

Civil War Treasures: Most Unfortunate Difficulty: Political Conflict in the Pre-Civil War Era

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Feature Essay

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Most Unfortunate Difficulty: Political Conflict in the Pre-Civil War Era

The first battles of the Civil War were fought in 1861 but in the preceding years there were many skirmishes which set the nation on the path to war. The treasures found in the collections of LSU's Hill Memorial Library can only serve to enrich the narrative of the decades leading up to that bloodiest of conflicts. One such treasure is a recently discovered letter written September 14, 1848. The author, Francis H. Cone, was an Associate Justice of the Georgia Supreme Court and a prominent member of the Democratic Party writing to a friend, P. Clayton of Athens, Georgia:

"I have received your kind letter and feel deeply grateful for the kind feelings it manifests, and the interest you take in the most unfortunate difficulty between myself and Mr. Stephens. I hope I duly [obviate] them, and their remembrance will ease only with life. I have no malice towards any man, it is not in my nature. I wish harm to no man. I accept your kind offers, to be [inured] in any way that judgment and prudence may dictate. I am willing to do any thing that is right. Most heartily do I wish that it could all be blotted out. I feel that I am to blame I know that I have done wrong. But I know that I had no wish or intention to injure him. It is not in my character, it is not in my nature. I am the same man that I always was. I love peace, I love order. I detest violence. Human [nature] is frail and weak, and I never could have believed that I could have been involved in such a difficulty as this."¹

The "unfortunate difficulty" that had caused Judge Cone so much distress is a reference to an altercation that occurred between Judge Cone and Alexander H. Stephens, a U.S. Representative from Georgia and future Vice President of the Confederate States of America. Judge Cone was said to be a jovial giant of a man, not given to fits of temper. Alexander Stephens, having suffered from ill

health since childhood, was small and frail. The altercation could be described as a turning point in a year marred by political conflict over the question of slavery and the rights of southern states.

In 1848, territorial expansion, presidential elections, and party politics had come together to ensure that every congressional debate was a minefield of potentially costly political errors. These forces coalesced to ensure that efforts to organize the territories of Oregon, California, and New Mexico would be especially complex and fraught with tension. After much conflict and discussion in the Senate, the Clayton Compromise was put forth by a Whig senator from Delaware, John M. Clayton. The language of the compromise was ambiguous enough to allow senators from both parties to vote for it after a protracted and contentious debate. Despite its passage in the Senate and widespread support across the political spectrum in the South, Alexander Stephens ignited controversy by moving to table the compromise as soon as it reached the House thus leaving the situation in the territories unresolved.²

Many Democrats (and even some Whigs) were furious over this action, including Judge Cone, who denounced Stephens as a traitor to the South. Rumors of this charge reached Stephens and when the two men saw each other at a barbecue in August 1848, Stephens asked if the rumors were true. At that time Cone denied the charge and Stephens replied that he was glad because, "If you had said so, I have said I would slap your jaw." Judge Cone, having always maintained a cordial relationship with Stephens, took the remark as a joke. The two parted as friends, but news of the threat soon spread and many made jokes at Cone's expense calling him a coward for backing down from a fight. The ribbing and insults were too much for Cone to bear and he soon wrote to Stephens asking him to retract the remark. Stephens responded that his threat was conditional and since Cone had denied calling him a traitor, then the matter was resolved. Unfortunately, Cone did not receive this letter before things came to a head.

On September 4, 1848, the two men ran into each other in front of the Thompson Hotel in Atlanta, Georgia. Upon seeing Stephens, Cone immediately demanded that the threat against him be retracted. Stephens, believing that his written response was sufficient and the matter closed, refused to back down. Cone said, "You are a traitor to the South." Before he finished his sentence, as promised, Stephens struck Cone across the face with a walking stick. An enraged Cone drew out a knife and attacked. Stephens attempted to fend off the blows

with his cane. Stephens was knocked to the ground where Cone pinned him down, yelling: "Retract or I'll cut your damned throat!" Ever defiant, Stephens replied, "Never! Cut!"

As Cone brought down the knife, Stephens caught the blade with his right hand, severing the tendons between his thumb and forefinger. Bystanders finally succeeded in pulling Cone off of Stephens. Fortunately, amongst these bystanders were three doctors, including an army surgeon, who were able to bind Stephens' wounds. Despite receiving six stab wounds (including one perilously close to his heart), Stephens survived the encounter. Judge Cone was arrested and charged with assault with the intent to murder but Stephens refused to press charges. Cone pleaded to a lesser charge and paid a fine of eight hundred dollars.

Any remaining discord amongst the Whigs over Stephens' actions regarding the Clayton Compromise evaporated in the days following the incident. Stephens and the Georgia Whigs were able to use the attack to the fullest political advantage against Democrats unable to mount an effective defense. On the date this letter was written, while Cone was expressing his sincerest regrets, Stephens was attending a rally in support of Whig party candidate, Zachary Taylor. Draped in the mantle of near-martyrdom Stephens was pulled through the streets of Atlanta and praised as a hero for the cause. Stephens forgave Cone for the assault and the two maintained a cordial relationship thereafter.³

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¹ Francis H. Cone Letter, Mss. 5141, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, La.

² Schott, Thomas Edwin. *Alexander H. Stephens of Georgia: a biography*. (Baton Rouge: Louisiana State University Press, 1996), 87.

³ Description of the event pieced together from: Federal Union (Milledgeville, GA), September 19, 1848; Recorder (Milledgeville, GA), September 12, 1848; Schott, Alexander H. Stephens, 91-93.