and like Michigan, began preparing itself for statehood in earnest. After working through contentions between the subsistence farming northwest and plantation southeast regions, the state successfully drafted a constitution and was admitted to the Union on June 15, 1836.¹

When Murphy arrived, the politics of the Arkansas Territory were largely in the hands of self-interested politicians rather than selfless public servants. The intense factionalism to control patronage had been the order of the day. Secretary of the Territory Robert Crittenden had faced off against Henry W. Conway, who he killed in a duel. Conway's kinsmen later came to be known as the Dynasty or Family. When Murphy arrived in Arkansas, Crittenden had just lost an election to Dynasty leader Ambrose H. Sevier, who had replaced Conway after his death.

The Dynasty aligned itself nationally with the Democratic Party and would forever after avow its Jacksonian credentials in the state. The remaining Crittenden faction ultimately aligned with the Whig Party. However, when Crittenden died, the Dynasty's control of Arkansas politics was secure. Murphy, already an active Democrat, entered Arkansas politics determined to make what impact he could locally. On May 14, 1836, nearly two years after settling in Mt. Comfort, Murphy was named the head of a committee to inform James S. Conway that he had been unanimously

¹Jeannie M. Whayne, Thomas A. DeBlack, George Sabo III, and Morris S. Arnold, *Arkansas: A Narrative History*, 2nd ed. (Fayetteville: University of Arkansas Press, 2013), 118, 127-131.

nominated for the governorship by the Democratic citizens of Washington County, and to request that he take the nomination. Murphy and the committee expressed their "entire confidence" in Conway's "moral honesty, political integrity, and attachment to the great Republican party of the United States."² Conway replied on July 1, 1836, thanking them for their confidence. Furthermore, he promised to keep fixed as his "polar star" his devotion to the office "with honesty, fidelity, and an eye single to the interest and happiness of the people, and to the advancement of the State of Arkansas."³ On August 1, 1836, Conway won the governorship. The success of the Dynasty in the state rubbed off on their supporters, such as Murphy, who became the first treasurer of Washington County in the same election. As he had been in the area for only two years, his election seemed to indicate he had earned a quick, general popularity in the county.

Murphy's spirited interest in local affairs expanded beyond the purely political when he learned that an Independence Day barbecue in Vicksburg, Mississippi, ended with the local militia and a mob lynching five accused professional gamblers. Francis Cabler, a known professional gambler had been disarmed, "tied to a tree, whipped, tarred and feathered, and given forty-eight hours to leave town." Later, a mob met at the courthouse. They printed and posted warnings for all gamblers to leave town within twenty-four hours, and the next day the militia and mob combed the town to destroy all the gambling implements they found. In the course of their investigation, they came upon four men who had barricaded themselves inside one of the gambling houses. A gunfight ensued that killed one of the mob. The four, along with the owner of the establishment who had not been present, were hanged "without objection," and the gambling paraphernalia was burned. The editor of the local newspaper, the *Vicksburg Register*, defended the mob violence, citing the

² *Arkansas Gazette* (Little Rock, AR), July 5, 1836, accessed April 9, 2011, Gale Nineteenth Century Newspapers [hereinafter cited as GNCN].

³ *Arkansas Gazette* (Little Rock, AR), July 5, 1836, accessed April 9, 2011, *ibid.*

corruptive influence gamblers could have on the “virtue, honor, and the rule of law” in their city, and the necessity of the violence to restore “public decency, moral integrity, and legal order.”⁴

The events in Vicksburg made national headlines, and, according to historian Joshua D. Rothman, drew empathic criticism and were “blisteringly condemned.”⁵ News of the events drew similar condemnations in Arkansas, though not so blisteringly. The *Arkansas Gazette* commented merely that, “we would have preferred to see it effected through the rigid execution of the laws of the State, and not in the summary manner they have chosen, which can only be justified when all lawful means have been tried and proved ineffectual.”⁶ The *Arkansas Advocate* added to the visceral emotion of the story by connecting it to a recent slave rebellion that resulted in the mob hanging of “two steam doctors and thirteen negroes.” Gamblers in the state “were stirring up sedition among the blacks.” To the *Advocate*, such mob actions represented an unraveling of the nation’s legal fabric. Nevertheless, it was unwilling to call the men who carried out the hanging of the gamblers in Vicksburg murderers, rather stating that, “they were highly exasperated, and there are few men who would not have acted as they did.” Instead, it recommended an improvement of the local law and its enforcement, suggesting that the people of Little Rock, and Arkansas, take the events as a lesson that, “*had the laws been efficient and well entered*, the gamblers would have been put forth from among them without the dark stain of blood resting upon the city.” The *Advocate* closed with the caution that many gamblers from Mississippi had fled up the Arkansas River to Little Rock, and warned those “blacklegs” that the city’s laws were “strong and sufficient,” and to be cognizant of them. The

⁴ Joshua D. Rothman, “The Hazards of the Flush Times: Gambling, Mob Violence, and the Anxieties of America’s Market Revolution,” *Journal of American History* 95, no. 3 (December 2008): 651, 656-658 accessed November 5, 2016, <http://www.jstor.org/stable/27694375>.

⁵ *Ibid*, 658.

⁶ “Summary Punishment...,” *Arkansas Gazette*, July 14, 1835, accessed August 29, 2016, GNCN.

gamblers were further warned that if the city's law enforcement personnel were lax in enforcing those laws, violence might be forthcoming, as in Mississippi.⁷

The *Times* in Little Rock expressed fears that Arkansas's laws would be, like Mississippi's, "incompetent to suppress this pernicious vice." Though the *Times* could "find nothing to justify this unparalleled proceeding," they also stated that they could "scarcely refrain from winking at the transaction, since much good must follow." The only thing the *Times* regretted from the events in Vicksburg and the subsequent migration of gamblers was the "accumulation in our own town of these exiles of their former haunts" that resulted in the territory becoming "the receptacle of all the scum that is swept from those States."⁸

Gamblers in Arkansas responded in a paid advertisement in the July 24, 1835, edition of the *Arkansas Advocate*, writing "To the Public" from "Sportsmen." The letter recognized that the *Advocate* had all but recommended violence against them. The Sportsmen sought, as their "principal object" in writing, to decry the *Times's* opprobrious judgments against the gamblers seeing "nothing to regret in the murder of five men without judge or jury." The Sportsmen also expressed their outrage at the *Times's* attempt to "stir up the people" by its veiled call for the people of Little Rock to follow Vicksburg's example. Promising to be amenable and hold themselves accountable to the laws of the territory, they also vowed to "go their way" when the "people of the country see fit no longer to patronize us," and when "society and public sentiment are against us."⁹

More than the events in Vicksburg, the letter made waves in Arkansas, and according to the *Arkansas Gazette* of July 28, 1835, created a "seldom seen" level of "excitement and indignation

⁷ "By several gentlemen, passengers on the Neosho...", *Arkansas Advocate* (Little Rock, AR), July 17, 1835.

⁸ "Execution of Gamblers," *Times* (Little Rock, AR), July 18, 1835.

⁹ "To the Public," *Arkansas Advocate* (Little Rock, AR), July 24, 1835.

among our citizens.” Arkansans then, according to the *Gazette*, “very generally approved” of the Vicksburg lynching, and the Sportsmen letter was considered “unparalleled effrontery.”¹⁰ According to rumors from river-men, anti-gambling Mississippians and some Louisianans were continually running gamblers out of their states. Like the *Advocate* and the *Times* before it, the only regrets the *Gazette* conveyed regarding these proceedings was that the closest place the gamblers had to turn to was Arkansas, and the paper lamented that all the state’s “landings on the Mississippi were swarming with them, to the great annoyance of the respectable portion of the community.”¹¹ The paper warned that Arkansas’s citizens would not be found “behind those of *Vicksburg*, in defending themselves from aggression, or even carrying the war into the enemy’s camp[...] and you may not fair [sic] better than did your comrades at *Vicksburg*.”¹²

In response to the lynching and the influx of those expelled from Mississippi and Louisiana, an anti-gaming association formed on July 26, 1835, in Little Rock.¹³ Its membership included the mayor, David Fulton, as well as prominent politicians, attorneys, and public figures, such as William E. Woodruff, Robert W. Johnson, Chester Ashley, James Sevier Conway, and Josiah Gould. As the tide of anti-gambling sentiment rapidly rose elsewhere in Arkansas, Isaac Murphy was elected secretary of another anti-gaming society in Fayetteville formed that October.¹⁴

The anti-gaming association that Murphy served in Fayetteville likely operated on the same, or very similar, constitution as the Little Rock society, and with much the same aims. The Little

¹⁰“Unparalleled Effrontery,” *Arkansas Gazette* (Little Rock, AR), July 28, 1835, accessed May 20, 2016, GNCN.

¹¹ “By Gentlemen from the Mississippi river,” *Arkansas Gazette* (Little Rock, AR), July 28, 1835, accessed May 20, 2016, GNCN.

¹² “Unparalleled Effrontery,” *Arkansas Gazette* (Little Rock, AR), July 28, 1835, accessed May 20, 2016, GNCN.

¹³ “Anti-gaming Association,” *Arkansas Gazette* (Little Rock, AR), July 28, 1835, accessed May 20, 2016, GNCN.

¹⁴ *Arkansas Gazette* (Little Rock, AR), October 6, 1835, accessed April 9, 2011, GNCN.

Rock anti-gaming association's constitution sought "fair and legal means to suppress professional gaming" and promised to "discountenance all professional gamblers, and all persons who may countenance, associate, or gamble with them." To accomplish this, the association appointed a secret ten-member committee to investigate Little Rock's suspected gambling holes, to "hunt and search out the names of all professional gamblers," as well as when and where they gambled. It was then the responsibility of the president and two vice-presidents of the association to "use all legal means for the suppression of such vices at such places, and for the apprehension and conviction of such persons." It was also the responsibility of every member to watch other members of the society to ensure they did not gamble, and to prevent their appointment or election to office if they did.¹⁵

The association argued that, as Arkansas turned toward statehood, it would have to develop "moral features" that were "more uniform and permanent," as "the days of our minority are ending." Otherwise, the territory would remain and the people be swallowed up in "an ocean of iniquity without a bottom or a shore—a wilderness of corruption, whose dismal swamps and caverns of death, baffle the powers of description and outstretch the imagination itself." Gamblers, they argued, caused "immense evil" by corrupting society into "idleness, dishonesty, dissipation and a general prostration of moral principle" by encouraging others to avoid "industry, in some lawful calling" and to earn their way through the chance of "obtaining a livelihood without exertion."¹⁶

As Rothman points out, the "merchants, doctors, lawyers, and planters" of many southwestern communities felt that gambling threatened the moral integrity of their communities. This "respectable class" opposed gambling as the source of "aggressive individualism and rapacious greed" and vilified it in order to "imagine community and impose order where such things scarcely

¹⁵ "Anti-gaming Association," *Arkansas Gazette* (Little Rock, AR), July 28, 1835, accessed May 20, 2016, GNCN.

¹⁶ *Ibid.*

existed” by casting themselves as “worthy Americans living upstanding lives and extending civilization into the wilderness.”¹⁷

Among Murphy’s circle, his friend and fellow lawyer, David Walker, recalled his father’s singular brush with gambling, which occurred while the family’s circumstances were reduced during the war of 1812. One evening, “gentlemen,” whose only purpose seemed to be “seeking pleasure, dancing here and dining there, hunting and playing cards,” played with Walker’s father “nearly all night,” though he was “no card player.” By morning, he had lost the family’s one-eyed horse and its colt. The colt was Walker’s pet, and when he discovered its loss he “burst into tears and left the room,” and in so doing “could not have possibly grieved” his father more. In later life, he forbade card play in his home and refused to admit any who gambled into his “list of friends and associates.”¹⁸

Murphy and many others cast themselves as the “moral guardians” of their communities by joining in anti-gaming societies, spreading literature on gambling’s dangers, and taking part in other related activities. However, many of them were participating in their own games away from the roulette, faro, and poker tables. They, like Murphy, were wagering on the future of their states, communities, and themselves through land speculation. Like the gamblers whose vice they feared and railed against, they bet their own livelihoods, and the well-being of their families, on the rising value of their investments. Like those vilified in Vicksburg, Little Rock, and Fayetteville, Murphy operated in a frontier “filled with newcomers competitively pursuing speculative profits.” By opposing gambling, he sought to assert that he and his community “had not lost their moral bearings” by their own practice. Rothman suggests the anti-gambling societies thought that creating

¹⁷ Rothman, “Flush Times,” 652.

¹⁸ W. J. Lemke, ed. and David Walker, “Autobiography of Judge David Walker,” in *Judge David Walker: His Life and Letters* (Fayetteville, AR: Washington County Historical Society, 1957), 12.

a sense of stability and industry, combined with their uprightness, encouraged economic progress, strong communal ties, and led to emigration and investment that brought profit to their speculations.¹⁹

Northwest Arkansas represented cheap land that Murphy thought would quickly appreciate and allow for large profits. Murphy entered into speculation when he purchased seven town lots in Block Twelve in Fayetteville. He paid \$59.00 for the first five lots—lots one, two, three, four, and eight—on July 4, 1836. On October 17, 1838, he bought two more, lots five and seven, for \$89.50.²⁰ The terms of the sales required full payment at the time of purchase. It is possible that Murphy may have been able to save such sums for the purchases, but Arkansas operated under a cash scarce, subsistence-agriculture, frontier economy, which was particularly true in northwest Arkansas, isolated from major stream transportation by the Ozark Mountains.²¹ It is also possible that Murphy took out a private, unrecorded loan to be able to purchase the lots on which he may have built a home.²² Though no specific records exist, given his previous professions, he may have used the lots to locate a law office or small school. Alternatively, he may have left them vacant in hopes of a further increase in their value for later sale.

However financed, and for whatever purpose, his purchase of seven lots indicates an engagement in land speculation. In the immediate, the investment seemed to be a good one. He

¹⁹ Rothman, “Flush Times,” 654-655, 664.

²⁰ Deed, Isaac Murphy Grantee and Town of Fayetteville Grantor, July 4, 1836, Deed Book D, 118, Washington County Arkansas Archives, Fayetteville, AR; Deed, Isaac Murphy Grantee and Town of Fayetteville Grantor, October 17, 1838, Deed Book D, 101, Washington County Arkansas Archives [hereinafter cited as WCAA], Fayetteville, AR.

²¹ S. Charles Bolton, *Arkansas, 1800-1860: Remote and Restless* (Fayetteville, AR: University of Arkansas Press, 1998), 49-54, 61-62; James M. Woods, *Rebellion and Realignment: Arkansas's Road to Secession* (Fayetteville, AR: University of Arkansas Press, 1987), 23; Malcom J. Rohrbough, *Trans-Appalachian Frontier: People, Societies, and Institutions, 1775-1850*, 3rd ed. (Bloomington and Indianapolis, IN: Indiana University Press, 2008), 419-431.

²² John I. Smith, *The Courage of a Southern Unionist: A Biography of Isaac Murphy Governor of Arkansas 1864-68* (Little Rock, Arkansas: Rose Publishing, 1979), 7.

obtained the first five lots for an average of eleven dollars and eighty cents each, and two years later, the value of the neighboring lots he purchased had risen to an average of forty-four dollars and seventy-five cents per lot, a remarkable four hundred percent increase in value.

Unfortunately for Murphy, the first purchase proved to be poorly timed and the second a bit rash. Arkansas, already a cash-poor state, had high hopes of economic expansion through attracting immigration and sponsoring internal improvement projects to create greater access to markets. Those hopes withered on the vine with the financial panic that spread through the United States in 1837. The panic placed even greater strains on Arkansas's money supply. In addition, Arkansas was newly carrying the burden of higher governmental operation costs, as the federal government was no longer paying many of the expenses it had covered when the state operated as a territory.²³ The panic and the State Bank's depreciating notes placed a large burden on Murphy and his family, which grew again with the birth of a third daughter, Louisa, in 1837 or 1838.²⁴ Unlike other areas that offered a quick return, in northwest Arkansas Murphy had little hope of swiftly turning a profit on his town lots. The fast, diverse, and evolving market economy that fueled growth elsewhere in the nation was not present in Fayetteville, despite it being relatively well-populated, due to its isolation in the northwest behind the Ozark Mountains, proximity to Indian Territory, lack of decent roads, and the dubious navigability of the White River.²⁵ Murphy's speculations threatened his family's well-being as surely as the tracts against gambling warned.

Financial relief was soon to come from the Dynasty. On April 10, 1837, Murphy requested and received from the Washington County Court a certification of his moral character, which he

²³ Whyne et al., *Arkansas*, 134-135.

²⁴ "United States Census, 1850," database with images, *FamilySearch* (<https://familysearch.org/ark:/61903/1:1:M674-WJF> : accessed 18 February 2016), Prairie, Washington, Arkansas, United States; citing family 214, NARA microfilm publication M432 (Washington, D.C.: National Archives and Records Administration, n.d.).

²⁵ Woods, *Rebellion and Realignment*, 9-11.

likely used to obtain a contract with the General Land Office as a United States deputy surveyor.²⁶ Murphy's bid was successful, and he was awarded his first contract on August 8, 1837, to survey an estimated 420 miles at the rate of three dollars per mile.²⁷ In general, the positions available through the General Land Office were awarded through patronage, which was largely controlled by the Family in Arkansas. In all likelihood, Murphy's obtainment of the position was a reward for his public assistance and support of Arkansas's first Surveyor General, James Sevier Conway, in his successful bid for the governorship.²⁸ Many deputy surveyors and surveyors general had also used the position as a stepping stone to higher office, and Murphy seeking and accepting the position could indicate his desire to go higher than his current county office.²⁹ Surveying was a learned and well-paying profession that offered the chance for more remuneration than either school teaching or his county office paid. The contract offered Murphy the opportunity to earn an estimated \$1,260.00 in the twelve months that he had to execute it.³⁰ The position represented the opportunity to relieve the family's hardships and prevent the embarrassment of a default on his debts. Murphy prepared the necessary supplies, recruited a team of chain men, a flagman, an ax man, and a camp-keeper, and

²⁶ Isaac Murphy Certification of Character, Washington County Court Records, Book A, 95, WCAA, Fayetteville, AR.

²⁷ Wally Waits to Russell Baker, January 15, 1990, Isaac Murphy Vertical File [hereinafter cited as VF], Arkansas History Commission and State Archives, Little Rock, AR [hereinafter cited as AHC]; United States House of Representatives, *House Documents, Otherwise Published as Executive Documents: 13th Congress, 2d Session-49th Congress, 1st Session*, Volume 2, 26th Cong., 1st Sess., House Executive Document 12, "Operations of the General Land Office, Since December 17, 1838," (Washington D.C.), 84-85, accessed July 14, 2016, <https://books.google.com/books?id=QowFAAAAQAAJ>.

²⁸ Don C. Bragg and Tom Webb, "As False as the Black Prince of Hades': Resurveying in Arkansas, 1849-1859," *Arkansas Historical Quarterly* 73, no. 3 (Autumn 2014): 270, 272-273, accessed December 2, 2017, <http://www.jstor.org/stable/24477453>.

²⁹ David A. Smith, "Preparing the Arkansas Wilderness for Settlement: Public Land Survey Administration, 1803-1836," *Arkansas Historical Quarterly* 71, no. 4 (Winter 2012): 386, 404-406, accessed December 2, 2017, <http://www.jstor.org/stable/23390054>.

³⁰ United States House of Representatives, *House Documents*, House Executive Document 12, 84-85.

certified them before a justice of the peace.³¹ By September, he was actively surveying, busy with the duties of keeping up his camp, supplies, and his record books, with only occasional visits home through May of 1838, when he completed the contract.³²

The work of surveying was hard labor, only partially offset by his crew. It necessitated trudging and dragging chain through the wild forests and mountains and living within the constraints of isolation, poor roads, short supplies, and the harshness of the elements. It also required familiarity with aspects of dendrology, geology, cartography, soil analysis, and mathematics. The variety of challenges stimulated Murphy, and he enjoyed his work, though it was not without its frustrations. The survey chains required daily care and adjustment after comparison with a standard kept at camp. At times, previously established corners proved to be inaccurate, necessitating the destruction of the old corner and establishment of a new one. Sometimes measurements were wrong due to errors of either compass or chain, which necessitated the resurvey of an area just completed.³³ Other times, nature conspired against the surveyors, such as with a bright morning sun shining into their eyes causing variations in the measurements.³⁴ Nevertheless, Murphy enjoyed the challenges the work provided, both mental and physical. Murphy remarked at the view from the top of a “precipice & mountain from which the most splendid and vast prospect is presented superior to any I have ever seen.”³⁵

³¹ Handwritten Field Notes for Northwest Quarter Township 10 North Range 23 West, September 23, 1837 to October 16, 1837, page 1, bundle BD0073, book 179A, Historical Documents, Maps & More: Louisiana Purchase, Arkansas Commissioner of State Lands, <http://history.cosl.org/lphfieldnotestr.aspx>, accessed August 1, 2016 [hereinafter cited as ACSL].

³²Wally Waits to Russell Baker, January 15, 1990, VF, AHC.

³³ Field Notes Twp 10N Rng 23W, page 11-12, 30, ACSL.

³⁴ Handwritten Field Notes for Northwest Quarter Township 10 North Range 24 West, October 16, 1837 to October 27, 1837, page 38-39, bundle BD0073, book 180A, ACSL.

³⁵ Field Notes Twp 10N Rng 23W, page 20, ACSL; for more on surveying in Arkansas see: Bragg and Webb, “Resurveying in Arkansas,” 268-92; Smith, “Preparing the Arkansas Wilderness,” 381-406.

In most cases, Murphy was diligent in his surveys, and whenever discrepancies arose, he resurveyed and attempted to reconcile the issue. Early on, his compass was prone to becoming sprung.³⁶ In addition, his compass' point was prone to crumbling and caused errors that also required further resurveying.³⁷ In some instances, he was forced to concede defeat, admitting once in his field notes that, "the results in this township I do not understand," though he used "all the care possible, in vain with the needle at least my needle no better results could be obtained."³⁸ He eventually determined that "local attraction" caused by iron deposits was what caused his compass' needle to "dip to the glass" in some places. Feeling that he would not be able to achieve better results under such conditions, he submitted what he had to the Surveyor of Public Lands in Little Rock, who afterward certified them without requiring a resurvey.³⁹ In a seeming afterthought, Murphy admitted that he may have been able to place the corner in the "true position by the chain and corrected South as well as west," but because the land was of "so little value I thought it scarcely worthwhile."⁴⁰ Indeed, deputy surveyors felt considerable pressure to prefer quick completion over perfect accuracy in order to make more lands available for sale.⁴¹

³⁶ Field Notes Twp 10N Rng 24W, page 10, ACSL; Handwritten Field Notes for Northwest Quarter Township 10 North Range 30 West, November 16, 1837 to December 11, 1837, page 27-28, bundle BD0073, book 183A, ACLS.

³⁷ Field Notes Twp 10N Rng 30W, page 39, ACSL; Handwritten Field Notes for Northwest Quarter Township 10 North Range 31 West, December 13, 1837 to December 28, 1837, page 17, bundle BD0073, book 184A, ACLS.

³⁸ Field Notes Twp 10N Rng 31W, page 58-59, ACSL.

³⁹ Ibid, page 59; Plat 4046_1, Township 10 North Range 31 West of the 5th Principle Meridian, U.S. Department of the Interior, Bureau of Land Management, General Land Office Records, accessed July 18, 2016, http://www.glorerecords.blm.gov/details/survey/default.aspx?dm_id=4048.

⁴⁰ Field Notes Twp 10N Rng 31W, page 60, ACSL.

⁴¹ Bragg and Webb, "Resurveying in Arkansas," 270-274.

In addition to his trials with equipment, the weather also worked against him and caused delays in several surveys.⁴² A consistent problem Murphy faced during his first survey contract was keeping the necessary crew to complete the work. The job was difficult and resulted in several men leaving his employ voluntarily or otherwise. He began his first survey with a crew of five: two chain men, an ax man, a flag man, and a camp keeper, a Mr. Bynum, who cooked meals, traveled to purchase supplies, moved camp as the surveying progressed, and other such duties.⁴³ After just over a month of surveying and the completion of two surveys, Murphy discharged his flag man for “being unwilling to stay, & do the duties of a hand.”⁴⁴ Afterward, Murphy made do with a smaller crew. Over the course of the 276 days he was engaged in fulfilling the contract, the only member of his crew that remained all the way through was his chain man, Miron H. West. Murphy’s difficulty in keeping a crew together might be indicative of him being an exacting boss who lacked the skill to properly motivate his men while maintaining a balance of good feeling and camaraderie between them.⁴⁵ But West’s tenure might suggest, too, that while Murphy could be difficult to get to know, those who took the time to do so were eventually won over by him. Murphy did not accept another surveying contract until December 19, 1840.⁴⁶ During his time at home, Murphy’s family expanded yet again with the birth of a fourth daughter, Laura, in 1840.⁴⁷ Murphy also purchased a 120-acre

⁴² Handwritten Field Notes for Northwest Quarter Township 10 North Range 26 West, December 26, 1837 to January 14, 1838, page 18, bundle BD0073, book 182A, ACSL; Handwritten Field Notes for Northwest Quarter Township 14 North Range 30 West, January 22, 1838 to March 16, 1838, page 32, bundle BD0073, book 187, ACSL.

⁴³ Field Notes Twp 10N Rng 23W, page 1, ACSL; Isaac Murphy to Mr. Evans, October 9, 1837, Isaac Murphy Letters: 1837-1838, Small Manuscript Collection Box XII No. 8, AHC.

⁴⁴ Handwritten Field Notes for Northwest Quarter Township 10 North Range 25 West, October 31, 1837 to November 10, 1837, page 1, bundle BD0073, book 181A, ACSL.

⁴⁵ Wally Waits, e-mail message to author, February 12, 2016.

⁴⁶ Plat 6955_1, Township 17 North Range 23 West of the 5th Principle Meridian, U.S. Department of the Interior, Bureau of Land Management, General Land Office Records, accessed July 18, 2016, http://www.glorerecords.blm.gov/details/survey/default.aspx?dm_id=6958#surveyDetailsTabIndex=1.

⁴⁷ "United States Census, 1850," database with images, *FamilySearch* (<https://familysearch.org/ark:/61903/1:1:>

farm in Mt. Comfort with a portion of his surveying pay and resumed his legal career as a master of chancery in the Washington County Probate Court.⁴⁸

Murphy's second contract was much smaller and included only three surveys, which together took just over a month to complete. He did not enjoy the work due to the low value of the land and its treacherous nature. He noted, "Perhaps in this township there may be a section of Tillable land. I am doubtful. The bottoms are narrow and I have seen no upland worth notice. The Township is a bed of irregular mountains generally [sic] covered with rock."⁴⁹

When the Surveyor of Public Lands, David Fulton, reviewed Murphy's field notes for the contract, he questioned those results and requested a resurvey, which Murphy performed.⁵⁰ Murphy did not take another contract to survey land at any point afterward, possibly because Murphy's other responsibilities no longer allowed him to be away from home for an extended period. Fulton still doubted the veracity of his work and ordered another resurvey. When the second resurvey was performed in 1852, it was noted that the "character" of Murphy's original survey was "very erroneous."⁵¹ It is most likely, then, that he was not offered another contract due to the discrepancies, delays, and lack of rigor in his final survey. However, discrepancies in surveys were more rule than exception. The Public Land Survey System was never intended to create perfect surveys and some discrepancies were to be expected, and that Murphy had only one survey that

M674-WJF : accessed 18 February 2016), Laura Murphy in household of Isaac Murphy, Prairie, Washington, Arkansas, United States; citing family 214, NARA microfilm publication M432 (Washington, D.C.: National Archives and Records Administration, n.d.).

⁴⁸ Smith, *Southern Unionist*, 11-12; Washington County, Arkansas, Probate Court Record Volume A: 1837-1847, pg 74-76, WCAA.

⁴⁹ Field Notes Twp 17N Rng 23W, pages 55-56, ACSL.

⁵⁰ Isaac Murphy to David Fulton, May 3, 1841 in Handwritten Field Notes for Northwest Quarter Township 19 North Range 20 West, March 20, 1841 to March 30, 1841, image 65, bundle BD0161, book 880A, ACLS.

⁵¹ Plat 7689_1, Township 19 North Range 20 West of the 5th Principle Meridian, U.S. Department of the Interior, Bureau of Land Management, General Land Office Records, accessed July 18, 2016, http://www.glorerecords.blm.gov/details/survey/default.aspx?dm_id=7691#surveyDetailsTabIndex=1.

invited further examination is rather laudable. Several surveys were submitted to the General Land Office in which it was obvious that the deputy surveyor had never even set foot on the land, but entirely forged their surveys. Unlike some such others, there is no evidence that Murphy was ever intentionally dishonest in his work.⁵²

After his final survey, Murphy continued with his legal career, but not before leveraging his expertise as a master of chancery and his credential of being the former treasurer of the county into election to the board of the Fayetteville branch of the Arkansas State Bank on December 22, 1840.⁵³ Though it had only been open since January 18, 1838, the branch had already encountered serious distress.⁵⁴ While the exact timeline of his service on the board is unknown, Murphy did serve during an investigation into missing funds at the bank. As the investigation approached, several of the bank's account books were stolen. The burglary, according to the *Fayetteville Witness* of May 1, 1841, was performed by someone that was "well informed of the manner in which the window was fastened." That person gained entry and then, "by using an instrument prepared for the purpose, the lock of the door separating the clerk's room from the business part of the bank, was forced." On May 6, the bank's cashier and former state senator for Washington County, William McKay Ball, reported to the Fayetteville directors that the "four principal books of that bank had been taken." Murphy and another director recommended a \$500 reward for the burglar and the books, or a \$100 reward for each book. The ledger book and the bill-book were found later in May. The other two books were found on June 4 and July 2, but were mutilated, and one was severely water damaged. Ball was suspected of involvement in the crime, but as late as August 28, the board continued to

⁵² Bragg and Webb, "Resurveying in Arkansas," 270-271, 274-275.

⁵³ William M. Gouge and A. H. Rutherford, *Report of the Accountants of the State Bank of Arkansas Made to the Governor, In Pursuance of Law* (Little Rock, AR: Johnson & Yerkes, State Printers, 1858), 161.

⁵⁴ William S. Campbell, *One Hundred Years of Fayetteville, 1828-1928* (Fayetteville, AR: Washington County Historical Society, 1977), 76.

back him, as they had “no evidence that any defalcation existed” on his part, though he had reportedly fled to Texas, leaving the bank short of \$46,199.60.⁵⁵

In September, Ball returned from Texas irate at the charges made against him, declaring them a “bare-faced falsehood,” and promising to deal with the slanderers “in the proper style.” Nevertheless, by March of 1842, he was reported to have returned to Texas with his slaves, leading many to believe he was, in fact, a defaulter and embezzler. He never returned.⁵⁶ As the board attempted to decide how to proceed, Murphy moved to officially remove Ball from his position as cashier, “on account of his being a defaulter.” In 1845, Alfred Wallace, a local Fayetteville shopkeeper and plantation owner, was accused of collaborating with Ball in his theft. Murphy, however, defended Wallace, “I did not *then*, nor do I *now*, believe that Alfred Wallace was in any manner connected.” For the eleven years that Murphy had known him, he had “always found him *strictly correct* and honorable in all his transactions.”⁵⁷

The Fayetteville Branch’s woes were not limited to the Ball Affair. The directors had determined to attempt to buy back some of the state’s bonds in New York from between thirteen and twenty cents on the dollar and committed \$9,934.16 of the bank’s specie to the endeavor. The purchase meant removing \$50,000 of the state’s debt from the market, which could then be canceled and destroyed in the main bank to prevent the bonds from reentering circulation and keeping the state’s debt alive. The action would have put the bank on a much stronger footing, and, in essence, erased the shortfall. The agents the directors appointed, however, could not purchase the bonds for so little and hired a New York broker to pursue the attempt. After several months with no report, the bank sent agents, again, to investigate. After numerous return trips, the agents found that the

⁵⁵ Gouge, *Report of the Accountants*, 34-37.

⁵⁶ *Ibid*, 34-37.

⁵⁷ “Correspondence of the Gazette,” *Arkansas Gazette* (Little Rock, AR), March 3, 1845.

broker had not made the purchase, and when they demanded a refund, were told that the broker had transferred the funds to an associate of his in London in hopes that the purchase could be made there. The bank determined to sue, but could not get satisfaction. They continued their attempts for two years, but to no avail. In the meantime, another suit by a different group was successful against the broker, and the Fayetteville Branch's money—along with presumably the rest of the broker's funds—was lost to that suit. In the end, the affair resulted in an estimated net loss to the bank of \$15,000.⁵⁸

The Fayetteville branch's troubles were only a small part of a larger crisis in Arkansas banking and governance. As in national politics, banking had been a key issue in Arkansas for many years. The ruinous financial panic of 1837 only further limited the fledgling state's access to funding. The state government had few services to offer that allowed for the collection of fees and wished to keep taxes low in a rural, cash poor, agricultural state. Low returns on the sale of government land due to the collapse of prices after the panic also contributed to poor revenue. Arkansas had hoped that the sale of bonds through the newly created State Bank—funded by the state—would provide the necessary capital to initiate improvement projects. The new Real Estate Banks—also underwritten by the state—aimed to spur growth and immigration to create a broader, if not deeper, tax base.⁵⁹ While such a system had worked well in other states, the banks' management was plagued by ineptitude and corruption that ruined the state's credit, saddled it with enormous debt, and hampered development for decades.⁶⁰

The banks overprinted banknotes, accelerating inflation as the major national banks suspended specie payments. Loans were often made against insufficient collateral or to those who

⁵⁸ Gouge, *Report of the Accountants*, 37-39.

⁵⁹ Woods, *Rebellion and Realignment*, 22-23.

⁶⁰ Whayne et al., *Arkansas*, 133-135.

either could never hope to repay the amount borrowed or who did not intend to make repayment. Many loans were made to the political allies, friends, or family of the bank officers, and even to themselves. Defaulters on loans often fled the state to avoid legal action, repayment, or having their property seized. Sometimes, the banks' own officers stole, such as the aforementioned Ball, leaving behind large totals of missing funds. To further cloud the State Bank's issues, it had not established a standardized bookkeeping method across its branches, and much of the bookkeeping was sloppy and inaccurate. The only check on the banks was the state legislature. However, because their sessions since the banks' establishment lasted, on average, only forty-three days every two years, there were limited time and means to investigate matters.⁶¹ In addition, many of the legislators were connected with the bank or its board members, whom they had elected, and were loath to investigate them. By 1843-1844, the banks failed, and while there was plenty of blame to go around, most of it was directed at the Dynasty and their supporters.⁶² Though the State Bank failed under its irredeemable debts, the bank's failure does not appear to have harmed Murphy's reputation in his community by having served a limited time on its Fayetteville board.

Against the backdrop of the happenings at the bank, Murphy was also practicing law. Likely strongly influenced by his own misfortunes in the matter of his father's estate, his focus was at first equity law. However, he eventually began practicing criminal law, traveling ahead and with the circuit court in search of clients and cases. He volunteered his services on behalf of the defense in a case in October and November of 1845 that resulted in the first legal executions in the county. Murphy believed the defendants to be innocent, but his efforts were to no avail, and they were

⁶¹ Charlie Daniels, *Historical Report of the Secretary of State, 2008* (Fayetteville, AR: Arkansas Secretary of State's Office and The University of Arkansas Press, 2008), 113-117.

⁶² Woods, *Rebellion and Realignment, 22-23*; Whayne et al., *Arkansas*, 133-135.

hanged for murder.⁶³ Yet his legal career must have met with some success, as he had previously been able to pay off the purchase of his farm on March 10, 1843.⁶⁴ Around that time, the Murphys were blessed with the birth of their fifth daughter, Angeline Lockhart.⁶⁵ Murphy also resumed school teaching, eventually becoming "one of the best-known teachers in Northwest Arkansas."⁶⁶ From his turbulent beginnings and early risks in Arkansas, the middle-aged Murphy managed to stabilize himself financially and created for himself and his family the security that had been so often missing from his own early life. He succeeded in providing his wife with the lifestyle that she had been accustomed to prior to their marriage by adding a great deal to the farm. Counter to Malilla's remembrance regarding Murphy and his wife being against slavery, he may have briefly owned slaves at this time, the pinnacle of his prosperity. When Murphy was later appointed as the provisional governor of Arkansas, he said in defense of his vote against secession, "No—I am a slaveholder, like most of you; and I tell you that *Secession will be the death of slavery*," according to the *Nashville Daily Union* on February 14, 1864. During his actual governorship, while addressing a "convention of colored citizens," he offered them words of encouragement and assurance, and "distinctly and openly

⁶³ Goodspeed Publishing Company, *History of Benton, Washington, Carroll, Madison, Crawford, Franklin, and Sebastian Counties, Arkansas. From the earliest time to the present, including a department devoted to the preservation of sundry personal, business, professional, and private records ...* (Chicago: Goodspeed Publishing Company, 1889), 191, 464.

⁶⁴ Land Patent Certificate 3009 issued to Isaac Murphey [sic], Accession #AR0900__.149, Arkansas, Washington County, Township 17 North Range 30 of the 5th Principle Meridian, section 31, aliquots E1/2NE1/4, U.S. Department of the Interior, Bureau of Land Management, General Land Office Records, accessed July 20, 2016, http://www.glorerecords.blm.gov/details/patent/default.aspx?accession=AR0900__.149&docClass=STA&sid=1ygbgynl.j1c#patentDetailsTabIndex=1; Land Patent Certificate 3108 issued to Isaac Murphey [sic], Accession #AR0900__.238 Arkansas, Washington County, Township 17 North Range 30 of the 5th Principle Meridian, section 31, aliquots SW1/4NE1/4, U.S. Department of the Interior, Bureau of Land Management, General Land Office Records, accessed July 20, 2016, http://www.glorerecords.blm.gov/details/patent/default.aspx?accession=AR0900__.238&docClass=STA&sid=1ygbgynl.j1c#patentDetailsTabIndex=1.

⁶⁵ "United States Census, 1850," database with images, *FamilySearch* (<https://familysearch.org/ark:/61903/1:1:M674-WJF> : accessed 18 February 2016), Angeline Murphy in household of Isaac Murphy, Prairie, Washington, Arkansas, United States; citing family 214, NARA microfilm publication M432 (Washington, D.C.: National Archives and Records Administration, n.d.).

⁶⁶ Dallas T. Herndon, "State Receives Portrait of Governor Murphy," *Arkansas Gazette*, January 27, 1925, Box I, Section VIII, Item 2, MBFC.

avowed” that he “advocated the rights of the entire colored race,” but also admitted that he had previously “trespassed.”⁶⁷ His slave ownership was likely short-lived, however, as it was not recorded in the 1840, 1850, or 1860 U. S. Censuses.

In addition to his legal practice and teaching, Murphy took an intense interest in the planning of an institution of higher learning in Arkansas in 1843. Congress provided for a collegiate level institution in territorial Arkansas in 1827 with the donation of two townships worth of public land, or 46,000 acres, the lease of which would provide seed money to begin a university.⁶⁸ In 1833, Arkansas was further empowered by Congress to create a “seminary of learning,” which allowed the Governor to sell twenty sections, or 12,800 acres. The land could only be sold in parcels of fewer than 320 acres and for more than \$1.25 per acre. Some of the land was sold and the returns were placed into a fund, but no move was made to erect suitable buildings as Congress had prescribed.⁶⁹

In northwest Arkansas, various prominent citizens, such as the Reverend Cephas Washburn, Judge David Walker, Murphy, and others, decided that such an institution was necessary for the advancement of the state and the good of her people, and they sought to make use of the funds. Various discussions and proposals concerning a seminary in the area of Fayetteville had taken place since 1840, but the first real action began on August 9, 1843. A large meeting was held at the Mt.

⁶⁷ Proceedings of the Convention of Colored Citizens held in Little Rock, November 30-December 2, 1865 (Helena, AR: Clarion Office Print, 1866), page 8, Land of (Unequal) Opportunity: Documenting the Civil Rights Struggle in Arkansas, Special Collections, University of Arkansas Libraries: Digital Collections, <http://digitalcollections.uark.edu/cdm/ref/collection/Civilrights/id/942>.

⁶⁸ Joseph Story, ed, *The Public and General Statutes Passed by The Congress of The United States of America: From 1789 to 1827 Inclusive, Whether Expired, Repealed, or in Force: Arranged in Chronological Order, with Marginal References, and a Copious Index : To Which Is Added The Constitution of The United States, and an Appendix*, Volume 3 (Boston: Wells and Lilly, 1828), 2,063, accessed February 12, 2010, <https://books.google.com/books?id=0YKuAAAAMAAJ>.

⁶⁹ United States Congress, *General Public Acts of Congress, Respecting the Sale and Disposition of the Public Lands with Instructions Issued, from Time to Time by the Secretary of the Treasury and Commissioner of the General Land Office and Official Opinions of the Attorney General on Questions Arising Under the Land Laws, in Two Parts, Part I, containing the laws to the close of the second session of the Twenty-fifth Congress, Part II, containing the Instructions and Opinions to the 17th of August, 1838*, Vol. 1 (Washington: Gales and Seaton, 1838), 517-518, accessed February 10, 2010, <https://books.google.com/books?id=71o0AQAAAMAAJ>.

Comfort Meetinghouse to formally begin discussing the founding of such a school. Murphy attended the meeting, and a follow-up meeting on the twelfth, which formed a committee to propose a name, the plan for organizing and operating the school, its founding principles, and its location. At that meeting, Murphy was selected as the chair of the committee, and he subsequently reported for duty on September 27.⁷⁰

Due to the politics attending education in Arkansas, the committee was careful to avoid any taint of prejudice or sectarianism. Acknowledging that the first impression many drew would come from its name, they were particularly careful in choosing one. As such, they avoided naming it after any organization or cause. Indeed, this care even spread to the principles of the institution, wherein it was forbidden that the college should ever have a "sectarian character in religion or a party character in politics." They also recommended avoiding naming the school after an individual for the same reasons, and because the seminary was a community affair and not the work of any one person. Eventually, the committee decided on Far West Seminary as a designation of its geographical location, believing it to be as "good as any other" in "sound and association."⁷¹

The committee anticipated financial backing for the institution from distant donors, holding high expectations of support from the older eastern and northern states. They were cognizant that northwest Arkansas was a relatively poor area and even if the entire community donated as much as they could spare, it would not be enough to continually fund the school. But, until distant sources of funding could be established, Murphy recommended also appealing to surrounding counties. He proposed that designated agents travel the area, explaining the purpose of the school and its inherent

⁷⁰ Deane G. Carter, "Some Historical Notes on Far West Seminary," *Arkansas Historical Quarterly* 29, no. 4 (Winter 1970): 348-349.

⁷¹ *Ibid.*, 350.

advantages to seek monetary support.⁷² Murphy, earlier that same year on March 8, mortgaged his 120-acre farm and his seven town lots to Hugh Anderson, of neighboring Benton County, against a note of \$247.00, which Murphy may have done in his eagerness to help provide the necessary initial funding to begin the school. Anderson later served on the Board of Visitors with Murphy, was named a trustee, and served on the committee with David Walker and Murphy to establish the rules for collectors of funds (donations). Anderson's heavy involvement in establishing the school suggests that Murphy's mortgage funds could have been directed toward Far West, which would have made Murphy's actions on the committee doubly important: to begin the school and safeguard his investment in it.⁷³

Murphy's committee proposed the curriculum for the seminary, focusing on the liberal arts and sciences of Ancient and Modern Languages, Moral, Physical, and Intellectual Sciences, and "Agriculture and the Mechanical Arts." A special emphasis was placed on Agriculture and Mechanical Arts by granting "honorary premiums" to those who also acquired a "practical skill" in one of its branches, most likely a special endorsement on their final certificate, or possibly a discount or refund on a portion of their fees. Murphy was eager for the school to get underway as soon as there was enough money to fund "one able teacher, professorships to be endowed, and professors to be employed according to the wants of the institution." The professors elected by the Board of Visitors were required to "maintain a good moral and Christian character, though it shall not be required that he belong to any Christian sect or denomination," as the Bible was the "standard of Morals and Religion" for the school. Ultimately, Far West's goal was to inculcate in its students "the great distinctive principles of civil and religious liberty and human rights" to advance and elevate the

⁷² Ibid, 350-351.

⁷³ Smith, *Southern Unionist*, 12.

students and strengthen Arkansas and the nation, in turn. To Murphy, education was intrinsically linked with supporting everyone's rights, liberty, and elevating students morally and intellectually to ensure their advancement and the advancement of Arkansas.⁷⁴

Before the September 27 meeting's adjournment, a Board of Visitors for Far West was appointed, including Murphy and thirty-one others. Together, the board members represented nine of Arkansas's forty-six counties. Most were from northwest Arkansas, and Washington County alone possessed twelve representatives—six to eight more than all the other counties. There were also two representatives from the Cherokee Nation and two from Springfield, Missouri. The board's duties were to meet semiannually, to elect the seminary's professors and its president, to have final say in any appeal of the judgment of the president or a professor, and to dismiss any employee, if necessary.⁷⁵

The board began its work by turning its attention to obtaining the necessary capital to construct its school, hire teachers, and begin holding classes. This was the most precarious stage of the institution's development. Without the support of students' tuition, they were entirely dependent on the donations they solicited. Solicitations for funds began in earnest in November, 1843, including Murphy's mortgage holder, Hugh Anderson. To govern the actions of the various soliciting agents, Murphy was appointed to chair a second committee of four to develop their rules and standards of practice. Agents began advertising in local papers such as Van Buren's *Arkansas Intelligencer* and Little Rock's *Gazette*.⁷⁶ Similar advertisements appeared in eastern papers throughout 1844, such as the *Vermont Chronicle*, *Daily Union* of Washington D.C., *New York Daily*

⁷⁴ Carter, "Far West Seminary," 351-352.

⁷⁵ Ibid, 351-352.

⁷⁶ Ibid, 354.

Tribune, and the *Boston Recorder*.⁷⁷ The advertisements varied, but generally floridly described northwest Arkansas's geographic features, touted the devout morality of the residents, the relative absence of slavery, and their willingness to admit Choctaw and Cherokee, and hoped for donations from the readers to help fund the institution. Though seeking to remain nonsectarian, the advertisements were clearly aimed at courting support from northern evangelicals by asserting the local area's residents were, "as a whole, a decidedly religious people," that demonstrated that quality more so than nearly anywhere else in the Union and gave "evidence of its power in their manner of life." Such assertions were doubly necessary due to the state's reputation for lawlessness and the consequent Godlessness that such a condition would be assumed to have allowed.⁷⁸

Eastern and northern help notwithstanding, the Far West project met with immediate opposition from some in Arkansas. Reasons ranged from opposition to its curriculum, its principles, and its strict secular stance to claims that Arkansas needed no such institution.⁷⁹ One concerned citizen, Charles Miller, believed that the school was a local Presbyterian conspiracy to aid, enrich, and spread their own denomination. Miller believed those of other denominations were being taken advantage of and fooled into supporting the school, all while portraying Arkansas's citizens as "ignorant as goats and savage as Indians, uncultivated and uncivilized, and poor as Job's Turkey [sic]."⁸⁰ Some may have also opposed the institution's plan to teach white children and Native

⁷⁷ "The Far West Seminary," *Vermont Chronicle* (Bellows Falls), November 20, 1844, accessed April 12, 2016, GNCN; "Far West Seminary," *Daily Union* (Washington D. C.), November 28, 1845, accessed April 12, 2016, Chronicling America: Historic American Newspapers, Library of Congress; "The Far West Seminary," *New York Tribune*, November 23, 1844, accessed April 12, 2016, CALOC; "Far West Seminary," *Boston Evening Transcript*, February 8, 1844, accessed April 12, 2016, GB.

⁷⁸ "The Far West Seminary," *Vermont Chronicle* (Bellows Falls), November 20, 1844, accessed April 12, 2016, GNCN; James M. Woods, *Rebellion and Realignment: Arkansas's Road to Secession* (Fayetteville, AR: University of Arkansas Press, 1987), 13-15.

⁷⁹ Carter, "Far West Seminary," 356.

⁸⁰ *Arkansas Intelligencer* (Van Buren, AR), April 12, 1845, accessed April 12, 2016, GB.

American children in the same classrooms.⁸¹ The opposition even extended to the General Assembly. When the Board of Visitors submitted their petition for a charter to the legislature at their 1844 session, several members from Crawford County voted against the bill. The *Gazette* lampooned and derided the opposition as an attempt by Democrats to keep their party in power by keeping their constituency ignorant through opposing institutions of public education in general. Despite the opposition, the petition for a charter was successful and granted on November 30, 1844.⁸²

As in Arkansas, Far West's broader appeals for aid were not always well received. The *Boston Recorder*, for example, on receiving the institution's description and request for support, announced they would rather help needy brethren in nearer western states like Kentucky and Tennessee.⁸³ The board had anticipated the difficulties, however, and their efforts had provided them with enough funds to begin construction on their school, while simultaneously seeking suitable teachers to fill it. They considered men from most of the nearby schools, such as Cane Hill, and from among the various missionaries in Indian Territory, such as Thomas Frye, who taught with the Cherokees in the Indian Territory.⁸⁴

With their charter secured, there seemed to be nothing left to prevent Far West's success. Construction began on July 4, and board member Robert W. Mecklin started a preparatory school in the meetinghouse to help secure students for the seminary and, hopefully, build interest. Unfortunately, only three months after securing their charter, the nearly completed building was

⁸¹ "Far West Seminary," *Daily Union* (Washington D. C.), November 28, 1845, accessed April 12, 2016, CALOC.

⁸² Carter, "Far West Seminary," 356-357.

⁸³ "Far West Seminary," *Boston Recorder*, March 21, 1844, accessed April 13, 2016, GB.

⁸⁴ William G. McLoughlin, *Champions of the Cherokees: Evan and John B. Jones* (Princeton, New Jersey: Princeton University Press, 1990), 247, accessed April 13, 2016, <https://books.google.com/books?id=5A8ABAAAQBAJ>.

consumed by fire on February 27, 1845.⁸⁵ The fire was a devastating setback for the undertaking, leaving them without a building and unable to begin to collect tuition. This dampened enthusiasm for the project. At least one of their meetings in March adjourned because it lacked the necessary quorum.⁸⁶

A dedicated cadre, with Murphy among them, was determined to soldier on, and they set about raising funds to rebuild. Washburn, the most nationally recognized of the board members, began a fundraising tour of the U.S. in April to attempt to save the institution. He met with initial local success, raising \$600 in and around Van Buren, Arkansas.⁸⁷ By November, his tour had taken him to Washington D.C., and a half column description of the school accompanied his efforts in the November 28 issue of the *Daily Union*. While not otherwise engaged in fundraising, Murphy seemed to be doing all he could to help sustain Far West. In 1845, he re-mortgaged the acreage he had already committed and also mortgaged nearly all his personal property, including his town lots, thirty stands of bees, three feather beds, and even a bedstead.⁸⁸ While it is possible that Murphy needed funds for other purposes, during the time that Far West was being set up, he was not engaged in any other obvious high dollar expenditures, such as further land purchases or improvements upon his own land. It can be reasonably assumed that Murphy gambled a great deal on and for the school, risking the security of his family, which had just expanded again with the birth of his sixth and final daughter, Geraldine.

Despite the avid support of the faithful, little progress was made, though Mecklin's preparatory school had grown to thirty students. In March of 1846, the board announced that they

⁸⁵ Carter, "Far West Seminary," 346, 357.

⁸⁶ *Arkansas Intelligencer* (Van Buren, AR), March 22, 1845, accessed April 12, 2016, GB.

⁸⁷ *Arkansas Intelligencer* (Van Buren, AR), April 26, 1845, accessed April 12, 2016, GB.

⁸⁸ Smith, *Southern Unionist*, 12.

had chosen a president and two professors to govern the school and to teach Mathematics, Philosophy, and Ancient Languages.⁸⁹ However, new construction never began and by 1847, the board was no longer able to meet its debts. The school's creditors filed suit in the circuit court and forced the sale of the Seminary's remaining assets to meet its debts. By May 22, 1848, the last of the school's lands were sold, and the long hoped and worked for collegiate institution and its board were dissolved.

After the Far West Seminary failed, Mecklin, who had kept up his preparatory school, purchased much of the land that had belonged to the Seminary at auction. He began styling his school after the Ozark Institute and met with a great deal of success.⁹⁰ In spite of the Far West failure, Murphy did not give up on his dreams for education or his passion for teaching, but instead continued on at Mecklin's school. Murphy was listed as one of the institute's early instructors and may have been teaching in the school even before Far West's dissolution.⁹¹

⁸⁹ *Arkansas Intelligencer* (Van Buren, AR), April 25, 1846, accessed April 12, 2016, GB.

⁹⁰ "A Friend to Learning' to Mr. Editor," *Weekly Arkansas Gazette* (Little Rock, AR), August 15, 1851, accessed April 13, 2016, GB.

⁹¹ Lemke, *Early Colleges*, 13.

Chapter 3: Entering State Politics, 1844-1849

Murphy's work with the board reignited his passion for public service. After only minor forays into casual political activity in Pittsburgh and Arkansas, and a term as treasurer of Washington County that could not have taken up all of his time, as his surveying career overlapped his term, he seemed to lose interest. Working closely in concert with board members who were successful politicians, such as David Walker, William T. Larremore, John Harrell, Mark Bean, and Judge Yancy of Springfield, Missouri, must have encouraged Murphy to resume his political activities, along with the political opposition that the school faced locally and in the General Assembly.¹ Before the school's failure, Murphy traveled to Little Rock to attend a Democratic convention held on May 11, 1844. While there, Murphy and the convention stated their position on national issues: support for the annexation of Texas, which would result in an expansion of slavery within the U.S., opposition to high tariffs, opposition to the reinstatement of national banks, and support for seeking a presidential candidate other than the presumptive nominee, former president Martin Van Buren, who was cool toward the annexation of Texas.² While most Democratic support before the convention was split between Van Buren and John C. Calhoun, who enjoyed particular support in the South, Arkansas's convention backed neither. They instead supported the former Whig turned Democrat and current president, John Tyler. For vice president, Arkansas supported Richard M. Johnson of Kentucky. Johnson had already served a term as vice president under Martin Van Buren,

¹ Deane G. Carter, "Some Historical Notes on Far West Seminary," *Arkansas Historical Quarterly* 29, no. 4 (Winter 1970): 353.

² Harry L. Watson, *Liberty and Power: The Politics of Jacksonian America*, rev. ed. (New York: Hill and Wang, 2006), 229.

from 1837-1841, and as a relation of the Johnson family of the Arkansas Dynasty, he was an obvious choice for the Arkansas delegation.³

At home, the Dynasty experienced its first real challenge since statehood. Largely due to the bank failure and the seeming mismanagement of the banks before and since, a growing number of Democrats defected from the party to the Whigs or independent ranks. After two state conventions failed to come up with a suitable nominee for governor, party leaders eventually nominated Thomas Drew to run as a compromise candidate in the 1844 election. Drew had been trusted by the Dynasty for years, but had never alienated their opponents. He faced stiff competition from the Whig and independent candidates but managed to do just well enough by campaigning on a conservative spending platform that included attending to the state's bank debts, one of his primary concerns during his governorship. Drew won the election with only forty-seven percent of the vote—making him the first Arkansas governor to be elected by plurality. Though the Dynasty maintained power, their opposition continued to work against them through the 1844 session of the legislature, and most of Governor Drew's suggestions to the General Assembly, such as establishing a state college, were not implemented.⁴

Whether Murphy endorsed all of the Democratic convention's resolutions is not known, but he definitely supported the annexation of Texas and likely joined in the opposition to high tariffs and banks. He was probably disillusioned by the Arkansas State Bank and the Real Estate Bank, as well as their continued mismanagement in settling their affairs, which caused further harm to the state's finances and to its people, who now had no institutionalized method of obtaining credit. The

³ "Little Rock Convention," *Daily Madisionian* (Washington D.C.), May 25, 1844, accessed April 13, 2016, GB.

⁴ Timothy P. Donovan, Willard B. Gatewood Jr., and Jeannie M. Whyne, eds., *The Governors of Arkansas: Essays in Political Biography*, 2nd ed. (Fayetteville, AR: University of Arkansas Press, 1995), 14-18.

state's credit was shattered. Thus, Murphy decided to run for a seat in Arkansas's House of Representatives. His work in several schools and as a member of the Board of Visitors for Far West Seminary, along with his active community life and the connections he made while riding the judicial circuit, provided him with a large base of support that helped to secure his victory in the 1846 election.⁵

Amid the ongoing banking and revenue crisis and the enduring backlash against the establishment, the forty-seven-year-old Murphy entered the Representative Hall in the State House on November 2, 1846. His first session as a state representative saw him take an active role covering a broad swath of legislation. Though he was initially appointed by the Speaker of the House, Albert Rust, to only one committee—the standing committee on banks—within the first twelve days of the session, he was also appointed to the standing committees on education, apportionment, internal improvements, and the judiciary at the request of his peers. He also served on twelve different select committees over the course of the session, in some cases at his own suggestion. In so serving, Murphy took on a considerable workload, given that under the rules of the House, once he was a member of three committees, he could excuse himself from appointment to any more.⁶

Murphy's career in the General Assembly was described by a later friend and interviewer—Albert Webb Bishop—as one attentive to duty and watchful to protect the interests of the state and his county from the self-interested and corrupted who sought to enrich themselves, to the detriment of the state. Though a lifelong Democrat and an early supporter of the Dynasty, he was also

⁵ "The Harmonious Democracy," *Weekly Arkansas Gazette* (Little Rock, AR), August 17, 1846, accessed April 13, 2016, GB.

⁶ House of Representatives of the General Assembly of Arkansas, *Journal of the House of Representatives, for the Sixth Session of the General Assembly of the State of Arkansas, Begun and Held at the Capitol, in the City of Little Rock, on Monday the Second Day of November, in the Year of Our Lord, One Thousand Eight Hundred, and Forty-six, and of American Independence the Seventy-first Year, and Ended on Wednesday the Twenty-third of December, One Thousand Eight Hundred and Forty-six* (Little Rock, AR: Gazette Office, 1846), 12, 15, 44, 46, 59, 66.

described as a man who dared to break with his party and vote with the Whigs when inefficiency, inability, or dishonesty threatened the state or his personal honor. Though he worked “indefatigably” for the “development of the best interests of the State,” and “framed resolutions and bills” that were “calculated beyond question to build up a great State,” and despite the force and logic of his presentations and arguments, his efforts generally failed. Procedural tactics or “some stultifying or plausible amendment would be proposed” that caused his measures to fall “still-born where they were conceived.”⁷ Bishop suggested that this was due to the “reactionary power of ‘the family’” against him for opposing planks in their platform.⁸ Unfortunately, though Bishop wrote floridly and inspiringly about Murphy’s role, he offered no specifics as to the resolutions and bills that Murphy offered, nor of the specifics of his new-found opposition to the Conway-Johnson-Sevier clan.

While he opposed them on occasion, Murphy was not the staunch anti-Dynasty renegade that Bishop made him out to be in his often soaring, anti-elitist rhetoric. Due to the fallout from the banking collapse, the sixth session of the General Assembly saw a larger proportion of its Democratic members willing to oppose the Dynasty and reach across the aisle to the Whigs in opposition, but they were not in the majority. Out of the ninety-nine votes that Murphy cast, he voted with the majority—where one could be determined from the *Journal*—sixty-five times, or in sixty-six percent of cases. Murphy did oppose several Dynasty measures and candidates, such as his unsuccessful opposition to William B. Conway’s election as an associate justice of the Arkansas Supreme Court, but siding with the anti-establishment faction on fewer than forty percent of votes, he was hardly an

⁷ Albert Webb Bishop, *Loyalty on the Frontier, or, Sketches of Union Men of the South-West: With Incidents and Adventures in Rebellion on the Border* (St. Louis: R. P. Studley and Co., 1863), 15-16, 18, accessed March 13, 2009, <https://books.google.com/books?id=melHAQAAMAAJ>.

⁸ John I. Smith, *The Courage of a Southern Unionist: A Biography of Isaac Murphy Governor of Arkansas, 1864-68* (Little Rock: Rose Publishing Co., 1979), 11.

outlier.⁹ The thirty-four minority votes he cast show Murphy opposed the Dynasty in relation to the banks, the state penitentiary, and a smattering of other issues. While his opinions most certainly differed from the Dynasty's in key respects, he agreed with them often, and he did not oppose them indiscriminately.

Though the state banks closed before 1846, the liquidation of their assets, what to do with their bank notes and bonds still in circulation, and other administrative issues continued to plague sessions of the General Assembly for decades. To prevent banking from troubling Arkansas ever again, the previous session introduced an amendment to the state's constitution disallowing the incorporation or establishment of any bank or like institution in the state, and Murphy's first session saw the amendment unanimously ratified in the House with his support. While this prevented any new banking issues, the old remained. Because the legislature only met every two years, most of the remaining work was left in the hands of financial receivers and bank attorneys for each branch, whose salaries were an unavoidable continued expense to the state. The receivers and the attorneys of each branch were nominated and elected by the legislature, and, in general, Murphy approved of the staff chosen. He was himself nominated to be the attorney for the Fayetteville branch, but he came in a distant third. It is unclear if Murphy wanted the position, as he did not vote for himself, though his vote may have been a case of honorable modesty. Of the eight bank officers elected, Murphy only opposed the election of two, the financial receiver for the Batesville Branch, Charles D. Cook, and the attorney for the Fayetteville branch, Jonas M. Tebbetts, both of whom won as the clear favorites.¹⁰

⁹ House, *Journal, Sixth Session*, 152-154.

¹⁰ *Ibid*, 11, 86-87, 272-274.

Issues with the elected bank officers continued even after the banks' closures. The branch attorneys, whether due to overwork or incompetence, needed the help of other lawyers. Because the branches' funds were under the control of the General Assembly, whether the branches had authority under the law to contract outside help without the explicit authorization of the state became an issue. One such instance was the aid provided by Williamson S. Oldham, a lawyer from Washington County, former state representative, and sitting associate justice on Arkansas's Supreme Court.¹¹ The United States Government, as a large holder of Arkansas's bonds, had sued the state in U.S. Circuit Court for the interest due and won a judgment against the bank's assets. To meet this judgment, the bank sold a large amount of real estate, estimated to be worth between \$40,000 and \$50,000. However, at the sale, the property only brought about \$2,500. To prevent such a large loss to the state, a bank attorney and the financial receiver at Fayetteville made an agreement with Oldham to assist the Fayetteville branch attorney in arguing a motion before the court to invalidate the sale. The motion was successful, and Murphy, on Oldham's behalf, submitted numerous petitions and motions to the House to secure a "reasonable compensation" for his work, none of which were successful.¹²

It is difficult to ascertain exactly where Murphy stood on the issue—whether he believed the Oldham case to be worthy of exception from the general rule, whether he was doing a favor for a friend, neither, or both. The *Arkansas Banner* of November 11 made mention of Murphy's original submission of his resolution, but did not reveal any other opinion or commentary. Certainly, he wanted to safeguard the state against further waste, and he voted against a similar measure that

¹¹Charlie Daniels, *Historical Report of the Secretary of State, 2008* (Fayetteville, AR: Arkansas Secretary of State's Office and The University of Arkansas Press, 2008), 116, 295.

¹²House, *Journal, Sixth Session*, 20, 50-51, 73-75.

would have granted compensation to a different attorney.¹³ Most likely, Murphy believed that Oldham's efforts, though ultimately unsuccessful, warranted the expenditure. If the banks were to be wound down with as little further loss to the state as possible, it would take the occasional aid of extra attorneys. The occasional expense of paying for extra help would more than justify the prevention of further loss. To the majority, however, a greater danger seemed to rest with the precedent of allowing unregulated aid as the lack of appropriate oversight had allowed many of the abuses in the banks to begin with.

As such, the behaviors and actions of the bank's financial receivers were under heavy scrutiny during the session. Though nominated and elected by the General Assembly, mistrust abounded, and their actions were constantly called into question. Murphy's record on extending or restricting their powers was somewhat mixed, however. He did not think that they should operate without oversight, as he consistently supported resolutions and amendments looking into their affairs. He also supported a strict regulation of their salaries by the legislature. Additionally, he thought that the General Assembly should force the different branches of the banks to expedite their final settlements, but he did not support the immediate transfer of all the bank's assets to the State as others did, and he helped to defeat a measure seeking such a transfer.¹⁴

Besides banking, the issue that most engrossed the House was the State Penitentiary, which had been mostly burned in a prisoner revolt on August 5, 1845.¹⁵ An investigation revealed that the convicts lived in poor conditions in the unfinished penitentiary grounds while employed by the state's convict-lease system. The House quickly responded by passing a bill to provide for their "wants" by appropriating \$250 for clothing and "other necessaries" and eventually resolved to allow

¹³ Ibid, 228-229.

¹⁴ Ibid, 67-69, 269-270, 290-291, 304.

¹⁵Ibid, appendix 3.

them two days off every month as a reward for good behavior in an attempt to prevent further destructive discontent.¹⁶ Whether to rebuild the penitentiary and, if so, where, were constant questions. Some felt that the penitentiary should not be within Little Rock's city limits.¹⁷ Though the penal system in Arkansas had not been a contentious issue in general, the fire required the state to pay to house the displaced convicts in Pulaski County's jail. Additionally, the loss of the unfinished structure, building materials, and provisions meant an estimated \$40,000 was needed to rebuild. Some vehemently opposed plans to repair the damage and resume construction, and instead advocated a return to a system of corporal punishment rather than one of rehabilitation.¹⁸ Others suggested that, rather than rebuilding the penitentiary, the convicts should be set to work on a chain-gang to improve the state's roads, clear river logjams, and complete other internal improvement projects.¹⁹

Murphy took a decided interest in the issue. He opposed rebuilding, likely due to the high cost of such a project, and the state's virtually nonexistent credit. Substitutes and amendments to the rebuilding bill, some of which Murphy supported, were continually offered, amended, and countered.²⁰ Exactly what about each of them he supported or opposed is impossible to know, as the minutes of the House did not record the language of every bill, amendment, or resolution, nor did the newspapers. Regardless, most appeared to believe that the people wished for it to be rebuilt. The *Gazette*, which re-published the entirety of the Senate Committee on the Penitentiary's majority

¹⁶ Ibid, 133, 135, 303; Arkansas General Assembly, *Acts and Resolutions Passed, and Amendments to the Constitution Adopted, at the Sixth Session of the General Assembly of the State of Arkansas, Begun and Held at the Capitol, in the City of Little Rock, on Monday the Second Day of November, in the Year of our Lord, One Thousand Eight Hundred and Forty-six, and of American Independence the Seventy-first Year, and Ended on Wednesday the Twenty-third of December, One Thousand Eight Hundred and Forty-six* (Little Rock, AR: B. J. Borden, Printer to the State, 1846), 27.

¹⁷ House, *Journal, Sixth Session*, 167.

¹⁸ Ibid, appendix 3, appendix 9, 167, 134.

¹⁹ Ibid, 294, 298.

²⁰ House, *Journal, Sixth Session*, 167, 198, 245-246.

report supporting rebuilding, helped to lead the charge.²¹ It reported that much of the opposition to rebuilding came from members from the north and west of the state, but fear that the “responsibility they would incur, by casting loose upon society such a band of miscreants” swayed them away from opposition, as without a penitentiary it was believed that the state would be forced to *ipso facto* pardon the convicts’ sentences.²²

Murphy’s opposition to rebuilding continued. A bill to rebuild passed the Senate and was brought to the House. Murphy did not support it, preferring a substitute bill offered by Rust that was defeated. Murphy continued to oppose the Senate bill, which was rejected by the House in a twenty-eight to thirty-three vote.²³ Eventually, a substitute bill, which Murphy supported, put off building a new Penitentiary until 1860. It passed by thirty-seven to thirty-five.²⁴ However, the next day, the substitute bill was reconsidered and he successfully moved to have it referred to a select committee of four, of which he was the chair, in an attempt to safely shepherd it back to the floor. Murphy supported the idea of employing the more trustworthy and skilled convicts on internal improvement projects on a chain-gang, but the resolution to do so was barely defeated. Its defeat caused the Senate’s bill, under the rule of the prevailing side, to be reconsidered, and it then passed by a vote of thirty-four to twenty-nine, with Murphy remaining in dissent while the substitute bill he preferred died in committee. Despite this defeat, he was successful in the House by working from

²¹ “The rebuilding of our Penitentiary...,” *Weekly Arkansas Gazette* (Little Rock, AR), December 5, 1846, accessed January 6, 2018, newspapers.com by Ancestry [hereinafter cited as NA].

²² “An act passed to re-build the Penitentiary,” *Arkansas Banner* (Little Rock, AR), December 23, 1846, accessed January 6, 2018, NA.

²³ House, *Journal, Sixth Session*, 293-294.

²⁴ Ibid, 245-246; “Rep. Hall, Dec. 15, 1846,” *Washington Telegraph* (Washington, AR), December 23, 1846, accessed January 6, 2018, NA.

the Judiciary Committee in an attempt to amend the state's laws to abolish imprisonment in civil cases, thereby reducing the state's penitentiary cost, but the bill did not subsequently become law.²⁵

While in the House, Murphy also attempted to address the issue he held most closely to his heart—education. He submitted a petition by the students of Far West Seminary that all or a portion of the seventy-two sections of land that had been granted to the state be granted to the institution as an endowment. Unfortunately for Murphy and Far West Seminary, the petition died on the floor. Murphy made similar attempts to secure part of the seventy-two sections fund for the use of Washington Male and Female Seminary in Hempstead County, but they were likewise unsuccessful.²⁶ He also sponsored “an act to establish a system of primary schools” to refine the state's common schools system of governance that was long on local administrative overhead, but short on schools, short on time—with a four-month minimum—and short on academic requirements (schools could house students aged five to twenty-one).²⁷ Though he was able to shepherd the act under a suspension of the House rules to its second reading, it also died on the floor, and the text of his proposed amendments has not survived.²⁸

Many in the legislature believed that education should be a strictly local issue and sought to remove the state from its administration as much as possible. The legislature was largely unwilling to appropriate to any institution any of the proceeds from the seventy-two sections of land that were donated to the state by the federal government, also known as the Seminary or Common School fund. Rather, a resolution was adopted and a bill introduced to allow the fund to be distributed to

²⁵ House, *Journal, Sixth Session*, 168, 250, 255, 297-299.

²⁶ *Ibid*, 43-44, 279.

²⁷ E. H. English, *A Digest of the Statutes of Arkansas: Embracing All Laws of a General and Permanent Character, in Force at the Close of the Session of the General Assembly of 1846; Together with Notes on the Decisions of the Supreme Court Upon the Statutes* (Little Rock, AR: Reardon and Garritt Publishers, 1848), 918-931.

²⁸ House, *Journal, Sixth Session*, 249.

each county in the state for them to use as they thought best. The bill was likely controversial among supporters of education, like Murphy and the Whigs, because it would make proper use of the funds more difficult to track and potentially cause them to go unused, be misappropriated, or be wasted by the various county government school officers—possibly as many as 5,800 if every county were to organize under the law—much as the small general school fund had been. However, distributing funds was meant to answer what Governor Drew saw as the biggest barrier to the operation of the schools in the counties, lack of means.²⁹ Late in the session, the bill was recommitted to a select committee upon which Murphy served. The majority supported the bill, but Murphy and a minority proposed a substitute bill that they felt would better safeguard or steward the fund. The minority's report was quickly tabled, and the original bill passed over their objections by a large margin of forty-eight to twelve.³⁰ No other educational efforts on the part of the General Assembly were reported in the papers. The *Arkansas Banner* lamented in its December 30, 1846, issue that, “more, perhaps, might have been done for the benefit of education and internal improvement, had the condition of our finances been such as to have justified an expenditure for such purposes,” but the lack of funds, and an unwillingness to raise them via taxes, kept further action from being taken.

Murphy's freshman term as a legislator was fraught with other failed efforts, as well.

Sometimes, Murphy's ideas for the betterment of the state were simply too extreme for the body. For instance, he introduced a radical resolution to strike out “all after the 8th section of the 4th article” of Arkansas's constitution. Doing so would have removed fifteen sections that defined the eligibility of members of the General Assembly and how the assembly was to govern itself, along with removing the protections from arrest enjoyed by the members fifteen days before, after, and during its session.

²⁹ Stephen B. Weeks, *History of Public School Education in Arkansas* (Washington D.C.: Government Printing Office, 1912), 32-33, accessed February 6, 2015, <https://eric.ed.gov/?id=ED543051>.

³⁰ House, *Journal, Sixth Session*, 95, 223, 270, 279.

The resolution would also have removed details regarding how the legislature was to set and receive their pay, in what court and manner lawsuits could be brought against the state, and eliminated the power to prohibit a slave “who may have committed any high crime” from being brought into the state. Murphy’s resolution also sought to strike out the fourteenth section of the Declaration of Rights, which defined the proper ways charges could be brought against an individual. The House declined to take up his resolution, which may be why no discussion of his proposed resolution appears in the newspapers, but working from a select committee, some of Murphy’s more modest opinions and considerations of the constitution were considered. Even most of his less extreme bills and committee reports were defeated or indefinitely tabled, such as those directed at providing relief for crippled individuals, allowing administrators of properties in probate to sell real estate, and an effort to better define the county line between Marion and Fulton Counties.³¹

Not all of Murphy’s measures were unsuccessful, however. *Viva voce* was the method of voting during elections in Arkansas, as established by the state’s constitution. One voiced one’s vote to an election official, who then marked it in the appropriate column in the voters’ returns.³² The public statement of one’s choices created an environment that could allow for voter intimidation and undue influence. Murphy introduced a resolution that the Judiciary Committee explore the possibility of changing the mode of voting from voice to ballot, and that they “report by bill or otherwise,” though he did not give his reasons for supporting such changes. The resolution was defeated, but others shared his concern and a bill was later introduced to change to a ballot system, and the Senate passed a similar bill that ultimately passed the House. Several bills he supported to

³¹ House, *Journal, Sixth Session*, 133, 142, 161, 230, 251, 275; Arkansas Constitution (1836), article 4, sections 9-23.

³² English, *Digest after 1846*, 46.

expand the jurisdiction of justices of the peace and define their court proceedings were also successful, even though he was operating from the minority of a committee in one instance.³³

Murphy was also able to support the re-election of Chester Ashley to the U.S. Senate. Murphy was close with Ashley and frequently corresponded with members of his family.³⁴ Ashley had previously served as U.S. senator from 1844 to 1845, completing the term of William Savin Fulton, who died in office on August 15, 1844.³⁵ Murphy's disenchantment with the Dynasty mirrored Ashley's, with the exception of Ashley's support of and dealings with the banks. Originally a member of the Dynasty, Ashley had fallen out with the Sevier faction and was greatly disliked by the Rectors as well. Elias Conway, a candidate for the governorship in 1843 and sitting auditor of Arkansas, unsuccessfully circulated papers to oppose Ashley's candidacy.³⁶

Coming up to the election, it looked as though a rough campaign between Ashley and fellow Democrat, former governor, and current U.S. representative, Archibald Yell, was imminent for the Senate seat. However, with the outbreak of the Mexican-American War in June of 1846, Yell left Washington D.C., returned to Arkansas, and joined the war effort as a private in Little Rock. From thence, he traveled to Washington, Arkansas, and was shortly thereafter elected colonel of Arkansas's mounted gunmen, who joined with the rest of the U.S. forces. Yell's absence from Washington and the state was a subject of great concern for Governor Drew and the General Assembly, as he had not resigned his seat, but rather attempted to retain it and simultaneously continued his bid for Ashley's

³³House, *Journal, Sixth Session*, 44, 63, 95, 97-98, 102, 230, 233, 243, 259.

³⁴ [To "children;" from "Moma"] [Malilla E. J. Berry], October 5, 1884, Box I, Section VI, Item 4, Murphy/Berry Family Collection: 1845-1930, Arkansas History Commission and State Archives, Little Rock, AR. [hereinafter cited as MBFC].

³⁵ Daniels, *Historical Report*, 42.

³⁶ Susan Hamner Ruple, "The Life and Times of Chester Ashley, 1791-1848" (master's thesis, University of Arkansas, 1983), 96, 112, 116-120, 137.

seat in the Senate.³⁷ The nation was at war, and if a special session were called, or if the time for the next session arrived before Yell's return, Arkansas would be entirely without representation in the lower house of Congress.³⁸ Murphy, working from the select committee, proposed declaring Yell's seat in Congress vacant, and combined with Ashley's supporters' effective canvassing of the state, helped secure Ashley a victory on the General Assembly's first vote.³⁹

Murphy's support for Ashley, a member of the Little Rock elite whose morals were commonly questioned, seems out of place on its face. Yell was a fellow Fayettevillian, and as was common for the time, support for candidates tended to be sectional. In addition, Murphy had previously supported Yell and had served at the meeting in Washington County that nominated him for Congress on May 14, 1836, and also knew him through the courts, if not otherwise socially.⁴⁰ However, Yell was friendly with the Dynasty, and Murphy's subsequent unwillingness to support him indicates a deepening disenchantment with the Dynasty.⁴¹ Yell and Rector were said to hate Ashley, at least partly because they knew that Yell would be unable to beat him in a race for the Senate.⁴²

As the session continued past its originally scheduled adjournment of December 7, Murphy's busy workload and the regular stresses of the session took their toll. Murphy missed several votes on Saturday, December 5. He was granted a leave of absence from the House on the seventh and returned to the House on the eleventh, but his illness persisted, and he continued to miss votes

³⁷ House, *Journal, Sixth Session*, appendix 51-52.

³⁸ Ibid, 46; "Ashley and Yell vs. the Whig Party," *Weekly Arkansas Gazette* (Little Rock, AR), August 24, 1846, accessed April 13, 2016, GB.

³⁹ House, *Journal, Sixth Session*, 46, 49-50, appendix 51-55; Ruple, "Chester Ashley," 138-140.

⁴⁰ "Isaac Murphy, et al. to James S. Conway," *Arkansas Gazette* (Little Rock, AR), July 5, 1836, accessed April 9, 2011, Gale Nineteenth Century Newspapers [hereinafter cited as GNCN].

⁴¹ Ruple, "Chester Ashley," 62-79; "For the Arkansas State Gazette," *Weekly Arkansas Gazette*, (Little Rock, AR), November 27, 1844, accessed January 6, 2018, NA.

⁴² "For the Arkansas State Gazette," *Weekly Arkansas Gazette*, (Little Rock, AR), November 27, 1844, accessed January 6, 2018, NA.

occasionally through the close of the session on December 23.⁴³ Though the session had been fraught with various frustrations, missteps, and the defeat of most of the legislation that he personally brought to the floor, his opinions were valued—as evidenced by the number of committees to which he was appointed. Also, where Murphy’s desire regarding a bill, motion, or other action could be ascertained from the *Journal* of the session, Murphy was able to help tally wins in those matters sixty-six percent of the time. Unfortunately, public perception of Murphy is harder to gauge, as newspapers’ mention of him only came in transcriptions of the *Journal*.

With his first session as a legislator completed, Murphy returned home to Fayetteville, celebrated a late Christmas with his family, and resumed his law practice, farm work, and teaching. That April, word reached Fayetteville that Yell was killed during the Battle of Buena Vista in Mexico while leading a charge.⁴⁴ Yell had arrived in Fayetteville shortly after Murphy in the spring of 1835, after he was appointed the judge of the circuit court. He later established his law office there and was an active and very popular member of the community.⁴⁵ News of his death rocked the area. Though he had worked to declare Yell’s Congressional seat vacant and likewise opposed his election to the Senate, Murphy respected him and attended a meeting in Fayetteville on April 5, 1847, to honor Yell. He also served on the committee that drafted the meeting’s resolutions for a memorial. The committee expressed joy over the American victory but sorrow for the loss of their “fellow citizen, townsman, neighbor, and friend,” and they resolved to “wear the badge of mourning for thirty days,” requesting other citizens to do the same.⁴⁶

⁴³ House, *Journal, Sixth Session*, 191-192, 198, 228, 256, 266-267, 269, 281, 301, 307.

⁴⁴ Melinda Meek, “The Life of Archibald Yell,” *Arkansas Historical Quarterly* 26, no. 4 (Winter 1967): 375-376.

⁴⁵ Melinda Meek, “The Life of Archibald Yell,” *Arkansas Historical Quarterly* 26, no. 1 (Spring 1967): 21-23.

⁴⁶ “Meeting at Fayetteville,” *Arkansas State Democrat* (Little Rock, AR), April 23, 1847, accessed April 9, 2011, GNCN.

Through 1847 and 1848, Murphy kept up his farm labors, his legal practice, and his hand in local politics. The process of filling Yell's seat was a contentious one in the county. A meeting to declare a nominee was held on November 26, 1847, naming A. M. Wilson as the preferred candidate and E. D. Dickson and four others as the county's representatives to the convention. Rumor claimed that one of the delegates had voted contrary to the opinion of his township, which prompted a second meeting so the will of the people could be upheld. Thus, on December 18, 1847, Murphy and four others were elected as delegates to represent Washington County. The meeting, with Murphy's support, declared W. S. Oldham to be "the choice" and "favorite" from Washington County as the nominee for U.S. Congressman instead of core Dynasty member Robert Ward Johnson—further indicating Murphy more clearly moving into opposition to the Dynasty. The convention, which met on January 3, 1848, concluded that Murphy's election as a delegate was irregular and invalidated it, declaring Dickson as the delegate, along with the four others originally elected at the November meeting. The convention's decision was a major one as it swung Washington County's five votes away from Oldham to Wilson. In the end, the convention voted overwhelmingly to elect Johnson, with thirty-four of the fifty-five votes cast. Oldham came in a distant third, receiving only eight votes.⁴⁷

Despite what must have been an embarrassing setback at the convention, Murphy continued his canvas of the county for reelection. He won the election in August and returned to Arkansas's House of Representatives, this time with Wilson, whose nomination for Congress he had opposed.⁴⁸ The seventh session saw a more experienced Murphy tighten his focus while remaining a very active member. He served on the standing committees for the judiciary, penitentiary, internal

⁴⁷ "Proceedings of the Democratic State Convention," *Arkansas State Democrat* (Little Rock, AR), January 7, 1848, accessed April 9, 2011, GNCN.

⁴⁸ "Election Returns," *Arkansas State Democrat* (Little Rock), August 18, 1848, accessed April 9, 2011, GNCN.

improvements, and education. He also served on fewer select committees, ten as opposed to his previous twelve. In some matters, he increasingly acted as an anti-Dynasty member of the General Assembly, but those votes were not defining characteristics of his tenure. In general, he voted with the majority most often, doing so seventy-one percent of the time during the session, slightly more than his previous record of sixty-six percent.⁴⁹

Not all opposition to the Dynasty came from the minority, however. Murphy supported Solon Borland over Dynasty member Ambrose Sevier for U.S. Senate. Borland moved to Arkansas to become the editor of the Democratic newspaper, the *Arkansas Banner*. He also served in the Mexican-American War, and while Yell's popularity waned due to the varying reports of his ineptitude as a commander, Borland's waxed with numerous reports of his heroism and daring. In March of 1848, Governor Drew appointed him to the Senate to replace Sevier, who had resigned to be a peace commissioner to Mexico.⁵⁰ Rather than step aside to allow the bank-tarnished Sevier to resume his seat, Borland sought to remain in the Senate and both men were nominated during the General Assembly's election process. After two separate rounds of voting, and ten separate ballots, Borland consistently led Sevier by five or six votes, but was unable to secure the necessary majority. Finally, during the session's third round of voting, Sevier was not re-nominated, and Borland handily won the nomination with over eighty percent of the votes cast. Borland secured his position later in the session by winning the Senate election to the upcoming full-term—the preceding vote having only been for the remainder of Sevier's term—on the first ballot with nearly seventy-five

⁴⁹ House of Representatives of the General Assembly of Arkansas, *Journal of the House of Representatives, for the Seventh Session of the General Assembly, of the State of Arkansas, Which was Begun and held at the Capitol, in the city of Little Rock, on Monday, the Sixth Day of November, One Thousand Eight Hundred and Forty-eight, and Ended on Wednesday, the Tenth Day of January, One Thousand Eight Hundred and Forty-nine* (Little Rock, Gazette Office, 1849), 26, 44, 49, 163.

⁵⁰ Ruple, "Chester Ashley," 168.

percent of the vote.⁵¹

Murphy then backed Oldham's bid to complete the term of Senator Ashley, who died in office on April 29.⁵² Oldham was from Fayetteville, would have been within Murphy's social circle as an attorney for the State Bank, and had since become a well-known and liked member of the Arkansas Supreme Court. The northwestern portion of the state preferred Oldham. Their section had not seen one of their own elected for some time, and many felt that they were being deliberately scorned by former senator Ambrose Sevier and the Family.⁵³ That neglect seemed to be a leading cause of the rising anti-Dynasty feeling in the northwest, as had already been displayed in their support of Solon Borland over Sevier, and they desired to show that "*all* the talent of the State does *not* lay at *Little Rock*."⁵⁴ Oldham also indicated that, if elected, he intended to direct his efforts toward securing federal funding to improve the state's highways, rivers, and other internal improvements—a position some of his opponents claimed would be unconstitutional, such as former Arkansas Senate president, Mexican War veteran, and future governor, John Selden Roane.⁵⁵

Oldham's most significant challenger was William King Sebastian. From the eastern part of the state, he was also a former member of Arkansas's Supreme Court and was the president of Arkansas's Senate during the 1846 term. Most recently, he had been appointed by Drew to fulfill Ashley's term in the U.S. Senate and was then running to retain the seat. During the first three ballots, Oldham received a plurality of the votes cast, but was unable to secure the necessary majority in a crowded field of five candidates. Most of Oldham's dedicated support came from the Western

⁵¹ House, *Journal Seventh Session*, 58-65, 78-79, 86-87, 132-133.

⁵² Ruple, "Chester Ashley," 170.

⁵³ "Hon. W. S. Oldham," *Arkansas Intelligencer* (Van Buren, AR), May 27, 1848, accessed January 6, 2018, NA; "To the Editor," *Arkansas Intelligencer* (Van Buren, AR), August 5, 1848, accessed January 6, 2018, NA.

⁵⁴ "To the Editor," *Arkansas Intelligencer* (Van Buren, AR), August 5, 1848, accessed January 6, 2018, NA.

⁵⁵ *Ibid*; *Arkansas Intelligencer* (Van Buren, AR), August 26, 1848, accessed January 6, 2018, NA.

Ozarks and Arkansas River Valley. When Whig candidate, Thomas W. Newton, and former Arkansas House of Representatives clerk and prosecuting attorney, S. H. Hempstead, withdrew, their supporters gravitated to Sebastian, who secured the election over Oldham on the sixth ballot by ten votes.⁵⁶

Murphy's legislative contributions during the session were diverse, but his primary focus was protecting the state from corruption and squandering of its already limited finances. As such, he opposed Drew's plan to distribute the Internal Improvement Fund to the counties, as was previously done with the Seminary Fund. The fund originated from a donation of 500,000 acres of federal land to the state. Proceeds from the sale of the land were meant to fund the construction of roads, levees, and other infrastructure projects. Arkansas was bereft of canals and railroads and had few good roads. The plan to distribute the fund began when Drew suggested, as he had during the sixth session, that the fund instead be applied to the massive bank debt, which had ballooned to over \$3.5 million. How to dispose of the fund was a controversial topic, and sixteen different proposals and resolutions were referred to committee for consideration. While Murphy was generally supportive of Drew's agenda, he and the Internal Improvement Committee opposed Drew's plan, as they believed the intent of Congress's land donation was to build a fund to be used exclusively for internal improvements. They also believed that applying the fund to the bank debt would increase the market value of the state's bonds, resulting in even more debt. The committee thus recommended distributing the fund equally by county, as "it was [the] most simple, convenient, and all things considered, the equitable mode of distribution; at any rate, it was deemed most likely to meet with popular approbation."⁵⁷

⁵⁶ House, *Journal Seventh Session*, 87-91, 180.

⁵⁷ *Ibid*, 18, 48, 204-207.

Murphy opposed his committee's plan on two counts. First, he felt that the most equitable distribution was on the basis of population, and he introduced an amendment to make that change to the committee's bill, House Bill 104. Washington County citizens, whom he represented, certainly had the most to gain from such a distribution, as it was the most densely populated in the state, but Murphy's amendment was overwhelmingly defeated by a vote of fifty-nine to eight.⁵⁸

The second reason Murphy opposed the plan was because of the many opportunities for graft and misuse it offered. He did not necessarily oppose distribution of the fund, but in seeking to safeguard against local abuses, he aimed to change the language of the bill so that work done was required to be in "the interest of the county," rather than simply because it was desired by the commissioners of each county, who controlled the fund. He also sought to ensure that all drafts on the fund had to first be appropriated for a specific project, and only that amount could be drawn. To provide further accountability, Murphy's proposal also required a copy of each appropriation to be filed with the treasurer. Murphy was defeated on these points by a vote of fifty-two to sixteen. Murphy also supported an amendment to the bill that would have required every county to make the journal of their plans and actions concerning the fund to be available "at all times" to any citizen that wished to inspect it, and another that would have required every commissioner to provide a bond of \$3,000 to the various county clerks. Both amendments were defeated.⁵⁹

Debate in the House was intense and tempers began to run high. Though Murphy opposed Drew's plan, he likely agreed with its preamble, which warned that the distribution of the fund would have it passing through "about 250 different agents with great facilities for speculation, given them by the present unguarded bill," and that the state risked becoming doubly the loser, gaining no

⁵⁸ Ibid, 253-254.

⁵⁹ Ibid, 265-267, 253.

internal improvements as the fund was distributed and squandered. Rather than see the fund so treated, Murphy supported a substitute bill that provided for the state's division into improvement districts, which provided a great deal more protection and accountability, but it was also defeated. Despite Murphy's objections and warnings, House Bill 104 passed the House by fifty-three to fourteen. Governor Drew tendered his veto of the bill with a long list of objections, but the bill passed over his veto by a vote of fifty to thirteen the next day. Murphy was not present for that vote.⁶⁰

Though Murphy was not on the Banking Committee during the session, he still took a particular interest in the banks due to his growing disillusionment with them, particularly the Real Estate Bank. He introduced a seven-part resolution of inquiry that questioned the legality of bank officers selling redeemed bank notes under market value to pay their own salaries, re-circulating redeemed bonds, and using bank funds to make personal purchases. Murphy also suggested that the attorney general be required to file suit to transfer the bank's assets entirely to the receivers to liquidate the bank. The resolution was adopted, and a select committee was appointed to investigate the allegations under Murphy's chairmanship. His leadership was less than effective. After their first meeting, another committee member introduced a resolution that the select committee be empowered with the full investigatory authority to subpoena those affiliated with the bank and the bank's records. The resolution also allowed the committee to hire a clerk to help them sift through the information. Murphy, however, felt these things were unnecessary, and by his motion, tabled the resolution. The committee informally dissolved afterward and never made a report.⁶¹

The General Assembly also investigated the State Bank. Competing legislation emerged from

⁶⁰ Ibid, 267, 270-271, 327-330, 335-336.

⁶¹ Ibid, 180, 182.

the House Banking Committee and the Senate to further define the expected process and responsibilities of the receivers in liquidating the bank. Murphy opposed attempts to centralize the liquidation process in Little Rock, believing it was best to conclude the banks' business in each individual branch, under the eyes of the attorneys and receivers that better understood the machinations of their filings and accounts.⁶² The bill that passed, however, did centralize the process at Little Rock in a single financial receiver who would direct the business of the bank attorneys instead of them being able to exercise independent judgment. Murphy also opposed allowing bank attorneys to receive pay, even when the judgments that they won could not be collected. He wanted to make attorneys' pay contingent on successful judgments and collections.⁶³

While Murphy was concerned with abuses in the distribution of the Internal Improvement Fund and the banks, he curiously had no such reservations about the distribution of the Seminary Fund, though he had opposed the bill authorizing such a distribution in the last session. He supported the bill to provide the fund to counties to fund their common schools via Senate Bill 15. The rest of the House was not nearly so enthusiastic, and the distribution of the Seminary Fund was even more contentious than that of the Internal Improvement Fund. Nearly every education measure, in fact, was hotly debated. In contrast to actions taken on reports from other committees, all but one of the reports from the House Education Committee were tabled for further consideration rather than being acted on immediately. A Senate bill submitted to the House took precedence.⁶⁴

⁶² Ibid, 263, 274-275, 291, 307, 327, 330, 392-395.

⁶³ Ibid, 397-398, 401; Arkansas General Assembly, *Acts Passed at the Seventh Session of the General Assembly of Arkansas, Which was Begun and Held at the Capitol, in the City of Little Rock, on Monday, the Sixth Day of November, One Thousand Eight Hundred and Forty-eight, and Ended on Wednesday, the Tenth Day of January, One Thousand Eight Hundred and Forty-nine* (Little Rock, AR: Gazette Office, 1849), 71-73.

⁶⁴ Ibid, 228, 244-245, 289.

The Senate's education bill was no less controversial. Some felt that the Seminary Fund should remain in trust with the General Assembly and be used according to the original purpose of the donation—to establish a state collegiate-level institution. To be sure, Murphy still supported the establishment of a state college, and he specifically supported the petition of Mecklin's Ozark Institute to utilize state funds coming from the sale of the seventy-two sections of land that had been donated to the state for that purpose by Congress in 1827. Furthermore, he supported the incorporation of a special school for the blind, the proposed Clarksville Institute. The bill passed easily, likely because it was clear the institution did not expect extraordinary tax support. A memorial was introduced to request that Congress donate five sections of land to establish the institute, and it was quickly passed.⁶⁵

Murphy felt strongly that schools to educate children were necessary to the state's improvement. The current system was inadequate, with its numerous officers, complexities of organization, lack of population and funds, and lack of organization. Even the distribution to the counties of the 1846 textbooks purchased by the state was mostly unsuccessful in sparking the state's common schools.⁶⁶ Murphy hoped to revamp the system, as he had in the previous session, and he again introduced a bill to “establish a system of primary schools,” though the full text was not recorded in the legislative journal or reported on by the papers. He successfully moved it to its second reading and referred it to the Education Committee.⁶⁷

Meanwhile, Murphy was far from the only member concerned with the state's schools. The Education Committee had received—according to their report—over one-hundred resolutions, suggestions, and proposed bills, including Murphy's. The committee considered them all “after

⁶⁵ Ibid, 174, 226-227, 247, 251, 271, 325, 331-332.

⁶⁶ Weeks, *History of Public Education*, 31-36.

⁶⁷ House, *Journal Seventh Session*, 102.

much publicity and interchange of opinions,” constructed a new bill encompassing many of their suggestions, and recommended its passage with a “unanimity scarcely to be expected in so embarrassing circumstances.” The new bill, with the same name as Murphy’s original, again passed to a second reading.⁶⁸

The text of the Education Committee’s bill was not recorded in the Journal, but was reprinted in the *Arkansas Banner* after the close of the session. The bill was remarkable in several respects, but most particularly in commanding public funding via property tax and in the amount of power it handed to school officers. Each township in each county, when it desired a school, could establish its own school district by applying to the county court, who would then help organize an election for a board of trustees for the district, who would then establish and administer the district’s schools. The districts’ officers seemed to be free of the control of the common school commissioners, the state commissioner, and the State Board of Education, as there was no provision defining their relationship. Rather, the trustees, as the district’s officers, were invested with remarkable autonomy within their district and given extraordinary power to call compulsory meetings of their district’s electorate, who could face a fine of five dollars for not helping to spread notice of meetings or for not attending them. Under existing arrangements, no tax money went to public education. The bill, however, provided that the schools were to be funded by a special property tax levied on the residents of the district “on the same principles as county assessments are made,” and the schools could force the sale of a resident’s property to meet the amount of their tax if they refused to pay it. It also awarded schools “all fines, escheats, and forfeitures collected in each county, to go to the

⁶⁸ Ibid, 228, 278.

common school fund of each county” and called for all river merchants and peddlers to pay a fee of ten dollars for a license, with the proceeds going to the schools as well.⁶⁹

The bill also made provision for the sixteenth section donations, the Saline Lands, and for the Seminary Lands. The proceeds of each sixteenth section were to be constituted as a school fund for each district, and the saline lands were to become an interest-bearing fund for the state’s schools, to be distributed equally among the counties, who would then distribute it equally to each district in their county. The Seminary Lands were to be similarly administered for the schools’ use until 1858, when they would be transferred to a fund for building and endowing a college. Finally, if funding for a district was still not sufficient, it authorized the trustees the extraordinary power to levy a fee for the parents of schoolchildren not to exceed five dollars a year.⁷⁰

Revealing how out of step Murphy’s attitudes toward education were, when the bill was taken up, an amendment was introduced that entirely replaced the text of the bill after the enacting clause. The amendment differed greatly, but most particularly in that it did not call for an equal distribution of funds, but rather one based on the population by county of free white children aged three to twenty. It also strictly held the organization of schools to remain under the structure of school commissioners. Finally, it did not allow for any kind of tax to help support the school. The Journal and papers were silent on what debate, if any, took place about the bill or its amendment, and no large complaint was raised by the papers, save the *Banner*’s statement that it hoped that a future legislature would consider and enact it. Murphy’s hope for a broader and more inclusive system of education was dashed when the amended bill died on the floor with the original.⁷¹

⁶⁹ “A BILL to be entitled ‘an Act to establish a system of Primary Schools,” *Arkansas Banner*, January 16, 1849, NA.

⁷⁰ Ibid.

⁷¹ Ibid; House, *Journal Seventh Session*, 312-316.

As suggested by the bill's failure and the absence of a tax being allowed in its proposed amendment, much of the resistance to public education bills came from a belief that funding the schools should not place an additional burden on the state or the taxpayer, and from a general lack of interest in the state, many of whose citizens likely did not see the value of education.⁷² As noted by Drew during his opening address to the legislature, attempts had been made to circumvent the extra cost before by memorializing Congress that the state be allowed to utilize the Seminary Fund as an alternate source of revenue, but always unsuccessfully.⁷³ Resistance to public funding even extended to smaller-scale issues. Murphy sponsored a petition from Sophia Sawyer, the principal and founder of Fayetteville Female Seminary, requesting state aid for the purchase of a school bell. Sawyer was a life-long educator of the New England school and believed in strict discipline and the capability of all to learn, including females, Cherokees, and even enslaved persons.⁷⁴ Murphy successfully had the petition referred to a select committee under his chairmanship, which authored a bill to provide the bell. Anticipating a great deal of resistance to the use of public funds for the benefit of a school, he crafted a long defense of the bill with the report. His defense was doubly necessary because the school, which had begun as a mixed school, later taught females exclusively, including Cherokees. The defense invoked article seven, section one of the state constitution regarding education: it was necessary to ensure "a free and self-governing people" by encouraging education and thus, also necessary to "protect and foster those institutions, designed to fit and prepare our youth." The thorough education of young women, he argued, ensured this doubly by empowering the "mothers of a nation of freemen" to begin instilling such principles from the cradle

⁷² Whyne et al., *Arkansas*, 142; S. Charles Bolton, *Arkansas, 1800-1860: Remote and Restless* (Fayetteville, AR: University of Arkansas Press, 1998), 175-176.

⁷³ House, *Journal Seventh Session*, 14.

⁷⁴ For more information on Sophia Sawyer and her philosophy of education see: Teri L. Castelov, "Miss Sophia Sawyer: Founder of the Fayetteville Female Seminary," *Arkansas Historical Quarterly* 68, no. 2 (Summer 2009): 176-200, accessed January 12, 2018, <http://www.jstor.org/stable/40543182>.

through to manhood. The petition and Murphy's bill proposed to repay the state for the bell's cost "in the noblest coin, charity to the poor," by the housing, boarding, and educating of "some friendless and moneyless orphan." The defense closed by also appealing to his peers' Christian ethics, paraphrasing Proverbs 19:17, "he that giveth to the poor lendeth to the Lord, and shall be paid."⁷⁵

Murphy's sentiments, stated in the proposal and defense of the bill, were reflections of his own sincerely held beliefs. He was meticulous in seeing to the education of his own daughters, and they may have even attended the seminary he sought to support with the bill. In later years, his oldest daughter, Malilla, echoed the same sentiments, expressing her desire that her grandsons "should stand at the helm of the nation," which would be ensured by giving them "a fine homegrown training in the principles of government," as well as "Arithmetic and Politics." She also went on to warn against politicians that seek to "enslave all the poor" by steadfastly opposing "free schools, so as to keep the poor in ignorance," and thus out of political power and under their control.⁷⁶

At first, it seemed as though the bill might pass with an amendment that specified that the money for the bell would come specifically out of education funds allocated to Washington County. However, the general belief that a woman's role was in the home, and not in the classroom, seemed to undermine the bill. An amendment was introduced that replaced the bell with a horn, and a second followed that replaced the bell with a husband. Having been made a joke, the bill and the amendments were tabled beyond the time of the session.⁷⁷

Despite his defeats, Murphy still had hope for supporting education by distributing the Seminary Fund to counties. He opposed an amendment to Senate Bill 15 that would have prevented

⁷⁵ House, *Journal Seventh Session*, 232-233.

⁷⁶ To "Children"; from "Moma"; September 24, 1884, Box I, Section VI, Item 1, MBFC.

⁷⁷ House, *Journal Seventh Session*, 233.

the fund's distribution and retained it for the use of a college to be set up by the next general assembly. He opposed another amendment that would have effectively blocked its distribution and use in the short-term by allowing the fund to be loaned out by the treasurer to build it. Despite defeat of those measures, Murphy failed to defeat later amendments that opened the door to the abuse of the fund. One allowed county treasurers to draw two percent annually on the fund as an administration fee. The other allowed county treasurers to use the fund to hire attorneys to enforce collections on money due it. Both amendments passed over Murphy's objections. Still believing the bill to be necessary, especially with the defeat of his own primary schools bill, he continued to support the Senate's bill. He successfully introduced an amendment to the bill that appropriated \$250,000 to be paid immediately to the county treasurers to begin the process of setting up the schools. After numerous attempts to suppress the bill, it eventually passed with a surprising level of support: forty-four to eighteen.⁷⁸

In addition to education, Murphy also sought to amend a section of the state's execution law to provide more protections to families.⁷⁹ The goal was to prevent a married man's family from being made destitute by exempting items from seizure to answer a judgment, such as the tools of the man's trade and household implements necessary to answer the family's common wants.⁸⁰ Some in the House feared such a law would make it too easy to evade debts incurred through commerce or contract. Several amendments were made to address their concerns, such as exempting existing contracts from the provisions of the bill and making it effective beginning June 1, 1849, instead of immediately after its passage. The critics still felt that the legislation went too far in its provisions and would lead to unconscionable losses to creditors. The bill was voted down at final passage:

⁷⁸ Ibid, 331, 354, 356-357.

⁷⁹ Ibid, 113.

⁸⁰ English, *Digest after 1846*, 497.

thirty-one to thirty-four.⁸¹

Murphy did not claim much success in work done with the Penitentiary Committee, either. The committee's main report for the session was about the continued rebuilding, operation, and improvement of the prison. Its reconstruction was contracted with the current keeper, for a seventh of its original construction cost. While rebuilding was accomplished with the limited appropriation, the grounds were still in need of a surrounding wall, workshops, and warden's quarters. The Penitentiary Committee, meeting jointly with that of the Senate, inspected the grounds and strongly recommended the improvements, stating they were necessary for the "safe-keeping of the convicts and the promotion of their health." The committee considered the matter so important that they looked "upon a refusal of the Legislature to make these improvements as an abandonment of the penitentiary system" that would necessitate a "return to the barbarous laws heretofore in force," which had been "discarded by nearly every State in the Union." In closing, they submitted a construction plan and bill and recommended that the current keeper's bid to execute the plan be accepted.⁸²

The bill became House Bill 174 and was met with immediate opposition. Many felt the penitentiary's construction projects and maintenance represented too great an expenditure. An amendment was adopted that limited the state's per year expenditures to \$6,000.⁸³ On the call for its final passage, the bill failed by a vote of nineteen to thirty-two. While Murphy was also concerned with the cost of the bill, he appeared to be friendlier to the Penitentiary than in the earlier session, likely because he preferred the penitentiary system to the potential alternative of returning to a system of corporal punishment, and voted to support it at every opportunity. He further

⁸¹ Ibid, 299, 303-304.

⁸² Ibid, 12-13, 338.

⁸³ Ibid, 376-378, 382-383.

demonstrated his continued support for the institution when Senate Bill 131 “in relation to the Penitentiary House of this State” was taken up. He successfully amended the bill by lowering the appropriation for carrying the act into effect from \$10,000 to \$5,000. The more modest bill met with much less opposition, and it quickly passed by a vote of thirty-five to sixteen.⁸⁴

Where Murphy found success during the seventh session was in smaller, less revolutionary bills. He successfully sponsored a probate bill regarding a single case, and somewhat remarkably, as he had not displayed any other interest in the temperance cause, the incorporation of a temperance society, though the last was amended by the Senate and was never considered again by the House. He also nominated his friend, neighbor, and Whig, David Walker, to replace William B. Conway on the state Supreme Court, helping to secure him the seat in a close race against E. H. English and others over the course of seven ballots. As Murphy demonstrated in his work against the Dynasty and for education, he was far more interested in acting upon his beliefs than in toeing a party line. Even so, Murphy was occasionally successful, even when operating from the minority, when the action he sought was relatively simple or near-reaching.⁸⁵

He had similar success in supporting an amendment to the state constitution. The previous General Assembly had passed seven proposed constitutional amendments, the last of which removed the prohibition against any county’s reduction to an area below nine hundred square miles, and against Washington County being reduced below six hundred square miles. Murphy, with all but one of Washington County’s representatives, and thirty-six others, voted to reject the amendment early in the next session. Two days later, Murphy introduced a joint resolution that was nearly identical to the rejected amendment, removing only the provision that Washington County could

⁸⁴ Ibid, 404-405, 411, 445-447.

⁸⁵ Ibid, 100, 134-135, 274-275, 304.

not be reduced to below six hundred square miles. The resolution won nearly unanimous support.⁸⁶

Murphy was largely dissatisfied with his performance as a legislator. After the session's final adjournment on January 10, 1849, he returned home frustrated, exhausted, and financially drained by his canvasses for office and his service in the sessions. His stay in Little Rock was valuable time spent away from his legal practice and his farm. The per diem he received from the state for his service was not enough to make him whole, and his old land speculation and mortgage debts still weighed on him heavily. Though his elections to office imply success professionally and in the community, he still found himself over-extended. Even had he been home, it is doubtful that he would have been able to meet his obligations. His daughters frequently and proudly referred to him as the best-read lawyer in the state, and, given his personal appetite for learning, it may well have been true.⁸⁷ But, his substantial study did not necessarily translate into financial success. Despite being friends and associates with several successful lawyers, judges, and politicians—such as Senator Ashley or Senator Borland, whom he had supported—Murphy himself was never tapped for any judgeship, prosecutor post, or other such position, indicating a lack of support from these friends, whatever his legal acumen. His opposition to the Family, which still controlled the state's patronage, was likely a significant factor in keeping him out of such positions as well. The previous infusion of cash came from surveying, but he either did not seek to return to that occupation or was denied the chance due to his poorer performance or lack of connections during his last contract. In the absence of some other means of income, financial ruin seemed all but certain for Murphy and his family.

⁸⁶ Ibid, 28, 41, 47, 155, 194.

⁸⁷ Thorpe, "Gentleman Governor," Box I, Section VIII, Item 5, MBFC.

Chapter 4: Gold Rush, Resignation, 1849-1854

Throughout the latter half of 1848, rumors were spreading throughout the eastern and southern U.S. about the discovery of gold in California. The first official reports to reach Arkansas appeared in the *Arkansas State Democrat* on December 8, 1848. President James K. Polk's state of the union message, reprinted in the *Weekly Arkansas Gazette* of December 21, 1848, officially confirmed the news. Purser Buchanan's letter in the *Arkansas Intelligencer* on February 10, 1849, confirmed that the gold there was seemingly inexhaustible. California quickly began attracting emigrants from across the nation and abroad. Murphy likely heard the news while the legislature was still in session. He grabbed at the chance to rescue his family and reputation from the loss of everything he had struggled to build up to that point.

His enthusiasm was understandable. If only "half of what is said" were believed, said one correspondent, California's gold mines could be favorably compared with legends like "Sinbad the sailor or Aladdin's lamp." Many individuals had collected from "three hundred to eight hundred dollars" worth of gold in a day, and were consistently gathering at a rate of "seventy-five to one hundred fifty dollars" a day. Though that level of success was not general, the "main portion" were commonly collecting "thirty or forty dollars" a day.¹ Most mining operations were not in sunk mines but conducted with baskets, tin pans, and water troughs, or in the 'dry excavations' where one only needed a "strong butcher's knife" to extract the gold from the rocks. Such equipment could be easily packed and brought to California, requiring little expense and allowing for independent operations.

After the close of the session on January 10, 1849, Murphy returned to much excitement in northwest Arkansas. By February 13, a company of "vigorous, enterprising and substantial citizens of

¹ "The Gold Mines of California," *Weekly Arkansas Gazette* (Little Rock, AR), December 28, 1848, accessed June 2, 2016, Genealogy Bank, [hereinafter cited as GB].

Washington” and nearby counties began advertising its formation and intention of leaving Fayetteville for California on April 1, and Murphy began making preparations to go with them.²

Albert Bishop later suggested Murphy made the trip to California purely for his health. With the damage it had received in Tennessee, “a change of climate with relief from all harassing mental labor was thought to be the best prescription.”³ It was only a happy coincidence that news of gold caused the formation of the westward-bound company composed of a “number of his acquaintances” that allowed him the opportunity to travel with them. However, his health was only part of it. The extensive debt he had been laboring under due to his land speculations, investment in the failed Far West Seminary, and the two subsequent mortgages on his farm and nearly all his personal property were the primary impetus for going. Malilla later recalled, “ill health and embarrassed financial affairs induced him to cross the plains to the Golden Land.”⁴ The goldfields offered him fiscal salvation, and if the change of climate and relief from the stress his multiple vocations and responsibilities had placed upon him improved his health at the same time, so much the better.

The journey would be long, over unfamiliar prairies and mountains, and offered few opportunities to replenish supplies. Thus, careful planning and provisioning were critical. In the January 4, 1849, edition of the *Weekly Arkansas Gazette*, an article entitled “Information for California Emigrants” called on each emigrant to bring 150 pounds of flour and bacon, fifty to seventy-five pounds of crackers and dried peaches, fifty pounds of sugar, twenty-five pounds of

² “Fayetteville, Ark’s. Feb’y 13th...,” *Arkansas Intelligencer* (Van Buren, AR), February 17, 1849.

³ Albert Webb Bishop, *Loyalty on the Frontier, or, Sketches of Union Men of the South-West: With Incidents and Adventures in Rebellion on the Border* (St. Louis: R. P. Studley and Co., 1863), 19, accessed March 13, 2009, <https://books.google.com/books?id=meHAQAAMAAJ>.

⁴ Malilla Berry, “Historical Sketch,” Box I, Section VII, Item 6, Murphy/Berry Family Collection: 1845--1930, Arkansas History Commission and State Archives, Little Rock, AR. [hereinafter cited as MBFC].

coffee, a small quantity of rice, and a keg of lard, with salt, pepper, and “other such luxuries of light weight” as might be chosen. The author, Edwin Bryant, also listed “a rifle, two pistols, five pounds of powder, ten pounds of lead, a handsaw, augur, gimblet [sic], chisel, shaving knife, axe, hammer, hatchet, and a hunter’s knife.” A wagon as light as could be made that could still bear the burden of 2,500 pounds and three to four yokes of oxen or six mules to pull it were also necessities.⁵

The cost for outfitting himself in such a manner would have been difficult for Murphy in his reduced state. To defray the cost, he may have bought into a wagon and the necessary supplies with four or five other men before leaving Fayetteville, as was a recommended practice for younger men who lacked the wherewithal to put everything together themselves.⁶ Prices for the necessary supplies were included in an Independence, Missouri, circular: a large wagon was one hundred dollars, oxen were forty dollars per yoke or mules were sixty dollars, the necessary harnesses were sixty dollars, the essential mining implements were twenty-five dollars, flour was two dollars per hundredweight, bacon was two dollars and fifty cents per hundredweight, coffee was eight cents per pound, and sugar was eight cents per pound.⁷ In all, this represented an expense from between \$316.50 to \$676.50, not counting the other requirements suggested, whose prices were not accounted for in the circular. While unadvertised, the account books of David C. Williams, who operated as a general merchant in Van Buren, Arkansas, in 1849, showed prices for most items to be comparable to those in Independence. In his shop, sugar was selling at four cents a pound, flour for two and three-quarter cents a pound, bacon for five cents per pound, and coffee for seven cents a pound.⁸

In addition to the cost of outfitting himself for the journey, and seeing, as well as he could,

⁵ “Information for California Emigrants,” *Weekly Arkansas Gazette* (Little Rock, AR), January 4, 1849, accessed June 2, 2016, GB.

⁶ “Circular: Fort Smith, Jan. 25, 1849,” *Arkansas State Democrat* (Little Rock, AR), February 9, 1849.

⁷ “Outfit for California Emigrants,” *Arkansas State Democrat* (Little Rock, AR), February 9, 1849.

⁸ Williams, David C., 1815-1884 Account Books, 1842-1869, Vol. 4, Page, 2, 4, Special Collections, University of Arkansas Libraries, Fayetteville, AR [hereinafter cited as SCUAF].

to his family's provisioning in his absence, Murphy also had to seriously consider the difficulty of the journey before him. At forty-nine years old, Murphy was among the oldest in the company that dared to make the approximately 2,300-mile trip, and his health that had been strained since his move to Arkansas in 1834 had worsened, though the exact nature of the complaint is unknown.⁹ The rigors and demands of the trip were great and a trial for younger and healthier men that could find their "ambition and courage fail" and wish they had never left under the strain. An article, "To California Men," signed "Ezel," cautioned the prospective gold seekers to "take warning before you engage in an enterprise beyond your age, and strength, and means." The journey required "good strong constitutions, able-bodied, inured to hardship, acquainted with fasting, capable of suffering fatigue," and the realization that "every man works for himself." "The march itself will take the marrow out of your bones," he warned, and advised those well employed and "old gray-headed men" that had "no business in these tramps" to remain at home. Murphy, then old enough to be counted among such gray-headed men, would have been no stranger to many of the described challenges from his time as a surveyor, such as cooking and sleeping out of doors, and general camp life, but not others, such as gathering buffalo manure for fuel in the absence of wood on the plains, or traveling for weeks at a time where there was no settlement, cutting river crossings, and living under the fear of wolf or Indian attack.¹⁰

In addition, the promises of riches in California were quickly contradicted in the press. Ezel warned against what would be found once the "Golden Land" was reached. Conditions and wealth would not be as the reports and rumor had it. The laborer would not build his fortune, but "barely make his living" while the "speculators and arch knaves" selling their goods "get your earnings fairly

⁹ Malilla Berry, "Historical Sketch."

¹⁰ "To California Men," *Weekly Arkansas Gazette* (Little Rock, AR), February 15, 1849, accessed June 2, 2016, GB.

if they can, unfairly if ye will.”¹¹ Ezel’s warnings were echoed by a letter from gold-digger Ezekiel Barnes to his uncle that appeared in the *Weekly Arkansas Gazette* of January 4, 1849. The letter, dated August 17, 1848, warned that “every body quits work now and goes for gold,” but after working there for a month and gaining “as much gold as I thought would last me all my life,” it was soon spent due to the incredible price inflation that followed the miners. “There ain’t no prices now in all these diggings; the questions is, when you ask the price of any thing, how much gold have you got?” Barnes complained, “the more gold one digs the more gold he’s got to pay for what he wants, and he ain’t a bit better off in the end.”¹² Indeed, flour that was selling in Arkansas for two and three-quarters cents per pound had reportedly soared by well over 1,000% to between twenty-five and a half cents to thirty and three-fifths cents in California.¹³

Combined with the high prices, daily earnings reports could be significantly lower than some suggested. “Fortunes are not made in a single day—except in a very few accidental cases,” warned James Cutting, who had recently departed from San Francisco. The “*general average*” who mined for a year earned about eight dollars per day.¹⁴ Even with the “‘best luck’ and hard work,” a California miner had difficulty in earning his way home, clearing only “two dollars a day over his expenses.”¹⁵ Other reports admonished that even should miners manage to build up wealth in spite of inflation and varying earnings, they had to worry over their peers who were bound to be “vulgar, rough and uncouth rowdies” consumed by greed and “without law discipline or control—every one his own master—stealing here and lying there—inventing schemes to deprive the unsuspecting of their

¹¹ Ibid.

¹² “Something Good,” *Weekly Arkansas Gazette* (Little Rock, AR), January 4, 1849, accessed June 2, 2016, GB.

¹³ “California Gold,” *Cherokee Advocate* (Tahlequah, Cherokee Nation [OK]), January 8, 1849.

¹⁴ “Late and Interesting from California—More of the Gold Region,” *Weekly Arkansas Gazette* (Little Rock, AR), January 11, 1849, accessed June 2, 2016, GB.

¹⁵ “Encouragement to Gold Hunters,” *Weekly Arkansas Gazette* (Little Rock, AR), January 11, 1849, accessed June 2, 2016, GB.

prospects and leads.”¹⁶ Accounts of violence, robberies, and murders over gold also appeared in the January 25, 1849, edition of the *Weekly Arkansas Gazette*.

For Murphy, the embarrassment arising from his financial affairs and the lack of any other way to relieve himself of them was enough to send him on his way, whatever the risks and advice against going. Though undoubtedly reluctant to leave his family for an unknown period, his oldest daughter, Malilla, had turned sixteen and was old enough to try her hand at teaching to bring some income to the family. In addition, Angelina’s younger brother, Aaron Socrates Lockert, had recently been drawn to Fayetteville by Mecklin’s Ozark Institute and by January 1849 was teaching Latin and Greek at his school.¹⁷ Since he was staying with the Murphys by the time of the 1850 census, he likely offset the hardship they would otherwise have endured in Murphy’s absence.¹⁸ (Murphy is listed on the 1850 census, but was still in California. Many Washington County wives and mothers listed the absent gold-seekers to the census enumerator.)¹⁹

Murphy tarried as the bulk of the Fayetteville Gold Mining Company departed on April 1, 1849, and did not set off to rendezvous with them and the other companies on the Grand Saline until April 18.²⁰ Many, like Murphy, found leaving family behind to be the hardest portion of the

¹⁶ “To California Men,” *Weekly Arkansas Gazette* (Little Rock, AR), February 15, 1849, accessed June 2, 2016, GB.

¹⁷ “Ozark Institute,” *Arkansas State Democrat* (Little Rock, AR), January 5, 1849, accessed April 12, 2016, Gale Nineteenth Century Newspapers [hereinafter cited as GNCN].

¹⁸ “United States Census, 1850,” database with images, *FamilySearch* (<https://familysearch.org/ark:/61903/1:1:M674-WJF>; accessed 18 February 2016), H S Lockart in household of Isaac Murphy, Prairie, Washington, Arkansas, United States; citing family 214, NARA microfilm publication M432 (Washington, D.C.: National Archives and Records Administration, n.d.); *Arkansas State Democrat* (Little Rock, AR), January 5, 1849, accessed April 12, 2016, GNCN.

¹⁹ Patricia K. A. Fletcher, Jack Earl Fletcher, and Lee Whiteley, *Cherokee Trail Diaries, Vol. I – 1849 A New Route to the California Gold Fields* (Sequim, Washington: Fletcher Family Foundation, 1999), 31.

²⁰ Samuel R. Wells, ed., “Isaac Murphy, Governor of Arkansas,” *American Phrenological Journal and Life Illustrated* 47, no. 6, whole number 354, in Samuel R. Wells, ed., *American Phrenological Journal and Life Illustrated: A Repository of Science, [...]*, Vol. 47 and 48 (New York: Samuel R. Wells, 1868), 218, accessed March 24, 2009, <https://books.google.com/books?id=cpw3AQAAAMAJ>; “For the Van Buren Intelligencer: Fayetteville, March 24, 1849,” *Arkansas Intelligencer* (Van Buren, AR), April 7, 1849.

journey. Lorenzo Stephens, who set out for California from Illinois and briefly crossed paths with Murphy along the way, recalled of his journey, “the hardest pull we had was the leave-taking. We were leaving behind home, all that was near and dear.”²¹ Murphy was an older man who had experience spending long periods away from his family during his time as a surveyor and in the General Assembly, but he had always had a general idea of how long he would be gone and was never more than a week’s travel away. The journey to the gold-fields was far longer, the time of his return far less certain, and his family’s well-being, burdened by his debt, was far less sure than it had been twelve years earlier.

Having allowed himself an undemanding pace of twenty miles per day to reach the rendezvous by the appointed day of April 21, once there, Murphy participated in the process of organizing the 129 members, forty wagons, and 441 head of livestock, including oxen, cows, horses, and mules.²² Organized along military lines, the company elected a captain, Lewis Evans, two lieutenants, three sergeants, a secretary, and a commissary general. Further down the chain of command were the four wagon masters, who were responsible for their divisions of ten wagons each.²³ Most of the travelers spent the majority of their time within their “mess,” a group of four that performed camp tasks together—cooked, ate, posted guard, and drew their supplies from the same wagon. Murphy was not among those elected to be an officer. If he had not bought into a mess while still in Fayetteville, he was most likely assigned to a mess of other Fayettevillians or

²¹ Lorenzo Dow Stephens, *Life Sketches of a Jayhawker of '49: Actual Experiences of a Pioneer Told By Himself in His Own Way* (San Jose, California: Nolta Brothers, 1916), 7, accessed July 12, 2016, <https://archive.org/details/lifesketchesofja00ste>.

²² James Sawyer Crawford letter, Grand Prairie, April 29, 1849, Lockerd Family of Arkansas and Oklahoma, quoted in Fletcher, Fletcher, and Whiteley, *Cherokee Trail Diaries*, 30; John Ranking Pyeatt to Elizabeth Buchanan Pyeatt, April 28, 1849, Box 1, Folder 1, Item 3, John Ranking Pyeatt Letters, 1848-1850 and n.d., SCUAF.

²³ Calvin H. Holmes Accounts, Diary, Collection Number C058881, Society of California Pioneers, San Francisco, quoted in Fletcher, Fletcher, and Whiteley, *Cherokee Trail Diaries*, 27; “Grand Prairie, On the Cherokee ‘Perpetual Outlet,’ April 29th 1849,” *Cherokee Advocate* (Tahlequah, Cherokee Nation [OK]), May 7, 1849.

Washington Countians in James Sawyer Crawford's division, he being from Cane Hill. In general, the company tended to be clannish, with associates and peers most closely associating themselves with members from the same area.²⁴

The company organized in three days, and then set out on April 24, 1849, and was immediately hampered by difficulties that slowed their travel. Straying oxen, cutting riverbanks for crossing, and overturning wagons kept the pace below the expected twenty miles per day until April 30.²⁵ Oxen leaving camp at night and returning the way they came was a persistent problem for the company. At one point, half of them strayed in a single night. By May 27, sixty of them had been lost and only twenty-one of them recovered, and by June 4, the men looking for the remainder had given up.²⁶ The appearance of some of the escaped oxen near the original rendezvous camp on the Grand Saline sparked rumors that Indians had attacked the company.²⁷ Interpersonal difficulties were also quick to manifest in the company. Arguments over whether to travel on Sunday or to observe the Sabbath as a day of rest divided the camp.²⁸

The company forged its own trail from Arkansas, rather than following one of the established routes. Their route was expected to save three hundred miles, or at least half a month's travel.²⁹ They also found adequate grass for livestock foraging, and buffalo chips for campfire fuel, as they were the first to travel the route. They were at the "head of migration on the Santa Fe route"

²⁴ Fletcher, Fletcher, and Whiteley, *Cherokee Trail Diaries*, 27.

²⁵ *Ibid.*, 34-35, 39.

²⁶ "For the Cherokee Advocate: Grand Prairie May 27th, 1849," *Cherokee Advocate* (Tahlequah, Cherokee Nation [OK]), July 30, 1849.

²⁷ "We have had no particular information of a late date...," *Cherokee Advocate* (Tahlequah, Cherokee Nation [OK]), June 25, 1849.

²⁸ Fletcher, Fletcher, and Whiteley, *Cherokee Trail Diaries*, 37.

²⁹ "Information for California Emigrants," *Weekly Arkansas Gazette* (Little Rock, AR), January 4, 1849, accessed June 2, 2016, GB.

when they joined it at the Turkey Creek Junction on May 13, 1849.³⁰ The company did not report any instances of cholera or other major illness encountered by others who took the next closest route, the Santa Fe Trail out of Independence, Missouri.

Once on the Santa Fe Trail, travel became easier for the company, and they made their expected twenty miles per day. Notwithstanding, many in the company were continually frustrated by the pace. The group made the decision to leave the Santa Fe Trail at Bents Old Fort and instead headed for Pueblo, at the confluence of Fountain Creek and the Arkansas River in present-day Colorado, where they arrived on June 18. In the meantime, other interpersonal issues had arisen and a split in the company was inevitable.³¹

One group, who either had enough of the company and the rigors of the travel, could not face the daunting prospect of crossing the mountains, or longed too much for home, prepared themselves to forgo their chance for gold and return home. Another group of thirty members in the company were frustrated with the relatively slow rate of travel achievable with wagons as opposed to horse or mule back, and determined to press onward by pack mule.³² Some locals claimed that to continue across the Rocky Mountains with wagons was impossible, and urged them to sell or trade their wagons for pack mules with which to continue their journey. Whether this urging sprang from a sincere concern for the travelers, or merely an opportunity to “sell their mules at a very high price” and obtain the company’s “wagons and provisions, that they could not take for nothing” is unclear.³³ The company’s route was already uncertain. Captain Evans had originally planned to continue

³⁰ Fletcher, Fletcher, and Whiteley, *Cherokee Trail Diaries*, 40, 42-43, 47.

³¹ *Ibid.*, 69.

³² *Ibid.*, 76, 79.

³³ “A short extract, from a letter written by Mr. Daniel M. Gunter,” *Cherokee Advocate* (Tahlequah, Cherokee Nation [OK]), August 6, 1849.

following the Arkansas River to its headwaters but learned that the river's route through the mountains made doing so untenable, perhaps inspiring some to form their own bands.³⁴

Murphy was quick to join the twenty-nine others in abandoning their wagons and began making arrangements to forge ahead the remaining 1,200 miles on mule-back. The interpersonal conflicts in Murphy's mess were particularly bad and he, "Avard and Jim Irvin" had several fights and arguments during the journey to Pueblo, some that "came well nigh ending in blows," Hiram Davis of Fayetteville reported. Many in Pueblo had expressed concern for the "inexperienced immigrants," and Davis similarly warned that the thirty packers had "not one man of experience" among them. He considered many of them "good men," but worried that they "know nothing of packing, hunting, or the hardships of a mountain life." Specifically, Davis worried that their inexperience with packing their mules would ruin their animals' backs, "and break them down by over-packing and forced marches and be compelled to leave them without the possibility of getting others." If that happened, he implied, death seemed likely to follow "when left afoot in a mountainous, savage country" having to "depend on their guns entirely for something to eat."³⁵ Murphy must have been in particularly dire straits, as he was the only packer Davis mentioned by name, expressing particular concern. The prices that many of the packers were getting for their wagons and equipment were very low, and the price they paid in return for their new mules were conversely high, "one wagon selling as low as five dollars."³⁶ As Murphy had likely had difficulty in acquiring decent animals, equipment, and provisions in the first place, after concluding his trading he was likely doubly a loser. "Poor Murphy I fear for him," Davis wrote, "his ponys are trifling and

³⁴ John Ranking Pyeatt to Elizabeth Buchanan Pyeatt, June 20, 1849, Box 1, Folder 1, Item 4, John Ranking Pyeatt Letters, 1848-1850 and n.d., SCUAF.

³⁵ Hiram Davis to Elizabeth H. P. Davis, June 22, 1849, ed. W. J. Lemke, *Flashback* May 1959, V. 9, N.2, (Fayetteville, AR: Washington County Historical Association, 1959), 4-5.

³⁶ "letter written by Mr. Daniel M. Gunter."

poor” and, though Davis attempted to dissuade Murphy from his course to instead continue with the wagons, “no persuasion could prevent him from going.”³⁷

The packers were not planning to set off blindly, and they hired mountaineer Dick Owens to take them through at the rate of “seven dollars per day.” Though expensive, Owens expected to have the packers to the gold fields by late August, a full two months before those traveling by wagon.³⁸ While they anticipated making good time, the group’s inexperience with packing slowed them somewhat. Murphy, from his survey experience, may have felt particularly able, but the peculiarities of travel in the Rockies must have proved daunting. Owens’s route led them north along the Platte River, through present-day Denver and Fort St. Vrain at the confluence of St. Vrain Creek and the South Platte River. Thence, their trail turned northwest by west for the abandoned Fort Davy Crockett, Brown’s Hole valley along the Green River, and onward to Fort Bridger, where their route joined the Mormon Trail, which they followed southwest to Salt Lake.³⁹

The party’s journey thus far had been eventful, with beautiful scenery and ready access to water along their route. They fought through snow still present in July, and one of their river crossings proved tragic. There was no shallow ford of the Green River northwest of Brown’s Hole, which necessitated swimming their animals across. One party member, James Garvin, who had become ill on their journey, could not cross with his mules and had to cross in a raft along with the supplies of several company members. The raft was upset and Garvin was lost to the river, along with several men’s supplies, including saddles, bridles, guns, and from \$300 to \$500 cash.⁴⁰

³⁷ Hiram Davis Letter, June 22, 1849, *Flashback*, 4-5.

³⁸ “letter written by Mr. Daniel M. Gunter.”

³⁹ Fletcher, Fletcher, and Whiteley, *Cherokee Trail Diaries*, 89-90, 94, 96.

⁴⁰ “We are permitted through the kindness of Mrs. Lipe...,” *Cherokee Advocate* (Tahlequah, Cherokee Nation [OK]), January 21, 1850; John Ranking Pyeatt to Elizabeth Buchanan Pyeatt, August 12, 1849, Box 1, Folder 1, Item 5, John Ranking Pyeatt Letters, 1848-1850 and n.d., SCUAF.

Another perilous, though ultimately harmless event, transpired during the party's approach to Ft. Bridger. The party approached the fort via the southeast as opposed to the usual northeast approach used by those on the Oregon, California, and Mormon Trails. Their unusual approach and the presence of several Cherokees in the party caused those in the fort to mistake them for a marauding band of Indians. The fort flew into action, barring the doors and readying their rifles but met only the bemused, weary packing company.⁴¹

Tired and saddle-sore from a month or so in traveling the approximately 650 miles from Pueblo, the packers' gamble for time had paid off. They arrived at Ft. Bridger about twenty days ahead of the wagon-goers and gained another two days on the way to Salt Lake.⁴² Their arrival there on July 24 coincided with a Mormon celebration of their entry into the valley two years before, and the festivities and food were a welcome respite from the road. A diminished variety of trail fare had been the price of choosing their mules over wagons, and they enjoyed an opportunity to replenish their supplies, though at a higher cost than they had anticipated due to gold strike inflation. Flour and bacon were selling for fifteen cents a pound, and even at that high price, could be difficult to procure given all the emigrants moving through.⁴³ Refreshed, but a bit poorer than expected, the packers still had an estimated 800 miles to travel to the goldfields.

From Salt Lake, the company turned north, taking the Hensley Salt Lake Cutoff to the California Trail. No account of a company member of their trip appears to be extant, but they were described by others they met on their way. They were seen on August 1 at Thousand Springs Valley and again on August 9, "near the Little Humboldt River Meadows on the Humboldt River, 66 miles

⁴¹ Stephens, *Life Sketches*, 9; Fletcher, Fletcher, and Whiteley, *Cherokee Trail Diaries*, 94.

⁴² John Ranking Pyeatt to Elizabeth Buchanan Pyeatt, August 12, 1849.

⁴³ "The following is an extract from a letter of Geo. W. Keys..." *Cherokee Advocate* (Tahlequah, Cherokee Nation [OK]), November 12, 1849.

east of the Lassen Cutoff.” Thence, no definite information regarding their movements survives. Patricia K. A. and Jack Earl Fletcher, in their extensive study of the Cherokee Trail, posited that as the group’s guide, Owens, had also traveled with Fremont in 1843 and 1845-46, it was most probable he followed the same route from “the present Applegate Trail—to Rabbithole Springs, then to Mud and Pyramid lakes,” and finally west into the gold fields.⁴⁴

Accounts of Murphy’s experience and time in California are sparse, generally nonspecific, and sometimes contradictory. In one interview given later in life, he reported that he arrived there in August, but Malilla recalled that he arrived there on September 2.⁴⁵ In a May 8, 1850, letter to his wife, Davis mentioned hearing that Murphy was “on the Yuba [River] in a town called Vernon selling whiskey! for a living.”⁴⁶ Vernon may have been either a misspelling of Verona, a small town at the confluence of the Sacramento and Feather Rivers, just south of the Yuba River’s confluence near present-day Joe’s Landing, or Mt. Vernon, which was about eight miles west of Yuba City. The two were less than forty miles apart. The next mention of Murphy was in the Spring of 1851. Murphy also, on at least one occasion, continued his role as an educator and taught James M. Dunaway, from Madison County, Arkansas, to read, write, and figure.⁴⁷ Unfortunately, Murphy cannot be positively identified in California’s 1852 census. There was an “I. Murphy” in Yuba County, but no other identifying information was provided on the line.⁴⁸

⁴⁴ Fletcher, Fletcher, and Whiteley, *Cherokee Trail Diaries*, 135, 173.

⁴⁵ Bishop, *Loyalty on the Frontier*, 19; To "Children"; from "Moma"; September 24, 1884, Box I, Section VI, Item 1, Murphy/Berry Family Collection: 1845-1930, Arkansas History Commission and State Archives, Little Rock, AR. [hereinafter cited as MBFC].

⁴⁶ Hiram Davis Letter to E. H. P. Davis, May 8, 1850, *Flashback* May 1959, V. 9, N.2, (Fayetteville, AR: Washington County Historical Association, 1959), 7.

⁴⁷ Van Elizabeth Miller Smith, *Arkansas Pioneer Fold of an Arkansas Son* (Miami, TX: self-pub., [196?]), 18-19.

⁴⁸ 1852 California State Census, Yuba County, California, population schedule, p. 75, I.[?] Murphy; digital image 75, Ancestry.com, accessed December 28, 2017, https://www.ancestry.com/interactive/1767/32300_224257-00510?

These accounts seem to indicate that Murphy, for all the rigors of the travel, did not immediately engage in the hunt for gold, but worked as he could for a living while his health improved. Murphy's daughter, Malilla, spoke of religion, instead of whiskey or gold as high among Murphy's priorities. She later recalled that in September 1849, Murphy and his family converted to Methodism. That his family converted with him indicates that Murphy managed to maintain contact with them while away. Sadly, his arrival in California was met with the news that on August 14 and 15, while he was still traveling, his two male children passed away from causes that were not recorded.⁴⁹ Murphy's daughter, Angelina Lockhart, called Lock or Lockhart by the family, recalled that one boy was six, and both must have been under ten years old, as no male children were listed for Murphy's household in the 1840 census.⁵⁰ Murphy's favorite preacher, John Buchanan of Cane Hill, performed their services, but if their graves were marked with a formal stone it has since been destroyed or lost.⁵¹

Despite this sad news, Murphy still had his living to make. Inflation ran rampant, and work of some sort was necessary. John Bowen of Madison County, Arkansas, remarked on the high price of provisions, such as pork selling for twenty-eight cents a pound, flour and potatoes for twenty cents per pound, coffee for fifty for cents per pound, and onions between eighty-five and ninety cents per pound.⁵²

⁴⁹ To "Children"; from "Moma"; September 24, 1884.

⁵⁰ Angeline Thorpe to 'Dear Brother,' Box VII, Section XXII, Item 3, MBFC; 1840 U.S. Census, Washington County, Arkansas, population schedule, Prairie Township, p. 282 (stamped), Isaac Murphy; digital image 17, FamilySearch, accessed February 19, 2016, <https://familysearch.org/ark:/61903/1:1:XHBX-216>.

⁵¹ To "Children"; from "Moma"; September 24, 1884.

⁵² John W. Bowen to Samuel and Margaret Haney, October 20, 1850, Box 1 Folder 1, Item 3, MC 860 Haney Family Papers, Correspondence and papers, 1845-1980s, SCUAF.

After Murphy's health recovered, the "prevailing infection" of gold fever "seized him, and he was soon among the miners as one of them."⁵³ Like Bowen, Murphy likely earned enough to provide for the necessary tools and provisions that he had not managed to retain on his journey. He managed to "accumulate some property" by one account and "valuable property" by another.⁵⁴ Murphy's future son-in-law later recalled in his memoirs that this property was an investment he made with "others in a quartz mining company in a quartz mill at Grass Valley, California." Berry stated that Murphy then retired from California, leaving his interest in the company in the care of "a man named Peterson of Philadelphia, a member of the company." Though Murphy never "derived any benefit from his investment" according to Berry, "a number of years afterward he received a letter that his interest in said mines was worth a quarter of a million of dollars." However, in the interim, a U. S. senator had come to own the property, and though Murphy wrote to him regarding his interest in it, the senator "failed to answer the communication."⁵⁵ Other accounts based on interviews with Murphy state that he lost his interest in the property as the result of "misfortune" or because the property became embroiled in a "bootless litigation," which resulted in Murphy never realizing any benefit from his journey.⁵⁶

Whether beaten by misfortune or litigation, Murphy "saved no money, in spite of the fact that he made and lost continually."⁵⁷ After eventually earning enough to outfit himself, he set out to return to his family in Fayetteville. He most likely returned via an overland route and departed sometime in April or May of 1853. His journey to the goldfields had taken approximately four-and-a-half-months, and his return home would have taken about the same time. According to Malilla

⁵³ Bishop, *Loyalty on the Frontier*, 19.

⁵⁴ Wells, "Isaac Murphy," *American Phrenological Journal*, 218; Malilla Berry, "Historical Sketch."

⁵⁵ Berry, "Isaac Murphy Family History," Box I, Section VII, Item 8, MBFC.

⁵⁶ Wells, "Isaac Murphy," *American Phrenological Journal*, 218; Bishop, *Loyalty on the Frontier*, 19.

⁵⁷ Thorpe, "Gentleman Governor," Box I, Section VIII, Item 5, MBFC.

and Lockhart, Murphy left California with a few hundred dollars, which he spent on his way home in helping two sick men that were “far richer than himself to get safely home.”⁵⁸ In return, they “assured him that if he would but write to them he would share in their own good fortune.”⁵⁹ He arrived again in Fayetteville sometime during September of 1853 and spent a year getting his affairs back in order as best he could.⁶⁰ In his absence, the family had not been able to bring in enough to meet Murphy’s debts. Despite the aid of a laborer, Lockert, and the small incomes Malilla and Mary Romea were able to earn in teaching at small country schools, the Andersons, to whom Murphy had mortgaged his farm, foreclosed the mortgage and purchased the property at the ensuing sale.⁶¹ His family and his brother-in-law Lockert may have then moved onto the remaining town lot properties, which they managed to retain, or boarded until Murphy’s return. Lockert remained in Fayetteville teaching through at least July 1853, and it is unlikely that he would have abandoned his sister to weather her trials on her own.⁶²

⁵⁸ Ibid; Malilla Berry, "Historical Sketch."

⁵⁹ Thorpe, "Gentleman Governor."

⁶⁰ Malilla Berry, "Historical Sketch."

⁶¹ John I. Smith, *The Courage of a Southern Unionist: A Biography of Isaac Murphy, Governor of Arkansas, 1864-68* (Little Rock: Rose Publishing Co., 1979), 12; Berry, "Isaac Murphy and James Berry," Box VII, Section XXIII, Item 8, MBFC.

⁶² "Ozark Institute, Washington County, Arks.," *Arkansas Whig* (Little Rock, AR), September 16, 1852, accessed April 16, 2016, GB.

Chapter 5: A Modest Return to Politics: A Term in the Arkansas Senate, 1854-1857

Embarrassed in his financial affairs, Murphy sought to begin anew. On September 1, 1854, Murphy and his family quietly departed Fayetteville for Huntsville in neighboring Madison County, arriving there “by the light of the new moon.”¹ In addition to a changed locale, Murphy himself had changed. Now fifty-four years old, after his return, he seemed committed to living a simpler existence, according to Lockhart. Having continually had financial trouble—from the initial loss of his inheritance and being forced from his newspaper and fleeing to Tennessee, through his ill-timed real estate speculations and investment in the failed Far West Seminary, and finally to his poor luck in California—Murphy now “hated money,” nearly to the point of “obsession,” and determined that it was “a curse rather than a blessing to the possessor.” He afterward determined to stop chasing after wealth and status. As a result, he chose not to write the two men he helped to return home from California who promised to repay him for his generosity.² He also did not seek to resume active participation in politics, though his interest in the state and the law kept him well-informed of goings-on in the nation and his state.

Murphy’s choice of Huntsville was most likely prompted by the news that the local Freemason’s lodge, Odeon Lodge #44, planned to open a college to be called the Huntsville Masonic Institute. They had most likely been inspired by the state’s ruling body of Freemasons that had begun plans to establish St. Johns’s College in Little Rock. Odeon Lodge built a two-story building to serve a dual purpose as a collegiate institute of their own and a lodge hall for their meetings.³ The General Assembly formally granted the lodge a charter and incorporated the school to take effect

¹ To “Children”; from “Moma”; September 24, 1884, Box I, Section VI, Item 1, MBFC.

² Thorpe, “Gentleman Governor,” Box I, Section VIII, Item 5, MBFC; Berry, “Isaac Murphy Family History,” Box I, Section VII, Item 8, MBFC.

³ Kevin L. Hatfield, *A Chronological History of Huntsville, Arkansas: In Celebration of the 175th Anniversary of the Founding of the City* (Huntsville, AR: Madison County Genealogical and Historical Society, 2013), 55.

after December 20, 1854. At the same session, the General Assembly also granted a charter and incorporation for the Pleasant View Female Academy, also in Huntsville, that took effect January 8, 1855.⁴

The two new schools represented a much-needed source of employment for Murphy and his daughters. The oldest, Malilla, was then twenty-one and the next oldest, Roma, was nineteen. None of his daughters were yet married, and teaching was a socially accepted way for them to help Murphy provide for the family. They had taken up the profession during their father's sojourn in California, and their experience recommended them for the positions. Murphy's willingness to accept employment at a Masonic school also represents a stark departure from his early anti-Masonry stance. Time and his strained circumstances soothed the old wounds, and Murphy was soon serving as principal of the institute, with his two oldest assisting him. Later, Malilla became the head of the Academy. In addition, Murphy reopened his legal practice and also began working in the Land Office in Huntsville.⁵

The first of his daughters was married shortly thereafter to Huntsville local James Russell Berry on November 18, 1855, at Murphy's home, and she may have left employment at the school as a result. Originally from Alabama, Berry and his family came to Arkansas after his father's business failed, and they began again in Arkansas. J. R., or Jim, as he was usually called, had been a teacher in Madison County and had run what he considered "a very popular school for those times." He also

⁴ Arkansas General Assembly, *Acts Passed at the Tenth Session of the General Assembly of the State of Arkansas: Which was Begun and Held in the Capitol, in the City of Little Rock, on Monday, the Sixth Day of November, One Thousand Eight Hundred and Fifty-Four, and Ended on Monday, the Twenty-second Day of January, One Thousand Eight Hundred and Fifty-five* (Little Rock, AR: Johnson & Yerkes, State Printers, 1855), 63-64, 108-109.

⁵ James R. Berry, "Isaac Murphy and James Berry," no date, Box VII, Section XXIII, Item 8, Murphy/Berry Family Collection: 1845-1930, Arkansas History Commission and State Archives, Little Rock, AR. [hereinafter cited as MBFC].

worked as a clerk in a relative's mercantile and served as the circuit court clerk for the county.⁶ His father, John Berry, had become an influential local politician and was a longtime member of the General Assembly, first as a member of the House, beginning in the seventh session in November 1848, while Murphy was serving his second term as a representative for Washington County. John Berry afterward served as a senator representing Madison and Benton counties.⁷ Jim would later serve as enrolling clerk and assistant clerk for the House. Malilla's marriage to Berry produced its first child, a boy named Tommie, on September 12, 1856. Sadly, the child lived only a single day.⁸

The Berry family's grief was shortly afterward compounded. State senator John Berry, while engaged in work on the family's farm, was bitten by a poisonous bug and died from complications of erysipelas brought on by the bite on September 18, 1856.⁹ Berry's death created a minor crisis locally. He had won re-election to the Senate for the 1856 eleventh session that was scheduled to convene on November 3. Both Madison and Benton Counties would be without representation in the General Assembly unless a special election was held and a new senator elected. Due to his prior experience in the General Assembly and his close relationship with the Berry family, the Berry family prevailed upon Murphy to run to fill the vacancy. Though he had been determined to lead a simpler and quieter life after his return from California, Murphy acquiesced. He won the subsequent special election and was admitted to the Senate, two days after its opening, on November 5, 1856.¹⁰

⁶ Ibid.

⁷ Charlie Daniels, *Historical Report of the Secretary of State, 2008* (Fayetteville, AR: Arkansas Secretary of State's Office and The University of Arkansas Press, 2008), 118-121.

⁸ Berry, "Isaac Murphy Family History."

⁹ Berry, "Facts and Reminiscences," Box VII, Section XXIII, Item 7, MBFC.

¹⁰ Senate of the General Assembly of Arkansas, *Journal of the Senate, for the Eleventh Session of the General Assembly of the State of Arkansas, Which was Begun and Held in the Capitol, in the City of Little Rock, on Monday the Third Day of November, One Thousand Eight Hundred and Fifty-six, and Ended on Thursday the Fifteenth Day of January, One Thousand Eight Hundred and Fifty Seven* (Little Rock, AR: Johnson & Yerkes, State Printers, 1857), 8-9.

Murphy arrived in Little Rock with an agenda encompassing broad and fine points of Arkansas law, and with a mind to conduct an investigation. Having rejuvenated his legal career and having worked in the Land Office in Huntsville, he pursued what he saw to be improvements in the law and corrections of abuses. He was appointed to sit on four standing committees: Enrolled Bills, Auditor's and Treasurer's Books, Public Buildings, and Agriculture. The Committee on Enrolled Bills demanded a considerable amount of time. It was the members' duty to examine every passed bill to ensure that they had been correctly copied from the originals and to transmit copies of the same to the house, or to the governor for their action. Likewise, the Committee on the Auditor's and Treasurer's Books were required to examine all of the state's accounting since the last General Assembly and report on them, a long and exacting process. The Agriculture Committee never had a bill referred to them, and the Public Buildings Committee only one, so Murphy's workload from committees was considerably less than in the House years prior.¹¹

Within the first four days of the session, Murphy introduced three resolutions. One was a memorial resolution for John Berry, describing him as one of the state's "most useful citizens, and a faithful efficient Senator." It was unanimously adopted. Another requested that the Secretary of State provide each senator with copies of the acts of the General Assembly that had passed since the last digest of laws had been prepared after the 1846 session. It was immediately adopted.¹²

Murphy's first resolution, however, was far more extensive and controversial and revolved around the swamp land grant. In 1850, Congress made another large grant to the state of federal lands—specifically swamp and overflowed lands—with the expectation that the proceeds from its

¹¹ Ibid, 8-9, 138, 273-274, 364.

¹² Ibid, 33, 46.

sale would fund the construction of levees and drainage of wetlands to make the land productive.¹³ The state settled on a three-man Board of Swamp Land Commissioners to “determine the location, extent, and dimensions of the necessary levees and drains to reclaim these lands; districting and classifying the lands, and let the contracts for building the levees and drains.” Public confidence in the program quickly plummeted and continued to do so over the next six years as it passed from the executive stewardship of Governor Roane to Governor Elias N. Conway, who advocated for greater gubernatorial control of the lands and for diverting some of the proceeds of the sale of swamplands away from reclamation and toward funding railways. Doing so, many felt, would only be another way of wasting the swamplands funds to enrich the few, just as other land grants had been wasted before.¹⁴ By 1855, some had even come to think of the swamplands grant as a curse, as it had indeed enabled a select few to enrich themselves. Overall, “not a single dollar” went to the state’s treasury, but “many of its officers may reap an abundant harvest.”¹⁵ It had also been the case that a great deal of land that was not actually wetland was claimed by swampland agents and officers at cheap swampland prices. In addition, some levee work had been built too narrow, too short, and too close to the caving banks of the rivers, and others had been partially built with “logs, brush, wood, etc., which had been covered by throwing dirt upon the same for the purpose of concealment, and that levees so built, will sooner or later, settle so much from the decay of such brush, etc., that they will be too low to resist the high floods of water so unusual in the Mississippi River.”¹⁶

¹³ S. Charles Bolton, *Arkansas, 1800-1860: Remote and Restless* (Fayetteville, AR: University of Arkansas Press, 1998), 49-54, 16-17.

¹⁴ Robert W. Harrison and Walter M. Kollmorgen, “Land Reclamation in Arkansas under the Swamp Land Grant of 1850,” *Arkansas Historical Quarterly* 6, no. 4 (Winter, 1947): 374, 376, 378-379, 388-389, accessed January 6, 2018, <http://www.jstor.org/stable/40027472>.

¹⁵ “Arkansas Swamp Lands,” *Weekly Arkansas Gazette* (Little Rock, AR), April 6, 1855, accessed January 6, 2018, NA.

¹⁶ Report of Swamp Land Commissioners, September 24, 1856, *House Journal*, 1856, Vol. 14, Appendix, 77-79 quoted in Harrison and Kollmorgen, “Land Reclamation in Arkansas,” *AHQ* 6 No. 4 (Winter, 1947): 376, 391-392.

The accusations concerning the state’s management of the various lands that had been donated to it by Congress recalled the corruption, mismanagement, and abuses that had spelled disaster for the state banks. For example, within two years of the General Assembly’s 1848 decision to turn over the control of the Internal Improvement Fund to the counties, Murphy’s opposition to that plan was justified as his fears of the fund being squandered were realized. More broadly, the arrangement met with severe criticisms, including from the governor, that the fund would be all but depleted by the administrative fees of over 400 officers who helped to administer the fund with little benefit to the state.¹⁷ In an effort to prevent the swamplands from similarly spiraling out of control, Murphy introduced a resolution, later identified as Senate Joint Resolution No. 2, that proposed to suspend the sale of all state lands and close the state land offices so that a sweeping General Assembly investigation could begin into the “landed interests” of the state. The investigation was to ascertain the number of unsold acres of swamp and overflowed lands, saline lands, seminary lands, internal improvement lands, and lands forfeited for non-payment of taxes, together with their respective values. A proposed joint committee was empowered to subpoena persons and papers and charged with making a report at the current session. After a detour through the Judiciary Committee, which delay Murphy opposed, the resolution was reported on favorably. However, the report also came with the recommendation that its first part—closing the land offices and suspending land sales—be removed before its passage. The resolution, with the amendment of the committee, was adopted. Murphy was subsequently made the chair of the committee, which included two other senators and seven House members.¹⁸

¹⁷ “Message of the Governor of the State of Arkansas...” *Washington Telegraph* (Washington, AR), November 13, 1850, accessed January 6, 2018, NA.

¹⁸ Senate, *Journal Eleventh Session*, 32, 49-50, 86, 156.

Others shared Murphy's concern, particularly as regarded the swamp and overflowed lands. Just before the Senate took its Christmas holiday, a resolution was unanimously adopted to open an inquiry into the administration of the lands. The people had "great anxiety" because of rumors that had been spreading about abuses in the disbursement of funds to pay for reclamation contracts, the issuance of swampland script that allowed contractors to purchase land, and the payment of the board members and engineers.¹⁹

The report received from the secretary of the Board of Swamp Land Commissioners and the accompanying accounts were then read, printed, and committed to the committee on Swamp and Overflowed Lands. The committee never reported a bill back in response, but the report greatly influenced Murphy's investigation. The task he had set by his resolution for an investigatory committee on the Landed Interests in the State was a large one and required gathering information from all over the state. The committee did not make its first report for over a month. Their inquiry had thus far focused primarily on the state's swamp and overflowed lands along the Mississippi River's corridor. The only surviving portion of this report is in a journal in which the questions and answers between the committee and one of the Board of Swamp Land Commissioners's engineers, George W. Hughes, were recorded. The committee asked Hughes about how much land had been and would be reclaimed by their current system of levees, what was meant in the report of the swampland engineer by "gaps" in the levees, why any gaps had been allowed at all, the estimated amount of work and cost of filling in the gaps, whether doing so would harm the existing levees, and the effects of "cut-offs" in the river, particularly the proposed cut-off at Belle Point on the Mississippi River in Chicot County.²⁰

¹⁹ Ibid, 199-201.

²⁰ Ibid, 209-214, 234-237.

Hughes's responses were far more forthcoming than the secretary of the board's report. He estimated that anywhere from 50,000 to 100,000 acres of land had thus far been reclaimed by existing levees and that the building of more levees to close the gaps that existed near the Arkansas border with Louisiana would do more "in proportion than those previously built." He further estimated that over 1,000,000 acres of land would be reclaimed if all the gaps were closed. The gaps to which he referred were sometimes caused by owners building levees that extended only so far as to protect their own land. In other cases, contractors could not be secured for areas that would be particularly onerous to work in. The most damaging gaps, however, were due to backwater where tributaries met the Mississippi, causing overflow and flooding. Of these, Hughes noted that along the thirty-four miles he examined, there were twenty-two and a half miles of levee in place with eleven and a half gaps, which would cost nearly \$25,000 to fill. While the levees already in place were not in any particular danger because of the gaps, as long as there were gaps, the levees, on the whole, would be "comparatively useless in the reclamation of the lands which needs it most," and which was held in trust by the state.²¹

The biggest danger lay in the placement of, and inconsistencies between, levees. Some levees had been placed too near the banks of the river, which swallowed the levees over time by undercutting the banks beneath them. Some sections of levee had already suffered such a fate. Others had been constructed too narrowly to sustain the hydraulic pressures of the river at flood stage, or to a height below the high water mark, making them useless during significant rainfalls. Lastly, cutoffs, or straightening the river by connecting it at the shortest point between the curvatures of an ox-bow, were proposed or clandestinely begun in several areas, which Hughes judged to be detrimental in areas where levees already existed, as the increased rate of flow caused by

²¹ Ibid, 235-237, appendix 91.

the cutoffs led to more erosion and increased caving of the river's banks, which in turn threatened levees. As a result, he recommended against cutoffs in general, as they would serve to weaken existing levees by increasing the rate of flow in the river, especially the proposed cutoff at Belle Point.²²

House Bill 146, An Act to Arrest in Part the Operation of the Present Laws Upon the Subject of the Swamp and Overflowed Lands was extensively debated. It eliminated the board and abolished certain swampland officers, effectively ending the leveeing and draining projects, which had been the source of much of the corruption in the system. However, it did not take sufficient steps to prevent the same offenses from being perpetrated by the swamp land agents that it left in place. The agents' authority to sell swamp and overflowed lands for specie or land scrip remained. In addition, land agents had already been found to be fraudulently misidentifying lands as swamp or overflowed lands that were "in no way swamp lands" so that they might be purchased more cheaply. Other swampland agents in the north and west were conspiring with potential landowners who had already improved land but not purchased it, to have their land classified as swamplands, so that they, too, could then pay well below the general government minimum price for land.²³ Furthermore, the bill did not specifically provide for filling the gaps in the levee system or preventing the issuance of more swamp land scrip than there was then unsold swamp land acreage available.²⁴ As would be expected, Murphy took an active interest in the bill. He and others opposed the bill being granted its

²² Ibid, 237-239; for more information regarding the totality of Arkansas' early efforts and their effects see: Harrison and Kollmorgen, "Land Reclamation in Arkansas," 369-418; Robert W. Harrison and Walter M. Kollmorgen, "Socio-Economic History of Cypress Creek Drainage District and Related Districts of Southeast Arkansas," *Arkansas Historical Quarterly* 7, no. 1 (Spring, 1948): 20-52, accessed January 6, 2018, <https://www.jstor.org/stable/40026216>.

²³ Harrison and Kollmorgen, "Land Reclamation in Arkansas," 376, 378-379.

²⁴ General Assembly of Arkansas, *Acts Passed at the Eleventh Session of the General Assembly of the State of Arkansas; Which was Begun and Held in the Capitol, in the City of Little Rock, on Monday, the Third Day of November, One Thousand, Eight Hundred and Fifty-six, and Ended on Thursday, the Fifteenth Day of January, One Thousand, Eight Hundred and Fifty-seven* (Little Rock, AR: Johnson & Yerkes, State Printers, 1857), 32.

second reading but were handily defeated by seven votes.²⁵ Murphy and the same others supported an amendment that addressed those deficiencies but were defeated by the same margin.²⁶

Murphy then introduced his own amendment to the bill in an effort to remove total power from the land agents and give people the option of bypassing the system entirely. Instead of applying through the office, any citizen willing to perform the necessary work to reclaim the land could obtain up to 160 acres of land by preemption, provided they lived on the land and took steps to reclaim the land. If successful, they could receive compensation for their reclamation work after inspection by the internal improvement commissioner of their county, provided that the value of their reclamation work did not exceed the value of the land reclaimed. The amendment was controversial, and inspired some debate, but was ultimately defeated by fourteen to eight, and the original bill passed by fourteen to ten, with Murphy voting against.²⁷

Though the Senate was able to pass the House's swampland bill, it was not considered complete. A supplementary bill proposed to pay out the work in specie only, and only then when enough specie had accumulated in the state treasury from the sale of swamp land in a district in which said work had been done.²⁸ Murphy disagreed with this policy and feared that forcing contractors to wait an indeterminate time to receive payment for their completed work would stall progress in closing the gaps, and possibly stop it altogether. He introduced an amendment to the bill to appropriate swamp land in order to fund the bill immediately, but it was defeated by a similar margin to his previous amendment—fourteen to seven.²⁹

²⁵ Senate, *Journal Eleventh Session*, 188.

²⁶ Senate, *Journal Eleventh Session*, 189.

²⁷ *Ibid*, 190-192.

²⁸ General Assembly, *Acts Passed at the Eleventh Session*, 95.

²⁹ Senate, *Journal Eleventh Session*, 254.

When the bill was taken up the next day, those that opposed it—including Murphy—sought to delay the bill further with an adjournment, and when that failed, argued at length against its passage.³⁰ Murphy’s effort to amend the legislation to place the onus of evaluating the value of the land on the county internal improvement commissioner and ensure that payments for improvements made by a landholder were made directly to the landholder and were transferable to his heirs, assigns, or legal representatives, failed.³¹

As the session drew nearer its close, the legislature met in joint session to elect the new land agents for the five land districts created in that session’s swampland legislation. Murphy and at least three other senators absented themselves from the election, likely in a show of protest, though there were in total only sixteen of the twenty-five senators participating in the voting. Murphy was frequently absent in the following days. At one point, the sergeant-at-arms was sent to procure his and four others’ attendance; Murphy, however, was not found. These absences may be explained by illness, though Murphy never asked to be excused. The stress and frustration seem to have gotten the best of him, resulting in his missing several debates and votes on issues that had been important to him.³²

One such instance was the final report of his Committee on the Landed Interests of the State. Though written by Murphy, it had to be delivered by another member of the committee due to his absence. Their investigation was not complete, but due to the fast-approaching final adjournment of the General Assembly, their abolishment of the Board of Swamp Land Commissioners, and the distance and time necessary to interview or question all involved, it was closed. The committee’s report found that the board of commissioners had been “careless and

³⁰ Ibid, 254, 266.

³¹ Ibid, 267, 270.

³² Ibid, 298-300, 357.

extravagant” in their administration, particularly as regarded the issuance and redemption of swampland scrip for reclamation work or the business of the Swampland Board and its property. According to their report to the governor, \$370,765 in swampland scrip had been officially issued, but it was believed that much more had been in actuality. In at least one instance, one of the board stood accused of issuing a blank but signed and authorized scrip certificate allowing the claimant to fill in whatever amount he pleased. Likewise, while they had reported \$3,560 in unredeemed scrip still in circulation, the committee had reason to believe that at least triple that amount was actually outstanding. Similarly, the board had not kept a due accounting of personal property purchased by them, such as wagons, beasts of burden, and camp equipment. The condition and location of much of it were unknown, and another large part of it had been put up for auction, and then privately purchased by the commissioners at a substantial discount.³³ Other officers of the administration, such as engineers and inspectors, were allowed to submit their claims for services and expenses as they pleased, with no strict, or even lax, accounting system applied other than their submission under oath. But, in many cases, even that was not required as the committee found several instances of officers submitting accounts for “extra services” or “extra incidental expenses” without proof, or under oath, and yet they were paid without question. Furthermore, except for base salaries, most of the claims’ amounts had been doubled to allow for scrip depreciation, adding a further indebtedness to the state for falsely claimed funds.³⁴

The board had been just as careless with paying contractors and private citizens for levee construction. In many instances, levees that had been completed years prior were paid for as if new, and in other instances, more dirt added to the height of existing levees and then the whole of the

³³ Ibid, 319, 314-316.

³⁴ Ibid, 315-316.

levee paid for rather than just the addition. This resulted in the same work being paid for sometimes as many as three times by the state. Between such corruption and a non-uniform system of letting out levee work that resulted in gaps in the system, the state had reclaimed at the very most 200,000 acres, but 100,000 acres was considered a more reasonable figure, which had, in effect, “cost the state at least 3,500,000 acres of land.”³⁵

Amidst these deleterious acts and financial extravagance, the state auditor, who was tasked with tracking and entering on the record the sale of swamp and overflowed lands, was doing so on bits and scraps of paper kept haphazardly in his office for want of proper record books, for which he did not have the budget. To remedy this, the committee introduced a joint resolution making the necessary appropriation to correct the situation. It also recommended the auditor’s office be allowed an additional budget to hire more clerks to remedy the record keeping not only for the swamp and overflowed lands, but also the internal improvement lands, seminary lands, and saline lands, all of whose records, save the saline lands, were found to be deficient. The auditor had made requests for additional clerks before but had been denied. The committee called this a “mistaken policy and false economy,” and warned that the state risked losing far more than it saved, but did not introduce any specific legislation to correct the problem.³⁶

Lastly, the committee unanimously recommended the General Assembly be careful to use each fund’s lands and their proceeds for the specific purposes for which they had been intended. One such use, the committee suggested, was to split the estimated \$250,000 that the saline and seminary lands funds would realize and establish two collegiate institutions—one in the northern part of the state and the other in the southern portion. Likewise, the swampland fund should only be used for

³⁵ Ibid, 316-317.

³⁶ Ibid, 318.

reclamation in order to increase public health and wealth by eliminating the “home of malaria” from the state and adding in its place millions of acres of rich farmland and homes and for the establishment of other internal improvements such as roads and rails. Though much had been squandered by mismanagement and carelessness, Murphy insisted to his colleagues that the funds’ goals and the advancement of the state could still be achieved.³⁷

The Auditor and Treasurer’s Books Committee, of which Murphy was also a member, reported that pursuant to two joint resolutions, they had registered and burned all of the scrip of both Arkansas banks, which amounted to \$16,495, and also the registered and canceled bank bonds, which included 5,715 separate bonds amounting to over one million dollars. The committee recommended that the treasurer’s salary be increased to \$1,000 a year and that his office be appropriated an additional \$600 for clerk hire.³⁸ The legislature complied, and also agreed to similar increase of \$2,000 for the Auditor’s Office, as well as an \$800 contingency fund that could be used to purchase the necessary entry books for the scattered land records.³⁹ In general, Murphy was effective in advancing his agenda from committees. With the exception of the proposed state colleges, all of Murphy’s committee’s recommendations were received and acted upon by the Senate.

Murphy was far less successful in the legislation that he himself introduced. Over the course of the session, he introduced four separate bills. Only one of them passed the Senate, but even it did not subsequently become law, being rejected by the House. One of Murphy’s failed bills was Senate Bill No. 20, “An Act to Take the Sense of the Qualified Voters of this State, For or Against a Convention to Amend and Remodel the Constitution Thereof.” The Judiciary Committee, when they reported back on the bill after its commitment to them, pointed out that a similar act had been

³⁷ Ibid, 318-319.

³⁸ Ibid, 331-333.

³⁹ General Assembly, *Acts Passed at the Eleventh Session*, 148, 150, 213.

passed two years ago during the Ninth General Assembly Session, and the people had voted against convention at the August 1854 general election. The current constitution, the committee judged, was “already a tolerably good one” that provided a process to allow for its amendment and might be made worse rather than better by such a convention. Murphy’s specific objections to the current constitution were not recorded.⁴⁰

Another of Murphy’s bills related to the penitentiary. Though he did not serve on the Penitentiary Committee as he had in his previous session as a representative, his interest in it continued. The penitentiary, only recently reconstructed, had become overpopulated, with little prospect of a reduction in population or new convictions. The governor recommended building a house for a warden, an infirmary, improving the ventilation of the current building to prevent illness, the raising of the perimeter walls, the construction of additional cells, and a workshop expansion. Making such an investment in the penitentiary was meant to not only correct the institution’s deficiencies but also transition it from operating at a cost to the state that necessitated a tax to a revenue-generating system for the state.⁴¹

Previous legislatures had restricted the convicts from performing most skilled labor—aside from blacksmithing—to prevent them from competing with local labor in Little Rock due to the lobbying efforts of the Mechanics’ Institute of Little Rock, a free labor organization. The low cost of the penitentiary’s plows, wagons, and other such goods were driving wages lower and causing some of the most skilled to leave the city for more profitable situations elsewhere. For example, the 1848 Senate had passed a resolution requesting the penitentiary’s employment of convict labor not interfere with the business of skilled laborers. The Mechanic’ Institute had suggested that making

⁴⁰ Senate, *Journal Eleventh Session*, 63, 104-105.

⁴¹ *Ibid*, 12-13; General Assembly, *Acts Passed at the Eleventh Session*, 129.

goods not otherwise produced locally, such as hemp rope, would preserve a revenue stream for the penitentiary without interfering with their pursuits, but the necessary supplies and equipment could not be located, and the only income with which the struggling institution could offset its cost came from the blacksmith forges.⁴²

However, two catastrophic fires in 1846 and 1850, the cost of maintaining the prisoners during rebuilding, and the cost of rebuilding the penitentiary twice created increased pressure for it to be self-funding, and the Senate during Murphy's term intended to expand its capabilities to do so.⁴³ The bill the committee reported to answer the penitentiary's needs, Senate Bill 91: "An Act to Provide for the Construction of a Block of Additional Cells in the Main Building Within the Walls of the Penitentiary, and For Other Purposes," included provision for Conway to contract for, among other items, a brick six forge workshop. The bill laid on the table for sixteen days. In the interim, Murphy introduced a substitute bill, but, unfortunately, its text was not recorded in the journal or picked up in newspapers. It was hastily defeated, and the original bill was passed.⁴⁴

Tired and frustrated with the course of events during the session, Murphy attended only the morning portion of the Senate's final session on January 15, 1857, anticipating with relish his return home.⁴⁵ In later years, he described his time in the Senate to a biographer as one, "not marked by any events of special interest not identified with the general history of the times."⁴⁶ While this suggests something other than the opposition role he had sometimes played eight years previously,

⁴² Michael Pierce, "The Mechanics of Little Rock: Free Labor Ideas in Antebellum Arkansas, 1845-1861," *Arkansas Historical Quarterly*, 67, no. 3 (Autumn 2008): 225-226, 228-229, accessed January 15, 2018, <http://www.jstor.org/stable/40543008>; "Charles O. Haller: Friedrich Gerstäcker's Secessionist Friend," *Arkansas Historical Quarterly* 73, no. 1 (Spring 2014): 120, accessed January 15, 2018, <http://www.jstor.org/stable/24477491>.

⁴³ Pierce, "Mechanics of Little Rock," 230-231.

⁴⁴ Senate, *Journal Eleventh Session*, 201-202, 295, 322-324.

⁴⁵ *Ibid.*, 362, 366.

⁴⁶ Albert Webb Bishop, *Loyalty on the Frontier, or, Sketches of Union Men of the South-West: With Incidents and Adventures in Rebellion on the Border* (St. Louis: R. P. Studley and Co., 1863), 19, accessed March 13, 2009, <https://books.google.com/books?id=melHAQAAMAAJ>.

he had actually drifted away from his Democratic peers and voted with the majority during the eleventh session only sixty-one percent of the time, a ten percent decrease from his last session in the House. In the positions that he took, votes he cast, and in his success from the floor and committees, he also came out the winner less often than he had previously, with only sixty-two percent of such actions going his way—also a ten percent decrease from his last session.

From his earliest days practicing law in Washington County, according to a later biographer, Murphy earned a reputation as “a quiet, unobtrusive man, somewhat visionary in his ideas, but always thoroughly honest.”⁴⁷ His “visionary” ideas were sometimes merely ahead of his time, sometimes outlandish, and he was frequently too willing to see goodness and fair dealing in his fellow men. He allowed his insistence on the rightness of his beliefs, or the correctness of his positions, when they differed from the majority, to lead him down the stubborn path, preventing him from participating in the compromise and back-room extra-senatorial persuasion sessions that would have made him a more successful politician. Instead, he clung to his positions and earned himself the occasional annoyance and ill-will of his peers that hindered his efforts, which might have been avoided had he been more willing to bend. Other times, he allowed this same stubbornness to lead him into absurdities that made him an object of ridicule.

In later years, an acquaintance of Murphy’s who was also present during the 1856 session of the Senate offered an example of this type of behavior. “Judge Murphy,” he recalled, “was always a conscientious stickler for whatever he believed in” and was “firm” as well as “generous.” During the course of business one day, a particular bill to which Murphy was opposed was brought up. Murphy opposed the bill in a speech, but the bill was ordered to be read over Murphy’s objection. “The old

⁴⁷ Wally Waits to Russell Baker, January 15, 1990, VF, AHC; Oscar E. Williams, *The Bench and Bar of Washington County, Arkansas, 1830-1960* (Fayetteville, AR: Washington County Historical Society, 1961), 5.

man,” the author recalled, repeatedly shouted at the secretary of the Senate to stop reading the bill while the president of the Senate continually ordered the secretary to “read on,” and the affair “narrowed down to a trial of lung power between them.” After the bill was eventually read, Murphy realized that he had misunderstood its intention and was “so well pleased that he called for a second reading.” The writer recalled that the event “afforded much merriment to the Senate,” and though Murphy bore on afterward, he had made a spectacle of himself before his peers and likely hurt his standing for the remainder of the session.⁴⁸

The events of the gold rush, the family’s losses, and Murphy’s subsequent loss of face in Fayetteville had a profound effect on him. Prior to these events, his life was defined by an intense desire to gain for himself and his family the prosperity he recalled from his childhood and felt his wife deserved. Afterward, having been repeatedly defeated in his attempts, he found himself somewhat broken and instead resolved to continue to live his life uprightly, but more simply and within his means. Determined to live a much quieter life after his stay in California, he then focused on what he had left to pursue—teaching and his family. Called upon to return to politics, however, Murphy revealed that he was not altogether changed. His highly developed sense of morality still primarily dictated his actions. Rather than being able to sway his peers, he became a man determined to take his stand whether that position was effective or likely to support his agenda.

⁴⁸ “Sprays from Hot Springs: The Spice of Life at the Pool—Local Happenings—Personal and Social Gossip—Prominent Arrivals—Random Notes,” *Arkansas Gazette* (Little Rock, AR), September 16, 1882, accessed April 13, 2016, GB.

Chapter 6: The Rise of Disunion, 1857-1861

Murphy returned home from the General Assembly happy to leave Little Rock and politics behind him. He resumed his administration of the Huntsville Masonic Institute, his legal practice, and—most importantly—reunited with his family. The remainder of the 1850s was quiet and peaceful for the Murphy family, punctuated by several joys and little in the way of distress. Murphy's oldest daughter, Malilla, and her husband, J. R. Berry, had their second child, Flora Ann, on November 20, 1857. That same year, Murphy's next oldest, Mary Romea (Roma), wed. Her husband, Herald C. Lowe, a clerk in a local mercantile run by the Berry family, came to her acquaintance through J. R. Berry. Lowe had previously been married to Berry's sister, Margaret, by whom he had one daughter named Emma, but Margaret had passed away in 1856. Lowe and Roma remained in Huntsville for a time, and soon had a child of their own, Augustus Lowe. Shortly afterward, the family moved to Little Rock, where Lowe worked as a clerk in the state auditor's office. While Murphy's life had finally settled into a comfortable and pleasurable existence of sufficient work and leisure, a growing storm loomed on the horizon: disunion.¹

Murphy saw the first strong harbingers of the threat in Arkansas during the 1856 session of the General Assembly. The most recent three-way presidential election, between the Democrat ticket of James Buchanan and John C. Breckinridge, the Republican ticket of John C. Frémont and William L. Dayton, and the Know-Nothing ticket Millard Fillmore and Andrew J. Donelson had in Arkansas—as in the rest of the South—really been a race between Fillmore and Buchanan. The race enflamed fierce passions in the nation and centered on the possibility of restricting territorial slavery and enforcement of the fugitive slave laws. Eventually, the pro-southern Pennsylvanian Buchanan

¹ Berry, "Facts and Reminiscences," Box VII, Section XXIII, Item 7, Murphy/Berry Family Collection: 1845-1930, Arkansas History Commission and State Archives, Little Rock, AR. [hereinafter cited as MBFC]; Berry, "Isaac Murphy Family History," Box I, Section VII, Item 8, MBFC.

won Arkansas and the presidency.² On the major issues, the Arkansas House of Representatives made plain the position of the majority of the state's Dynasty Democrats with a joint resolution that appeared before the Senate on December 6, 1856.³

The resolution heaped praise on those that proved themselves "friends of the constitution and of the rights of the states against fanaticism and treason in the north" by voting for the Democratic ticket over the "black republican party." It went on to particularly laud the "old line whigs" of the South and individuals in the states that voted Republican who, though in the minority, "nobly cast their votes in favor of the Union." The vote, they claimed, ensured the "continued existence of the Union," as the "whole people of the south" desired, though it was regretted that Maryland had voted against the Democratic ticket and caused a break in the South's unified voice. The cohesion of the Union, however, was in jeopardy. The South would never "submit" to anything that was "wrong," and pledged their continued "adherence, in good faith, to the letter and spirit of the constitution," only so long as the north maintained a "patriotic and honest compliance with all the requirements of the federal compact," most importantly, the fugitive slave laws. The north holding up their end in spite of the "treasonable aims of black republicanism" that ought to be "branded forever as infamous and anti-American," the resolution stated, was the "only means by which the Union can or ought to be perpetuated." Murphy's voice on the resolution was not heard as he was absent from the Senate during the vote on that body's passage of the resolution, which passed nineteen to two.⁴

² David M. Potter, *The Impending Crisis: America Before the Civil War, 1848-1861* (New York: Harper Perennial, 1976), 258-265.

³ Senate of the General Assembly of Arkansas, *Journal of the Senate, for the Eleventh Session of the General Assembly of the State of Arkansas, Which was Begun and Held in the Capitol, in the City of Little Rock, on Monday the Third Day of November, One Thousand Eight Hundred and Fifty-six, and Ended on Thursday the Fifteenth Day of January, One Thousand Eight Hundred and Fifty Seven* (Little Rock, AR: Johnson & Yerkes, State Printers, 1857), 136, 141.

⁴ *Ibid.*, 141-142, 313.

In the growing controversies, Murphy came down strongly on the side of the right of self-government, as exercised by the states and territories, and popular sovereignty. Though he had been happy to retire from politics after serving his term as senator, Murphy maintained an intense interest in the political happenings of the nation. Following the Lincoln-Douglas debates, Murphy wrote Stephen Douglas a letter praising his performance and his enunciation of Democratic principles at the final debate held on October 15, 1858, at Alton. During the debate, Douglas decried his opponent, Abraham Lincoln, for his assertions that the United States must become wholly slave or wholly free, that the Dred Scott decision should be reversed, and that black men were included in the equality statement of the Declaration of Independence. On the surface, those points would gain him support in the South, but many, after the Dred Scott decision and the later Lecompton Controversy, would not concede that territories could ban slavery, as Douglas's understanding of popular sovereignty would seem to allow. As a result, Douglas became increasingly unpopular among southern Democrats and among leaders of his party. Similarly, Murphy was out of step with many of his peers in his support for popular sovereignty.⁵

At the debate in Alton that Murphy praised, Douglas had clearly stated that he believed the country should remain “as our fathers made it,” with specific allowances for slavery. Having been created with divisions regarding slavery, it could forever remain divided. The fathers had also provided the states, through the people, with the power to allow, regulate, or abolish slavery as expressed through state legislatures—popular sovereignty. Similarly, if a new territory desired to enter the Union, with or without slavery, the determination was its and its alone, as it was the

⁵Abraham Lincoln and Don E. Fehrenbacher, ed., *Speeches and Writings, 1832-1858: Speeches, Letters, and Miscellaneous Writings, the Lincoln-Douglas Debates* (New York: Library of America, 1989), 774-775; Potter, *Impending Crisis*, 302-304, 334; Isaac Murphy to Stephen A. Douglas, November 25, 1858, Stephen A. Douglas Papers, Box 22, Folder 10, Special Collections Research Center, University of Chicago Library.

constitutional right of every state and territory to make their own laws on any regional topic of concern. Douglas considered any federal effort to either guarantee or undermine a state or territory a “violation of the fundamental principles of this government.” Douglas opposed the Democratic president’s effort to promote Kansas’s early admission to the Union as a slave state, believing the will of the people of Kansas had not been properly consulted.⁶

Douglas called on all honorable men to unite and resist those inflaming sectional aggressions and their “treasonable designs.” He swore to uphold the principles of the party and the Constitution as he interpreted them, and that he would never “depart from principle for the sake of expediency [...] and I never intend to do it on that or any other question.” Douglas maintained that even if pressure to sway him away from such views came from the president, as it had recently, he would resist. “Mr. Buchanan cannot provoke me to abandon one iota of Democratic principles out of revenge or hostility to his course.”⁷

As for the Dred Scott decision, Douglas supported it, insisting that slaves were purely property. But the decision seemed to undermine his doctrine of popular sovereignty by suggesting territorial legislatures could not constitutionally ban slavery. Douglas responded with his Freeport Doctrine, which insisted that if territories could not outright prohibit slavery, settlers might decline to pass the laws and codes necessary for slavery to exist there. In any case, slave owners would naturally not seek to take their property into territories that were unsuited to its best use as well as unsupportive of slavery. The lack of local legislation protecting it represented an inherent “positive prohibition” against it.⁸

⁶ Lincoln and Fehrenbacher, *Speeches and Writings*, 776, 782-785, 818-819.

⁷ *Ibid*, 782, 785.

⁸ *Ibid*, 788, 821.

Far from being assured by this stance, most southern Democrats instead considered Douglas's position the "Freeport Heresy." Douglas had also betrayed them in opposing Kansas's pro-slavery Lecompton Constitution and Buchanan. No longer willing to concede slavery could be kept out of a territory, these southern Democrats demanded positive protections for their peculiar institution, such as the passage of federal slave codes in the event individual territories did not pass them.⁹

In endorsing Douglas's performance at Alton, Isaac Murphy was not only setting himself apart from many other southern Democrats, he was presumably endorsing Douglas's racial views. Douglas entirely rejected Lincoln's assertion that the equality statement of the Declaration of Independence included black men or any other "barbarous race," such as the "savage Indians" or "Feejee [sic] Islanders." Rather, it was for white men only—those of "European birth and European descent." "This nation was founded on the white basis," he asserted, by white men, for their benefit, their posterity forever, and should thusly be "administered by them forever." However, Douglas also asserted that "it does not follow, by any means, that merely because the negro is not a citizen, and merely because he is not equal, that, therefore, he should be a slave." Instead, Douglas advocated that humanity and Christianity demanded that they and the other "dependent races" ought to be granted "all the privileges, and all the immunities which they can exercise with the safety of society." Exactly what those privileges should be, along with their nature and extent, was up to the states; each to their own, according to their particular need and judgment of sound policy.¹⁰

A little over a month after the final Lincoln-Douglas debate, one of the widely circulated transcripts of the debate made its way to Murphy. He immediately wrote his letter to Douglas,

⁹ Potter, *Impending Crisis*, 307-327, 335-342.

¹⁰ Lincoln and Fehrenbacher, *Speeches and Writings*, 789.

sending him “one hearty cheer” for his “defence of the Constitutional rights of the states, and the distinctive principles of the Democratic party.” Speaking for what Murphy erroneously perceived as the whole southern perspective, he advised Douglas to “go on and fear not,” assuring him that “all the south asks is the full and practical benefit of those constitutional principles.” Likewise, he supported Douglas’s split with the president over Kansas’s early admission, believing it to be a “side issue” or “question of local or temporary policy.” As such, Douglas, or any Democrat, need not fear “losing caste in the party, so long as they are true to the general & permanent principles of the party.” In closing, Murphy again advised Douglas to “fear not, be honest and brave, your country first last & all the time.”¹¹

Murphy, in California through the early 1850s, had not borne witness to the evolution of political thought in Arkansas between the Compromise of 1850 and the Kansas-Nebraska Act of 1854. Far from representing most Arkansans in his letter to Douglas, Murphy’s continued support of popular sovereignty put him out of step with those who were increasingly rejecting the chance and ambiguity of popular sovereignty. Because protections did not appear to be likely, Arkansas began to consider what some in other southern states had been advocating for years—secession. Robert Ward Johnson, the Family’s second-generation leader and disciple of John C. Calhoun during his career as an Arkansas Congressman, began advocating for the necessity of secession to preserve the state’s right to continue slavery in response to the Compromise. While the people of the state were generally unresponsive to his stance early on, by the late 1850s, a rising Democratic star in the state, Thomas C. Hindman, rallied more of them to the hard-line insistence on the protection and expansion of slavery, if not its wholesale endorsement by the national government. Hindman also took up arms against the Dynasty. But for both the Dynasty and their Hindman-led opponents, Douglas’s

¹¹ Isaac Murphy to Stephen A. Douglas, November 25, 1858, Stephen A. Douglas Papers.

assertion in the Lincoln-Douglas debates that slavery could be forbidden *de facto* in the territories by the territorial governments was, for the most part, anathema.¹²

Raising tensions even further, John Brown conducted his raid on the Harper's Ferry federal arsenal in Virginia on October 16, 1859. Though slaves did not rush to his cause, the white southerners' suspicions that slavery was under direct attack by abolitionists seemed confirmed. Many slave-owners and those sympathetic to slavery's permanence as an institution ceased drawing a distinction between those that wished to see slavery confined within its current borders and abolitionists. Either, they were convinced, would result in slavery's end, and the death of "southern rights."¹³

Through the rising turmoil around the country, Murphy was also laboring amidst his own personal turmoil. His wife of nearly thirty years, Angelina, passed away at the age of 46 on February 15, 1860. Neither the family record nor her obituary provided a cause of death, but Murphy lamented that he had not been able to provide her with "an abundance of the treasures of this life" and regretted that she had had to toil "much amidst afflictions" throughout her life.¹⁴ The nearly sixty-one-year-old Murphy and his four unwed daughters, Louisa, twenty-two, Laura, twenty, Lockert, eighteen, and Geraldine, fourteen, continued as best they could in her absence.¹⁵

While learning to live in his lonelier home, Murphy's support of Douglas placed him on the fringes of the Democratic Party in Arkansas. With no true local political alternative available that

¹² Lincoln and Fehrenbacher, *Speeches and Writings*, 173-178; Potter, *Impending Crisis*, 56-62; Jeannie M. Whyne, Thomas A. DeBlack, George Sabo III, and Morris S. Arnold, *Arkansas: A Narrative History*, 2nd ed. (Fayetteville: University of Arkansas Press, 2013), 176-178.

¹³ Whyne, et al., *Arkansas*, 176-178.

¹⁴ Hope Creek, Dorothy Dyer, and Joy Russell eds., "1859-1882 News Articles," quoting from *The Arkansian*, February 24, 1860, *Madison County Musings*, 27, no. 1 (Spring 2007): 26.

¹⁵ 1860 U.S. Census, Madison County, Arkansas, Schedule 1, War Eagle Township, p. 501 (stamped), dwelling 1054, family 1054, Isaac Murphy; digital image 6, FamilySearch, accessed December 30, 2015, <https://familysearch.org/ark:/61903/1:1:M875-L7P>.

aligned with his constitutional defense of slavery and self-government, Murphy, given his history of anti-Family sentiments, likely turned to the rising Hindman faction of the party, despite its fire-eating militancy. No direct evidence of Murphy's preferred candidate appears to be extant, but that he likely found the Hindman faction better than the alternative is supported by the fact that other Douglas Democrats, opposition Democrats, former Whigs, and Know-Nothings did, also.¹⁶ Though gubernatorial candidate Henry Massie Rector—a former Dynasty member turned Hindman ally—proposed to delay payment of the state's bank debt for twenty-five years, which would have been anathema to Murphy, the alternative—voting for Dynasty candidate Richard Johnson—must have seemed even more unpalatable. In addition, some of Rector's campaigning points would have been attractive to Murphy. His criticism of Governor Conway's administration of the bank debt, complaints that the Dynasty was holding back internal improvement projects, promoting fraudulent voting during conventions, and overcharging the state on its printing contracts were all criticisms that Murphy would have embraced.¹⁷ The Hindman-Rector faction was also vigorously presenting themselves as the true heirs of the Jacksonian common man rising up against the aristocratic and corrupt Dynasty, a stance which likely appealed to Murphy's Jacksonian roots and frustration with the Family.¹⁸ Lastly, Rector also supported expanding funding for common schools. The result was that Rector successfully courted the yeomen's "antipathy to a lordly Dynasty," an appeal so broad that he even won over a good portion of Unionists and former Whigs to his camp, thus defeating the Dynasty candidate, Richard H. Johnson, with fifty-five percent of the vote, while Hindman won his

¹⁶ Jack B. Scroggs, "Arkansas in the Secession Crisis," *Arkansas Historical Quarterly* 12, no. 3 (Autumn 1953): 181-184.

¹⁷ James M. Woods, *Rebellion and Realignment: Arkansas's Road to Secession* (Fayetteville, AR: University of Arkansas Press, 1987), 82-85.

¹⁸ Whayne et al., *Arkansas*, 179.

bid to Congress.¹⁹ Arkansas's second Congressional seat went to Edward W. Gantt, another anti-Family politician.²⁰ For the first time in state history, the Family was swept from every major state office.

In Arkansas, the Democrats were divided, and that division was mirrored nationally, including in their pro-slavery platform. Nationally, the Democratic Party was nearly split over the issue of slavery, almost as severely as the Whig Party had been prior to its dissolution. At the April 1860 Democratic convention in Charleston, South Carolina, the rift between the pro-slavery delegates and free state delegates became absolute when southern delegates staged a walkout. Douglas Democrats, dedicated as they were to their support of popular sovereignty, blocked the majority report that would have made federal slavery protections a plank of the party platform. The walkout included six of Arkansas's eight delegates and the delegates of seven other Deep South states.²¹ Afterward, the convention adjourned, with plans to reconvene in Baltimore two months later, which also ended in a walkout.²²

The slimmest minority of Arkansans, Murphy among them, continued to support Douglas but lacked the support of the local press, party organization and leadership, and funding to wage an effective campaign or engage in a stump of the state.²³ Ultimately, even had the Douglas supporters cast their votes with the larger and more cohesive Constitutional Union Party, it would not have been enough to overcome the traditional Democratic majority in the state. The majority of Arkansans supported the Breckinridge ticket, and it received the hearty endorsement of the newly

¹⁹ Woods, *Rebellion and Realignment*, 82, 85, 89, 116-117.

²⁰ Scroggs, "Arkansas in the Secession Crisis," 183-184.

²¹ *Ibid.*, 184; Whayne et al., *Arkansas*, 178.

²² Michael B. Dougan, *Confederate Arkansas: The People and Policies of a Frontier State in Wartime* (Tuscaloosa, AL: University of Alabama Press, 1976), 29-30.

²³ Malilla Berry, "Historical Sketch," Box I, Section VII, Item 6, MBFC; Whayne et al., *Arkansas*, 181-182.

minted Hindman-Rector machine. Most that did not were former Whigs and Democrats who opposed the concept of secession as a remedy to preserve the South's slavery rights. They rallied to the *Gazette* and its support of the National Constitutional Union candidate, John Bell. Nevertheless, election day revealed that the majority of Arkansas voters continued to align themselves as they always had, with traditionally Democratic and poorer areas going for Breckinridge and traditionally Whig and wealthier areas going for Bell, rather than displaying any sectional divide based on slave-ownership or a pro-secession stance. In Arkansas, Breckinridge won the vote, with fifty-three percent to Bell's thirty-seven percent and Douglas's nine.²⁴ Nationally, though, Breckinridge received only twenty-four percent of the Electoral College's votes, Bell nearly thirteen percent, and Douglas nearly four percent. The Republican candidate, Abraham Lincoln, received fifty-nine percent of the Electoral votes and was elected.²⁵

The South's reaction was swift, as many there felt that Lincoln's election was the first shot fired in a war to free the slaves, cripple the southern economy, and dictate how they should live. The day after the election, South Carolina's General Assembly decried the "open and avowed hostility to the social organization and peculiar interests of the slaveholding States of this Confederacy."²⁶ In response, it passed an act organizing a Secession Convention to begin on December 17, which then passed their secession ordinance only three days later.²⁷ Over the course of the next forty-three days, Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas followed South Carolina into

²⁴ Scroggs, "Arkansas in the Secession Crisis," 188-190; Whayne et al., *Arkansas*, 181-183; Dougan, *Confederate Arkansas*, 33-34; Woods, *Rebellion and Realignment*, 110-112.

²⁵ Whayne et al., *Arkansas*, 182-183.

²⁶ House of Representatives of the State of South Carolina, *Journal of the House of Representatives of the State of South Carolina: Being the Sessions of 1860* (Columbia, SC: R. W. Gibbes, State Printer, 1860), 30, accessed October 14, 2016, <http://hdl.handle.net/2027/uiug.30112107102375>.

²⁷ Convention of the People of South Carolina, *Journal of the Convention of the People of South Carolina, Held in 1860-'61, Together with the Reports, Resolutions, &c.* (Charleston, SC: Evans & Cogswell, Printers to the Convention, 1861), 3, 46-49, accessed October 14, 2016, <http://hdl.handle.net/2027/nnc1.0045839808>.

secession, and by February 4, 1861, had joined in the Montgomery Convention, which began operating as a sovereign Congress of what was eventually styled the Confederate States of America (CSA).²⁸

Arkansas, like the states of Missouri, Tennessee, Virginia, Maryland, North Carolina, and Kentucky, took a “wait and see” approach. Many feared aggression from Lincoln but were willing to continue under his administration as long as he refrained. The cautious approach did not, however, preclude preparing for the possibility of northern hostility.

The lame duck Governor Conway of Arkansas suggested the General Assembly should enact legislation authorizing counties, by their own election, to institute a tax to enable them to arm their volunteer militias. He framed his call for militia preparations as the proper exercising of the state’s rights under the Constitution. Without such precautions, whether “by neglect or disuse,” the state might find its rights and governing document “virtually changed from what it was provided by the constitution it should be.”²⁹

Despite the governor’s urging toward constitutional arming, the legislators were largely uninterested in secession in its early days. They proceeded to submit resolutions and memorials to Congress, elected a U.S. senator, and generally conducted business that indicated their expectation of Arkansas’s continued place in the Union. In fact, they decried the “evils of dissolution, and the

²⁸ Confederate States of America, *Journal of the Congress of the Confederate States of America, 1861-1865*, Vol. I (Washington D. C.: Government Printing Office, 1904), 7.

²⁹ House of Representatives of the General Assembly of Arkansas, *Journal of the House of Representatives for the Thirteenth Session of the General Assembly of the State of Arkansas, Which was Begun and Held in the Capitol, in the City of Little Rock, on Monday, the Fifth Day of November, One Thousand Eight Hundred and Sixty and Ended on Monday the Twenty-first Day of January, One-thousand, Eight Hundred and Sixty-One* (Little Rock: Johnson & Yerkes, State Printers, 1861), 45.

dangers which seem now to threaten it” and passed a joint resolution declaring a day of fasting and prayer requesting the preservation of the state.³⁰

Arkansas’s new governor, Henry Massie Rector, however, continued his campaign push for secession and war preparations. During his inaugural address, he identified Lincoln as “hostile to the rights and independence of this portion of the republic.” He also spoke of the “defence [sic] and maintenance of southern institutions” and feared their loss and the pollution of the state’s culture, especially as related to “the peculiar institutions of his fathers.” The “unprovoked and diabolical warfare” waged by the non-slaveholding states in their “ingratitude, malice and ignorance” threatened the “peace, dignity and independence” of Arkansas and all the slave states. Though he claimed not to be an alarmist, he contended that the union of states had already been broken by the north’s fanatical nullification of the fugitive slave law. But, he did not explicitly call for secession unless the north employed “coercive measures” against states that chose to secede.³¹

The legislature eventually conceded that a state convention was necessary to ascertain the will of the people regarding a Secession Convention, and they called for a special election to be held on February 18, 1861. At that election, voters cast their ballots either for or against holding a convention and simultaneously voted for their representative to the convention, should it be called.³²

Murphy, meanwhile, desired to remain retired from politics, and in the numerous meetings

³⁰ Ibid, 59.

³¹ Ibid, 100-102, 104-105; for a more complete discussion of the rising secession crisis in Arkansas see Whyne, et al., *Arkansas*, 181-188. Thomas A. DeBlack, *With Fire and Sword: Arkansas, 1861-1874* (Fayetteville, AR: University of Arkansas Press, 2003), 1-28. Woods, *Rebellion and Realignment*, 91-132. Michael B. Dougan, *Confederate Arkansas: The People and Policies of a Frontier State in Wartime* (Tuscaloosa, AL: University of Alabama Press, 1976), 21-46. For a sense of the secession crisis through primary sources see James J. Gigantino II, ed., *Slavery and Secession in Arkansas: A Documentary History* (Fayetteville, AR: University of Arkansas Press, 2015).

³² Arkansas General Assembly, *Acts Passed at the Thirteenth Session of the General Assembly of the State of Arkansas, Which was Begun and Held in the Capitol, in the City of Little Rock, On Monday, the Fifth Day of November, One Thousand, Eight Hundred and Sixty, and Ended on Monday the Twenty-First Day of January, One Thousand, Eight Hundred and Sixty-One* (Little Rock, AR: Johnson & Yerkes State Printers, 1861), 215.

and reporting of events from Madison County regarding the 1860 election, his name does not appear in the lead up to secession. Prior to the 1860 election, he had ended his term as a senator without seeking reelection. Instead, he sought to further his legal career and made a failed bid for a seat on the Arkansas Supreme Court in 1858.³³ He was nominated by T. Bateman, one of Madison County's representatives, to a crowded field with six other nominations. On the first vote, Murphy was the only candidate to receive no votes from the Senate and received only four in the House. Bateman removed his name from consideration before the second vote.³⁴ Failing to achieve the seat, he quietly returned to his usual affairs and did not seek another office in 1860. His neighbors in Huntsville had other ideas and desired him to run as a candidate for Madison County delegate to the Secession Convention. At first, he rebuffed the nomination, but eventually relented to their continued urging, consenting to run on a Unionist platform on February 11, 1861.³⁵ Having only eight days to make his canvass, he set to work immediately and overwhelmingly defeated his secessionist opponent by a majority of several thousand to fewer than one hundred and fifty.³⁶

Murphy, with Dr. H. H. Bolinger of St. Paul, made his preparations to go to Little Rock to deliver the county's election returns and await the results. The visit to the state capitol gave Murphy the opportunity to see his daughter, Mary Romea, and meet his newest grandson, Willie Lowe, who

³³ "Legislative Telegraph," *Arkansas Weekly Gazette* (Little Rock, AR), December 11, 1858, accessed April 14, 2016, GB.

³⁴ House of Representatives of the General Assembly of Arkansas, *Journal of the House of Representatives for the Twelfth Session of the General Assembly of the State of Arkansas, Which was Begun and Held in the Capitol, in the City of Little Rock, On Monday the First Day of November, One Thousand Eight Hundred and Fifty-eight and Ended on Monday, the Twenty-first Day of Feb'y One Thousand, eight Hundred and Fifty-nine* (Little Rock: Johnson & Yerkes, State Printers, 1859), 316-318.

³⁵ Albert Webb Bishop, *Loyalty on the Frontier, or, Sketches of Union Men of the South-West: With Incidents and Adventures in Rebellion on the Border* (St. Louis: R. P. Studley and Co., 1863), 20, accessed March 13, 2009, <https://books.google.com/books?id=melHAQAAMAAJ>; Goodspeed Publishing Company, *History of Benton, Washington, Carroll, Madison, Crawford, Franklin, and Sebastian Counties, Arkansas. From the earliest time to the present, including a department devoted to the preservation of sundry personal, business, professional, and private records ...* (Chicago: Goodspeed Publishing Company, 1889), 464.

³⁶ Bishop, *Loyalty on the Frontier*, 21; Goodspeed, *History of Benton*, 464.

had been born on November 24, 1860. Murphy stayed with the Lowes and saved himself the expense of boarding for the duration of the convention, which convened on March 4, 1861.

The delegates elected to the convention were a mixed lot of prior political experience. As noted by historians Ralph Wooster, Michael B. Dougan, and James M. Woods, no delegates had experience in national affairs, but several had served in the General Assembly or as county officials.³⁷ Of the seventy-six delegates that initially appeared at Arkansas's convention, forty-one, or fifty-three percent, did not have any prior experience in state or local government in Arkansas or on the bench according to the *Historical Report of the Secretary of State, 2008*, and the recollections of two of the delegates, Alfred Holt Carrigan and Jesse N. Cypert. It is, of course, possible that delegates may have had experience outside of Arkansas, as Cypert recalled that James L. Totten of Arkansas County had been a circuit judge in Mississippi.³⁸ Of the two self-recognized sides at the convention, the Unionists and Secessionists, the Unionists' coalition had a higher proportion of their number with no experience—twenty-three, compared with the Secessionists' eighteen. Murphy, though not the most distinguished or well-known of the delegates, was among the most experienced, with one term as Washington County Treasurer, two terms in the state House of Representatives, and one in the state Senate. Josiah Gould of Bradley County had the same number of years of office holding as Murphy, and only Thomas B. Hanley of Phillips County and David Walker of Washington County

³⁷ Ralph Wooster, "The Arkansas Secession Convention," *Arkansas Historical Quarterly* 13, no. 2 (Summer 1954): 174; Dougan, *Confederate Arkansas*, 47-48; Woods, *Rebellion and Realignment*, 137.

³⁸ Jesse N. Cypert, "Secession Convention, Part II," in *Publications of the Arkansas Historical Association*, ed. John Hugh Reynolds (Fayetteville, AR: Arkansas Historical Association, 1906), 315, accessed February 12, 2016, <http://archive.org/details/publications01arka>.

had more. Murphy also stood out as being a senior member in the Unionist camp, which tended to be far younger than the Secessionists.³⁹

At the convention, each side identified themselves and their opponents as “Secessionists” and “Unionists.” Shoehorning the various opinions of the delegates into these two factions is a false binary. Truly, there were at least three distinct groups at the convention and in the country at large, the Unionists, the Secessionists, and the Cooperationists.⁴⁰ Secessionists favored immediate secession as the only way to preserve slavery because the group believed Lincoln and the Republican majority would continue to leave the Fugitive Slave Law unenforced. Furthermore, most Secessionists believed that Lincoln and the Republicans would be spurred to take positive action against slavery by abolitionists inciting slave revolts and encouraging more slaves to run away to the North. Republicans would prevent slavery’s expansion into new territories and states and otherwise use their power to undermine slavery. Due to abolitionist forces, and what they believed to be Lincoln’s own proclivities in that direction, no compromise or assurance by Congress would legitimately protect what they perceived as their right to slavery. Therefore, only secession and the formation of a new nation would guarantee such protections.⁴¹

Unionists, meanwhile, believed that the Secessionists were alarmists. While they also condemned Lincoln and the Republican position, they believed that the Constitution offered the necessary protections for slavery, and that by continuing to operate within the Union, they would be the best equipped to remedy the North’s recent denial of protection for slavery, thereby ensuring the peculiar institution’s continued existence and slaveholders’ property rights. On that basis, secession

³⁹Wooster, “Arkansas Secession Convention,” 174; Dougan, *Confederate Arkansas*, 47-48; Woods, *Rebellion and Realignment*, 137.

⁴⁰Potter, *Impending Crisis*, 127.

⁴¹Arkansas Convention, *Journal of Both Sessions of The Convention of the State of Arkansas, Which Were Begun and Held in the Capitol, in the City of Little Rock* (Little Rock, AR: Johnson & Yerkes, State Printers, 1861), 51-55.

should not be countenanced because it would remove them from their only means of true resolution. In addition, some had a strong identification with the Union and the glory of their country's founding that outweighed any devotion to a united South that others had cultivated for decades.

Cooperationists made up the third group. They were willing to secede, but only as a final resort to protect the right of slavery. Lincoln had not yet offered Arkansas a reason to leave, and decision as to disunion should be made in concert with other slave states that had not yet seceded. Arkansas Cooperationists were further broken down into two subgroups—those that favored secession and those that denied any right of secession but were willing to recognize a right to institute a revolution by declaring independence. They believed that the Constitution provided no way for a state to remove itself from the Union, but that the right to revolutionize the government, via military force if necessary, was a *de facto* right proved by the American Revolution. The practical result of both subgroups' positions was ultimately the same, but it was a frequently debated point within their faction.⁴²

The first order of convention business was the permanent organization of the convention by electing its officers, which served as a test vote for the delegate split among the different factions. Two delegates were nominated for president of the convention, Unionist-Cooperationist David Walker of Washington County from the northwest and Secessionist B. C. Totten of Prairie County from the east-central part of the state.⁴³ Walker had been a longtime Whig leader before the party's collapse in Arkansas. He was a successful lawyer and one of the few slave-owners in the northwest corner of the state entitled to planter status, with twenty-three slaves working on his 1,000-acre

⁴² For representative examples of Unionist-Cooperationist and Secessionist positions while running for and during the first secession of Arkansas's Secession Convention see Gigantino, *Slavery and*, 97-192.

⁴³ Arkansas Convention, *Journal of Both Sessions*, 9-10.

farm.⁴⁴ He had also served in the territorial legislature, as a part of Arkansas's first constitutional convention, as an Arkansas state senator for one term, and as an Associate Justice on the Arkansas Superior Court.⁴⁵ In preparing to run for the convention, he expressed that his platform would discourage hasty action and promote a strong association with "Missouri, Tennessee, Kentucky, and the other border states" who he hoped would make the determination to "remain in the Union." He further hoped that the state would "encourage them to take the stand and have united with them" and that every candidate would make a "positive irrevocable pledge that in no event will he take any step to disrupt our present federal relations or to inaugurate any new government...before it is referred back to them to be voted upon and approved."⁴⁶ Walker's opponent, B. C. Totten, also held planter status, with twenty slaves. He had previously served one term in the Arkansas House and two in the Arkansas Senate during the 1850s.⁴⁷ The election took only one ballot, as thirty-five of the seventy-five delegates voted for Totten, while Murphy and thirty-nine others voted for Walker.⁴⁸

Walker was not shy about exerting his influence as president in favor of the Unionist-Cooperationist position. Of fourteen committees that he appointed during the Secession Convention, all but two—the Resolutions and Ordinances Committee and a select committee to receive the secession commissioner from Georgia—had a Unionist-Cooperationist majority.⁴⁹

The convention makeup mirrored the attitude of Arkansas. Wooster and Dougan determined the majority of Arkansas was unmoved by the extreme Southern Rights and unconditional secession arguments, even once the secession crisis had begun. Their analysis also

⁴⁴ Scroggs, "Secession Crisis," 184-185.

⁴⁵ Charlie Daniels, *Historical Report of the Secretary of State, 2008* (Fayetteville, AR: Arkansas Secretary of State's Office and The University of Arkansas Press, 2008), 115-116, 282.

⁴⁶ David Walker to David C. Williams, January 29, 1861, Document 36 quoted in James J. Gigantino II, ed., *Slavery and Secession in Arkansas: A Documentary History* (Fayetteville, AR: University of Arkansas Press, 2015), 101-102.

⁴⁷ Daniels, *Historical Report*, 121-122; Scroggs, "Secession Crisis," 184-185.

⁴⁸ Arkansas Convention, *Journal of Both Sessions*, 10-11.

⁴⁹ *Ibid*, 10-11, 15, 19, 20, 23, 27, 32, 75, 80, 100-101.

revealed that occupation was not predictive of a delegate's position on secession, with a relatively even split across them. Property wealth, however, was generally predictive. Those with less than the average in real, personal, improved acres, and slave property, like Murphy, were more likely to be Unionist-Cooperationist. Likewise, delegates whose per capita wealth was less than \$500 showed a strong tendency toward opposing secession, with the Secessionist trend increasing in proportion as wealth increased. Curiously, however, over sixty-one percent of delegates had an economic interest in slavery through their ownership of at least one enslaved person. Secessionists were more likely to own enslaved persons, with an average of over seventy-four percent compared to the Unionist-Cooperationists' nearly forty-nine percent.⁵⁰ The holding of enslaved persons in significant quantities was indicative, but, as the case of David Walker shows, not determinative, as "the individual decision to support secession was multifaceted, not just related to one's own slaveholding."⁵¹

Tied in with improved acres and number of persons enslaved was geography. Sixty-six percent of the delegates immigrated from states of the upper South such as Tennessee, Kentucky, and North Carolina, nearly twenty-nine percent were from the lower South, and only four were Arkansas natives. Delegates from the Ozark Mountains, Arkansas River Valley, and Crowley's Ridge tended to oppose secession, while those from the West Gulf Coastal Plain and Mississippi Alluvial Plain, areas more suited to slave-based agriculture, tended to embrace secession. With many of the delegates, particularly those from the north and west of the state, hailing from border states or the upper South, it is no surprise that many in the Unionist-Cooperationist camp, like Walker, shared a hesitation about secession with those more northern states. They hoped that Arkansas, though not

⁵⁰ Wooster, "Arkansas Secession Convention," 172, 177-180, 187, 193, Appendix I; Dougan, *Confederate Arkansas*, 48, 138; Woods, *Rebellion and Realignment*, 137.

⁵¹ Gigantino, *Slavery and Secession*, 106.

itself on the border, would support them in attempting a compromise with secession held in reserve as a last resort—that is, Cooperationist but not “submissionist” or strictly Unionist.⁵²

Murphy’s role and exact position regarding secession during the convention are difficult to discern as the convention had relatively few called votes, and his name is rarely mentioned in the journal otherwise. Though he was decidedly operating with the Unionists, neither side’s members always acted in perfect concert, and divisions of opinion were common. As the convention’s organization continued, Murphy was appointed to a committee to draft rules for the convention’s proceedings.⁵³ Afterward, he was also appointed to serve on the committee to receive the CSA’s commissioner, Williamson S. Oldham, whom Murphy had previously unsuccessfully advocated should receive compensation for his legal work on behalf of the Fayetteville branch of the Arkansas State Bank. Though the journal does not mention Murphy frequently engaged in debate, nor is any such debate mentioned in the newspaper coverage, a fellow delegate recalled that he “always bore himself well with anyone.”⁵⁴

Cypert noted that delegates tended to either vote for or against secession as they had for president of the convention. By contrast, Ralph Wooster looked to their vote on the ordinance of secession put forward by Thomas B. Hanley of Phillips County as determinative of the camps to which the delegates belonged. In the eight days leading up to it, there had been several resolutions and ordinances for secession during the convention, but Hanley’s ordinance was unique in requiring final ratification of the ordinance decision in a referendum. Hanley’s was also the first secession

⁵² Woods, *Rebellion and Realignment*, 137; Dougan, *Confederate Arkansas*, 48; David Walker to David C. Williams, January 29, 1861, in Gigantino, *Slavery and Secession*, 101-102; S. J. Howell to Jesse Turner, January 29, 1861, Document 38, quoted in Gigantino, *Slavery and Secession*, 104-105; Broadside: To the People of Washington County, J. H. Stirman, February 5, 1861, quoted in Gigantino, *Slavery and Secession*, 109-111.

⁵³ Arkansas Convention, *Journal of Both Sessions*, 15.

⁵⁴ Alfred Holt Carrigan, “Reminiscences of the Secession Convention, Part I,” in Reynolds, 312.

ordinance to come to a called vote that listed each delegate's vote individually. It was defeated by a vote of thirty-nine to thirty-five.⁵⁵

Not every Secessionist or Unionist-Cooperationist always voted with their putative bloc, however. Even in light of James Wood's analysis that revealed slaveholding and wealth as the principal determinants and downplayed the effects of oratory and the multitude of individual interpretations, goals, and desires upon the choices delegates made, the finer points of difference between and among the blocs were significant.⁵⁶ Thirteen Secessionists and thirty-seven Unionist-Cooperationists, including Murphy, voted with their bloc one hundred percent of the time during called votes on the thirteen identifiably secession-related questions. Eleven Secessionist delegates voted outside their bloc on one vote, six on two votes, one on three votes, and two on four votes. One delegate, though he voted for both Totten and the Hanley ordinance, otherwise split his vote and voted six times with the Secessionists and six times with the Unionists.⁵⁷ Unionist-Cooperationists were far more likely to vote with their bloc, but still had one delegate differing with his bloc on one vote, another on two votes, and yet another on three votes.⁵⁸

The Secessionists did all they could to persuade, insult, reason, and bully the Unionist-Cooperationists to change their minds. The Unionist-Cooperationist majority was smaller than some, such as Jesse Turner of Crawford County, had anticipated, because delegates who had arrived without strong leanings one way or the other had been swept up in the Secessionist rhetoric in Little Rock before the convention. Turner wrote his wife on March 7, saying, "extraordinary efforts are being made to entice our men into the Secession ranks, but they will I think, be unavailing." Turner

⁵⁵ Arkansas Convention, *Journal of Both Sessions*, 10-11, 16, 32, 34, 38-39, 64-66, 82.

⁵⁶ Woods, *Rebellion and Realignment*, 139, 144-145.

⁵⁷ Arkansas Convention, *Journal of Both Sessions*, 10-11, 82-85, 91-99, 104, 106-109.

⁵⁸ *Ibid*, 10-11, 82-85, 94-98.

was right, and his compatriot H. F. Thomason pointed out that some delegates who had been elected on a Unionist-Cooperationist platform were instead acting with the Secessionists, such as L. D. Hill and Milton D. Baber.⁵⁹ The Arkansas fire-eaters were bolstered somewhat by outside pressure, such as from the secession commissioners, Governor Rector, the Secessionist press, and the Family's Robert Ward Johnson.

Turner, and no doubt Murphy, worked diligently in caucus sessions to keep up the Unionist majority after the convention adjourned each day and “exhorted them to unyielding fidelity,” hoping for a compromise, as suggested by dispatches from John Crittenden, Stephen Douglas, and others at Congress.⁶⁰ Many Unionist-Cooperationists seemed to feel that Arkansas was a linchpin for Secessionist cohesion. If Arkansas rejected secession, the Unionist-Cooperationists thought, other seceded states might feel “compelled to return to the border states.” Hopes remained high after Lincoln's inaugural address reached Arkansas. The address did not contain the reversal of policy the Unionist-Cooperationists had hoped for, yet Turner dubbed it “not as bad as it might have been,” and it provided little fodder for the Secessionists's attacks.⁶¹

Though united against secession, most Unionist-Cooperationist delegates were far from endorsing Lincoln or his policies. As expressed by Turner, while there was an “ardent desire for the preservation of our Federal Union,” such could only be accomplished by ensuring the “honor and rights of the slave-holding States.” He and the other Unionists, in general, believed that the seceded states had acted too hastily when they had begun to “pull down and destroy the noblest Government the world has ever known,” but acknowledged the North had committed a folly. It ought to be given

⁵⁹ Jesse Turner to Rebecca Turner, March 7, 1861, quoted in Lucile Price Turner, “History from an Attic: Written by the Late Jesse Turner of Van Buren When Attending 1861 Secession Conventions in Little Rock Reveal Troubled Times” *Arkansas Gazette*, Little Rock, AR, March 3, 1940; Dougan, *Confederate Arkansas*, 48.

⁶⁰ Jesse Turner to Rebecca Turner, March 9, 1861, quoted in Turner, “History from an Attic,” *Arkansas Gazette*, Little Rock, AR, March 3, 1940.

⁶¹ Carrigan, “Secession Convention,” 307.

“reasonable time to repent,” to “retrace their steps, to expel from power their reckless and fanatical leaders, and to yield to the South such guarantees of their rights as their safety may require.”⁶² Lincoln could yet heal the rift if he would immediately recommend an “unconditional repeal” of the northern states’ “unconstitutional enactments intended to thwart the execution of the fugitive slave law.” A mistaken report from Arkansas’s Senator Charles Mitchel in February, 1861, that Lincoln intended to concede Fort Pickens to Florida and Fort Sumter to South Carolina by withdrawing Federal troops from both caused Unionists and Cooperationists to hold out hope for a resolution of the right to slavery within the Union on which a compromise could be based. Otherwise, the “honest yeomanry, the bone and sinew” of the country who were “at last aroused and determined to insist on their constitutional rights” would not yield.⁶³

Turner’s position was echoed by Unionist-Cooperationist J. H. Stirman of Fayetteville. Stirman believed, like many of his compatriots, that the seceded states had acted too hastily in rejecting the Union “as bequeathed to us by the Fathers of the Revolution.” Those that sought to “*hurry* Arkansas out of the Union” did so to attempt to grab power for themselves, but rather risked marginalizing Arkansas. The focus of so many of the new Confederate statesmen seemed to be direct taxation and the building up of the “Atlantic sea-board,” while inland Arkansas was “dragooned into the support of these systems and plans, to the neglect of her own citizens, their homes and firesides.” Though he insisted that Arkansas’s “Constitutional rights in that Union” must be “fully recognized,

⁶² Correspondence: Hon. Jesse Turner's Position, February 4, 1861 Broadside and Ephemera Collection, David M. Rubenstein Rare Book & Manuscript Library, Duke University, Durham, NC.

⁶³ Jesse Turner, letter to the editors of the New York Express, December 10, 1860, quoted in Turner, “History from an Attic”; Woods, *Rebellion and Realignment*, 143, 246.

guaranteed, and secured,” he felt those assurances could be achieved in the Union, with secession held only as a “last remedy.”⁶⁴

As for Murphy, he demonstrated the limits of his Unionism by embracing a resolution offered by H. F. Thomason of Crawford County. The resolution was presented as an alternative to immediate secession by listing six “just causes of complaint” against the North and proposing eight Constitutional amendments to redress those complaints and restore “harmony and fraternal goodwill between all the peoples.” The Thomason resolution also proposed calling a convention of all the states to pass the proposed amendments. The just complaints included 1) outrage at the dominance of the “purely sectional” Republican Party, whose principles were “inconsistent with the rights, and subversive of the interest” of the South, 2) Republicans denying the right to extend slavery into the territories by refusing to protect slavery there and declaring that territories that allowed slavery would not be admitted to the Union, 3) the avocation that Congress had the power to, and should exercise its power to, abolish slavery in U.S. facilities, in Washington D. C., and all the territories, 4) obstructions of the fugitive slave laws by legislation in some states, 5) the denial of protection of slave property while owners were traveling through free states with their slaves, and 6) the degradation of Americans by granting suffrage to free-black men in some states.⁶⁵ The amendments proposed to address those grievances included 1) alternately electing the President and Vice President between the slave and free states, with neither section ever holding both offices, 2) the reestablishment of the Missouri Compromise’s 36° 30’ North line, allowing slavery’s further expansion, 3) expressly disallowing Congress from legislating on slavery, except to protect it, 4) adding specific requirements and slave-holder rights pertinent to the fugitive slave requirement of the Constitution, 5) granting

⁶⁴ Broadside: To the People of Washington County, J. H. Stirman, February 5, 1861, quoted in Gigantino, *Slavery and Secession*, 109-111.

⁶⁵ Arkansas Convention, *Journal of Both Sessions*, 52.

state supreme courts and governors concurrent jurisdiction with their federal counterparts to enforce the fugitive slave law, 6) protecting slaves and slave-owners while traveling in free states, 7) permanently disenfranchising any person with any black heritage, and 8) making the proposed amendments and the portions of the Constitution pertinent to slavery unalterable and unrepealable “without the consent of all the states.”⁶⁶

Murphy was among the Unionist-Cooperationists who defended the Thomason resolution from attempts to convert it into a secession ordinance or replace it with a secession ordinance.⁶⁷ One faction of Secessionists felt that the “just causes” did not go far enough, and the resolution quickly became the most controversial consideration of the convention after the secession ordinance. The “just causes” called for popular sovereignty, and C. W. Adams of Phillips County moved to strike out that portion, instead requiring that every proposed state south of 36° 30' North become a slave state or not be admitted to the Union. Murphy helped to soundly defeat Adams’s amendments.⁶⁸

Ultimately, the “just causes” passed by a vote of forty to twenty-four, receiving all of the present Unionist-Cooperationist votes and one Secessionist vote. Over the course of the debate, twenty amendments had been proposed, most of which were introduced by the more strident of the Secessionists and were soundly defeated by Murphy and the other Unionist-Cooperationists. In its final form, only two were passed or accepted, one from a Secessionist and one from a Unionist, and both without a called vote.⁶⁹

Similar to Thomason’s “just causes,” the report of the Unionist-Cooperationist-dominated Federal Relations Committee contained several expressions of the outrage committed against the

⁶⁶ Ibid, 52-54.

⁶⁷ Ibid, 52-55, 82-87, 94-95, 96-97, 99, 101.

⁶⁸ S. J. Howell to Jesse Turner, January 29, 1861, Document 38, quoted in Gigantino, *Slavery and Secession*, 105.

⁶⁹ Arkansas Convention, *Journal of Both Sessions*, 80-87, 98-99.

South by a sectional majority. Lincoln's election represented a "despotic oppression of the minority" that was "contrary to the spirit and genius of our government" and "grievous to be borne." The report also drew Arkansas's line in the sand with the affirmation: "any attempt on the part of the federal government to coerce a seceding state, by an armed force, will be resisted by Arkansas to the last extremity." Furthermore, Arkansas defined coercion as any attempt to enforce "federal laws in the seceded states, in the collection of revenues and duties, by other means than the local authorities, or the recapturing of the forts, arsenals, and other property of the federal government in the seceded states."⁷⁰ Unfortunately, Murphy's stance on this issue is not recorded as it was not brought to a called vote.

The Federal Relations Committee's conditions were Cooperationist positions that defined what represented the point of no return necessitating secession. Though holding firmly to their hope that the North would be willing to compromise, and believing that the seceded states had acted in illegal haste, they were willing to go to war if Lincoln and the abolitionists exercised military force.

With the convention failing to embrace immediate secession, Secessionists threatened extra-conventional action, which included convincing Rector to reconvene the legislature and win secession from that body. There were also threats of an internal secession of the southeast of Arkansas that would be brought to bear unless some semblance of action on secession was taken.⁷¹ The new internal threats were sufficient to bring the Unionist-Cooperationists to a compromise. On March 20, Totten successfully submitted a Secessionist ordinance that was adopted without the need for a called vote. Like Hanley's earlier ordinance, Totten's proposal submitted the secession question to the people in a referendum. Unlike the earlier attempt, however, the ordinance did not contain

⁷⁰ Ibid, 55-56, 62; Potter, *Impending Crisis*, 123.

⁷¹ Woods, *Rebellion and Realignment*, 146.

any secessionist language. Rather, it outlined that the referendum vote would be either for “co-operation” or for “secession” and would take place on August 5, 1861. The convention would then reconvene and tally the vote on August 19. If a majority was for secession, the convention was directed to pass “an act of immediate secession.” In the event the returns showed a majority for “co-operation,” the convention would “take such steps as may be deemed proper to further co-operate with the border, or unseceded slave states, in efforts to secure a permanent and satisfactory adjustment of the sectional controversies disturbing the country.” Totten’s ordinance cleverly appealed to the Unionists’s desire for referral of any Secessionist action to the people, and it also forestalled the threatened extra-conventional internal secession.⁷²

With the secession question safely referred to the people, both sides declared victory. The Unionists had remained true to their people’s trust by referring the question to them directly and preventing immediate secession. Meanwhile, the Secessionists had won five months to further advocate for their cause. It was possible that some event would trigger the Cooperationist ultimatum and ensure secession before the referendum in case the people could not be convinced. To provide for such an exigency, J. S. Dollarhide of Sevier County introduced a resolution that empowered President Walker to reconvene the convention before the referendum.

Both sides seized the convention’s final day as a platform to expound their own particular views and obtain the final word. With a nod to the border convention, to which Arkansas had selected delegates, another Unionist-Cooperationist resolution was adopted that stated it was best to resolve the conflict gripping the nation in conventions rather than “engage in overthrowing or altering the government,” so long as “equal rights and privileges to all the states alike, south as well as north” could be guaranteed. Secessionist W. M. Mayo of Monroe County best summed up his bloc’s

⁷² Ibid, 144; Arkansas Convention, *Journal of Both Sessions*, 90-91.

position with regard to the border convention, which was supported by Murphy and most of the other Unionists, stating that “all attempts at adjustment” had “already failed.” Secessionists held no faith that the rights would afterward be “observed” or enforced because the fugitive slave law had been undermined and ignored for years prior.⁷³

Two Unionist-Cooperationist resolutions were introduced that served as warnings to the North that Murphy, as a member of that bloc, likely supported. The first hoped to avoid the universally “dreaded and deplored” specter of civil war, but stated that such could only be done if the federal government were to recognize the independence of the seceded states, especially as it applied to U.S. forts, arsenals, and dockyards within those states. The second advised the other border states, “slave or free,” not to cooperate with the federal government in any military action in the seceded states to retake such federal property, but to “firmly maintain a pacificatory [sic] course and use every patriotic and manly effort to bring about an honorable and amicable adjustment of our present difficulties.”⁷⁴

Murphy and the other delegates returned to their homes to wait for the election. Some of them began stumping in their sections to support a “for co-operation” vote, aided sporadically by the press. But the Unionist-Cooperationist effort was small compared to that of the Secessionists, who commenced far-reaching campaigns complete with barbeques and picnics. They built upon Albert Pike’s sudden shift to the Secessionist cause and received enthusiastic support from the *True Democrat*.⁷⁵ In an address to the people of Arkansas that appeared in the *Arkansas Gazette* on April 6, 1861, Murphy and the thirty-nine other Unionist-Cooperationist members of the convention reviewed the platform upon which they had jointly stood at the convention. They acted to prevent

⁷³ Ibid, 90-93, 106, 108.

⁷⁴ Ibid, 103-104.

⁷⁵ Scroggs, “Secession Crisis,” 218.

committing Arkansas to secession, condemned attempts at federal coercion, proposed amendments to the Constitution to remove the “causes that might lead to a collision,” and tried to restore “peace and fraternal relations between the sections.” With appeals to people’s American patriotism and their “reverence for the memory of [their] fathers, who handed it down” as a “sacred inheritance,” they urged Arkansas’s citizens not to judge the whole North by the actions of the extreme abolitionists.⁷⁶

The Unionist-Cooperationists argued that those people should be afforded the right to express themselves in conventions, without the meddling of politicians, to answer the demands of the South for guarantees of their rights. In the same way, the Unionist-Cooperationists were proud to have referred the final question to the people. Arkansans, they felt sure, would “not determine to destroy that government, which has bestowed upon us so many blessings, and secured to us so many rights not enjoyed by any other people,” without first uniting the state’s efforts with the other unseceded slave states “to secure [their] rights, and at the same time preserve that Union.” Evidenced by “petitions [to Congress] signed by thousands of the Northern people,” they were just as willing and eager to reach a settlement with the South. The writers also pointed to the actions of several legislatures in the North that chose to repeal “their offensive legislation” with regard to the fugitive slave laws. Indiana, Illinois, and Ohio had also issued resolutions for a National Convention. Under the pressure of the northern people, the writers pointed out, even the Republican-held Congress was beginning to yield. They had proposed a constitutional amendment to prevent any new amendment that might grant “Congress the power to abolish or interfere within any State, with the domestic institutions thereof, including *persons held to labor or service by the laws of said State.*” These signs of

⁷⁶ “The People of Arkansas,” *Weekly Arkansas Gazette* (Little Rock, AR), April 6, 1861.

hope, the Unionist-Cooperationists argued, showed how rash secession would be and suggested that the proposed convention could bear fruit.⁷⁷

In the end, however, events in South Carolina—six short days after Murphy and the others’ arguments were printed—eclipsed all their efforts at a resolution via conventions and referenda. In response to South Carolina’s firing on Fort Sumter, on April 15, 1861, Lincoln issued a proclamation to all the non-seceded states—border, slave, and free alike—calling for the maximum number of militia troops the law permitted in order to “repossess the forts, places, and property which have been seized from the Union.”⁷⁸ Arkansas was asked to supply one regiment, or 1,780 troops. Answering for Arkansas on April 22, Governor Rector declared the call for troops an attempt to “subjugate the Southern States” and refused to comply. “The people of this commonwealth are freemen, not slaves,” Rector warned, “and will defend to the last extremity their honor, lives, and property against Northern mendacity and usurpation.”⁷⁹

Lincoln’s call for troops from Arkansas and the border states, as well as his expressed desire to retake federal property by force, met Cooperationists’s definition of coercion exactly. This action triggered the Arkansas Secession Convention’s Dollarhide Ordinance that enabled Walker to recall the convention before the referendum, and many began clamoring for him to do so.⁸⁰

When Arkansas’s Second Secession Convention convened at ten o’clock on May 6, it immediately passed a resolution directing the Ordinances and Resolutions Committee to report an “immediate and unconditional” secession ordinance by three o’clock that afternoon, a resolution that would have been readily defeated a month and a half prior. Afterward, delegates presented

⁷⁷ Ibid.

⁷⁸ Lincoln and Fehrenbacher, ed., *Speeches and Writings, 1859-1865*, 232.

⁷⁹ United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* Series I, Vol. 1 (Washington, DC: Government Printing Office, 1880) series I, I: 687.

⁸⁰ Arkansas Convention, *Journal of Both Sessions*, 101-102.

resolutions and ordinances to redirect to the state all monetary or material judgments due to a non-slave state from an Arkansas citizen. They also endorsed the extra-legal action of seizing river vessels on the Arkansas River that contained U.S. troops and supplies. Walker presented the convention with a letter from S. H. Hempstead, one of the delegates elected to the border state convention, which made it clear that immediate reconciliation was impossible. Lincoln's coercive action at Ft. Sumter had convinced him that "prudence, patriotism, peace, justice and concession" could no longer hope to preserve the states' rights. Hempstead expressed his hope that the convention would determine to "defend the people of the South, their homes, firesides, property and rights to the last extremity, if need be, and against all foes."⁸¹

After the secession ordinance was presented, the convention's Unionists, led by A. W. Dinsmore of Benton County, presented an eleventh-hour amendment to the ordinance that would refer its ratification to the people in a referendum to be held on June 3, 1861. The prevailing mood, however, was for immediate action, and the amendment was immediately tabled by a vote of fifty-five to fifteen.⁸² It was at this point that it became plain that Murphy was a Unionist and not a Cooperationist. Just as the Hanly motion at the first convention distinguished the Cooperationists and Unionists from the Secessionists, the vote on the Dinsmore Amendment distinguished the Unionists from the Cooperationists. Of the thirty-nine men who opposed secession at the first convention, only fifteen showed themselves to be actual Unionists—Murphy and Bolinger of Madison County, Campbell of Searcy County, Desha of Independence County, Dinsmore of Benton County, Dodson of Newton County, Fishback and Griffith of Sebastian County, Gunter,

⁸¹ Arkansas Convention, *Journal of Both Sessions*, 113-120.

⁸² *Ibid*, 122.

Parks, and Walker of Washington County, Kelley of Pike County, Stallings of Conway County, and Thomason and Turner of Crawford County.⁸³

After the Dinsmore Amendment's defeat, most of the Unionists consented to disunion at last in the vote on the secession ordinance that followed. The initial vote revealed Murphy and four others—Bolinger, Campbell, Gunter, and Kelley—remained against secession. Before the vote was finalized, President Walker addressed the nay-voters, particularly Murphy, “urging unanimity.”⁸⁴ Carrigan remembered Walker's address as the grandest oration for “unity and honor of the State and devotion to the Southland.”⁸⁵ Cypert later recalled Walker said, “It is inevitable that Arkansas will secede. Enough votes have already been cast to take us out of the Union. Now, since we must go, let us all go together; let the wires carry the news to all the world that Arkansas stands as a unit against coercion.”⁸⁶ John Campbell of Searcy County recalled that Walker called for a unanimous vote to make a clear statement that the state was united “against being subjugated or that her love for the union would not make her submit to be the instrument in the hands of abolitionists to coerce [sic] the Seceded States back.”⁸⁷ Campbell and Bolinger stated that they voted against the resolution to fulfill their promises to their constituents but later changed their votes while simultaneously maintaining their denial of any “right of secession.”⁸⁸ Likewise, Kelley and Gunter changed their votes but continued to deny any right of secession, stating that they were in “favor of revolution.” Murphy, however, refused to change his vote.

⁸³ Arkansas Convention, *Journal of Both Sessions*, 122.

⁸⁴ Ibid, 123; Carrigan, “Secession Convention,” 306.

⁸⁵ Carrigan, “Secession Convention,” 306.

⁸⁶ Cypert, “Secession Convention,” 318-319.

⁸⁷ John Campbell to Neal Walters, June 10, 1861, in John Campbell and James J. Johnston, “Letter of John Campbell, Unionist,” *Arkansas Historical Quarterly* 29, no. 2 (Summer 1970): 180-181.

⁸⁸ Arkansas Convention, *Journal of Both Sessions*, 123; “Fellow Citizens of Searcy county,” *Arkansas State Gazette*, May 11, 1861.

After his refusal, William M. Fishback of Sebastian County tried to convince Murphy to vote for secession.⁸⁹ Arkansas's U.S. Senator William K. Sebastian and Arkansas's Supreme Court Chief Justice Elbert H. English, "Union men and friends," and spectators also, put "great pressure" on Murphy to change his vote, but he would not.⁹⁰ "I have cast my vote after mature reflection and had duly considered the consequences, and I can not conscientiously change it. I therefore vote 'no,'" Cypert recalled Murphy saying.⁹¹ George P. Smoote, a Secessionist delegate from Columbia County, provided a similar quotation, "very nearly in his own language," to the *Gazette* in 1871:

Mr. President—It seems to be expected that I should say something on the present occasion. After months of investigation, I have voted against the ordinance of secession. I cannot change an opinion thus made up after due reflection, under the temporary influence of excited feelings. My vote must stand as it is. I believe it to be right. It will hereafter be my glory or my shame, and I am willing to abide the consequences.⁹²

Another account, written in 1863 after an interview with Murphy, recalled a bolder and more sympathetic refusal: "My principles are all Southern," he declared. "If necessary, I would lay down my life for the benefit of the Southern States, but I would rather lose a thousand lives than aid in bringing about the untold evils that would assuredly follow in the train of secession. Again I say, to the passage of this ordinance, 'No!'"⁹³ Underlining Murphy's commitment to his original pledge and again insisting on his Southern sentiments, another account rendered his refusal by quoting, "I told my constituents that I would suffer my right arm severed before I would ever sign an ordinance of secession and I will not. But I am a Southern man, and will go as far as the most determined

⁸⁹ Arkansas Convention, *Journal of Both Sessions*, 124.

⁹⁰ Cypert, "Secession Convention," 319; Bishop, *Loyalty on the Frontier*, 25.

⁹¹ Cypert, "Secession Convention," 319.

⁹² "Isaac Murphy: A Little Incident in the History of 'Honest Old Isaac,'" *Daily Arkansas Gazette* (Little Rock), March 31, 1872, accessed April 9, 2011, Gale Nineteenth Century U.S. Newspapers [hereinafter cited as GNCN].

⁹³ Bishop, *Loyalty on the Frontier*, 25-26.

secessionist in behalf of the South."⁹⁴ The ordinance passed over Murphy's objection sixty-nine to one.⁹⁵

Though fourteen of the fifteen Unionists eventually voted for secession, Murphy was not the only true or unconditional Unionist. Turner felt some shame over his vote for secession and worried that his wife would think he had done wrong. "It was a solemn scene, and to me, the saddest hour of my life," he wrote. "Would to God that it could have been otherwise." He considered secession "a miserable remedy for the grievances complained of (and most of the complaints were well founded)" made necessary by Lincoln and the Republicans. Turner and other Unionists felt they had no other option but to concede. "A stern and inexorable destiny seemed to demand it," he wrote. "The people of the state demanded it, and I could not escape it without abandoning my post, which I could not do."

True to form, Murphy stood unwilling to recede from a unique position. The reaction to his refusal to change his final secession vote was mixed, at best. Most of the delegates were disappointed at the lack of unanimity, but according to Cypert, Murphy "had the respect and sympathy, as well as the goodwill of all who personally knew him," even after his refusal.⁹⁶ Similarly, Carrigan remembered that "he never lost any respect."⁹⁷ Both Cypert and Carrigan were Cooperationists, and could more readily understand Murphy's refusal. However, Murphy even found sympathy among the original Secessionists. Smoote, writing in 1871, recalled respect for Murphy and his refusal, saying, "The convention felt that 'old Murphy' though standing isolated in his vote, had full faith in the rectitude of his action, and nerve and honest enough to abide by his faith, even when surrounded

⁹⁴ N. B. Pearce, "Price's Campaign of 1861," in *Publications of The Arkansas Historical Association*, vol. 4 (Little Rock, Arkansas: Democrat Printing & Lithographing Co., 1917), 333.

⁹⁵ Arkansas Convention, *Journal of Both Sessions*, 124.

⁹⁶ Cypert, "Secession Convention," 319.

⁹⁷ Carrigan, "Secession Convention," 313.

by every influence calculated to overawe and change him.” Smoote, though in full favor of secession and entirely without remorse for his own vote, still could “not help respecting a man who voted against it because he believed it right to do so, under circumstances which offered a chance, at least, for martyrdom.”⁹⁸

The crowd’s reaction in the galleries was another matter. The *Gazette* and Cypert both recalled “very little excitement,” except, perhaps, for when Murphy received a bouquet thrown from the gallery.⁹⁹ Smoote likewise stated, “No jeers or hisses followed that speech.”¹⁰⁰ But Murphy, speaking to an interviewer seven years later, remembered a far different scene. He described an eruption of outrage resounding from the gallery and lobby with hisses and shouts of “‘Traitor!’ ‘Shoot him!’ ‘Hang him!’” that only gradually subsided. The perceived threat reportedly induced Murphy to remain at his place in the convention for fear of his life.¹⁰¹ “The scene at the time beggared description,” Murphy recalled. “Everywhere arose oaths, curses, and cries of ‘Kill the old traitor, the infernal abolitionist!’ I never expected to get out of the hall alive!”¹⁰² No violence actually occurred, but he remained in constant fear through the rest of the convention, and his daughter, her husband, and other friends shared his anxiety. Seeking to protect him, they subsequently refused to allow him out of the house after sunset.¹⁰³

Even those who described tranquil scenes were somewhat surprised that Murphy escaped attack. Smoote mentioned the possibility of “martyrdom,” and Carrigan remembered, “the

⁹⁸ “Isaac Murphy: A Little Incident in the History of ‘Honest Old Isaac.’”

⁹⁹ Cypert, “Secession Convention,” 319; “Arkansas Out of the Union,” *Arkansas State Gazette*, May 11, 1861.

¹⁰⁰ “Isaac Murphy: A Little Incident in the History of ‘Honest Old Isaac.’”

¹⁰¹ Bishop, *Loyalty on the Frontier*, 26.

¹⁰² Samuel R. Wells, ed., “Isaac Murphy, Governor of Arkansas,” *American Phrenological Journal and Life Illustrated* 47, no. 6, whole number 354, in Samuel R. Wells, ed., *American Phrenological Journal and Life Illustrated: A Repository of Science, [...]*, Vol. 47 and 48 (New York: Samuel R. Wells, 1868), 218, accessed March 24, 2009, <https://books.google.com/books?id=cpw3AQAAAMAJ>.

¹⁰³ Bishop, *Loyalty on the Frontier*, 26; Berry, “Isaac Murphy Family History,” Box I, Section VII, Item 8, MBFC.

excitement on the outside was intense.” Carrigan also expressed some surprise that Murphy did not suffer for his vote, stating, “No other man could have taken the position he did without having been mobbed by the populace.” Indeed, Carrigan’s and Murphy’s accounts seem the most likely up to that point, as Carrigan recalled a “high state of excitement” across the entire state, including frequent taunts and “raillery” against the Unionists from the galleries and lobbies that “were always crowded.” The excitement created an environment in which “it was constantly feared that violence might occur, and at times it looked as if it were inevitable.”¹⁰⁴ Cypert also recalled crowded galleries during the convention, and given the passions of the hour, the calm he and the *Gazette* described seems unlikely.

Murphy did not entirely break with Secessionists, however, even at this point. The convention continued to sit as a *de facto* legislature and constitutional convention. Murphy remained in the convention and opposed all outside Confederate influence and measures that deepened or formalized the state’s secession as he continued to attend the sessions. He took his continuing convention duties seriously and was as diligent and insistent as ever. Concerned that the convention’s business might be leaked or spread, the day after the secession vote and because the convention began operating as a *de facto* war-time legislature, Murphy introduced a resolution that the delegates and officers of the convention be “enjoined not to communicate anything or act or debate that may occur in secret session until the obligation of secrecy be removed by act of the convention,” which was adopted.¹⁰⁵

Though Murphy did not support secession, he was cognizant of the need for a military defense and supported the military of the state. Before the secession ordinance was reported back

¹⁰⁴ Carrigan, “Secession Convention,” 300, 312.

¹⁰⁵ Arkansas Convention, *Journal of Both Sessions*, 131.

from committee on the first day of the session, Murphy introduced a resolution that, “in view of the dangers that surround the southern states,” Arkansas’s entire population should be placed “on a war footing as speedily as possible.” “As soon as practicable,” the resolution directed the Military Affairs Committee to “prepare and report a plan for the efficient organization and arming of the state.”¹⁰⁶

Murphy made his seemingly contradictory call for defense in the name of neutrality within the Union. Unwilling that his state should fight against the Union or the Confederacy, and recognizing that peace was impossible, he hoped that the state would be content to fight only for itself. To his mind, armed neutrality was most likely to avoid the feared “untold evils” of secession and allowed him to stay within the bounds of his Southern principles, which made fighting against the other Southern states untenable. Rather, if he must fight, as Bishop told it, he would lay down his life “for the benefit of the Southern States.”¹⁰⁷ Bishop’s version of Murphy’s sentiments echoed the reporting of the conservative *Arkansas Gazette* following the secession vote. “He is a pure, a true and a brave man,” it reported. “Arkansas has no citizen upon her soil who will be more ready to respond to her call when necessity or public safety demands that her sons should offer their service, or their lives, in her defence [sic].”¹⁰⁸ The language of both accounts and his arming and mobilizing resolution suggest support for a purely defensive stance. Though he was a boy of around thirteen at the time of Murphy’s vote against secession, J. W. House—who later fought for the Confederacy, was a delegate to the 1874 Constitutional Convention, and was U.S. Attorney in the 1890s—similarly assessed Murphy’s position, saying, “His idea was that the State should remain in the Union, but, if it was invaded by Federal forces to meet them on the border and try to arrest their

¹⁰⁶ Ibid, 115.

¹⁰⁷ Bishop, *Loyalty on the Frontier*, 26.

¹⁰⁸ “Arkansas Out of the Union,” *Arkansas State Gazette*, May 11, 1861.

progress,” a position very similar to the “neutrality” position of many in Kentucky.¹⁰⁹ Murphy’s refusal to change his secession vote was a principled one, not one of unconditional support for the Union. Rather, it was in opposition to secession and in support of keeping the war out of his state—stances that allowed him to act in “obedience to his conception of his duty and his understanding of pledges to his constituents.”¹¹⁰

Murphy may also have seen the arming resolution as a necessary measure to secure the western border of the state against possible attacks from neighboring Native American tribes.¹¹¹ There was a history of quiet tension and anxiety about the Cherokees along the western border of Arkansas. As early as 1838, and throughout the early 1840s, occasional instances of Cherokee violence occurred along the Arkansas border, and skirmishes increased in frequency and intensity during times of political strife within the tribe.¹¹² In late 1845 and early 1846, fears in northwest Arkansas grew to the point that the commanders of the militia in Benton County felt the need to raise a small company—without state authorization—to provide protection.¹¹³ Various “outrages” continued along the border and in Benton and Washington Counties until an internal treaty largely settled matters between the Cherokee factions in mid-to-late 1846.¹¹⁴ Having lived near Indian Territory for over twenty years, Murphy had been concerned with those issues and was likely a vocal proponent of courting peace, if not support, from the Cherokees. During the Secession Convention,

¹⁰⁹ J. W. House, “The Constitutional Convention of 1874—Reminiscences” in *Publications of The Arkansas Historical Association*, vol. 4 (Little Rock, Arkansas: Democrat Printing & Lithographing Co., 1917), 210, 215.

¹¹⁰ “Arkansas Out of the Union,” *Arkansas State Gazette*, May 11, 1861; “Position of Kentucky—Armed Neutrality Explained,” *New York Times*, May 8, 1861, accessed December 4, 2018, newspapers.com by Ancestry [hereinafter cited as NA].

¹¹¹ John I. Smith, *The Courage of a Southern Unionist: A Biography of Isaac Murphy Governor of Arkansas, 1864-68* (Little Rock: Rose Publishing Co., 1979), 32.

¹¹² For a summary of border violence see: Daniel F. Littlefield Jr. and Lonnie E. Underhill, “Fort Wayne and Border Violence, 1840-1847,” *Arkansas Historical Quarterly* 36, no. 1 (Spring 1977): 3-30.

¹¹³ House, *Journal Seventh Session*, 381.

¹¹⁴ Littlefield, “Fort Wayne and Border Violence,” 27-29.

he was appointed to a select committee to provide an emissary to the tribe in order to “counteract any influences which may be used with or amongst such Indians, prejudicial to the interests of the people of this state.” The committee recommended Colonel Mark Bean of Washington County, but it was later reported that ill-health would prohibit him from serving. Albert Pike was selected in his place.¹¹⁵

Murphy had more reason to fear another sort of cross-border violence. In early 1861, rumors circulated in Murphy’s hometown of Huntsville that “Kansas Marauders were marching through the country murdering women and children.” Fearful that the marauders were headed toward the town, several citizens went out as runners to verify the rumors and reported that they were true. Around thirty men then prepared to meet the marauders while other citizens moved as much of their property as was practical to Murphy’s farm, which was atop a large, defensible hill to the east of the town square. The town eventually received news that the rumors were untrue, however, and stood down.¹¹⁶ After the transfer of sixty U.S. artillerymen to the federal arsenal in Little Rock in November of 1860, rumors flew that more federal reinforcements would be arriving from Indian Territory.¹¹⁷ Whatever the source, these events starkly highlighted the necessity of providing an intra-state military defense to repel invaders and marauders and to help provide the public some peace of mind.

Murphy’s arming resolution was immediately adopted. He still held firmly to his belief that there was no legal right of secession. But, seeing that conflict was inevitable, Murphy advocated that Arkansas be on its own side and no other—a position that echoed that of Sam Houston, who advocated reestablishing Texas as an independent country to avoid the coming civil war and

¹¹⁵ Arkansas Convention, *Journal of Both Sessions*, 183, 236, 251.

¹¹⁶ Berry, “Facts and Reminiscences,” Box VII, Section XXIII, Item 7, MBFC.

¹¹⁷ Arkansas Convention, *Journal of Both Secessions*, 47-49.

association with the Confederacy.¹¹⁸ By raising the state's military, Murphy meant to insist on Arkansas's rights under the Constitution, even as the state refused to commit its men to fight for either the Confederacy or the Union. In effect, Murphy probably hoped to mold Arkansas's secession into a temporary independence sufficient to re-galvanize the Unionists and rally some Cooperationists, who had not truly wanted secession but felt it was inevitable, by offering an alternate path away from the Confederacy and the coming war. In a convention where delegates had wielded and defended their positions like cudgels and swords, Murphy had honed his rapier of legal, moral, and patriotic positioning to a razor's edge and was unwilling to abandon it, though its fineness was certain to be blunted at the first pass.¹¹⁹

Though unique in the Arkansas Convention, Murphy's desire to establish armed neutrality that condemned both coercion and secession had its parallels in other slave states. Missouri's outgoing governor began to advocate for armed neutrality as early as January 3, 1861, and others took up the argument as the year and events progressed.¹²⁰ All that kept Maryland from neutrality or even secession was quick and militaristic interventions by Lincoln.¹²¹ Parties in Kentucky had begun advocating for armed neutrality as early as April 18, 1861.¹²² Its House of Representatives passed a resolution declaring their position of taking "no part in the civil war now being waged except as

¹¹⁸ Edward R. Maher Jr., "Sam Houston and Secession," *The Southwestern Historical Quarterly* 55, no. 4 (April 1952): 451, 453-457, accessed March 26, 2018, <https://jstor.org/stable/30237605>; A. W. Terrell, "Recollections of General Sam Houston," *The Southwestern Historical Quarterly* 12, no. 2 (October 1912): 118, 122-123, 133-134, accessed March 26, 2018, <http://www.jstor.org/stable/30234546>.

¹¹⁹ Dougan, *Confederate Arkansas*, 60.

¹²⁰ "Gov. Stewart's Message," *Daily Missouri Democrat*, January 4, 1861, accessed December 1, 2016, GB.

¹²¹ Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century*, (New Haven, CT: Yale University Press, 1985), 95-100.

¹²² *Daily Louisville Democrat*, April 18, 1861, accessed December 1, 1861, GB.

mediators and friends to the belligerent parties.”¹²³ Turner also included Delaware among the states that were considering such a position in a letter to his wife on May 16, 1861. Though he did not think much of such stances, as they could not be truly neutral—those states’ “sympathies are with the Southern states”—his comments reveal that Arkansas’s delegates were aware of the concept.¹²⁴ Though the war sentiment in Arkansas was too powerful for such a measure to gain much traction, Murphy still believed it to be the best course for the state.

Because the need for readiness was clear, the convention was highly concerned with how to equip and finance the state’s forces. The state’s constitution recognized the governor as commander-in-chief, and Rector began to fulfill that role in what was essentially a period of war. But only three days into Arkansas’s Second Secession Convention, the delegates had begun to discuss limiting Rector’s authority. When a resolution was introduced that would authorize the governor to accept all organized volunteer companies into service, a substitute resolution was put forward that proposed to convey such power instead on a “military board, which may hereafter be organized,” indicating the growing mistrust of the governor within the convention.¹²⁵

Several ordinances were introduced to organize the military. Delegates from the northwestern counties felt particular consternation as to defense because it seemed likely that that section would be the first foothold sought if the state were to be invaded. “Whereas our northwestern frontier is threatened with immediate invasion by the forces of the United States,” began Dinsmore of Benton County’s ordinance for the “Raising and Equipping of a Military Force in the

¹²³ House of Representatives of the Commonwealth of Kentucky, *Journal of the Called Session of the House of Representatives of the Commonwealth of Kentucky, Begun and Held in the Town of Frankfort, on Monday, The Sixth Day of May, In the Year of Our Lord 1861, and of the Commonwealth the Sixty-ninth* (Frankfort, KY: John B. Major, State Printer, 1861), 91, accessed on December 1, 2016, <https://books.google.com/books?id=-ndaAAAAAYAAJ>.

¹²⁴ Jesse Turner to Rebecca Turner, May 16, 1861, quoted in Turner, “History from an Attic.”

¹²⁵ Arkansas Convention, *Journal of Both Sessions*, 140, 148-149.

North-west for the Immediate Protection of that Frontier.” The ordinance provided for the election of a brigadier general for Arkansas’s western division and made him subject to “any military board as may hereafter be organized.” It also ordered him to organize and drill volunteer forces for the northwest’s defense, but not actually muster them into service. Additionally, it committed arms, munitions, and supplies, and made an appropriation for military operations on that frontier. The ordinance was adopted later the same day, without a called vote, after amendments were added that made similar provisions for the northeast and explicit language was inserted to ensure that the existing brigadier generals—N. B. Pearce in the West and Thomas H. Bradley in the East—held inferior positions to “any general officer who may be appointed by the Confederate States.” Murphy appeared to support the measure, as he later introduced a resolution to clarify the position of the various generals in the hierarchy.¹²⁶

Immediately after Dinsmore introduced his ordinance, the Military Affairs Committee introduced “An Ordinance to Create a Military Board for the State of Arkansas.” The board was to consist of the governor and two civilian advisors whose duty was to “act and consult together in all matters appertaining of the general military defence [sic] of the state.” The board was invested with full authority to call militia and volunteer companies into service, to draw up to \$2,000,000 of state funds to prosecute the war, and to plan and implement war actions with 30,000 troops, “until such time as the authority of the Confederate government shall be extended over it; after which, it shall act in aid of, and auxiliary to said Confederate authority.”¹²⁷

Murphy did not seem to support the concept of a military board. Though other states were creating similar boards, it became controversial in Arkansas, as it was clearly intended to keep Rector

¹²⁶ Ibid, 188-189, 205-206, 220, 233.

¹²⁷ Ibid, 189-191.

in check and diminish his power over Arkansas's forces. Because of his erratic and precipitous behavior since the secession crisis began and his defection from the Family, many in the convention opposed him, Unionist, Cooperationist, and Secessionist alike. Indeed, some saw the action against Rector as a Dynasty plot to backdoor their way into war-time power. Rector hoped to forestall the loss of power by recalling the legislature while the convention was still in session, but was found out and stopped by the convention before he could do so.¹²⁸

Though stymied by the convention, Rector still had his supporters within the body. While he and Murphy had certainly differed over secession, they shared a common opposition to the Dynasty. Murphy and a small cadre of fifteen others supported a Cypert amendment that succinctly removed the language regarding the board and recognized Rector as commander-in-chief. They were soundly defeated by sixteen to forty-six. Murphy voted against the military board ordinance after the defeat of the amendment, but it passed by thirty-nine to twenty-two. Hoping to avoid the permanent presence of a military board, Hanly proposed an amendment that made it clear that the board would only exist until the close of the war "and no longer." Murphy, seeking to limit it even further, moved to amend Hanly's amendment, limiting the board's existence to only one year. Murphy's amendment was defeated by a vote of fifty-five to eight, but Hanly's amendment was added. Over Murphy's objections, a further amendment was added to the ordinance that provided for the elected replacement of board members if the war should progress past the constitutional term of the governor.¹²⁹

Murphy and the opposition, in keeping with his early Jacksonianism, argued that establishing the board would create an extra-constitutional branch of state government outside its

¹²⁸ Dougan, *Confederate Arkansas*, 64-67.

¹²⁹ Arkansas Convention, *Journal of Both Sessions*, 228-229, 239-240, 242-244.

system of checks and balances. They feared the board would exercise supreme power over the military beyond any authority but another convention. Others suggested that the board itself, in supplanting the governor as commander-in-chief, was unconstitutional, based on Article Five, Section Six of the Arkansas Constitution. In a last-ditch effort to limit the board's authority, Patterson of Jackson County offered an additional section: "That this ordinance shall not be so construed as to place said advisory board above the civil power of the state, but that the same shall continue subordinate thereto." Hanly moved to table the addition, but his motion was defeated by Murphy and thirty-four others. The amendment failed, however, and the ordinance creating the board passed over their objections, fifty to fifteen.¹³⁰

Not yet ready to concede defeat, the opposition made several unsuccessful attempts to insert language into other ordinances to restore Rector's power as commander-in-chief of the militia. Murphy supported the first attempt at such an amendment but opposed the third, most likely due to language regarding the state's generals and their staff, over which he had already displayed consternation. Near the end of the convention, while debate and amendments regarding a new state constitution were offered, Murphy was successful in making an amendment to the state constitution's Declaration of Rights, Article Two, Section Twenty-three, which required that the military would be subordinate to civil authority at all times. Nevertheless, his success was short-lived. During debate on Article Five, Executive Department, a provision was added to Section Six that stated while the governor continued to be defined as commander-in-chief, that authority could not be construed to conflict with any of the ordinances passed by the convention. An attempt to remove that language failed, essentially nullifying Murphy's amendment.¹³¹

¹³⁰ Ibid, 239-240, 242-245, 250.

¹³¹ Ibid, 278-279, 282-283, 220-221, 420, 430.

Despite his opposition to the military board, Murphy continued to back defense. He supported an ordinance, as it was originally introduced, that created a military corps for active service. The ordinance was heavily amended, and unsurprisingly, he opposed these amendments, in part because they allowed calling troops out only if the CSA could not respond quickly enough, was negligent of the state, or if troops were needed to quell an insurrection or repel an active invasion.¹³² Murphy believed that a formalization of the relationship with the CSA, especially turning over all military control to them, was wrong and dangerous—an attitude that he shared with Governor Rector, who continually and unsuccessfully argued for a strong militia in the face of Confederate neglect, exploitation, and continual removal of troops from the state.¹³³ Murphy displayed a similar distaste for national control of Arkansas's forces by opposing an "Ordinance to Provide for Cooperation with the Force of the CSA in the Defence [sic] of the Western Frontier and for Other Purposes."¹³⁴

Murphy's support for defense can best be seen in his support of funding measures. Early in the convention, an ordinance was introduced to confiscate and appropriate the funds of the receiver of public money for the land districts of the United States for the express purpose of the "purchase of arms." As originally introduced, the ordinance only applied to the Batesville Land Office, but Murphy moved to add Fayetteville's as well. Murphy's motion was accepted, but the ordinance was indefinitely postponed shortly thereafter. He also supported an ordinance, among the most sweeping passed by the convention, which appropriated to the state all money from any public land sale, including moneys normally paid to Arkansas counties' governments. It also instituted a special

¹³² Ibid, 274, 277-279.

¹³³ Carl H. Moneyhon, "Governor Henry Rector and the Confederacy: States' Rights versus Military Contingencies," *Arkansas Historical Quarterly* 73, no. 4 (Winter 2014): 357-380, accessed April 2, 2018, <https://www.jstor.org/stable/24477406>.

¹³⁴ Arkansas Convention, *Journal of Both Sessions*, 295-296.

property tax of 0.166% for 1861 and 0.33% for 1862. Additionally, the ordinance set up provisions for state war bonds that would bear eight percent interest. Over the course of debate, Murphy also wanted slaveholders to be required to pay for the defense of slavery by supporting a special fifteen-dollar tax on every enslaved person over five and less than fifty years of age, but the amendment was defeated by forty-one to seventeen. Most extraordinarily, Murphy and the convention also added a special ten percent income tax, payable only in specie, for 1861 and 1862. Murphy opposed a later ordinance “concerning revenue” that required one-third of all taxes collected to be paid in specie, but when it was adopted by a narrow margin of twenty-five to twenty-seven, he did support another amendment that would have required all the specie collected to be set aside for soldiers’ pay. That measure was resoundingly defeated by thirty-eight to ten.¹³⁵

The convention also considered and passed other extraordinary modes of funding. Though Murphy had supported the constitutional prohibition against banking in 1846, as a member of the judiciary committee of the convention, he helped construct the newly proposed state constitution that did not include such a ban. During debate on the new constitution, a delegate offered an amendment to retain the banking prohibition. The amendment was tabled by a four-vote majority, with Murphy and twenty-five others against. Though Murphy did not wish to prohibit banking as a whole, he did want to forestall the risk of inflation and the danger of banks printing their own scrip. An amendment was introduced that specifically prohibited banks of issue, or banks that were authorized to print currency. Murphy objected to the amendment, and proposed essentially the same amendment with slightly different language as a substitute, but was ruled out of order. The original amendment was defeated by a single vote. Murphy, in another reflection of his Jacksonianism and a preference for hard currency, introduced another amendment that would have allowed banks to

¹³⁵ Ibid, 130-131, 142-144, 318-321, 372-375, 466-467.

print currency so long as they did not exceed the value of gold with which to back it. The amendment was designed to prevent inflation, and it also forbid the state from being stockholder or owner of the bank. Murphy's final attempt to limit the banking power he helped authorize was a failure and was defeated without a called vote. During the banking debates, Murphy showed himself to be a man of exactitude and erudition, but he could border on the pedantic with fine distinctions of language or for specific causes, such as his insistence on using "issue" over "circulation" in the debate over constitutionally allowing some forms of banking.¹³⁶ Those qualities were more irksome than admired, and in such instances, resulted in Murphy being his least effective.¹³⁷

Though respected, his influence was small, and his successes few. Of the sixty-one actions for which Murphy's desired outcome can be ascertained, that outcome was achieved only twenty-four times, or thirty-nine percent of the total. Not surprisingly, Murphy was as far from the majority as he had ever been during his career in Arkansas politics, voting with it during the second session of the Secession Convention only thirty-two percent of the time across the forty-five called votes for which he cast a response. Carrigan remarked on his continued participation, recalling that he "remained in the convention until the last, and took a lively interest in helping to shape the new order of things" in spite of his minority position.¹³⁸

In his votes and other actions during the convention that addressed the 'new order of things' for Arkansas outside of the Union, Murphy continued to display his distaste for allying his state with the Confederacy. He voted against the ordinance to adopt the provisional Confederate constitution and, though a roll-call vote was not recorded, it is most likely that he also voted against adopting the permanent constitution. Of the seven others that joined Murphy in opposing adoption of the

¹³⁶ Ibid, 435-437.

¹³⁷ Ibid, 381-401, 434-436.

¹³⁸ Carrigan, "Secession Convention," 313.

provisional constitution, two had their reasons recorded in the journal. Walker stated that he believed that he was merely following the desires of the people he represented in opposing it. Meanwhile, Dinsmore of Benton County stated his belief that, while his constituents were willing to ally with the CSA, “for purposes of mutual protection and defence [sic] of southern rights,” he believed that the ratification of “*any constitution*” should be via an election. Cypert echoed Dinsmore’s objection when he introduced an amendment that required the ratifying ordinance be ratified by an election itself. Murphy supported Cypert’s amendment, but it was tabled by a thirty-seven to twenty-two vote.¹³⁹

Though Murphy helped to write and frame Arkansas’s new state constitution as a member of the judiciary committee, so much of it was changed over the course of the convention that he ultimately refused to support it or sign it.¹⁴⁰ Most of the amendments to the constitution during the convention were approved without called votes, so it is not possible to determine Murphy’s objections, if any, outside of his dissatisfaction with the banking changes. He may also have been upset because of his failed support for scheduling the next general election for October 1861, instead of 1862.¹⁴¹ When the new state constitution passed on June 1, 1861, the convention deemed the bulk of its duty done. How best to close the convention was a contentious issue, however, as was whether the convention should have a continuing role throughout the war. More than twenty actions attempting to define how and when the convention would adjourn were considered before it finally did adjourn.¹⁴²

¹³⁹ Arkansas Convention, *Journal of Both Sessions*, 180-183, 452-455.

¹⁴⁰ State Convention of the People of Arkansas, *Ordinances of the State Convention, Which Convened in Little Rock, May 6, 1861* (Little Rock: Johnson & Yerkes, State Printers, 1861), 112-113.

¹⁴¹ *Ibid*, 93; Arkansas Convention, *Journal of Both Sessions*, 422.

¹⁴² Arkansas Convention, *Journal of Both Sessions*, 298, 342-343, 379-380, 463-464, 465, 471, 473.

The original act of the General Assembly that authorized the convention was unusually vague in its description of purpose, merely stating that the convention was to “take into consideration the condition of political affairs, and determining what course the State of Arkansas shall take in the present political crisis.” Accordingly, there was initially some consternation as to how far the convention should, or could, extend its authority. Cypert expressed just such a concern with the early introduction of a resolution that the convention “should not assume legislative powers further than necessary as incidents growing out of the change of our federal relations, and providing for the immediate defence [sic] of the state by placing her militia upon a war footing.” The Judiciary Committee recommended Cypert’s resolution for adoption, but it appears to have died on the floor.¹⁴³ Nevertheless, the Judiciary Committee generally included a provision in the ordinances it recommended that empowered the General Assembly to repeal or alter them, and several other ordinances also made the same provision.¹⁴⁴

In general, the convention respected the provisions and only removed them from ordinances, or refused to allow them, in two instances. The first was when Smoote made two attempts to add the provision to the ordinance that created the military board. It was rejected in both instances, the final time by a vote of forty-seven to sixteen, with Murphy voting in favor of Smoote’s provision. The second time was in relation to an ordinance that prescribed that all military and civil officers take an oath pledging support for the state constitution, the ordinances adopted by the convention, and the Confederate Constitution.¹⁴⁵ In both instances, the convention was ensuring their supremacy as a “sovereign convention” over all other state authority, solidifying their extraordinary check against Rector’s use of the militia and management of the war.

¹⁴³ Ibid, 4, 147, 257; State Convention, *Ordinances of the State Convention*, 128.

¹⁴⁴ Arkansas Convention, *Journal of Both Sessions*, 210, 215, 258, 289, 298, 303, 332, 367, 418-419, 429.

¹⁴⁵ Ibid, 239-240, 242, 255, 290-293.

Many of the convention's delegates, particularly the Unionist-Cooperationists, were Dynasty Democrats or former Whigs that wanted to take further action against Rector over his handling of matters thus far.¹⁴⁶ Though the legislature was generally favorable to the Family, many in the convention feared their check on Rector's power might be nullified if the General Assembly were empowered to alter the ordinance that created the military board. Certainly, Rector believed the legislature would be more sympathetic to his cause and agenda. Accordingly, he had nearly called the General Assembly into special session but had had to cease and desist when the convention discovered his plan. As Rector and the convention were clearly looking to circumvent, or possibly even undermine, one another, most of the delegates that opposed a *sine die* adjournment feared that Rector might be successful if they did so, including Murphy.¹⁴⁷ Though Murphy supported the constitutional authority of Rector's office in favor of the military board, he likely believed in the potential necessity of the convention more, even over Rector or the legislature.

The delegates' concern about not taking up legislative authority beyond the requirement of immediate necessity seemed to wane as the length of the convention approached a month. Some ordinances, such as one to create a new county, were definitely not a dire concern, and some delegates began to chafe at the convention's reach—including the election of seven of its members to positions in the Confederate Congress, the Army of Arkansas, and other state positions. To stem the tide of a resulting reduction of their number, they adopted a resolution to prevent any delegate from being elected to a position without having first resigned. By that point, it was too late, as the convention had already filled all positions.¹⁴⁸

¹⁴⁶ Dougan, *Confederate Arkansas*, 64-67; Thomas A. DeBlack, *With Fire and Sword: Arkansas, 1861-1874* (Fayetteville, AR: University of Arkansas Press, 2003), 29.

¹⁴⁷ Arkansas Convention, *Journal of Both Sessions*, 298, 303, 465-466.

¹⁴⁸ *Ibid.*, 184-187, 209, 254-255, 302-303, 378.

As the convention assumed more and more legislative functions, and more delegates became frustrated that it would not seriously consider permanently adjourning, a delegate introduced a mocking resolution that when “this convention of patriotic delegates finally adjourn, that they organize themselves into a company of cavalry and proceed to elect their officers, and march to the western frontier of our state, to meet the enemy in battle.” A motion to table the resolution surprisingly resulted in a tie vote, leaving the resolution open for debate. Carrigan and Cypert, joining in with the legislative humor, announced that they only voted to table the resolution because they feared that if it were adopted the convention would never adjourn or that all the delegates would want to become officers. The resolution was subsequently withdrawn.¹⁴⁹

Eventually, one last attempt to adjourn the convention *sine die* was made by amending a resolution that called for the convention to adjourn subject to reconvening at the call of the president of the convention, the military board, or the governor. The amendment would have required the convention to remain permanently closed if not reconvened on or before January 1, 1862. With Murphy’s help, the amendment was defeated by a single vote (twenty-eight to twenty-nine), and the unamended resolution passed without a called vote. In protest, seven delegates resigned their positions, including President Walker. Without a quorum, the convention was forced to adjourn on June 3, 1861, without conducting any further business, and the remaining delegates returned to their homes and constituents.¹⁵⁰

¹⁴⁹ Ibid, 463-464.

¹⁵⁰ Ibid, 465-466, 471, 473.

Chapter 7: Murphy's Civil War

Murphy's hopes that Arkansas could maintain an armed neutrality were quickly dashed, and his further cooperation with Secessionists in the interest of the state's defense proved untenable. Arkansas was too divided. More so, even, than appeared to have been understood by some of the convention's delegates. At least one of the Cooperationist-Unionists who changed his vote for secession discovered that not everyone agreed with his decision. Campbell arrived home in Searcy County to find that many of his constituents thought that he had "turned secessionist, turned traitor and played the (Devil) generally," and even those in neighboring Carroll County were dissatisfied.¹ Clearly, not all citizens in the northern and western Arkansas counties had been dissuaded from their support of the Union by the events at Ft. Sumter. Indeed, Searcy, Fulton, Van Buren, Izard, Carroll, and Marion Counties saw the emergence of a secret society sympathetic to the Union—or, at least, opposed to the Confederacy. Styled the Peace Society, it formed in late October or early November of 1861.² Around the same time, Rector received several reports that there was difficulty in raising volunteers due to apathy, indifference, and unwillingness to commit to Confederate service without a draft. Even in the case of a draft, men were reported to prefer Union service in Pike, Montgomery, Polk, Carroll, Searcy, and Sevier Counties.³

¹ John Campbell to Neal Walters, June 10, 1861, in John Campbell and James J. Johnston, "Letter of John Campbell, Unionist," *Arkansas Historical Quarterly*, 29, no. 2 (Summer 1970): 178.

² H. Kelly Featherston to Henry Massie Rector, Featherston, H. Kelly, Camp Culloden, Carroll County, Ark., December 18, 1861, Box 2 Item 102, Kie Oldham Papers MC 30 [hereinafter cited as KOP], Arkansas History Commission and State Archives, Little Rock, AR [hereinafter cited as AHC]; For more information regarding the Arkansas Peace Society see: Ted R. Worley, "The Arkansas Peace Society of 1861: A Study in Mountain Unionism," *The Journal of Southern History* 24, no. 4 (November 1958): 445-465, accessed March 3, 2011, <http://www.jstor.org/stable/2954672>; Ted R. Worley, "Documents Relating to the Arkansas Peace Society of 1861," *Arkansas Historical Quarterly* 17, no. 1 (Spring 1958): 82-111, accessed March 3, 2011, <https://www.jstor.org/stable/40018495>.

³ Burgevin, Edwin, Carrollton, Ark. Carroll County, to Gov. Henry M. Rector, October 8, 1861, Box 1a Item 38, KOP; Dawson, C. S., Centre Point, Ark., Sevier County, to Gov. Henry M. Rector, August 31, 1861, Box 1 Item 43, KOP; Foster, William, H., Montgomery Count, Ark., to Gov. Henry M. Rector, October 14, 1861, Box 1 Item 52, KOP; Leslie, Sam, (colonel, 45th Regiment, Ark. Militia), Wiley's Cove, Ark., to Gov. Henry M. Rector, October 21, 1861, Box 1 Item 60b, KOP.

It is difficult to say for certain, because some delegates did not have adequate time to receive new instructions from those they represented before attending the convention's second session, but existing source material indicates that Union sentiment had been particularly strong in Madison County because of the work of Murphy and future lieutenant governor Dr. James M. Johnson. Walker had considered Madison and the other "mountain counties" securely Unionist.⁴ In the first convention, both its delegates voted against the secession ordinance but also to refer it to the people via a referendum, if passed. In the second convention, both its delegates initially voted against the secession ordinance. However, sometime during the second convention, attitudes in Madison County shifted toward secession. By June 7, 1861, just after the second convention adjourned, at least one company of pro-Confederate militia had been organized in the county and four more followed.⁵

When Murphy returned home, it was not home as he had left it. The remaining Unionists congratulated him and voiced their support for his stand, but the Secessionist element had grown much stronger and most of northwest Arkansas was imbued with enthusiasm for the coming war, which many Unionists equated with madness and insanity. Though he had remained in the convention and taken steps to help prepare Arkansas, his vote against secession had made him a symbol to be equated with the Black Republicans and the North, earning him the ire of his now Confederate neighbors. Berry later recalled that there was a "very bitter feeling against [Murphy] on

⁴ James M. Woods, *Rebellion and Realignment: Arkansas's Road to Secession* (Fayetteville, AR: University of Arkansas Press, 1987), 148.

⁵ B. B. Davis, Madison County, AR County Clerk, Certification of Election for Colonel of 11th Regiment of Arkansas Militia, Box 2, Item 94, KOP, MC30, AHC, Little Rock, AR; Goodspeed Publishing Company, *History of Benton, Washington, Carroll, Madison, Crawford, Franklin, and Sebastian Counties, Arkansas. From the earliest time to the present, including a department devoted to the preservation of sundry personal, business, professional, and private records ...* (Chicago: Goodspeed Publishing Company, 1889), 465.

his return home and grew more as time went on."⁶ Approaching sixty-two, Murphy was too old to consider military service, but those around him, gripped by their fervor, were preparing for war, but The women bent themselves to making uniforms, banners, and other accoutrements. Men gave rousing speeches for the Confederacy and joined companies in such numbers that schools and colleges, such as Arkansas College in nearby Fayetteville, had to be shut down. If still operating, it is certain that the Huntsville academies run by Murphy and his daughters would have closed by this time.⁷

Murphy's non-Unionist neighbors begrudged his denial of secession and made their displeasure known, but he was able to return to his farm and remain in relative peace for a time. It was not to last. The Confederate victory at Wilson's Creek on August 10 near Springfield, Missouri, created a surge of enthusiasm, and as Confederate troops pulled south into Fayetteville, the war was truly at the doorstep. Feelings against Murphy and other Unionists ran even higher as refugees, military foraging, scorched earth tactics, guerrillas, and bandits began to define life in the region.⁸ Eventually, the animosity toward him increased to the point that mob violence was threatened several times. During one such threat, Murphy reportedly met the men on his porch, "tore open his shirt and invited them to shoot if they thought they would thus best serve Arkansas," shaming them

⁶ Albert Webb Bishop, *Loyalty on the Frontier, or, Sketches of Union Men of the South-West: With Incidents and Adventures in Rebellion on the Border* (St. Louis: R. P. Studley and Co., 1863), 26, accessed March 13, 2009, <https://books.google.com/books?id=melHAQAAMAAJ>; Berry, "Isaac Murphy Family History," Box I, Section VII, Item 8, Murphy/Berry Family Collection: 1845-1930, Arkansas History Commission and State Archives, Little Rock, AR. [hereinafter cited as MBFC].

⁷ Rebecca A. Howard, "No Country for Old Men: Patriarchs, Slaves, and Guerrilla War in Northwest Arkansas," *Arkansas Historical Quarterly* 75, no. 4 (Winter 2016): 336, 339, accessed April 2, 2018, <https://www.jstor.org/stable/23281726>; William Baxter, *Pea Ridge and Prairie Grove: Or, Scenes and Incidents of the War in Arkansas* (Fayetteville, AR: University of Arkansas Press, 2000), 10-18.

⁸ John F. Bradbury Jr., "'Buckwheat Cake Philanthropy': Refugees and the Union Army in the Ozarks," *Arkansas Historical Quarterly* 57, no. 3 (Autumn 1998): 237, Accessed April 2, 2018. <https://www.jstor.org/stable/40025882>; Baxter, *Pea Ridge and Prairie Grove*, 18-23.

into going on their way.⁹ Eventually, a written notice posted at the courthouse ordered him and the other Union men to leave the county within ten days. Berry defended Murphy before a crowd that had gathered around the notice, and some of the Union men in Huntsville proposed to raise a troop of men to protect him, but that did not ultimately occur.¹⁰

After the scene around the courthouse notice, Murphy received several questions, presumably from his critics, relating to secession and the current events surrounding it. In hope of quieting the rising tensions, he gave his explanations in a public forum at the courthouse. A large crowd reportedly gathered to hear the exchange, but it was fraught with heckling and insults from the Secessionist element. Murphy persevered through their disturbance and, according to Bishop, managed to make them look foolish for their actions. The agitators became more irate, and the forum eventually broke up in fighting. Even so, the bitter feelings were quieted for a time, and Murphy enjoyed a short respite from open hostilities.¹¹

As time passed, news of new indirect threats reached Murphy and his family. During that period, the awful mortality of the war first struck home in the family with the death of one of Murphy's sons-in-law. Roma's husband, H. C. Lowe, had joined Woodruff's Battery (CSA) in Little Rock in May of 1861 and served as a cannoner sergeant in Bragg's Battery at the battle of Wilson's Creek. His proficiency was noted there, and he was named an "artist in the service of the piece." The troop had only signed up for three months of service, and after the battle, the battery mustered out in Fayetteville on September 2. Most of the men returned to Little Rock rather than to their homes and reorganized as a Confederate company in December of 1861, but Lowe did not. The

⁹ Mrs. Cameron Fairchild to John I. Smith, July 19, 1972, Box 1, Folder 5, MC 1097 John I. Smith Papers, Special Collections, University of Arkansas Libraries, Fayetteville, AR. [hereinafter cited as JISP].

¹⁰ Bishop, *Loyalty on the Frontier*, 27; Berry, "Isaac Murphy Family History."

¹¹ Ibid.

consumptive Lowe instead went to Murphy's home in Huntsville, where he died on March 20, 1862. His illness was attributed to the rigors of the march and the smoke of battle.¹²

New threats of violence and even assassination too credible to ignore began to drift in from other parts of the country, likely following the Confederate loss at the battle of Pea Ridge on March 7-8, 1862, and Murphy's friends and family began to advise him to flee for his life. He was eventually convinced, made preparations, and set out at ten o'clock in the morning on April 7, 1862, with two other Union sympathizers and neighbors, future lieutenant governor Dr. James M. Johnson and his brother, Frank Johnson.¹³ For the second time in his life, Murphy was forced to flee his home in fear for his survival, and this time he left behind more than his personal effects. Indeed, the threat must have been very grave to force this Ozark patriarch to abandon a grieving, widowed daughter and four other unmarried daughters—Louisa, Laura, Lockhart, and Geraldine—along with two grandchildren, Willie and Augustus.¹⁴ Murphy and the Johnsons were "hotly pursued by a crowd of rebels who intended killing them," said Murphy's eldest daughter Malilla, but they were lucky enough to escape by crossing the rushing White River before it was too dangerous, which separated them from their pursuers and made good their escape.¹⁵

Murphy's situation was not unique. Many prominent Unionists across the Ozarks experienced intimidation and outright violence from neighbors that caused many of them to flee for

¹² Berry, "Isaac Murphy Family History"; W. E. Woodruff, *With the Light Guns in '61-'65: Reminiscences of Eleven Arkansas, Missouri and Texas Light Batteries, in the Civil War* (Little Rock, AR: Central Printing Company, 1903), 19, 43, 54-56, 63; Goodspeed, *History of Benton*, 1105.

¹³ Berry, "Facts and Reminiscences," Box VII, Section XXIII, Item 7, MBFC; Bradbury, "Buckwheat Cake Philanthropy," 239.

¹⁴ Diary and Notes on Family History of Malilla E. J. Berry Née Murphy, 1866-1870, Box VII, Section XXIII, Item 2, MBFC; To "Children"; from "Moma"; September 24, 1884, Box I, Section VI, Item 1, MBFC; Bradbury, "Buckwheat Cake Philanthropy," 236; For accounts of women been left alone and having to take on an expanded role see Howard, "No Country for Old Men," 336-354.

¹⁵ Diary and Notes on Family History of Malilla E. J. Berry.

the Union lines in southern Missouri throughout 1861-1862.¹⁶ Ironically, Murphy, who had worked so hard at the second session of Arkansas's Secession Convention to arm the state to repulse invaders, was forced to more firmly support the Union by the hostility of local Secessionists. He had to flee his state to the invading army to ensure his own safety. Having eluded their pursuers, the escapees made their way safely to the camp of Union General Samuel R. Curtis in Keitsville, Missouri, where the Johnsons enlisted and Murphy, through his celebrity as the sole nay vote against secession, was "extended all the hospitality's [sic] that such headquarters could give to any dignitary civil or military."¹⁷ While there, he began working as a civilian on Curtis's staff to provide for himself and remain in safety.¹⁸

Murphy remained with General Curtis and his Army of the Southwest in hope of some military action that would secure his family's safety and allow him to reunite with his daughters back in Huntsville. He traveled with the army through southern Missouri and northern Arkansas and was with the army when it occupied Helena on July 14, 1862.¹⁹ With the occupation of Helena came the appointment of the first military governor of Arkansas, John S. Phelps, on July 19, 1862.²⁰ Phelps disagreed with many of Curtis's policies. He criticized Curtis for not pushing to take Little Rock despite weak supply lines due to low water on the White River, stated that he lacked the experience to be a department commander, and accused him of corruption for choosing to remain in

¹⁶ Bradbury, "Buckwheat Cake Philanthropy," 236.

¹⁷ Berry, "Isaac Murphy Family History"; [To "children;"] from "Moma"[Malilla E. J. Berry], September, 25, 1884, Box I, Section VI, Item 2, MBFC.

¹⁸ Berry, "Isaac Murphy Family History"; Elmer O. Parker to John I. Smith, February, 11, 1972, Box 1, Folder 5, MC 1097 JISP.

¹⁹ Samuel R. Wells, ed., "Isaac Murphy, Governor of Arkansas," *American Phrenological Journal and Life Illustrated* 47, no. 6, whole number 354, in Samuel R. Wells, ed., *American Phrenological Journal and Life Illustrated: A Repository of Science, [...]*, Vol. 47 and 48 (New York: Samuel R. Wells, 1868), 218, accessed March 24, 2009, <https://books.google.com/books?id=cpw3AQAAAMAAJ>; Terry Lee Beckenbaugh, "The War of Politics: Samuel Ryan Curtis, Race and the Political/Military Establishment" (PhD diss., University of Arkansas, 2001), 31-32.

²⁰ Albert Webb Bishop, *Report of the Adjutant General of Arkansas, for the Period of the Late Rebellion, and to November 1, 1866* (Washington D.C.: Government Printing Office, 1867), 3-4.

Helena and participate in cotton speculation instead. Phelps also implied cowardice on Curtis's part and suggested that his policies were poisoning the well of reconciliation in Arkansas.²¹ However, Curtis was on the ground while Phelps was absentee, and seemingly not doing much besides leveling criticism, which rankled Murphy.

In September of 1862, Curtis was promoted to command the Department of Missouri, and Frederick Steele replaced him as the General of the Army of the Southwest.²² Seeing that the army was likely to remain in Helena for some time, Murphy traveled back to Springfield, Missouri, hoping that a movement there might be planned that could take him closer to home and his family. From Springfield, he traveled into Arkansas with the newly formed Army of the Frontier under Brigadier General John Schofield, but during his travels with them, the bulk of the army did not make it any closer to his family than Elkhorn Tavern at the Pea Ridge battleground. Though some of the army briefly visited Huntsville, they did not stay long, which must have frustrated Murphy. Most of the army returned to Missouri in November of 1862, but Murphy chose to remain with Colonel Bishop at Elkhorn Tavern and wait closer to home.²³

In his absence, threats against his daughters continued to pour in. Malilla was spared most of it because of her marriage to J. R. Berry. Though Lincoln had appointed him to be a receiver in the U.S. Land Office in Huntsville, his sympathies lay with the Confederacy, and he was elected to serve in Arkansas's now Confederate House of Representatives for Madison County.²⁴ Meanwhile, others in Berry's family participated in the war as irregulars, earning themselves a reputation that sometimes

²¹ Beckenbaugh, "Samuel Ryan Curtis," 33, 35, 43; Carl H. Moneyhon, "Governor Henry Rector and the Confederacy: States' Rights versus Military Contingencies," *Arkansas Historical Quarterly* 73, no. 4 (Winter 2014): 378, accessed April 2, 2018, <https://www.jstor.org/stable/24477406>.

²² Beckenbaugh, "Samuel Ryan Curtis," 37.

²³ Bishop, *Loyalty on the Frontier*, 27-28.

²⁴ James Alex Baggett, *The Scalawags: Southern Dissenters in the Civil War and Reconstruction* (Baton Rouge: Louisiana State University Press, 2003), 81.

put the family in danger from Union forces. In those instances, the family carefully played both sides. In the summer of 1862, a Union cavalry scout stormed into the Berrys's home and demanded to know their names. When Berry answered, the officer "began to curse him and drew his pistol out and began to take sight." The household explained that Berry was Murphy's son-in-law, and the explanation stayed the violence, confirming the rumors they had heard from the "mountain feds" since Murphy's April escape that he was indeed safe behind Union lines.²⁵

In an attempt to extend the dual protections afforded to her, Malilla pressed the more Confederate minded Berry to call on some of his relatives for assistance. The Murphy home was somewhat isolated near the top of a tall ridge to the north of Huntsville, and her sisters were far from help and support since Murphy's flight. She was even more concerned for their safety because they had already been robbed once. Berry succeeded in securing them lodging at the "Frank Payne House" that was then occupied by Tom Berry and owned by Unionist E. D. Ham, who had preceded Murphy and the Johnsons in leaving Huntsville and afterward obtained the rank of major in the Union army.²⁶ Murphy's daughters faced splitting up soon afterward because the fifteenth session of Arkansas's General Assembly was scheduled to begin on November 5, 1862, and the Berrys began making their preparations to go to Little Rock. Berry ultimately did not serve, electing instead to make a bid for Secretary of State, which was unsuccessful. He afterward served as a deputy state treasurer.²⁷

Before the Berrys departed, rumor had spread that Union troops would soon be near the town, and Dr. Johnson had gotten word to J.R. that it would be best for his health if they left early. The parting was very difficult for Murphy's daughters. Malilla dreaded that she would never see her

²⁵ To "Children"; from "Moma"; September 24, 1884.

²⁶ Ibid.

²⁷ Berry, "Facts and Reminiscences"; Baggett, *Scalawags*, 81.

sisters again, recalling later, "We all wept bitterly and embraced each other and wept." The family decided that Geraldine would go with the Berrys when they departed on October 10, 1862, but the other daughters remained.²⁸

The harassment of the Murphy sisters continued after the Berrys left, but they soon learned of their father's presence at Elkhorn Tavern, and Lockhart and Laura traveled to meet him near Pea Ridge while Mary and Louisa stayed home in Huntsville. The women carried news of what had happened to them and approximate numbers of the number of Confederates moving in the area. The visit was cut short because the movement of Confederates around Huntsville and Fayetteville demanded Union attention and preparations. Colonel Albert Webb Bishop, commanding officer at Elkhorn Tavern, felt it best for them to return to Huntsville, and perhaps Murphy did, too. Murphy sent a large trunk of goods back with them, along with around \$225 in greenbacks for their relief, much of it likely donated by the troops at the tavern. On the morning of November 15, the Murphys said their goodbyes. Lockhart and Laura set out with a guard of twenty-five men, led by Major Frank Johnson, whom Webb had assigned to the women as a precaution.²⁹

When the group neared Huntsville the next day, the reputation it had earned as a place frequented by bushwhackers, jayhawkers, and general lawlessness induced the guard to send Lockhart and Laura into the town with only a driver. Shortly thereafter, 300 Confederate troops who had observed their movements met Murphy's daughters. They demanded to know how large the Union party had been, and Murphy's daughters refused to say. However, after the troop

²⁸ [To "children;"] [from "Moma"]; October 5, 1884, Box I, Section VI, Item 4, MBFC.

²⁹ Ibid; Bishop, *Loyalty on the Frontier*, 57.

threatened to hang their driver, they relented. The Confederates, under “Jackman,” then allowed Lockhart and Laura to return home, but they confiscated the money and trunk full of goods.³⁰

As Murphy’s daughters were met and harassed by the Confederates, Johnson permitted his guard contingent to dismount and rest before returning to Elkhorn Tavern. Because Lockhart and Laura had been forced to divulge the size of their guard before Johnson and his troops resumed their journey, the Confederates were able to attack with between sixty and seventy of their number. Caught unprepared, the Union forces scattered. Some fled on their horses, others ran into the nearby woods, some put up a “feeble resistance,” and still others were captured. In the end, only seven managed to return to the Tavern, including Johnson, who had had the heel of his boot shot off in the escape. On November 17, Johnson returned to Huntsville with two hundred men. Its trusted and known Unionist citizens assured him that there was at least a brigade of Jackman’s Confederates in the town, and they had cannons in the streets aimed in the direction of the expected Union approach. Having only been sent to scout, and with the White River again on the rise due to heavy rain, Johnson and his men returned to Elkhorn Tavern and reported what they learned.³¹ Sometime after November 23, Brigadier General Francis J. Herron, commanding the 2nd and 3rd divisions of the Army of the Frontier, and Bishop discovered the Johnson report was mistaken because Jackman and his men were seen slipping away into Missouri.³²

Before slipping away, Jackman’s troops took the trunk to a local home, cut off the lock, and took one of Murphy’s old summer hats as a trophy. They left the rest, and the daughters were able to reclaim it. However, their relation to Murphy and their location within the increasingly resource-

³⁰ [To "children;"] [from "Moma"]; October 5, 1884.

³¹ Ibid; Bishop, *Loyalty on the Frontier*, 58-59.

³² Bishop, *Loyalty on the Frontier*, 59; United States Department of War, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* [hereinafter cited as *OR*] (Washington D.C.: Government Printing Office, 1888): Ser. I, Vol. XXII, Pt. I, 787.

starved no-man's-land of north Arkansas made the women a symbolic target for Confederates.³³ Several weeks later, they were robbed again by a group of 250 Confederates. This time, the troops took everything, including \$600 in dry goods, the shoes and hats of Mary's sons, Gus and Willie, who were four and two years old, and even the women's underwear.³⁴ Word of the latest robbery made its way back to Bishop and Murphy in late December, 1862. Bishop had sent a detachment to Huntsville to attack Confederate troops there after the Battle of Prairie Grove on December 7, 1862. After dispersing them, the Union detachment discovered that the Confederate troops had been singling out the Unionist families in and around Huntsville, particularly the Murphys, whom they had "stripped of everything but what was on their bodies, leaving them in a destitute condition."³⁵

After theft made Murphy's daughters destitute, rumors reached Huntsville that there were then some Union troops in Fayetteville. Desperate, Lockhart and a neighbor set out on foot, hoping to persuade the commander to station some troops in Huntsville to protect its Unionists. The girls were "terribly frightened for the woods was [sic] supposed to be full of Bushwhackers and Mountain Federals." The women traveled until two o'clock in the morning then stopped at a nearby house to ask for shelter. The owner of the house turned out to be a sympathetic Unionist who kept them for the night and gave them directions to a friend's home. The friend sent a rider along to Fayetteville to make the request while the sisters returned to Huntsville, as they had discovered from the friend that they had gone about twenty-eight miles on the wrong road.³⁶

An answer to their call soon came. Herron's division arrived in Huntsville about January 7, 1863, and camped there on their way to meet up with Union forces that were amassing to attack the

³³ Michael A. Hughes, "Wartime Gristmill Destruction in Northwest Arkansas and Military-Farm Colonies." *Arkansas Historical Quarterly* 46, no. 2 (Summer 1987): 170-173, accessed April 2, 2018, <https://www.jstor.org/stable/40027791>.

³⁴ [To "children;"] [from "Moma"]; October 5, 1884; To "Children"; from "Moma"; September 24, 1884.

³⁵ U.S. Department of War, *OR*, Ser. 1, Vol. XXII, Pt. I, 165.

³⁶ To "Children"; from "Moma"; September 24, 1884.

Confederate position at Vicksburg, Mississippi.³⁷ Murphy, who was still traveling with the Johnson brothers and the First Arkansas Cavalry, gladly reunited with his daughters. According to Malilla, Murphy had been tapped to be chief of Major General Curtis's scouts and was to travel with a portion of the army from Huntsville to St. Louis via Rolla, Missouri, to take up his duties. He determined to make use of a standard refugee pattern that had developed and made arrangements for his daughters to leave Huntsville and travel to safety in Missouri to join him.³⁸ Once there, they would likely have had to depend on the various aid societies that were springing up along the route in places like Springfield, Rolla, and St. Louis.³⁹ James M. Johnson had made similar plans to move his family to Alton, Illinois, via Springfield, Missouri, with money Murphy had furnished to them shortly before his earlier escape from Huntsville.⁴⁰

With the Union army's arrival came the return of all of Huntsville's prominent Union men, including Elijah D. Ham, James M. Johnson, Frank Johnson, and Isaac Murphy, though Ham and Murphy were several days behind the main group.⁴¹ Upon their arrival in Huntsville, soldiers were immediately dispatched to gather citizens to take the Oath of Allegiance to the United States of America. As was typical across much of the Ozarks, some citizens were reluctant because the Union troops' foraging had created mistrust and ill will in the county, and others who held Confederate sympathies had no desire to take the oath at all, though the threat of having already limited movement further restricted was enough to convince some when military passes began to be required

³⁷ John I. Smith, "The Huntsville Massacre," *Northwest Arkansas Times* (Fayetteville), September 8, 1974; Nancy Berry to 'Editor, Democrat,' August 11, 1890, quoted in Joy Russell, ed., "The Huntsville Massacre," *Madison County Musings* 13, no. 2 (Summer 1994): 76.

³⁸ [To "children;"] [from "Moma"]; October 5, 1884; [To "children;"] from "Moma"; September 25, 1884.

³⁹ Bradbury, "Buckwheat Cake Philanthropy," 238.

⁴⁰ John I. Smith, *The Courage of a Southern Unionist: A Biography of Isaac Murphy Governor of Arkansas, 1864-68* (Little Rock: Rose Publishing Co., 1979), 39-40; Goodspeed, *History of Benton*, 1098; Chloe Springston, ed., Mary Lucas Albright, and Ruby Wiedeman, "Colonel James Madison Johnson and His Family," *Madison County Musings* 3, no. 2 (Summer 1984): 92-93.

⁴¹ "Massacre," 76.

for travelers in northwest Arkansas.⁴² For his part, General Herron attempted to take steps to limit Union abuses that were hurting his cause. Acknowledging the perfidy of some of his troops, and in an attempt to ensure order, he issued a stern proclamation against jawhawking, informing his men that they should “look out for thunder” if they were to violate it.⁴³ However, such thunder was often slow to rumble, and Herron noted in a report to his commander, Brigadier General John M. Schofield, that court-martialing was “too slow” and asked to what extent he could summarily punish some of his troops whom he desired to drum out of the service.⁴⁴

While Herron’s forces were in the vicinity, some local rebels were encouraged to come to town to take the oath to ease the mobility restrictions they faced if they refused. Others had no choice but to come to Huntsville as the remaining Union sympathizers reported many of their neighbors to the troops as being Confederates or guerrillas, which led to their arrest and imprisonment.⁴⁵ The Unionists’s reports were welcome. Herron noted that “the country about here is full of conscripts, and also many volunteers, who have deserted” who were a drain on his troops’s resources.⁴⁶ Many provost marshals, who tended to be disposed to leniency, generally directed Union military movements through northwest Arkansas and their interactions with civilians. However, they grew frustrated with what they perceived to be false Unionism from locals who intended only to obtain that leniency in the form of safety, food, and shelter, while not being truly pro-Union.⁴⁷ In Huntsville’s case, attempts at pretending were likely met with particular skepticism given all of the

⁴² Mitchell, “Narrative,” Box VII, Section XXIII, Item 3, MBFC; Howard, “No Country for Old Men,” 341, 350.

⁴³ Nannie M. Tilley, ed., *Federals on the Frontier: The Diary of Benjamin F. McIntyre, 1862-1864* (Austin, Texas: The University of Texas Press, 1963), 95.

⁴⁴ United States Department of War, *OR*, Ser. 1, Vol. XXII, Pt. II, 23-24.

⁴⁵ Mitchell, “Narrative”; Nancy Berry to ‘Editor, [Madison County] Democrat,’ August 11, 1890, “Massacre,” 76; Howard, “No Country for Old Men,” 341.

⁴⁶ U.S. Department of War, *OR*, Ser. 1, Vol. XXII, 23.

⁴⁷ Bradbury, “Buckwheat Cake Philanthropy,” 243- 245.

guerilla activity that had been centered around the town. Furthermore, such attempts at duplicity could easily be ferreted out as locals Ham, the Johnsons, and Murphy, who had ample knowledge of Confederate sympathizers in the town from before they had been forced to flee, were available to identify the townspeople. Frank Johnson also had particularly vivid knowledge from his narrow escape just outside of town after escorting the Murphy women back to Huntsville the previous November.

Of those arrested, two were Confederate captains home on leave—Hugh Samuel Berry and John William Moody. Hugh Berry’s wife, Nancy, later spoke of going to see her husband during his imprisonment, and she recalled that James Johnson, Ham, and Murphy were present. According to Nancy, James Johnson sought and received special permission for his brother to escort her back beyond the Union picket after her visit, where Frank then advised her that he was “afraid that there was something wrong.”⁴⁸ Her husband was allowed to return home on a parole of honor on Wednesday, January 7, and James Johnson visited him the same night. Johnson reportedly advised him and his father against running, and instead to return as they had promised, which they did.

The Berrys and others returned before four o’clock in the morning on Saturday, January 10, 1863. By the order of Provost Marshal Lieutenant Colonel Elias B. Baldwin, and under charge of Sergeant Thomas B. Payne of the Eighth Missouri Regiment of U.S. Volunteers, Company G, nine or ten of those that had been imprisoned were marched about a mile east of town along the road to Carrollton shortly after four o’clock. Once on the farm of Samuel P. and Elizabeth Vaughan near

⁴⁸ “Massacre,” 76-77.

War Eagle Creek, the prisoners, blindfolded and with their hands tied, were ordered to turn their backs to their escort and were shot.⁴⁹

Though their execution had been attempted, at least two of the victims of what became known as the “Huntsville Massacre” lived to tell the tale. One, who remained unnamed, was shot through the mouth, was nursed back to health, and left for Mississippi.⁵⁰ The other survivor was Hugh Berry, who, according to his wife, was still in his right mind when found. Berry reportedly said that “men out of the Eighth Missouri Regiment did the shooting, but J. M. Johnson, E. D. Ham, and Isaac Murphy had it done,” a story he repeated to several others, including a doctor and several Union officers, before he succumbed to his wounds on January 13, 1863. When James M. Johnson campaigned for office in 1890, Nancy Berry was induced to retell her story to oppose him. She stated that she would always believe that Johnson, with Ham and Murphy, had “deprived me of my husband and made my children orphans.” Others, such as William V. Polk, also thought that James M. Johnson might have been culpable, but exactly how, he did not say.⁵¹

Though he was a close relation to several of the victims, J. R. Berry pointed the finger at Ham instead of Johnson or Murphy. In addition to his probable biases on behalf of his blood relations, it is important to note that he was Murphy’s son-in-law and had already moved to Little Rock when the massacre took place. J. R. claimed that there was “evidence to prove that one E. D. Ham who was bitter against some of the men that were shot, instigated the whole matter.” He further alleged that Ham talked about the scheduled murder ten miles west of Huntsville the night

⁴⁹ Berry, “Isaac Murphy Family History”; Wally Waits, “Massacre at Huntsville Additional Information,” *Madison County Musings* 13, no. 2 (Summer 1994): 81; Mitchell, “Narrative.”

⁵⁰ John I. Smith, “To A Civil War Atrocity: The Gravestones Bear Witness,” *Northwest Arkansas Times* (Fayetteville, AR), September 15, 1974.

⁵¹ “Massacre,” 76.

before the executions occurred.⁵² Ham might have seemed a likely candidate, as he had developed a reputation as “the meanest man in Madison County,” though he was just twenty-five years old and had lived there for only a few years.⁵³ Whatever specific evidence J. R. was referring to never came to light.

On March 2, 1865, Lincoln nominated Ham to be the U.S. District Attorney for the Western District of Arkansas at Murphy’s and Steele’s behest. Later, Governor Powell Clayton appointed him circuit judge at Fayetteville. Ham resigned the last position in 1874 and moved to California, where he resumed the practice of law. In 1890, he was elected to the Superior Judge seat of Napa County, California, and he served two six-year terms.⁵⁴ During his 1896 reelection run, he answered A. M. Wilson’s inquiry into the massacre and used as his defense the testimony of Huntsville resident Francis. M. Sams, the son-in-law of Hugh Berry, Senior. Referring also to the later court-martial that investigated the massacre, he noted the testimony of Judge Vaughan, the owner of the field where the men were shot. Ham stated in his letter to Wilson that he was not charged with the affair, and Sams’s and Vaughan’s testimony “fully exonerated” him in the executions of those he labeled “Gurilles [sic].”⁵⁵

⁵² Berry, "Facts and Reminiscences, Part I."

⁵³ D. D. Sanders, (unnamed newspaper excerpt), quoted in Joy Russell, ed., “The Huntsville Massacre,” *Madison County Musings* 13, no. 2 (Summer 1994): 77.

⁵⁴ Lewis Publishing Company, *A Memorial and Biographical History of Northern California: Containing a History of this Import Section of the Pacific Coast from the Earliest Period of its Occupancy to the Present Time, together with Glimpses of its Prospective Future; Full-Page Steel Portraits of its most Eminent Men, and Biographical Mention of Many of its Pioneers and also of Prominent Citizens of Today* (Chicago: The Lewis Publishing Company, 1891), 438, accessed March 16, 2012, <https://archive.org/details/memorialbiograph00lewi>; Oscar T. Shuck, ed., *History of the Bench and Bar of California Being Biographies of many Remarkable Men, a Store of Humorous and Pathetic Recollections, Accounts of Important Legislation and Extraordinary Cases, Comprehending the Judicial History of the State* (Clark, New Jersey: The Lawbook Exchange, LTD., 2007), 707, accessed September 7, 2017, <https://archive.org/details/benchandbarofcal00shuc>; United States Senate. *Journal of the Executive Proceedings of the Senate of the United States of America from December 5, 1864, to February 6, 1866, Inclusive*. Vol. XIV. Pt. I, Washington D.C.: Government Printing Office, 1887. Accessed September 7, 2017. <https://books.google.com/books?id=9OGGAAAAMAAJ>.

⁵⁵ E. D. Ham to A. M. Wilson, October 5, 1896, quoted in Joy Russell, ed., “The Huntsville Massacre,” *Madison County Musings* 13, no. 2 (Summer 1994): 85; Goodspeed, *History of Benton*, 464.

While Ham's statements were not so much an outright denial as a series of carefully phrased statements that pointed out the lack of evidence or testimony against him, he did not mention the Johnsons or Murphy. Rather, he laid the blame at the feet of Provost Marshal Baldwin, who had ordered the executions and was the subject of the aforementioned court-martial. Baldwin was certainly a likely alternative because he was also involved in at least one other execution in Carroll County, Arkansas, on December 17, as reported in his diary by Second Lieutenant Benjamin F. McIntyre of Company A, Nineteenth Iowa Infantry. Baldwin earned a reputation of harsh dealings with guerrillas and bushwhackers. On January 21, four bushwhackers attacking the Union's supply train were captured and McIntyre pitied them, noting that "Provost Marshall shows no mercy to such men."⁵⁶

News of Baldwin's actions spread, and eventually Colonel James O. Gower, commander of the Third Division of the First Iowa Cavalry, shared it with the Assistant Adjutant General, Colonel C. W. Marsh. In a letter to Marsh, Gower stated his certainty that "some officer of this division ordered these men [at Huntsville] shot," and that he considered the act a "great outrage." Seeking answers, he had requested a written statement from Baldwin concerning what he called the murder of "nine prisoners of war" and was awaiting a reply.⁵⁷ Baldwin never responded, but resigned his commission on January 27 due to the investigation, and Gower arrested him two days later in Forsythe, Missouri. Gower sent him to Springfield, Missouri, where he was court-martialed before General Schofield and others for violating Article Six of the Articles of War. He was cited for

⁵⁶ Tilley, *Federals on the Frontier*, 101, 103.

⁵⁷ U.S. Department of War, *OR*, Ser. 1, Vol. XXII, Pt. II, 74.

contempt or disrespect toward a commanding officer for failing to reply to Gower's request for a statement and for the execution at Huntsville.⁵⁸

In his defense, Baldwin did not deny that he had carried out the act, but claimed that General Herron and others had given their consent in full knowledge of his planned actions, and he requested that General Herron and Murphy be brought forward as witnesses. Both Herron and Murphy were distant and unavailable, but Herron wrote, stating that he "did not know of the affair until after it had happened and that it did not meet with his approbation." Herron's written statement notwithstanding, Baldwin was honorably discharged due to medical reasons and was not tried further.⁵⁹

That Baldwin attempted to call Murphy in his defense strongly suggests that Murphy had been involved in some way, but as a civilian member of the staff, he certainly could have had only a limited official influence. Though not in town at the time of the massacre, J.R. Berry did not lend credence to the claims against Murphy in any of his numerous narratives about the war and the killings. Berry's wife and Murphy's daughter, Malilla, certainly did not either. By the time of the massacre, Malilla had left Little Rock with her children, sister Geraldine, and two others, and they were then living in Ozark, Arkansas, south of Huntsville on the Arkansas River. News of the execution reached her, along with the accusation that "Old Murphy, Dr. Johnson and Ham, had it done." She rued the ire against her that her status as Murphy's daughter brought after the event and

⁵⁸ Smith, "To a Civil War Atrocity"; Louis Le Grand, *The Military Hand-book, and Soldier's Manual of Information Embracing the Official Articles of War; Instructions to the Volunteer; Army Regulations for Camp and Service; Ration and Pay Lists; General Rules and orders on All Occasions; Hints on Food and its Preparation; Health Department; With Valuable Remedies and Instructions, etc., Together with a Complete Dictionary of Military Terms* (New York: Beadle and Company, 1861), 8.

⁵⁹ Smith, "To a Civil War Atrocity."

remembered that the “Persecution was bitter!” She bemoaned her father’s being "branded a thief and a Murder! [sic]" even though "everyone knew that the accusation was false as hell!"⁶⁰

McIntyre, who was present with the army at Huntsville, did not decry the execution there as he had those at Carrollton. He worried the action at Carrollton established a dangerous “precedent which must end in raping & murder and is giving butternuts an excuse to put to death every Union man that should fall into their hands.” By contrast, regarding the execution at Huntsville, McIntyre seemed almost proud as he stated that the prisoners were “tried & condemned to be Shot,” suggesting that some sort of legal process had occurred that justified the punishment.⁶¹

J.R. Berry, in his narrative, told of several instances where the townspeople of Huntsville had conducted *ad hoc* trials in an attempt to deal with banditry and bushwhacking, but sentencing was rare because the townspeople feared reprisals, even when the accused were convicted.⁶² Murphy, traveling with the Union army, and the Johnsons and Ham, being members of the military, would have had no such fear of possible reprisals. Also, Ham and Murphy were both practicing attorneys and would have been up to conducting such an *ad hoc* trial, and then convincing Baldwin, who already had a reputation for harsh treatment of rebels and irregulars, to carry out the sentence they imposed. Holding such a trial would also explain their identification with the executions outside of merely being disaffected Union locals who had returned to town, why Murphy’s involvement was so intimate as to have been pinpointed by one of the victims and his relatives, and why Baldwin called him as a defense witness during his court-martial. Lastly, such a trial would also have allowed for Ham’s lawyer’s dodge in his explanation of his involvement and J. R. Berry’s accusations against

⁶⁰ [To "Children";] from "Moma"[Malilla E. J. Berry]; of Huntsville, AR., October 4, 1884, Box I, Section VI, Item 3, MBFC.

⁶¹ Tilley, *Federals on the Frontier*, 96, 102.

⁶² Berry, “Isaac Murphy Family History.”

Ham. No reference to such a trial is extant, nor is it likely that a record would have been kept, as clearly no one wanted to own responsibility for what had been done after the fact.

The Huntsville executions caused very bitter feelings in town for decades. Had the blame that was directed against Murphy been as intense, and the supposed guilt he should bear so heavy as the accusations against him would seem to warrant, it seems unlikely he would have returned to Huntsville after the close of his governorship in 1868 and remained there apparently unharassed for the rest of his life.

After the executions, and as the troops were moving out, Murphy halted his own advancement and gathered his four daughters and two grandchildren who still resided in Huntsville. They were provided with an escort and made their way to Rolla and then to St. Louis with Murphy traveling ahead of them to resume his duties on General Curtis's staff. Changed by recent events, but physically sound, Murphy arrived in St. Louis by February 17, 1863. Murphy was buoyed by a new hope that he would soon have the opportunity to help return his state to the Union he believed it should never have left. Malilla believed that Murphy had been appointed Curtis's "chief of scouts," but the actual reason Curtis called him to St. Louis was quite different—to replace John S. Phelps as military governor.⁶³

Curtis had previously clashed with Phelps during the occupation of Helena. Having had an opportunity to get to know Murphy while he worked on his staff, Curtis became convinced that Murphy was a more natural choice as a citizen of the state, and a "better, more loyal and honest man" than Phelps. Rumors had also been circulating that Phelps was "intensely pro-slavery" and "far from being truly loyal." He was accused of intentionally ensuring that the commanders and subordinate officers were from out of state and held "no interest in Arkansas or the good of the

⁶³ Berry, "Isaac Murphy Family History"; [To "children;"] from "Moma"]; September 25, 1884.

union people there.” Phelps was also accused of denouncing the Emancipation Proclamation in “no very modest terms,” and stated that he would “never enforce the execution of its provisions.”⁶⁴

Lincoln had previously had a taste of Phelps’s anti-emancipation views when he pled with Lincoln, “let not this war degenerate into a war for the extinction of slavery.”⁶⁵ Rather than encouraging Arkansas’s Unionist element, who were reported to be “far more loyal than any portion of Missouri outside of St. Louis,” Phelps left them to fend for themselves or travel as refugees when, but for the want of “clothes, food, and arms,” the Union ranks would swell by 10,000 “in a very short time.”⁶⁶

In light of Phelps’s alleged incompetence and disloyalty, Curtis “and others” maneuvered to have Phelps replaced with Murphy, who had done “valuable service ever since, a part of the time without pay,” and had also “lived among the common soldiers.” In stark contrast to Phelps, Murphy was endorsed as having always favored emancipation “in its fullest sense,” and would make his chief goal properly supplying and arming the state’s refugees and loyal men, with whom he could hold the state independently.⁶⁷

When Murphy sought confirmation from General Schofield that his name had been put forward as a candidate to replace Phelps, Schofield replied that he supported Murphy for the position. He wrote to Lincoln of that support, declaring, “I am glad to be able to add what little influence I may possess to the patriotic efforts of others to secure so desirable a result.” Schofield also

⁶⁴ Lyman G. Bennett to Owen Lovejoy, February 17, 1863, American Memory Project, Abraham Lincoln Papers, Series 1, General Correspondence, 1833-1916, Library of Congress, Manuscript Division, Washington, D.C. [hereinafter cited as ALP], accessed November 1, 2017, <https://www.loc.gov/item/mal2178600/>.

⁶⁵ John S. Phelps to Abraham Lincoln, December 19, 1861, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal1348300/>.

⁶⁶ Lyman G. Bennett to Owen Lovejoy, February 17, 1863, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal2178600/>.

⁶⁷ Bennett to Lovejoy, February 17, 1863, ALP.

communicated his hope that Murphy would be successful “for the good of the Union cause in Arkansas.”⁶⁸

Murphy’s friend from Elkhorn Tavern, Colonel Albert Webb Bishop, also wrote to Lincoln on his behalf. In a February 28 letter, Bishop asserted that, after having “mingled freely with this people for the last eight months,” he knew their choice, and the Unionists in Northwest Arkansas and south of the Arkansas River were “strongly desirous” that Murphy should be appointed to the position. He held up as qualification how Murphy “proved true to the Union” when he refused to vote for secession. Bishop closed by stating that people had been circulating a petition recommending Murphy’s appointment that was currently in transit to Lincoln.⁶⁹

Speaking for himself to Lincoln, Murphy claimed that he had not known of his nomination, and that he did not solicit it, but that he consented to it. Though not native to the state, he believed that his political experience and thirty-year residence would enable him to implement Lincoln’s policy “better and with less opposition than a stranger,” as he would be free from the “unfounded prejudices against northern men” that many felt. Though he did not hold those attitudes, Murphy felt that the Union cause would be best served in appointing an Arkansan governor whose loyalty, like his own, was without question and who could understand the plight of Arkansas Unionists that had “suffered every description of wrong oppression [sic] & outrage,” while also being able recognize the truly loyal from the pretenders. He admitted that he was “anxious to serve in the position in which I can do the most good.” As for emancipation, Murphy judged that the “Unconditional Union Element” in the state consisted primarily of non-slaveholders that approved of Lincoln’s proclamation. Murphy also warned that the slaveholders, with “few exceptions,” were bitterly

⁶⁸ J. M. Scofuler [Schofield] To Isaac Murphy, February 19, 1863, Box I Section I, Item 1, MBFC.

⁶⁹ A. W. Bishop to Abraham Lincoln, February 28, 1863, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal2205801/>.

opposed to the end of slavery. However, he did hold out hope that the “greater number” of them would, “when its effects were fully understood, promptly take advantage of the necessities imposed,” and discover that hiring labor would be cheaper than the slave system and allow for faster and more sustained growth. “Should the principle of the proclamation be carried out honestly, firmly, and kindly, respecting, as far as possible the long-cultivated prejudices and opinions of that class,” Murphy was convinced that they would come to see emancipation as a blessing and the removal of a curse, and that Arkansas could peacefully reenter the Union as a free state.⁷⁰

Murphy’s ambitions, however, were temporarily derailed by tragedy. In all, his daughters were six weeks in traveling to St. Louis through snow and bitter cold.⁷¹ At the time that they were traveling, transport was beginning to be harder to obtain, which may have delayed their journey.⁷² When they finally arrived in late-February, most of them were seriously ill, particularly Louisa, Laura, and Mary’s children, Gus and Willie Lowe. On March 1, 1863, Louisa succumbed to her illness and died. Heartbroken, without enough money to pay for Louisa’s burial arrangements, and with four other family members still seriously ill, Murphy turned to his friends in the military for aid. He received at least eighty-two dollars and twenty-five cents to “relieve the immediate wants” of his family, “which were urgent,” from subscribers in St. Louis at General Curtis’s new headquarters as head of the Department of Missouri. They sympathized with his recent bereavement and the “loss of home, and admiring his noble and disinterested patriotism.”⁷³ One of his donors, Dr. D. H. Law,

⁷⁰ Isaac Murphy to Abraham Lincoln, February 17, 1863, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal2179900/>.

⁷¹ Berry, "Isaac Murphy Family History."

⁷² Bradbury, “Buckwheat Cake Philanthropy,” 246.

⁷³ "Item List: Subscriptions for relief of Isaac Murphy Family," no date, Box 1, Section IV, Item 6, MBFC; "Item List: Subscriptions for relief of Isaac Murphy Family," no date, Box I, Section, IV, Item 7, MBFC.

also paid Louisa's undertaker bill of \$65.50.⁷⁴ The aid that he received was needed even more in a few short days. On March 13, Laura also died and was followed in death thirty minutes later by Willie Lowe. Not able to afford separate graves, Laura and Willie were buried together near Louisa in the Wesleyan Cemetery.⁷⁵

Eventually, Gus Lowe, who was only four years old and who seemed to be the "sickest of all" with what was believed to be scarlet fever, recovered from his illness, though it left him deaf.⁷⁶ To answer his immediate wants, Gus continued to stay with Murphy as he worked in St. Louis, and Murphy set out to provide the fatherless and newly disabled Lowe with advice that he hoped would help guide him. Murphy copied out a letter for Gus written by Thomas Jefferson to the son of a friend, and a namesake, Thomas Jefferson Smith. The whole of the letter is fatherly in feelings and was intended to have "a favorable influence on the course of life you have to run." In the letter, Jefferson offered Psalm 15 as the "portrait of a good man" and his "Decalogue of Cannon for observation in practical life."⁷⁷

Murphy then directed his efforts to providing for his remaining daughters in St. Louis—Mary, twenty-eight, and Lockhart, twenty-one. In such reduced circumstances, doing so was difficult. Lockhart was enrolled in a school in St. Louis, but Murphy eventually managed to enroll her at Monticello Female Seminary in nearby Godfrey, Illinois, thanks to the seminary's beneficent enrollment guidelines.⁷⁸ Murphy's youngest daughter, sixteen-year old Geraldine, had been staying with Malilla, but followed Lockhart a few months later. Geraldine eventually graduated from the

⁷⁴ John A Smith[ers], to Dr. D. H. Law for Miss Louisa A. M. Murphy; March 2, 1863, Box I, Section XI, Item 1, MBFC.

⁷⁵ Thorpe, "Narrative from Cousin," Box VII, Section XXIII, Item 4, MBFC.

⁷⁶ Hope Creek, Dorothy Dyer, and Joy Russell eds., "Obituary of Augustus Lowe," quoting from *The Madison County Record*, January 20, 1927, *Madison County Musings*, 19, no. 4 (Winter 2000): 201.

⁷⁷ "Thomas Jefferson to Thomas Jefferson Smith, 21 February 1825" (Copied by Murphy), to August Lowe, no date, Box I, Section IV, Item 5, MBFC.

⁷⁸ Thorpe, "Narrative from Cousin."

seminary in 1868, but Lockhart left the seminary in 1865 without graduating. The seminary's founder declared, "if you educate a man you educate an individual; educate a woman and you educate a whole family." The annual report of the principal of June 21, 1865, noted that the school had granted "gratuitous instruction" and reduced tuition, that scholarships were available, and that "no worthy applicants are refused for want of means."⁷⁹

With the remnants of his family as secure as he could make them, Murphy again turned to his political ambitions and experienced his first real chance to act. On July 9, 1863, Lincoln abolished the office of military governor and rescinded Phelps's official actions.⁸⁰ Eighteen days later, Frederick Steele, a Union army officer who had taken over Curtis's command of the Army of the Southwest, was assigned field command of the Army of Arkansas as a major general after the Union capture of Vicksburg, Mississippi, and successful defense of Helena, Arkansas, on July 4.⁸¹ By August 10, Steele arrived in Helena to take command and began pushing west toward Little Rock.⁸²

General John Wynn Davidson, who had lately served in the District of St. Louis, Department of Missouri, and then the Army of Southeast Missouri, combined his troops with Steele's for the Little Rock Campaign.⁸³ Murphy, eager to immediately be a part of the civilian Union effort in Little Rock and further his designs on the governorship, transferred from Curtis's

⁷⁹ Greg Cash, Assistant Director of Reference Services Reid Memorial Library, Lewis and Clark Community College and Linda Nevin, Monticello College Foundation, Godfrey, Illinois, e-mail message to author, records from Monticello Female Seminary Records, 1838-1888 (unpublished), March 16, 2016; Godfrey Campus History, "Historic Campuses - Godfrey History, accessed March 1, 2016, <http://www.lc.edu/Godfrey-history>.

⁸⁰ Carl H. Moneyhon, *The Impact of the Civil War and Reconstruction on Arkansas: Persistence in the Midst of Ruin* (Fayetteville, AR: University of Arkansas Press, 2002), 159-160.

⁸¹ John H. Eicher and David J. Eicher, *Civil War High Commands* (Stanford, CA: Stanford University Press, 2001), 507-508, 855, 856; Jeannie M. Whyne, Thomas A. DeBlack, George Sabo III, and Morris S. Arnold, *Arkansas: A Narrative History*, 2nd ed. (Fayetteville: University of Arkansas Press, 2013), 213; Thomas A. DeBlack, *With Fire and Sword: Arkansas, 1861-1874* (Fayetteville, AR: University of Arkansas Press, 2003), 88-91.

⁸² Whyne et al., *Arkansas*, 213.

⁸³ Eicher and Eicher, *Civil War High Commands*, 200; Whyne et al., *Arkansas*, 213.

staff to Davidson's and traveled south with their advance.⁸⁴ As the army worked its way closer to Little Rock, Murphy was with the supply train, traveling with Roma and Gus. He became frustrated with the rate of advance and wrote to a captain, complaining that they had been aboard the ferryboat for some time. Murphy peppered him with questions: "Will the train start tonight? Is Tucker's party going? How long will it be? How long must we stay here? Will you be so good as to send an ambulance if we have to go back?"⁸⁵ Eventually, Murphy did arrive. After the army took Little Rock on September 10, 1863, Murphy and two soldiers "slept on the blankets under that huge old honey locust tree in the West End of the Tucker cottage grounds."⁸⁶

Murphy soon attracted the attention of the loyal press. After taking Little Rock, Union forces contacted the editor of the *Gazette*, C. C. Danley, and requested that he continue his paper and support the Union cause. When he refused, Davidson replaced him with J. W. Demby on September 12. Demby dubbed his new paper "The National Union." In its first issue, which the *Washington Telegraph* of Washington, Arkansas, quoted in its September 30, 1863, edition, Demby reported Murphy's presence in the city and reminded his readers of his role in the Secession Convention, condemning those who did not follow his "moral courage" and led the state into treason. Murphy was in "fine health and good spirits" and was taking part in the new movement exhorting the state to "rally to the old standard of liberty" and thus remind the "tyrants" of the Confederacy of Proverbs 13:15, "the way of the transgressor is hard."⁸⁷ Missing from the newspaper's quotation, however, is the first part of the proverb, "good understanding giveth favour."

⁸⁴ Thorpe, "Narrative from Cousin."

⁸⁵ To "Capt. [Keins]; from Isaac Murphy, n.d., Box I, Section I, Item 7, MBFC.

⁸⁶ [To "children;"] from "Moma"; September 25, 1884.

⁸⁷ "Federal Paper at Little Rock," *Washington (Arkansas) Telegraph*, September 30, 1863.

Murphy began working with the Unionist remnants in the city in the hopes of organizing a new government with himself at the helm. His hopes were high for the reappearance of loyal citizens. In a letter to Calvin Comins Bliss, who had escaped to the North with his family, Murphy estimated that at least half of Sterling Price's Confederate army had deserted and were entering Little Rock every day. As Union forces pushed toward Ft. Smith, the Unionists who had hidden in the mountains, at least 300 strong, began coming down to join or trail them.

Militarily, things were going well, but Murphy's plans to restore native civil government and definitions of Unionism created frustrations. Though, as styled by historian Thomas DeBlack, "disaffection with the war transcended class lines," determining who should lead or benefit from the war's end and the reestablishment of civil government did not.⁸⁸ In Little Rock, Murphy reported that there had been "little trouble here as yet," but complained of an "omen of danger" that reigned so long as "strangers are rulers." The Union officers, he thought, were "too easily made the subservient tools of the leading rebels" that remained in the city and now pretended at Unionism. Through their wealth they were able to "invite the high officers into their homes, introduce them to their families, tickle them with flattering attentions, and soften their aromous [sic] soft delusive blandishments till they are won and take such shape as the moulders [sic] wish." Their efforts resulted in the "worst rebels" appearing in gold-fringed sheep's clothing, being "protected and favored," while the "Union men, true and loyal," were "crushed down by the misrepresentations of traitors, double dyed & damned traitors." He worried that the "wealthy polished traitor's lie" was gaining more "influence than the honest truth from the rough poor man." What Arkansas needed, he asserted, was a man in charge that "loves his country and hates treason and traitors." With someone like that at the helm who would "make treason dishonorable and traitors criminal," there

⁸⁸ DeBlack, *Fire and Sword*, 103.

would be no problem in returning the state to the Union. The opposite, unfortunately, was then true in Little Rock, and Murphy judged that among the Union officers “treason is honorable and traitors the very best of good fellows, and loyalty at a heavy discount” so long as the rebels were genteel and presented them with comfort.⁸⁹

Though the seeds of a Union government in Arkansas had been sown, it was unclear what, exactly, would grow. Divisions were emerging among the Unionists, whose footings were not very sure to begin with. Several interpretations of the different forms of Unionism during this time were documented. A writer from Crawford County, C. V. Meador, reported to the editor of the *National Democrat* in Little Rock on November 28, 1863, that there were 1) small numbers of “*Bona fide* Union men [...] whose sympathies always were with the federal government,” 2) original Secessionists who still clung to the Confederacy, 3) “time-servers” or “jacobins” who were willing to declare allegiance to whoever had power, and 4) “thinking men, who are silently noticing the development of events, studying to do right, and who are prepared to support the government, if they shall be convinced that law and order will be maintained.”⁹⁰ Meador would later announce much the same divisions within the Unionist camp in Little Rock, though his definitions were inconsistent. He defined the factions as consisting of 1) unconditional Unionists, 2) “secret sympathizers who had supported secession to avoid persecution,” 3) those who had supported secession but were now too war-wearied to continue and thus were ready to accept the Union, and 4) the Jacobins of shifting principles.⁹¹ Meador’s former position as a surgeon in the Confederate army made him more conservative and in favor of an inclusive Unionist movement for anyone who

⁸⁹ Isaac Murphy to C. C. Bliss, September 26, 1863, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal2665600/>.

⁹⁰ “From Crawford County,” *National Democrat (Little Rock)*, December 26, 1863.

⁹¹ Moneyhon, *Civil War and Reconstruction*, 158.

would support the Union, whatever their background. His group remained in the minority while those like Murphy, as well as carpetbaggers and those Meador deemed “without principal,” who wanted a narrower coalition, gained a majority.⁹²

Hoping to stem the tide of the traitors regaining power, and to legitimize who and what Murphy considered to be the true Unionist cause, Murphy likely helped to organize a group of Unionists to lobby for the return of the state to the Union under their leadership. The first meeting, held on October 30, elected Dr. John Kirkwood president and E. D. Ayers secretary. Rather than lead the meeting, Murphy operated as a member and was appointed to two committees. His lack of election to the leadership role could indicate competition for power among the burgeoning group but may have simply been Murphy’s preference. The purpose of one of his committees was to contact Lincoln and express desire to “return to the Union as it was,” asking that loyal government be established “as soon as possible.” His other committee on “Constitutions and Laws” had the potential to exact real change if their organization gained traction, and it played to Murphy’s experience in the General Assembly.⁹³

Other Unionist voices in Little Rock outside the group, such as future governor William Meade Fishback and former Secessionist and Confederate Colonel Edward W. Gantt, appeared to be spearheading the effort to return Arkansas to loyal civilian governance.⁹⁴ Fishback, an attorney and newspaperman, was one of the initial fifteen Unionist holdouts during the second session of the Secession Convention. Though he worked for the CSA early in the war, after Little Rock’s capture, he established himself as one of the leaders of the Union effort, dubbed the “Fishback faction,” with

⁹² Michael B. Dougan, *Confederate Arkansas: The People and Policies of a Frontier State in Wartime* (Tuscaloosa, AL: University of Alabama Press, 1976), 119-120; Moneyhon, *Civil War and Reconstruction*, 160-161.

⁹³ Berry, "Isaac Murphy Family History"; "Union Meetings in Little Rock," *Washington (Arkansas) Telegraph*, December 2, 1863.

⁹⁴David Y. Thomas, "Writes 1862-1874 History of State," Article, *Arkansas Gazette*, clipping 1925, MBFC; Berry, "Isaac Murphy Family History".

whom Gantt and Murphy were also affiliated, that seemed to be motivated by “hostility toward the antebellum elite.”⁹⁵ Gantt, who had become a Hindman-Democrat before secession, certainly railed against the old Dynasty. Their actions, with Hindman’s, forced Arkansas from the Union and continued to cause the state’s suffering by keeping it out.⁹⁶

Though active in the movement, Gantt assured the public, and had stated as much to Lincoln, that he was not seeking position or power, declaring that he “*would not receive* an office from either the President or the people.” Rather, his only desire was Arkansas’s return to the Union and “peace to myself and county, and safety and quiet to our people.”⁹⁷ However, Gantt also communicated a particularly fiery form of Unionism that sounded little like peace. He shortly began a speaking tour of the wearying North, urging them to persist in their efforts and hoping to hold up Arkansas as an example of a fruit of their labor. Writing from Cincinnati, he implored a resident of that city and the whole North, “for the sake of the bleeding and disordered South [...] to speak no word of peace to my southern brethren, save that which thunders from the north of every cannon or flashes from the point of of [sic] every gleaming sword.” Such harshness would be necessary, Gantt warned, “because I know their leaders will never permit them to yield until their armies are dispersed in deadly conflict.”⁹⁸

As Gantt toured the North, further differences among the Unionist factions began to emerge in Little Rock. Fishback introduced a resolution to hold a constitutional convention to insert emancipation into the state’s constitution, likely in response to Lincoln’s December 8 Ten Percent

⁹⁵ Moneyhon, *Civil War and Reconstruction*, 159-160.

⁹⁶ Address of Hon. E. W. Gantt to the People of Arkansas, October 7, 1863, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal2701200/>.

⁹⁷ *Fort Smith New Era*, December 12, 1863; Edward W. Gantt to Abraham Lincoln, July 15, 1863, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal2485100/>.

⁹⁸ E.W. Gantt to John Caldwell, January 6, 1864, E. W. Gantt Papers, SMC.75.3, 4, AHC.

Plan, which would allow a state to create a legitimate state government when ten percent of a state's 1860 electorate swore a loyalty oath and agreed to support emancipation. Meador, still in favor of returning to the Union as it was, but more particularly returning to an Arkansas as it was, as well, opposed the plan largely because he believed constitutional emancipation was a mistake and that the Emancipation Proclamation was sufficient to effect its designs. He also felt that there were not enough Union supporters organized in the state to meet the Ten Percent Plan's requirements. Accordingly, he argued, Arkansas should continue under the military's guidance only and delay the reestablishment of a state government, and he used his paper to attempt to gain support for his position. Meador's brand of conservative Unionism rejected the condemnations of the upper class in Arkansas society who were blamed for secession and the state's current plight by the Fishback faction.⁹⁹

Meador and the other conservative Unionists also held different ideas about who should be appointed military governor to relieve Steele in his *de facto* role as governor. Another Unionist from Pine Bluff, Anthony Astley Cooper Rogers, was supported by Meador for the position and was also being recommended to Lincoln. Previously, Rogers had sought election to the Secession Convention as a Unionist from Independence County but lost. Afterward, he was indicted for treason and jailed by the state Confederate authorities, and since the Union move into Little Rock, he had been fighting hard for the Unionist cause. In a letter to Lincoln's friend and senator from Illinois, Orville Hickman Browning, one Union officer wrote from Pine Bluff to support Rogers over Murphy. The officer judged Murphy to be a loyal and good man, but noted that he was considered by some to be "too old and feeble for so laborious and responsible a position." Reportedly, the decidedly

⁹⁹ "From Little Rock," *Washington (Arkansas) Telegraph*, December 23, 1863; Moneyhon, *Civil War and Reconstruction*, 160-161.

conservative Steele agreed with the “prominent Citizens” who were recommending Rogers for the governorship and had written to Lincoln expressing his support for him over Murphy. The letter to Orville from a Union officer was forwarded to Lincoln, who endorsed it and requested an unknown party to “please attend to this at once.” For his part, Lincoln appeared to be enamored of the requestor and the message, stating that the letter’s author was “as true as Steele” and a “noble fellow.” He went on to declare that, “I have not the slightest doubt but every statement he makes is strictly true.”¹⁰⁰ It is worth noting, though, that Lincoln’s statements do not explicitly state support for Rogers, and may be an example of his characteristic double-speak. His chief goal was for Arkansas to return itself to the Union as quickly as possible.

Meador smacked far too much of being an unreformed “copperhead” for Murphy, Fishback, and the other Unionists who felt that Arkansas should immediately reorganize. Murphy, in his letter to Bliss in September, was likely thinking of Meador’s ilk when he complained that “rebels” were wiling Steele and others into their camp. Bliss reported as much to Lincoln in a November 9 letter, in which he rehashed many of Murphy’s statements and insisted that there was a greater degree of Unionism in the state than was “supposed to be even by Federal Officers,” who were blind to its full extent because they were ignoring the “poor Union men”—who were not receiving support or protection from the army, while the “Wealthy Rebels” were. However, he was quick to say that it was because the Union officers in Arkansas were being deceived rather than that they were intentionally ignoring the true Unionists. “The Union men of Arkansas,” he asserted, were “truly loyal and not in sympathy with the rebels in any particular and the poor which is by far the largest class with a little encouragement will all be emancipationists,” but they needed support. They did

¹⁰⁰ Mason W. Benjamin to Orville H. Browning, December 12, 1863, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal2861900/>.

not come forward because, being “mostly poor and illiterate,” they feared that the army would consider them “Rebels trying to conceal their true characters” and that they would be looked upon with suspicion merely because of their social position. Many were doubly afraid, as they also feared the “Rebel Guerilla and bushwacker [sic]” that still roamed and patrolled the area “up to our picket lines.” They were quick to “visit such summary punishment upon all suspected of union sympathies that the poor man dare not express his true sentiments even within our lines; for fear that he may be reported by some Rebel neighbors and thereby becomes the target for these outrages laying [sic] in wait.”¹⁰¹

Some in the military joined the chorus, and a letter reported to be from Davidson by the *Missouri Democrat* decried Steele and others that had allowed themselves to be fooled. The rebels had flattered Steele into taking a “conciliatory policy,” which, “ninety days after we took possession of Little Rock, has not reclaimed one rebel, and is disheartening to the really Union men of this State, and disgusting to this whole army.” That Secessionists were “coming in and laying down their arms and their prejudices are sheer lies,” he asserted, and those who were coming in “were always Union men, not made so by any conciliatory policy, but have been hunted like game through the hills of Arkansas.” The only solution, Davidson judged, was to allow the true Union men to take charge and begin organizing the state.¹⁰²

Convinced that they were in the right and that enough silent support existed in the state to sustain them without courting or compromising with the copperheads, Fishback, Murphy, and their supporters moved ahead with their plan. In mid-December, likely before news of Lincoln’s Ten Percent Plan had reached them, they issued public notice of their call for a constitutional convention

¹⁰¹ C. C. Bliss to Abraham Lincoln, November 9, 1863, ALP, accessed November 1, 2017, <https://www.loc.gov/resource/mal.2791200>.

¹⁰² U.S. Department of War, *OR*, Ser. 1, Vol. XXXIV, Pt. II, 105.

to begin the reorganization process to be held on January 8. In the meetings in Union-held areas to elect delegates, it was soon apparent that Murphy's brand of Unionism had broader support statewide than Meador's, and it won a majority.¹⁰³

The convention began organization on January 4, 1864, and by the eleventh, thirty-four delegates from fourteen counties had joined, and they had received word of eight to ten other counties having had elections whose delegates had not yet arrived. Even with ten more counties present—twenty-four of Arkansas's then fifty-five counties—the convention recognized that it was likely to face an issue of legitimacy. The convention decided only to admit delegates who could provide proof of election and to reject applications from individuals hailing from unrepresented counties who desired to participate without having been elected. This decision may explain why many of the movement's leaders, such as Murphy and Fishback, were not present as delegates. Being away from home, they were unable to be nominated, run, or be elected to the convention. Only two days later, the convention stopped requiring certificates of election from delegates. Still, neither Fishback nor Murphy sought to become delegates in the convention.¹⁰⁴

Lincoln, not knowing about the convention's formation, was also eager to see civilian government return to Arkansas. He telegraphed Steele on January 5 with instructions to begin administering the loyalty oath "preparatory to re-organizing a state-government."¹⁰⁵ With that prompting, Steele responded favorably to the convention and expressed his gratification with their

¹⁰³ Frank Moore, ed., *The Rebellion Record: A Diary of American Events, with Documents, Narratives, Illustrative Incidents, Poetry, etc.*, Volume 8 (New York: D. Van Nostrand, Publisher, 1865), 324-325, accessed November 2, 2017, <https://archive.org/details/rebellionrecord17evergoog>; Moneyhon, *Civil War and Reconstruction*, 160-162.

¹⁰⁴ Arkansas, *Journal of the Convention of Delegates of the People of Arkansas, Assembled at the Capitol, January 4, 1864; Also Journals of the House of Representatives of the Sessions of 1864, 1864-65, and 1865* (Little Rock: Price & Barton, State Printers, 1870), 5-7, 11.

¹⁰⁵ Abraham Lincoln to Frederick Steele, January 5, 1864, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal2920000/>.

mission, assuring them that Lincoln would grant their labors “grave attention and prompt consideration.”¹⁰⁶

With Steele’s assurance of Lincoln’s and his own support, the convention felt secure in advancing their plan to submit a new state constitution and a slate of state officers to the people at an election on March 14, 1864. The convention adopted the constitution they had authored and assured the people that the new constitution was essentially the old with “some few amendments, according to the most approved free State constitutions,” most notably that it prohibited slavery and sternly renounced secession.¹⁰⁷ The new constitution made other changes, too, meant to appeal to the Jacksonian populism that the delegates were trying to engender to give more power to the poor electorate and reduce the patronage potential of the former political and economic elites. For example, it provided for the popular election of the newly created lieutenant governor, secretary of state, auditor, and treasurer, and made a like provision for Supreme Court judges.¹⁰⁸

Unaware of the convention’s actions, and in order to answer his own desires and the petitions of “sundry citizens,” on January 20, Lincoln sent Steele instructions to organize and order an election for the same purpose to be held on March 28, setting 5,406 as the requisite number of approval votes. In order to try and speed up the process and guarantee success, Lincoln also allowed citizens to take the oath immediately prior to participating in the election.¹⁰⁹

Likewise unaware of Lincoln’s orders that competed with their own plans, the convention continued to set up the government and adopted a plan to create provisional leadership to act until the election of the permanent officers, including a provisional governor, lieutenant governor, and

¹⁰⁶ Arkansas, *Convention of Delegates*, 28.

¹⁰⁷ *Ibid*, 31-35.

¹⁰⁸ Arkansas Constitution (1836), article 5, sections 14, 24 and article 6 sections 7 and 10; Arkansas Constitution (1864), article 6, sections 14, 19, 26 and article 7, sections 7-8, 12.

¹⁰⁹ Abraham Lincoln to Frederick Steele, January 20, 1864, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal2961900>.

secretary of state.¹¹⁰ So weak was the Meador faction's presence that Murphy went unchallenged and was the only nomination for provisional governor. He was then unanimously elected by the convention, with Calvin C. Bliss unanimously elected as lieutenant governor and Robert J. T. White as secretary of state. They were sworn in by the convention president.¹¹¹

Before the convention closed, Murphy was specifically empowered and requested to perform two acts: 1) negotiate a loan and 2) to "take such measures immediately, as will facilitate the organizing and arming the State militia."¹¹² Murphy was undoubtedly extraordinarily pleased to have gained his wish in becoming governor of the state, if only for a short while. With little organization to support him, however, he was nearly wholly dependent on Steele—who had supported his opposition—and Lincoln. What true support Murphy might have been able to hope for in the form of General Davidson was foreclosed when Davidson, at Steele's instigation, was removed from power. Murphy's appeals to restore Davidson and remove Steele nearly cost him what autonomy he had when Lincoln considered sending a third general to engage in a military investigation into the rivalry between Davidson and Steele and the true state of affairs in Little Rock. As for the loan, Murphy was aware already of how much bank debt still plagued the state and of how little value the state's credit was on the market. Knowing that the "bonds could only be sold at a cheap rate and would entail a large indebtedness," he decided it better to rely on Union support until regular tax revenue could be restored, though he itched to be able to form a militia to help retake the state from banditry and the Confederates.¹¹³

¹¹⁰ Arkansas, *Convention of Delegates*, 38.

¹¹¹ Ibid, 10, 20, 39-41.

¹¹² Ibid, 27, 42.

¹¹³ Berry, "Isaac Murphy Family History"; Moneyhon, *Civil War and Reconstruction*, 163.

Accordingly, he appealed to Lincoln for his support as well as funds to sustain his new government until “revenue can be collected.” Doing so was vital for the movement’s success, as the “Union people of this State have lost all their property—many their lives—some refugees—some in the Fed Army—and some in the woods and mountains—amid all their desolations—they are true, and will give double as many loyal votes at the ensuing election as required” if they received the requested aid.¹¹⁴

The support was needed, not just materially, but also because, as Fishback wrote to the president, “Copperheads, Mr. Lincoln, both in the Army and out, object to our movement that it will not receive your sanction,” and he requested that Lincoln “publically endorse it.”¹¹⁵ Willing to support the native movement, and eager that it should not wither on the vine due to competition between the two Unionist factions, Lincoln encouraged Steele to “help them on their own plan” and not to interfere. However, he also wanted Steele to “be firm and resolute against such as you can perceive would make confusion and division” and to unite the two groups as much as possible for the good of the “common object” of restoring the state government.¹¹⁶

Such harmony did not ensue, and by January 31, Lincoln’s original order to Steele for a March 28 election was still causing a confusion that seemed deliberate on Steele’s part. Fishback requested Lincoln to order Steele and the other military commanders to “favor voting fully & freely,” according to the convention’s plan.¹¹⁷ Murphy, Fishback, and others issued a similar joint appeal on February 8, requesting that Lincoln make it abundantly clear to Steele, by telegraphy, that

¹¹⁴ Isaac Murphy to Abraham Lincoln, January 23, 1864, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal2979000>.

¹¹⁵ William M. Fishback to Abraham Lincoln, January 28, 1864, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal2991800>.

¹¹⁶ Abraham Lincoln to Frederick Steele, January 30, 1864, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal2997000>.

¹¹⁷ William M. Fishback to Abraham Lincoln, January 31, 1864, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal3026900>.

he must follow the convention's plan of holding the vote on March 14 and help spread notification of that election date to all parts of the state.¹¹⁸ Lincoln replied to Murphy on February 12 that his election plan had been made in ignorance of the convention's work and plainly stated that Steele had been directed to "aid you in your own plans and is not to thwart or hinder you—show this to him."¹¹⁹

On February 14, refusing to acknowledge to the conventioners that their plan had been authorized, Steele was still feigning confusion, and wrote to Lincoln inquiring on what day Lincoln intended the election to take place and whether he really intended to follow the convention's plan over his own.¹²⁰ Several more messages were exchanged, and Steele wrote again on February 21, stating that Lincoln's instructions were still not received, and that Rogers had announced himself as also running for governor in the election.¹²¹

Eventually, Steele was forced to accede to the convention's plan. Eager to get out as many votes as possible for the March 14, 1864, election, Murphy issued a letter to the state encouraging its citizens to act "the part of freemen" and secure their "liberty and security" by adopting the new constitution. He declared that they would thereby lay down their weariness of "war and bloodshed, of robbery and murder, of pillage & burning." Continuing to appeal to the masses, he also expressed his hope that they would choose their new state officers and legislators wisely—favoring those, like himself, who were "zealous men" that would "cultivate the arts of peace and unity to secure the

¹¹⁸ Isaac Murphy, et al. to Abraham Lincoln, February 8, 1864, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal3030200>.

¹¹⁹ Abraham Lincoln to Isaac Murphy, February 12, 1864, L. C. Gulley Collection, MS.000064, 526, AHC.

¹²⁰ Frederick Steele to Abraham Lincoln, February 16, 1864, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal3062600>.

¹²¹ Frederick Steele to Abraham Lincoln, February 21, 1864, ALP, accessed November 1, 2017, <https://www.loc.gov/item/mal3071900>.

prosperity and happiness of the greatest numbers” in order to “build up and restore.”¹²² Over 12,000 voters agreed with Murphy and answered his plea, and he retained his position as governor, as did the lieutenant governor and secretary of state.¹²³

Though Murphy had won the election, the real work of attempting to reunite the state had only just begun. While the number of voters that turned out for the election buoyed him, there was still division within the Unionist ranks about the best method of reorganizing the state and what policies should be followed. In addition, over half the state was still under the nominal control of the Confederate government, which showed no sign of being prepared to lay down their weapons or their positions in deference to the new Murphy government. In reality, the control and influence that he could exercise in the areas of the state north of the Arkansas River only extended for a small radius around each Union army position, and guerrillas and bandits ruled everywhere else. The actions of the latter drastically reduced the population of the Union controlled areas, and those that remained were in constant danger from theft and privation. In nearly every sense, the fire of war still raged within the state and without. Murphy’s way forward was uncertain, and in many ways he was powerless without Union cooperation. Even once the entirety of the state was restored to Union control, Murphy’s task would only grow more difficult as the rebellious spirit of the war gave way to the rebellious spirit of Reconstruction and true opposition would begin to buffet him from every portion of the state.

¹²² Isaac Murphy, "Citizens of Arkansas," Speech, no date, Box I, Section III, Item 14, MBFC.

¹²³ Berry, "Isaac Murphy Family History"; David Y. Thomas, "Writes 1862-1874 History of State," Article, Arkansas Gazette, clipping 1925, Box I, Section VIII, Item 4, MBFC; Arkansas, *Convention of Delegates*, 26.

Conclusion

In an interview that was published in June of 1868, during the last month of his administration, Murphy gave a personal evaluation of his character, nature, and career: "I was by nature a dreamer and enthusiast. My enjoyments were in thought, books, and family affections. I have been too much of a dreamer for success in life."¹ Indeed, most of the major events in his life, from his attempted newspaper career, real estate and educational investments, attempts to regain his fortune in California, to his attempt to keep Arkansas within the Union—or at least out of the Confederacy—saw dreams of success met with ultimate failure. In terms of politics, Murphy's accomplishments were also rarer than his disappointments.

Murphy always clung to his own political opinions and stubbornly acted on them. However, he was not as unbending as his continued participation in the secession convention suggests. That he acted based on what he believed to be "right" is a certainty, but his casting by Smith as an immovable courageous moral crusader is an overly romanticized interpretation of his actions. His combination of Anti-Masonry with Jacksonian Democracy during his early adulthood set a pattern for his life, yet Murphy's stances can be hard to categorize and often seem inexplicable.² He carefully considered issues, frequently solicited contrary opinions, and sought them all the more when his ideas were in the minority. As he stated to David Walker in 1866, "I cheerfully grant to others, the rights I claim—the right to form and express their honest convictions." He went on to say, "your Letters are a great gratification to me not only when I agree with you, but when your views are

¹ Samuel R. Wells, ed., "Isaac Murphy, Governor of Arkansas," *American Phrenological Journal and Life Illustrated* 47, no. 6, whole number 354, in Samuel R. Wells, ed., *American Phrenological Journal and Life Illustrated: A Repository of Science, Literature, and General Intelligence Devoted to Ethnology, Physiology, Phrenology, Physiognomy, Sociology, Psychology, Education, Mechanism, Agriculture, Natural History, and to all those Progressive Measures which are Calculated to Reform, Elevate, and Improve Mankind, Spiritually, Intellectually, and Socially*, Vol. 47 and 48 (New York: Samuel R. Wells, 1868), 217-218, accessed March 24, 2009, <https://books.google.com/books?id=cpw3AQAAMAAJ>.

² James Alex Baggett, *The Scalawags: Southern Dissenters in the Civil War and Reconstruction* (Baton Rouge: Louisiana State University Press, 2003), 147.

opposite to mine.” Murphy also explained to Walker that he did not care for political parties, but was instead concerned with “striving to promote the unity and happiness of the whole people— Parties that are organized ~~and~~, merely [sic] for selfish purposes should be denounced by every good man— I can safely say that I have never done a public act from a private or selfish motive.”³

Though open to differing opinions, once he developed his own, he often held to it firmly, even when those opinions differed from the majority. Though he did enjoy some successes while in opposition, the ideas he supported were often in conflict with the Dynasty’s party line, such as developing a viable system of public education, attempts to curtail the misuse or waste of state funds by the Dynasty, and his desire to see internal improvement projects expanded and properly managed. Indeed, a lack of effectiveness regarding the goals that he cared about the most was a continuous theme throughout much of his life and political career.

Murphy’s politics, however, were not entirely about reason. A close study of Murphy’s actions and patterns, when taken in conjunction with the issues of the day, can reveal sources of his motivations and conclusions. For example, his Unionism during the secession crisis reflected the emotional attachment to the Union that other southerners like Andrew Jackson, Sam Houston, and Thomas Hart Benton had displayed, and was partially formed by his association with Jacksonianism, particularly its tenets of equality and disdain for elites. That Unionism had its roots in his early life in Pennsylvania and his wife’s experiences with and attitudes toward slavery led him to have more sympathy with the northern viewpoint—as evidenced by his support of Douglas, which placed him in the minority in Arkansas.

³ [Copy] Isaac Murphy to David Walker, September 4, 1866, MC 726 Huntington Library: Nineteenth-century Arkansas Letters and Documents, 1821-1896, Item 24, Special Collections, University of Arkansas Libraries, Fayetteville, AR, original archived in The Huntington Library, San Marino, California.

The supreme example of Murphy's posture came at the Secession Convention, where he displayed a rare brand of Unionism for Arkansas. It was one that had parallels across the South, however, such as in Kentucky's desire for armed neutrality or Sam Houston's attempts at keeping his state out of the war. Murphy's attitudes were not entirely unique in Arkansas, as evidenced by the Arkansas Peace Society and its members' attempt to establish a home guard to help them stay out of the war, fighting for neither the Confederacy nor the Union.

Having done the duty he felt he owed his electors, Murphy returned home from the Secession Convention and likely would have remained at home—dissatisfied with the new order, but accepting what he could not change. He had previously sought to retire peacefully and had resigned himself to a simpler existence after his experiences in California. The passion of the period, however, forced him from his home, and the pains of the war he suffered, witnessed, and those that were visited upon him by his family caused him to determine that he must take sides. The appointment of Missourian Phelps as military governor and his own close association with nearby Union generals like Curtis and Schofield, who disapproved of and quarreled with Phelps, also eventually inspired Murphy to seek the governorship before there was a strong Union presence in Arkansas. In this, he displayed a more naked ambition than had been evident earlier in his political career, or that has been described by previous historians, perhaps because the stakes were so much higher.

As Little Rock again came under Union control, the stand that he had taken at the Secession Convention nearly guaranteed him the governorship, though not without a battle. Once the state was reunited and faced with Reconstruction, Murphy's loyalty just as certainly guaranteed the lack of respect and deference that faced him after the 1866 election entirely swept away the members of the 1864 General Assembly and brought erstwhile Confederates to power.

The life history of the idealistic and uncompromising dreamer should be the lens through which Murphy's administration is viewed.

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