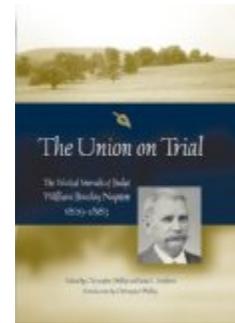


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William Barclay Napton. *The Union on Trial: The Political Journals of Judge William Barclay Napton, 1829-1883*. Columbia: University of Missouri Press, 2005. ix + 629 pp. \$49.95 (cloth), ISBN 978-0-8262-1571-0.

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A Southerner by Choice

Every so often we are reminded that not everyone caught up in the crisis period of the nineteenth century was born a “Southerner” or a “Yankee.” Some people chose their side in the bitter division between North and South, a schism that lingered long after the guns fell silent. That element of choice and all the complexities that went with it come home again in the life and times of Judge William Barclay Napton. The son of a New Jersey tailor, William Napton ultimately rejected the culture and society he was born into, and instead embraced Southern principles and ideals. Yet even this decision carried with it certain contradictions. Despite a deep love for the South and its institutions, including slavery, Napton discovered early in life that he would never be a real “Virginian” as he aspired. Instead his destiny lay out west and at the age of twenty-four he took what little savings he had and emigrated with thousands of other fortune-seekers to Missouri. His life thereafter plays out, at least in part, in the voluminous political journal he kept for over sixty years.

Compiling and editing this massive work was no small task. To do so Christopher Philips and Jason Pendleton divided Napton’s journal into four parts, with the bulk of the material covering the period from 1868 to 1883. The journal is prefaced by a seventy-seven-page introduction by Philips that proves indispensable to understanding much of the material. >From the introduction we come to understand much of Napton’s personal life, including information missing from the earlier portion of his journals. We also get a clearer picture of what Napton

really believed, beliefs that are not always readily apparent in his political journal, or if apparent, tend to be understated or exaggerated. This is particularly true regarding issues like secession, where the zealous words that often appear in his journal are tempered by his actions. Tragically, portions of his journal did not survive, including the volume from 1857 to 1862 covering the height of the nation’s political crisis and first year of the war. The lengthy work concludes with an appendix containing biographical information on Napton’s children and Missouri’s political leaders at both the state and national level.

>From the well-annotated introduction the reader learns that Napton’s early years were filled with tragedy as his parents lost three daughters by the time William was five years old. At one point he was his family’s only child. As a result Napton’s parents strove to give him every advantage, including the best education available. Napton did not waste the opportunity afforded by his parents and, aided by his own hard work, he entered Princeton University when he was sixteen years old. At Princeton he met political figures and the sons of privilege. Among his acquaintances, for example, was the son of New York Representative James Tallmadge, whose amendment in 1819 set off the crisis over Missouri’s admission into the Union. However, it was the lesser known, but equally privileged sons of the South who had the greatest influence on William, including Addison Alexander, son of the college’s theology seminarian and a native Virginian, and William King of Savannah, Geor-

gia. Although he did not create a wide circle of friends, those he valued helped shape William's development as he formulated the beliefs he carried into adulthood. Upon graduating, he began reading the law in preparation for a career that would sustain him off and on for the remainder of his life. At that stage, however, the familial support he had grown accustomed ceased as his father suffered a series of financial setbacks. Unable to continue reading the law without funding, William looked south for employment and in the process turned his back on his family, returning to it, apparently, throughout his life only in his writings, and then just long enough to heap criticism upon his father.

Napton moved to Virginia and found work as a tutor in the home of William Fitzhugh Gordon, a planter, lawyer, and U.S. Representative from Albemarle County. Here Napton continued the process he began in college and literally re-invented himself in the image of a Virginia planter with Thomas Jefferson as his model. In Gordon's household, Napton met and mingled with the Old Dominion's elite. However, after two years of rubbing elbows with Virginia's upper crust, he came to realize that while he enjoyed the benefits of Gordon's status and connections, he would never be invited to join his group. Unable to break into the inner circle of Virginia society Napton went west to Missouri and began a rise to prominence in his newly chosen home. Forsaking the law, he went into publishing as the editor of *Boone Lick Democrat*, a small newspaper he started with two friends in Fayette, Missouri. Over the next two years he met many of the state's most influential people, establishing connections he used in his ascent up the social and political ladder. While the newspaper business proved less lucrative than Napton would have liked, he resisted what he deemed the "mundane" practice of law. Instead he chose to bide his time and wait for an opportunity. In 1836 he became Missouri's attorney general, a better position, but still not what Napton wanted.

In 1839 Napton's patience and the political connections he developed paid dividends when Missouri Governor Lilburn Boggs appointed Napton to the Missouri Supreme Court, making him that state's seventh Supreme Court justice. He spent a total of twenty-five years on the Missouri high court and help shape the state's legal and social development. Although Napton never ruled on *Scott v. Emerson*, the case that gave rise to the landmark Dred Scott decision, his decisions throughout the pre-Civil War period reflected a decidedly pro-slavery bent and give a clear indication of what Napton would have done had the case come before him.

Although unable to sustain a continuous presence on the court given the volatile nature of Missouri politics, between his years on the bench, his newspaper experience, and his law practice, Napton made a good living. In 1838 he married Melinda Williams, the daughter of a Knoxville, Tennessee slave owner and the woman who would be his life partner, bearing him ten children before her death in 1862. Her father gave the couple 1000 acres of wooded land in Saline County, Missouri. With this gift and his own efforts, Napton managed to carve out an estate of his own, Elkhorn, complete with thirty-four slaves by 1845. By 1860 Napton enjoyed a comfortable life, with a large family and impressive landholdings by western standards, but all that would soon change. The war not only brought the death of his beloved wife, who died during childbirth on New Year's Eve 1862, but saw Napton driven from his home by Federal cavalry, allegedly for his pro-slavery position. Napton returned to Elkhorn before the war's end and lived there off and on for the rest of his life when he was not serving on the state Supreme Court, but it was never quite the same.

Embittered by the war, the death of his wife, and his treatment at Union hands, Napton spent the postwar years watching and participating in Missouri's transition as a part of the New South. To the extent Napton may not have completely embraced the South prior to the war, his experiences during and after galvanized the transition that began decades before. He served on the Missouri high court until age finally caught up with him in 1880. Returning to Elkhorn for his final years proved less than satisfying. His family wanted little to do with rural life. The estate had become run-down, having been rented out for a time, and had even been home to black sharecroppers. As death neared, Napton reflected upon his life. In the end he saw himself as a Thomas Jefferson legatee, every bit the Southerner as the men he met decades earlier at the Gordon farm. The war and reconstruction completed a process begun in his youth. True, he was not born "Southern." But now he was one by right. He had suffered for the South, lost family and property defending its ideals and principles, and he claimed by right what he could never claim by birth—he was a Southerner by choice.

There is much to recommend in this volume. While the Second-Party System Crisis Period, Civil War and Reconstruction may be familiar stories to historians, Napton's journal provides insight into the process of political change itself. Napton's observations and discussions of political events begin in 1844 with the Democratic National Convention, and run up to 1857. In his journal

he analyzes the presidential elections from 1844 through 1856, the Compromise of 1850, the Kansas-Nebraska Act and how the notion of popular sovereignty overcame the Missouri Compromise of 1820. Sadly, there is little discussion of Dred Scott, but throughout the journal he dissects slavery itself and in some ways becomes as staunch a defender as any antebellum Southerner and as effective an apologist as the South would have after the war. In similar fashion, he examines notions of state's rights and the place of the federal government in the fabric of American life, topics that dovetail with the slavery issue as Napton analyzes the debate over Congress' right to regulate slavery in the territories.

After the war Napton is understandably engrossed in Reconstruction, at both the state and national level. Not only does he focus on the specifics, like the growing rift between Congress and President Johnson, the U.S. Supreme Court decisions that defined the era, and other particulars, but he demonstrates a sense of the broader changes wrought by the war and its aftermath. On Thanksgiving Day, 1867 he writes, "we have certainly reason to be thankful. We just got rid of the war curse, life and property are safe." But he laments that a "new epoch is dawning on us in this country." Napton sees the growing role of the federal government at the expense of what he calls "individual or State humiliations" (p. 275). Napton not only witnessed the political developments of the time, but offers liberal servings of his personal opinions of many of the key players of the day. It is axiomatic that historians strive to give an unbiased picture of the past, but it is precisely Napton's bias and prejudices that make his observations so valuable.

Napton's recitation of events and commentary go beyond matters of national interest. He arrives in Missouri at a time when it was still very much a frontier, and his observations reflect the raw nature of state and local politics of the day. Perhaps nothing tells the story better than Napton's detailed chronicle of the exploits and downfall of Senator Thomas Hart Benton. Although originally pro-slavery, Benton began to move away from that position, at least in the eyes of those who staunchly defended the institution in Missouri and expected their senator to do likewise. Again, the story of the destruction of the Whigs and the changes in the Democratic Party brought on by the Kansas-Nebraska debates are familiar to historians of the period. But Napton shows us what those changes looked like at the state level and how they came about. In the process he undermines the notion that the South, and particularly its border states, stood united, even when it came to issues touching on its most sacred

of institutions.

For all its strengths, Napton's journal nevertheless has limitations, some of which have already been alluded to. Through no fault of the editors, key portions of the journal are missing, particularly the section immediately before the war and during its first year. While one would love to have seen Napton describe aspects beyond politics, that seldom happens. Thus, he spends considerable time on slavery, but almost never talks about his slaves. Until the death of his wife in 1862 there is almost no mention of her or his family, despite the clear message in the introduction that both were important to him. The early years, from 1829 to 1844, offer very little substance and there is no entry at all for the period 1835 to 1844. To the extent that the journal casts light on social life, it is subtle and almost exclusively within the public sphere. Although he sits on Missouri's high court there is also very little for the legal purist. He offers virtually nothing on some of the landmark decisions of his time, *the Slaughterhouse Cases* being a notable example. When he does offer legal insight, Napton comments on what others are doing—some of the Chase Court decisions, for example—but seldom elaborates on the intricacies of the legal matters before his court.

Military enthusiasts are also likely to be disappointed. Napton remains far removed from the sites of most of the fighting, and although he alludes to it on occasion, his journals provide very little detail of the vicious guerilla fighting that dominated the Missouri and Kansas landscapes throughout the war. There are several discussions of tactics and he follows the exploits of Sterling Price and his efforts to invade Missouri. However, most of the war years are spent in discussing the South's prospects for victory and later for some form of negotiated peace.

Shortcomings aside, Philips and Pendleton have given us a worthy addition to the eyewitness accounts of the Civil War era. The journal is well annotated with primary and secondary source material. In many respects the research and source material is consistent with what one might expect to see in an original monograph rather than an edited work. The beauty of the work is that Napton was not a leading man in the Civil War story, but rather a significant player on a local stage with the education and political acumen to give a meaningful analysis to events as they transpired. Most important, he was biased: he saw things through the eyes of a man who became a Southerner and then a Southerner whose war and Reconstruction experiences hardened him, providing a unique look at the birth of the "New South."

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